

*****ATTACHMENTS*****















1 square = 2 feet

Superior Ave

50 ft
10 ft

Sidewalk

3 feet of grass from lot line to sidewalk

Grass
Lot line

proposed
fence
line 80.15 feet

Neighbor's
Driveway
10 by 10 sidewalk

6 m

16

5 m

7

30.5

11
Porch
11
32.5

10 feet
10 feet

15
15

52 feet

34

m

small walkway

20 feet

Garden
Beds
Garden
Beds

single
Garage
Driveway

neighbor existing fence

80.15 feet

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:

March 31, 2018
Application deadline date (last working day of the month)

April 18, 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.

Sharon Makomzi
Signature

3-26-18
Date

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

CASE NO. 2.2
FILING DATE 3-26-18
RECEIPT NO. 71389
ZONING DIST. NR

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

- 1). Appeal Location (address): 1430 N 7th St Sheboygan, WI 53081
Sharon & Sam McKenzie NJ
- 2). Applicant: 1430 N 7th St Telephone #: (930) 838-4839
Address: Sheboygan, WI 53081 (920) 917-8754
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot
- 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 on lot line - 6ft privacy 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: Property owners
- 8). Describe the requested variance and grounds for refusal of a permit.
we would like to put a 6ft privacy fence on the lot line, not the 4ft picket fence allowed by code, and would not like to put the fence in line with the 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.:
see enclosed letter

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: 3-26-18

Signature: Sharon McKenzie
Mailing Address: 1430 N 7th St
Sheboygan, WI 53081

Due to the size of our lot, the size of our home and the positioning of our home on the lot, we have a rather small backyard. We would like to be able to use our yard to its full potential by putting in a patio behind the garage, fencing in our yard, and upgrading to a larger swing set for our children while still allowing them space to run and play ball. Without the variance, we would lose over 200 feet of space and limit the improvements we are making to our home.

Our home is located on a busy corner with a lot of street traffic. Both streets are also Snow Routes and being so close to the hospital and the fire station, we have a lot emergency vehicles coming through regularly. We want to provide backyard space for our children to play instead of sidewalk space so there won't be incidents of balls in the road or someone blowing through the stop sign while my children are close by.

Within 4 blocks any direction, there are 15 registered sex offenders, 10 registered for crimes against children. We would like to guarantee safety and privacy for our children while playing outside, away from prying eyes and out of reach from strangers with bad intentions. While I watch my children vigilantly, I also garden and have multiple children making eyes 100% of the time unreasonable. I want a basic assurance of safety at all times for everyone in my home.

There is a lot of foot traffic by our house on a daily basis to the two local schools and the bus stop. We have had multiple incidents of trespassing, children playing in our yard without permission (a huge liability issue on our part if they get hurt), and even found one neighbor taking items out of our garage. Unfortunately, these incidents are not isolated in our neighborhood and we would like to protect our assets and reduce our liability, especially as these boys grow and are able to hop fences.

We do not believe we will be harming public interest as we are planning to accommodate our neighbor's driveway by ensuring a 10 foot by 10 foot window of sight line is clear for them at the corner of our lot. We are not planning on fencing in the side yard to ensure that sight lines are clear for traffic approaching the corner. Plus, our lot line is 3 feet back from the sidewalk, still giving plenty of room for foot traffic and bicycles. Included with our application is a photograph of the fencing we are planning to install, it has simple, clean lines and a bright appearance to keep the neighborhood looking nice.

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.

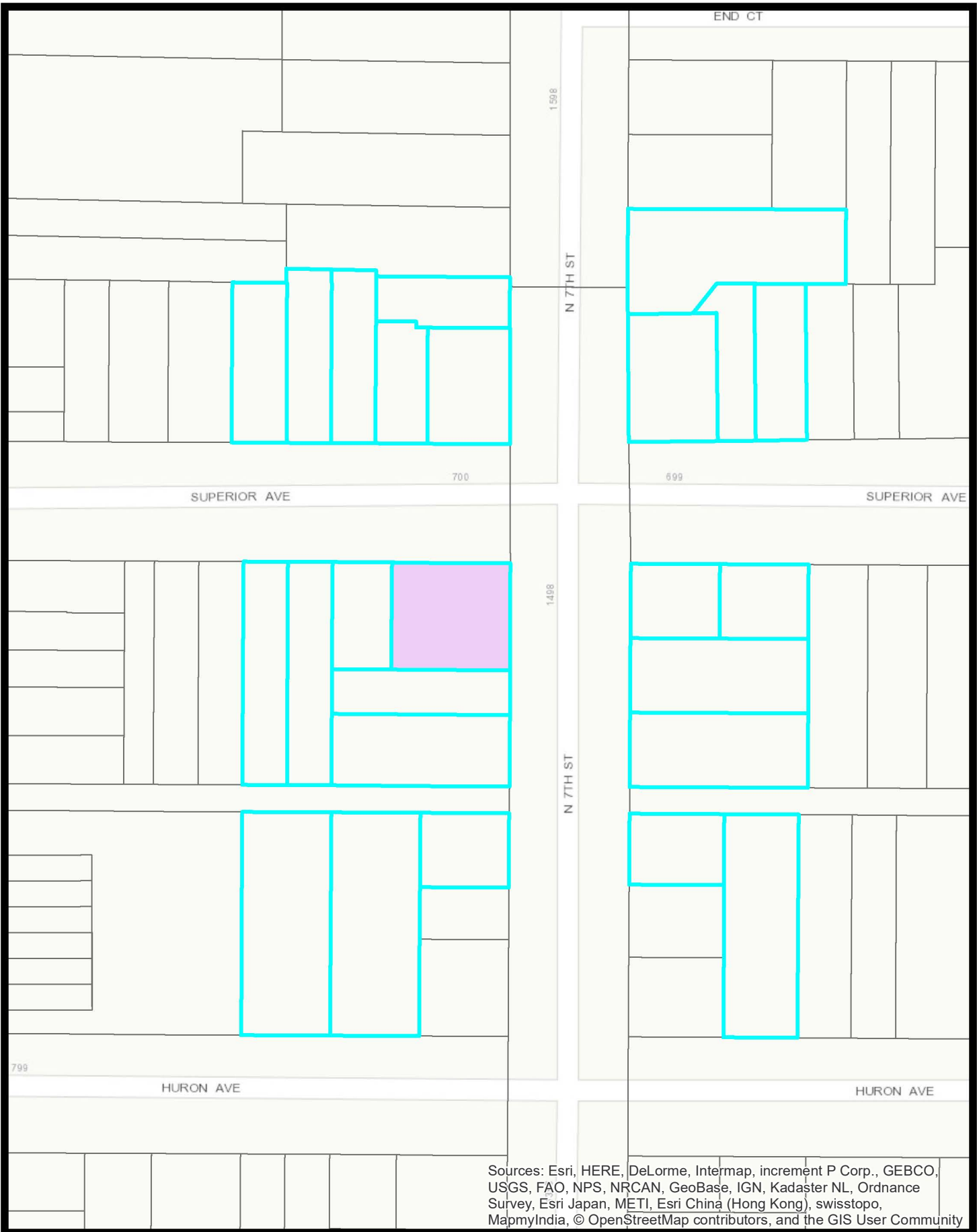
TEST #3: NO HARM TO PUBLIC INTEREST

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.



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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