

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 320 ONTARIO AVE

Parcel #: 105420

Owner's Name: Robert Butcher

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 11/30/2021

MEETING DATE: 12/15/2021

BACKGROUND / ANALYSIS

Owner is requesting to build a new 8 ft. deep covered porch to match the width of the house with a stairway that projects towards the front property line

Ordinance #: 15.105(2)(d)(3)(b)(E) Minimum setback to front side lot line to house: 25 feet

Requesting: 7 feet from front property line to porch

Allowed: 25 feet from front property line

Ordinance #: 15.405(1)(a)(3) Steps may intrude into Required Front yard provided they do not located closer than 15 feet from any street right-of-way.

Requesting: unknown feet from front property line

Allowed: 15 feet from front property line

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly on the third Wednesday at 3p.m. at a public hearing. In order to be considered for the next meeting, applications must be received in the Building Inspection Department Office **no later than 4:30p.m.** on the third Wednesday of the month prior to the scheduled public hearing:

11/17/21
Application Deadline Date

12/15/21
Board of Appeals Meeting Date

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) A site sketch, drawn to scale 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.

Note:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) In addition to the application information noted above, a survey is strongly recommended.
- c) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- d) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- e) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.

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 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 and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded 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

11-15-21
Date

**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): 320 ONTARIO AVE
- 2). Applicant: ROBERT BUTCHER Telephone #: (920) 452-6886
Address: 3020 N 6TH ST
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) ORIGINAL PLAT LOT
9 BLOCK 99
- 4). Type of Building (Circle): Commercial - Residential
- 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: FIX UP, LIVE IN IT, SELL IT, OR RENT IT
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: FIX UP, LIVE IN IT, SELL IT, OR RENT IT
- 8). On a separate letter to the Board describe the requested variance and include 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.

**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: 11-15-21

Signature: 
Printed Name: ROBERT BUTCHER
Mailing Address: 3020 N 6TH ST
SHEBOYGAN, WI 53083

THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain your proposed construction is consistent with neighboring developments, a development does not infringe on the enjoyment of property belonging to neighboring owners, it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish, 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 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 the 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 the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure 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.

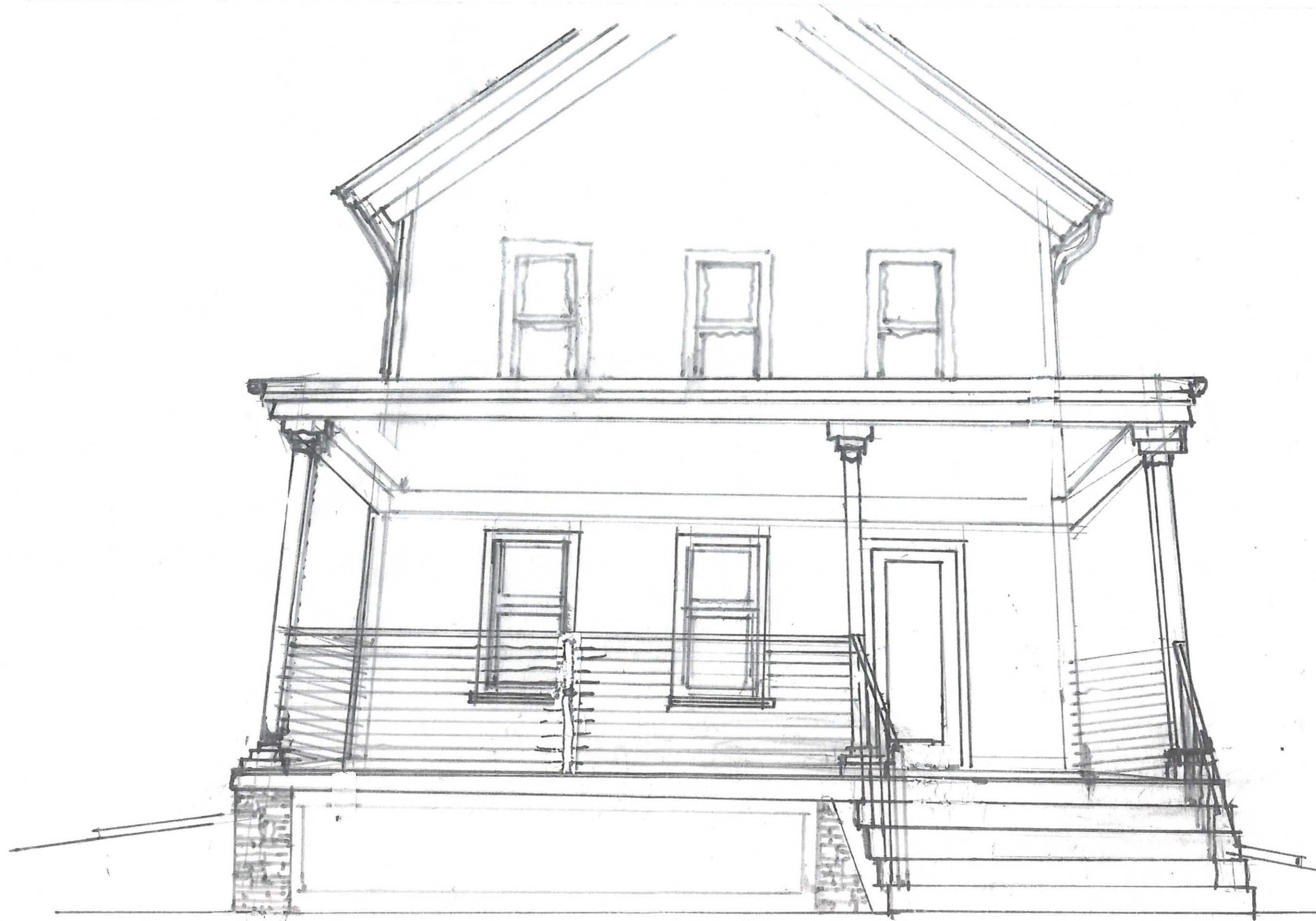
Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

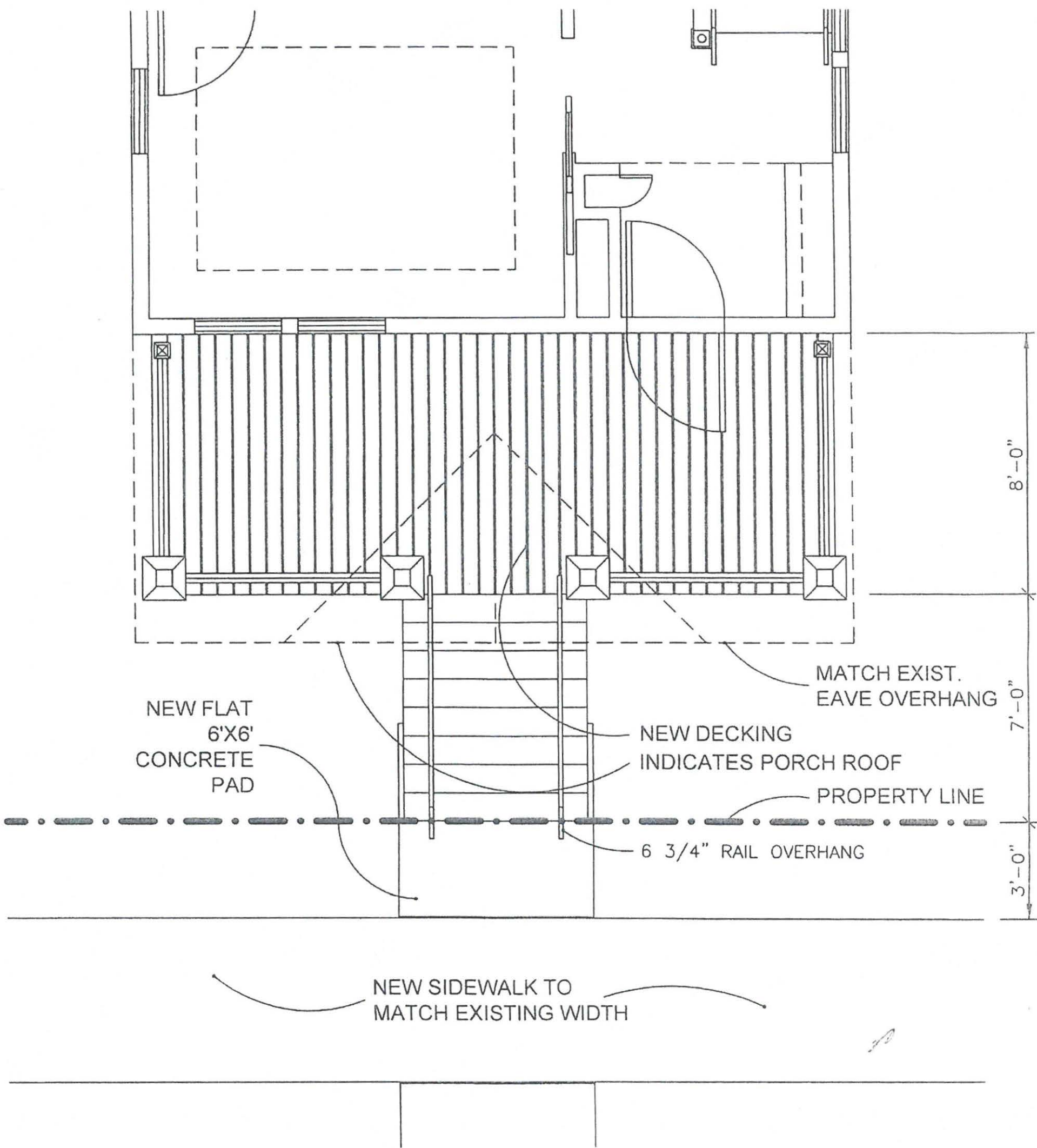
11-15-2021


I was approved a variance on May 19, 2021 to install a porch at 320 Ontario Ave. At that time, there was a sketch of the porch showing horizontal cable railing. Upon talking with John Washatko, residential designer at Drexel building supply, John recommends going with the vertical metal rail, keeping it true to the residential neighborhood. We are asking to change from horizontal cable railing to vertical railings.

Thank you,

Robert Butcher

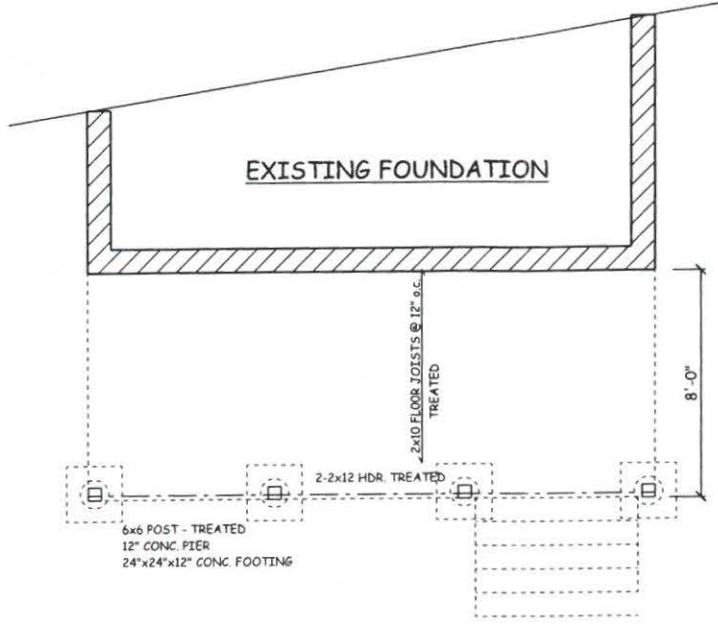




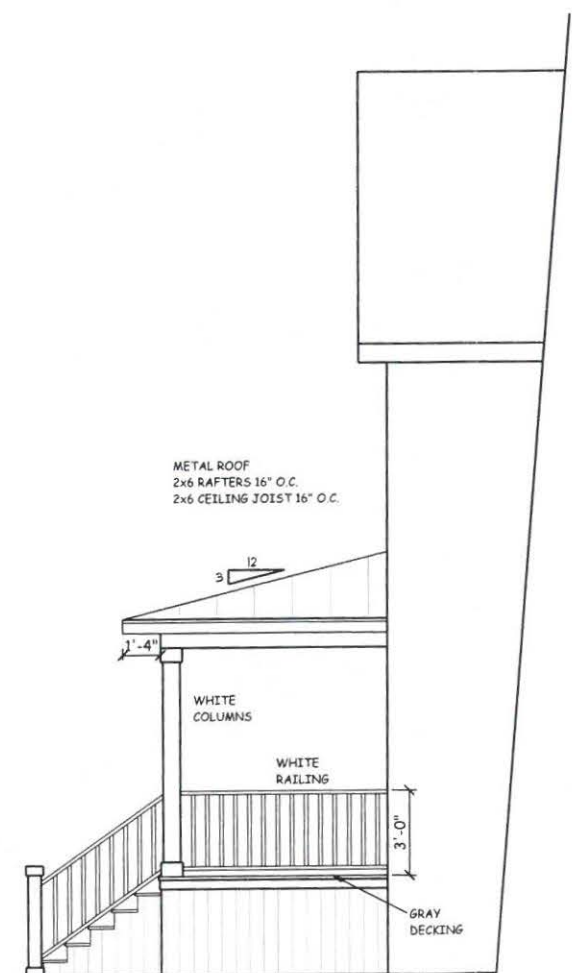
Butcher Rental Ontario Ave. SHEBOYGAN WISCONSIN SCALE: 1/4" = 1'-0" SHEET NO.:	DESIGNED BY:	WTR		WILLIAM TODD ROLLINS 2305 HILLSHIRE DR. - UNIT 3D SHEBOYGAN, WI 53081 P. 920.226.4855 E. wtrollins22@gmail.com William Todd Rollins holds all rights of copy right in and to these prints, drawings, and documents. No reproduction, copying, alteration, modification, usage, incorporation into other documents, or assignment of the same may occur without the
	DRAWN BY:	WTR		
	SHEET TITLE:	PORCH PLAN		
	SHEET NO.:			



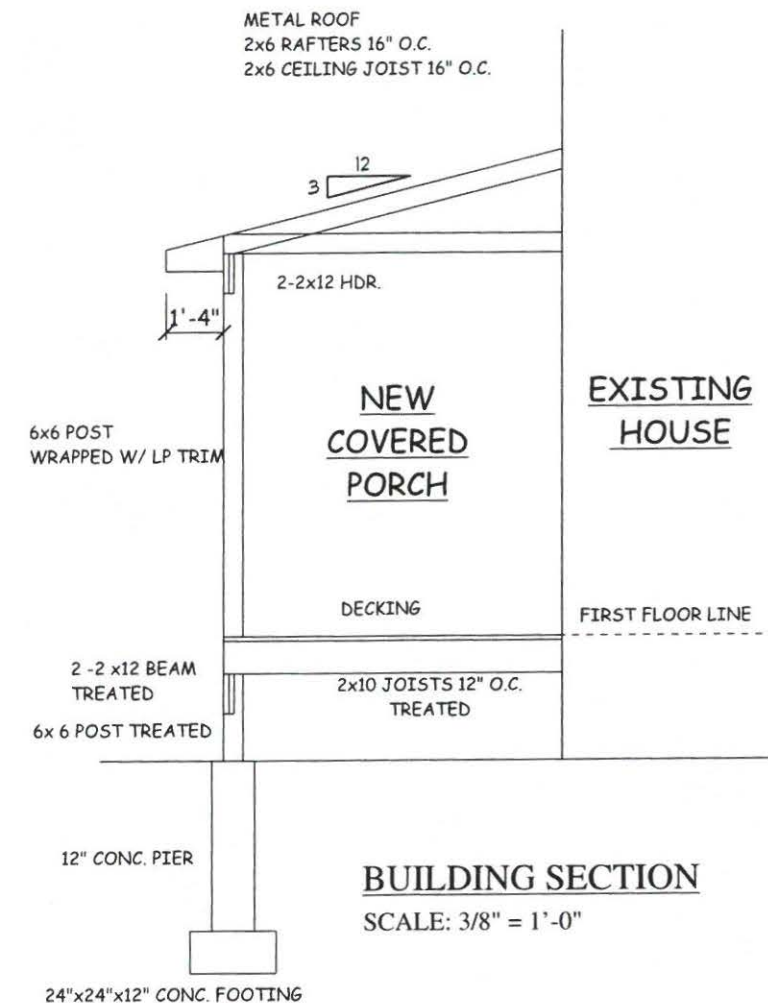
FLOOR PLAN
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



SIDE ELEVATION
SCALE: 1/4" = 1'-0"



BUILDING SECTION
SCALE: 3/8" = 1'-0"

PROPOSED NEW PROJECT FOR: BUTCHER, ROBERT		330 ONTARIO AVE. SHERBOYGAN	
Drexel BUILDING SUPPLY Drexelteam.com		A21-387-K	
DRAWN BY: S.A. J.W. SCALE: As Shown SHEET NO: A1	COPYRIGHT © 11/15/2021 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM DREXEL BUILDING SUPPLY.		





Wierus, Linnae

From: Lutzke, Jeffrey
Sent: Monday, January 17, 2022 7:55 AM
To: 'chrispat1@charter.net'
Cc: Wierus, Linnae; Sokolowski, Steve
Subject: RE: 320 Ontario Ave.

Pat,
I have received your email and will make sure it is heard at the meeting this week.

Thank you,

Jeff Lutzke
Building Inspector
City of Sheboygan
828 Center Ave., Suite 208
Sheboygan, WI. 53081-4442
920-459-3481 (Phone)
920-459-0210 (Fax)

From: chrispat1@charter.net <chrispat1@charter.net>
Sent: Saturday, January 15, 2022 3:08 PM
To: Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
Subject: 320 Ontario Ave.

I will be unable to attend the meeting on the 19th of January. My objections to the porch for the above address has not changed. It will interfere with my view of the lake and it will stick out. All the houses on the north side of Ontario Ave. between 4th and Broughton Drive are set back. His porch will not blend in with the rest of the neighborhood making my view of the lake partially obstructed.

Thank you.

Pat Kevin

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 3011 N 26th ST

Parcel #: 620740

Owner's Name: Joseph Block

Zoning: MR-8

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 01/10/2022

MEETING DATE: 01/19/2022

BACKGROUND / ANALYSIS

Owner has already constructed a new 4 feet deep by 14 feet wide front deck with a stairway that projects towards the front property line. A building permit was not obtained prior to construction.

Ordinance #: 15.405(1)(a)(3) Decks are a permitted intrusion into the required front yard provided they do not locate closer than 15 feet from any street right-of-way.

Requesting: 10 feet from interior side of city sidewalk. Distance from property line was not provided.

Allowed: 15 Feet from street right-of-way (front property line)

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

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12-15-21

Application Deadline Date

1-19-22

Board of Appeals Meeting Date

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) A site sketch, drawn to scale 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.

Note:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) In addition to the application information noted above, a survey is strongly recommended.
- c) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
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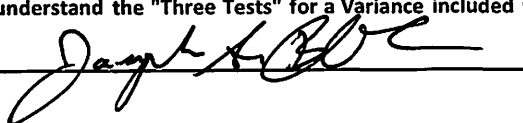
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I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance included with this form.

Signature



Date

12-3-2021



www.sheboyganwi.gov

212941

BUILDING INSPECTION DEPARTMENT
828 Center Avenue, Suite 208
Sheboygan, WI 53081-4442
Phone: (920) 459-3477
Fax: (920) 459-0210
buildinginspection@sheboyganwi.gov

**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): 3011 N 26th St Sheboygan, WI 53083
- 2). Applicant: Joseph A. Block Telephone #: (920) 980-1911
Address: 3011 N 26th St Sheboygan, WI 53083
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Residential Lot

- 4). Type of Building (Circle): Commercial Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: Deck has already been constructed

- 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). On a separate letter to the Board describe the requested variance and include 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.

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: 12-3-2021

Signature: Joseph A. Block
Printed Name: Joseph A. Block
Mailing Address: 3011 N 26th St
Sheboygan, WI 53083



www.sheboyganwi.gov

BUILDING INSPECTION DEPARTMENT
828 Center Avenue, Suite 208
Sheboygan, WI 53081-4442
Phone: (920) 459-3477
Fax: (920) 459-0210
buildinginspection@sheboyganwi.gov

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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 the proposed construction would not harm the public interest.

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Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

Front Deck Approval Variance

3011 N 26th St Sheboygan, Wi 53083

I built a small deck in my front yard without a permit. I am a first-time homeowner and was under the assumption that no permit was required for the following reasons:

1. The structure is free standing and does not fasten to or make contact with the house.
2. The Structure was not a new addition. It was constructed over existing concrete steps. The existing steps were sinking into the ground and looked awful, so I basically created a decorative cover to enhance the curb appeal of my property.

I am a Mechanical Engineer by occupation and took great care in planning, designing, and building this project. Prior to construction, I created a 2D property layout and a 3D model of the deck to ensure fitment and plan for materials. This was built in May of 2021 when lumber prices were extreme.



The existing steps were not the correct height for my front door. The top "step" was a wooden spacer added to bridge the gap. I took advantage of this removable third step when constructing my solution.



I started by removing the railings and placing the footings. Each footing was hand dug 2ft down and filled with a mixture of sand and pea gravel. Each footing was then tamped and a deck block was placed and leveled.



The legs were placed into the deck blocks and the main frame was added. Each leg is fastened to the main frame with 3 lag screws. 5 legs are pictured above, 2 had yet to be added.



An additional 2 legs were added to support the left side railing bringing the total to 7 legs. 14ft deck boards were added to create a walking surface that lines up perfectly with the front door.

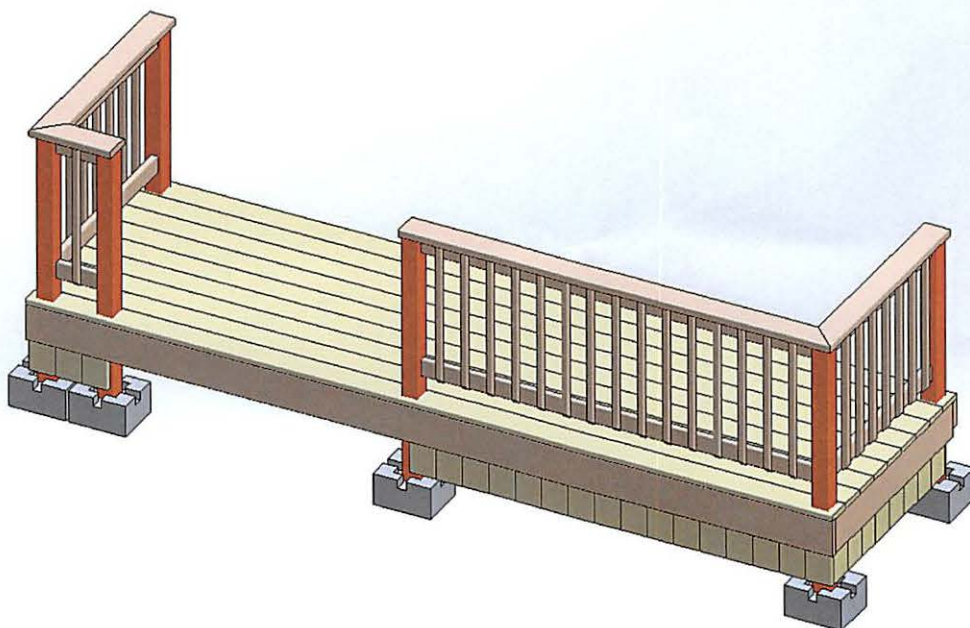


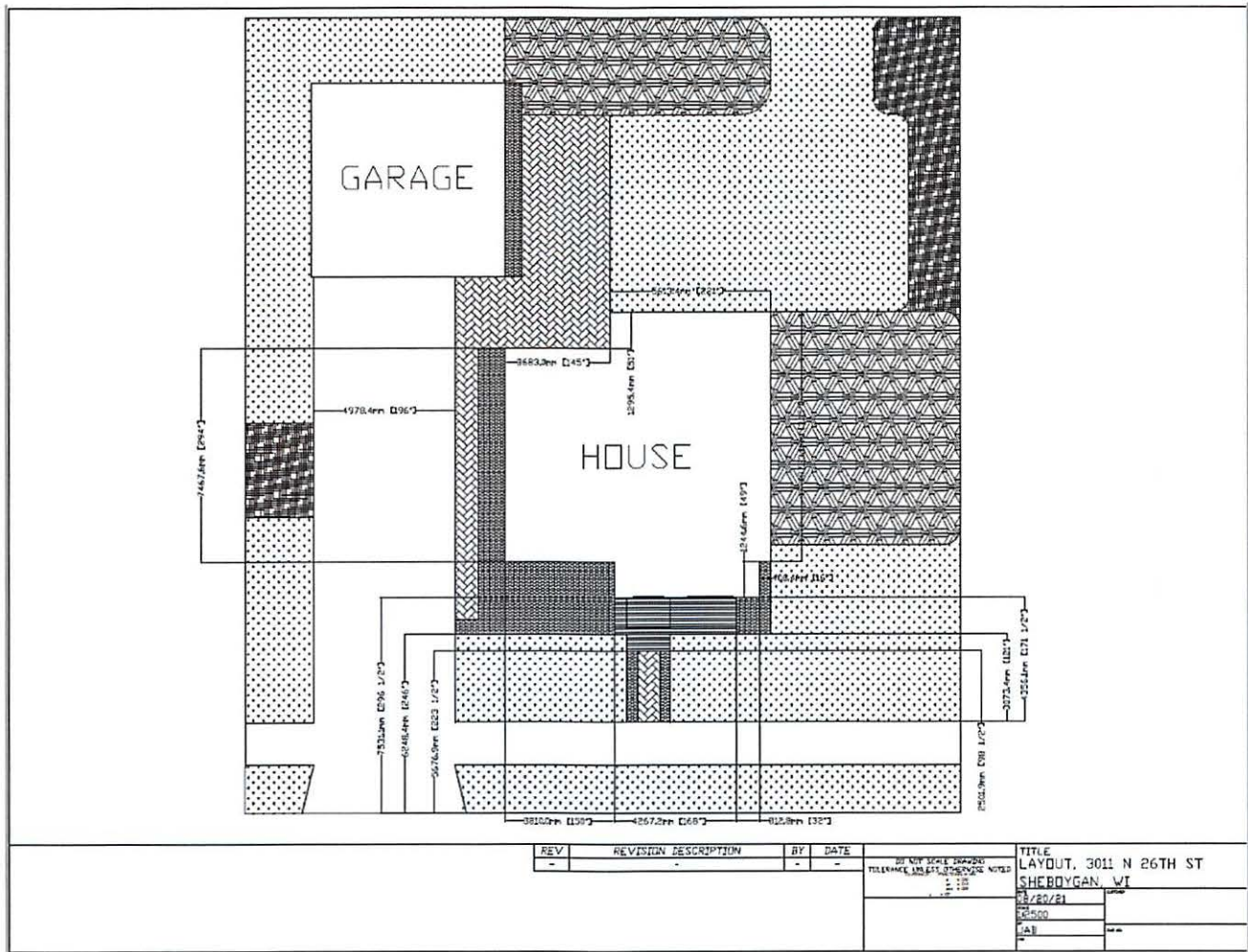


Hand Railings, steps, and a decorative skirt was added to finish the project. I'd like to mention the gaps in the skirt have been filled since these pictures were taken.

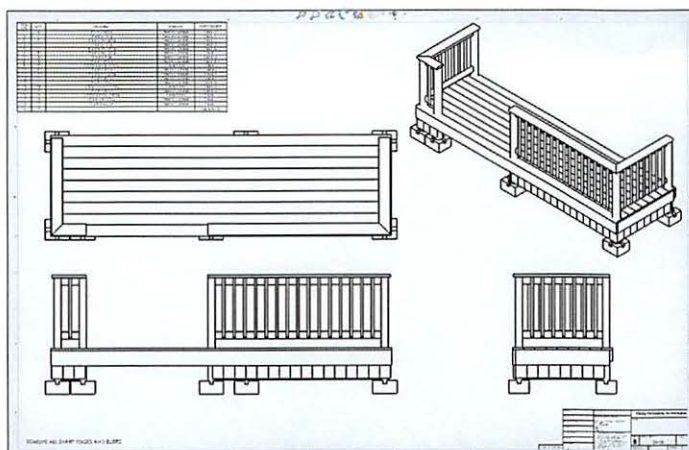


I plan to add mulch in spring to cover the tops of the deck blocks and small gap between the ground and the skirt.





Above are my 2D and 3D layouts I used to help prepare for the project. The existing concrete steps can be seen drawn inside the deck on the 2D layout. I made sure to callout the appropriate dimensions in the PDF, however, AutoCAD or a dwg viewer will allow measurement of any part of the drawing. Similarly, Solidworks will allow the same for the 3D layout. I will put these files on a USB drive and include with this proposal. Alternatively, I can send them via email wherever required. My email address is josephblock59@gmail.com



The start of the problems:

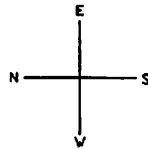
I built this deck in May of 2021.

On August 16th, 2021 I received a letter stating,

"During a routine inspection at the above referenced property, the following violations were observed:

A new front deck was built without a permit. Building permits are required prior to the construction of a deck. Per ordinance 15.405(1)(a)(3) decks cannot locate closer than 15 feet from any street right-of-way" (my deck is 19ft at it's closest point)

I contacted Jeffery Lutzke via phone/email and explained my situation (emails included). He advised me that because of my decks size, I would need a variance approved and then a building permit. Afterwards he mentioned a rule where if 60% of the homes(with decks) on my my face of my block had their decks as close or closer to the sidewalk than mine; no variance needed. He said no variance would be needed because I was making my hime match the look of the neighborhood. He told me to measure everyones property and collect the data, so I did. See below. 4 of 7 properties qualified totaling 57%...



HOUSE NUMBER	3219/3221	3213/3211	3203	3125/3127	3115	3107	3035	3027	3019	3011	3005/3003	2931/2929	2917
DISTANCE FROM DECK BODY TO SIDEWALK EXCLUDING STAIRS	N/A	181"	N/A	N/A	117"	134"	N/A	120"	121"	121"	N/A	198"	N/A

PROPERTIES WITH FRONT DECKS: 7

DECKS EQUAL TO OR CLOSER THAN 121" TO SIDE WALK: 4

REV	REVISION DESCRIPTION	BY	DATE	TITLE
				LAYOUT, N 26TH ST
				SHERIDYGAN, VT
				01/22/21
				01/20/21
				01/18/21

Jeff advised me that because it was not 60% compliant, I had 3 options:

1. Tear it down
2. Get a variance
3. Modify it to conform to a 4ft x 4ft Platform

When I inquired about these options, he stopped responding to me. This lead me to believe the matter was closed. 3 months later, he picked things back up the day before thanksgiving like no time had passed. This caused me to worry all holiday weekend.

Here's where I believe I make a strong case:

- My deck is 4ft x 14ft; meaning it is the same distance from the sidewalk, road, right-of-way, etc as a 4ft x 4ft deck.
- It is free standing and does not fasten to the house. The same could be said about decorations or yard art.
- 57% of properties on my face of my block have decks as close or closer to the sidewalk Even more so on the other side of the street, but I was told not to count those. Specifically the house across the street from me which has a very large front deck.
- It enhances curb appeal for my property and those around it.
- It provides a safer location for package and parcel delivery.

I seek approval to this variance so I may obtain my building permit and put this matter to rest. I will never undertake a project of this nature again without prior approval. This whole situation has been extremely stressfull and time consuming.

The Three tests

1. Unnecessary Hardship

- Never building the deck or removing it at this point creates unnecessary hardship to postal workers that would have to navigate smaller, uneven, concrete steps.
- Removing or altering the deck as well leveling the concrete steps underneath creates unnecessary hardship in the form of labor.

2. Unique Property Limitations

As stated above, a 4ft x 4ft platform is allowed without a variance. The large concrete steps under the deck measured 5ft wide; making a 4ft platform not possible. This is the reason I streched the width. 14ft was also a nominal board length and reached a position appealing on the house. A front bedroom window fits within the railing at 14ft.

3. No Harm To Public Interest

I have received positive feedback from neighbors after the construction. The deck provides a great ability to display holiday decorations and fits the overall look of the neighborhood. It does not obstrust any day to day activities or logistics. In fact, it sits behind two large maple trees, meaning it isn't the closest thing to the sidewalk on my property.



Joseph Block <josephblock59@gmail.com>

3011 N26th St Deck

12 messages

Joseph Block <josephblock59@gmail.com>
To: jeffrey.lutzke@sheboyganwi.gov

Fri, Aug 20, 2021 at 9:37 AM

Jeffery,

I received the attached letter regarding my property assessment. 3011 N 26th St, Sheboygan, WI 53083
It states that a front deck was built without a permit. I was under the assumption that no permit was required for the following reasons:

1. The structure is free standing and does not fasten to or make contact with the house.
2. The structure was not a new addition. It was constructed over an existing concrete porch/steps.
The existing steps were sinking into the ground and looked awful, so I basically created a decorative cover to enhance the curb appeal of my property.
3. The letter states that the structure might be within 15ft of the street right-of-way. In reality, it is 19ft away at its closest point.

Lastly, the letter states that the fine is different depending on if a licensed contractor did the work or an unlicensed one did. I am a mechanical engineer and designed/built it myself.

I'm not sure what to do at this point and would very much appreciate a follow up email and/or phone call. My number is 920-980-1911. I left you a voicemail already on 8/20/21 at 7:23am.

Thank you,
Joe Block



20210819_172805.jpg
2045K

Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
To: Joseph Block <josephblock59@gmail.com>

Fri, Aug 20, 2021 at 4:23 PM

Joe,

Section 15.404 states more than 60% of the porches/decks on your block would need to be equal to or closer to the public right of way to allow your deck to be closer than 15 feet to the right of way. Section 15.405 is where the 15 foot setback requirement comes from. Good luck on your measuring!

Section 15.404 Yard Setback Adjustments**(1) Yard Setback Adjustment from Officially Mapped Streets**

(a) For any street depicted on the Official Map, building setbacks shall be measured from the officially mapped right-of-way line, or one-half the width of the officially mapped right-of-way from the current centerline, whichever is greater.

(c) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 60 percent of the same types of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all same type principal structures on said block face or street face.

Section 15.405 Intrusions into Required Yards

The minimum setback requirements of Sections 15.402 and 15.403 establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

(4) Permitted Intrusions Into Required Yards: The following intrusions by buildings and structures are permitted into the specified required yards:

(a) Permitted Intrusions Into Required Front or Street Yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.

2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 15.707 and provided they do not locate closer than five feet from the front or street property line.

3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 15 feet from any street right-of-way.

Thank you,

Jeff Lutzke

Building Inspector

City of Sheboygan

828 Center Ave., Suite 208

Sheboygan, WI. 53081-4442

920-459-3481 (Phone)

920-459-0210 (Fax)

[Quoted text hidden]

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Joseph Block <josephblock59@gmail.com>
To: "Lutzke, Jeffrey" <Jeffrey.Lutzke@sheboyganwi.gov>

Fri, Aug 20, 2021 at 5:48 PM

Jeff,

Attached is a CAD drawing of my property.

Included in my drawing are dimensions from the deck to the sidewalk as well as the street curb.

My deck is 20'6" from the street and the stairs are 18'7" from the street.

My deck is 10' from the sidewalk and the stairs are 8' from the sidewalk.

I do not know where the front property line is located from the street, but code says 15 ft from "street right of way" so I don't think I'm crazy to believe that means the street curb.

Please let me know if I need to measure my neighbors decks or if mine is ok on it's own.

thanks,

Joe Block

[Quoted text hidden]

2 attachments

 **3011 N 26TH DECK LAYOUT.pdf**
248K

 **3011 N 26TH DECK LAYOUT.dwg**
9287K

Joseph Block <josephblock59@gmail.com>
To: "Lutzke, Jeffrey" <Jeffrey.Lutzke@sheboyganwi.gov>

Sun, Aug 22, 2021 at 2:44 PM

Jeff,

I measured all the front decks on the face of my block and created a drawing which is attached.

Please let me know where we go from here.

thank you,

Joe Block

[Quoted text hidden]

 **N 26TH ST BLOCK LAYOUT.pdf**
108K

Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
To: Joseph Block <josephblock59@gmail.com>

Mon, Aug 23, 2021 at 8:03 AM

Joe,

Since there was less than 60% of the properties that met the setback criteria, your only option to keep your deck would be to apply for a variance. The cost of a variance is \$250 (non-refundable) and you are not guaranteed to be approved for a variance. As far as locating the street right-of-way, N26th St has a 60' right-of-way. If you measure 30' from the center of the road, that should get you relatively close to your property line. Keep in mind, the only way to verify your property line is to have a certified survey completed. If you apply for a variance you will be required to have a current survey to show the location of your deck from your property line (building permit is required if your variance is approved). If you choose not to apply for a variance you would be allowed to build a 4'x4' landing with a set of steps (building permit is required).

[Quoted text hidden]

Joseph Block <josephblock59@gmail.com>
To: "Lutzke, Jeffrey" <Jeffrey.Lutzke@sheboyganwi.gov>

Mon, Aug 23, 2021 at 8:23 AM

How would I go about getting a survey and how much does that cost?

Also, a 4'x4' platform would be the same distance from the right of way that my current deck is. My current deck is 4' x 14'.

[Quoted text hidden]

Joseph Block <josephblock59@gmail.com>
To: "Lutzke, Jeffrey" <Jeffrey.Lutzke@sheboyganwi.gov>

Tue, Aug 24, 2021 at 2:11 PM

Hey Jeff,

Just making sure we don't lose track of this. Is a survey something the city provides and I just need to schedule? This whole situation is getting much more complicated than I expected, especially since I completed the deck 3 months ago. 4 out of 7 homes on my street have an equal or closer spacing from the sidewalk. That is over 57%. Could we round to 60%, I pay my fine, and close the issue?

I built my deck using common sense and assure you it is no danger/ inconvenience to anyone. We don't even use it, It was just to make the front of the house look better.

Hopefully this has a simple solution,
Joe block

[Quoted text hidden]

Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
To: Joseph Block <josephblock59@gmail.com>

Wed, Nov 24, 2021 at 9:41 AM

Joe,

My apologies for losing track of our discussion. In my prior email I stated more than 60% of the porches/decks would need to be closer. The ordinance states "principal structure" which would refer to the house itself (so you would need to measure all the homes on your block). This would put your percent lower than the 57% you had calculated. Your option would be to either apply for a variance (no guarantee of approval) or modify your existing porch to meet ordinances (4 foot x 4 foot landing with stairs). A building permit is still required for either option.

[Quoted text hidden]

Joseph Block <josephblock59@gmail.com>
To: "Lutzke, Jeffrey" <Jeffrey.Lutzke@sheboyganwi.gov>

Wed, Nov 24, 2021 at 9:56 AM

How do I apply for a variance? I do not want to alter my deck. It has been there for 7 months and caused no issues whatsoever.

I took your 3 month silence as a sign that this matter was closed. As I mentioned, if I'm allowed a 4'x4' platform, why is a 4'x14' any worse?

It will be the same distance from the sidewalk either way.

[Quoted text hidden]

Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
To: Joseph Block <josephblock59@gmail.com>

Wed, Nov 24, 2021 at 10:04 AM

Joe,

You can download an application at the link below or you can get a paper copy at the Building & Planning Dept at City Hall. If you would have inquired about a building permit prior to starting your project you would have been informed of the City ordinances. The variance application is due by 5PM on December 15, 2021 and the Board of Appeals will hear your request on January 19, 2022.

<https://www.sheboyganwi.gov/wp-content/uploads/2021/10/variance-application-2020.pdf>

[Quoted text hidden]

Joseph Block <josephblock59@gmail.com>
To: "Lutzke, Jeffrey" <Jeffrey.Lutzke@sheboyganwi.gov>

Wed, Nov 24, 2021 at 11:19 AM

questions about the application:

1. What is the legal Property description? I guessed "residential Lot."
2. "request for" Should I put new construction even though it's built?
3. "Applicants interest in property" Owner?

Do i fill out the top of the page?

CASE NO.

FILING DATE

RECEIPT NO.

ZONING DIST.

[Quoted text hidden]

Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
To: Joseph Block <josephblock59@gmail.com>

Wed, Nov 24, 2021 at 2:18 PM

Joe,

See my responses in RED below.

Thank you,

Jeff Lutzke

Building Inspector

City of Sheboygan

828 Center Ave., Suite 208

Sheboygan, WI. 53081-4442

920-459-3481 (Phone)

920-459-0210 (Fax)

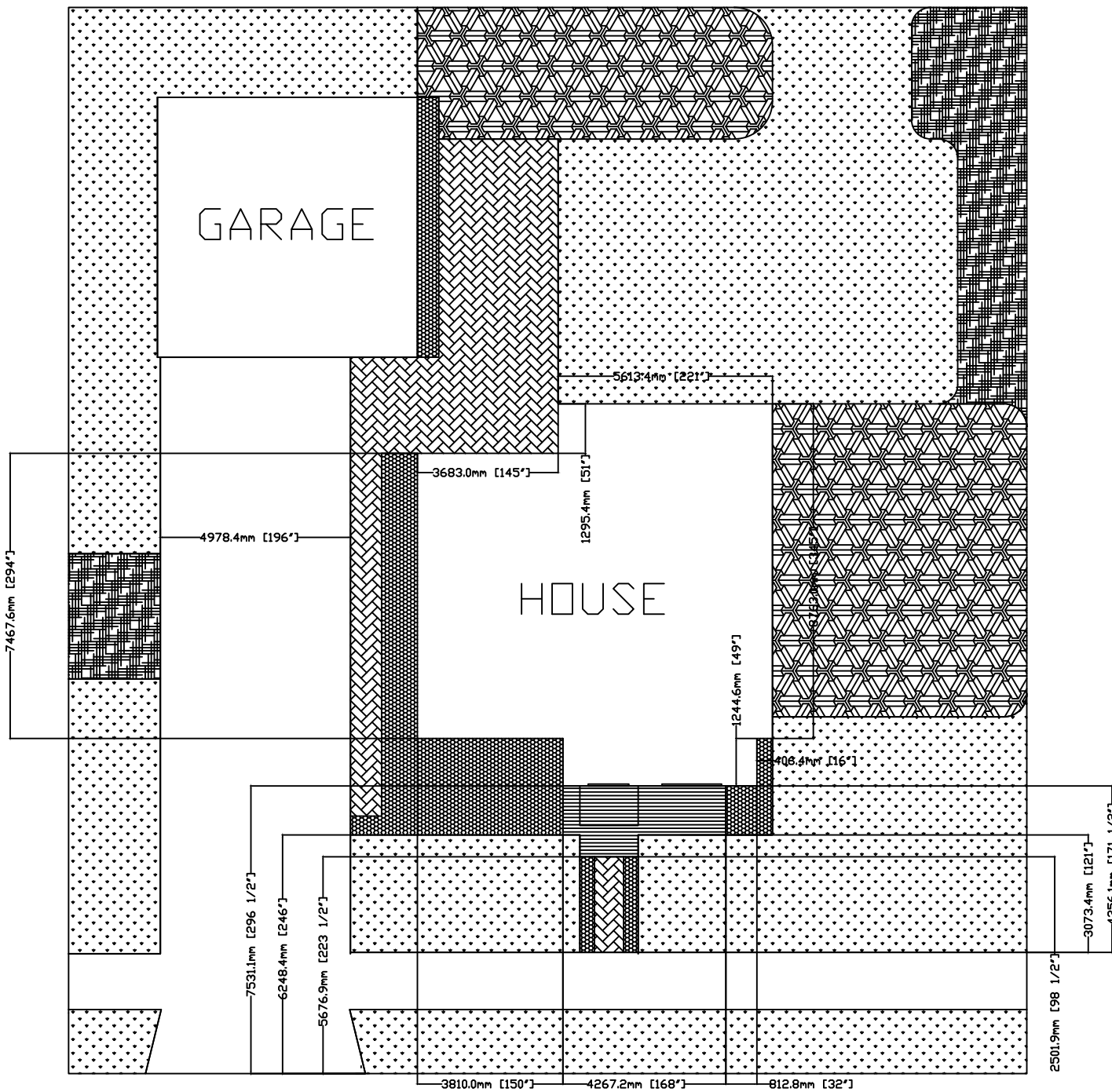
From: Joseph Block <josephblock59@gmail.com>
Sent: Wednesday, November 24, 2021 11:19 AM
To: Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
Subject: Re: 3011 N26th St Deck

questions about the application:

1. What is the legal Property description? I guessed "residential Lot." YES
2. "request for" Should I put new construction even though it's built? YES, ALSO NOTE THAT THE DECK WAS BUILT WITHOUT A PERMIT.
3. "Applicants interest in property" Owner? YES

[Quoted text hidden]

[Quoted text hidden]



REV	REVISION DESCRIPTION	BY	DATE
-	-	-	-

DO NOT SCALE DRAWING
TOLERANCE UNLESS OTHERWISE NOTED.

FRACTIONAL: 1/16"
AX 1/32"
AN 1/16"
AZ 1/32"

TITLE
LAYOUT, 3011 N 26TH ST
SHEBOYGAN, WI

DATE
08/20/21

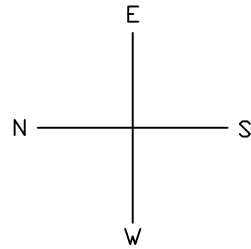
SCALE
1:2500

BY
JAB

CHECK

CUSTOMER

DWG NO.



HOUSE NUMBER	3219/3221	3213/3211	3203	3125/3127	3115	3107	3035	3027	3019	3011	3005/3003	2931/2929	2917
DISTANCE FROM DECK BODY TO SIDEWALK EXCLUDING STAIRS	N/A	181"	N/A	N/A	117"	134"	N/A	120"	121"	121"	N/A	198"	N/A

PROPERTIES WITH FRONT DECKS: 7
DECKS EQUAL TO OR CLOSER THAN 121" TO SIDE WALK: 4

REV	REVISION DESCRIPTION	BY	DATE	DO NOT SCALE DRAWING TOLERANCE UNLESS OTHERWISE NOTED. TOLERANCE: FRACTIONAL ± 1/64 X ± 0.030 -XX ± 0.015 -XXX ± 0.005 L ± 1/32"	TITLE	
-	-	-	-		LAYOUT, N 26TH ST SHEBOYGAN, WI	
					DATE 08/22/21	CUSTOMER
					SCALE 1:3200	
					BY JAB	
					DWG NO.	
					CWK	

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

CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: UI - Former I-2 ZONE

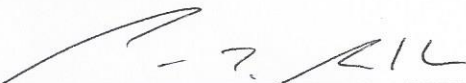
TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

1. Appeal Location (address): GENERALLY KNOWN AS PENNSYLVANIA & 13th St. N.
2. Applicant: SIGN ME UP OF WISCONSIN, LLC Telephone #: (920) 550-0009
Address: 311 FOREST AVE SHEBOYGAN FALLS, WI 53085
3. Legal Property Description (Lot, Block, Subdivision, etc.): Parcel ID # 59281501675

4. Type of ^{Property} Building (Circle): Commercial - Residential
5. Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: REPLACEMENT OF SIGN STRUCTURE
6. If the request is for a nonconforming use: N/A
Your intended use: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
7. Applicants interest in property: Leasehold
8. On a separate letter to the Board describe the requested variance and include 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.

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: 12/14/2021

Signature: 
Printed Name: PAUL ROERMACHER
Mailing Address: 311 FOREST AVE.
SHEBOYGAN FALLS, WI 53085

* Please see the attached NARRATIVE, Denial letter dated 11/4/21, SITE photographs, AND copy of ordinance Section 15.810 - Also, EASEMENT FOR SIGN STRUCTURE, AND 1996 zoning designation.



December 14, 2021

City of Sheboygan
Department of City Development
Attn: Steve Sokolowski
828 Center Avenue, Suite 104
Sheboygan, WI 53081

Chair Gerber and Members of the Board of Appeals,

Three Off-Premise (billboard) advertising sign structures were recently removed in the City of Sheboygan by Lamar Outdoor Advertising Company. These three sign structures were located on properties/easements owned by Mark Cramer and were removed without his knowledge. Mr. Cramer has entered into a lease agreement with Sign Me Up of Wisconsin, LLC, based in Sheboygan Falls, to apply for the replacement sign permits needed to rebuild the sign structures on his properties located roughly at Pennsylvania and 13th St. N., Superior and 18th St. N., and 1723 Indiana Avenue. The sign permit applications to replace the original removed signs were denied by the City of Sheboygan. I am appealing the decision of the Zoning Administrator to deny the sign permit applications because his interpretation of the zoning code with respect to Off-Premise Advertising signs is arbitrary and capricious. Please consider this letter as a narrative regarding the appeal of all three Sign Permit Applications that are before you for consideration. I have also submitted the necessary property site plan/easements for each location, a copy of Section 15.810 of the City of Sheboygan Zoning Code which regulates Off-Premise Advertising Signs, and a copy of the three denial letters dated November 4, 2021.

This narrative will focus on the following areas: The History of the creation of Zoning Code Section 15.810, a comprehensive review of Section 15.810, Property & Application information, a review of the Denial Letters issued by Steve Sokolowski (the Zoning Administrator) dated November 4, 2021, and final arguments as to why Mr. Sokolowski's interpretation and implementation of the zoning code should be overturned and the appeal granted.

History of Zoning Code Section 15.810

In 1996, the City of Sheboygan underwent a Comprehensive Zoning Code review. The section of the zoning code that pertains to Off-Premise advertising (billboard) signs was part of the review process. A collaboration of Bob Peterson (Zoning Administrator) and Arnie Grotbeck from the City of Sheboygan, an appointed citizens committee, as well as Mark Cramer & Bill TeWinkel (Cramer Sign Co), and George Clausen (property owner) comprised the primary individuals involved in the deliberation of a new sign ordinance. At that time, the City was concerned with the number of Off-Premise signs in the City and the above group had a goal to establish a cohesive plan that would curtail growth of Off-Premise signs in the City, yet preserve the rights of the existing businesses and property owners who had sign interests in the City.

311 Forest Avenue
Sheboygan Falls, WI 53085
paul@signmeupofwi.com
920-550-0009 • 651-343-8781(cell)



Therefore, the above named collaboration between the City, the Citizens Committee, the Sign Industry and the Property Owners crafted an ordinance that put a “Cap” in place to control the number of Off-Premise Signs in the City of Sheboygan. They also put into place a process to preserve the right of the Property Owner and/or the Sign Owner to replace a sign structure if necessary or desired on the property where signs existed as of August 5, 1996 in the now former B-3, B-4, I-1, I-2, and I-3 zoning districts. Further, the new ordinance would allow for a new Off-Premise sign to be built under the proposed sign “Cap” in the new UC zoning district, as well as in the former B-3 and B-4 zoning districts.

Section 15.810 Ordinance Review

The pertinent paragraphs of Section 15.810 that are important for review are Section 15.810(2), 15.810(3) and 15.810(4). Section 15.810(2) details the *Sign Location and Zoning District Limitations* and clearly states that “Off-Premise advertising signs **are permitted by right** on legal conforming or legal non-conforming lots in the UC district, and in the former B-3 and B-4 districts...Further, all off-premise advertising signs existing as of the effective date of this Chapter (8/5/1996) which are located in the former B-3, B-4, I-1, I-2 and I-3 districts **shall be considered as lawful, conforming signs**...Such existing signs may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance”.

Section 15.810(3) details the *Maximum Sign Number Cap* and how to replace existing signs. Paragraph 1 details that the number of signs permitted within the City of Sheboygan is limited to the number of legally permitted signs as of 8/5/1996 and that the Zoning Administrator maintains the Sign inventory which comprises the number of signs in the sign “Cap”.

Paragraph 2 details how the Property Owner has the first right to replace a sign that has been removed. In fact, the ordinance states: “*Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have the first right to replacement permits for signs on said property for a period of sixty (60) days*”. This was a critical clause of the ordinance for the property owners with signs on their properties to have included in the 1996 ordinance so as to preserve their right to sign replacement if that time should ever come. Further, if the property owner did not exercise their right to replace a sign, this section gives the sign company the right to replace the sign within the City of Sheboygan under the sign Cap.

Paragraph 3 has two equally important points beginning with the first sentence as follows: “*The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the Landowner does not exercise his right to obtain a permit for replacement signs*”. It is imperative that a permit (aka wrecking permit) is issued when an Off-Premise sign comes down. Primarily because an applied for wrecking permit alerts the City of a pending sign removal who in turn would be able to notify the landowner that the sign structure on their property is about to be removed. Secondly, once the landowner receives notice from the City that a wrecking permit has been issued, the landowner will know that the sixty (60) day first right of replacement sign permit clock is about to start ticking.



The second important point of Paragraph 3 is as follows: *“Any such removed sign which is not replaced by the landowner, sign owner, or “other holder of the wrecking permit” within eighteen months of the sign removal, will create an available “replacement sign” which may be used by the first applicant who secures a legal sign permit from the City”.* In other words, either the Landowner, the Sign Owner, or the Holder of the Wrecking Permit has eighteen (18) months to replace the sign from the day the original sign is taken down, or they forfeit their replacement rights opening the door for anyone to apply for a new sign permit as Cap space is now available.

Section 15.810(4) details the *Application for Off-Premise Advertising Sign Permit*. The second sentence is of key importance and it reads as follows: *“No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.”* This sentence again stresses the importance of the City issuing a Wrecking/Removal permit. A replacement sign permit cannot be issued until the sign detailed on the wrecking permit has been removed. Further, once the original sign structure is confirmed to be removed, the City then has a record of the removal date and when the landowner’s sixty (60) day replacement time period begins.

Property & Application Information:

Mr. Cramer purchased and sold property and retained easements for the sole purpose of having sign structures on those properties. He believed that the Off-Premise Advertising Sign Ordinance would protect his ability to retain a sign on his property well into the future. Per the site plans of each location, it is clear that each property is designed for one purpose, and that is to have an Off-Premise advertising sign structure on it. There is no other realistic use for these small/tailored parcels of land.

The following are some facts that the City and I as the applicant agree on:

1. All three sign structures were in existence prior to August 5, 1996 and count as part of the City of Sheboygan Off-Premise Advertising Sign Cap.
2. All three sign structures were built on land that was zoned either B-3 (1722 Indiana Ave) or I-2 (Penn & 13th St & Superior & 18th St) prior to August 5, 1996.
3. All three sign permit applications are for sign structures that meet the size, height, spacing, design and construction requirements of the City of Sheboygan.

After I applied for the sign permits for each location on October 12th, Mr. Sokolowski and I met to discuss the applications. In our meeting of October 28, 2021, Mr. Sokolowski stated the following: that he received a phone call from Lamar that they were going to remove the sign structures, that there was not a wrecking permit issued to Lamar to remove the sign structures, that a notice was not sent to Mr. Cramer about the pending sign removals on his properties, and that the City does not know when the signs were removed. Several requests since the November 4, 2021 denial letter, both verbally and in writing, for a copy of the above stated notice sent to Mr. Cramer, a copy of the wrecking permit, and written confirmation as to when the signs were removed have gone unanswered. The logical conclusion is that no evidence or such copies exist.

311 Forest Avenue
Sheboygan Falls, WI 53085
paul@signmeupofwi.com
920-550-0009 • 651-343-8781(cell)



City of Sheboygan Denial Letter dated November 4, 2021.

The three submitted permit applications were all denied based on the Zoning Administrator's application of Section 15.207(8)(a) of the City Zoning Code which details the following:

Discontinuance of Nonconforming Use of Land: *In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.* In other words, if the nonconforming use is terminated, and the use of a sign on the property is to be re-established, then the new sign has to adhere to the new zoning regulations.

In the Zoning Administrators denial letters, he states two main reasons for his denial. First, *"the previously existing nonconforming billboards have been completely removed from the site. This appears to have been done more than 12 months ago".* Second, *"because the billboards have been removed for more than 12 months, this lot and billboard have discontinued their previous nonconforming status.*

Arguments for Approval of the Appeal:

The denial of the sign permits is flawed as outlined per the following 5 reasons:

1. Per the November 4, 2021 denial letter, Mr. Sokolowski states that "the previously existing *nonconforming* billboards have been removed from this site". Please refer to Section 15.810(2) which states that "all off-premise advertising signs existing of the effective date of this chapter **shall be considered as lawful, conforming signs**. The assertion that the original sign structures which were removed are nonconforming is false. Therefore Section 15.207(8)(a) does not apply and the permits should be approved.
2. Per the November 4, 2021 denial letter, Mr. Sokolowski is trying to impose a 12 month removal period for a nonconforming use to a lawful, conforming use. Further how can the permits be denied on an assumption that it "**appears**" the signs were removed more than 12 months ago when he doesn't know when the signs were removed? For these facts, the permits should be approved.
3. Per the November 4, 2021 denial letter, the 12 month timeframe per ordinance Section 15.2047(8)(a) is also not relevant as per Section 15.810(3) paragraph 3 clearly states that "*any such removed sign which is not replaced by the landowner, sign owner, or "other holder of the wrecking permit" within eighteen months of the sign removal...*". Clearly there is an 18 month time period for sign replacement, not the 12 months that Mr. Sokolowski would have you believe.



4. Per Section 15.810(3) paragraph 3, The City failed to issue a "wrecking permit" to Lamar for the removal of all three sign structures. Failure to do so not only points to the City's obligation of creating a record as to when the sign structures were removed, but then the City failed its obligation to notify the landowner (Mr. Cramer) that the signs were coming down and when his sixty (60) day right of replacement period would begin per Section 15.810(3) paragraph 2. It is my assertion that due to the City's failures as stated above, that Mr. Cramer's sixty (60) day right of replacement period hasn't started yet and the permits should be approved.
5. In addition to points 1 through 4 above, the sign permit for 1723 Indiana Avenue should be approved because the property currently has a UC zoning designation and was a former B-3 property prior to August 5, 1996. Please refer to Section 15.810 (2) which states that *"Off-Premise advertising signs **are permitted by right** on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts..."*

Based on the documentation submitted, for the facts detailed in Section 15.810 of the Zoning Code of Ordinances, for the failure of the City to follow the procedure of issuing a wrecking permit, for the failure of the City to notify the landowner of his sixty (60) day replacement right period start date, for the City to deny the sign permits based on a mythical 12 month time period, and for the interpretation that a nonconforming use section of the City's zoning code can be applied to a conforming use, it is for these reasons that I ask you to approve the appeal as requested and the sign permit applications as submitted. Thank you for your consideration of this request.

Sincerely,

Paul Radermacher
Sign Me Up!

Section 15.810 Off-Premise Advertising Signs (Billboards)

- (1) Off-premise advertising signs shall be limited in sign location, maximum sign area, minimum sign spacing, and configuration.

- (2) **Sign Location and Zoning District Limitations**

Off-premise advertising signs are permitted by right on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts as those districts existed as of August 5, 1996, with Taylor Drive and Kohler Memorial Drive excluded. Illegal, nonconforming lots shall not be used for new off-premise advertising sign locations. In addition, all off-premise advertising signs existing as of the effective date of this Chapter which are located in the former B-3, B-4, I-1, I-2 and I-3 districts shall be considered as lawful, conforming signs. Such existing signs shall not be eliminated through the conditional use process, and may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance. Off-premise advertising signs shall be prohibited in all other zoning districts. Off-premise advertising signs shall be a minimum of 12 feet from any street right-of-way (except for all mounted signs) and shall not be located within a vision triangle or create a traffic visibility or other public safety hazard. Off-premise advertising signs may not be located on roofs, but may be freestanding or located on building walls.

- (3) **Maximum Sign Number Cap**

The number of off-premise advertising signs permitted with the City of Sheboygan shall be limited to the number of legally permitted off-premise advertising signs existing within the City as of the effective date of this Chapter, including signs for which legal permits have been issued, but are not yet erected. This number shall be referred to as the "off-premise sign cap". The inventory of legally erected signs and legal sign permits which comprise this cap shall be maintained by the Zoning Administrator. When land is annexed into the City of Sheboygan that has legally permitted off-premise advertising signs on it, the number of those signs shall be added to the "cap". Annexed signs shall secure a legal sign permit issued by the Zoning Administrator to ensure accurate reflection in the sign inventory. All such annexed signs shall be otherwise governed by all the Regulations of this Chapter.

Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have first right to replacement permits for signs on said property for a period of sixty (60) days. If the property owner does not exercise his right then any sign which is permitted by this "cap" which is subsequently removed may be replaced by the owner of the removal sign in any legally permitted location, with the granting of a sign permit by the City of Sheboygan.

The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the landowner does not exercise his right to obtain a permit for replacement signs. Any such removed sign

Section 15.810 Off-Premise Advertising Signs
(Billboards)

which is not replaced by the landowner, sign owner, or "other holder of the wrecking permit" within eighteen months of the sign removal, will create an available "replacement sign" which may be sued by the first applicant who secures a legal sign permit from the City.

(4) **Application for Off-Premise Advertising Sign Permit**

The application for an off-premise advertising sign permit shall contain all information necessary for the Zoning Administrator to ensure that the sign meets all requirements of this chapter, and to ensure that accurate sign inventory records are kept. No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.

(5) **Maximum Sign Area**

The maximum area of an off-premise advertising sign shall be 288 square feet for poster panel signs and 672 square feet for painted bulletin signs, plus up to an additional 20% of said areas for attached cutout extensions. Except for lawful conforming signs existing as of the effective date of this Chapter, plus eight additional 672 square foot signs, no off-premise advertising sign may exceed 288 square feet, plus up to an additional 20% of said areas for attached cutout extensions. As land is annexed to the City with 672 square foot size signs, those numbers will be added to the total allowed. Legal off-premise advertising signs existing as of the effective date of this Chapter may be legally maintained, rebuilt or modernized as legal conforming signs at the same size and dame property. Signs attached to one-another (side by side signs) or located on the same support (double-deck signs) shall be counted as separate signs. Back-to-back off-premise advertising signs or "V-shaped" off-premise advertising signs which are installed perpendicular to the street (where no more than 15 feet of spacing exists between the two closest spread ends) or are otherwise installed so as to be viewed from one direction of travel on the street) shall be counted as separate signs which face in different directions, (and thus may be permitted per (6), below if the spacing limitations of (6) are otherwise met).

(6) **Spacing Limitation**

(a) Off-premise advertising signs shall be spaced in a manner which avoids the over-concentration of off-premise advertising signs in a limited area. To accomplish this, off-premise advertising signs located along the same side of a road shall be spaced from sign center to sign center in the following manner:

1. Along Interstate Highway (IH 43), the minimum spacing of off-premise advertising signs which face in the same general direction of travel shall be 500 feet. In addition, one State-permitted off-premise "Directional Sign" shall be allowed per mile facing the same general direction of travel. In no instance shall said sign be located closer than 100 feet to an existing off-premise advertising sign.



November 4, 2021

Paul Radermacher
Sign Me Up
311 Forest Avenue
Sheboygan Falls, WI 53085

Re: Sign Permit request for new billboard on parcel #59281501675, Sheboygan, WI

Dear Mr. Radermacher:

The City of Sheboygan Department of City Development is responding to a recent sign permit submittal from you regarding the installation of a new billboard on parcel #59281501675. The Department of City Development has the following comment concerning this request:

- The property is zoned Urban Industrial (UI) which is a zone that does not permit billboards.
- You indicate that the property was zoned B-3 prior to the zoning ordinance amendment that took place in 1996.
- City research indicates that the property was zoned I-2.
- The previously existing nonconforming billboards have been completely removed from this site. This appears to have been done more than 12 month ago.
- Because the billboards have been removed for more than 12 months, this lot and billboard have discontinued their previous nonconforming status.
- Section 15.207(8)(a) states:
Discontinuance of Nonconforming Use of Land: In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.
- Appears parcel #59281501675 is not owned by Cramer Holdings, LLC as indicated in the sign permit application. Would need to provide documentation indicating who the owner of the property is and documentation that permits such a billboard to be located on this property.

Based on the information above, the Department of City Development is unable to issue the sign permit as proposed.

Please feel free to contact me with any questions at (920) 459-3382.

Sincerely,

Steve Sokolowski
Manager of Planning and Zoning

DEPARTMENT OF
PLANNING AND
DEVELOPMENT

828 Center Avenue,
Suite 104
Sheboygan, WI 53081

920-459-3377 (Phone)
920-459-7302 (Fax)

S 13th St

N 13th St

* SIGN
THAT WAS
REMOVED AND
REPLACEMENT
LOCATION

PARCEL # 59281501670

Pennsylvania Ave



Image capture: Jul 2019 © 2021 Google

Sheboygan, Wisconsin



Street View

* SIDE VIEW OF *
REMOVED SIGN STRUCTURE
AND REPLACEMENT LOCATION



Image capture: Jul 2019 © 2021 Google

Sheboygan, Wisconsin



Street View

* EAST TRAFFIC VIEW
OF REMOVED SIGN STRUCTURE
AND REPLACEMENT SIGN
LOCATION.



Image capture: Jul 2019 © 2021 Google

Sheboygan, Wisconsin



Street View

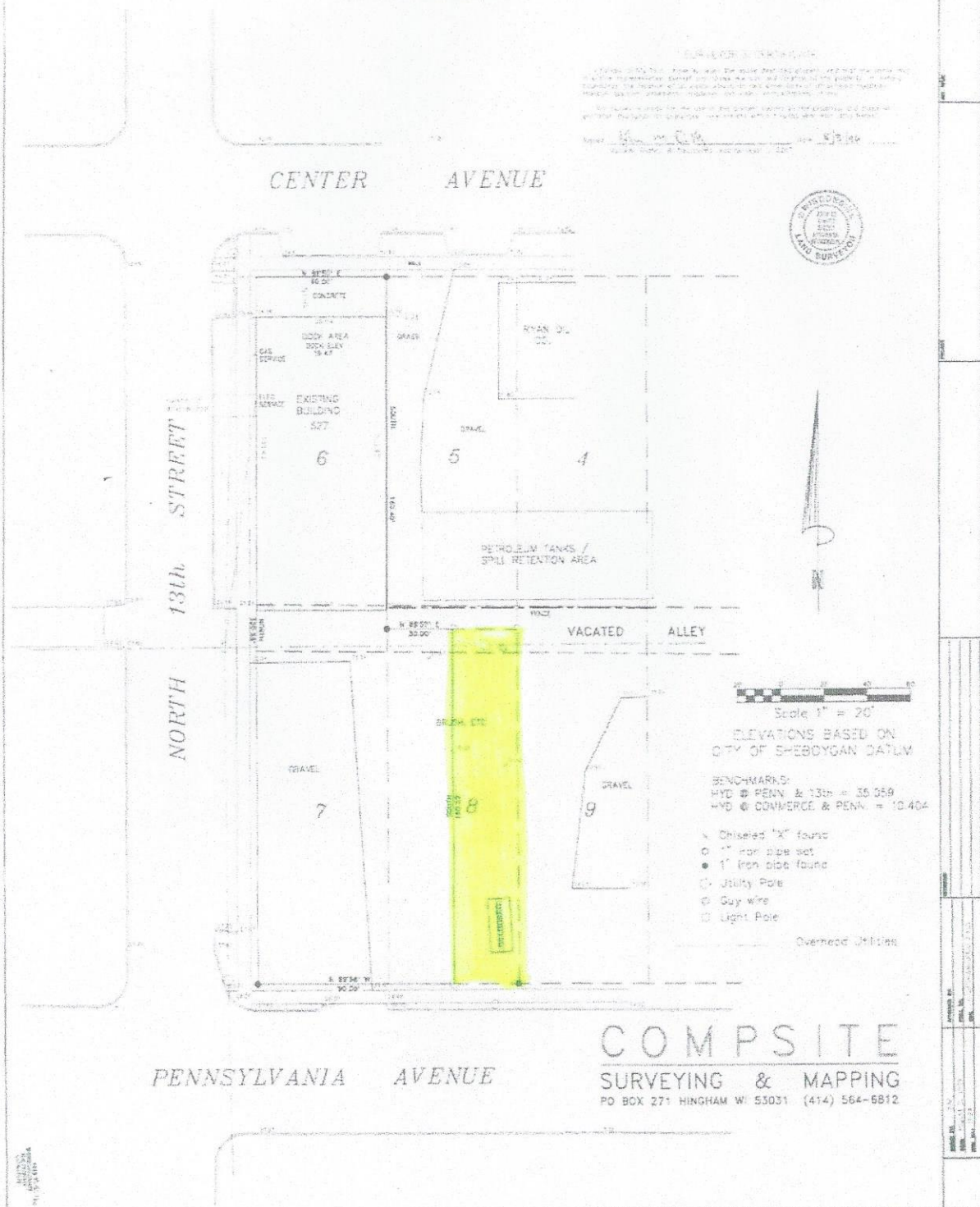
X WEST TRAFFIC VIEW
OF REMOVED SIGN STRUCTURE
AND REPLACEMENT LOCATION

PLAT OF SURVEY
FOR
GREG & LYNN PAGEL

Survey address: 527 North 13th Street, Sheboygan, WI

Lots 6, 7, and 8, Block 159, Except the East 30.00 feet of Lot 8, Block 159; Also the vacated alley between Lots 6 and 7, and the South 1/2 of the vacated East/West alley lying North of and adjacent to Lot 8, except the East 30.00 feet thereof; Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

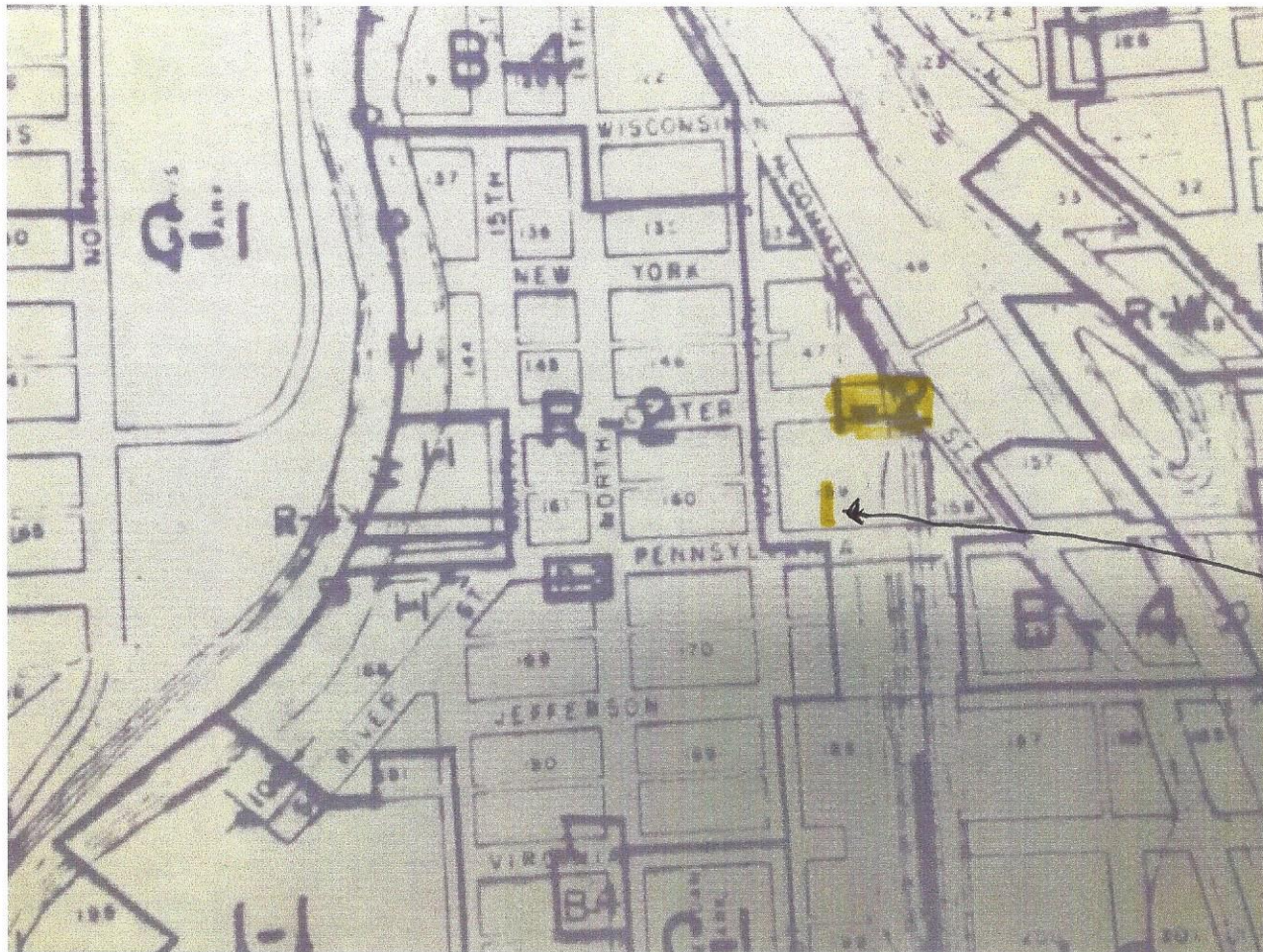
Tax Parcel Number 501670



C-25312

Penn + 13th

1996 ZONING DESIGNATION



SIÓN
LOCATION

PENNSYLVANIA & 13TH ST. N.



8 4 3 3 3 1 5
Tx:4140697

2046793

SHEBOYGAN COUNTY, WI

RECORDED ON

10/17/2017 11:52 AM

ELLEN R. SCHLEICHER

REGISTER OF DEEDS

RECORDING FEE: 30.00

EXEMPTION #

Cashier ID: 7

PAGES: 12

EASEMENT AGREEMENT

Document Number

Document Title

Name and Return Address

Millennium Properties, Inc.
P.O. Box 934
Sheboygan, WI. 53082

Parcel Identification Number (PIN)

THIS PAGE IS PART OF THIS LEGAL DOCUMENT—DO NOT REMOVE

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document

12

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Agreement"), is entered into as of October 6, 2017, by and between **MILLENNIUM PROPERTIES, INC.**, a Wisconsin corporation ("Millennium"), having a mailing address of 1301 Erie Ave., Sheboygan, WI 53081, **LW ACQUISITIONS, LLC**, a Wisconsin limited liability company ("LW," and together with Millennium, "Grantor"), having a mailing address of 527 N. 13th St., Sheboygan, WI 53081, and **MARK E. CRAMER** ("Grantee"), having an address of 11200 Hacienda Del Mar Blvd. 201, Placida, FL 33946.

RECITALS

A. LW is the owner of a parcel of real property located in the City of Sheboygan, Sheboygan County, Wisconsin, identified as tax parcel No. 59281501670 which is legally described on Exhibit A-1 ("Parcel 1").

B. Millennium is the owner of three (3) separate tax parcels of real property located in the City of Sheboygan, Sheboygan County, Wisconsin, including the following: (1) tax parcel No. 59281501675 which is legally described on Exhibit A-2 ("Parcel 2"); (2) tax parcel No. 59281501700 which is legally described on Exhibit A-3 ("Parcel 3"); and (3) tax parcel No. 59281501710 which is legally described on Exhibit A-4 ("Parcel 4"). Parcel 1, Parcel 2, Parcel 3 and Parcel 4 are sometimes referred to herein collectively as the "Property."

C. Pursuant to a separate agreement (the "Purchase Agreement") Millennium purchased Parcel 2 from Cramer Holdings, LLC, an affiliate of Grantee.

D. As a condition to the closing of the transaction under the Purchase Agreement Millennium agreed to enter into this Agreement granting and conveying to Grantee certain easements over, upon and across the Property, all upon the terms and provisions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- (1) **SIGN EASEMENT:** Millennium hereby grants to Grantee, his representatives, successors and assigns, (a) an easement on an above the south forty-five (45) feet of Parcel 2 (the "Sign Easement Area"), for the erection, placement, construction, maintenance, repair, removal, and use of an advertising sign structure, signs, advertisements, and related equipment, and the right to post, paint, install, illuminate and maintain advertisement of such structure, (b) an easement below the surface of the Sign Easement Area for placement, construction, maintenance, repair, removal and use of structural supports and anchors for the sign structure, and (c) an easement for the right of access, ingress and egress on, above, under and across the Sign Easement Area for carrying out any work related to the advertising sign structure, signs, advertisements and related equipment. (collectively, the "Permitted Use").
- (2) **OWNERSHIP OF IMPROVEMENTS ON SIGN EASEMENT AREA:** All existing and future improvements erected, placed, constructed or installed on the Sign Easement Area by

Grantee or his representatives, successors or assigns, including without limitation, advertising sign structures, signs, advertisements and related equipment (collectively, "Grantee's Improvements"), shall at all times remain the personal property of Grantee or his representatives, successors or assigns, and shall not in any event become property of Grantor, its representatives, successors or assigns, despite the fact that the Grantee's Improvements may be affixed or attached to the land within the Sign Easement Area. Grantee, or his representatives, successors or assigns, shall pay all personal property taxes levied against the Grantee's Improvements situated in the Sign Easement Area, and any increase in real estate taxes levied that are directly attributable to the Grantee's Improvements.

- (3) **CONDITION OF GRANTEE'S IMPROVEMENTS:** Grantee, or his representatives, successors or assigns, shall maintain all Grantee's Improvements in good condition. Grantee agrees to locate or relocate any of Grantee's Improvements in such a manner that they do not materially, adversely affect Grantor's use of the Property.
- (4) **REPAIR AND REPLACEMENTS:** Grantee shall repair all damage to the Property, including, without limitation, the repair or replacement of any fences, gates, utility lines, driveways, parking areas, ditches, drains, and landscaping damaged or destroyed, relating to the Easement granted herein and the use of the Easement for the purposes set forth above.
- (5) **VISIBILITY EASEMENT:** Grantor hereby grants to Grantee, his representatives, successors and assigns, an easement for light, air and visibility for the advertising sign structure over all parts of the Property lying south of the following described line: commencing at a point at the southwest corner of Parcel 1, then to a point that is forty-five (45) feet north of the middle of the southern property line of Parcel 2, then to the southeast corner of Parcel 4 (the "Visibility Easement Area"). Except as expressly provided below, Grantor agrees that neither it, nor its officers, directors, shareholders, successors, assigns, agents, or employees, shall in any way obstruct the visibility of the billboard by placing any new or additional structure, improvement or landscaping (including without limitation any trees or shrubs) within the Visibility Easement Area in such a location that it interferes in any way with the line of sight from Pennsylvania Avenue to the West face or the East face of the billboard. Notwithstanding the forgoing, Grantor, its representatives, successors and assigns shall be permitted to place or install any landscaping (including without limitation any trees or shrubs) within the Visibility Easement Area that is required by the City of Sheboygan or any other governmental body having authority.
- (6) **PERPETUAL TERM:** The easements hereby granted are non-exclusive, irrevocable, perpetual and shall be easements and covenants running with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns including, but not limited to, all subsequent owners of the Property. Nothing contained in this Agreement shall, or shall be deemed to, constitute a gift or dedication of any portion of any easement granted hereunder to the general public or for the benefit of the general public or for any public purpose whatsoever, it being the intention of the parties that this Agreement will be strictly limited to and for the purposes expressed herein. No act or omission, including without limitation, any lack of use of claim of abandonment, shall result in any termination of this Agreement or any modification of the rights granted to Grantee, and his representatives, successors or assigns, by this Agreement. The parties acknowledge that only a recorded termination agreement signed by the Grantee, his representatives, successors or assigns, shall be effective to terminate this Agreement.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the date first written above.

GRANTOR:

MILLENNIUM PROPERTIES, INC., a Wisconsin corporation

By: Thomas E. Laiken
Name: Thomas E. Laiken
Title: President

LW ACQUISITIONS, LLC, a Wisconsin limited liability company

By: Thomas E. Laiken
Name: Thomas E. Laiken
Title: Member

By: John F. Wilson, Jr.
Name: John F. Wilson, Jr.
Title: Member

GRANTEE:

Mark E. Cramer
Mark E. Cramer

STATE OF FLORIDA)
) SS.
Charlotte COUNTY)

Personally came before me this 4 day of October, 2017, Mark E. Cramer, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Robert W. Segur
Print Name: Robert W. Segur
Notary Public, State of ~~Wisconsin~~ Florida
My Commission: _____



ROBERT W. SEGUR
MY COMMISSION # FF 944836
EXPIRES: January 29, 2020
Bonded Thru Budget Notary Services

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

CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: NR-6, FARMER ID ZONE

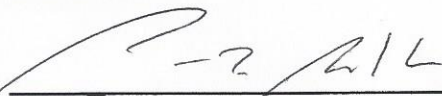
TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

- 1). Appeal Location (address): GENERALLY KNOWN AS Superior + 18th St N.
2). Applicant: SIGN ME UP OF WI, LLC Telephone #: (920) 550-0009
Address: 311 Forest Ave Sheboygan Falls, WI 53085
3). Legal Property Description (Lot, Block, Subdivision, etc.) PARCEL ID # 59281600375

- 4). Type of ^{PROPERTY} Building (Circle): Commercial Residential
5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use Other
(if other) please list: REPLACEMENT OF SIGN STRUCTURE
6). If the request is for a nonconforming use:
Your intended use: N/A
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
7). Applicants interest in property: Leasehold
8). On a separate letter to the Board describe the requested variance and include 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.

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: 12/14/2021

Signature: 
Printed Name: PAUL RADERMACHER

Mailing Address: 311 FOREST AVENUE
SHEBOYGAN FALLS, WI 53085

* PLEASE see the Attached NARRATIVE, Denial letter dated 11/4/21, SITE photographs, copy of ORDINANCE Section 15.810, tax bill statement AND 1996 zoning designation.



December 14, 2021

City of Sheboygan
Department of City Development
Attn: Steve Sokolowski
828 Center Avenue, Suite 104
Sheboygan, WI 53081

Chair Gerber and Members of the Board of Appeals,

Three Off-Premise (billboard) advertising sign structures were recently removed in the City of Sheboygan by Lamar Outdoor Advertising Company. These three sign structures were located on properties/easements owned by Mark Cramer and were removed without his knowledge. Mr. Cramer has entered into a lease agreement with Sign Me Up of Wisconsin, LLC, based in Sheboygan Falls, to apply for the replacement sign permits needed to rebuild the sign structures on his properties located roughly at Pennsylvania and 13th St. N., Superior and 18th St. N., and 1723 Indiana Avenue. The sign permit applications to replace the original removed signs were denied by the City of Sheboygan. I am appealing the decision of the Zoning Administrator to deny the sign permit applications because his interpretation of the zoning code with respect to Off-Premise Advertising signs is arbitrary and capricious. Please consider this letter as a narrative regarding the appeal of all three Sign Permit Applications that are before you for consideration. I have also submitted the necessary property site plan/easements for each location, a copy of Section 15.810 of the City of Sheboygan Zoning Code which regulates Off-Premise Advertising Signs, and a copy of the three denial letters dated November 4, 2021.

This narrative will focus on the following areas: The History of the creation of Zoning Code Section 15.810, a comprehensive review of Section 15.810, Property & Application information, a review of the Denial Letters issued by Steve Sokolowski (the Zoning Administrator) dated November 4, 2021, and final arguments as to why Mr. Sokolowski's interpretation and implementation of the zoning code should be overturned and the appeal granted.

History of Zoning Code Section 15.810

In 1996, the City of Sheboygan underwent a Comprehensive Zoning Code review. The section of the zoning code that pertains to Off-Premise advertising (billboard) signs was part of the review process. A collaboration of Bob Peterson (Zoning Administrator) and Arnie Grotbeck from the City of Sheboygan, an appointed citizens committee, as well as Mark Cramer & Bill TeWinkel (Cramer Sign Co), and George Clausen (property owner) comprised the primary individuals involved in the deliberation of a new sign ordinance. At that time, the City was concerned with the number of Off-Premise signs in the City and the above group had a goal to establish a cohesive plan that would curtail growth of Off-Premise signs in the City, yet preserve the rights of the existing businesses and property owners who had sign interests in the City.

311 Forest Avenue
Sheboygan Falls, WI 53085
paul@signmeupofwi.com
920-550-0009 • 651-343-8781(cell)



Therefore, the above named collaboration between the City, the Citizens Committee, the Sign Industry and the Property Owners crafted an ordinance that put a “Cap” in place to control the number of Off-Premise Signs in the City of Sheboygan. They also put into place a process to preserve the right of the Property Owner and/or the Sign Owner to replace a sign structure if necessary or desired on the property where signs existed as of August 5, 1996 in the now former B-3, B-4, I-1, I-2, and I-3 zoning districts. Further, the new ordinance would allow for a new Off-Premise sign to be built under the proposed sign “Cap” in the new UC zoning district, as well as in the former B-3 and B-4 zoning districts.

Section 15.810 Ordinance Review

The pertinent paragraphs of Section 15.810 that are important for review are Section 15.810(2), 15.810(3) and 15.810(4). Section 15.810(2) details the *Sign Location and Zoning District Limitations* and clearly states that “Off-Premise advertising signs **are permitted by right** on legal conforming or legal non-conforming lots in the UC district, and in the former B-3 and B-4 districts...Further, all off-premise advertising signs existing as of the effective date of this Chapter (8/5/1996) which are located in the former B-3, B-4, I-1, I-2 and I-3 districts **shall be considered as lawful, conforming signs**...Such existing signs may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance”.

Section 15.810(3) details the *Maximum Sign Number Cap* and how to replace existing signs. Paragraph 1 details that the number of signs permitted within the City of Sheboygan is limited to the number of legally permitted signs as of 8/5/1996 and that the Zoning Administrator maintains the Sign inventory which comprises the number of signs in the sign “Cap”.

Paragraph 2 details how the Property Owner has the first right to replace a sign that has been removed. In fact, the ordinance states: “*Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have the first right to replacement permits for signs on said property for a period of sixty (60) days*”. This was a critical clause of the ordinance for the property owners with signs on their properties to have included in the 1996 ordinance so as to preserve their right to sign replacement if that time should ever come. Further, if the property owner did not exercise their right to replace a sign, this section gives the sign company the right to replace the sign within the City of Sheboygan under the sign Cap.

Paragraph 3 has two equally important points beginning with the first sentence as follows: “*The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the Landowner does not exercise his right to obtain a permit for replacement signs*”. It is imperative that a permit (aka wrecking permit) is issued when an Off-Premise sign comes down. Primarily because an applied for wrecking permit alerts the City of a pending sign removal who in turn would be able to notify the landowner that the sign structure on their property is about to be removed. Secondly, once the landowner receives notice from the City that a wrecking permit has been issued, the landowner will know that the sixty (60) day first right of replacement sign permit clock is about to start ticking.



The second important point of Paragraph 3 is as follows: *“Any such removed sign which is not replaced by the landowner, sign owner, or “other holder of the wrecking permit” within eighteen months of the sign removal, will create an available “replacement sign” which may be used by the first applicant who secures a legal sign permit from the City”*. In other words, either the Landowner, the Sign Owner, or the Holder of the Wrecking Permit has eighteen (18) months to replace the sign from the day the original sign is taken down, or they forfeit their replacement rights opening the door for anyone to apply for a new sign permit as Cap space is now available.

Section 15.810(4) details the *Application for Off-Premise Advertising Sign Permit*. The second sentence is of key importance and it reads as follows: *“No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.”* This sentence again stresses the importance of the City issuing a Wrecking/Removal permit. A replacement sign permit cannot be issued until the sign detailed on the wrecking permit has been removed. Further, once the original sign structure is confirmed to be removed, the City then has a record of the removal date and when the landowner’s sixty (60) day replacement time period begins.

Property & Application Information:

Mr. Cramer purchased and sold property and retained easements for the sole purpose of having sign structures on those properties. He believed that the Off-Premise Advertising Sign Ordinance would protect his ability to retain a sign on his property well into the future. Per the site plans of each location, it is clear that each property is designed for one purpose, and that is to have an Off-Premise advertising sign structure on it. There is no other realistic use for these small/tailored parcels of land.

The following are some facts that the City and I as the applicant agree on:

1. All three sign structures were in existence prior to August 5, 1996 and count as part of the City of Sheboygan Off-Premise Advertising Sign Cap.
2. All three sign structures were built on land that was zoned either B-3 (1722 Indiana Ave) or I-2 (Penn & 13th St & Superior & 18th St) prior to August 5, 1996.
3. All three sign permit applications are for sign structures that meet the size, height, spacing, design and construction requirements of the City of Sheboygan.

After I applied for the sign permits for each location on October 12th, Mr. Sokolowski and I met to discuss the applications. In our meeting of October 28, 2021, Mr. Sokolowski stated the following: that he received a phone call from Lamar that they were going to remove the sign structures, that there was not a wrecking permit issued to Lamar to remove the sign structures, that a notice was not sent to Mr. Cramer about the pending sign removals on his properties, and that the City does not know when the signs were removed. Several requests since the November 4, 2021 denial letter, both verbally and in writing, for a copy of the above stated notice sent to Mr. Cramer, a copy of the wrecking permit, and written confirmation as to when the signs were removed have gone unanswered. The logical conclusion is that no evidence or such copies exist.

311 Forest Avenue
Sheboygan Falls, WI 53085
paul@signmeupofwi.com
920-550-0009 • 651-343-8781(cell)



City of Sheboygan Denial Letter dated November 4, 2021.

The three submitted permit applications were all denied based on the Zoning Administrator's application of Section 15.207(8)(a) of the City Zoning Code which details the following:

Discontinuance of Nonconforming Use of Land: *In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.* In other words, if the nonconforming use is terminated, and the use of a sign on the property is to be re-established, then the new sign has to adhere to the new zoning regulations.

In the Zoning Administrators denial letters, he states two main reasons for his denial. First, *"the previously existing nonconforming billboards have been completely removed from the site. This appears to have been done more than 12 months ago".* Second, *"because the billboards have been removed for more than 12 months, this lot and billboard have discontinued their previous nonconforming status.*

Arguments for Approval of the Appeal:

The denial of the sign permits is flawed as outlined per the following 5 reasons:

1. Per the November 4, 2021 denial letter, Mr. Sokolowski states that "the previously existing *nonconforming* billboards have been removed from this site". Please refer to Section 15.810(2) which states that "all off-premise advertising signs existing of the effective date of this chapter **shall be considered as lawful, conforming signs**. The assertion that the original sign structures which were removed are nonconforming is false. Therefore Section 15.207(8)(a) does not apply and the permits should be approved.
2. Per the November 4, 2021 denial letter, Mr. Sokolowski is trying to impose a 12 month removal period for a nonconforming use to a lawful, conforming use. Further how can the permits be denied on an assumption that it "**appears**" the signs were removed more than 12 months ago when he doesn't know when the signs were removed? For these facts, the permits should be approved.
3. Per the November 4, 2021 denial letter, the 12 month timeframe per ordinance Section 15.2047(8)(a) is also not relevant as per Section 15.810(3) paragraph 3 clearly states that "*any such removed sign which is not replaced by the landowner, sign owner, or "other holder of the wrecking permit" within eighteen months of the sign removal...*". Clearly there is an 18 month time period for sign replacement, not the 12 months that Mr. Sokolowski would have you believe.



4. Per Section 15.810(3) paragraph 3, The City failed to issue a "wrecking permit" to Lamar for the removal of all three sign structures. Failure to do so not only points to the City's obligation of creating a record as to when the sign structures were removed, but then the City failed its obligation to notify the landowner (Mr. Cramer) that the signs were coming down and when his sixty (60) day right of replacement period would begin per Section 15.810(3) paragraph 2. It is my assertion that due to the City's failures as stated above, that Mr. Cramer's sixty (60) day right of replacement period hasn't started yet and the permits should be approved.
5. In addition to points 1 through 4 above, the sign permit for 1723 Indiana Avenue should be approved because the property currently has a UC zoning designation and was a former B-3 property prior to August 5, 1996. Please refer to Section 15.810 (2) which states that *"Off-Premise advertising signs **are permitted by right** on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts..."*

Based on the documentation submitted, for the facts detailed in Section 15.810 of the Zoning Code of Ordinances, for the failure of the City to follow the procedure of issuing a wrecking permit, for the failure of the City to notify the landowner of his sixty (60) day replacement right period start date, for the City to deny the sign permits based on a mythical 12 month time period, and for the interpretation that a nonconforming use section of the City's zoning code can be applied to a conforming use, it is for these reasons that I ask you to approve the appeal as requested and the sign permit applications as submitted. Thank you for your consideration of this request.

Sincerely,

Paul Radermacher
Sign Me Up!

Section 15.810 Off-Premise Advertising Signs (Billboards)

- (1) Off-premise advertising signs shall be limited in sign location, maximum sign area, minimum sign spacing, and configuration.

(2) **Sign Location and Zoning District Limitations**

Off-premise advertising signs are permitted by right on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts as those districts existed as of August 5, 1996, with Taylor Drive and Kohler Memorial Drive excluded. Illegal, nonconforming lots shall not be used for new off-premise advertising sign locations. In addition, all off-premise advertising signs existing as of the effective date of this Chapter which are located in the former B-3, B-4, I-1, I-2 and I-3 districts shall be considered as lawful, conforming signs. Such existing signs shall not be eliminated through the conditional use process, and may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance. Off-premise advertising signs shall be prohibited in all other zoning districts. Off-premise advertising signs shall be a minimum of 12 feet from any street right-of-way (except for all mounted signs) and shall not be located within a vision triangle or create a traffic visibility or other public safety hazard. Off-premise advertising signs may not be located on roofs, but may be freestanding or located on building walls.

(3) **Maximum Sign Number Cap**

The number of off-premise advertising signs permitted with the City of Sheboygan shall be limited to the number of legally permitted off-premise advertising signs existing within the City as of the effective date of this Chapter, including signs for which legal permits have been issued, but are not yet erected. This number shall be referred to as the "off-premise sign cap". The inventory of legally erected signs and legal sign permits which comprise this cap shall be maintained by the Zoning Administrator. When land is annexed into the City of Sheboygan that has legally permitted off-premise advertising signs on it, the number of those signs shall be added to the "cap". Annexed signs shall secure a legal sign permit issued by the Zoning Administrator to ensure accurate reflection in the sign inventory. All such annexed signs shall be otherwise governed by all the Regulations of this Chapter.

Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have first right to replacement permits for signs on said property for a period of sixty (60) days. If the property owner does not exercise his right then any sign which is permitted by this "cap" which is subsequently removed may be replaced by the owner of the removal sign in any legally permitted location, with the granting of a sign permit by the City of Sheboygan.

The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the landowner does not exercise his right to obtain a permit for replacement signs. Any such removed sign

Section 15.810 Off-Premise Advertising Signs
(Billboards)

which is not replaced by the landowner, sign owner, or "other holder of the wrecking permit" within eighteen months of the sign removal, will create an available "replacement sign" which may be sued by the first applicant who secures a legal sign permit from the City.

(4) **Application for Off-Premise Advertising Sign Permit**

The application for an off-premise advertising sign permit shall contain all information necessary for the Zoning Administrator to ensure that the sign meets all requirements of this chapter, and to ensure that accurate sign inventory records are kept. No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.

(5) **Maximum Sign Area**

The maximum area of an off-premise advertising sign shall be 288 square feet for poster panel signs and 672 square feet for painted bulletin signs, plus up to an additional 20% of said areas for attached cutout extensions. Except for lawful conforming signs existing as of the effective date of this Chapter, plus eight additional 672 square foot signs, no off-premise advertising sign may exceed 288 square feet, plus up to an additional 20% of said areas for attached cutout extensions. As land is annexed to the City with 672 square foot size signs, those numbers will be added to the total allowed. Legal off-premise advertising signs existing as of the effective date of this Chapter may be legally maintained, rebuilt or modernized as legal conforming signs at the same size and dame property. Signs attached to one-another (side by side signs) or located on the same support (double-deck signs) shall be counted as separate signs. Back-to-back off-premise advertising signs or "V-shaped" off-premise advertising signs which are installed perpendicular to the street (where no more than 15 feet of spacing exists between the two closest spread ends) or are otherwise installed so as to be viewed from one direction of travel on the street) shall be counted as separate signs which face in different directions, (and thus may be permitted per (6), below if the spacing limitations of (6) are otherwise met).

(6) **Spacing Limitation**

(a) Off-premise advertising signs shall be spaced in a manner which avoids the over-concentration of off-premise advertising signs in a limited area. To accomplish this, off-premise advertising signs located along the same side of a road shall be spaced from sign center to sign center in the following manner:

1. Along Interstate Highway (IH 43), the minimum spacing of off-premise advertising signs which face in the same general direction of travel shall be 500 feet. In addition, one State-permitted off-premise "Directional Sign" shall be allowed per mile facing the same general direction of travel. In no instance shall said sign be located closer than 100 feet to an existing off-premise advertising sign.



November 4, 2021

Paul Radermacher
Sign Me Up
311 Forest Avenue
Sheboygan Falls, WI 53085

Re: Sign Permit request for new billboard on parcel #59281600375, Sheboygan, WI

Dear Mr. Radermacher:

The City of Sheboygan Department of City Development is responding to a recent sign permit submittal from you regarding the installation of a new billboard on parcel #59281600375. The Department of City Development has the following comment concerning this request:


- The property is zoned Neighborhood Residential (NR-6) which is a zone that does not permit billboards.
- You indicate that the property was zoned B-3 prior to the zoning ordinance amendment that took place in 1996.
- City research indicates that the property was zoned I-2.
- The previously existing nonconforming billboards have been completely removed from this site. This appears to have been done more than 12 month ago.
- Because the billboards have been removed for more than 12 months, this lot and billboard have discontinued their previous nonconforming status.
- Section 15.207(8)(a) states:

Discontinuance of Nonconforming Use of Land: In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.

Based on the information above, the Department of City Development is unable to issue the sign permit as proposed.

Please feel free to contact me with any questions at (920) 459-3382.

Sincerely,


Steve Sokolowski
Manager of Planning and Zoning

DEPARTMENT OF
PLANNING AND
DEVELOPMENT

828 Center Avenue,
Suite 104
Sheboygan, WI 53081

920-459-3377 (Phone)
920-459-7302 (Fax)

Superior Ave

59281214074

N 18th St

N 18th St

592832217

* AERIAL VIEW OF *
REMOVED SIGN STRUCTURE
AND REPLACEMENT
LOCATION

59281600375

59281600370

59281624220

592832224
Superior Ave



Sheboygan, Wisconsin



Street View

Image capture: Jul 2019 © 2021 Google

* EAST TRAFFIC VIEW OF *
REMOVED SIGN STRUCTURE
AND REPLACEMENT LOCATION



Image capture: Jul 2019 © 2021 Google

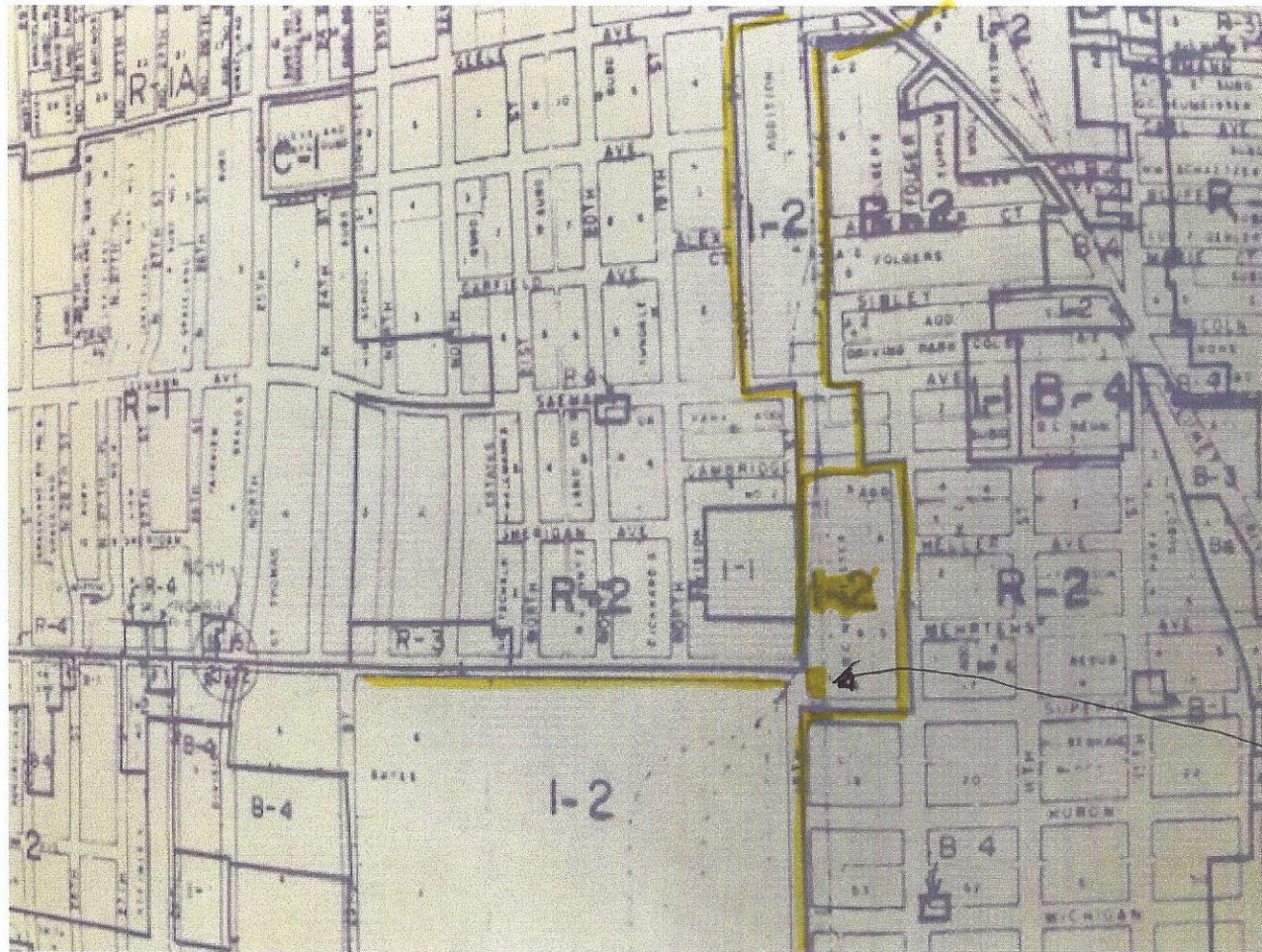
Sheboygan, Wisconsin



Street View

* WEST TRAFFIC VIEW OF *
SIGN THAT WAS REMOVED
AND REPLACEMENT LOCATION

1996 ZONING MAP DESIGNATION



Superior & 18th St N



Sheboygan County Land Records Web Portal - Property Summary

Property: 59281600375

Search powered by
GCS
Report-/Print engine
List & Label @ Version 19:
Copyright combit@ GmbH
1991-2013

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2021 ▼	Real Estate	59281600375	281 - CITY OF SHEBOYGAN		CRAMER HOLDINGS LLC 11200 HACIENDA DEL MAR BLVD UNIT 201 PLACIDA FL 33946-2438
Tax Year Legend: ◀\$ = owes prior year taxes ☒ = not assessed Ⓢ = not taxed Delinquent Current					

Summary

Property Summary

Parcel #:	59281600375
Alt. Parcel #:	
Parcel Status:	Current Description
Creation Date:	
Historical Date:	
Acres:	0.000

Property Addresses

No Property Addresses were found

Owners

Name	Status	Ownership Type	Interest
CRAMER HOLDINGS LLC	CURRENT OWNER		
CRAMER HOLDINGS, LLC	FORMER OWNER		

Parent Parcels

No Parent Parcels were found

Child Parcels

No Child Parcels were found

Abbreviated Legal Description

(See recorded documents for a complete legal description)

ORIGINAL PLAT THAT PART OF LOT 6 BLOCK 18 DESC AS: COM AT THE SW CORNER OF SD LOT 6, TH ELY ALONG THE S LINE OF SD LOT 27, TH NWLY ALONG A LINE (HEREINAFTER KNOWN AS LINE "A") TO A POINT IN THE W LINE OF LOT 6 BEING 46' N OF THE SW CORNER OF LOT 6, SD POINT BEING POINT OF BEG., TH N ALONG THE W LINE OF LOT 6 TO A POINT 25' S OF THE NW CORNER OF LOT 6, TH E PARALLEL WITH THE N LINE OF LOT 6 TO A POINT 50' W OF THE CENTER LINE OF THE MAIN TRACK OF THE C & NW RR BELTLINE TRACK, TH S PARALLEL TO SD TRACK TO A POINT ON SD LINE "A", TH NWLY ALONG SD LINE "A" TO BEG.

Public Land Survey - Property Descriptions

No Property Descriptions were found

District

Code ▲	Description	Category
	LOCAL	OTHER DISTRICT

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

CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: UC - Former B-3

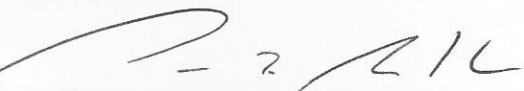
TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

- 1). Appeal Location (address): 1723 INDIANA Avenue
2). Applicant: SIGN ME UP OF WISCONSIN, LLC Telephone #: (920) 550-0009
Address: 311 Forest Ave Sheboygan Falls, WI 53085
3). Legal Property Description (Lot, Block, Subdivision, etc.): Parcel # 59281506865

- 4). Type of ^{Property} Building (Circle): Commercial - Residential
5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: REPLACEMENT OF SIGN STRUCTURE
6). If the request is for a nonconforming use: N/A
Your intended use: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
7). Applicants interest in property: Leasehold
8). On a separate letter to the Board describe the requested variance and include 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.

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: 12/14/2021

Signature: 
Printed Name: PAUL RADERMACHER
Mailing Address: 311 Forest Avenue
Sheboygan Falls, WI 53085

* Please see the attached narrative, Denial letter dated 11/4/21, SITE photographs, and copy of ordinance Section 15.810. Also, tax bill statement for property, and 1996 zoning designation.



December 14, 2021

City of Sheboygan
Department of City Development
Attn: Steve Sokolowski
828 Center Avenue, Suite 104
Sheboygan, WI 53081

Chair Gerber and Members of the Board of Appeals,

Three Off-Premise (billboard) advertising sign structures were recently removed in the City of Sheboygan by Lamar Outdoor Advertising Company. These three sign structures were located on properties/easements owned by Mark Cramer and were removed without his knowledge. Mr. Cramer has entered into a lease agreement with Sign Me Up of Wisconsin, LLC, based in Sheboygan Falls, to apply for the replacement sign permits needed to rebuild the sign structures on his properties located roughly at Pennsylvania and 13th St. N., Superior and 18th St. N., and 1723 Indiana Avenue. The sign permit applications to replace the original removed signs were denied by the City of Sheboygan. I am appealing the decision of the Zoning Administrator to deny the sign permit applications because his interpretation of the zoning code with respect to Off-Premise Advertising signs is arbitrary and capricious. Please consider this letter as a narrative regarding the appeal of all three Sign Permit Applications that are before you for consideration. I have also submitted the necessary property site plan/easements for each location, a copy of Section 15.810 of the City of Sheboygan Zoning Code which regulates Off-Premise Advertising Signs, and a copy of the three denial letters dated November 4, 2021.

This narrative will focus on the following areas: The History of the creation of Zoning Code Section 15.810, a comprehensive review of Section 15.810, Property & Application information, a review of the Denial Letters issued by Steve Sokolowski (the Zoning Administrator) dated November 4, 2021, and final arguments as to why Mr. Sokolowski's interpretation and implementation of the zoning code should be overturned and the appeal granted.

History of Zoning Code Section 15.810

In 1996, the City of Sheboygan underwent a Comprehensive Zoning Code review. The section of the zoning code that pertains to Off-Premise advertising (billboard) signs was part of the review process. A collaboration of Bob Peterson (Zoning Administrator) and Arnie Grotbeck from the City of Sheboygan, an appointed citizens committee, as well as Mark Cramer & Bill TeWinkel (Cramer Sign Co), and George Clausen (property owner) comprised the primary individuals involved in the deliberation of a new sign ordinance. At that time, the City was concerned with the number of Off-Premise signs in the City and the above group had a goal to establish a cohesive plan that would curtail growth of Off-Premise signs in the City, yet preserve the rights of the existing businesses and property owners who had sign interests in the City.

311 Forest Avenue
Sheboygan Falls, WI 53085
paul@signmeupofwi.com
920-550-0009 • 651-343-8781(cell)



Therefore, the above named collaboration between the City, the Citizens Committee, the Sign Industry and the Property Owners crafted an ordinance that put a “Cap” in place to control the number of Off-Premise Signs in the City of Sheboygan. They also put into place a process to preserve the right of the Property Owner and/or the Sign Owner to replace a sign structure if necessary or desired on the property where signs existed as of August 5, 1996 in the now former B-3, B-4, I-1, I-2, and I-3 zoning districts. Further, the new ordinance would allow for a new Off-Premise sign to be built under the proposed sign “Cap” in the new UC zoning district, as well as in the former B-3 and B-4 zoning districts.

Section 15.810 Ordinance Review

The pertinent paragraphs of Section 15.810 that are important for review are Section 15.810(2), 15.810(3) and 15.810(4). Section 15.810(2) details the *Sign Location and Zoning District Limitations* and clearly states that “Off-Premise advertising signs **are permitted by right** on legal conforming or legal non-conforming lots in the UC district, and in the former B-3 and B-4 districts...Further, all off-premise advertising signs existing as of the effective date of this Chapter (8/5/1996) which are located in the former B-3, B-4, I-1, I-2 and I-3 districts **shall be considered as lawful, conforming signs**...Such existing signs may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance”.

Section 15.810(3) details the *Maximum Sign Number Cap* and how to replace existing signs. Paragraph 1 details that the number of signs permitted within the City of Sheboygan is limited to the number of legally permitted signs as of 8/5/1996 and that the Zoning Administrator maintains the Sign inventory which comprises the number of signs in the sign “Cap”.

Paragraph 2 details how the Property Owner has the first right to replace a sign that has been removed. In fact, the ordinance states: “*Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have the first right to replacement permits for signs on said property for a period of sixty (60) days*”. This was a critical clause of the ordinance for the property owners with signs on their properties to have included in the 1996 ordinance so as to preserve their right to sign replacement if that time should ever come. Further, if the property owner did not exercise their right to replace a sign, this section gives the sign company the right to replace the sign within the City of Sheboygan under the sign Cap.

Paragraph 3 has two equally important points beginning with the first sentence as follows: “*The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the Landowner does not exercise his right to obtain a permit for replacement signs*”. It is imperative that a permit (aka wrecking permit) is issued when an Off-Premise sign comes down. Primarily because an applied for wrecking permit alerts the City of a pending sign removal who in turn would be able to notify the landowner that the sign structure on their property is about to be removed. Secondly, once the landowner receives notice from the City that a wrecking permit has been issued, the landowner will know that the sixty (60) day first right of replacement sign permit clock is about to start ticking.



The second important point of Paragraph 3 is as follows: *“Any such removed sign which is not replaced by the landowner, sign owner, or “other holder of the wrecking permit” within eighteen months of the sign removal, will create an available “replacement sign” which may be used by the first applicant who secures a legal sign permit from the City”.* In other words, either the Landowner, the Sign Owner, or the Holder of the Wrecking Permit has eighteen (18) months to replace the sign from the day the original sign is taken down, or they forfeit their replacement rights opening the door for anyone to apply for a new sign permit as Cap space is now available.

Section 15.810(4) details the *Application for Off-Premise Advertising Sign Permit*. The second sentence is of key importance and it reads as follows: *“No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.”* This sentence again stresses the importance of the City issuing a Wrecking/Removal permit. A replacement sign permit cannot be issued until the sign detailed on the wrecking permit has been removed. Further, once the original sign structure is confirmed to be removed, the City then has a record of the removal date and when the landowner’s sixty (60) day replacement time period begins.

Property & Application Information:

Mr. Cramer purchased and sold property and retained easements for the sole purpose of having sign structures on those properties. He believed that the Off-Premise Advertising Sign Ordinance would protect his ability to retain a sign on his property well into the future. Per the site plans of each location, it is clear that each property is designed for one purpose, and that is to have an Off-Premise advertising sign structure on it. There is no other realistic use for these small/tailored parcels of land.

The following are some facts that the City and I as the applicant agree on:

1. All three sign structures were in existence prior to August 5, 1996 and count as part of the City of Sheboygan Off-Premise Advertising Sign Cap.
2. All three sign structures were built on land that was zoned either B-3 (1722 Indiana Ave) or I-2 (Penn & 13th St & Superior & 18th St) prior to August 5, 1996.
3. All three sign permit applications are for sign structures that meet the size, height, spacing, design and construction requirements of the City of Sheboygan.

After I applied for the sign permits for each location on October 12th, Mr. Sokolowski and I met to discuss the applications. In our meeting of October 28, 2021, Mr. Sokolowski stated the following: that he received a phone call from Lamar that they were going to remove the sign structures, that there was not a wrecking permit issued to Lamar to remove the sign structures, that a notice was not sent to Mr. Cramer about the pending sign removals on his properties, and that the City does not know when the signs were removed. Several requests since the November 4, 2021 denial letter, both verbally and in writing, for a copy of the above stated notice sent to Mr. Cramer, a copy of the wrecking permit, and written confirmation as to when the signs were removed have gone unanswered. The logical conclusion is that no evidence or such copies exist.

311 Forest Avenue
Sheboygan Falls, WI 53085
paul@signmeupofwi.com
920-550-0009 • 651-343-8781(cell)



City of Sheboygan Denial Letter dated November 4, 2021.

The three submitted permit applications were all denied based on the Zoning Administrator's application of Section 15.207(8)(a) of the City Zoning Code which details the following:

Discontinuance of Nonconforming Use of Land: *In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.* In other words, if the nonconforming use is terminated, and the use of a sign on the property is to be re-established, then the new sign has to adhere to the new zoning regulations.

In the Zoning Administrators denial letters, he states two main reasons for his denial. First, *"the previously existing nonconforming billboards have been completely removed from the site. This appears to have been done more than 12 months ago".* Second, *"because the billboards have been removed for more than 12 months, this lot and billboard have discontinued their previous nonconforming status."*

Arguments for Approval of the Appeal:

The denial of the sign permits is flawed as outlined per the following 5 reasons:

1. Per the November 4, 2021 denial letter, Mr. Sokolowski states that "the previously existing *nonconforming* billboards have been removed from this site". Please refer to Section 15.810(2) which states that "all off-premise advertising signs existing of the effective date of this chapter **shall be considered as lawful, conforming signs**. The assertion that the original sign structures which were removed are nonconforming is false. Therefore Section 15.207(8)(a) does not apply and the permits should be approved.
2. Per the November 4, 2021 denial letter, Mr. Sokolowski is trying to impose a 12 month removal period for a nonconforming use to a lawful, conforming use. Further how can the permits be denied on an assumption that it "**appears**" the signs were removed more than 12 months ago when he doesn't know when the signs were removed? For these facts, the permits should be approved.
3. Per the November 4, 2021 denial letter, the 12 month timeframe per ordinance Section 15.2047(8)(a) is also not relevant as per Section 15.810(3) paragraph 3 clearly states that "*any such removed sign which is not replaced by the landowner, sign owner, or "other holder of the wrecking permit" within eighteen months of the sign removal...*". Clearly there is an 18 month time period for sign replacement, not the 12 months that Mr. Sokolowski would have you believe.



4. Per Section 15.810(3) paragraph 3, The City failed to issue a "wrecking permit" to Lamar for the removal of all three sign structures. Failure to do so not only points to the City's obligation of creating a record as to when the sign structures were removed, but then the City failed its obligation to notify the landowner (Mr. Cramer) that the signs were coming down and when his sixty (60) day right of replacement period would begin per Section 15.810(3) paragraph 2. It is my assertion that due to the City's failures as stated above, that Mr. Cramer's sixty (60) day right of replacement period hasn't started yet and the permits should be approved.
5. In addition to points 1 through 4 above, the sign permit for 1723 Indiana Avenue should be approved because the property currently has a UC zoning designation and was a former B-3 property prior to August 5, 1996. Please refer to Section 15.810 (2) which states that *"Off-Premise advertising signs **are permitted by right** on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts..."*

Based on the documentation submitted, for the facts detailed in Section 15.810 of the Zoning Code of Ordinances, for the failure of the City to follow the procedure of issuing a wrecking permit, for the failure of the City to notify the landowner of his sixty (60) day replacement right period start date, for the City to deny the sign permits based on a mythical 12 month time period, and for the interpretation that a nonconforming use section of the City's zoning code can be applied to a conforming use, it is for these reasons that I ask you to approve the appeal as requested and the sign permit applications as submitted. Thank you for your consideration of this request.

Sincerely,

Paul Radermacher
Sign Me Up!

Section 15.810 Off-Premise Advertising Signs (Billboards)

- (1) Off-premise advertising signs shall be limited in sign location, maximum sign area, minimum sign spacing, and configuration.

- (2) **Sign Location and Zoning District Limitations**

Off-premise advertising signs are permitted by right on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts as those districts existed as of August 5, 1996, with Taylor Drive and Kohler Memorial Drive excluded. Illegal, nonconforming lots shall not be used for new off-premise advertising sign locations. In addition, all off-premise advertising signs existing as of the effective date of this Chapter which are located in the former B-3, B-4, I-1, I-2 and I-3 districts shall be considered as lawful, conforming signs. Such existing signs shall not be eliminated through the conditional use process, and may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance. Off-premise advertising signs shall be prohibited in all other zoning districts. Off-premise advertising signs shall be a minimum of 12 feet from any street right-of-way (except for all mounted signs) and shall not be located within a vision triangle or create a traffic visibility or other public safety hazard. Off-premise advertising signs may not be located on roofs, but may be freestanding or located on building walls.

- (3) **Maximum Sign Number Cap**

The number of off-premise advertising signs permitted with the City of Sheboygan shall be limited to the number of legally permitted off-premise advertising signs existing within the City as of the effective date of this Chapter, including signs for which legal permits have been issued, but are not yet erected. This number shall be referred to as the "off-premise sign cap". The inventory of legally erected signs and legal sign permits which comprise this cap shall be maintained by the Zoning Administrator. When land is annexed into the City of Sheboygan that has legally permitted off-premise advertising signs on it, the number of those signs shall be added to the "cap". Annexed signs shall secure a legal sign permit issued by the Zoning Administrator to ensure accurate reflection in the sign inventory. All such annexed signs shall be otherwise governed by all the Regulations of this Chapter.

Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have first right to replacement permits for signs on said property for a period of sixty (60) days. If the property owner does not exercise his right then any sign which is permitted by this "cap" which is subsequently removed may be replaced by the owner of the removal sign in any legally permitted location, with the granting of a sign permit by the City of Sheboygan.

The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the landowner does not exercise his right to obtain a permit for replacement signs. Any such removed sign

Section 15.810 Off-Premise Advertising Signs
(Billboards)

which is not replaced by the landowner, sign owner, or "other holder of the wrecking permit" within eighteen months of the sign removal, will create an available "replacement sign" which may be sued by the first applicant who secures a legal sign permit from the City.

(4) **Application for Off-Premise Advertising Sign Permit**

The application for an off-premise advertising sign permit shall contain all information necessary for the Zoning Administrator to ensure that the sign meets all requirements of this chapter, and to ensure that accurate sign inventory records are kept. No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.

(5) **Maximum Sign Area**

The maximum area of an off-premise advertising sign shall be 288 square feet for poster panel signs and 672 square feet for painted bulletin signs, plus up to an additional 20% of said areas for attached cutout extensions. Except for lawful conforming signs existing as of the effective date of this Chapter, plus eight additional 672 square foot signs, no off-premise advertising sign may exceed 288 square feet, plus up to an additional 20% of said areas for attached cutout extensions. As land is annexed to the City with 672 square foot size signs, those numbers will be added to the total allowed. Legal off-premise advertising signs existing as of the effective date of this Chapter may be legally maintained, rebuilt or modernized as legal conforming signs at the same size and dame property. Signs attached to one-another (side by side signs) or located on the same support (double-deck signs) shall be counted as separate signs. Back-to-back off-premise advertising signs or "V-shaped" off-premise advertising signs which are installed perpendicular to the street (where no more than 15 feet of spacing exists between the two closest spread ends) or are otherwise installed so as to be viewed from one direction of travel on the street) shall be counted as separate signs which face in different directions, (and thus may be permitted per (6), below if the spacing limitations of (6) are otherwise met).

(6) **Spacing Limitation**

(a) Off-premise advertising signs shall be spaced in a manner which avoids the over-concentration of off-premise advertising signs in a limited area. To accomplish this, off-premise advertising signs located along the same side of a road shall be spaced from sign center to sign center in the following manner:

1. Along Interstate Highway (IH 43), the minimum spacing of off-premise advertising signs which face in the same general direction of travel shall be 500 feet. In addition, one State-permitted off-premise "Directional Sign" shall be allowed per mile facing the same general direction of travel. In no instance shall said sign be located closer than 100 feet to an existing off-premise advertising sign.



November 4, 2021

Paul Radermacher
Sign Me Up
311 Forest Avenue
Sheboygan Falls, WI 53085

Re: Sign Permit request for new billboard on parcel #59281506865, Sheboygan, WI

Dear Mr. Radermacher:

The City of Sheboygan Department of City Development is responding to a recent sign permit submittal from you regarding the installation of a new billboard on parcel #59281506865. The Department of City Development has the following comment concerning this request:

- The property is presently zoned Urban Commercial (UC) which is a zone that permits billboards.
- The previously existing nonconforming billboards have been completely removed from this site. This appears to have been done more than 12 month ago.
- Because the billboards have been removed for more than 12 months, this lot and billboard have discontinued their previous nonconforming status.
- Section 15.207(8)(a) states:

Discontinuance of Nonconforming Use of Land: In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.

- In addition, there is a 12 foot setback to property lines for free standing signs such as a billboard in the UC zone. Since the lot is 20 feet wide, it appears that any new proposal will not be able to meet this minimum 12 foot setback to the property line.

Based on the information above, the Department of City Development is unable to issue the sign permit as proposed, however, other options may be available to site the billboard on this lot

Please feel free to contact me with any questions at (920) 459-3382.

Sincerely,

Steve Sokolowski
Manager of Planning and Zoning

DEPARTMENT OF
PLANNING AND
DEVELOPMENT

828 Center Avenue,
Suite 104
Sheboygan, WI 53081

920-459-3377 (Phone)
920-459-7302 (Fax)

S 17th St

S 17th St

Indiana Ave

* AERIAL VIEW
OF SIGN THAT
WAS REMOVED
AND REPLACEMENT
LOCATION

Parcel ID# 59281506865



Image capture: Jul 2019 © 2021 Google

Sheboygan, Wisconsin



Street View

* WEST TRAFFIC VIEW *
OF SIGN THAT WAS REMOVED
AND REPLACEMENT LOCATION



Image capture: Jul 2019 © 2021 Google

Sheboygan, Wisconsin

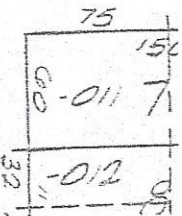
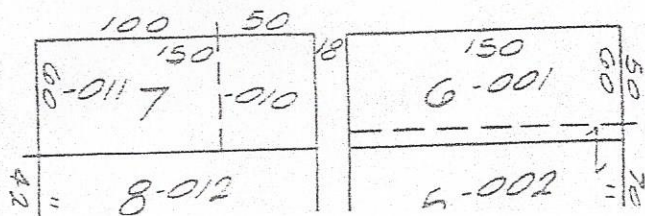
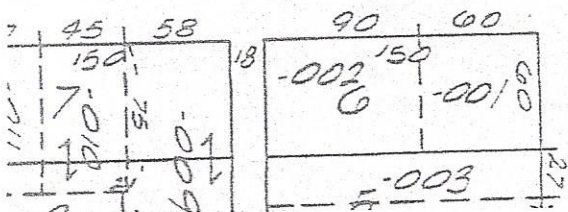
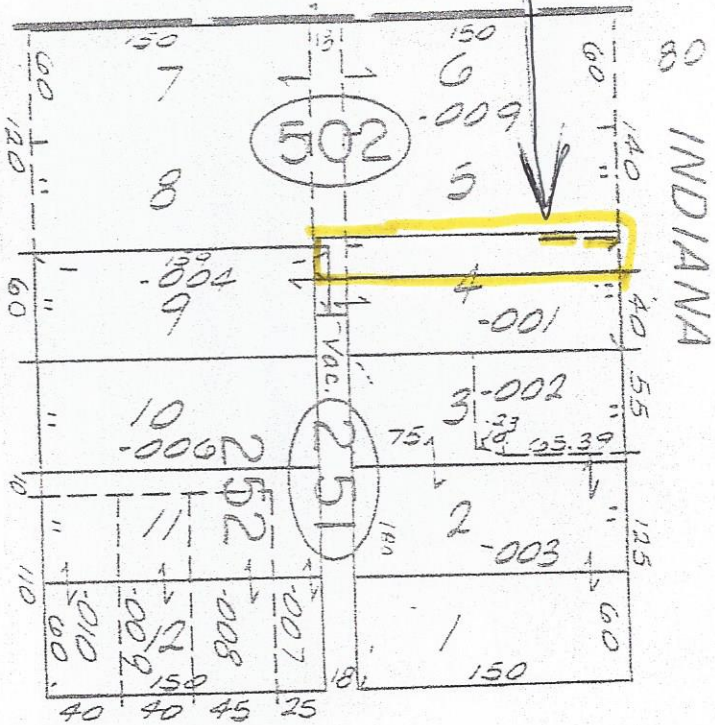
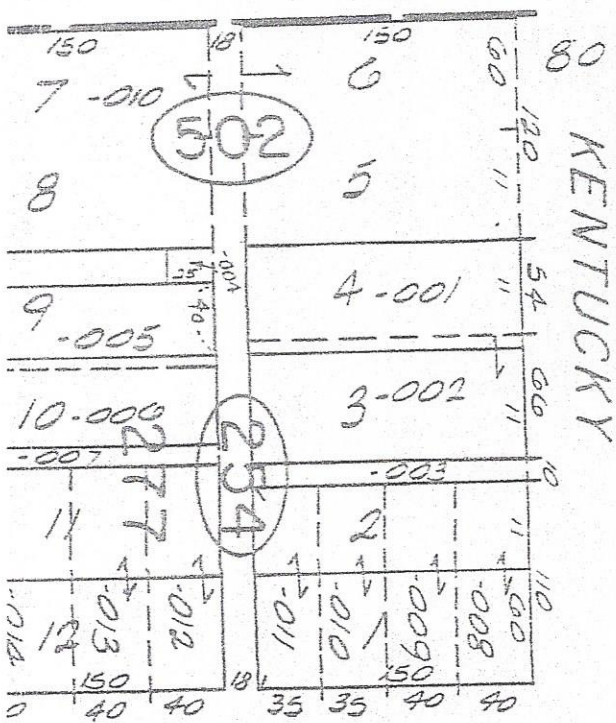


Street View

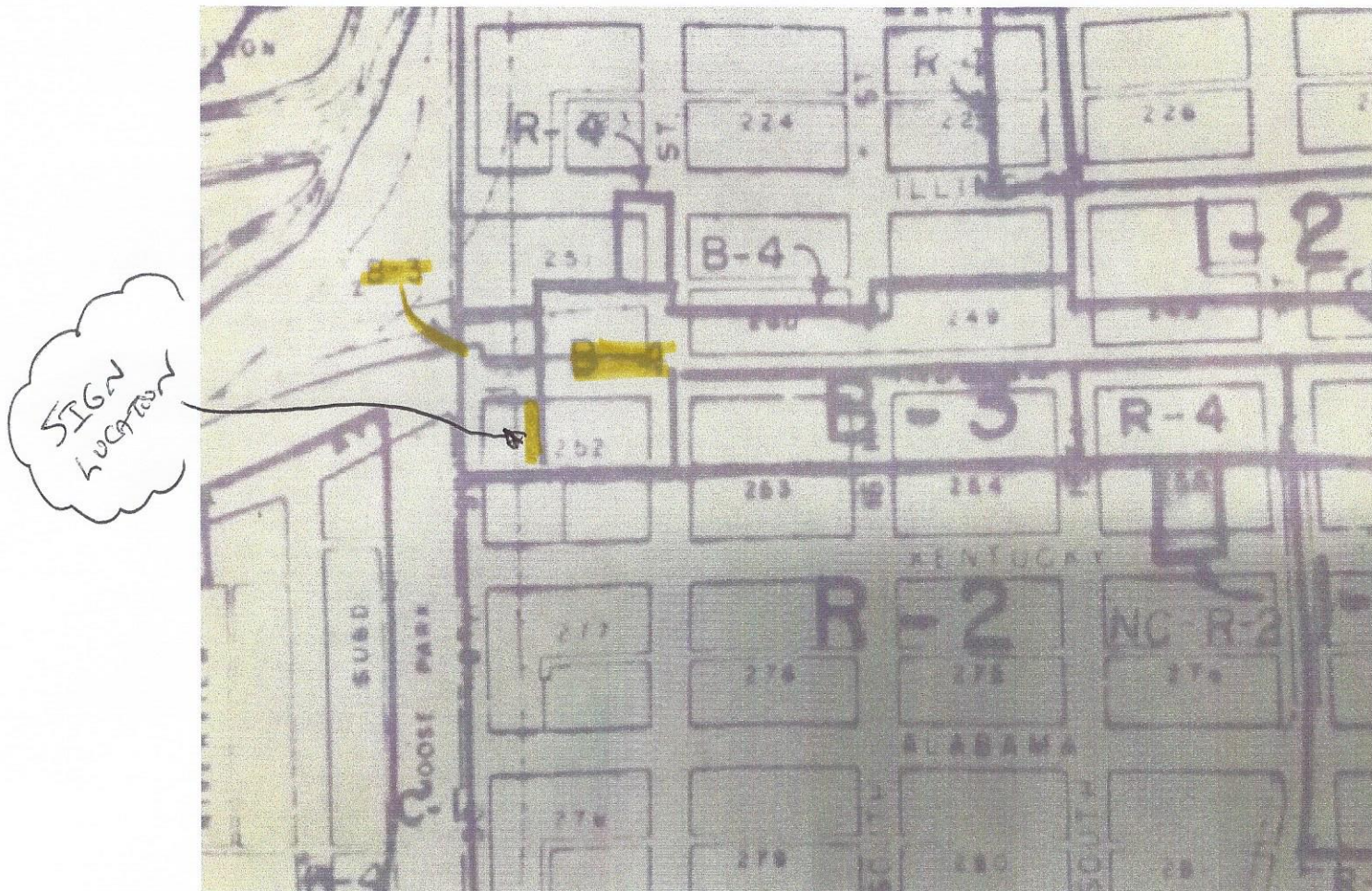
* SIDE VIEW OF *
SIGN THAT WAS
REMOVED AND REPLACEMENT
LOCATION

Proposed
Site

1523-27-1



1996 ZONING DESIGNATION



1723 INDIANA AVENUE



Sheboygan County Land Records Web Portal - Property Summary

Property: 59281506865

Search powered by



Report/Print engine
List & Label @ Version 19:
Copyright combit® GmbH
1991-2013

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2021 ▼	Real Estate	59281506865	281 - CITY OF SHEBOYGAN	1723 Indiana	CRAMER HOLDINGS LLC 11200 HACIENDA DEL MAR BLVD UNIT 201 PLACIDA FL 33946-2438
Tax Year Legend: ◀\$ = owes prior year taxes ☒ = not assessed Ⓢ = not taxed Delinquent Current					

Summary

Property Summary

Parcel #:	59281506865
Alt. Parcel #:	
Parcel Status:	Current Description
Creation Date:	
Historical Date:	
Acres:	0.000

Property Addresses

No Property Addresses were found

Owners

Name	Status	Ownership Type	Interest
CRAMER HOLDINGS LLC	CURRENT OWNER		
CRAMER HOLDINGS, LLC	FORMER OWNER		

Parent Parcels

No Parent Parcels were found

Child Parcels

No Child Parcels were found

Abbreviated Legal Description

(See recorded documents for a complete legal description)

ORIGINAL PLAT THE W 20' OF LOT 4 BLOCK 252 AND THE N 1/2 OF THAT PART OF THE VACATED E-W ALLEY ADJACENT THE W 20' OF LOT 4 BLOCK 252

Public Land Survey - Property Descriptions

No Property Descriptions were found

District

Code ▲	Description	Category
	LOCAL	OTHER DISTRICT
	SHEBOYGAN COUNTY	OTHER DISTRICT

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1607 N 5th ST

Parcel #: 001350

Owner's Name: Emma Prah

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 11/29/2021

MEETING DATE: 12/15/2021

BACKGROUND / ANALYSIS

Property owner would like to pave (asphalt) their driveway. Current driveway is a concrete "runner" type driveway with grass between the tire lanes. Currently has 9 feet from house to side lot line.

Ordinance #: 15.702(10)

Requesting: 9 foot wide driveway

Allowed: 10 foot wide driveway

Ordinance #: 15.702(10)

Requesting: 0 inches from lot line to paved driveway

Allowed: 3 feet from lot line to paved driveway

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

application, pictures, survey

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly on the third Wednesday at 3p.m. at a public hearing. In order to be considered for the next meeting, applications must be received in the Building Inspection Department Office **no later than** 4:30p.m. on the third Wednesday of the month prior to the scheduled public hearing:

11/17/21
Application Deadline Date

12/15/21
Board of Appeals Meeting Date

All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office and online.
- 2) The non-refundable filing fee - \$250.00.
- 3) Photographs of the property.
- 4) A site sketch, drawn to scale 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.

Note:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) In addition to the application information noted above, a survey is strongly recommended.
- c) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- d) Applicants should be aware the Board of Appeals may require a survey as part of the application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.
- e) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.

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 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 and municipal property within 1,000 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important you discuss your proposal with the Building Inspection and Planning Departments.

The property owner or a representative shall be present at the public hearing to present his or her request to the Board and answer any questions the Board members may have. Should an appearance not be made, or insufficient information presented, the appeal will not be considered and may be either placed on the agenda for the next meeting or denied. The appellant will be required to pay the additional expense incurred because of postponement of the hearing. Appellants are reminded 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.

Emma Prahl
Signature

11-16-21
Date

**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): 1607 N. 5th St.
- 2). Applicant: Emma Prah Telephone #: (920) 458-0435
Address: 1607 N. 5th St.
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) lot 18 Block 5 (five
subdivisions per (4) city of Sheboygan
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: black top 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
- 8). On a separate letter to the Board describe the requested variance and include 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.

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: 11-16-21

Signature: Emma Prah
Printed Name: Emma Prah
Mailing Address: 1607 N. 5th St.
Sheboygan WI 53081

THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain your proposed construction is consistent with neighboring developments, a development does not infringe on the enjoyment of property belonging to neighboring owners, it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish, 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 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 the 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

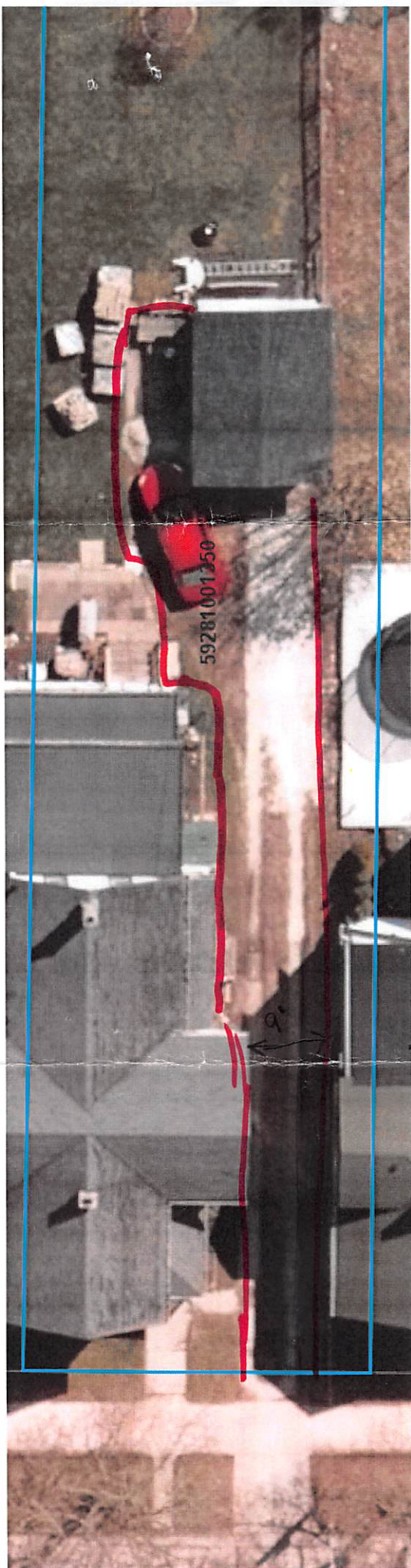
The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

The Board, in granting a variance, may impose conditions on the proposed construction to assure 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.

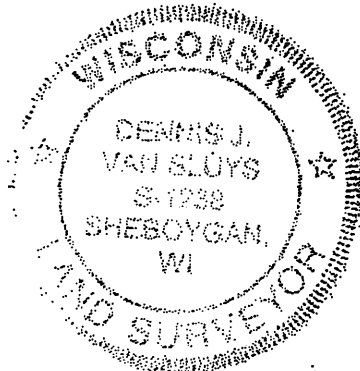
1607 N 5th St



← 9' TO PROPERTY (FROM HOUSE)
LINE HERE

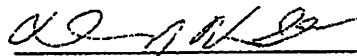
D & H LAND SURVEYS LLC
1628 GEORGIA AVENUE
SHEBOYGAN, WISCONSIN

1603 N. 5th STREET
PARCEL NO. 59281001340
BEING LOT 17 OF BLOCK 5 OF ASSESSMENT SUBDIVISION NO. 4, C
SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.



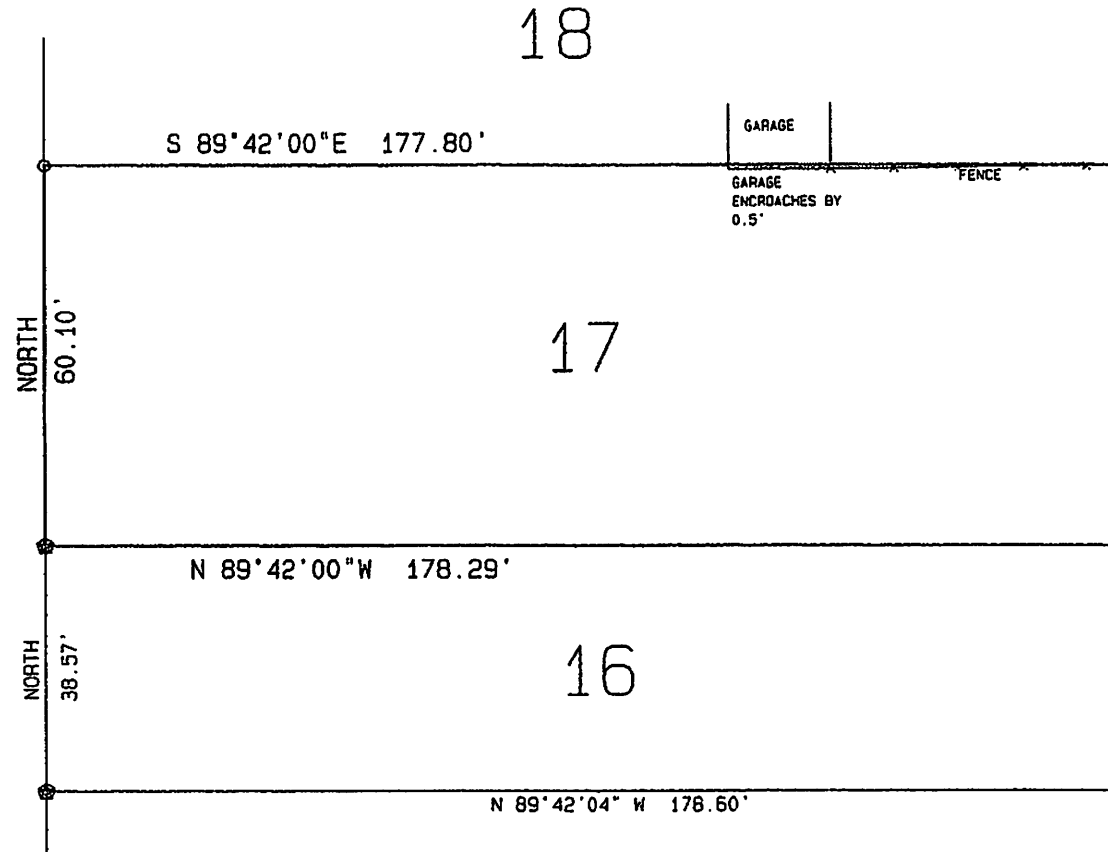
THIS IS AN ORIGINAL PRINT ONLY
REAL ESTATE REPORTED IN SET

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


Dennis J. Van Sluys S-1238

Dated this 17th day of October 2017.

N. 5th STREET



Lutzke, Jeffrey

From: Nate Eastway <neastway@gabes.com>
Sent: Wednesday, January 19, 2022 1:45 PM
To: Lutzke, Jeffrey; Wierus, Linnae; Sokolowski, Steve
Subject: 320 Ontario Ave Variance Request Comments

Steve/Jeff/Linnae,

Please confirm receipt.

Could you quickly email me the updated Variance Application? I only have the one from spring 2021.

I am unable to attend today's 3:00 PM Variance Board meeting regarding Rob Butcher's variance request. Please read and or distribute this to all board members and record in the minutes:

I live next door at 312 Ontario Ave, (1) house east of Rob's house.

I attended the 04-21-21 meeting and spoke of my concerns then. While I fully support the significant work that is going into the house and the absolute need for a front porch, my concerns are the same, and not specific to Rob's house, but generally to how variances are reviewed and approved:

- 1) How does the application satisfactorily answer the (3) questions listed in the variance application?:
 - a. Hardship created if denied: There was a porch there originally.
 - b. Unique physical characteristics: There was a porch there originally.
 - c. Harm Public Interest: See next 2 items.
- 2) Though it was stated that variance approvals are on a case by case basis, a precedent may be set that the variance criteria do not need to be proven. What if someone buys the home at 308 Ontario (closest to the lake) and desires to build a house/porch/etc. that fills the entire lot. Then all of our home's values would be impacted negatively.
- 3) The porch will extend 7 ft closer to the sidewalk than any of the other (4) houses on the north side of Ontario between 4th and Broughton. With the last stair landing on the ROW, 2 ft from the edge of the sidewalk.

Thank you,

NATHAN EASTWAY, P.E. | Gabe's Construction Co., Inc.

VICE PRESIDENT, HDD & SPECIALTY PROJECTS | www.gabes.com

4804 N. 40th Street Sheboygan, WI 53083 | Office: (920) 459-2600 | Direct Dial: (920) 395-7112

Mobile: (920) 889-8135 | ✉: neastway@gabes.com | * WI, AL, FL, GA, KY, LA, MI, MN, MS, OH, TX *