

*****ATTACHMENTS*****

830 Logan Ave Variance

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10/18/2017

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2 Purpose

During planning for a garage construction project, it was identified by the representing contractor that the current garage's proximity to the property line to the North and East of the property exceeded the current City of Sheboygan building codes as outlined in the 2008 Zoning Ordinance requiring a 3 foot spacing between any accessory structure and the property line. After further discussion, it was deemed necessary for the new construction to also be placed in the same location. Therefore, the following information presented shall satisfy the requirements of the variance application in request to place a new 24'x24' garage in the same northeast corner and expand towards the southwest.

3 Current State

The property, 830 Logan Ave, was constructed in 1925. During this time, the City of Sheboygan building code differed greatly from today's standards. The current build code became effective August 10, 1996 per section 15.011 of the current building code (City of Sheboygan). Additionally, when the current garage was constructed, the purpose and intended usage for a garage was quite different than today's standard of living. In 1925 few families had automobiles, and those that they did were much smaller. A popular vehicle at the time was the Ford Model T, produced from 1908 through 1927. The standard variant's length was 134 inches (Wikipedia). With the current garage's dimensions of 12' wide and 18' deep (including a 3' bump-out extension), a Ford Model T could fit with some room to spare. Figure 1 below shows the rough dimensions of this fitment.

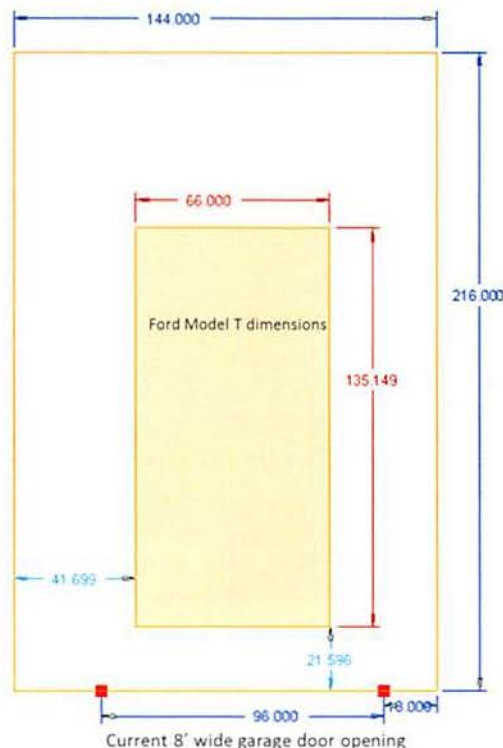


Figure 1 - Model T in current garage's dimensions

Today, a common personal-use automobile is much larger in dimension. A typical family car in use in 2017 can be represented by the Toyota Camry, one of the best-selling vehicles on the road. Here, the height is 56.9", the length is 192.1", and the width is 72.4" (Toyota). By comparison, a 2017 Toyota Camry is 6.4" wider and 57.1" longer. Note that many American families drive SUVs as their primary mode of transportation, where the Ford Explorer is the best-selling full-size SUV in America. Here, the dimensions are 198" long, 90" wide, and 70" tall, or rather, ~6" longer and ~18" wider than the Toyota Camry (Ford Motor Co.). Neither of those vehicles would fit within the current garage due to the width at the 3' bump-out being too narrow to fit the nose of a vehicle (dimensions not shown above).

Furthermore, the current garage's grading has led to the incremental erosion of the lower boards, creating a potential hazard to the equipment stored within the garage. At the rear of the garage, a maple tree has grown over time to the point that it has begun putting pressure on the garage's roof as well as being the cause of significant foundation cracking. A significant investment would be required to repair the current garage to reasonable, modern standards. These items can be seen below.



Figure 2 - Current garage

4 Future State

Going forward, the intended plan is to remove the existing 18'x12' garage and replace with a 24'x24' garage. The purpose of this construction is to better suit the needs of modern life. A 24'x24' garage is typically considered to be a 2 ½ car garage. Today, the mean number of vehicles in an American home is 1.9, with households with 2 members of driving status typically averaging 2 cars per home (Bureau of Transportation Statistics, RITA.DOT.GOV). When considered with Sheboygan's constant concerns over street parking as noted in Sheboygan's Code of Ordinances sect. 118-135 through 118-138 and especially as seen in the Winter Emergency ordinances, sec. 42-104 (Sheboygan Code of Ordinances). By constructing a 24'x24' garage, a reasonable parking location will exist to help aid in the removal of vehicles from street parking, alleviating some of the burden the city would otherwise have today. A rough layout of what a 24'x24' garage would provide in terms of space is shown below.

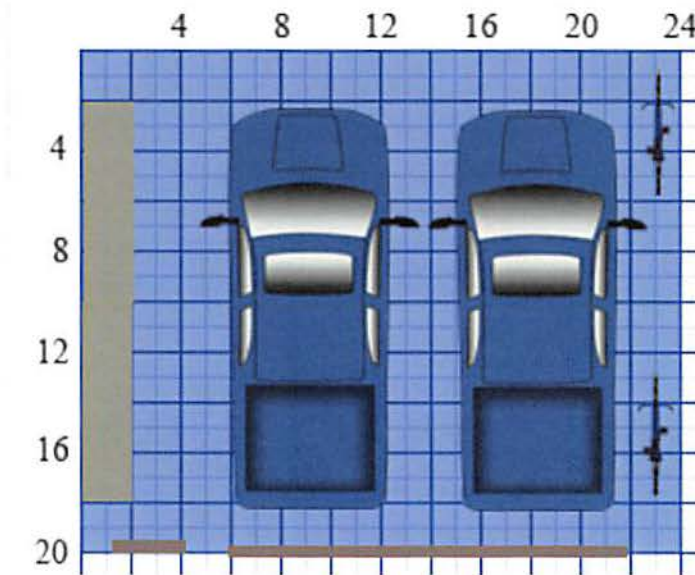


Figure 3 - Garage dimensions showing typical vehicle dimensions

Additionally, the construction of a modern 24'x24' garage will aid in increasing the property value as well as create an improvement in a neighborhood of Sheboygan that is relatively dated.

5 Unnecessary Hardship

Per the variance paperwork, an unnecessary hardship exists when the zoning ordinance denies all reasonable use of the property and if an alternative plan exists within the bounds of the ordinance, then a variance is not warranted. Additionally, the hardship must not be self-imposed; personal losses already incurred are not warrant for a variance.

Does the zoning deny reasonable use of the property? Currently, the zoning ordinance requires that an accessory structure in an NR-6 zoned area with 40% building coverage ratio to maintain a 3' minimum distance to the edge of the property. In doing so, the location of the garage would be prohibitive to accessibility as outlined below in describing the alternative plans.

Is there an alternative plan that is within the bounds of the zoning ordinance? During the development of the current as-described plan, alternatives were investigated and are outlined below.

- Attached garage – An attached garage would not be able to follow lot line limitations either, per the city zoning ordinance for an NR-6 zoned area. An attached garage would require 25' to the street line and 3' to the property edge, whereas the driveway today exists narrowly between the house and side property edge. Thus, a variance would be required still to build and the structure would be limited to single-car only.
- Single car garage – Replacing the current garage with a modern single car garage would not satisfy the needs of the end-user, improve land-use, improve property value, nor decrease street congestion and would still require a variance for reasonable routing of the driveway.
- Two car garage within ordinance – By building per the city zoning ordinances, it would be impractical to use the 2nd stall of the garage with modern vehicles as the turning radius would be too great and would have a high-risk of damaging the house. Considering a turning radius of 20', a common value for today's SUVs (Ford Motor Co.), it is risky to the house, deck, and vehicle to build at this extended distance from the property line. By reducing the distance to the property line, this issue is alleviated such that the risk to damage is low. See images below.

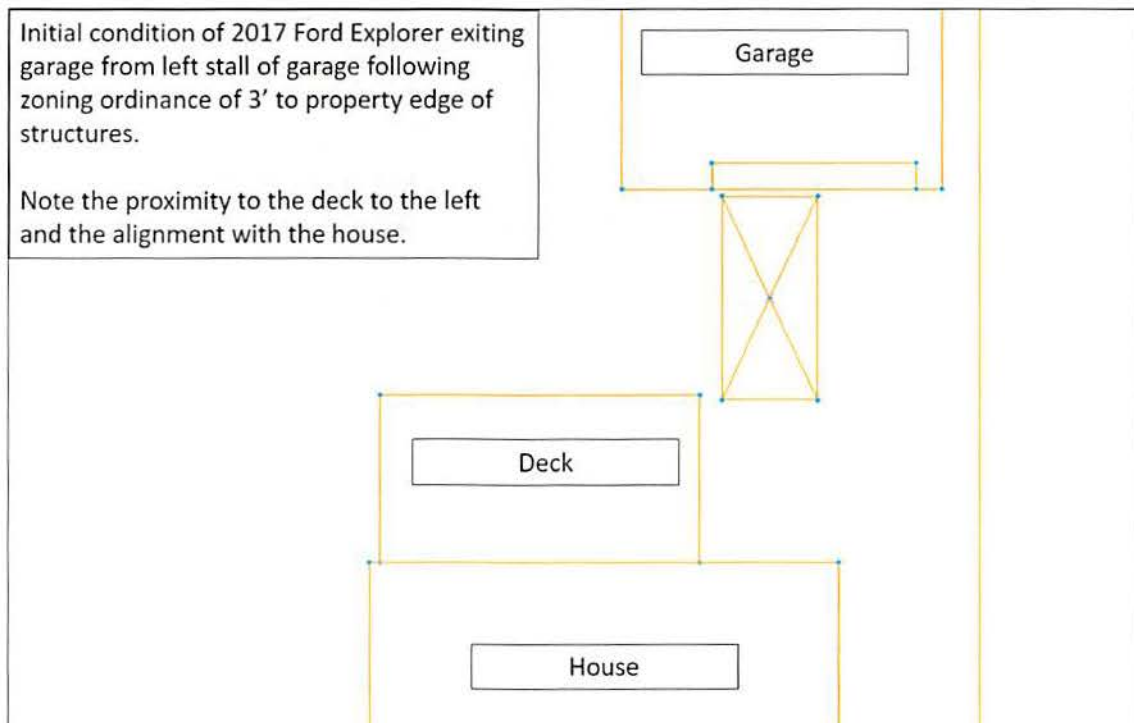


Figure 4 - Tight spacing to current structures with a 2 car garage following current city ordinances

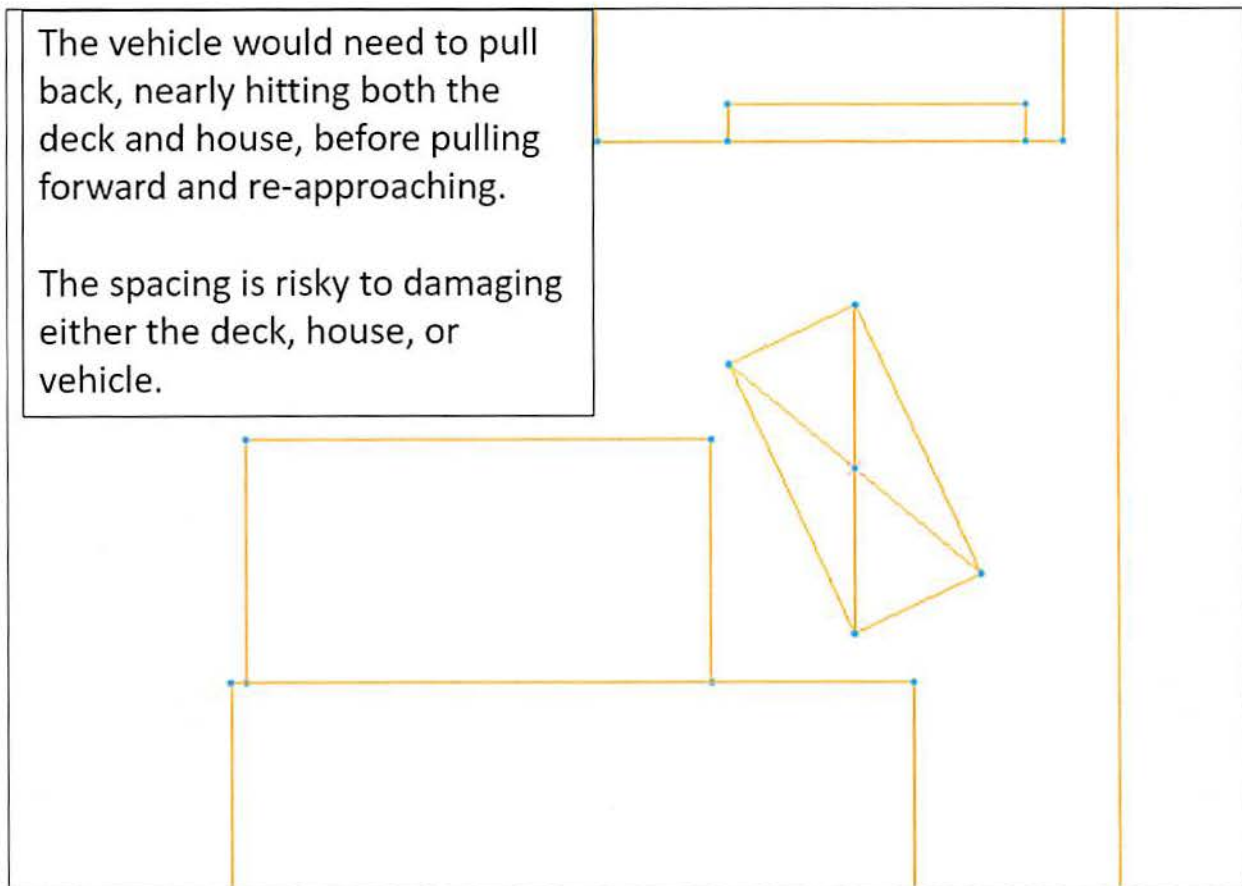


Figure 5 - Approach Angle for SUV leaving ordinance-following garage

Is the hardship self-imposed? The hardship as outlined is not self-imposed. The property size and prior development were completed years ago before the current city ordinances and before the current ownership of the property was in place. No work has been conducted on this project to date and thus no personal investment beyond this variance has been made.

6 Unique Property Limitations

Per the variance paperwork, the unique physical characteristics of my property must prevent me from completing the proposed construction in compliance with the ordinance. The property must qualify for the variance, not my particular situation. Existing violations are not grounds for a variance. The following items shall be considered in regards to unique property limitations.

There is limited space between eastern property line and house, limiting attached garage construction to single car only. The property itself is relatively small, limiting the amount space available to construct.

The property itself has limited access points, requiring the garage to be built behind the house with a thru-drive approach. There is no opportunity to change the approach to the garage as the property is fully surrounded by other residential properties.

7 No Harm to Public Interest

The plan and variance, as described pose no harm to public interest. All activities regarding the structure will conform to all other zoning ordinances and applicable codes. This request for a variance relates only to the building of a replacement garage on the property line as what is already done with the current garage structure.

8 Appendix

The following images represent the current garage and the overall property.



Figure 6 - From driveway entrance at corner of house, facing the garage. Note the narrow entrance point.



Figure 7 - View of the current garage from the deck's egress point



Figure 8 - View from southeast corner of yard facing northwest, showing the space available for garage expansion



Figure 9 - View of current garage and proximity to the property line



Figure 10 - View of the current garage and yard for garage expansion area from the southwest looking northeast



Figure 11- View of the current garage from the west looking east. The fence on the bottom left represents the property edge, however it has been pushed outward by the large tree behind the garage.



Figure 12 - View from the north looking south showing the relatively small yard, the current garage on the left, the narrow drive entry way, and the proximity to the deck



Figure 13 - Bird's eye view of the current garage and yard layout

9 References

- Bureau of Transportation Statistics, RITA.DOT.GOV. 2001. 17 September 2017
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<<https://www.ford.com/suvs/explorer/2017/models/explorer/>>.
- Nennig, Dave. Construction Manager, American Garage Builders 06 09 2017.
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- Wikipedia. n.d. 08 September 2017 <https://en.wikipedia.org/wiki/Ford_Model_T>.

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:

9/29/17
Application deadline date (last working day of the month)

10/18/17
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.

William Dyer
Signature

9/28/17
Date

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

CASE NO. _____
FILING DATE _____
RECEIPT NO. _____
ZONING DIST. NR

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

- 1). Appeal Location (address): 830 Logan Ave
- 2). Applicant: Will Gysi Telephone #: (920) 547-0988
Address: 830 Logan Ave
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Assessment subdivision #14 Lot 6
- 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: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: Personal residence
- 8). Describe the requested variance and grounds for refusal of a permit.
Variance requests to build garage on property 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.:
Not self imposed, lack of space, limited entry area, does not harm public.
See Attachments.

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: 9/28/17

Signature: Will Gysi
Mailing Address: 830 Logan Ave
Sheboygan, WI 53083

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.

CITY OF SHEBOYGAN

REQUEST FOR / B.O.A. CONSIDERATION

ITEM DESCRIPTION:

VARIANCE

REPORT PREPARED BY:

J. Vaw

REPORT DATE:

10-4-17

MEETING DATE:

10-18-17

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:

YES

BACKGROUND / ANALYSIS:

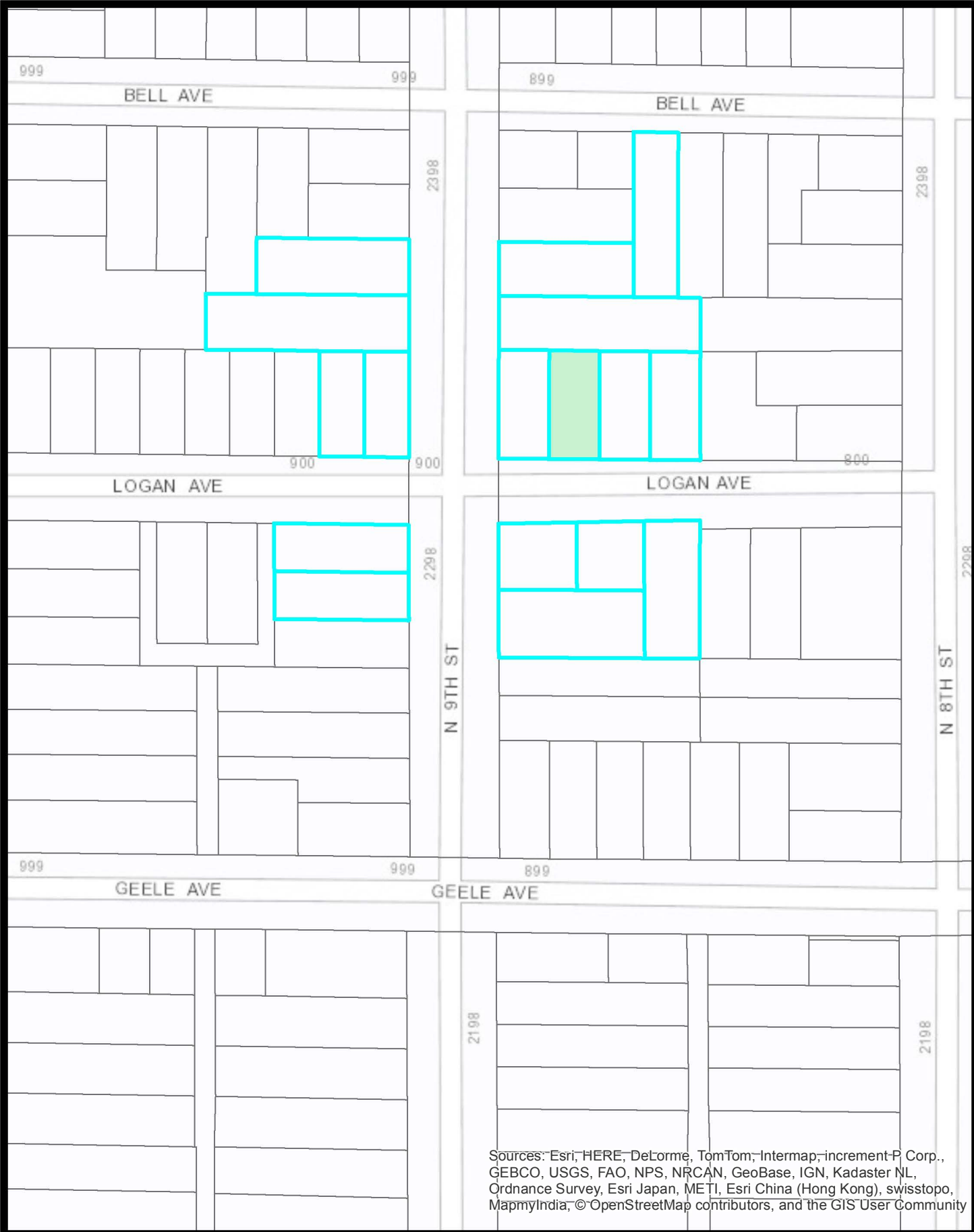
owner want a variance from sec 15.105(2)(d) 3. b. J₂ to have a garage 0' to side P/L

STAFF COMMENTS:

ACTION REQUESTED:

ATTACHMENTS:

application
drawings
pictures
narrative



Sources: Esri, HERE, DeLorme, TomTom, 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

