

*****ATTACHMENTS*****

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:

5-30-18
Application deadline date (last working day of the month)

June 20, 2018
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:

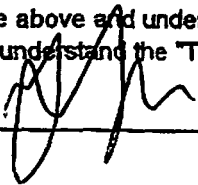
- * *What **hardship** is created by the application of the Zoning Ordinance to this property? Is **reasonable use** of the property denied by the zoning regulations? In other words, is there an alternative plan that would **comply** with the ordinance?*
- * *Is there a **unique physical characteristic**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

5-23-18

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

CASE NO. 2.2
FILING DATE 5-23-18
RECEIPT NO. 75833
ZONING DIST. NV2

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

- 1). Appeal Location (address): 2019 S. 9th Street
- 2). Applicant: Greg Lee Telephone #: (213) 300 6597
Address: 2019 S. 9th Street
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Swifts addn lot 7+8
block 15
- 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: fence
- 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: _____
- 8). Describe the requested variance and grounds for refusal of a permit.
I would like to put a 6 foot high privacy fence in a required street yard, when allowed is 4 foot high with 50% open.
- 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.:
Safer yard for pets and small children

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: _____

Mailing Address: _____

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.

This map is intended for advisory purposes only. This information has been obtained from sources believed to be reliable based on plats, surveys, and deeds. In areas where discrepancies occur between equivalent legal records, the discrepancy is allowed to remain until such time as it is addressed. Sheboygan County distributes this data on an 'as is' basis; no warranties are implied.



Alley

9th Street

Chasen Peckery Lot

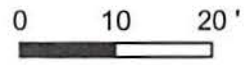
Union Ave

2019



Fence Line Request - Gregory Lee Parcel Number 59281320200

4/20/2018
Source: Sheboygan County Planning & Conservation Department
G:\Departments\Planning\Mapdocs\Public Project PDFs\1*File Name*



DISPLAY AD - PUBLISH WEDNESDAY, JUNE 20, 2018

Bill to: Sheboygan Building Inspection Department
828 Center Avenue

BOARD OF APPEALS

CITY HALL

SHEBOYGAN, WISCONSIN

Notice is hereby given that the Board of Appeals of the City of Sheboygan will hold its REGULAR MEETING on Wednesday, June 20, 2018 beginning at 4:00 P.M. in the Rocca Room of Mead Public Library, Sheboygan, Wisconsin to hear and consider appeals at the approximate times indicated below, respecting the following pieces of property.

1. **2019 S 9TH STREET**
SWIFTS ADDN LOTS 7 & 8
BLK 15

Anyone interested in the above-described properties may appear at said meeting and be heard for or against said appeal.

By Order of BOARD OF APPEALS
TRACI HERMANN
Secretary

STROOT, ELIZABETH A
2010 S 9TH ST
SHEBOYGAN WI 53081

BOEHMER, ERIC D
BOEHMER, HEIDI D
404 LINCOLN AVE
SHEBOYGAN WI 53081
RUSZKIEWICZ, AMY L
2006 S 9TH ST
SHEBOYGANWI53081

STAUFFER, MONTY D
2112 S 9TH ST
SHEBOYGANWI53081

WESLEY M E CHURCH
823 UNION AVE
SHEBOYGANWI53081

RINCON, VICENTE
2405 N 38TH ST
SHEBOYGANWI53083

DEMING, PATRICK F
DEMING, MARGOT L
904 UNION AVE
SHEBOYGANWI53081

BORSTED, MARY L
816 UNION AVE
SHEBOYGANWI53081

JACOBS, MARK
JACOBS, JOYCE
2110 N 11TH ST
SHEBOYGAN WI 53081

BOEHMER, ERIC D
BOEHMER, HEIDI D
404 LINCOLN AVE
SHEBOYGAN WI 53081
AVINA, MARTIN
913 DILLINGHAM AVE
SHEBOYGANWI53081

GUNDERSON, RACHEL J
LONG, JOHN C & CAROL
2107 S 9TH ST
SHEBOYGANWI53081
WESLEY UNITED METH CHRCH
823 UNION AVE
SHEBOYGANWI53081

LONGHURST, ROBERT J
SOUCHECK, ERIKA L
2102 S 9TH ST
SHEBOYGANWI53081

LEE, GREGORY E
2019 S 9TH ST
SHEBOYGANWI53081

NELSON, ALAN L
821 DILLINGHAM AVE
SHEBOYGAN WI 53081

VERTZ, CORY
VERTZ, DAWN
2237 N 26TH ST
SHEBOYGANWI53083
MOHR, DAVID R
2111 S 9TH ST
SHEBOYGANWI53081

MARTINEZ, ROBERT C
CLARK, DAWN D
2106 S 9TH ST
SHEBOYGANWI53081
PENA, JOSEPH DAVID
PENA, JANICE E
1867 DAVIDSON AVE
THE VILLAGESFL32162

VANDERVELDE, NICHOLAS L
1023 S PARK ST APT 1
MADISONWI53715

WESLEY UNITED METH CHRCH
823 UNION AVE
SHEBOYGANWI53081