

*****ATTACHMENTS*****

A-172486
Receipt # 54343

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:

July 31
Application deadline date (last working day of the month)

August 16th
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]
Signature

7/31/17
Date

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

CASE NO. 2.0
FILING DATE 7-31-17
RECEIPT NO. 54352
ZONING DIST. NR

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

- 1). Appeal Location (address): 1424 N 7th St, Sheboygan, WI 53081
- 2). Applicant: Greg Stolper Telephone #: (920) 918-9916
Address: 1424 N 7th St
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Original Plat the N 30' of the S 78' of lots 1 & 2 block 29
- 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: Driveway
- 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 - Residential Parking
- 8). Describe the requested variance and grounds for refusal of a permit.
Pave driveway to lot line + driveway would be less than 10' wide - survey to be done
- 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.:
No current off-street parking available for residence. I cannot provide 10' for width and must go to the lot line because of my house. Having off-street parking would create less street clutter on snow-emergency route.

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: 7/31/17

Signature: [Signature]
Mailing Address: 1424 N 7th St, 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.

WASILENKO, BENJAMIN T
1422 N 7TH ST
SHEBOYGAN WI 530813419

STOLPER, GREGORY R
LAUTEN, JANINE C
1424 N 7TH ST
SHEBOYGAN WI 530813419

MCKENZIE, SETH D
MCKENZIE, SHARLENA J.B
1430 N 7TH ST
SHEBOYGAN WI 530813419

BURG, RYAN F.
& CHRISTINE A.
711 SUPERIOR AVE
SHEBOYGAN WI 530813430

SBG PROPERTIES LLC
926 PINE DR
WEST BEND WI 530953838

SIXEL, GARY R
N7683 HWY 42
SHEBOYGAN WI 53083

ALLEN, GREGORY T
ALLEN, ADRIENNE M
719 SUPERIOR AVE
SHEBOYGAN WI 530813430

LEISTEKOW, KEITH A.
& MEGAN B.
714 HURON AVE
SHEBOYGAN WI 530813423

SMILLIE, ERIK S
710 HURON AVE
SHEBOYGAN WI 530813423

HUBREX REAL ESTATE, LLC
N1908 HUIBREGTSE RD
OOSTBURG WI 530701560

MCBAIN, LARRY E
MCBAIN, KATHRYN M
W4463 STATE ROAD 28
WALDO WI 530931504

HILDEBRAND, SCOTT Q.
& MARY E.
919 KENTUCKY AVE
SHEBOYGAN WI 530814956

CARPENTER, HOWARD G.
1425 N 7TH ST
SHEBOYGAN WI 530813418

YANG, KEVIN K
1419 N 7TH ST
SHEBOYGAN WI 530813418

MILLER, MARK S
MILLER, GRACE A
1413 N 7TH ST
SHEBOYGAN WI 530813418

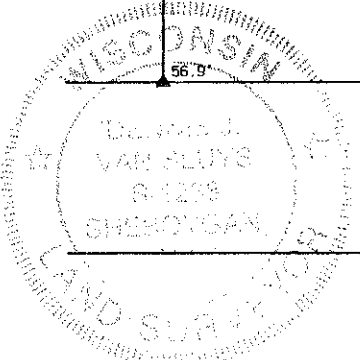
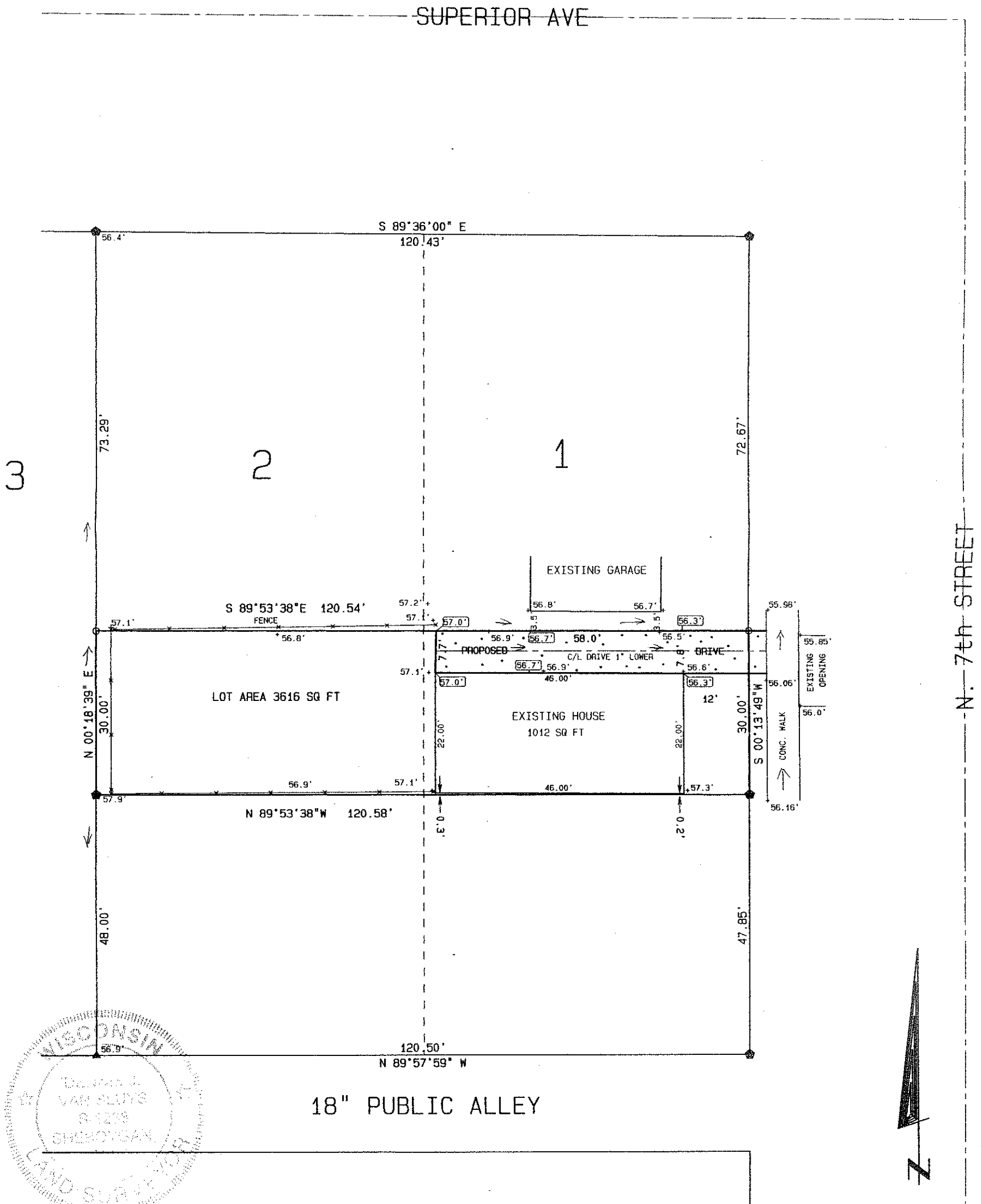






D & H LAND SURVEYS LLC
 1628 GEORGIA AVENUE
 SHEBOYGAN, WISCONSIN

1424 N. 7th STREET
 PARCEL NO. 59281100020
 BEING DESCRIBED AS THE NORTH 30 FEET OF THE SOUTH 78 FEET OF LOTS
 1 AND 2 OF BLOCK 29 OF THE ORIGINAL PLAT OF THE CITY OF SHEBOYGAN,
 SHEBOYGAN COUNTY, WISCONSIN.



THIS IS AN ORIGINAL PRINT ONLY
 (IF SEAL IS IMPRINTED IN REF)
 THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
 IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis J. Van Sluys
 Dennis J. Van Sluys S-1238

Dated this 4th day of August, 2017.

- × = FENCE
- ⊙ = IRON PIPE FOUND
- ▲ = PK NAIL FOUND
- = 1" IRON PIPE SET
- + = EXISTING GRADE CITY DATUM
- XXX = PROPOSED FINISH GRADE

CITY OF SHEBOYGAN

REQUEST FOR

B.O.A.

CONSIDERATION

NR

ITEM DESCRIPTION:

VARIANCE

REPORT PREPARED BY:

J. Law

REPORT DATE:

MEETING DATE:

FISCAL SUMMARY:

STATUTORY REFERENCE:

Budget Line Item:

N/A

Budget Summary:

N/A

Budgeted Expenditure:

N/A

Budgeted Revenue:

N/A

Wisconsin Statutes:

N/A

Municipal Code:

YES

BACKGROUND / ANALYSIS:

owner is asking for variance to have new driveway 0' to p/l road to Sec 15.105(2)(d) 3. b. M: 15.702(10) to have it less than 10' wide.

STAFF COMMENTS:

ACTION REQUESTED:

ATTACHMENTS:

application

pictures

future survey for meeting

MEYER, MARK O.
N3188 TRIO LN
CASCADE WI 530111269

LUENZMANN, DANIEL S
223 LINCOLN AVE
SHEBOYGAN WI 530812939

MORALES, MIGUEL A
1823 S 13TH ST
SHEBOYGAN WI 530815820

LUND, GISELA
N7176 COUNTY RD E
PLYMOUTH WI 530733123

BRAAKSMA, DARRELL W
1817 N 3RD ST
SHEBOYGAN WI 530812809

WIELAND-LISOWE RE PTNSHP
307 LINCOLN AVE
SHEBOYGAN WI 530812861

RIEMER, MARK A.
& KATHLEEN D.
1816 N 3RD ST
SHEBOYGAN WI 530812808

BARBIAN, KENNETH J
232 LINCOLN AVE
SHEBOYGAN WI 530812938

OELHAFEN, DAVID A
228 LINCOLN AVE
SHEBOYGAN WI 530812938

SCHILLER, DAVID E
222 LINCOLN AVE
SHEBOYGAN WI 530812938

CHAMBERS, TRUDY B
220 LINCOLN AVE
SHEBOYGAN WI 530812938

FLORES, ARTURO JR
310 LINCOLN AVE
SHEBOYGAN WI 530812860

HESSE, ROGER J
306 LINCOLN AVE
SHEBOYGAN WI 530812860

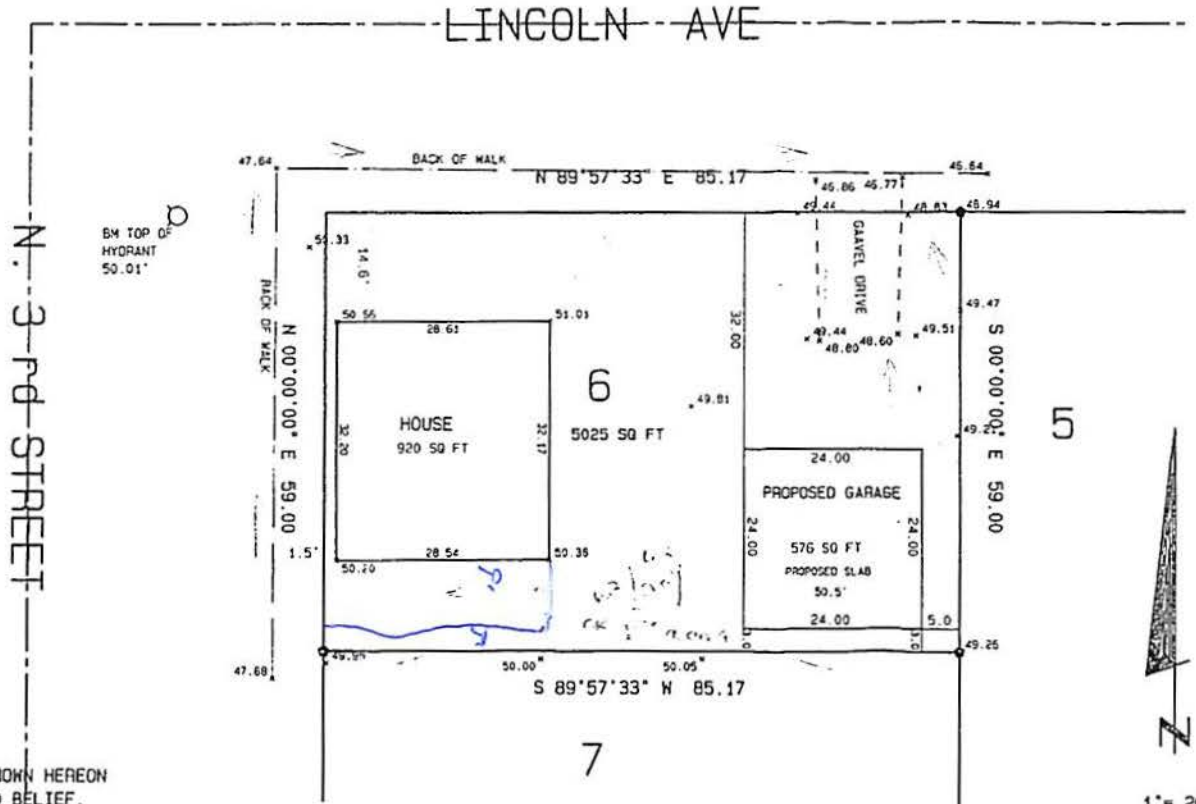
STARR, DONNA M.
302 LINCOLN AVE
SHEBOYGAN WI 530812860

DRAINAGE APPROVED *Ryan J. Sg...*

7/18/11

D & H LAND SURVEYS LLC
 1628 GEORGIA AVENUE
 SHEBOYGAN, WISCONSIN

233 LINCOLN AVENUE
 PARCEL NO. 59281002290
 LOT 6 OF BLOCK 6 OF ASSESSMENT SUBDIVISION NO. 5, CITY OF SHEBOYGAN,
 SHEBOYGAN COUNTY, WISCONSIN.



THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
 IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis J. Van Sluys

Dennis J. Van Sluys S-1238

Dated this 16th day of July 2011.

- ◆ = 1" IRON PIPE FOUND
- ✱ = EXISTING GROUND ELEV.

A-172487
Receipt #
54342

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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.

Miguel Morales
Signature

7-31-17
Date

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

CASE NO. 213
FILING DATE 7/31/17
RECEIPT NO. _____
ZONING DIST. _____

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

- 1). Appeal Location (address): 233 Lincoln Ave
- 2). Applicant: Miguel Morales Telephone #: (608) 520-9668
Address: 233 Lincoln Ave Sheboygan
- 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: DRIVE WAY
- 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.
Parking Space for upper tenants
- 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.:
It makes winter on-street parking difficult. Tenants have young children. They are asking for easier access to the apartment.

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: 7/31/17

Signature: _____
Mailing Address: 233 Lincoln Ave
Sheboygan, WI 53081

THE THREE "TESTS" FOR A VARIANCE

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