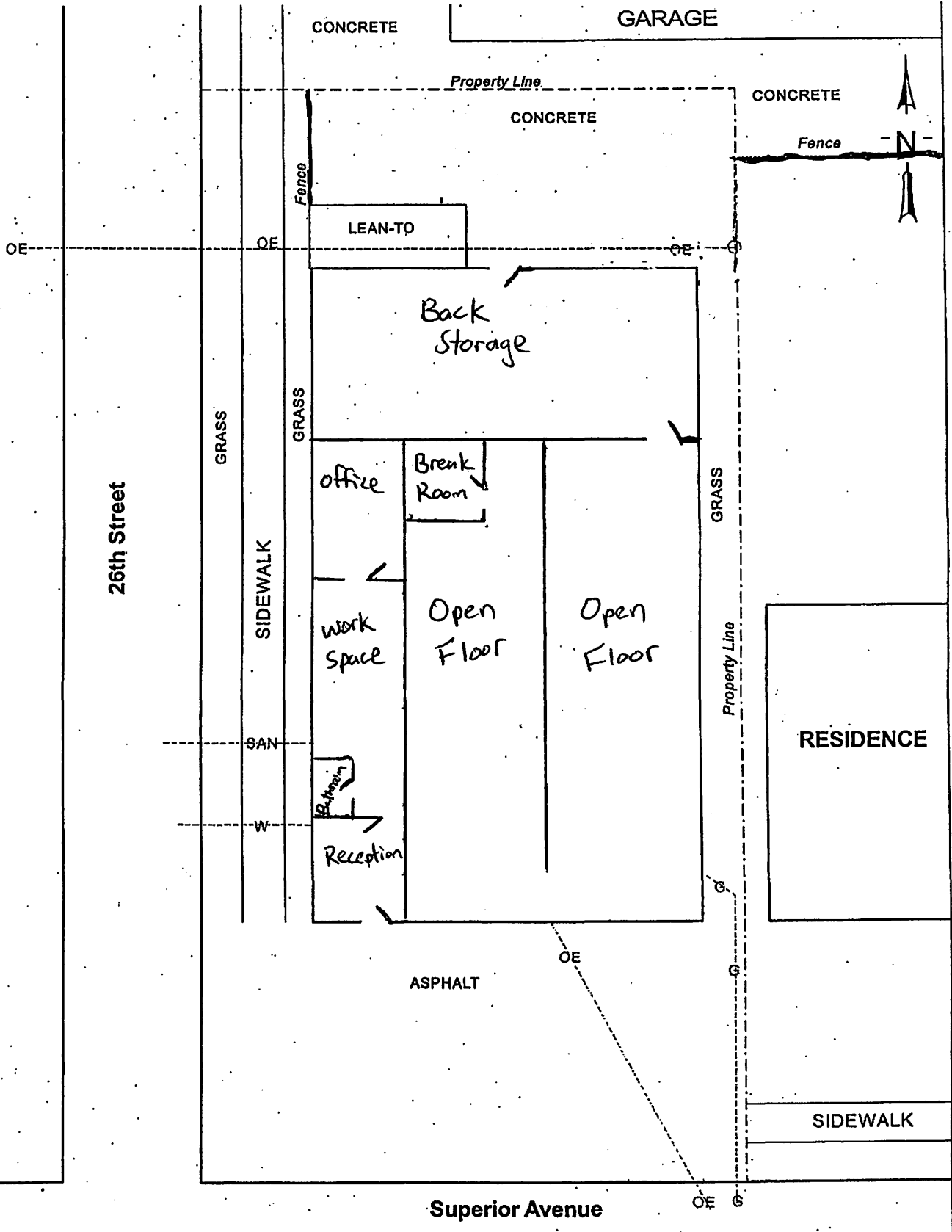



**\*\*\*ATTACHMENTS\*\*\***



<b>SITE PLAN</b>		 <b>ALPHA TERRA</b> SCIENCE	
Former Butzen-Durben Welding, Sheboygan, WI			
REV	DATE	APPVD	DATE: 11/7/07
			DWG R.: altermap.dwg
SCALE: 1" = 20'		DRAWN BY: KZK	FIGURE 1

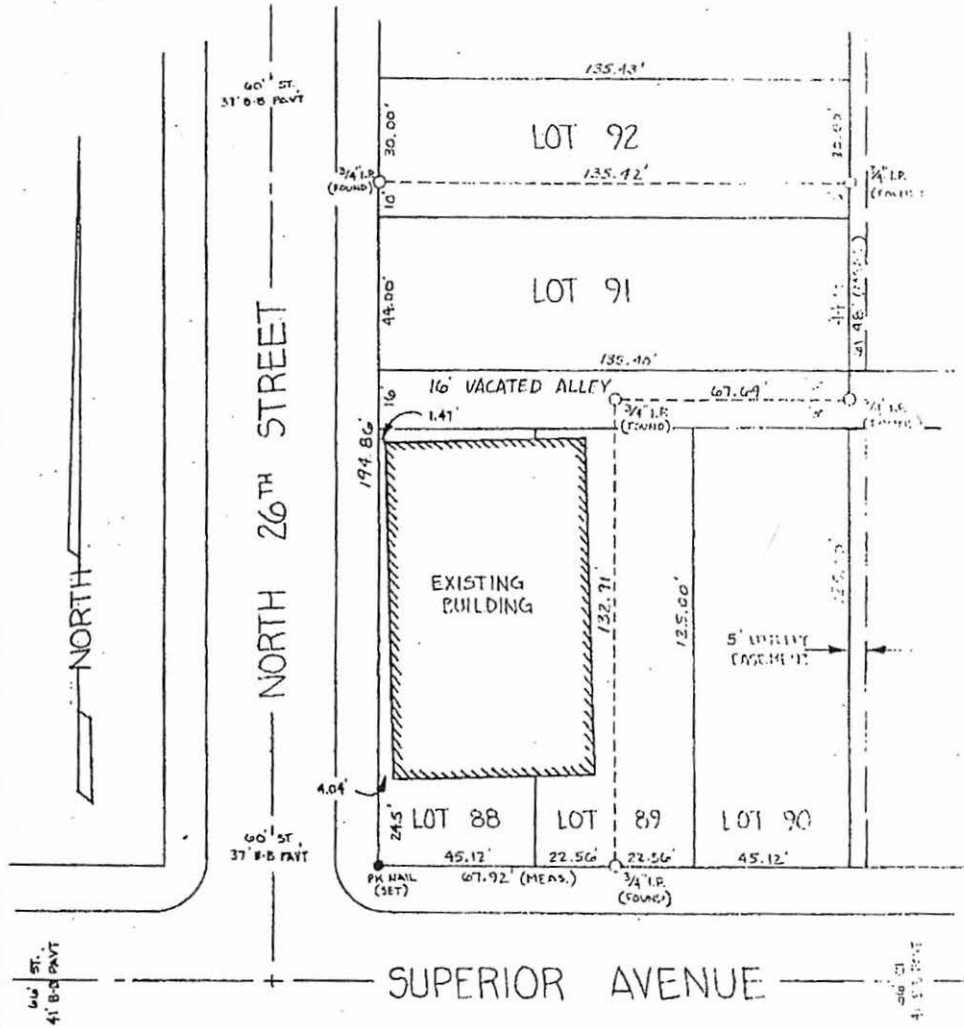
# KRUEGER & KROLL

## Land Surveyors

DESCRIPTION: Lot 88 and the west 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.

GARY L. KRUEGER  
S-1093  
SHEBOYGAN,  
WISCONSIN  
REGISTERED LAND SURVEYOR

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

*Filed  
1-4-85  
ms*

FOR: MEMORIAL DRIVE BANK / BUTZEN'S WELDING

JOB NO. \_\_\_\_\_

BOOK NO. 3

PAGE NO. 137

A-10281

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

CASE NO. 2.2  
FILING DATE 11-26-19  
RECEIPT NO. 109563  
ZONING DIST. SR-5

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

- 1). Appeal Location (address): 2516 Superior Ave Parcel 410450
- 2). Applicant: John Revelis or Lisa Revelis Telephone #: (920) 207-4428  
Address: N9023 Lakeshore Rd, Sheboygan 53083
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot 88 and the west 1/2 of Lot 89  
Lot 91 and the south 10' of lot 92 and vacated alley Fairview  
subdivision City of Sheboygan
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)  
please list: \_\_\_\_\_
- 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: Retail Furniture Store  
Date last occupied as a nonconforming use: January 2019  
By Whom: Wheelchair Taxi LLC Previous use: Wheelchair Transportation Business
- 7). Applicants interest in property: Vaughn Outlet Co. Steve Vaughn
- 8). Describe the requested variance and grounds for refusal of a permit.  
Zoned SR5 but this a commercial building that has never been used  
in a residential manner. It is located on Superior Ave in a mostly  
commercial corridor.
- 9). 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.:  
This property is a building that could not be used as a residence. If this non  
conforming use is not approved I cannot find a tenant to occupy this property  
imposing a severe hardship. This will be a low volume public retail store that will  
not produce any harm to neighbors or the public.
- 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: 12/26/19

Signature: [Signature]  
Mailing Address: N9023 Lakeshore Rd  
Sheboygan WI 53083

## APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly at a public hearing. In order to be considered at the next meeting, applications must be received in the Building Inspection Department Office *no later* than NOON on:

Application deadline date (last working day of the month)

Date: Board of Appeals Meeting

### **All applications must include:**

1. Application forms, signed and dated, which are available at the Building Inspection Department Office.
2. A legal description of the property.
3. The non-refundable filing fee - \$250.00.
4. A site sketch, drawn to scale if possible, 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.
5. Photographs of the property.

**Note** The applicant can present any additional information which is necessary to inform the Board of the facts.

**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 that 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 of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important that you discuss your proposal with the Building Inspection Department and Planning Department.

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

Date

11/26/19

## 2516 Superior Ave Nonconforming Use

This is a commercial building that has never been used nor can it be used for a residence. This has been used as an auto repair shop, a steel welding shop, and most recently the headquarters for a wheelchair taxi business. We are proposing using this location to run Vaughn's Outlet, a furniture outlet business that provides online sales and on-site retail furniture sales. The proprietor is Steve Vaughn. There will be 4-5 employees, hours of operation are M-F 10-6, Saturday 10-5, and Sunday 12-4. They expect 4-8 customers at any one time with a minimum of 10 and a maximum of 30 customers per day for drop in retail sales. Parking will be on the East side of 26<sup>th</sup> St and in the parking area in front of the building. There will be furniture deliveries to the location during normal operating hours. There will be no heavy equipment within the building. There should be no impact to the neighbors as furniture sales are low customer volume retail sales. There will be no change to existing fencing and no additional fencing. The existing sign will be used with a change in the business name. We are confident that there will be less impact to the neighbors than the previous wheelchair taxi business which had vans coming and going throughout the day.

If this nonconforming use is not approved it will cause Revelis Investments LLC (John & Lisa Revelis) a severe hardship in finding a tenant for this location. This is not a home but a commercial building with commercial tenants only feasible to occupy this building. These limitations of the property being a building and not a home provide no other options for its use. It has always been used in both commercial and industrial applications; we are proposing a commercial use not an industrial use. A low volume retail furniture business will not disrupt neighbors, but will bring diversity and value to this business corridor of Superior Avenue. This building had some recent window renovation work done, and during that process we were inspected and forced to change the siding to metal from vinyl being told "It is a commercial building." We are applying for a variance even though we were told at that time by the city planner this is a commercial building.





WINDY HILL CENTER  
AVAILABLE  
FOR LEASE

GOTTACKER  
& COMPANY, INC.  
AVAILABLE  
820.453.9600



SUNSHINE  
AVAILABLE  
HERE ALL YEAR

**CITY OF SHEBOYGAN**

**REQUEST FOR BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:** Lisa and John Revelis of N9023 Lakeshore Road, regarding 2516 Superior Avenue, Requesting a variance to Section 15.720(7): to change one non-conforming use (medical transport) to another (furniture store).

---

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

---

**REPORT DATE:** December 17, 2019

**MEETING DATE:** December 18, 2019

---

**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:**

Vaughn Furniture Outlet is proposing to locate at 2516 Superior Avenue. The applicant states:

- Vaughn Outlet strives to bring you the furniture you want at the prices you want! A family tradition for over 50+ years.
- Vaughn's Outlet is a furniture outlet business that provides online sales and on-site retail furniture sales and is presently located at 1017 Michigan Avenue.
- There will be 4-5 employees.
- Hours of operation are M-F 10am-6pm, Saturday 10am-5pm and Sunday 12pm-4pm.
- We expect 4-8 customers at any one time with a minimum of 10 and a maximum of 30 customers per day for drop in retail sales.
- Parking is available in the front of the building and along N. 26<sup>th</sup> Street.
- There will be furniture deliveries to the location during normal operating hours.
- There will be no heavy equipment within the building.
- There should be no impact to the neighbors as furniture sales are low customer volume retail sales.

- There will be no change to existing fencing and no additional fencing.
- The existing sign will be used with a change in the business name.
- We are confident that there will be less impact to the neighbors than the previous wheelchair taxi business which had vans coming and going throughout the day.

**STAFF COMMENTS:**

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

The previous wheelchair taxi use 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.

**ACTION REQUESTED:**

Staff is recommending approval of the variance subject to the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, hazardous materials, health, water, sewer, storm drainage, etc. (Applicant shall be in contact with building inspection, fire, police, etc.). An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen and enclose the dumpster.
3. Outdoor storage of materials, products or equipment shall be prohibited.
4. 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.).
5. 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 and/or streets.
6. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall work with staff with regards to constructing a well-designed signage for the site that utilizes colors and materials similar to the building.
7. The maximum sign square footage permitted for a legal nonconforming business is 32sf.
8. Applicant may propose refacing existing cabinet sign (may not reface existing wall sign above the door by the window).
9. Any other new signage proposed shall be individual letter signs (no flat panel or interior lit cabinet signs). If staff has any concerns pertaining to sign design, staff may bring the proposed sign design back to the Board of Appeals for review/approval.
10. Prior to issuance of sign permit, the applicant shall remove all signage referencing the previous business.
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. If the applicant is remodeling the exterior of the building, the applicant shall obtain City of Sheboygan Architectural Review Board approval prior to remodel construction.
13. If there are any amendments to the approved use/site plan, the applicant will be required to submit a new application reflecting those amendments.

**ATTACHMENTS:**

Board of Appeals Application and required attachments.



# Shop our **christmas** **SALE**

Christmas Comfort...  
starting at  
**ONLY \$299**



**Rocker Recliner**  
**\$299**  
also available in



**Glider Recliner**  
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**Big Man's  
Wall Recliner**  
**\$399**  
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**Chair 1/2 Recliner**  
**\$449**  
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GET THE PERFECT GIFTS THIS HOLIDAY SEASON



Starting at **\$69**



**Reclining Sofa or  
Reclining Console Love Seat**  
Your Choice Only **\$697**

**Need a New  
Mattress Set for  
the Guest Room?**  
All models & sizes on SALE



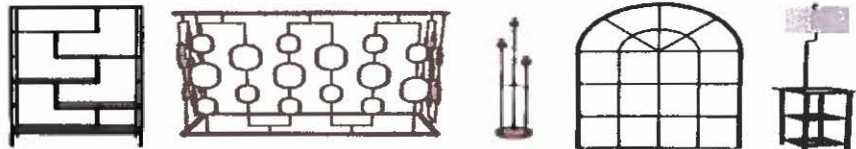
**\$297** Firm 2 pc Queen  
Mattres Set



**\$397** Pillow Top 2 pc  
Queen Mattres Set



ADD SOME  
**Holiday  
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ALL LIGHTING & ACCESORIES  
**25% OFF**



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\*Discounts do not apply to prior purchases, clearance & specialty purchases. Items may vary from those pictured. All items are subject to prior sale. Financing is available thru Personal Finance Co. with credit approval. See store for complete sale details.

# Christmas SALE

Authorized **harvest** GREEN MATTRESS Experience Center  
**sierrasleep** GREEN MATTRESS Experience Center  
 A Few Brands We Carry...  
 Signature FURNITURE INC. ENGLANDER FURNITURE INC. BEST Home Furnishings  
 CORSIANA COASTER ASHLEY benchcraft

**1/2 OFF\* STOREWIDE**  
**Financing & Layaway Available**  
**Delivery, Setup & Removal Available**

### Stationary Furniture

 92" Sofa <b>NOW \$549</b>	 68" Loveseat <b>NOW \$499</b>
 89" Sofa <b>NOW \$499</b>	 66" Loveseat <b>NOW \$449</b>
10 Color Options! Your Choice!	
 89" Sofa <b>NOW \$299</b> Mega Buy	

### Motion Furniture

 87" Reclining Sofa <b>NOW \$599</b>	 87" Reclining Sofa <b>NOW \$699</b>	 91" Reclining Sofa <b>NOW \$799</b>
--	---	---

### Mattress Sets

STARTING AT	
TWIN.....	\$299
FULL.....	\$349
QUEEN.....	\$399
KING.....	\$599

### Power Recliner



**Mega Buy NOW \$399**

### RECLINERS

Starting at **\$199**



### 6Pc Dining Set

**\$449**



### Bedroom Sets

**Mega Buys**  
 6Pc Set  
 0 Headboard Footboard Dresser Mirror Chest Nightstand  
**\$1399**



6Pc Set  
 0 Headboard Footboard Dresser Mirror Chest Nightstand  
**\$1199**



5Pc Set  
 0 Headboard Dresser Mirror Chest Nightstand  
**\$999**



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**\$999**



Authorized **harvest** GREEN MATTRESS Experience Center  
 The Harvest Green Sleep Solution offers a luxurious, healthier sleep surface that utilizes all natural eco-friendly materials.

 Queen Pillow Top Set <b>\$1299</b>	 Queen Original Set <b>\$1199</b>
--	--

**sierrasleep** **Bed-In-A-Box**  
 SET'S STARTING PRICES:

 Chime 12" Hybrid <b>\$499</b>	 Limited Edition Firm <b>\$549</b>
 Mt. Rogers Ltd Plush <b>\$899</b>	 Limited Edition Plush <b>\$549</b>

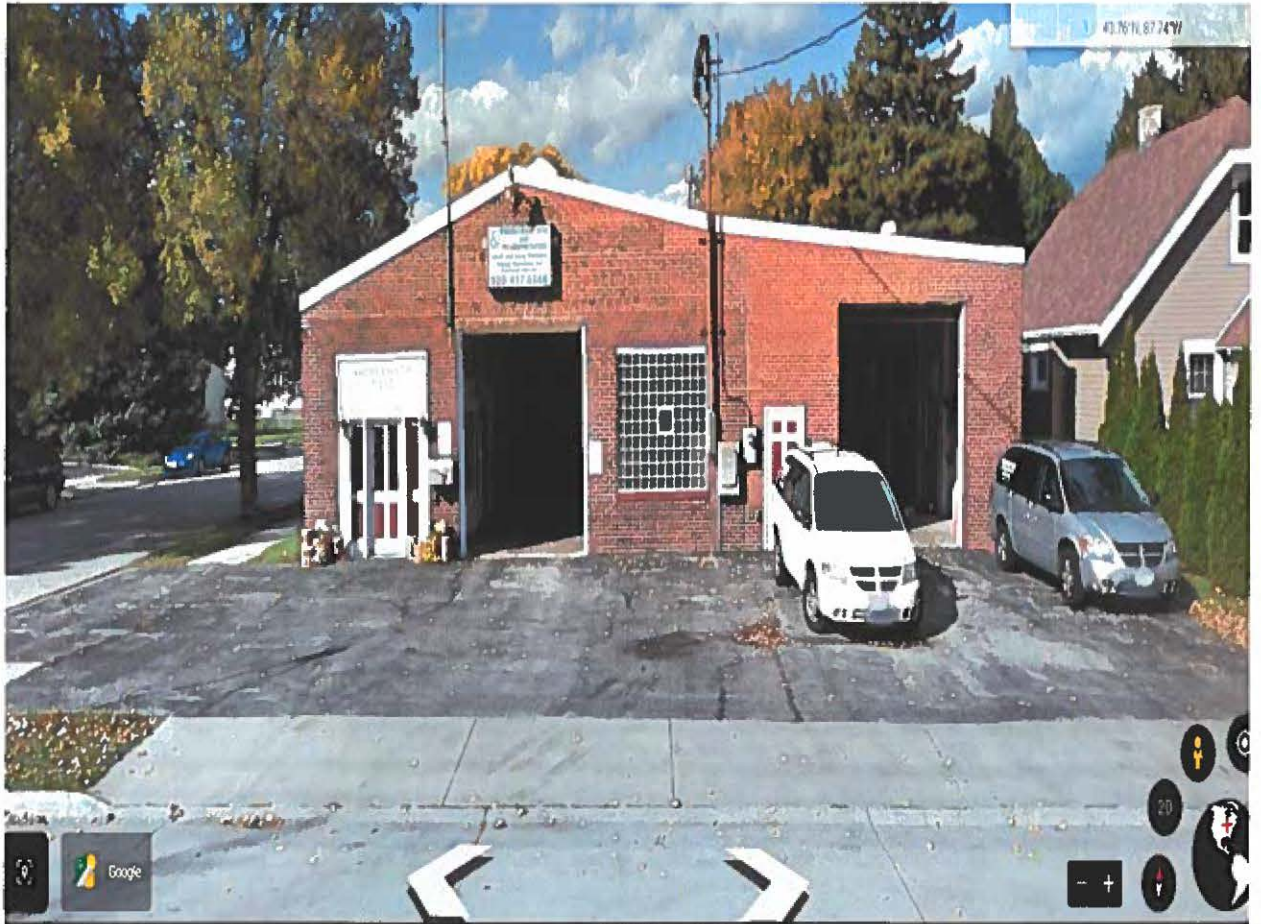


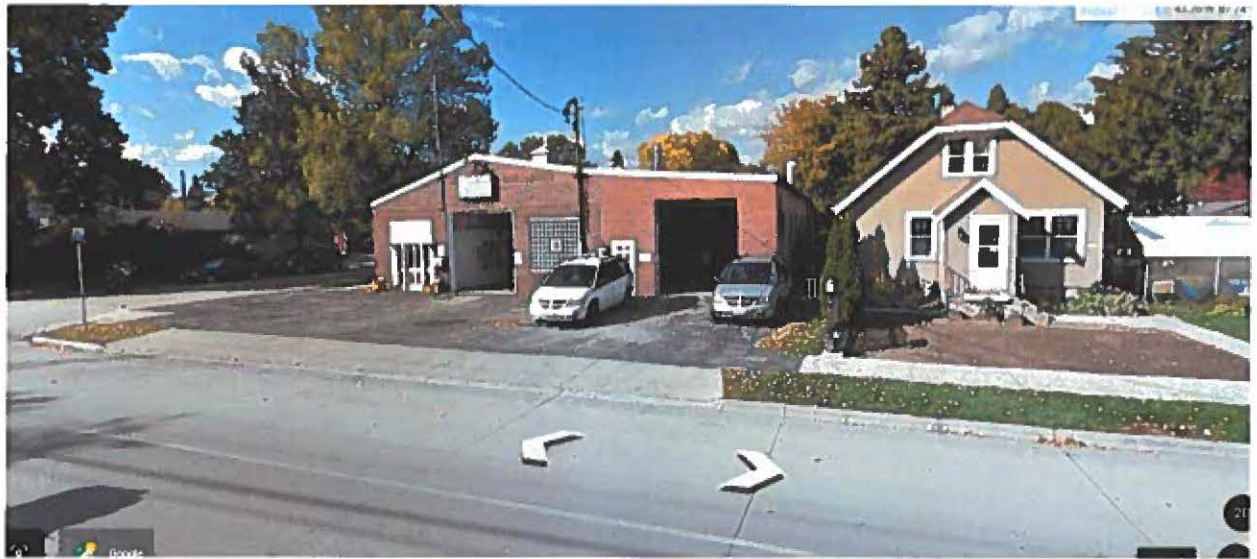
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 Sheboygan, WI 53081  
 (920)226-3148

**OPEN HOURS**  
 M-F 10-6  
 SAT 10-5  
 Closed SUN

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\*Discount based on MRSP price not valid on prior or website purchases. Financing thru Heights Finance upon approval. See Store for more details.







**CITY OF SHEBOYGAN**

**REQUEST FOR BOARD OF APPEALS CONSIDERATION**

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

---

**REPORT DATE:** December 17, 2019

**MEETING DATE:** December 18, 2019

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**FISCAL SUMMARY:**

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

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**STATUTORY REFERENCE:**

Wisconsin Statutes: N/A  
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**BACKGROUND / ANALYSIS:**

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 A Few Brands We Carry...  
**ENGLANDER** Signature HOME FURNISHINGS  
**sierrasleep** CORSTER ASHLEY benchcraft

**1/2 OFF\* STOREWIDE**  
**Financing & Layaway Available**  
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89" Sofa <b>NOW \$499</b>	66" Loveseat <b>NOW \$449</b>
10 Color Options! Your Choice! 89" Sofa <b>NOW \$299</b> <i>Signature DESIGN ASHLEY</i>	

**Mega Buy**

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87" Reclining Sofa <b>NOW \$599</b>	87" Reclining Sofa <b>NOW \$699</b>	91" Reclining Sofa <b>NOW \$799</b>
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### Power Lift Recliner

**NOW \$699**

### Mattress Sets

TWIN	<b>\$299</b>
FULL	<b>\$349</b>
QUEEN	<b>\$399</b>
KING	<b>\$599</b>

### Power Recliner

**Mega Buy**  
**NOW \$399**

### RECLINERS

Starting at **\$199**

### 6Pc Dining Set

**\$449**

### Bedroom Sets

**Mega Buys**  
6Pc Set  
0. Headboard, Footboard, Dresser, Mirror, Chest, Nightstand  
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Queen Pillow Top Set <b>\$1299</b>	Queen Original Set <b>\$1199</b>
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Wool, Natural Latex, Handmade, Eco-Friendly

**sierrasleep** Bed-In-A-Box SET'S STARTING PRICES:

Chime 12" Hybrid <b>\$499</b>	Limited Edition Firm <b>\$549</b>
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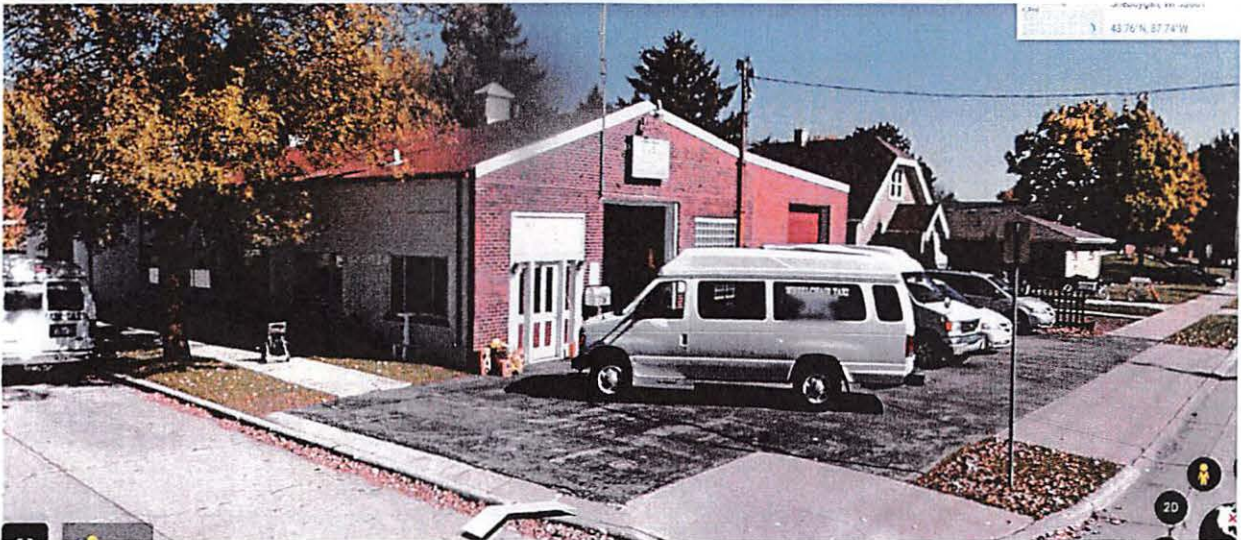


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\*Discount based on MRSP price not valid on prior or website purchases. Financing thru Heights Finance upon approval. See Store for more details.



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- The existing sign will be used with a change in the business name.
- We are confident that there will be less impact to the neighbors than the previous wheelchair taxi business which had vans coming and going throughout the day.

**STAFF COMMENTS:**

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The previous wheelchair taxi use 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.

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- **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.

**BOARD OF ZONING APPEALS MINUTES**  
**DECEMBER 18, 2019**

1. OPENING OF MEETING - Chair Donald Gerber called meeting to order @ 3:00 p.m. The pledge of Allegiance followed.

STAFF/OFFICIALS PRESENT: Manager of Planning & Zoning Steve Sokolowski, Building Inspector Jack Van Der Weele, Secretary Traci Hermann, Chair Donald Gerber, Ed Surek and Rob Ecker.

ABSENT: Richard Linde, Donald Cvetan, Kevin Sampson and Keeli Johnson

2. ITEMS FOR ACTION - BOARD OF ZONING APPEALS.

2.1 Motion by Rob Ecker, seconded by Don Gerber to approve the minutes of November 20, 2019. MOTION CARRIED.

2.2 LISA AND JOHN REVELIS- 2516 SUPERIOR AVE

Present: Lisa & Katie Revelis and Joseph Reindl

After further discussion, a motion was made by Rob Ecker and seconded by Ed Surek to APPROVE the variance request based on Staff recommending approval (see attached 13 conditions). MOTION CARRIED.

2.3 AMERICAN ORTHODONTICS CORPORATION - 1628 N 17TH STREET

Present: Steven Peske and Rory Riesterer

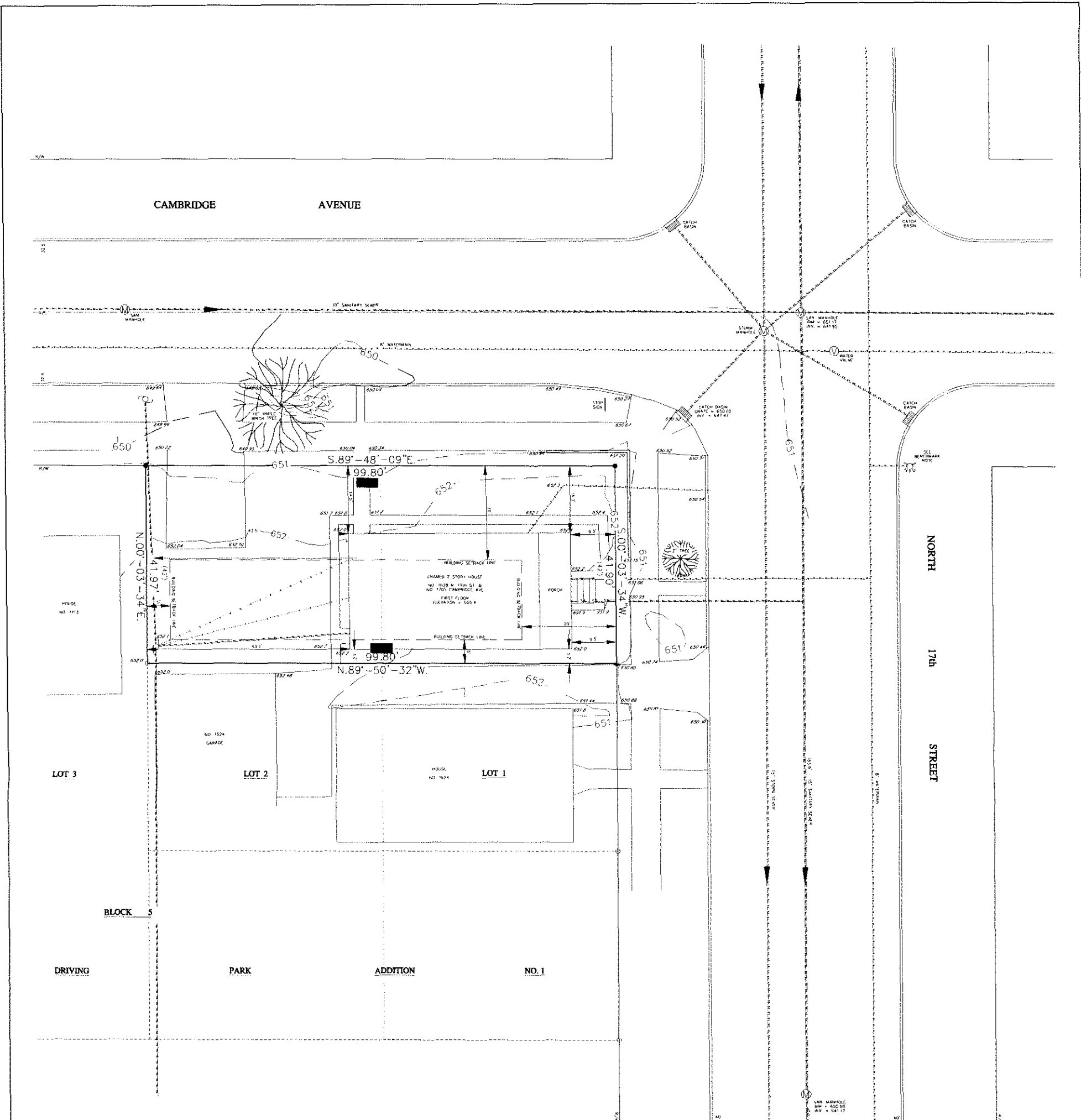
After further discussion, a motion was made by Rob Ecker and seconded by Ed Surek to APPROVE the variance request. MOTION CARRIED

3. ITEMS FOR ACTION - BOARD OF HOUSING APPEALS.

3.1

4. ADJOURN

Motion by Rob Ecker, seconded by Ed Surek to adjourn at 3:48 p.m. MOTION CARRIED.



**PROFESSIONAL LAND SURVEYOR'S CERTIFICATE**

I, Anthony P. Lulloff, Wisconsin Professional Land Surveyor of AP Lulloff Land Survey, LLC, certify that I have surveyed the described property and that the map shown herein is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

WISCONSIN PROFESSIONAL LAND SURVEYOR  
 Anthony P. Lulloff, S-1655

**NOTES**

**ZONING**

SUBJECT PROPERTY IS ZONED NEIGHBORHOOD RESIDENTIAL 5 DISTRICT (NR-5)

**BENCHMARK**

THE TOP OF THE HYDRANT AT THE SOUTHEAST CORNER OF CAMBRIDGE AVENUE AND NORTH 17TH STREET  
 ELEVATION = 653.59 NAVD 88 DATUM

**SITE ADDRESS**

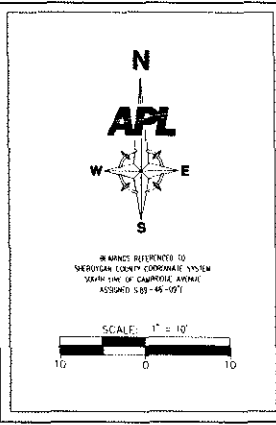
1628 N. 17TH STREET  
 SHEBOYGAN, WI 53081  
 P/N: 59281607520

**PROPERTY AREA**

PROPERTY CONTAINS 4,185 SQUARE FEET  
 OR 0.10 ACRES OF LAND

**LEGEND**

- = 3/4" x 18" Rebar Set
- = Iron Rod Found
- = 1" Iron Pipe Found
- ( ) = Recorded As Data
- ⊕ = Water Hydrant
- ⊕ = Utility Pole
- ⊕ = Storm Catch Basin
- ⊕ = Existing Ground Elevation
- ⊕ = Concrete Pavement
- ⊕ = Deciduous Tree
- ⊕ = 1" Contour Line
- ⊕ = Sanitary Sewer
- ⊕ = Storm Sewer
- ⊕ = Water Main
- ⊕ = Gas Main
- ⊕ = Overhead Lines
- ⊕ = Overhead Telephone
- ⊕ = Overhead Cable TV



**ARCHITECTURAL SITE SURVEY**

OF

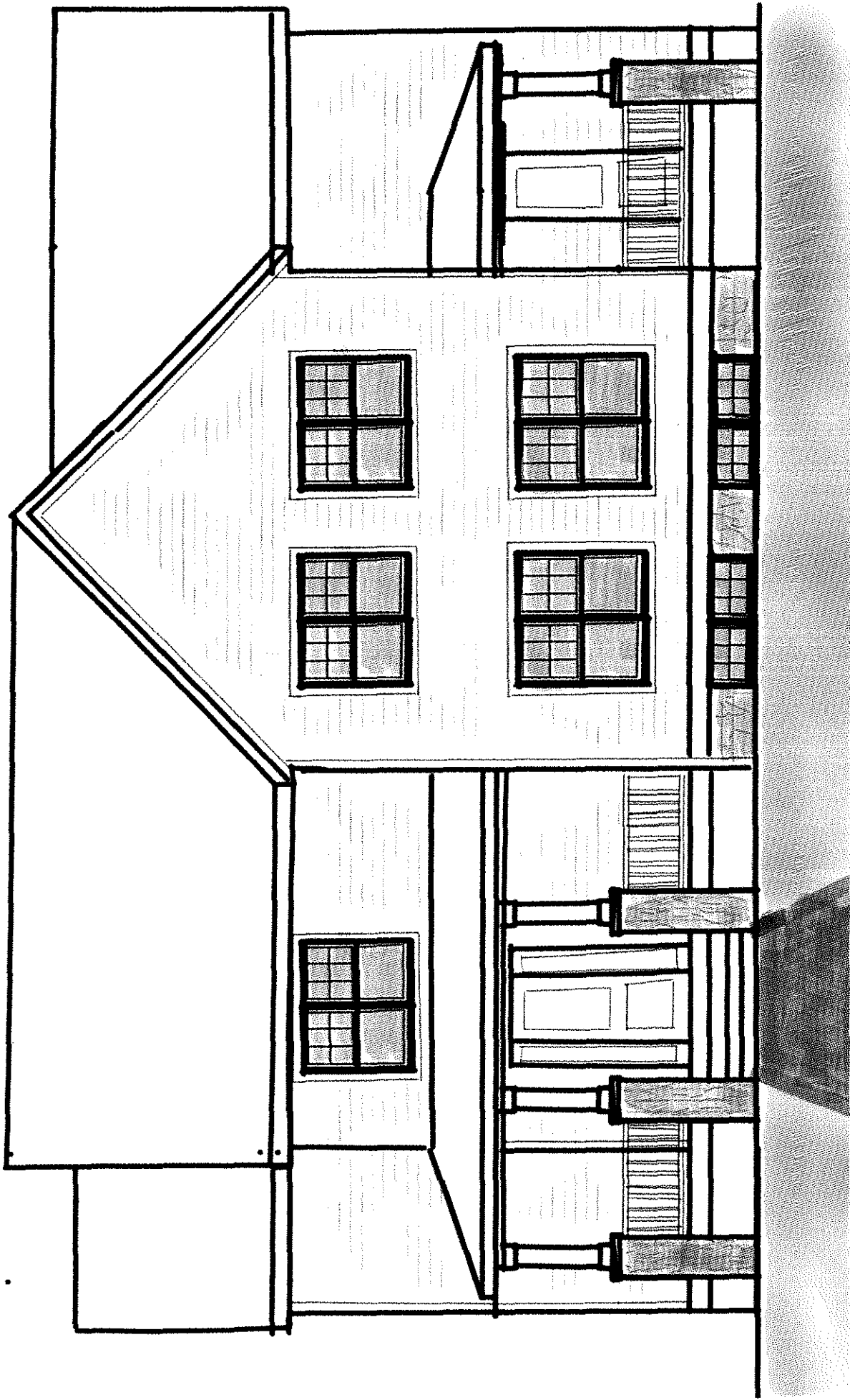
**THE NORTH 42 FEET OF LOTS 1 AND 2, BLOCK 5, DRIVING PARK ADDITION NO. 1,  
 CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.**

**AP Lulloff**  
**LAND SURVEY, LLC**

Anthony Lulloff PLS, SP  
 AP Lulloff Land Survey, LLC  
 17825 Matzick Road  
 Kauai, WI 53042  
 aplulloff@gmail.com  
 920.894.2151

1	10-20-19	PRELIM
2	10-22-19	FINAL

DRAWING FILE: D05, LLC 2  
 PROJECT NUMBER: 2191007  
 DRAWN BY: KCM CHECKED BY: AHL  
 NO. OF BOOKS: SHE-4 PAGE 15  
 SHEET 1 OF 1 MAP NO. K-20143



CAMBRIDGE AVE.



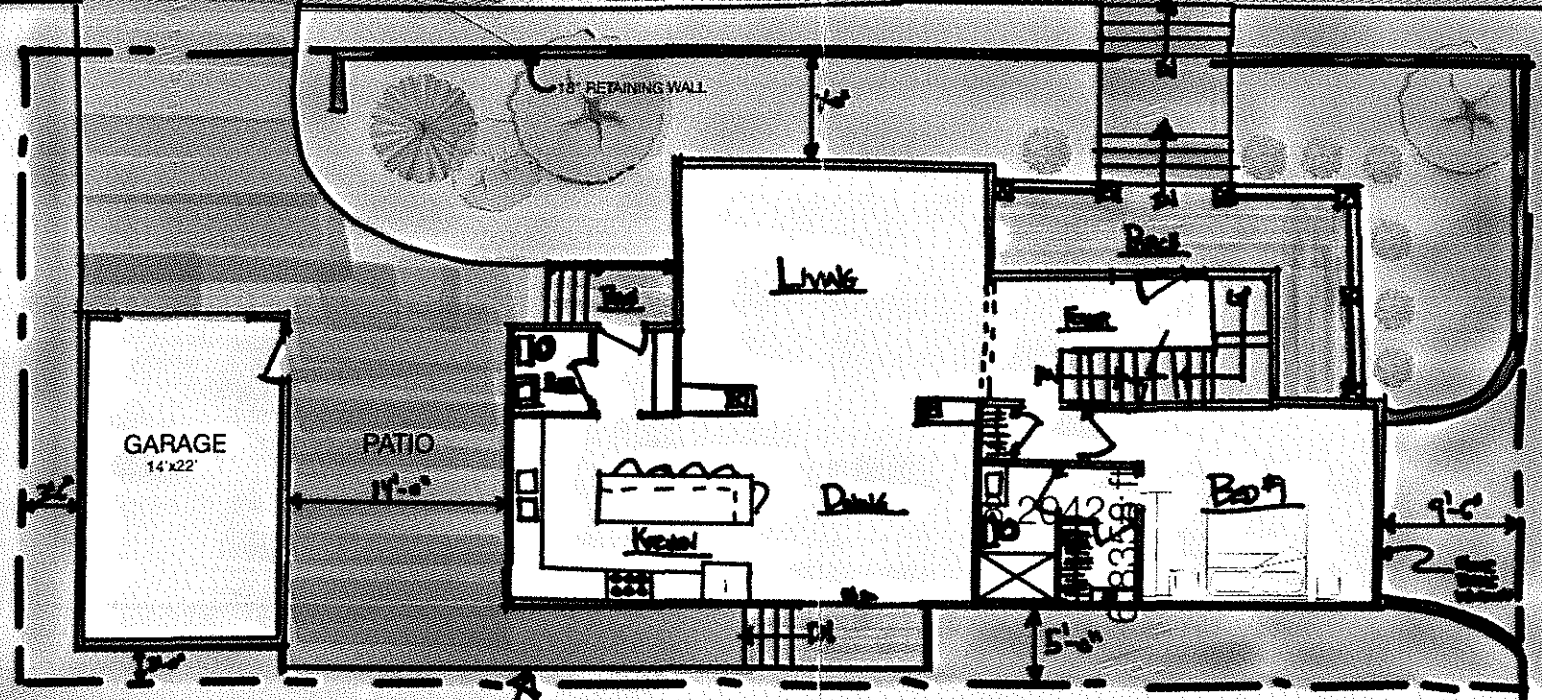
1335 S  
#12 4th

Cambridge Ave

Cambridge Ave

8.7771 ft

3.5233 ft



N 17th St

N 17th St

FENKE  
1-OFF  
PROPERTY

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly at a public hearing. In order to be considered at the next meeting, applications must be received in the Building Inspection Department Office *no later* than NOON on:

11/27/19  
Application deadline date(last working day of the month)

12/17/19  
Date: Board of Appeals Meeting

**All applications must include:**

1. Application forms, signed and dated, which are available at the Building Inspection Department Office.
2. A legal description of the property.
3. The non-refundable filing fee - \$150.00.
4. A site sketch, drawn to scale if possible, 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.
5. Photographs of the property.

**Note:** The applicant can present any additional information which is necessary to inform the Board of the facts.

**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 that 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 of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important that you discuss your proposal with the Building Inspection Department and Planning Department.

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

11/27/19  
Date

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

CASE NO. 2.3  
FILING DATE 11-27-19  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. NR-6

**TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, W**

1). Appeal Location (address): 1628 N 17th Street Sheboygan WI, 53081

2). Applicant: Distinctive Design Studio Telephone #: ( )  
Address: 215 Pine Street Sheboygan Falls WI 53085

3). Legal Property Description (Lot, Block, Subdivision, etc.) See Attached

4). Type of Building (Circle): Commercial - Industrial - Institutional Residential Apartment - Other (if other)  
please list: \_\_\_\_\_

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: Single Family House  
Date last occupied as a nonconforming use: 10/31/2019  
By Whom: Renters Previous use: 2 Family

7). Applicants interest in property: Single Family House

8). Describe the requested variance and grounds for refusal of a permit.  
See attached

9). 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.:  
See attached

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: 11/27/19

Signature: [Signature]  
Mailing Address: 215 PINE ST.  
SHEBOYGAN FALLS, WI

## THE THREE "TESTS" FOR A VARIANCE

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

To obtain a variance, you must establish that, 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 THAT 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 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 ordinance ***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 that the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure that 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.***

# SITE NARRATIVE - VARIANCE APPLICATION

November 26, 2019

## PROJECT NAME AND ADDRESS:

Private Residence  
1628 N. 17<sup>th</sup> Street  
Sheboygan, Wisconsin 53081

## PARCEL INFORMATION/SITE DATA/LEGAL DESCRIPTION:

- The parcel is defined as tax parcel 59281607520
- It is defined as the north 42 feet of lots 1 and 2, block 5, driving park addition no.1 City of Sheboygan.
- The entire lot area is .10 acres.

## ZONING CLASSIFICATION/ZONING REQUIREMENTS:

NR-6 - Neighborhood Residential

**20-foot front yard setback (North 17<sup>th</sup> Street) \***  
**20-foot front yard setback (Cambridge Ave.) \***  
20-foot rear yard setback  
5-foot side yard setback  
**3-foot paved surface setback\***  
(35)-foot maximum building height  
3-foot side and rear yard setback to accessory structure  
(15)-foot maximum building accessory height

\*Bold text defines variance to be requested, see Variance Description.

## EXISTING SITE CONDITIONS/LAND USE:

Formerly used as a two-family rental property. The dwelling is currently vacant and of disrepair. Existing structure distances from property lines as follows:  
9'-6" front yard setback (North 17<sup>th</sup> Street)  
14'-4" front yard setback (Cambridge Ave.)  
42'-1" Side yard setback (West Property Line)  
3'-0" side yard setback (South Property Line)

## PROPOSED LAND USE/LOT COVERAGE SITE DATA

- The proposed development consists of razing the existing structure and building a single-family dwelling.
- The building will be two stories with a maximum ridge height of 35'-0" above grade.
- This development is also proposing an accessory structure and patio space.
- There will be a single paved private drive accessed from Cambridge Ave. with two outdoor parking spaces.

## LANDSCAPE REQUIREMENTS

- None

## PERFORMANCE STANDARDS/POTENTIAL NUISANCES:

Private Residence  
Narrative – Variance Application  
November 25, 2019

- All performance standards to comply with City of Sheboygan Zoning Ordinance, Section 15-7 to ensure this development will not become a nuisance to neighboring residential property owners.

**ARCHITECTURE:**

- This single-family development proposed exterior façade was created to mimic similar details and architecture of neighboring homes in this area.

**VARIANCE REQUEST/VARIANCE DESCRIPTION:**

**(3) Total variances to be requested:**

1. Front yard setback, Cambridge Avenue
2. Front yard setback, North 17<sup>th</sup> Street
3. Paving setback, South property line

**1. FRONT YARD SETBACK**

The requested variance is to allow a **Seven Foot, zero inch (7'-0") building setback** along the Cambridge Avenue (front yard side) of the site. The building set-back requested allows for the proposed building footprint to be shifted North to allow for a 5' building setback along the South property line, with the front of the building maintaining a similar distance away from the street as adjacent properties.

**2. FRONT YARD SETBACK**

The requested variance is to allow a **Nine Foot, Six Inch (9'-6") building setback** along the North 17<sup>th</sup> Street (front yard side) of the site. The building set-back requested allows for utilization of areas of the existing structure footprint, while maintaining a similar distance away from the street as adjacent properties.

**3. PAVING SETBACK**

The requested variance is to allow a **One Foot, Zero Inch (1'-0") paving setback** along the South property line of the site. The Paving set-back requested allows for access to a patio door on the South side of the home.

**UNNECESSARY HARDSHIP:**

The current zoning setbacks do not allow for a typical size home to this neighborhood to be constructed.

**UNIQUE PROPERTY LIMITATIONS:**

The current parcel is a substandard lot size when comparing to the current zoning ordinance. Current zoning requires a minimum of 70' of width for a corner lot, whereas the existing parcel has only 42 feet in width. Thus, when utilizing current zoning setback requirement, the buildable area only leaves a 17' space for a building footprint which would be atypical to the location and less than the current structure.

**NO HARM TO PUBLIC INTEREST:**

This project will not create any other harm or change to the neighborhood than the current structure. The new home will be a rejuvenation to the corner, and will hopefully help spur other updates to neighboring properties in the area.