



ZONING BOARD OF APPEALS AGENDA

May 18, 2022 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 April 20, 2022.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Variance application by Juhani and Susan Kivisto requesting to construct detached 25 foot x 25 foot garage (625 sq ft) located 13 feet to the north of the home with a new driveway on North Ave. There is currently an attached single car garage that is accessed from a driveway on Blackstock Ave. This property has 2 front yards (Blackstock Ave and North Ave) located at 418 Blackstock Avenue.
6. Variance application by Revelis Investments, LLC requesting to operate a painting business at 2516 Superior Avenue currently zoned as SR-5 (Suburban Residential). This would be a nonconforming use.
7. Variance application by Allen and Sherry Brotz requesting to construct an 18 foot x 18 foot gazebo (324 sq ft) located at 1822 Tivoli Lane.

NEXT MEETING

8. June 15, 2022

ADJOURN

9. 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, April 20, 2022

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

Kevin Sampson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Identify potential conflicts of interest

No committee member had a conflict of interest.

MINUTES

4. Approval of the Zoning Board of Appeals minutes from February 16, 2022

Motion by Keeli Johnson, second by Ed Surek to approve. Motion carried.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Variance application by Larry and Peggy Krueger requesting to construct an attached garage addition to the south side of the home within the required back yard and within the required street yard. The building coverage ratio exceeds 40%. The owner would like to construct a 3-foot-wide sidewalk on the south property line to access a service door on the garage addition located at 501 Michigan Avenue.

Motion by Keeli Johnson, second by Sala Sander to approve with the following conditions:

1. A survey including the garage addition, driveway, and sidewalk along the garage addition needs to be submitted with the building permit application.
2. The driveway and sidewalk must be pitched to drain to the street and not onto neighboring properties.
3. Garage addition shall match the existing design, materials, and colors of the house per plans submitted by applicant.

Motion carried.

6. Variance application by Richard and Sarah Cleary requesting to construct a 208 sq ft bedroom addition to the west side of the home (in rear yard). The home has a current side yard setback of 2.9 feet to the north side yard. The addition would align with the north wall of the home and would vary from 2.7 feet to 2.9 feet from the north property line located at 2324 N 5th Street.

Motion by Don Gerber, second by Ed Surek to approve with the following conditions:

1. House addition shall match existing materials and colors of the house per plans submitted by applicant.

Motion carried.

NEXT MEETING

7. Next scheduled meeting date: May 18, 2022

ADJOURN

8. Motion to Adjourn

Motion by Keeli Johnson, second by Don Gerber to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 3:38 p.m.

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*

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 418 Blackstock Ave

Parcel #: 009740

Owner's Name: Juhani & Susan Kivisto

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 05/06/2022

MEETING DATE: 05/18/2022

BACKGROUND / ANALYSIS

Property owner is proposing to construct detached 25 foot x 25 foot garage (625 sq ft) located 13 feet to the north of the home with a new driveway on North Ave. There is currently an attached single car garage that is accessed from a driveway on Blackstock Ave. This property has 2 front yards (Blackstock Ave and North Ave).

Ordinance #: 15.206(8)(d)(1)(a) The maximum number of accessory structures per lot is three (3) – not to exceed one (1) garage, one (1) shed, one (1) gazebo or one (1) greenhouse.

Requesting: 2 garages

Allowed: 1 garage

Ordinance #: 15.702(3)(a) 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 (as measured along the right-of-way line).

Requesting: 2 access points

Allowed: 1 access point

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

220845



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

Item 5.

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 3p.m. 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 4:30p.m.** on the third Wednesday of the month prior to the scheduled public hearing:

April 20, 2022

Application Deadline Date

May 18, 2022

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.

[Signature]
Signature

March 31, 2022
Date

009740
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): 418 Blackstock Ave
- 2). Applicant: Juhani Kivisto Telephone #: (608) 225-2533
Address: _____
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot
Building garage back side of the lot and have entry way from North St.
PARCEL # 59281009740
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: Garage
- 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
- 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.

Date: _____

Signature: [Signature]
Printed Name: Juhani Kivisto
Mailing Address: 418 Blackstock Ave
Sheboygan WI 53083

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.



3-31-22

Item 5.

To Whom it may concern,

We would like to build a garage in our back yard because we would like to keep our vehicles out of the weather.

We would also like to use the garage also for tool storage, lawnmower, snowblower and as a doghouse for my husband.

The material we will use for the outside/exterior will be matching the house with pleasant looking landscaping around it. Both neighbors on either side do not oppose that we build this. They both have garages in their backyards also.

This neighborhood is very charming, our neighbors are great and we are very happy to be here.

Thank you for your time and consideration.

Susan & Juhani Kivisto

608-225-9128

608-225-2533

SmKivisto@gmail

JuKivisto@gmail



Department of Public Works
2026 New Jersey Avenue
Sheboygan, WI 53081

PHONE
(920)459-3440
FAX
(920)459-3443
WEBSITE
www.sheboyganwi.gov

Permit Number 220809
Application Number Item 5. 0
Date Issued 03/30/2022
Permit Type CURB CUT EXCAVATE IN CITY RoW

Parcel Number	Date Issued	Date Expires
009740	03/30/2022	04/30/2022
Street Address		
418 BLACKSTOCK AVE		
Owner Information	Application Information	
GABRIELSE, CHERYL L. 418 BLACKSTOCK AVE SHEBOYGAN, WI 53083-5070	GABRIELSE, CHERYL L. 418 BLACKSTOCK AVE SHEBOYGAN, WI 53083-5070	
Contractor Information		
KIVISTO, JUHANI 418 BLACKSTOCK AVE SHEBOYGAN, WI 53081		

Permit Details:
CURB CUT

Additional Information:

Fees		All Terms and Conditions from the Permit Application Apply
DPW-CURB CUT	\$25.00	
Total Fees	\$25.00	

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 2516 Superior Ave

Parcel #: 610450

Owner's Name: Revelis Investments LLC

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 05/09/2022

MEETING DATE: 05/18/2022

BACKGROUND / ANALYSIS

Property is currently zoned SR-5 (Suburban Residential) and painting contractor use would be commercial/industrial use and considered nonconforming. The prior use of this property was a furniture store which was also a nonconforming use.

Ordinance #: 15.207(7) Change: A nonconforming use of a building or other structure, all or substantially all of which was originally designed or intended for a use which is permitted in the district in which it is located shall not be changed to any use other than a use permitted in the district in which the land is located or to another nonconforming use of similar characteristics when authorized by the Zoning Board of Appeals as regulated Subchapter 15-9 of this Chapter. When a nonconforming use has been changed to a permitted one, it shall not thereafter be changed back to a nonconforming use.

Requesting: Commercial/Industrial Land Use - Personal or Professional Service

Allowed: Residential - Single-family

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

APPLYING FOR A VARIANCE

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04/20/22

Application Deadline Date

05/18/22

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.



Signature

4/15/2022

Date

610450



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 6.

**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): 2516 Superior Avenue
- 2). Applicant: Paul Ferrich Telephone #: (920) 627-5123
Address: 2508 Wilgus Avenue
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: _____
- 6). If the request is for a nonconforming use:
Your intended use: Commercial / industrial Paint Shop
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: Vaughn Outlet
- 7). Applicants interest in property: _____
- 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.

Date: 4/15/2022
Signature: Paul Ferrich
Printed Name: Paul Ferrich
Mailing Address: 2508 Wilgus Avenue
Sheboygan, WI

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.

To Whom It May Concern,

We write to you to request a variance change on the lot located at 2516 Superior Avenue. The building was previously used as a residential furniture outlet called Vaughn's Outlet. It sold couches, tables, and chairs. Previous to that, it was a Wheelchair Taxi service. The lot has been used for industrial purposes previously when it was occupied by Butzen's Welding. We would be using the building as a painting and finishing company. Ninety percent of our work is done in the client's home. The only service we conduct at the shop is pre-finished work. The site would be mainly used for storing equipment, trucks, trailers, and working on pre-finishing.

Our hours of operation are Monday-Friday 7:30am-5:30pm, Clients do not typically come to the shop, so there will be very low traffic. The only extra visits we would receive are from sub-contractors (we experience these, on average, once a week). We have six employees and there is off-street parking for six spots on the south end of the building alongside Superior Avenue. Our two utility vans will be parked indoors. Both of the vans will be stored inside, along with three construction trailers. The trailers may reside outside for brief periods at a time as needed.

We currently reside in a residential neighborhood, and our current neighbors were appreciative of us fixing up our current building. We foresee virtually no noise level changes to the neighborhood we will be moving into. Most of our work is offsite, and our paint crews only operate Monday-Thursday. Most of the parking will be in the spaces in front of the building and will not impact the flow of current traffic. The lighting will be no more than what there was previously.

There will be a three-dimensional sign in the same place as the current Vaughn's Outlet sign. We may apply vinyl decals to the garage doors. The interior office space will be renovated, a spray booth will eventually be installed, and other interior improvements. The west side of the building where there are currently bushes will eventually be a mulch bed with flowers and various plants. The windows on the east side of the building will be replaced with glass block windows, they will closely replicate the windows on the north side of the building. New service, entry, and overhead doors will be installed to replace the old ones. New concrete work will be done to replace the existing driveway. The exterior of the building will be redone to closely match the provided photos.

We see this location as a great fit for our needs as it is centrally located in Sheboygan. The building has enough square footage for us to grow. We have doubled in size since we bought our current building. We hope the Board sees that this will allow us to create more jobs in the community, and make the environment around the area more professional looking and aesthetically pleasing.

Thank you for your time and consideration,

Paul Fenrich

Fenrich Custom Finishes, 1427 South 15th Street Sheboygan, WI 53081





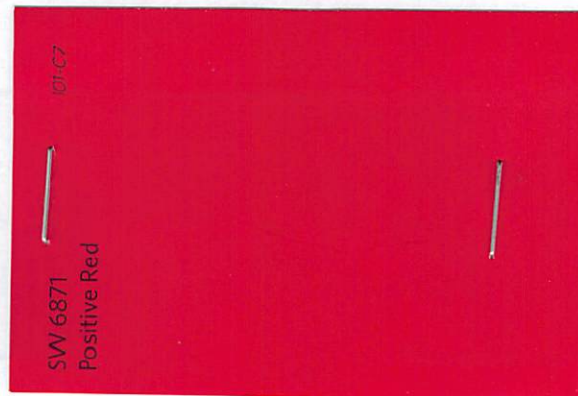


Color Scheme

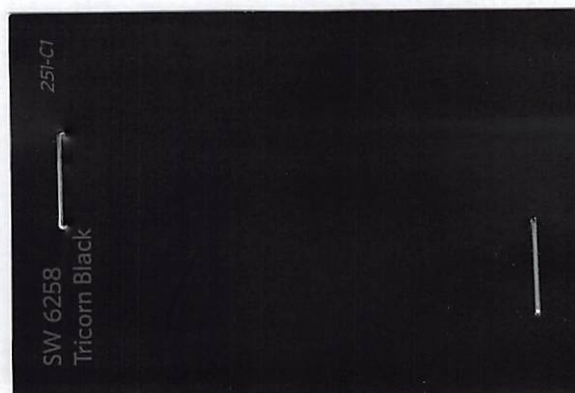
Siding



Doors

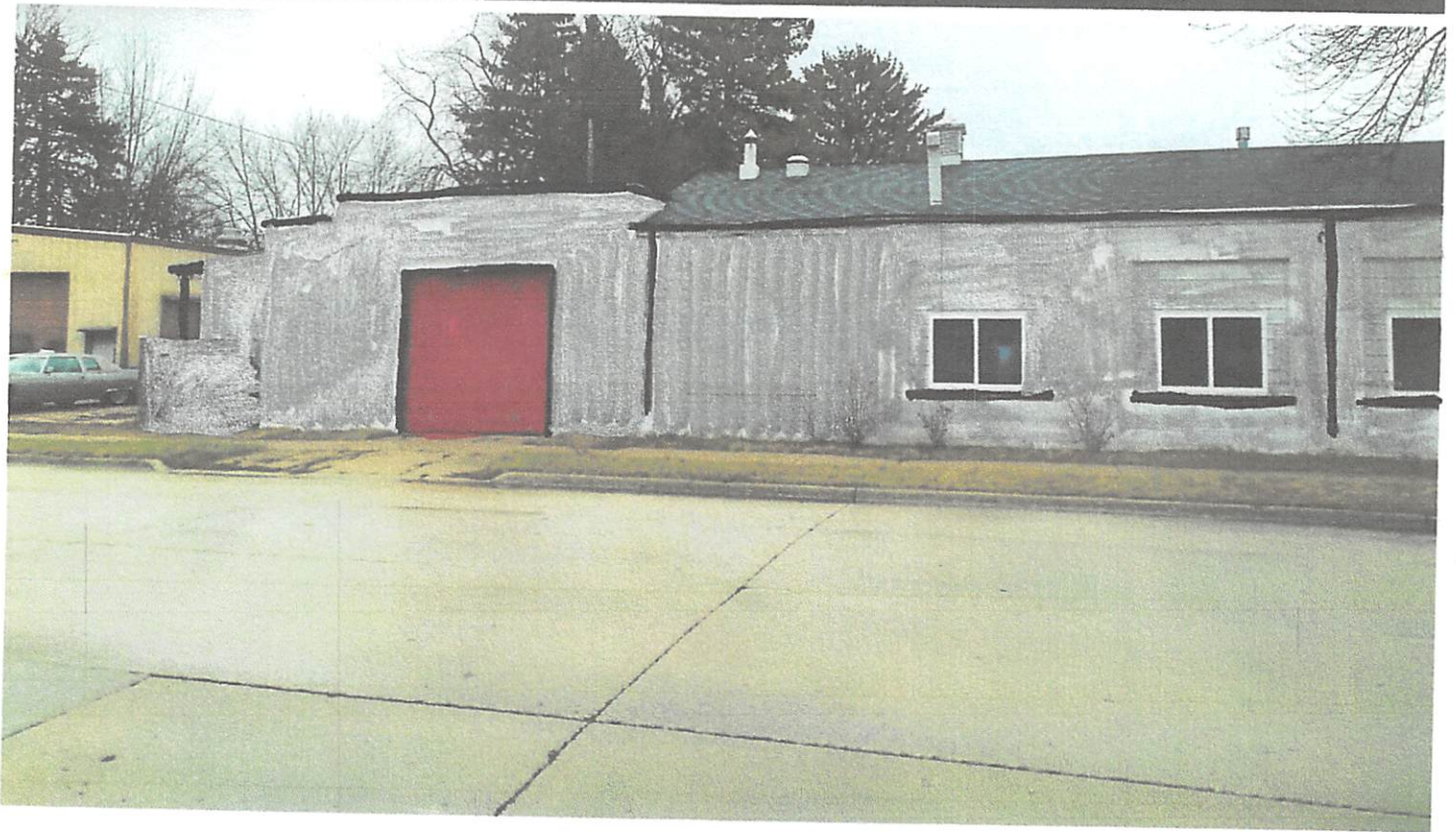
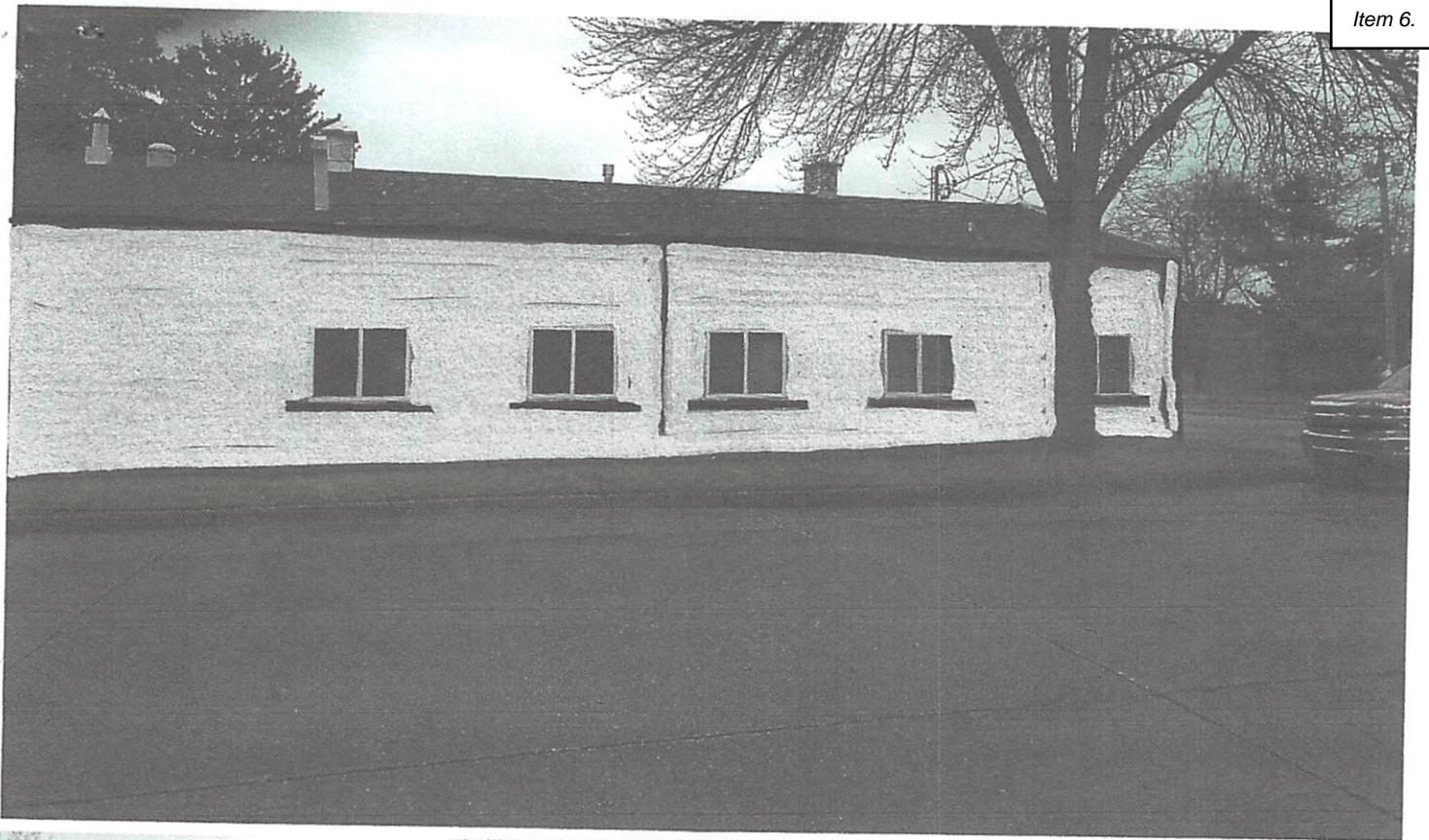


Trim









New Front Door

Pictured below is the door we will use in place of the current front door. It will be painted red along with the overhead doors and service door around the building. This will be an ADA compliant door.

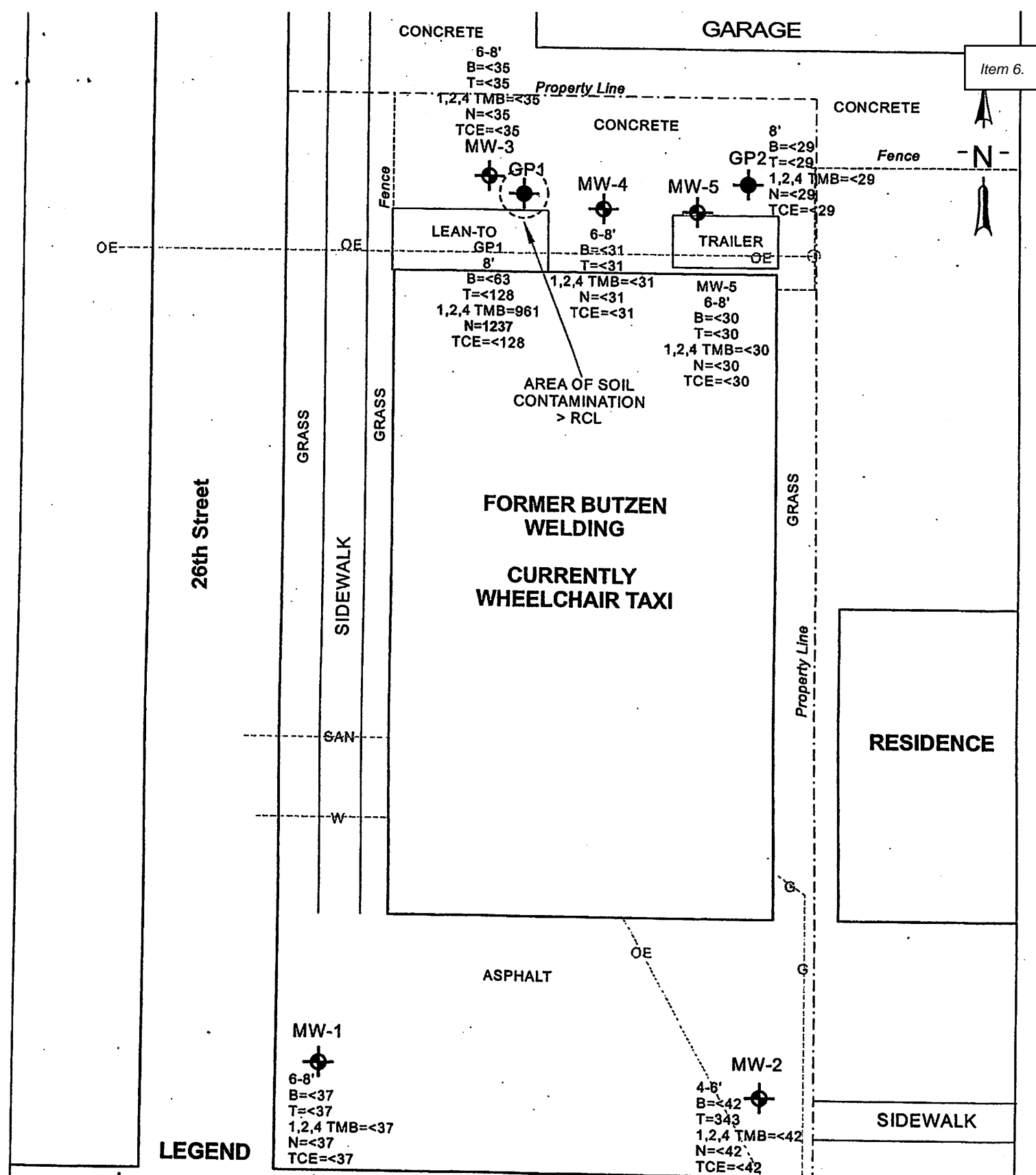


Company Vehicles



Trailers





6-8' Soil Sample Depth (ft)
 B=<37 B= Benzene Concentration (ug/kg)
 T=<37 T= Toluene Concentration (ug/kg)
 1,2,4 TMB=<37 1,2,4 TMB= 124 Trimethylbenzene Conc (ug/kg)
 N=<37 N= Naphthalene Concentration (ug/kg)
 TCE=<37 TCE =Trichloroethylene Conc. (ug/l)
BOLD = Concentration > NR 720 RCL

SOIL SAMPLE ANALYTICAL RESULTS			
Former Butzen-Durben Welding, Sheboygan, WI			
REV	DATE	APPROV	DATE: 11/7/07
			DWG #: s10map.dwg
SCALE: 1" = 20'		DRAWN BY: KDK	
		FIGURE 4	

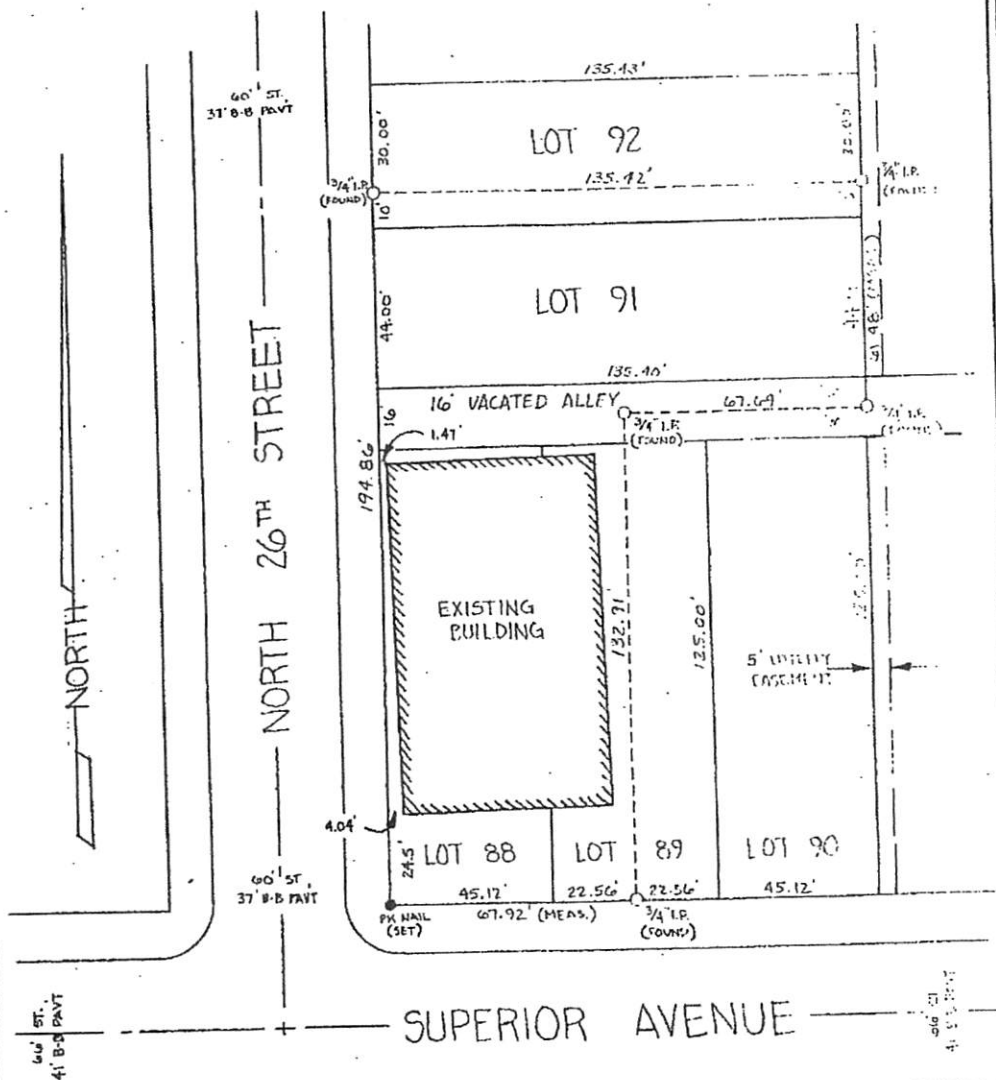
KRUEGER & KROLL

Land Surveyors

DESCRIPTION: Lot 88 and the west $\frac{1}{2}$ of Lot 89, Lot 91 and the south 10' of Lot 92 and vacated alley, Fairview Subdivision, City of Sheboygan.

SCALE: 1" = 40'

October 24, 1984



1521 Superior Avenue, Sheboygan, Wisconsin 53081 [414]452-9558

SURVEY CERTIFICATE

I have surveyed the above described property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures thereon, fences, apparent easements and roadways, and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from the date hereof.

CONS. DIV.
S-1093
SHEBOYGAN, WIS.
SURVEYOR

Gary L. Krueger
Gary L. Krueger, Wisconsin Registered Land Surveyor S-1093

*Filed
1-4-85
ma*

FOR: MEMORIAL DRIVE BANK / BUTZEN'S WELDING

JOB NO. _____

BOOK NO. 3

PAGE NO. 137

A-10281

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Variance application by Paul Fenrich to operate Fenrich Custom Finishes from 2516 Superior Avenue. Requesting a variance to Section 15.720(7): to change one non-conforming use (furniture store) to another (Fenrich Custom Finishes).

REPORT PREPARED BY: Steve Sokolowski, Manager of Planning and Zoning

REPORT DATE: May 13, 2022 **MEETING DATE:** May 18, 2022

FISCAL SUMMARY:

Budget Line Item: N/A
 Budget Summary: N/A
 Budgeted Expenditure: N/A
 Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
 Municipal Code: N/A

BACKGROUND / ANALYSIS:

Paul Fenrich is proposing to operate Fenrich Custom Finishes from the building located at 2516 Superior Avenue. The applicant states the following about the proposal:

- I would like to purchase this building/property at 2516 Superior Avenue in order to run Fenrich Custom Finishes, my painting and finishing company (present building owner is Revelis Investments, LLC). Fenrich Custom Finishes is a residential and light commercial painting/staining company. We work with a few remodeling companies and a lot of our work is directly with the home owner. Work to be done from the building/site includes kitchen cabinet finishing, trim, doors, etc. Pretty much anything in somebody's home that has paint or stain on it, we can take care of.
- 90% of our work is done in the client's home. The only service we conduct at the shop is pre-finished work. The site would be mainly used for storing equipment, trucks, trailers, and working on pre-finishing.
- The types of materials stored on site would be any paint/stain products that we would need in daily production. Materials are mostly water based products but some of our stains are solvent based. These would be stored inside the building, along with our paint sprayers, washers and other tools. A regulated spray booth would be installed.
- Outdoor use would basically be parking my work vans, trailers and employee vehicles. Other usage would entail maintenance of the property (yard work/ landscaping).

- None of the tools will be visible outside. It will either be stored inside the building, in the enclosed trailer or in the storage shed.
- I am considering purchasing this building/property because it is a perfect location for my business and it will provide my business the opportunity to grow (building is presently vacant).
- Our hours of operation are Monday-Friday 7:30am-5:30pm, Clients do not typically come to the shop, so there will be very low traffic. The only extra visits we would receive are from sub-contractors (we experience these, on average, once a week).
- We have six (6) employees and there is off-street parking for six (6) spots on the south end of the building alongside Superior Avenue. Our two (2) utility vans will be parked indoors. Both of the vans will be stored inside, along with three (3) construction trailers. The trailers may reside outside for brief periods at a time as needed.
- We foresee virtually no noise level changes to the neighborhood we will be moving into. Most of our work is offsite and our paint crews only operate Monday-Thursday. Most of the parking will be in the spaces in front of the building and will not impact the flow of current traffic. The lighting will be no more than what there was previously.
- There will be a three-dimensional sign in the same place as the current Vaughn's Outlet sign. We may apply vinyl decals to the garage doors.
- The interior office space will be renovated, a spray booth will eventually be installed, and other interior improvements.
- The west side of the building where there are currently bushes will eventually be a mulch bed with flowers and various plants. The windows on the east side of the building will be replaced with glass block windows, they will closely replicate the windows on the north side of the building.
- New service, entry, and overhead doors will be installed to replace the old ones. The exterior of the building will be redone to closely match the provided photos.
- New concrete work will be done to replace the existing driveway.
- We see this location as a great fit for our needs as it is centrally located in Sheboygan. The building has enough square footage for us to grow. We have doubled in size since we bought our current building. We hope the Board sees that this will allow us to create more jobs in the community, and make the environment around the area more professional looking and aesthetically pleasing.

STAFF COMMENTS:

2516 Superior Avenue is zoned Suburban Residential (SR-5). The SR-5 zone permits single-family residences. A business is not a permitted or conditionally permitted use in the SR-5 zone.

The previous wheelchair taxi, Vaughn Furniture Outlet uses of this property was a legal nonconforming use - legal because the property/building has been there for many years but nonconforming because a business is not permitted in the SR-5 zone today. Thus, the previous use may continue to operate, however, a legal nonconforming use is not permitted to be changed, extended or enlarged, per the City of Sheboygan Zoning Ordinance.

Sections 15.207(3) and 15.207(4) of the City of Sheboygan Zoning Ordinance state:

- Extension: A nonconforming use shall not be extended, expanded, enlarged or increased in intensity.
- Enlargement: No building or other structure that is devoted wholly or in part to a nonconforming use shall be enlarged or added to in any manner unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located

That being said, the owner of such property can submit a variance application to the Board of Appeals in order to propose substituting the existing nonconforming use with another nonconforming use of similar characteristics. This is a hearings process and only at such time as the City of Sheboygan Board of Appeals approves the variance would such a change of nonconforming use be permitted.

The building appears that it has always been used commercially.

The Board may want to have the applicant address any potential exterior renovations and/or painting of the building (paint is chipping on the north wall of the building). The applicant will also need to clean/remove the miscellaneous debris, equipment, etc. stored outside the north side of the building. No outdoor storage is permitted.

Staff is acceptable to utilizing the existing interior lit cabinet sign but all new signage will be well designed (may not reface existing wall sign above the door by the window). Applicant shall remove all signage referencing previous business.

Applicant shall obtain the required occupancy permit and shall meet all building and mechanical codes prior to an occupancy.

ACTION REQUESTED:

Staff recommends approval of the variance for the nonconforming use change subject to the following conditions:

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire/police departments, etc.).
3. Applicant shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
4. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
5. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.).
6. Outdoor storage of materials, products or equipment shall be prohibited.
7. All painting activities shall take place inside the building (no outdoor activity).
8. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
9. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall be permitted to install individual letter signs – no cabinet or flat panel signs. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
10. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.).
11. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
12. Any new or modified ingress/egress driveway openings and any existing driveways to be closed shall be improved to standard City specifications.
13. If there are any exterior alterations, those alterations will be reviewed by the City of Sheboygan Architectural Review Board.
14. If there are any amendments to the approved use and/or site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.

ATTACHMENTS:

Variance application and required attachments.

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1822 Tivoli Lane

Parcel #: 451600

Owner's Name: Allen J Brotz

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 05/09/2022

MEETING DATE: 05/18/2022

BACKGROUND / ANALYSIS

Property owner is proposing to construct an 18 foot x 18 foot gazebo (324 sq ft).

Ordinance #: 15.206(8)(d)(1)(c) The maximum square footage of a shed, gazebo, greenhouse or other similar accessory structure is 200 square feet.

Requesting: 324 sq ft

Allowed: 200 sq ft

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

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 3p.m. 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 4:30p.m.** on the third Wednesday of the month prior to the scheduled public hearing:

Application Deadline Date

5/18/22

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.

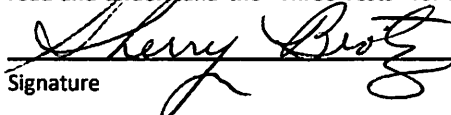
Applicants should be prepared to answer the following questions:

- * *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.



Signature

April 28, 2022

Date

**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): 1822 Tivoli Lane
- 2). Applicant: Sherry Brotz Telephone #: (920) 918-8346
Address: 1822 Tivoli Lane
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) SE 1/4 of the SW 1/4 of
Section 3, Town 14 North, Range 23E, City of
Sheboygan
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: Gazebo 18 x 18
- 6). If the request is for a nonconforming use:
Your intended use: family recreation
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: owner
- 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.

Date: April 28, 2022

Signature: Sherry Brotz
Printed Name: Sherry Brotz
Mailing Address: 1822 Tivoli Lane
Sheboygan, WI 53081

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.

April 28, 2022

Building Inspection Department
828 Center Avenue, Suite 208
Sheboygan, WI 53081

Board of Appeals

Dear Board Members,

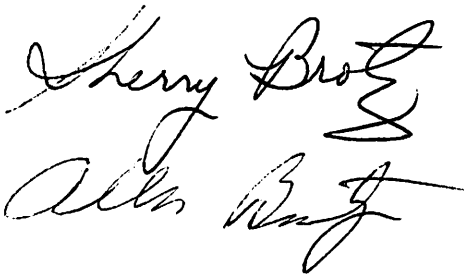
We are applying for a variance to build a gazebo in our back yard that will be large enough to place a table and chairs, or picnic table, that will be large enough to accommodate our family. We enjoy outdoor meals, games, etc. We are hoping to build it 18 feet x 18 feet, however the current rules are allowing only 14 feet x 14 feet.

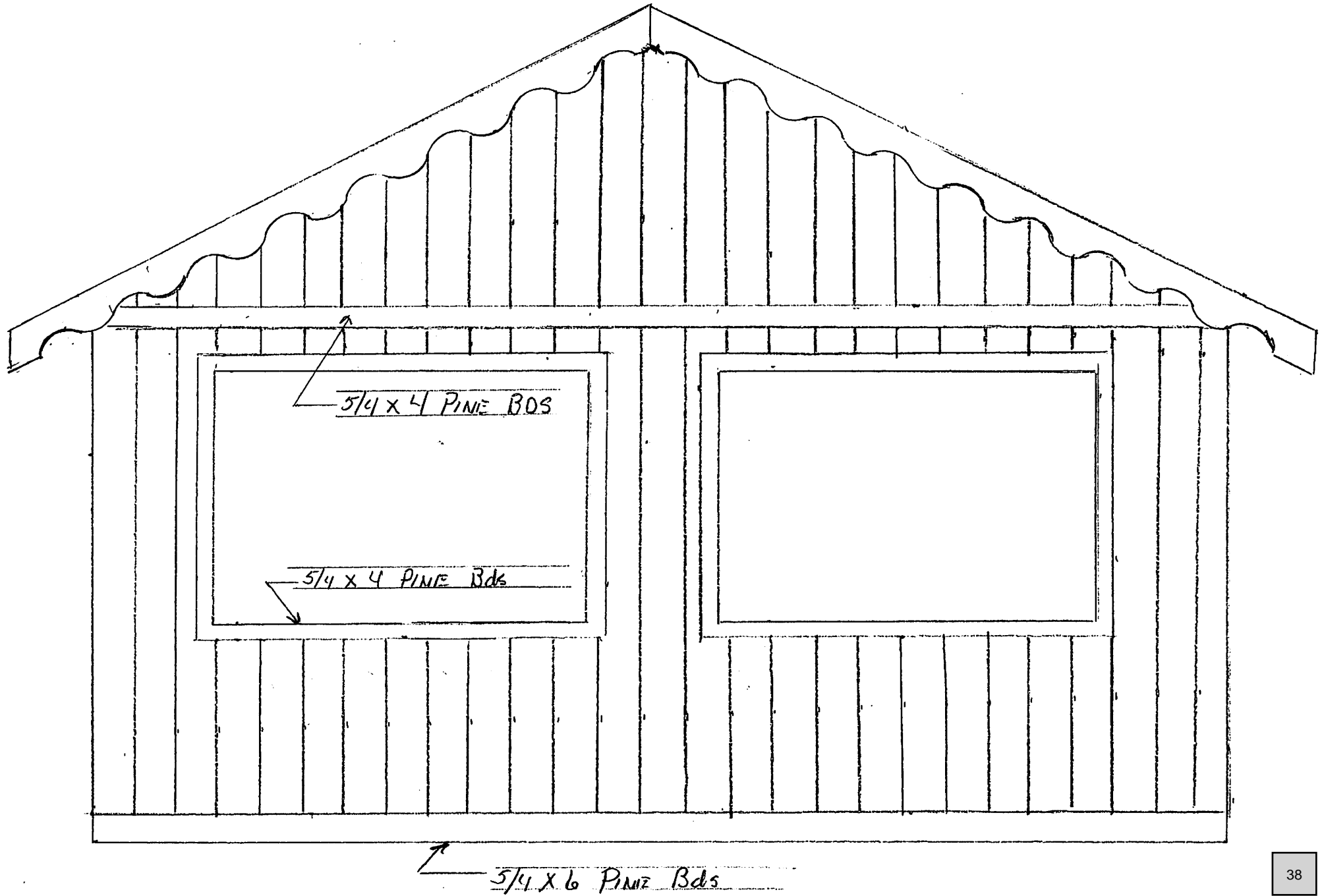
We have a large backyard, two-thirds of an acre, that is in a rural setting. There is plenty of space to assure the gazebo is aesthetically pleasing to our property and the neighborhood, without annoyance to any neighbors.

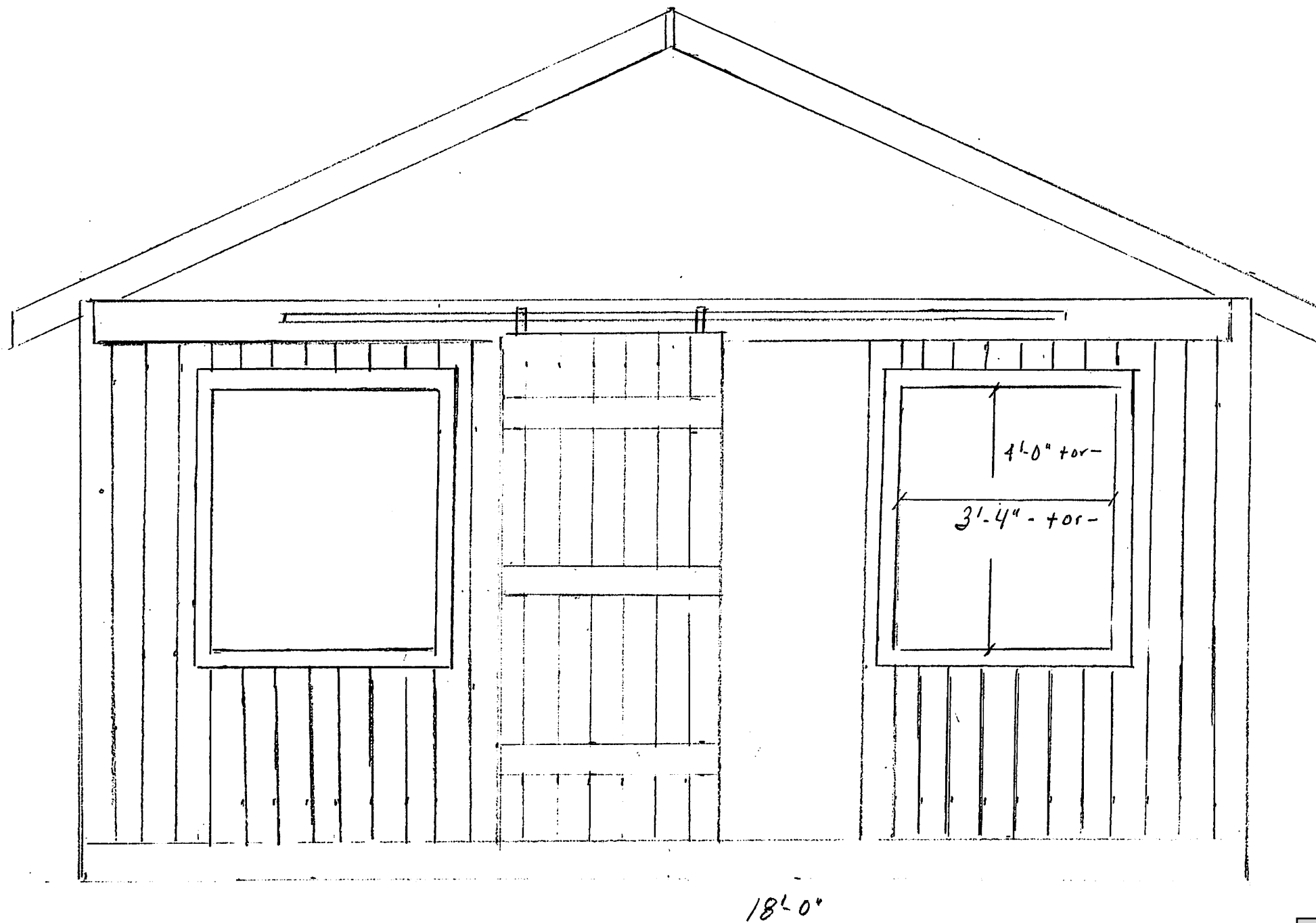
We look forward to a favorable decision and appreciate your attention to this matter.

Thank you,

Allen and Sherry Brotz

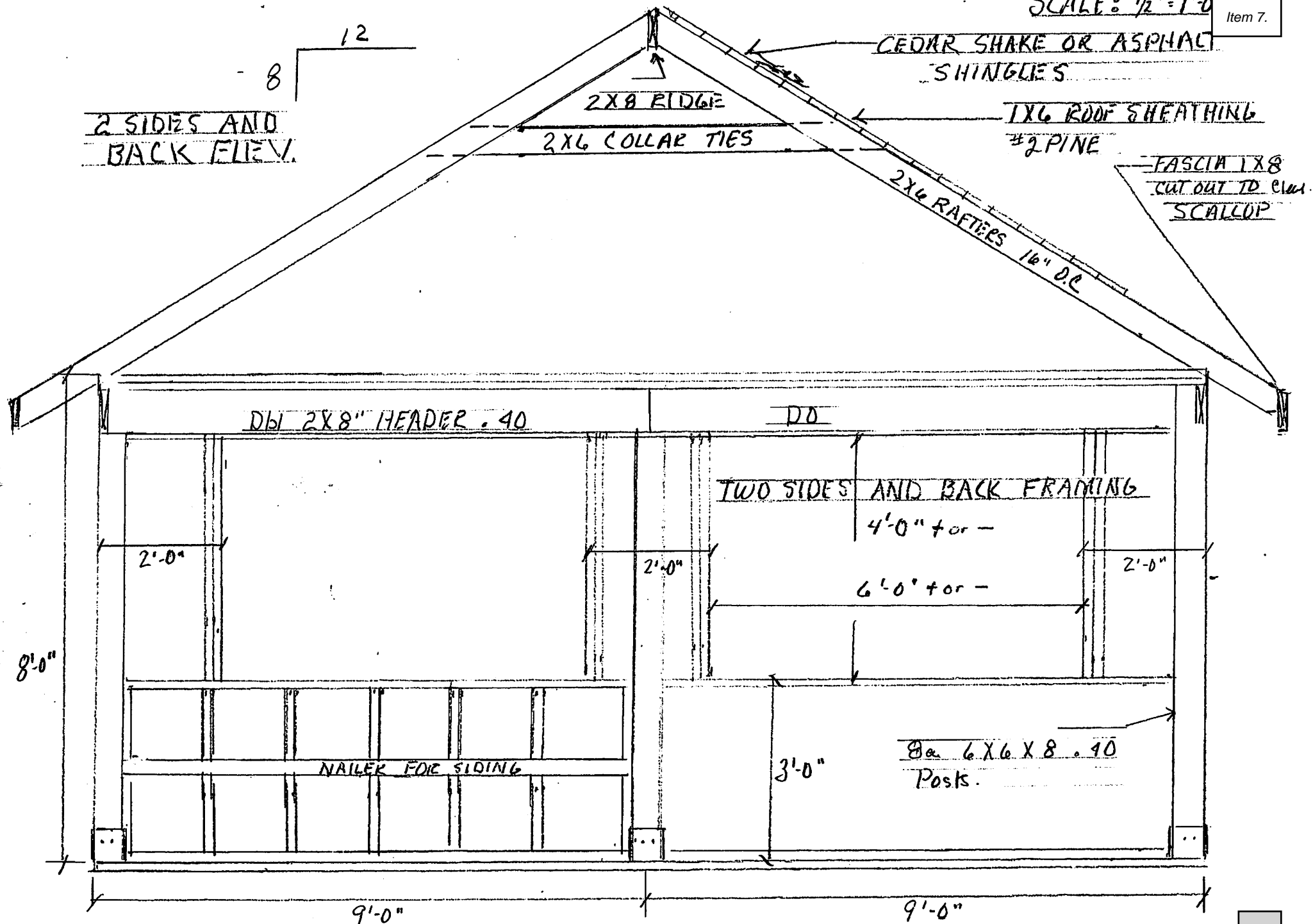
The block contains two handwritten signatures in black ink. The top signature is 'Sherry Brotz' and the bottom signature is 'Allen Brotz'. Both are written in a cursive, flowing style.





SCALE: 1/2" = 1'-0"

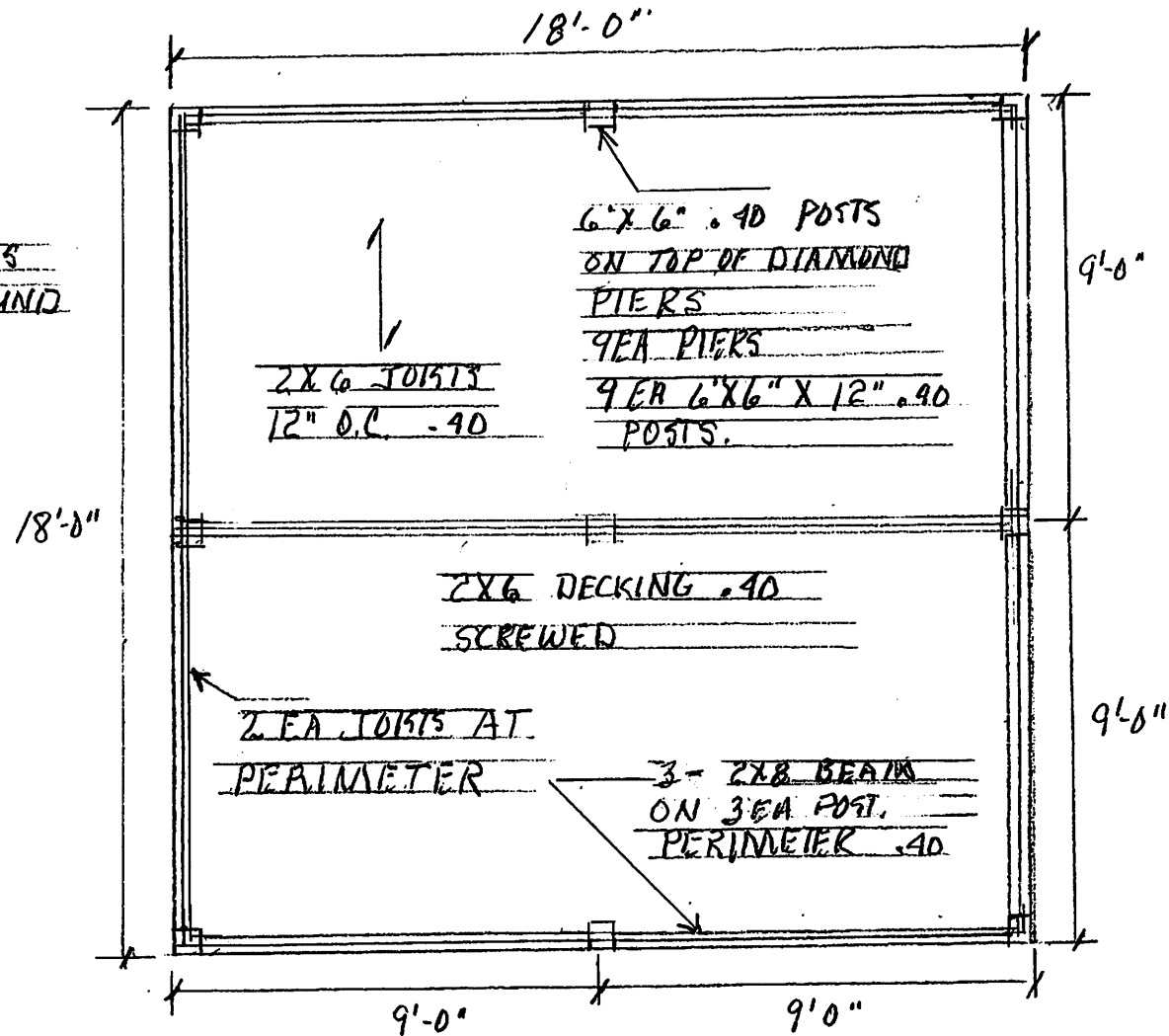
Item 7.



SCALE: $\frac{1}{4}" = 1'-0"$ $18' \times 18' = 324 \text{ sq. ft.}$

GAZEBO JOISTS AND PIERS PLAN END PLAN

DIAMOND PIERS
DUG INTO GROUND



August 17, 2021

I am in agreement that Al and Sherry Brotz can build a gazebo in their backyard, in addition to the existing storage shed.

Name	Address
ERIC SWARTZ	1815 TIVOLI LN
Pat Stabbe	4404 Idetwild Ln
Dan Tilly	1904 Tivoli Ln.
Dan Diener	4408 S. 18 th St.
Sandy Kasten	1904 Tivoli Ln.
C.P.R.	1920 Tivoli Ln.
DAT	1920 TIVOLI LN
ROBERT W. PUCKETT II	1928 TIVOLI LN
Catherine Lee	4412 S. 18 th St