

**\*\*\*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:

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.**

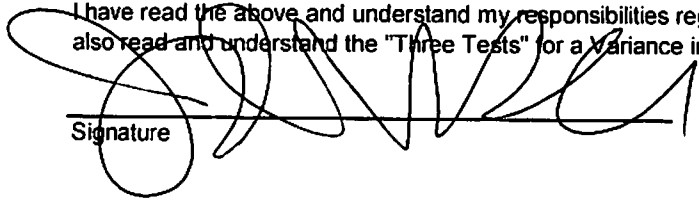
Applicants should be prepared to answer the following questions:

- \* *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

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

CASE NO. 2.2  
FILING DATE 9-23-16  
RECEIPT NO. 30300  
ZONING DIST. NR

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

- 1). Appeal Location (address): 1905 N 2nd Street Sheboygan WI 53081
- 2). Applicant: Jillian Miller Telephone #: 820, 946 9005  
Address: 1905 N. 2nd Street
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Corner home of 2nd & Lincoln  
1905 N 2nd  
5928100 7030 Corson & Mallmanns Subdivision (part of Lot 748  
Block 2
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)  
please list: Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: FENCE IS NOT 50% OPEN ON CORNER LOT/SIDE  
yard
- 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

- 8). Describe the requested variance and grounds for refusal of a permit.  
At time of issued permit picture & description of location & side/corner lot  
was described only question asked was height owner described 4' that  
was "ok'd" and permit granted. FENCE IS 4' privacy not 50% open.  
Fence is 30' from street and 14' from corner. 36ft from front side.
- 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.:  
Fence was put up and paid for and in use from owner for  
over 2 months. At permit issue 50% open was not mentioned to  
fence was purchased and constructed. Many homes in our area have  
the same some are even 6' fence.

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: 9/12/16

Signature: [Handwritten Signature]  
Mailing Address: 1905 N. 2nd Street  
Sheboygan WI 53081

**Building Inspection Department**

828 Center Ave., Suite 105  
 Sheboygan, WI 53081  
 Phone: (920)459-4064  
 Fax: (920)459-0210  
 City Website: www.sheboyganwi.gov



<b>Permit Number</b>
B 160950
<b>Date Issued</b>
05/05/2016
<b>Application No.</b>
160957

**Permit Type: FENCE/STEPS/RAILINGS**

<b>Property Number</b>	<b>Zone Code</b>
007030	NR
<b>Street Address</b>	
1905 N 2ND ST	
<b>Owner Information</b>	<b>Applicant Information</b>
MILLER, MICHAEL J. MILLER, JILLIAN N. 1905 N 2ND ST SHEBOYGAN, WI 53081-2917	MILLER, MICHAEL J. MILLER, JILLIAN N. 1905 N 2ND ST SHEBOYGAN, WI 53081-2917
<b>Contractor Information</b>	
MILLER, MICHAEL J. MILLER, JILLIAN N. 1905 N 2ND ST SHEBOYGAN, WI 53081-2917	<b>Escrow Balance:</b>

**Description of Work:** 4' HIGH FENCE - 50% OPEN ON TOP OF HILL IN FRONT AND SIDE OF HOUSE**Permit Details:****Cost of Work:** \$1,200

<b>Fees</b>	
FENCES	\$ 40.00
<b>Total Fees</b>	<b>\$ 40.00</b>

The applicant hereby applies for a permit to do the work described above and hereby agrees to comply with City of Sheboygan Municipal Ordinances and with the descriptions herein set forth in this statement; and to obey any and all lawful orders of the City Inspector or his/her designee; understands that the issuance of the permit creates no legal liability, express or implied, on the Building Inspection Department and any agent or employee thereof; and certifies that all the above information is accurate.

**JACK VAN DER WEELE**  
 Building Inspector

05/05/2016  
 Date

Permit expires in 6 months as long as work commences within 30 days.

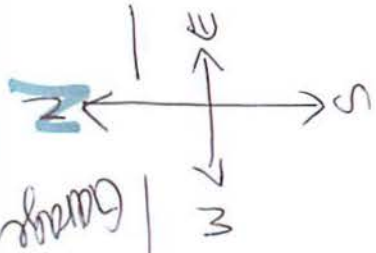
## **Cautionary Statement to Owners Obtaining Building Permits**

101.65(1r) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

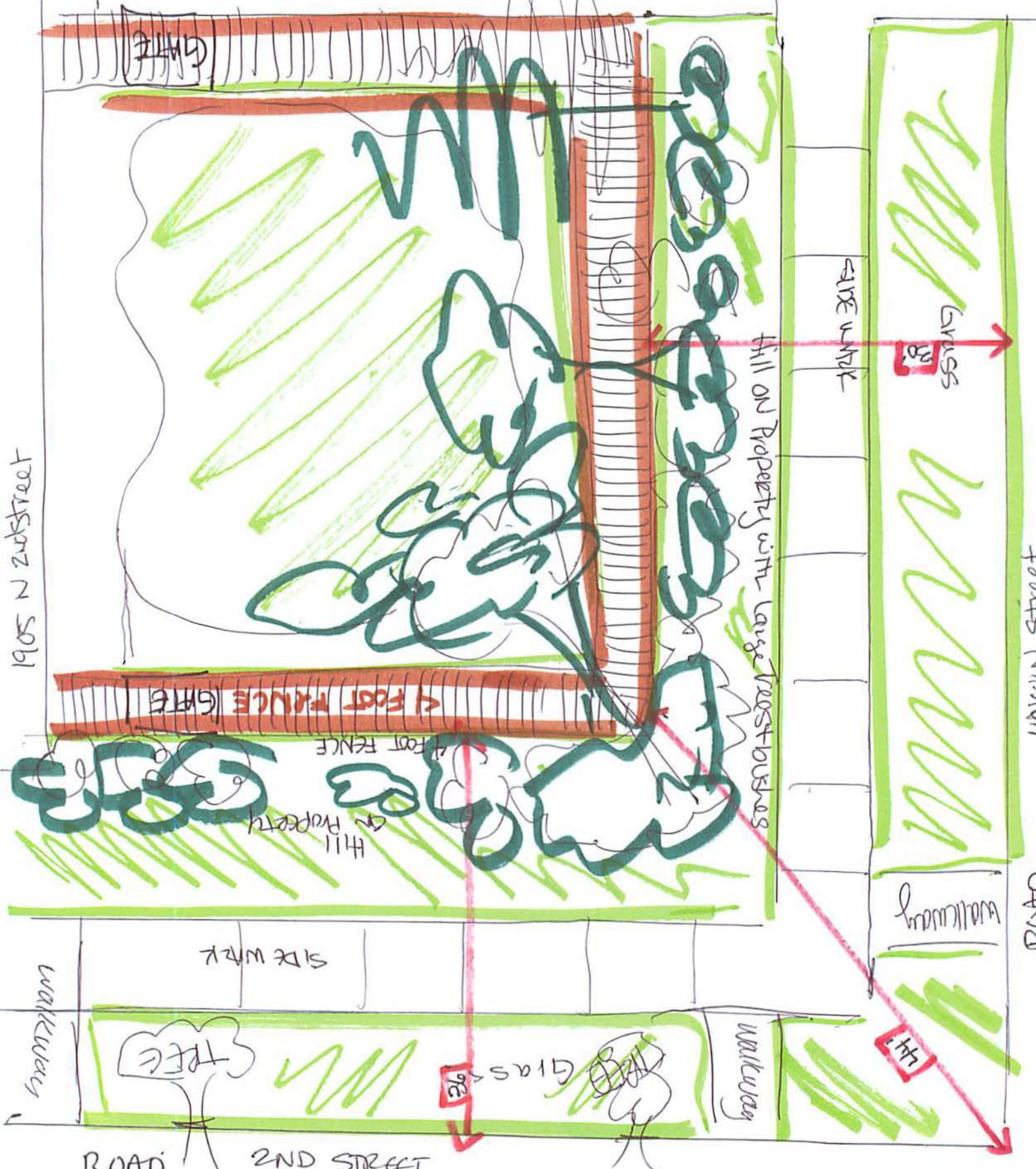
If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s.101.654 (2) (a), the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and 2-family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of other or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.



distance from  
 Force to street 30' 44' from corner  
 30' from 2nd street  
 Force 4 foot opaque  
 For existing privacy hedges  
 Privacy of Property



1905 N 2nd Street

Lincoln Street

ROAD 2ND STREET

WALKWAY

SIDE WALK

WALKWAY

WALKWAY

ROAD

TREE

Glass 30'

4 FT

GROSS 30'

SIDE WALK

Hill on Property with large frost-bushes

Hill on Property or Property

4 FOOT FENCE GATE

GATE

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9-30-16  
Application deadline date (last working day of the month)

October 19, 2016 @ 5:15pm  
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.

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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.

Signature



Date

9-27-16

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


CASE NO. \_\_\_\_\_  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. \_\_\_\_\_

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

- 1). Appeal Location (address): 16016 - 16018 Huron Ave
- 2). Applicant: Wallace Homes Telephone #: (920)451-1158  
Address: 16010 Huron Ave
- 3). Legal Property Description (Lot, Block, Subdivision, etc.)  
\_\_\_\_\_  
\_\_\_\_\_
- 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: Upper Deck WAS UNSAFE Demolished Deck Before Permit WAS ISSUED & would Like to Rebuild to code
- 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.  
Variance IS for Set Backs on Front Deck 6x20 Upper Deck  
6x14 Lower Deck
- 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.:  
Purch WAS NOT to correct code & UNSAFE SO we Demolished It.  
Neighborhood has Porches withw setback so New Porch will not look out of Place  
Deck will now Be SAFE and to code AND ADD CURB Appeal to Neighborhood

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: 9-27-16

Signature:   
Mailing Address: 1503 59th  
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.*

**BUILDING PERMIT APPLICATION**

The undersigned hereby applies for a permit to construct, remodel, repair, or install according to the following statement:

1. Address of Installation: 1616-1618 Huron Ave
2. Building Type:
 

Commercial: _____	Commercial - ILHR Plan Approval: _____	(Date)
Residential: <u>X</u>	One or Two Family Residence: _____	
3. Description of Work: Replace Front Deck s
4. Estimated Cost of Job \$: \$5000<sup>00</sup> Scheduled Start Date: \_\_\_\_\_
5. Fees \$: \_\_\_\_\_ Escrow \$: \_\_\_\_\_ Penalty Fees \$: \_\_\_\_\_
6. Owner: Wallace Homes Telephone No.: 920-451-1158  
 Address: 1610 Huron Ave City: Sheboygan WI
7. Contractor: Wigg Brothers Telephone No.: 451-1158  
 Address: 1503 5<sup>th</sup> City: Sheboygan  
 BLDG Qualifier Cert. #: \_\_\_\_\_ BLDG Contractor Cert. #: \_\_\_\_\_
8. Architect: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_
9. Remarks: \_\_\_\_\_

The undersigned hereby applies for a permit to do the work above described, and hereby agrees that such work will be done in accordance with the descriptions herein set forth in this statement; and it is further agreed to construct, alter, repair and install in strict compliance with the building ordinance and other ordinances of the City of Sheboygan and the State Building Code of Wisconsin and to obey any and all lawful orders of the Inspector of Buildings of the City of Sheboygan. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said undersigned, shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

**PLEASE TAKE NOTE: APPLICANT MUST CALL FOR ALL REQUIRED INSPECTIONS. Failure to do so will result in a penalty fee of \$50 plus may delay any future transactions with the City of Sheboygan.**

Applicant Signature: \_\_\_\_\_

Print Name: Michael FerraroAddress: 219 Euclid, PECity, ST Zip: Sheb. Falls WI 53081

**CAUTIONARY STATEMENT TO PROPERTY  
OWNERS OBTAINING BUILDING PERMITS**

**101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:**

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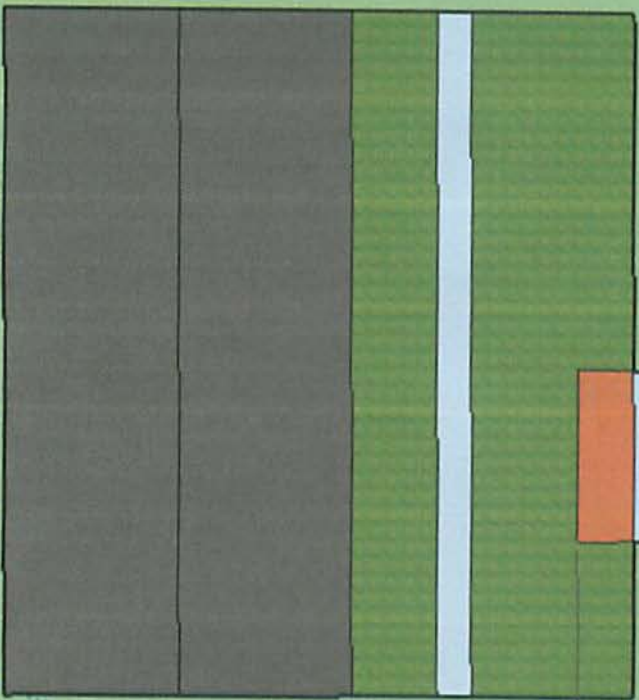
**(a) The owner may be held liable for any bodily injury to or death of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.**

**(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the 1- and 2-family dwelling code or any ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death or others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.**

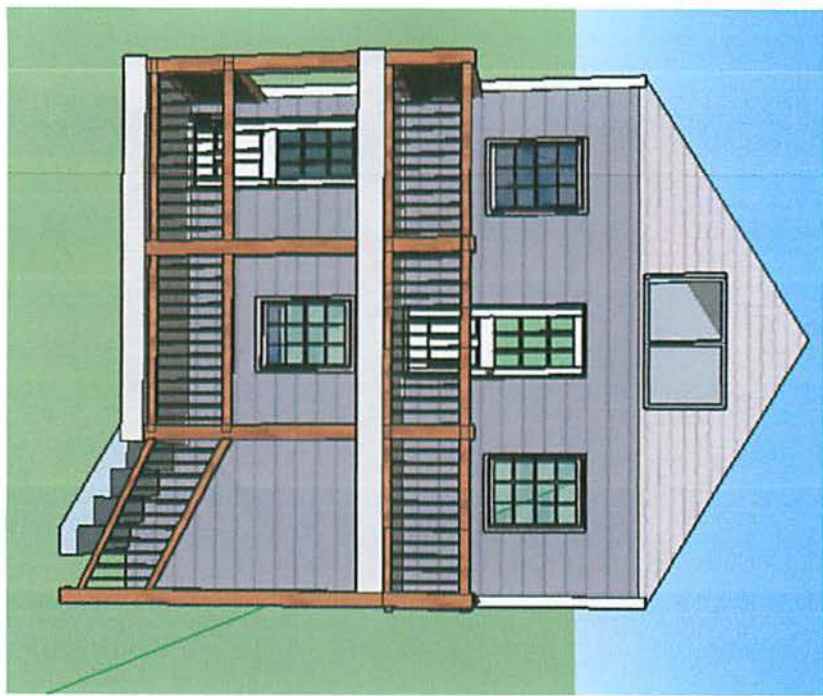
**Owner Signature: \_\_\_\_\_**

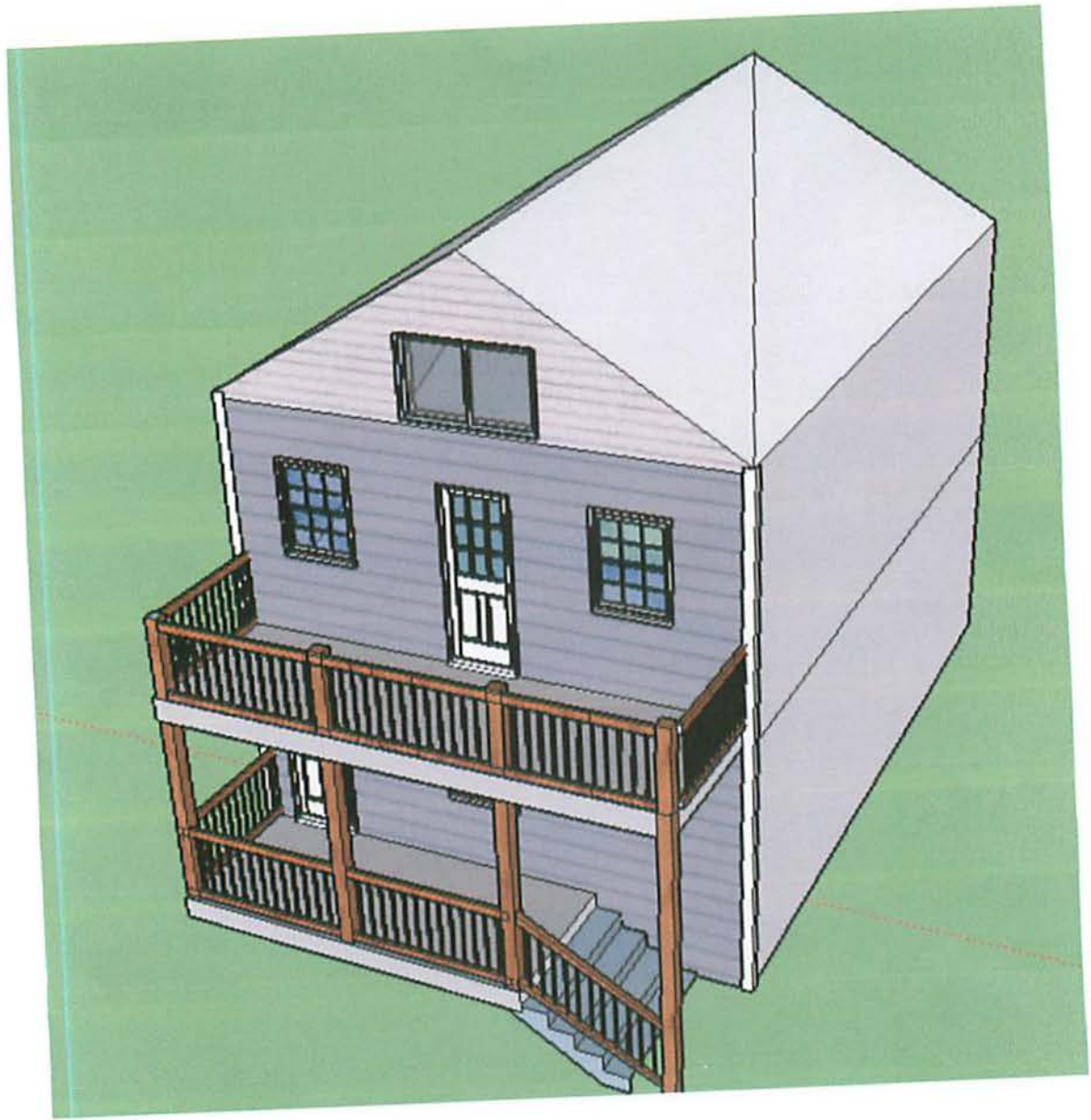
1622 setback is 9' 6" from sidewalk  
1628 setback is 8' 6" from sidewalk

1616-1618



23'  
16' 6" 12' 6"  
26' 6"  
46' 6"  
30'





# KRUEGER

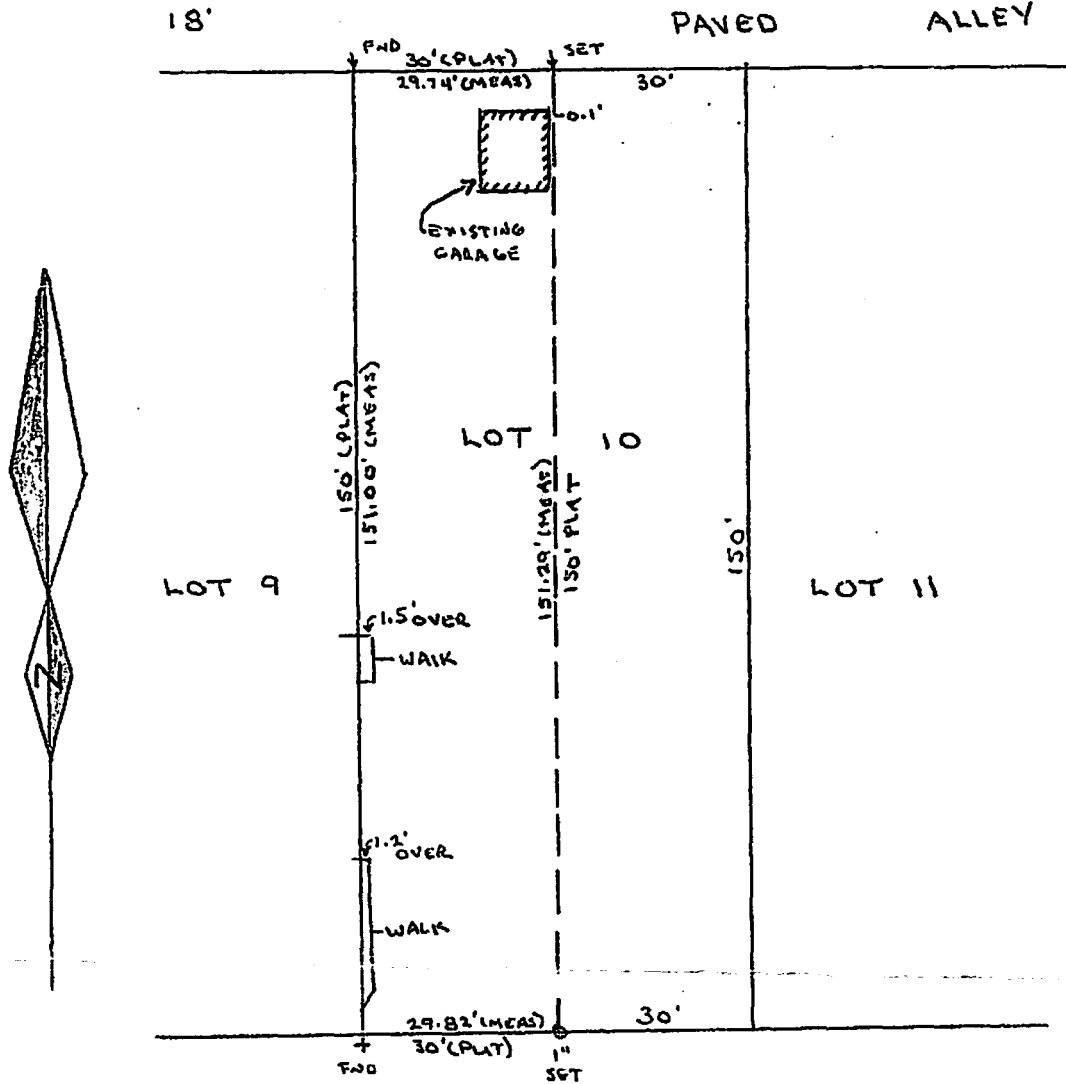
## Land Surveying

Huron

DESCRIPTION: The West 1/2 of Lot 10, Block 20, Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

Scale 1" = 30'

July 8, 1995

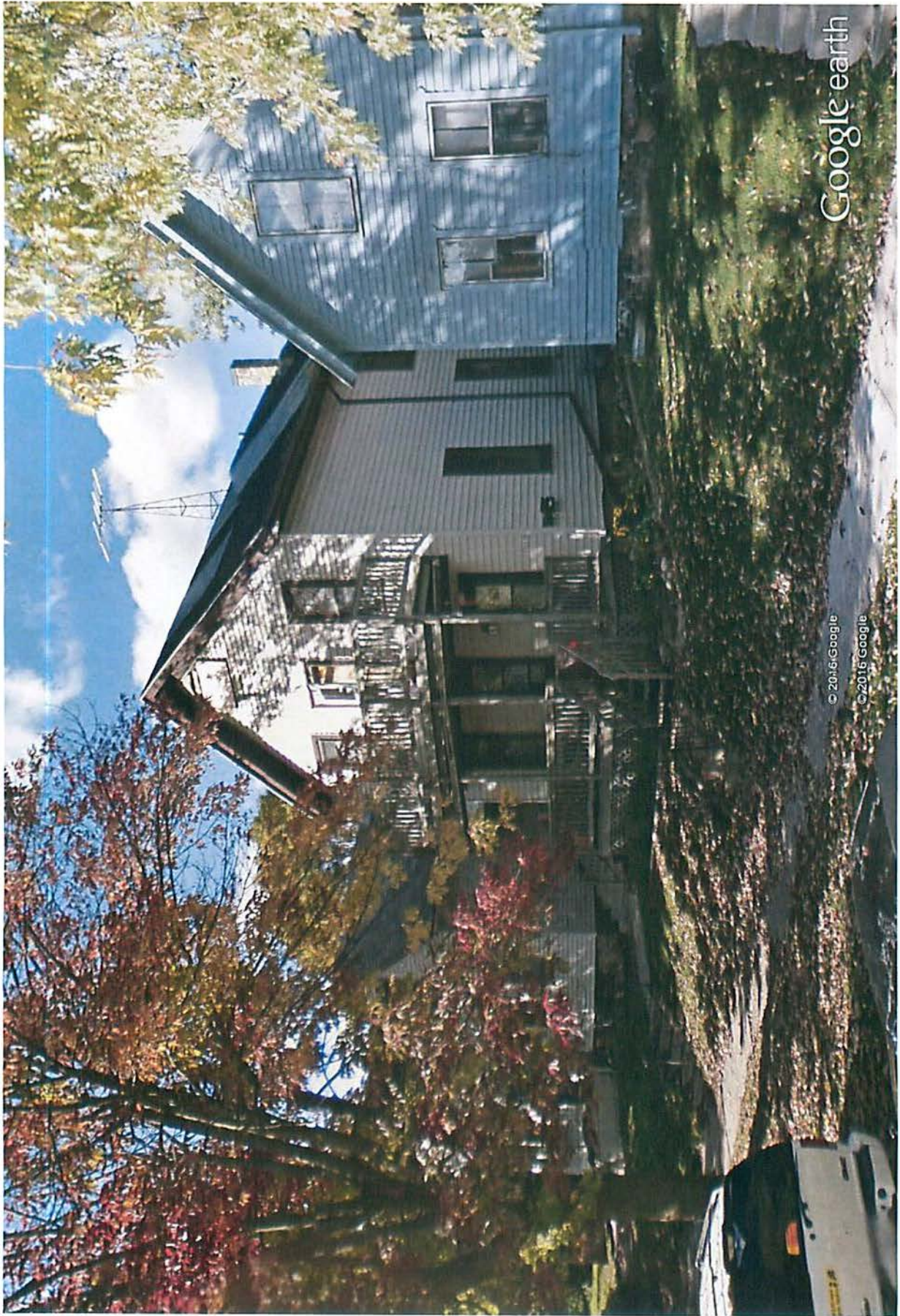


HURON AVENUE

80' ST







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Google earth