



ZONING BOARD OF APPEALS AGENDA

July 19, 2023 at 3:00 PM

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,
Sheboygan, WI**

Persons with disabilities who need accommodations to attend this meeting should contact the Building Inspection Department, (920) 459-4064. Persons other than commission, committee, and board members who wish to participate remotely shall provide notice to the Building Inspection Department at 920-459-4064 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Call to Order
2. Pledge of Allegiance
3. Identify potential conflicts of interest

MINUTES

- [4.](#) Approval of the Board of Appeals minutes from May 17, 2023

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- [5.](#) Variance application by Alan Sukowaty requesting to pave a legally nonconforming driveway located at 1410 N 28th Street.
- [6.](#) Variance application by Andrew Rosenthal requesting to construct an attached 24 ft x 27 ft garage and 10 ft x 27 ft bonus room to the east side of the two-family dwelling. The addition would be set 2 feet back (north) from the south wall of the dwelling located at 834 Mayflower Avenue. The owner would combine the two parcels if variance is approved.
- [7.](#) Variance application Paul Baalke requesting to pave a second legally nonconforming driveway located 1421 Logan Avenue.
- [8.](#) Variance application by Chad Fritz requesting to install a 6 foot high privacy fence in his required street yard (Lincoln Ave) located at 1907 N 6th Street. The fence would be located 8 feet from the public sidewalk.

NEXT MEETING

9. August 16, 2023

ADJOURN

10. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

City Hall • Mead Public Library
Sheboygan County Administration Building • City's website

CITY OF SHEBOYGAN
ZONING BOARD OF APPEALS MINUTES

Wednesday, May 17, 2023

Members Present: Keeli Johnson, Markus Savaglio, Richard Linde, Tad Tjapkes and Ed Surek

Members Excused: Kevin Sampson and Sala Sander

Staff/Officials Present: Manager of Planning & Zoning Steve Sokolowski and Building Inspector Jeff Lutzke

OPENING OF MEETING

1. 1. Call to Order

Keeli Johnson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance is recited.

3. Identify potential conflicts of interest

Keeli Johnson has a conflict with Item 5.

MINUTES

4. Approval of the Board of Appeals minutes from March 15, 2023.

Motion by Ed Surek, second by Richard Linde to approve. Motion carried.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Variance application by Donald and Virginia Johnson requesting to build a 288 sq. ft (12 ft x 24 ft) addition to an existing attached garage located at 609 Humboldt Avenue.

Motion by Richard Linde, second by Ed Surek to approve as presented.

Motion carried. Keeli Johnson abstains.

Markus Savaglio arrived at 3:14pm.

6. Variance application by Ken Lickteig requesting to construct a 1008 sq. ft (24 ft x 42 ft) detached garage (steel building) located at 1026 Logan Avenue.

Motion by Ed Surek, second by Markus Savaglio to approve with the following conditions:

1. Garage height can't exceed a peak height of 16 ft.

Roll call vote: Aye: Markus Savaglio, Richard Linde, Tad Tjapkes and Ed Surek; Nay: Keeli Johnson;
Motion carried.

7. Variance application by Alan Sukowaty requesting to pave a legally nonconforming driveway located at 1410 N 28th Street.

Motion by Markus Savaglio, second by Ed Sure to table the agenda item for next meeting. Motion carried.

Item 4.

NEXT MEETING

8. June 21, 2023

ADJOURN

9. Motion to Adjourn

Motion by Markus Savaglio, second by Richard Linde to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 3:49 p.m.

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1410 N 28TH ST

Parcel #: 211130

Owner's Name: ALAN SUKOWATY

Zoning: MR-8

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 05/04/2023

MEETING DATE: 05/17/2023

BACKGROUND / ANALYSIS

Property owner would like to pave a legally nonconforming driveway.

Ordinance #: 15.105(2)(e)(3)(b)M Minimum Paved Surface Setback: 3 feet from side or rear property line

Requesting: 1 foot

Allowed: 3 feet

Ordinance #: 15.702(10) Driveways may be widened in front of the garage the width of the garage and then up to another nine feet outside the garage. The driveway must access the garage or legal parking space to be considered a legal driveway under this Section

Requesting: Pave a driveway in front of house

Allowed: Pave driveway in front of garage

ATTACHMENTS:

Application, pictures, and drawing

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly on the third Wednesday at 3:00 pm at a public hearing. In order to be considered for the next meeting, applications must be received in the Building Inspection Department Office **no later than** 4:30 pm on the third Wednesday of the month prior to the scheduled public hearing:

4/19/23
Application Deadline Date

5/17/23
Board of Appeals Meeting Date

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) A site sketch, drawn to scale indicating the location of all existing structures and the proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. Please consult with Building Inspection staff for more information.

Note:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) In addition to the application information noted above, a survey is strongly recommended.
- c) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- d) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- e) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.

FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.

Applicants should be prepared to answer the following questions:

- * What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?
- * Is there a **unique physical characteristic** of the property which prevents development of the property in compliance with the Zoning Ordinance?
- * Would granting the variance harm the **public interest** in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean a variance would not harm the public interest.)

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded the filing fee for a variance request is non-refundable.

I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance included with this form.

Alan Sukowaty
Signature

4/18/2023
Date



www.sheboyganwi.gov

BUILDING INSPECTION DEPARTMENT
828 Center Avenue, Suite 208
Sheboygan, WI 53081-4442
Phone: (920) 459-3477
Fax: (920) 459-0210
buildinginspection@sheboyganwi.gov

Item 5.

APPEAL FROM RULING OF THE BUILDING INSPECTOR
AND/OR ZONING ADMINISTRATOR

CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: _____

TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

- 1). Appeal Location (address): 1410 N 28th Street
- 2). Applicant: Alan Sukowaty Telephone #: (920) 918-7284
Address: 1410 N 28th Street
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) O C Neumeisters RE
Subd No 2S 15' OF Lot 4 & All of lot 5 Blk 3
Sec 21 T15N R23E Lot number 4-5
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: Replace Gravel Driveway w/ concrete
- 6). If the request is for a nonconforming use:
Your intended use: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: Owner / Resident
- 8). On a separate letter to the Board describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

I HEREBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature: Alan Sukowaty
Date: 4/18/2023 Printed Name: Alan Sukowaty

Mailing Address: 1410 N 28th Street
Sheboygan, WI 53081

ACSukowaty@gmail.com



www.sheboyganwi.gov

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828 Center Avenue, Suite 208
Sheboygan, WI 53081-4442
Phone: (920) 459-3477
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Item 5.

THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain your proposed construction is consistent with neighboring developments, a development does not infringe on the enjoyment of property belonging to neighboring owners, it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish, due to some peculiarity of the property's size, shape, topography, etc., it would be a hardship or practical difficulty to meet zoning code requirements. ***These circumstances must not be self-imposed or self-created.*** In short, your proposed construction must meet and pass the three "tests" for a variance listed below.

IT IS RECOMMENDED YOU MEET WITH THE STAFF IN THE CITY'S PLANNING DEPARTMENT AND BUILDING INSPECTION DEPARTMENT BEFORE SUBMITTING YOUR APPLICATION FOR A VARIANCE. BUILDING INSPECTION STAFF WILL REVIEW THE STANDARDS FOR A VARIANCE (BELOW) PRIOR TO YOUR FILLING OUT THE APPLICATION AND PAYING THE NON-REFUNDABLE FILING FEE.

TEST #1: UNNECESSARY HARDSHIP

The Wisconsin Supreme Court has ruled that unnecessary hardship only exists when the zoning ordinance denies ***all reasonable use*** of the property. ***If there is an alternative plan that is within the bounds of the zoning ordinance, a variance is not warranted.***

The hardship experienced ***must not be self-imposed***; loss of profit, expense already incurred and additional expense incurred to comply with zoning ordinances ***are not*** unnecessary hardships.

TEST #2: UNIQUE PROPERTY LIMITATIONS

Unique physical characteristics of your property must prevent you from completing your proposed construction in compliance with the ordinance. The **property** must qualify for the variance, **not your particular situation**.

Additionally, existing violations on other properties or improper variances previously granted are not grounds for a variance.

TEST #3: NO HARM TO PUBLIC INTEREST

The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure the public's interests are protected. Board members may only grant the ***minimum relief*** necessary for the reasonable use of the property.

Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may be appealed within 30 days of the filing of the decision in the office of the board.

Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

Hello,

I am writing you today to request a variance approval so that I can concrete my existing gravel driveway. The issue I have is that the edge of the driveway is approximately 1ft away from the lot line, so it would technically be outside of code as I understand it. I have spoken with my neighbor of my intents, and told him that my plan is to put a curb on that edge to ensure that there is no excess water draining onto his property. He verbally agreed with me that as long as I ensure that then he is okay with it. By allowing me to install concrete, this would help increase the visual look of my home, as well as help protect the structural integrity as it appears to be putting extra stress on my basement wall from water draining in that direction as well as the weight of my vehicle not being properly dispersed when I drive up and down my driveway. Please take deep consideration of this proposal, and I look forward to hearing your decision.

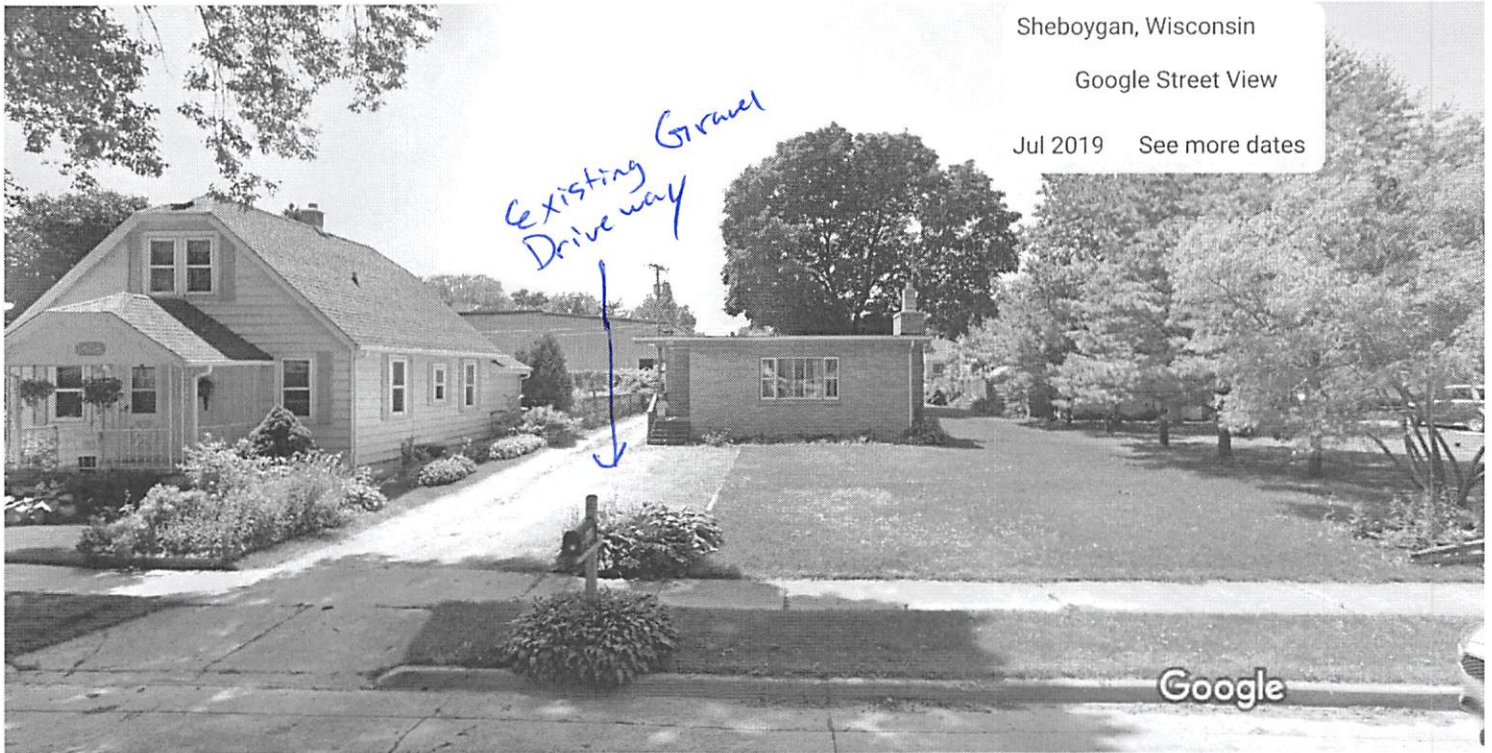
Sincerely,

Alan Sukowaty

1410 N28th Street

Sheboygan, WI 53081

Google Maps 1410 N 28th St



Sheboygan, Wisconsin

Google Street View

Jul 2019 See more dates

Image capture: Jul 2019 © 2023 Google

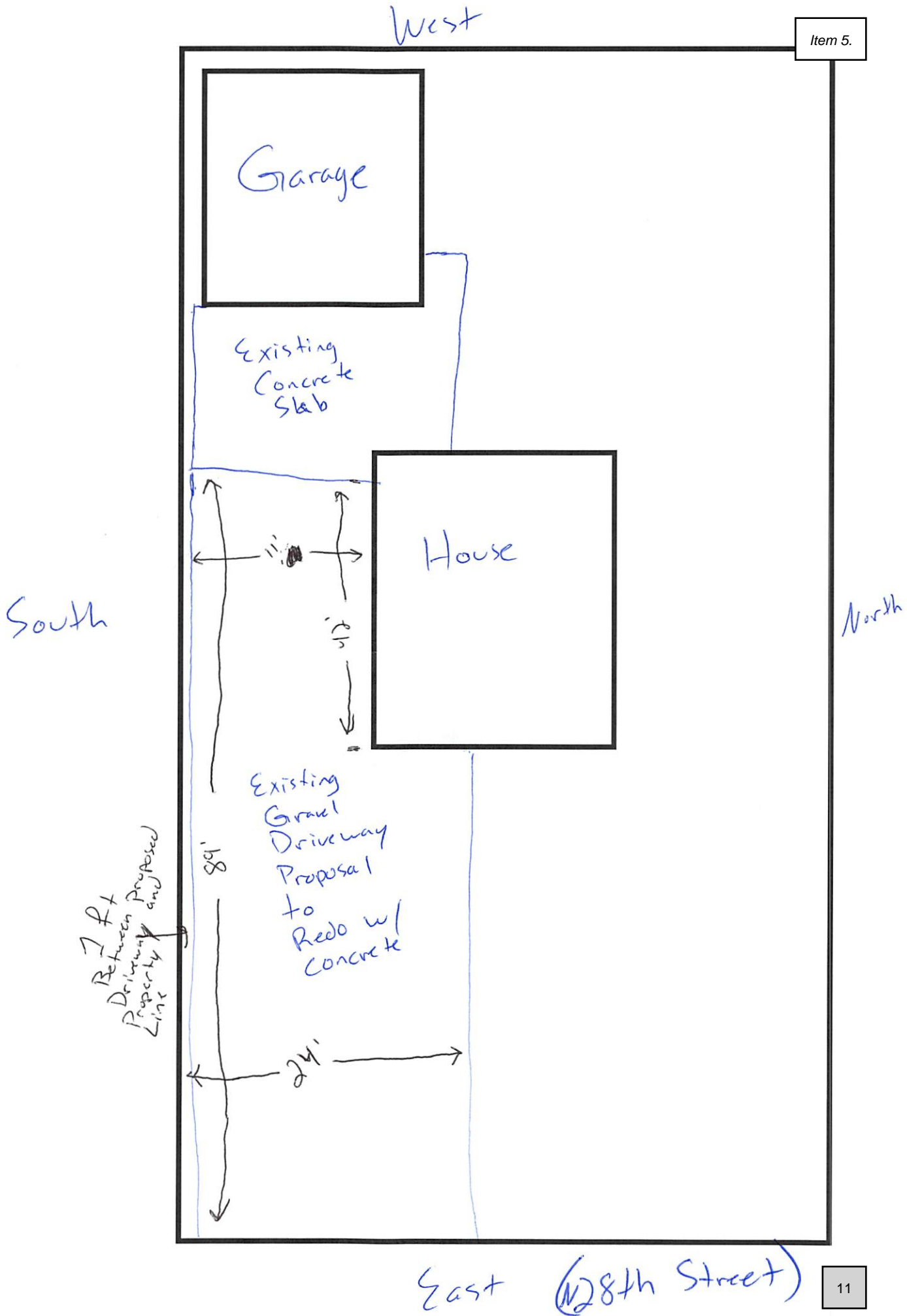


1410 N 28th St

All

Street View & 360°





1410 N 28th St

Sheboygan, Wisconsin

Google Street View

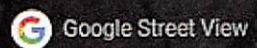
Jul 2019 See more dates

Item 5.



Google

Sheboygan, Wisconsin



Oct 2007

See latest date

Item 5.



REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 834 MAYFLOWER AVE

Parcel #: 719500

Owner's Name: ANDREW ROSENTHAL

Zoning: UR-12 (URBAN RESIDENTIAL)

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 06/27/2023

MEETING DATE: 07/19/2023

BACKGROUND / ANALYSIS

Owner would like to construct an attached 24 ft x 27 ft garage and 10 ft x 27 ft bonus room to the east side of the two-family dwelling. The addition would be set 2 feet back (north) from the south wall of the dwelling. The owner would combine the two parcels if variance is approved.

Ordinance #: Sec 105-722(d)(2)(a) The maximum number of accessory structures per lot is three--not to exceed one garage, one shed, one gazebo or one greenhouse

Requesting: 2 garages

Allowed: 1 garage

Ordinance #: Sec 105-300(b)(3)(b) Front or street side lot line to house: two flat, duplex, twin house, townhouse, multiplex, and apartment: 20 feet

Requesting: Approximately 18-20 feet

Allowed: 20 feet

Ordinance #: 105-300(b)(3)(c) Front or street side lot line to attached garage: two flat, duplex, twin house, townhouse, multiplex, and apartment: 20 feet

Requesting: Approximately 18-20 feet

Allowed: 20 feet

ATTACHMENTS:

Application, pictures, and drawing



CITY OF SHEBOYGAN

VARIANCE
APPLICATION

Fee: _____

Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information

Name (Ind., Org. or Entity)

Andrew Rosenthal

Mailing Address

834 Mayflower Ave.

City

Sheboygan

State

WI

ZIP Code

53083

Email Address

andrew.rosenthal7@gmail.com

Phone Number (incl. area code)

920-946-7461

Applicants interest in property:

Home Owner

SECTION 2: Property Information

Property Address

834 Mayflower Ave.

City

Sheboygan

State

WI

Zip

53083

Type of Building: ☐ Commercial ☒ ResidentialRequest for: ☐ New Construction ☐ Repairs ☐ Alterations ☒ Addition ☐ Nonconforming Use ☐ Other

SECTION 3: If the Request is for a Nonconforming Use

Your intended use:

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

SECTION 4: Requested Variance

On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)

Andrew J Rosenthal

Title

Home owner

Phone Number

920-946-7461

Signature of Applicant

Date Signed

6/13/2023

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.

Andrew Rosenthal
834 Mayflower Ave.
Sheboygan, WI 53083
June 12, 2023

City of Sheboygan Zoning Board of Appeals
828 Center Avenue, Suite 208
Sheboygan, WI 53081

Dear City of Sheboygan Zoning Board of Appeals :

My family is looking to build an addition to our existing house that would include a mudroom and an attached garage. This is adding space to make this into our forever home. We have been working toward that since 2019 when we purchased the home. It's been a slow go, but we are making positive changes to the properties. After consulting with my general contractor and the building inspector, there are city ordinances that need variance approval to proceed. This build will cause us to crossover the house parcel on to the neighboring parcel, which we own. We are in the process of combining the properties prior to building but are awaiting the results from this to finalize that transaction.

Second Garage Allowance

The first is the ordinance that restricts properties to one garage. Our home is a duplex, and if you reference the layout property drawing, the existing garage is on the rental side of our duplex. Many side by side duplexes in Sheboygan have garage space for tenants that is shared. It is not possible for us to accomplish that with the current layout with the garage on one side of the property. The location is not conducive to our family's use for car storage. That driveway is part of the off-street parking we offer to our tenants and there is not enough space to share the driveway to use the garage. This attached garage would allow us to offer protected parking for both our tenants and us.

Setback requirement

The second is the setback ordinance. The current house is 21' from the sidewalk, which was allowable when this house was built. We are proposing the addition to be 23' from the sidewalk, but that is as far as we can setback without causing problems. The design intent is to continue the roof line to the east, to keep the look consistent. The 25' setback would add an awkward roof transition to the new addition to get the space we are looking for and add cost. We want the addition to flow out of the current house to appear natural, not pieced together so that it is aesthetically pleasing to our neighborhood.

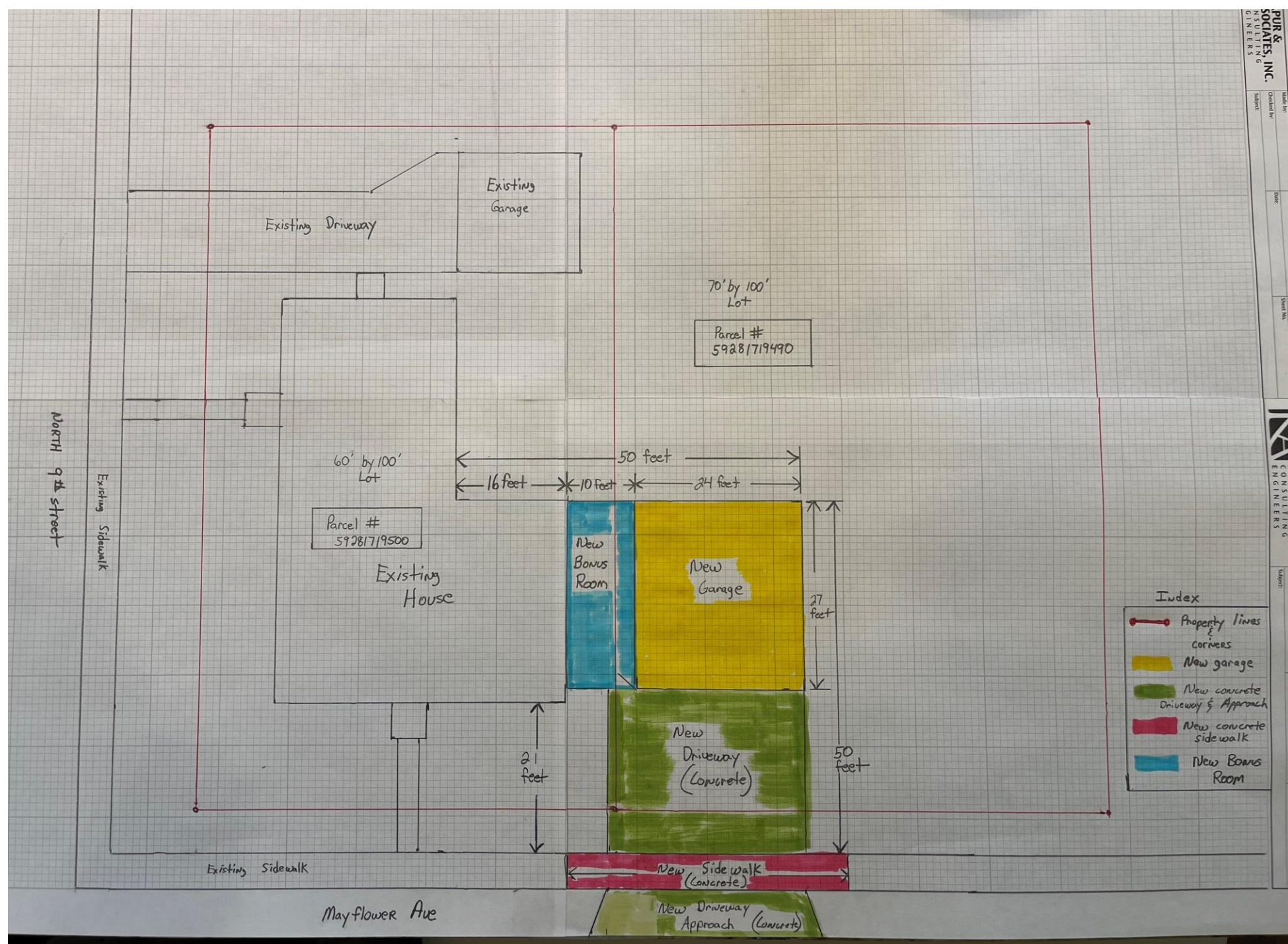
To both variances, we did look at what we could do internally in our home without adding the space by making this a single-family home. After looking into this, the current layout of the home does not show a path to an easy change to give us the space and garage use that we are looking for. Ultimately, we decided taking the income away to make this a single-family home would be a difficult for us to make up and desire to keep this a duplex.

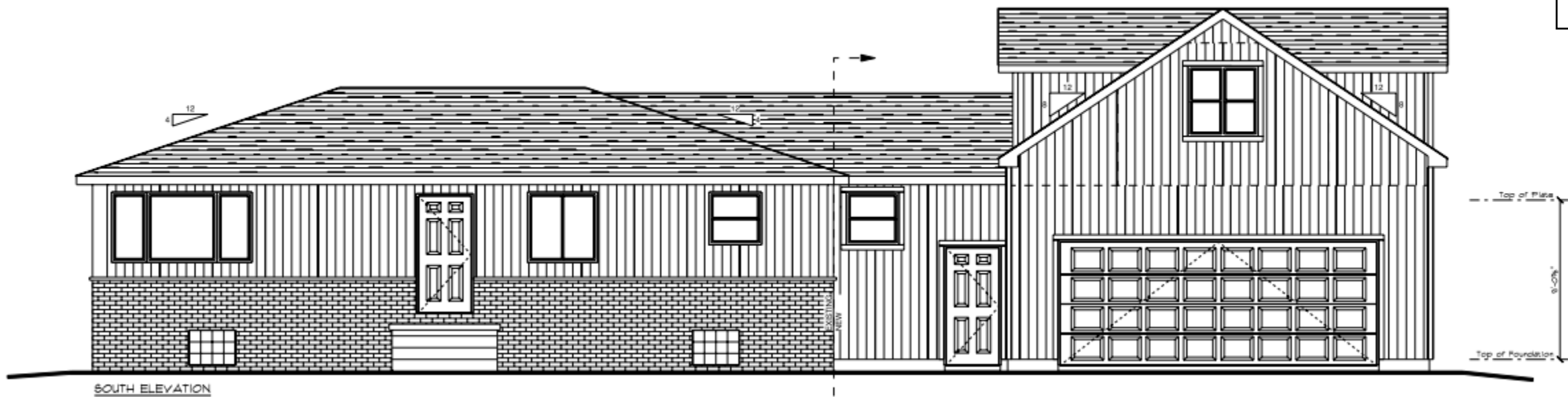
I am asking for my variance to be place on the agenda for the next meeting. We have contacted a surveyor, but that work may not be done by the time this board meets, I hope the plans put together will give enough information to approve the variances.

Thank you so much for your time, please feel free to contact me with any questions you have.

Sincerely,

Andrew Rosenthal

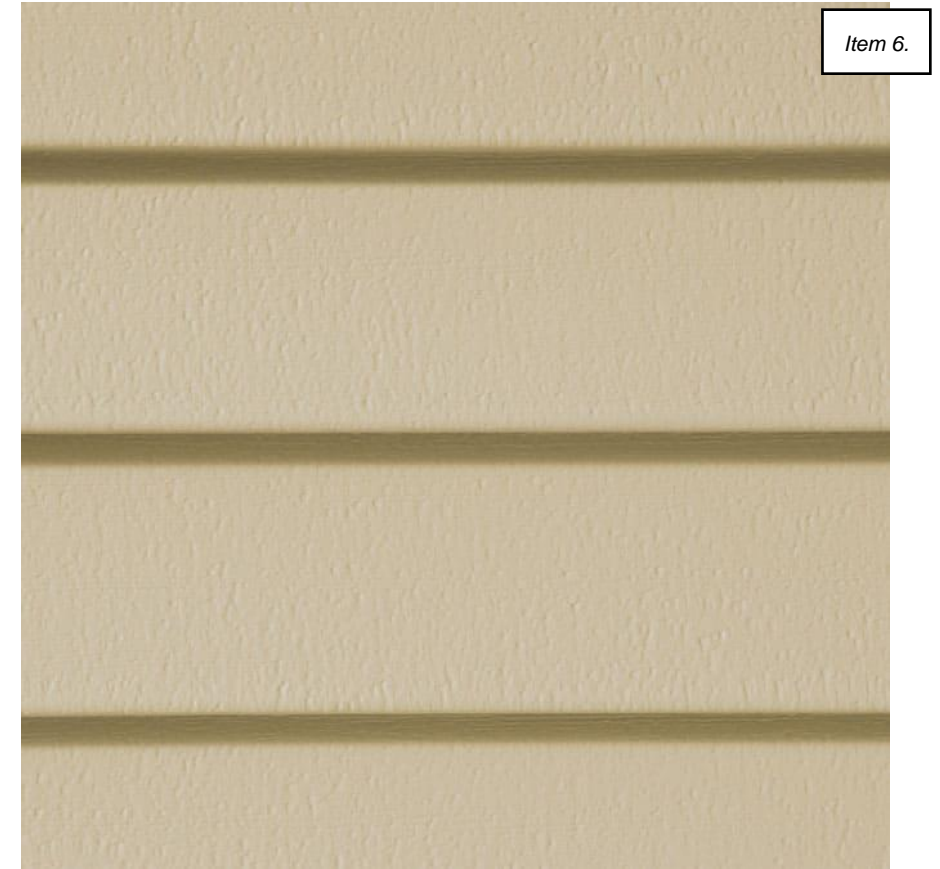




Monogram® Horizontal Vinyl Siding Products – CertainTeed
Savannah Wicker (white trim)

Landmark Shingles

Driftwood- to match the existing house







REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1421 LOGAN AVE

Parcel #: 714280

Owner's Name: PAUL BAALKE

Zoning: UC (URBAN COMMERCIAL)

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 6/27/2023

MEETING DATE: 07/19/2023

BACKGROUND / ANALYSIS

Property owner would like to pave a second legally nonconforming driveway.

Ordinance #: Sec 105-451(a)(2)(c)(10) Minimum Paved Surface Setback: 3 feet from side or rear property line

Requesting: 0 feet

Allowed: 3 feet


Ordinance #: Sec 105-927(c)(2)(a)(1) Except under unusual circumstances as permitted by the plan commission, no lot shall be permitted more than one access point on any one street if its frontage on said street is less than 300 linear feet

Requesting: 2 access points within approximately 35 feet

Allowed: 1 access point

ATTACHMENTS:

Application, pictures, and drawing

	<p align="center">CITY OF SHEBOYGAN</p> <p align="center">VARIANCE APPLICATION</p>	Fee: _____
		Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information			
Name (Ind., Org. or Entity) <u>Paul Baalke</u>			
Mailing Address <u>2003 S. 16th St.</u>	City <u>Sheboygan</u>	State <u>WI</u>	ZIP Code <u>53081</u>
Email Address <u>cira526@att.net</u>	Phone Number (incl. area code) <u>(920) 918-3509</u>		
Applicants interest in property: <u>Owner</u>			
SECTION 2: Property Information			
Property Address <u>1421-23 Logan Ave</u>	City <u>Sheboygan</u>	State <u>WI</u>	Zip <u>53083</u>
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input type="checkbox"/> New Construction <input type="checkbox"/> Repairs <input type="checkbox"/> Alterations <input type="checkbox"/> Addition <input type="checkbox"/> Nonconforming Use <input type="checkbox"/> Other			
SECTION 3: If the Request is for a Nonconforming Use			
Your intended use: <u>To add a second paved driveway, which would be up to the lot line</u>			
Date last occupied as a nonconforming use:			
By Whom:		Previous Use: <u>Alley</u>	
SECTION 4: Requested Variance			
On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.			
SECTION 5: Certification and Permission			
<p>Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.</p> <p>Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.</p>			
Name of Owner/Authorized Representative (please print) <u>Paul Baalke</u>	Title <u>Owner</u>	Phone Number <u>(920) 918-3509</u>	
Signature of Applicant <u>Paul Baalke</u>		Date Signed <u>6-13-2023</u>	

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) Samples of materials being used – roofing, siding, decking, etc.
- 5) A site sketch (see example), drawn to scale indicating location of all existing structures and proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. *Please consult with Building Inspection staff for more information.*

Notes:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- c) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- d) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.
- e) Any information submitted on the application will become public record and is not subject to confidentiality.

**FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE
 GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.**

Applicants should be prepared to answer the following questions:

- *What hardship is created by the application of the Zoning Ordinance to this property? Is reasonable use of the property denied by the zoning regulations? In other words, is there an alternative plan that would comply with the ordinance?*
- *Is there a unique physical characteristic of the property which prevents development of the property in compliance with the Zoning Ordinance?*
- *Would granting the variance harm the public interest in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded the filing fee for a variance request is non-refundable.

THE THREE "TESTS" FOR A VARIANCE

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To obtain a variance, you must establish, due to some peculiarity of the property's size, shape, topography, etc., it would be a hardship or practical difficulty to meet zoning code requirements. ***These circumstances must not be self-imposed or self-created.*** In short, your proposed construction must meet and pass the three "tests" for a variance listed below.

IT IS RECOMMENDED YOU MEET WITH THE STAFF IN THE CITY'S PLANNING DEPARTMENT AND BUILDING INSPECTION DEPARTMENT BEFORE SUBMITTING YOUR APPLICATION FOR A VARIANCE. BUILDING INSPECTION STAFF WILL REVIEW THE STANDARDS FOR A VARIANCE (BELOW) PRIOR TO YOUR FILLING OUT THE APPLICATION AND PAYING THE NON-REFUNDABLE FILING FEE.

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The hardship experienced ***must not be self-imposed***; loss of profit, expense already incurred and additional expense incurred to comply with zoning ordinances ***are not*** unnecessary hardships.

TEST #2: UNIQUE PROPERTY LIMITATIONS

Unique physical characteristics of your property must prevent you from completing your proposed construction in compliance with the ordinance. The **property** must qualify for the variance, **not your particular situation.**

Additionally, existing violations on other properties or improper variances previously granted are not grounds for a variance.

TEST #3: NO HARM TO PUBLIC INTEREST

The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure the public's interests are protected. Board members may ***only grant the minimum relief*** necessary for the reasonable use of the property.

Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may be appealed within 30 days of the filing of the decision in the office of the board.

Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

June 13, 2023

TO: City of Sheboygan Zoning Board of Appeals

FROM: Paul Baalke, Owner

1421*23 Logan Ave.

Sheboygan, WI 53083

RE: request for zoning variance

I am requesting a variance for the above-mentioned property to allow a second paved driveway on the property, to be located on the east side of the property. (Current driveway is on the west side of the property.)

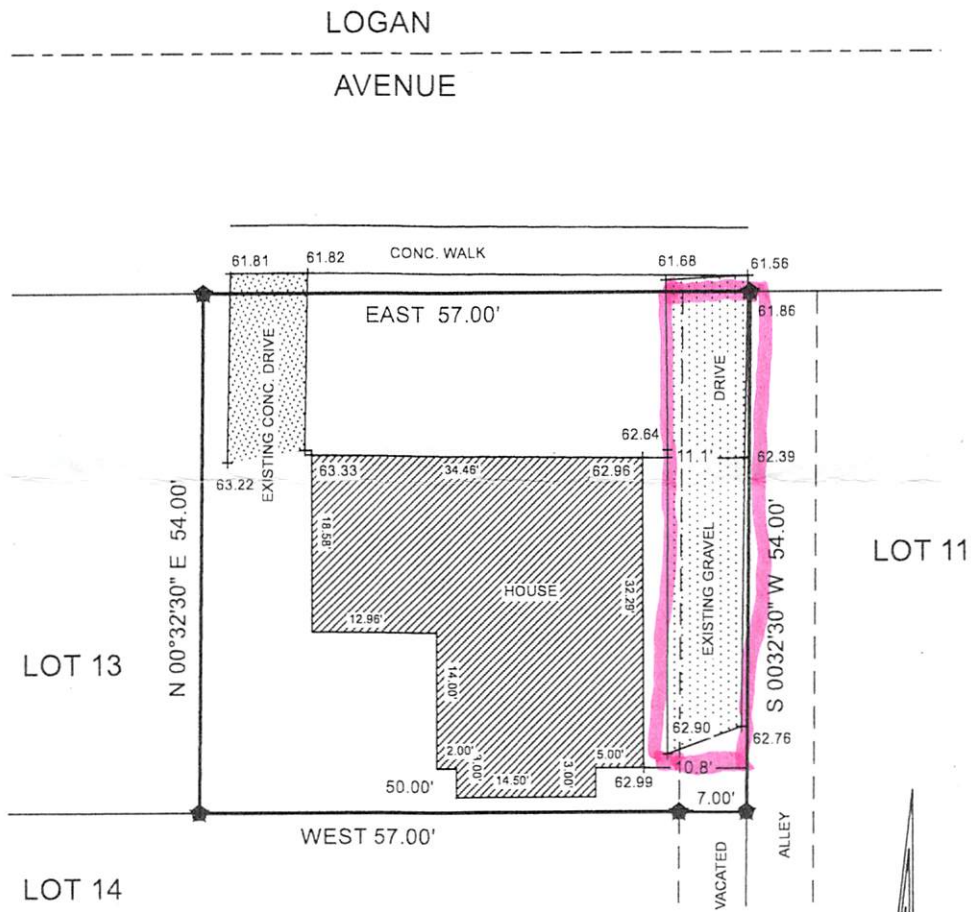
Approximately 25 years ago, the unpaved alley to the east of the property was vacated by the city per my request for additional parking for the property, so half of the vacated alley is now already being used for parking by the upstairs tenant. This initial request was made because of very limited available on-street parking, especially in winter, when parking is only allowed on one side of the street due to the narrow width of the street. There is only space for 2 vehicles to park on the current driveway, and most tenants have two vehicles per unit, and this is a two family home.

This request is based on the city's encouragement to provide more off-street parking, to give the snow plows and garbage trucks enough room to provide their services, as well as safer passage for personal vehicles down the narrow street.

However, at the time of the vacating, I was unaware that only half of the width of the vacated property would become part of my property. Because of the width of my half of the alley, if that were paved, it would butt up to the lot line.

If the variance were to be approved, there would be no negative impact on the neighbors. In fact, there would be a positive benefit of allowing for more spaces available on the street for those neighbors who have no off-street parking options available.

D & H LAND SURVEYS LLC
1628 GEORGIA AVENUE
SHEBOYGAN, WISCONSIN
1421 LOGAN AVE.
PARCEL 59281714280
BEING THE EAST 50 FEET OF LOT 13 OF BLOCK 3
AND THE WEST 7 FEET OF THE NORTH 54 FEET OF
VACATED NORTH/SOUTH ALLEY, NEUMEISTER &
OEHLER.S SUBDIVISION, CITY OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN.



IS AN ORIGINAL PRINT ONLY
SEAL IS IMPRINTED IN RED

THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis J. Van Sluys
Dennis J. Van Sluys S-1238

Dated this 6th day of June ,2023.

- ★ = IRON PIPE FOUND
- + = EXISTING GRADE CITY DATUM

DATA/CSHEB23/1421LOGA L-24412





1421. 23 Logan Ave



1421.23 Logan Ave

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1907 N 6TH ST

Parcel #: 010360

Owner's Name: CHAD FRITZ

Zoning: NR-6 (NEIGHBORHOOD RESIDENTIAL)

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 6/27/2023

MEETING DATE: 07/19/2023

BACKGROUND / ANALYSIS

Property owner would like to install a 6 foot high privacy fence in his required street yard (Lincoln Ave). The fence would be located 8 feet from the public sidewalk.

Ordinance #: Sec 105-945 (a)(c)(3) *Maximum height*. The maximum height of any fence, landscape wall, or decorative post shall be the following:


- a. Four feet when located within a required street yard on any property, except if the house is closer to the property line than required by the zoning district in which it is located, the fence may be six feet high and solid for that portion between the setback line and the front of the house. **The fence from the front of the house to the property line shall not exceed four feet in height and must be 50 percent open.**
- b. Six feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard.

Requesting: 6 foot high privacy fence

Allowed: 4 foot high fence 50 percent open

ATTACHMENTS:

Application, pictures, and drawing

	CITY OF SHEBOYGAN VARIANCE APPLICATION	Fee: _____ Review Date: _____
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Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information			
Name (Ind., Org. or Entity) <u>Chad Fritz</u>			
Mailing Address <u>1907 N 6th ST</u>	City <u>Sheboygan</u>	State <u>WI</u>	ZIP Code <u>53081</u>
Email Address <u>onefritz@yahoo.com</u>	Phone Number (incl. area code) <u>920-254-0580</u>		
Applicants interest in property: <u>I own the property</u>			
SECTION 2: Property Information			
Property Address <u>1907 N 6th ST</u>	City <u>Sheboygan</u>	State <u>WI</u>	Zip <u>53081</u>
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input type="checkbox"/> New Construction <input type="checkbox"/> Repairs <input type="checkbox"/> Alterations <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Nonconforming Use <input checked="" type="checkbox"/> Other			
SECTION 3: If the Request is for a Nonconforming Use			
Your intended use:			
Date last occupied as a nonconforming use:			
By Whom:		Previous Use:	
SECTION 4: Requested Variance			
On a separate letter to the Board, describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.			
SECTION 5: Certification and Permission			
Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.			
Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.			
Name of Owner/Authorized Representative (please print) <u>Chad Fritz</u>	Title	Phone Number <u>920-254-0580</u>	
Signature of Applicant <u>Chad Fritz</u>		Date Signed <u>6/20/23</u>	

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) Samples of materials being used – roofing, siding, decking, etc.
- 5) A site sketch (see example), drawn to scale indicating location of all existing structures and proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. *Please consult with Building Inspection staff for more information.*

Notes:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- c) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- d) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.
- e) Any information submitted on the application will become public record and is not subject to confidentiality.

**FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE
 GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.**

Applicants should be prepared to answer the following questions:

- *What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?*
- *Is there a **unique physical characteristic** of the property which prevents development of the property in compliance with the Zoning Ordinance?*
- *Would granting the variance harm the **public interest** in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded the filing fee for a variance request is non-refundable.

THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain your proposed construction is consistent with neighboring developments, a development does not infringe on the enjoyment of property belonging to neighboring owners, it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning or sign code, a **VARIANCE** is needed.

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Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

Chad Fritz
1907 N 6th Street
Sheboygan, WI, 53081
(920) 254 – 0580

Dear City of Sheboygan,

I am writing to you about a request for the construction of a fence along Lincoln Ave, from the east side of my driveway 60 feet, the last 12 feet at an angle to accommodate bushes that are in the southeast corner of my lot. I live on 6th and Lincoln Ave, the fence is what I consider along our back yard where there is privacy. The fence would also extend beyond the south side of my house toward the street by 16 feet. The fence I am requesting a variance for is a white vinyl privacy fence measuring 6 feet in height, including a 14-inch lattice on the top. The proposed fence would be located approximately 8 feet from the sidewalk.

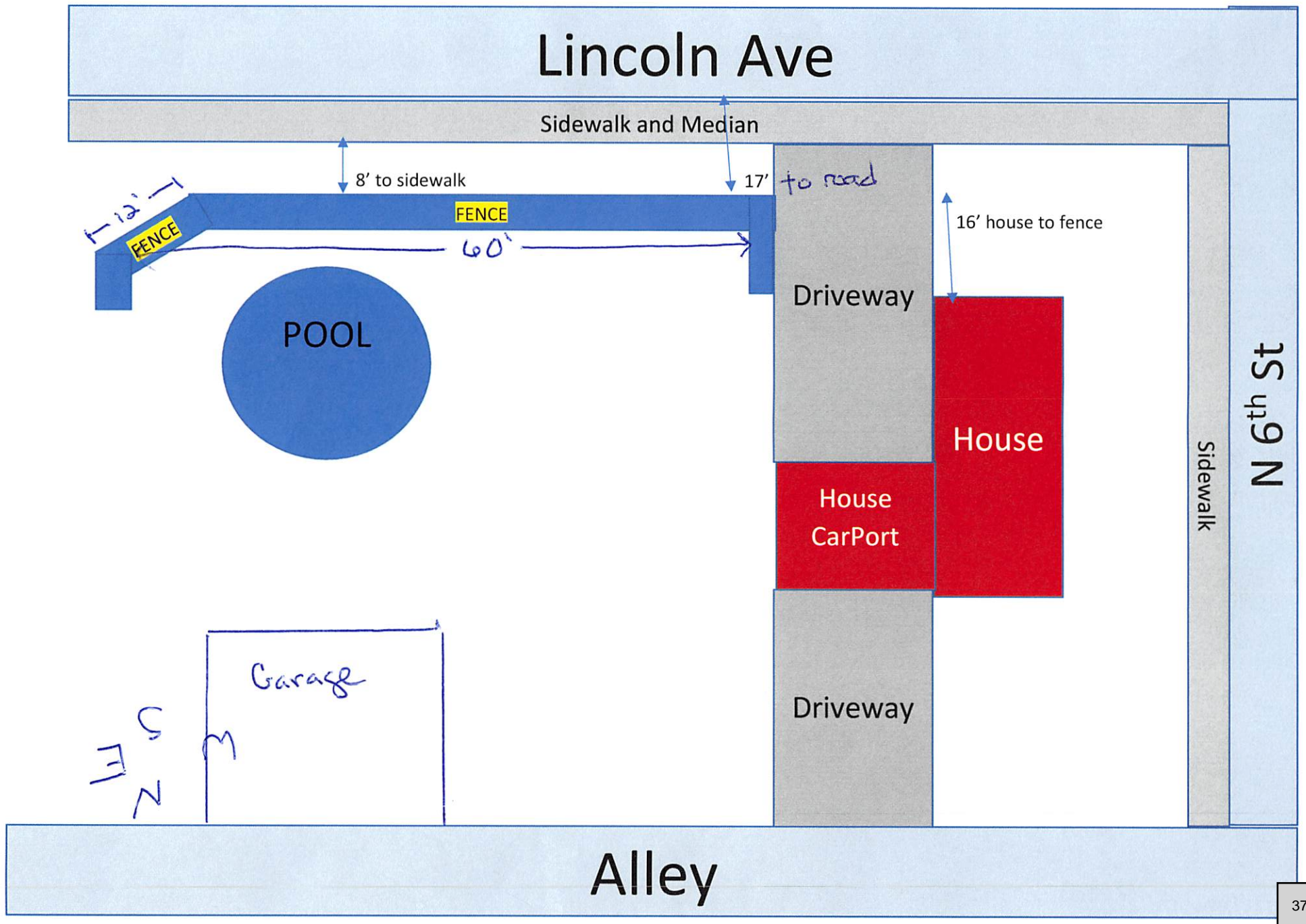
The primary reason behind this request is to help alleviate the disturbance caused by my dogs barking at people when they are walking by our back yard. Our dogs are all friendly; however, with someone walking by or a dog barking at them from the sidewalk results in my dogs barking. A well-constructed fence would serve as a deterrent, reducing the visibility of pedestrians to dogs and minimizing their response, ultimately enhancing the safety and tranquility of the neighborhood.

Additionally, this request is to address privacy concerns. As an important aspect of personal well-being and peace of mind, privacy plays a crucial role in creating a comfortable living environment. With this fence, it will allow for privacy along with creating a clean look to the neighborhood and to our yard. The fence would hide our pool during the summer, which allows for more comfortability.

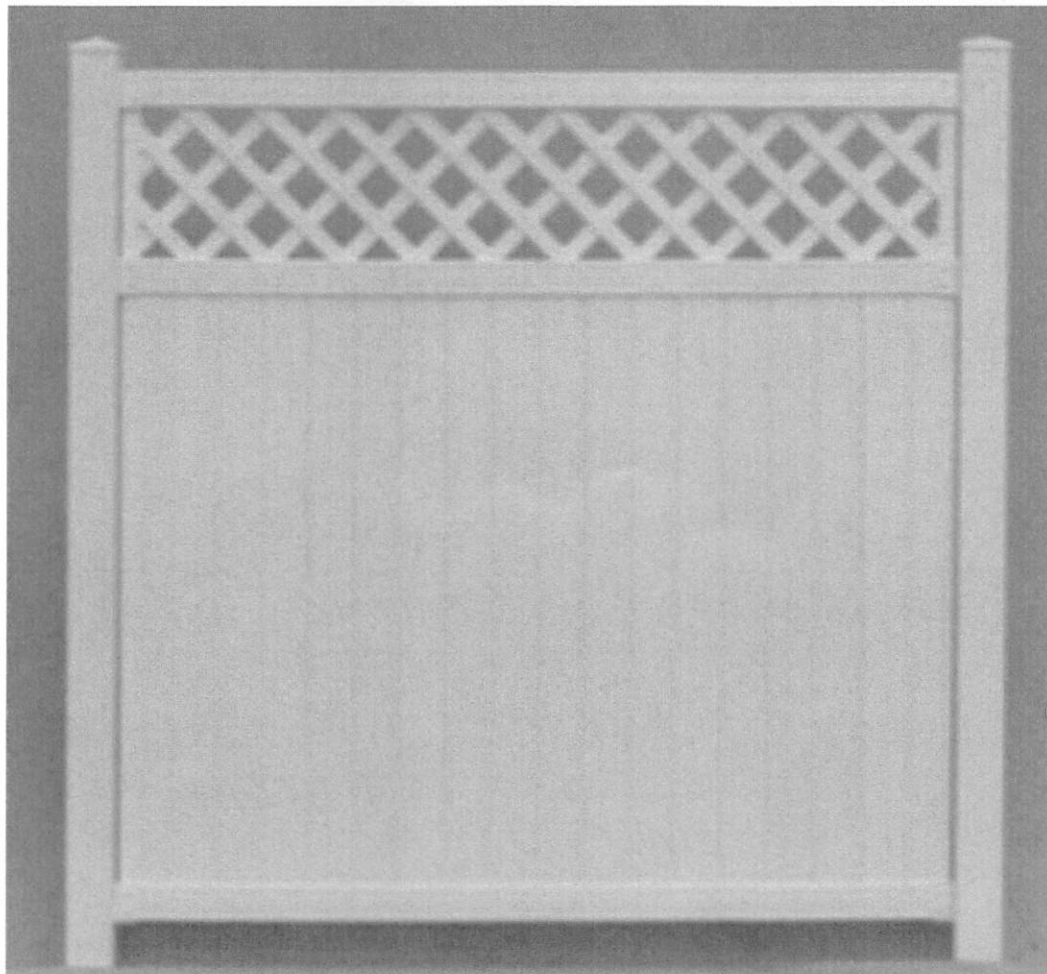
In terms of the specific details for the proposed fence, I recommend a white fence due to its aesthetic appeal and its ability to blend seamlessly with the surroundings. The height of 6 feet, including the 14-inch lattice top is one that can be seen throughout the neighborhood that strikes a balance between privacy and maintaining an open feel in the neighborhood. Placing the fence approximately 8 feet from the sidewalk would provide an adequate buffer while not obstructing the view of the sidewalk for pedestrians. Along with the distance from the sidewalk to the fence, the fence will also be 25 feet from the curb on Lincoln Ave, and an additional 19 feet to the center line of Lincoln Ave.

I kindly request that the City of Sheboygan consider this proposal for the installation of the fence along Lincoln Ave. It would greatly contribute to improving the quality of life for our family and the residents in terms of privacy and reducing disturbances caused by barking dogs. Additionally, it would enhance the overall visual appeal of the street by covering the pool in our backyard.

Sincerely,
The Fritz Family



Chad Frith



White vinyl fence
Lattice is 14" high