

*****ATTACHMENTS*****

APPLYING FOR A VARIANCE

Variations 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:

OCTOBER 31, 2019

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

Penelope Abtetas PhD

Date

October 23, 2019

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

CASE NO. 2-2
FILING DATE 10-23-19
RECEIPT NO. _____
ZONING DIST. _____

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

- 1). Appeal Location (address): 434 STCLAIR AVE.
- 2). Applicant: PENELOPE ABSTETAR PHD Telephone #: (920) 980-1884
Address: 434 STCLAIR AVE SHEBOYGAN WI 53081
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) LOT 7, BLOCK 67 ORIGINAL PLAT, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)
please list: MULTI-FAMILY 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: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: OWNER
- 8). Describe the requested variance and grounds for refusal of a permit.
I WOULD LIKE TO REQUEST A VARIANCE OF FENCE HEIGHT AND OPACITY FOR THE 50' OF FENCING ALONG THE WEST PROPERTY EDGE (15' + 21' + 14')
- 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: 10-23-19

Signature: Penelope Abstetar PhD
Mailing Address: 434 St Clair Ave
Sheboygan, WI 53081

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 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 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.

Test #1- Unnecessary Hardship

On the east and west sides of the property where the fence will be located, the property faces multi-unit buildings; on the east a 5 unit building, and on the west an 8 unit building. The fencing would allow for privacy on my personal property that would not be available without it.

Test #2- Unique Property Limitations

Although my property is located on a corner lot, the proposed fence is in the middle of the property and does not interfere with line of sight for drivers in any direction (east-west/north-south on the corner, nor east-west from the alley or garage). The proposed fence is over 60' removed from the corner of 5th and St Clair, and a 10'x10' right triangle angle will be included in the design and installation to ensure line of sight from existing garage and alley.

Test #3- No Harm to Public Interest

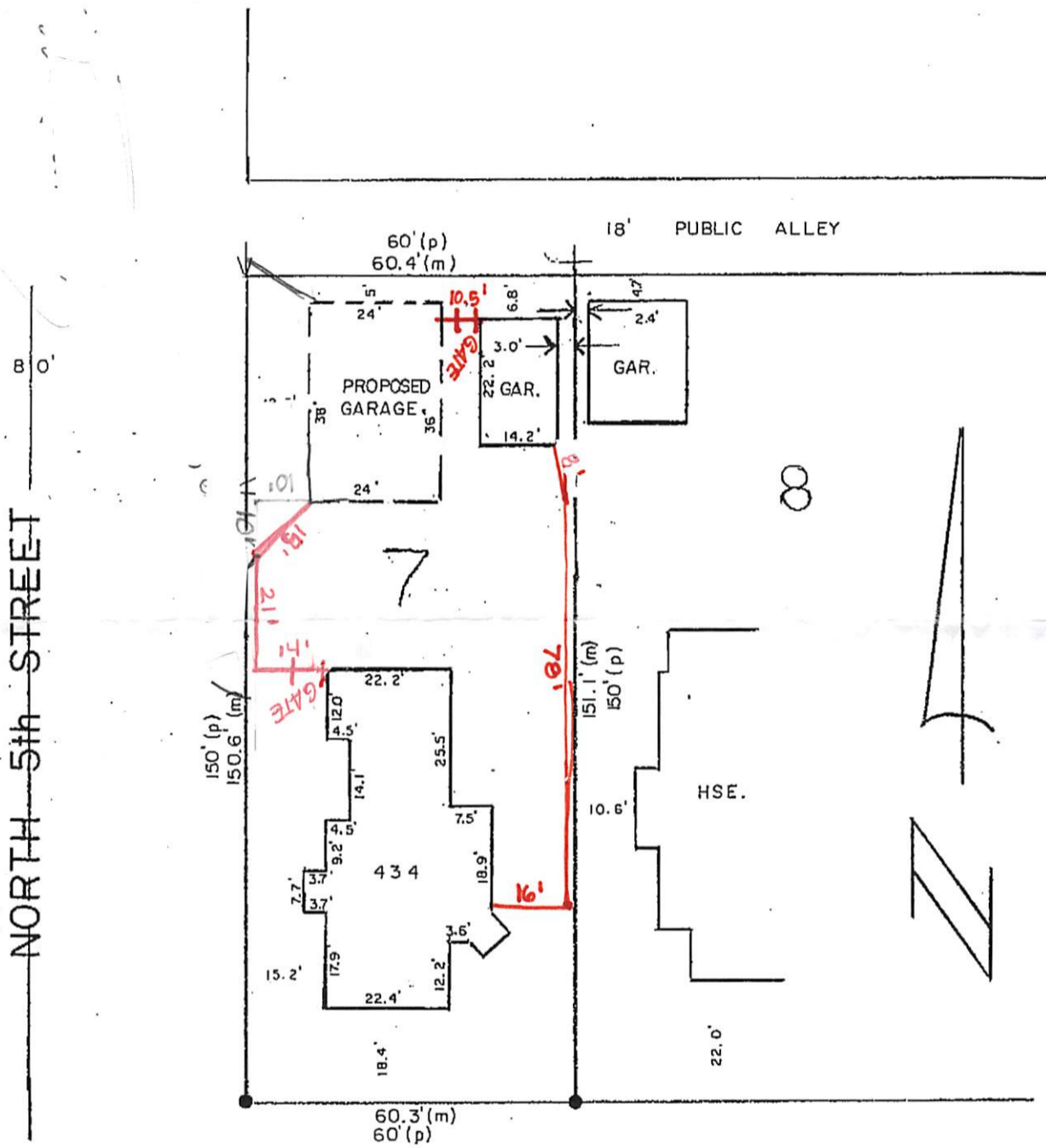
Due to design implementations explained above under Test #2, there will be no impact to motorists line of sight in merging with traffic. Additionally, the proposed fencing will be *in* public interest due to the upgrade in materials and appearance.

D & H LAND SURVEYS

SHEBOYGAN, WISCONSIN
PLAT OF SURVEY

MIKE KUETHER

LOT 7, BLOCK 67, ORIGINAL PLAT, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.



NORTH 5th STREET

ST CLAIR AVE

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the above described property and that 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 and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any.

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

Henry M. Nelson
WISCONSIN REGISTERED LAND SURVEYOR S-1099
THIS 20TH DAY OF FEB. 1995

- — IRON PIPE FOUND
- ↓ — CHISELED ARROW FOUND
- ⊕ — CHISELED X FOUND

(m) — MEASURED
(p) — PLAT



FILED 5-1-98
SHEBOYGAN COUNTY
REAL PROPERTY
LISTING DEPT.

THIS IS AN ORIGINAL PLAT
SEAL IS IMPRINTED
SCALE 1" = 50'

NOTEBOOK 266 PAGE 23

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4

1

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3

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6

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[Faint handwritten notes]

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(Handwritten signature)

Lot 7, Block 67, Original Plat, City of Sheboygan

JANUARY, 1980

SCALE: 1"=40'



1212 SOUTH 21st STREET • P.O. BOX 144 • SHEBOYGAN, WISCONSIN 53081 • (414) 458-5921

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 AND DIMENSIONS 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 DATE HEREOF.

FOR EGGBEEN BUILDERS

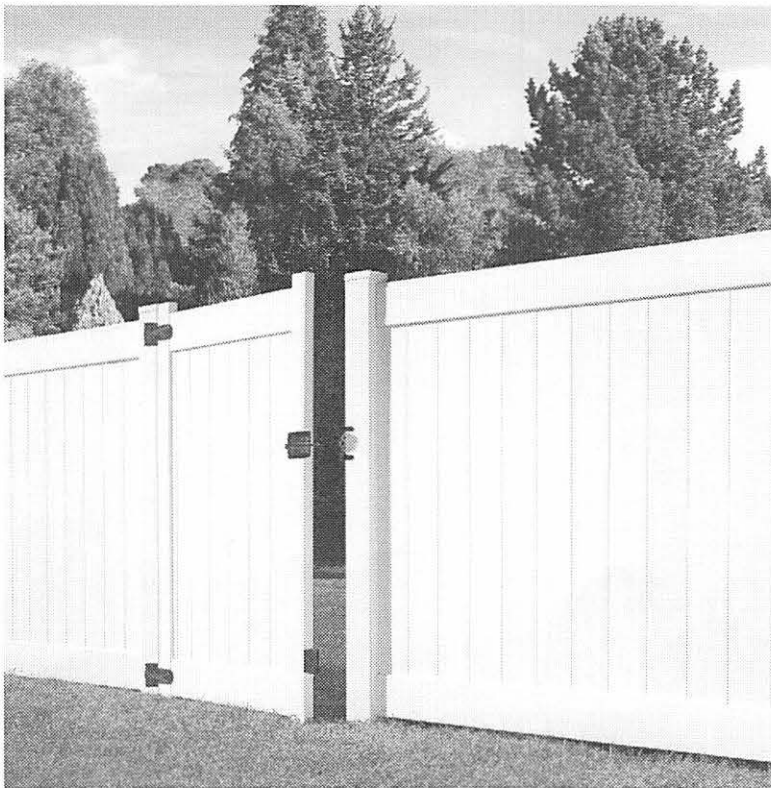
SUBJECT TO RECORDED EASEMENTS

WISCONSIN
 SHEBOYGAN
 WIS.
(Handwritten signature)
 SURVEYOR

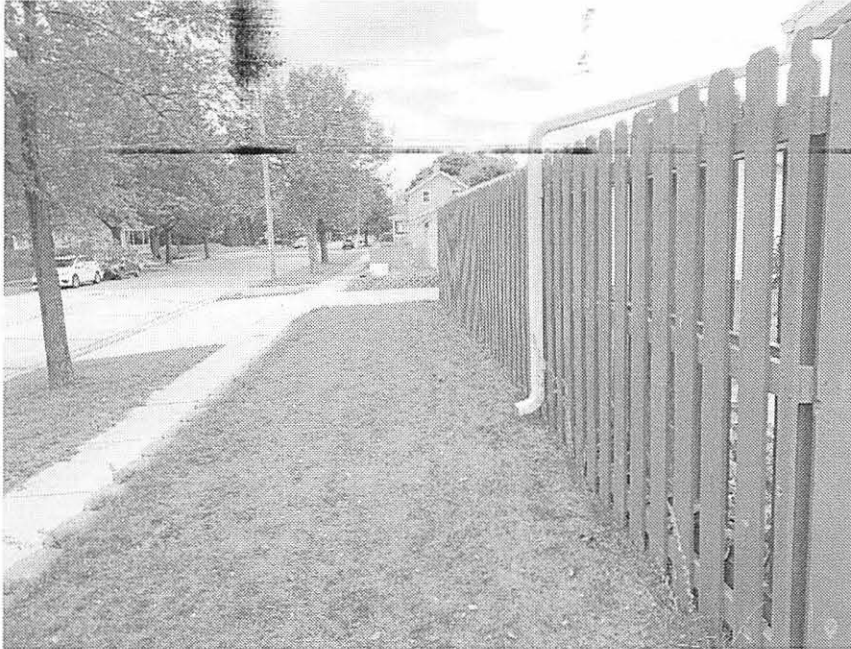
Job No. B-642
A6386



Veranda Linden fence panels, 6' H x 8' W, white vinyl



Veranda Linden fence gate, 6' H x 4' W, white vinyl.



Move fence out to 1' from property line, while maintaining a 10'x10' right triangle from garage end to support line of site from garage AND alley exit.



Fence would be added between yards (side yard) to offer more privacy between 5 unit home to east and applicant property (2 unit, upper/lower)



Replace existing fence between garages at back of property (alley access) with white vinyl and gate.



Replace existing 6' fence (non-approved, present at time of purchase) with white vinyl fence (6') to achieve back yard privacy from apartment building across the street.

Ian Kallman
408 Park Ave.
Sheboygan, WI 53081
773-808-0535
iankallman@yahoo.com

Hello, my wife Sondra and I are originally from Chicago and in early 2018 I accepted a job in the Sheboygan area. In the process of house hunting we were lucky enough to find our dream home. It is a 119-year-old colonial and is on a beautiful Ash tree-lined street in the Historic Grant neighborhood of Sheboygan. Part of the reason we bought the home was for the older characteristics it has and we are trying to keep with the historic charm of the home. While the home itself has been cared for greatly over the years, the stairs leading to the front porch unfortunately were not maintained. Over the course of the years a previous owner had carpeted the stairs and let the wood railings rot away to the point that they were no longer connected to the posts. This past summer my wife and I had the stairs rebuilt on top of the old structure and also had to rebuild the railings. It was important to us to retain the look of the original staircase so we had the railings built to exactly match what had been in place for many years. The railings we built match not only the measurements of the old railings, but also the detail in the posts and spindles. We have gone to great lengths to beautify the front of our home; from the landscaping, to updating the paint, to rebuilding the stairs, all the while trying to keep within the historic charm of our old colonial home. I am appealing to the board in order to keep our staircase and railings at the current measurements that we just built them at, which are the measurements they have been at for many years now.

Thank You,

A handwritten signature in black ink, appearing to read 'Ian Kallman', with a long horizontal flourish extending to the right.

Ian Kallman



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