

*****ATTACHMENTS*****



**Wednesday, October 16, 2019
BOARD OF ZONING APPEALS - 3:00 PM**

AGENDA

**CONFERENCE ROOM 106
1ST FLOOR OF CITY HALL
828 CENTER AVE**

The applicant or a representative shall appear, and anyone interested in the below-described properties may appear, at said meeting and be heard for or against said appeal.

Persons with disabilities who need accommodations to attend the meeting should contact Building Inspection office at 920/459-4064 as soon as possible.

1. OPENING OF MEETING

1.1 Roll Call

1.2 Pledge of Allegiance

2. ZONING APPEAL ITEMS FOR DISCUSSION AND POSSIBLE ACTION

2.1 Approval of minutes from September 18, 2019 meeting.

2.2 Aaron Leikip, 3019 N 21st Street, Requesting a variance to Section 15.206(8)(d)1.b.: to have a garage (936 SQ FT) which exceeds the footprint of the house (630 SQ FT) where not allowed.

2.3 Tony & Nancy Berken of 1101/1105 Eisner Avenue, requesting a variance to create a legal parking space, next to garage, 0 feet to the side property line where required is 3 feet.

3. HOUSING APPEAL ITEMS FOR DISCUSSION AND POSSIBLE ACTION

4. NEW BUSINESS

5. ADJOURN

5.1 Motion to Adjourn

In compliance with Wisconsin's Open Meetings Laws, 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

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:

9-30-19

Application deadline date (last working day of the month)

10-2-19

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 - \$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.

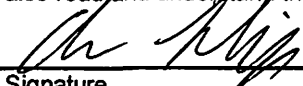
Applicants should be prepared to answer the following questions:

- * *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

9-24-19
Date

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

CASE NO. 2.2
FILING DATE 9-25-19
RECEIPT NO. 106370
ZONING DIST. UI Parcel

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

626030

1). Appeal Location (address): 3019 N. 21st St Sheboygan WI.

2). Applicant: Aaron Leikip Telephone #: (920) 207-9927
Address: 4809 Najacht Rd

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

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: GARAGE

6). If the request is for a nonconforming use:
Your intended use: N/A
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____

7). Applicants interest in property: _____

8). Describe the requested variance and grounds for refusal of a permit.
Foot Print of garage is larger than House

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.:
Relocate + larger

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: 9-24-19
Signature: [Signature]
Mailing Address: 4809 Najacht Rd.
Sheboygan 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 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.

BELITZ, JANET M
3007 N 21ST ST
SHEBOYGAN WI 53083

BLANCHARD, THOMAS J
3013 N 21ST ST
SHEBOYGAN WI 53083

ELIAS ET AL, MARK
3016 N 21ST ST
SHEBOYGAN WI 53083

LEIKIP, AARON
4809 NAJACHT RD
SHEBOYGAN WI 53083

BROTZ, SARA M
3022 N 21ST ST
SHEBOYGAN WI 53083

KRAEMER, CHRISTIAN W
3032 N 21ST ST
SHEBOYGAN WI 53083

SCHULTZ, SCOTT W
3102 N 21ST ST
SHEBOYGAN WI 53083

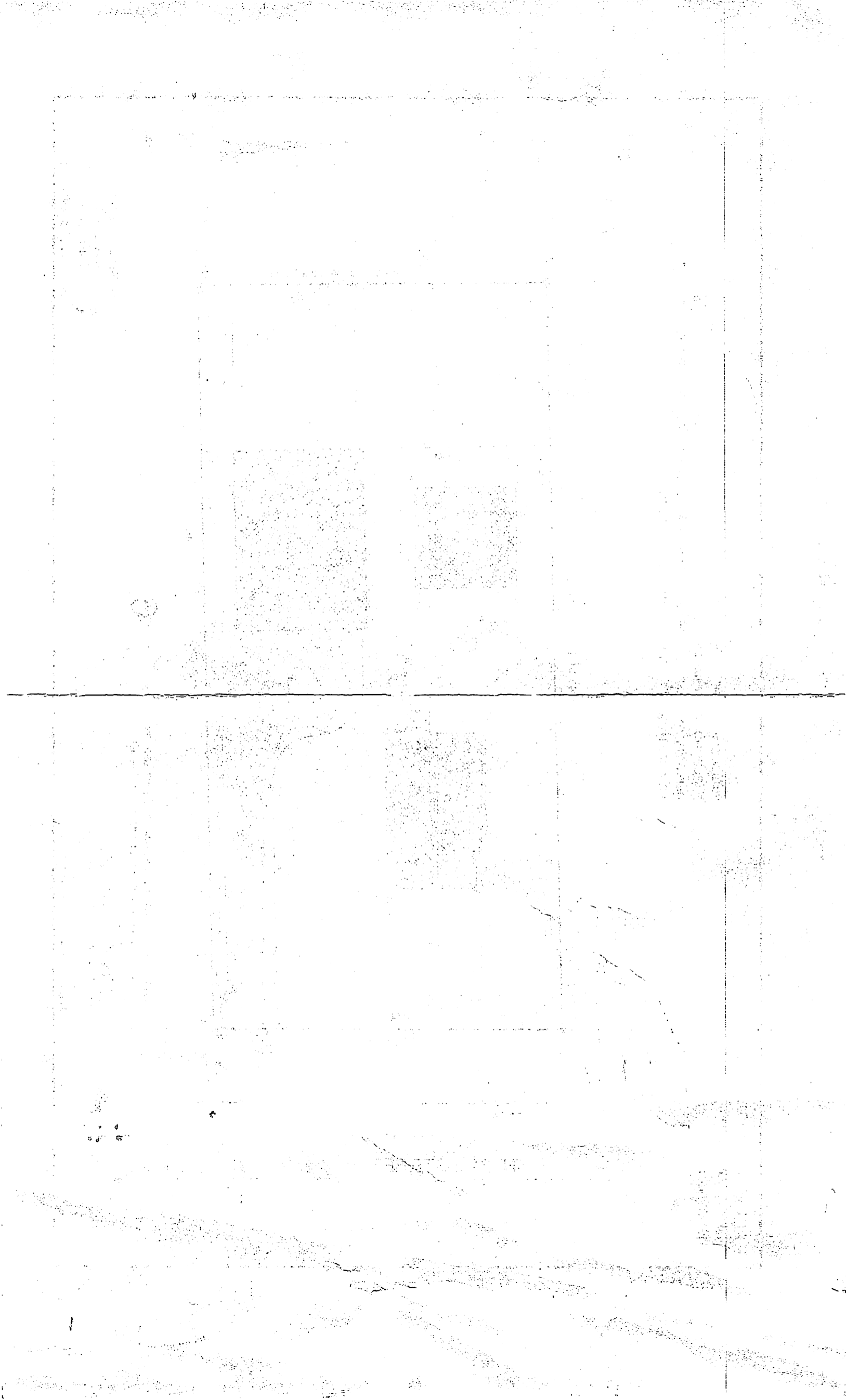
WOHLGEMUTH, DIETMAR W
2108 MAYFLOWER AVE
SHEBOYGAN WI 53083

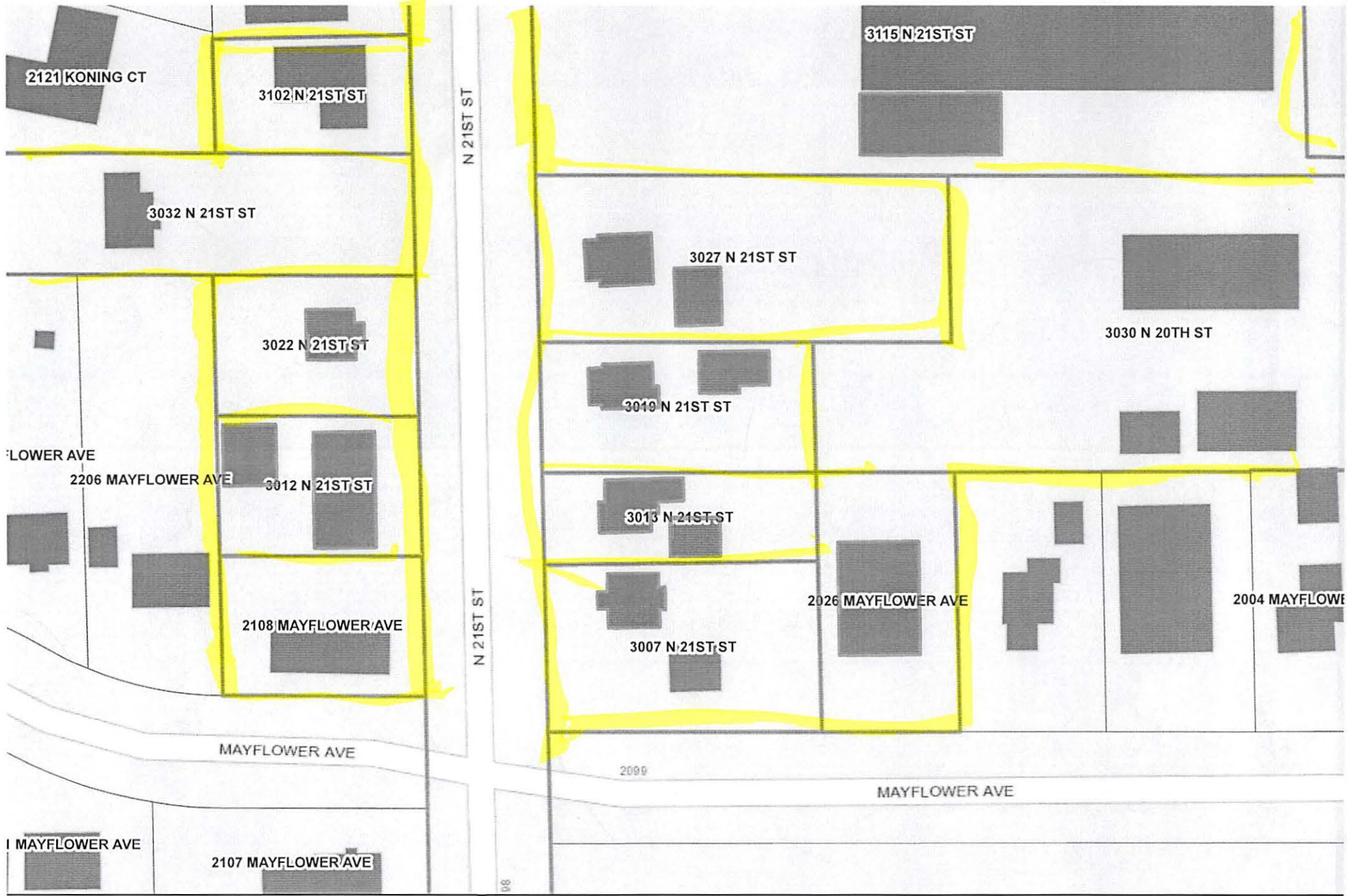
BAKKER, PETER R
3030 N 20TH ST
SHEBOYGAN WI 53083

BAKKER, PETER R
3030 N 20TH ST
SHEBOYGAN WI 53083

LITTLE JOE, LLC
1425 N 12TH ST
SHEBOYGAN WI 53081

HUMANE SOCIETY OF SHEBOYGAN
COUNTY
3107 N 20TH ST
SHEBOYGAN WI 53083





D & H LAND SURVEYS

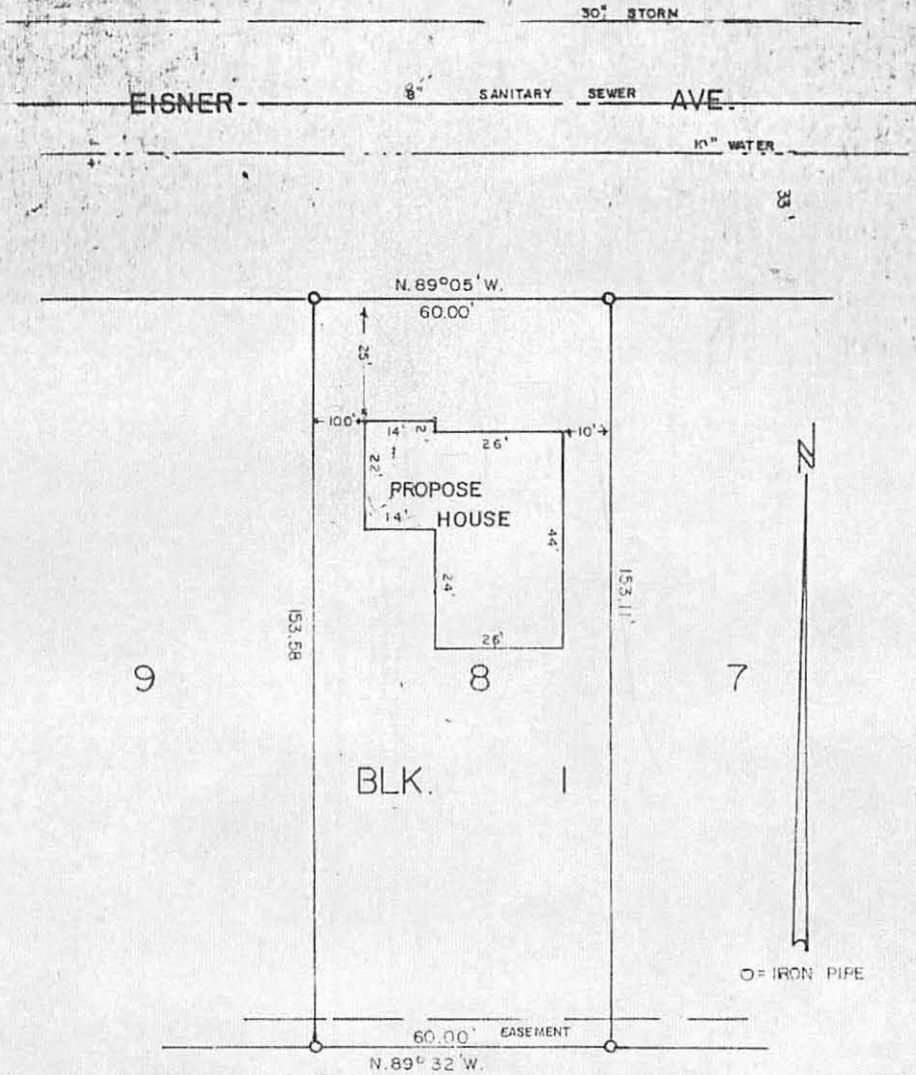
SHEBOYGAN, WISCONSIN

PLAT OF SURVEY

GOTTSACHER REAL ESTATE

BEING ALL OF LOT No. 8 BLOCK 1 OF NORTH SHORE SUBDIVISION
No. 2, IN THE CITY OF SHEBOYGAN, WISCONSIN.

NOTE ALL UTILITY INFORMATION FROM CITY RECORDS AND IS APPROXIMATE.



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.

WISCONSIN REGISTERED LAND SURVEYOR S-1238

THIS 5th DAY OF April, 1978

NOTEBOOK

PAGE

SCALE 1" = 30'

L-405

FILED May 1, 1978

Robert E. Edlich

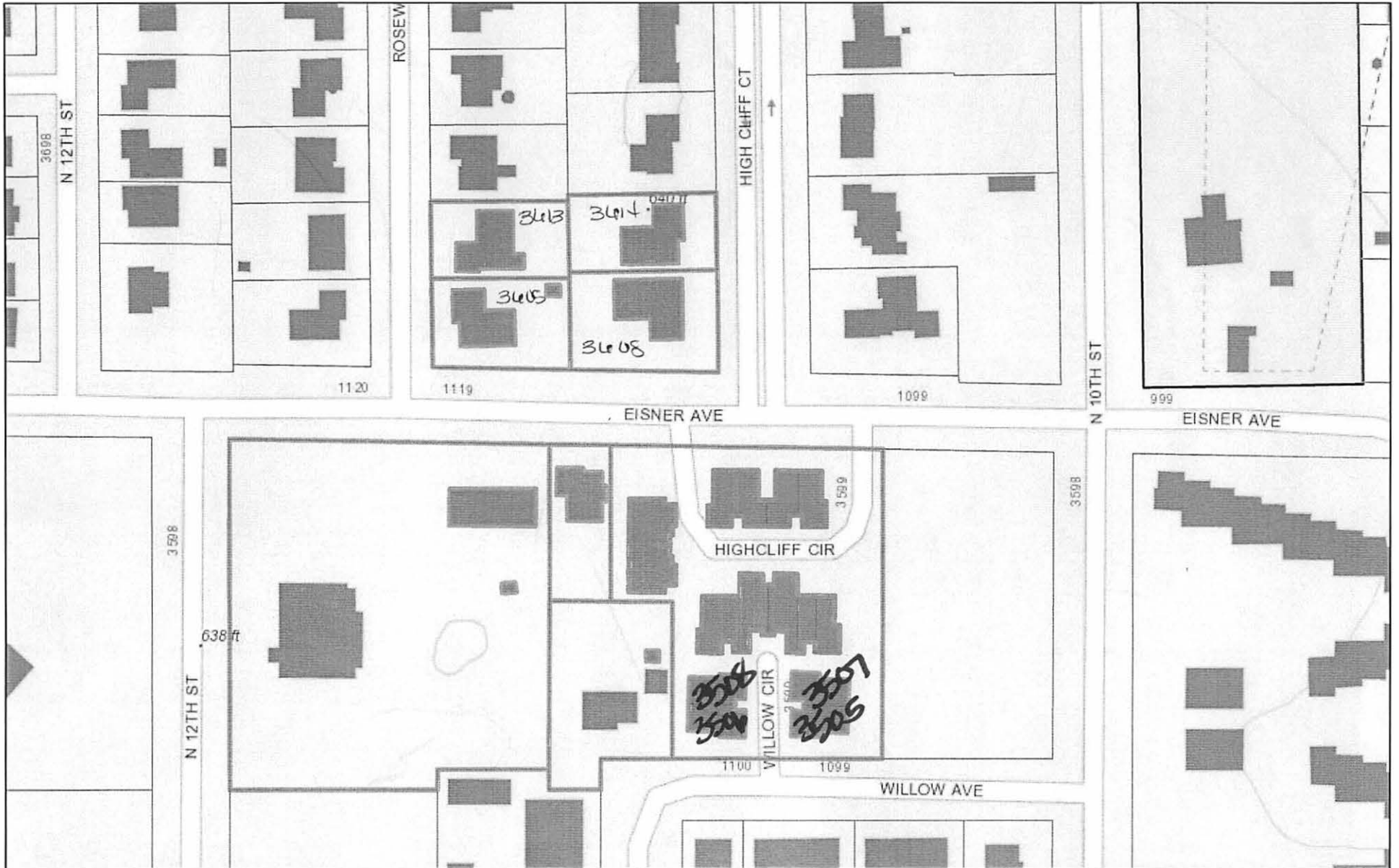
A-4843 ~~A-4853~~

Handwritten notes and scribbles, possibly including the word "LITERATURE" and other illegible markings.

Vertical handwritten notes or scribbles on the right side of the page.

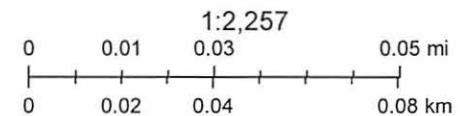
Main body of handwritten text, appearing as a list or series of notes, though the content is largely illegible due to the quality of the scan.

ArcGIS Web Map



10/07/2019 11:12:34 AM

- Buildings
- City Outline (red line)
- TaxParcel
- City Outline (shaded)



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

Web AppBuilder for ArcGIS
Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

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:

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.

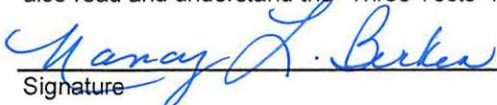
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- * *What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?*
- * *Is there a **unique physical characteristic** of the property which prevents development of the property in compliance with the Zoning Ordinance.*
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Signature

9/30/19
Date

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

CASE NO. 23
FILING DATE 4-30-19
RECEIPT NO. 106651
ZONING DIST. UR 716730

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

- 1). Appeal Location (address): 1101 & 1005 Eisner Ave. Sheboygan
- 2). Applicant: Tony + Nancy Berken Telephone #: (920) 627 5073
Address: 3228 N 7th St. Sheboygan
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) See attached Survey
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)
please list: driveway
- 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: N/A
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: Land lords
- 8). Describe the requested variance and grounds for refusal of a permit.
Proposed Driveway Addition does not meet the required
Setback of 3' from property line for a 9' wide
driveway. Requesting 0' to lot line
- 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.:
Reconstruction of Eisner Ave eliminated off street
parking. Need more room for 2 family parking

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: 4/30/19

Signature: Nancy L. Berken
Mailing Address: 3228 N 7th St.
Sheboygan WI

THE THREE "TESTS" FOR A VARIANCE

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MAGS PROPERTIES LLP
1905 TYRONE BLVD N
ST PETERSBURG FL 33710

LUTHER MEMORIAL LUTHERAN
CHURCH
1127 EISNER AVE
SHEBOYGAN WI 53083

FELTER, HORST F
3605 ROSEWOOD CT
SHEBOYGAN WI 53083

RODEWALD, ANNTIONETTE M
3608 HIGHCLIFF CT
SHEBOYGAN WI 53083

LJATIFOVSKI, ADRIAN
3515 WILLOW CIR
SHEBOYGAN WI 53083

CHAMBERS, BARBARA M
3517 WILLOW CIR
SHEBOYGAN WI 53083

CAMPBELL, JENNIFER K
3513 WILLOW CIR
SHEBOYGAN WI 53083

BEYER, CAROL J
3516 HIGHCLIFF CIR
SHEBOYGAN WI 53083

MANNING, NANCY C
728 OAK TREE RD
SHEBOYGAN WI 53083

RILEY, GUTHRIE
3522 HIGHCLIFF CIR
SHEBOYGAN WI 53083

BLANKE, MICHELLE ANN
3524 HIGHCLIFF CIR
SHEBOYGAN WI 53083

HORNICKEL, NICOLE
3517 HIGH CLIFF CIR
SHEBOYGAN WI 53083

WERNER, GARY D
3519 HIGHCLIFF CIR
SHEBOYGAN WI 53083

WHITAKER, KIM M
3526 HIGHCLIFF CIR
SHEBOYGAN WI 53083

MULDER, DAYNA S
3520 HIGHCLIFF CIR
SHEBOYGAN WI 53083

NORTHSHORE CONDOMINI
3505 WILLOW CIR
SHEBOYGAN WI 53083

SIEVER, DIANE J
3507 WILLOW CIR
SHEBOYGAN WI 53083

HOLMAN, TERRI L
3505 WILLOW CIR
SHEBOYGAN WI 53083

SIEVER, DIANE J
3506 WILLOW CIR
SHEBOYGAN WI 53083

KLETZIEN, RONALD S
3508 WILLOW CIR, UNIT 7
SHEBOYGAN WI 53083

GUSTAFSON, ROBERT D JR
3511 WILLOW CIR
SHEBOYGAN WI 53083

STEINER, EDWARD C
1104 WILLOW AVE
SHEBOYGAN WI 53083



**Wednesday, October 16, 2019
BOARD OF ZONING APPEALS - 3:00 PM**

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1ST FLOOR OF CITY HALL
828 CENTER AVE**

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