

*****ATTACHMENTS*****

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

105426

**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) 452-6896
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

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

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Requesting: unknown feet from front property line

Allowed: 15 feet from front property line

Ordinance #:

Requesting:

Allowed:

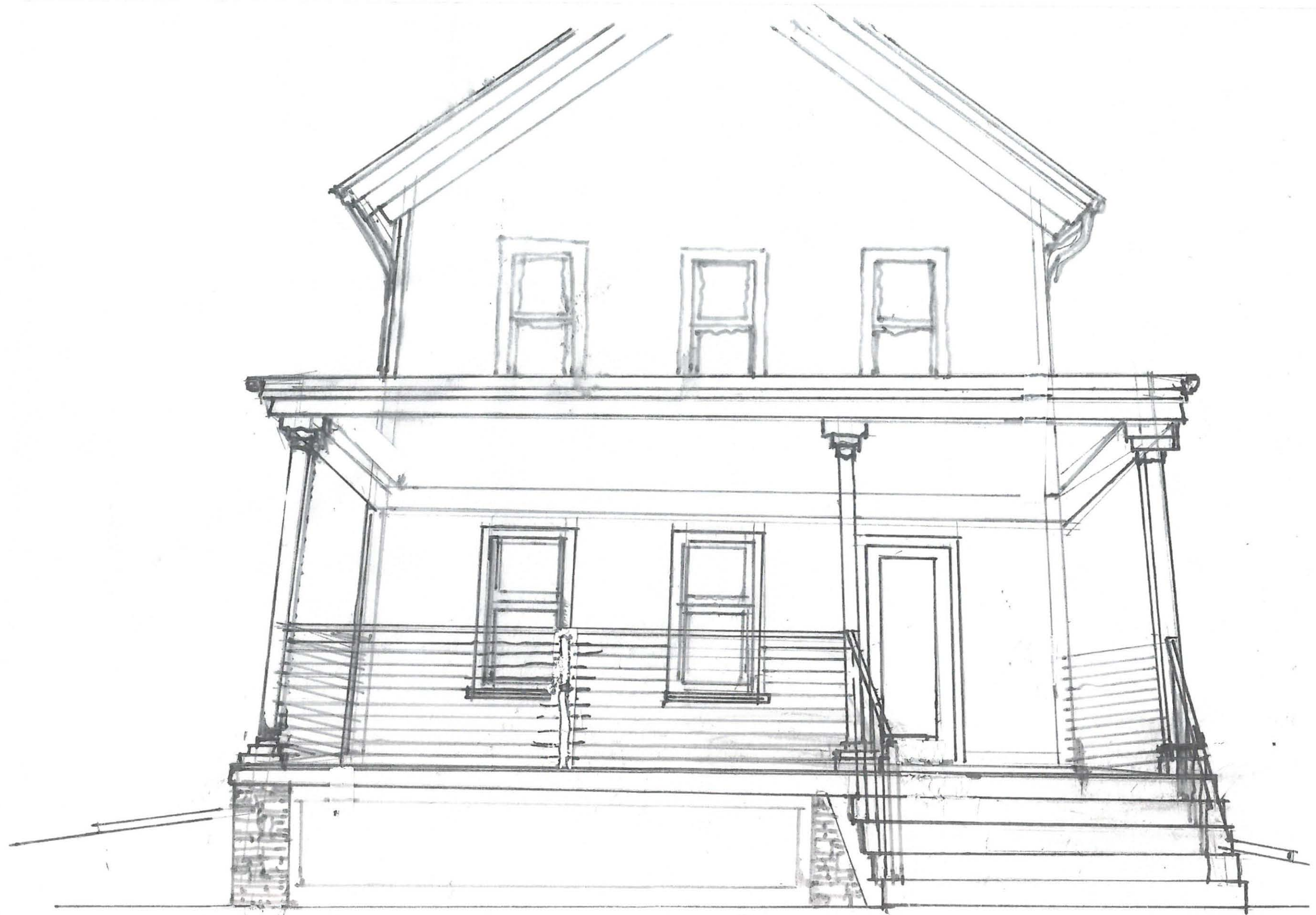
Ordinance #:

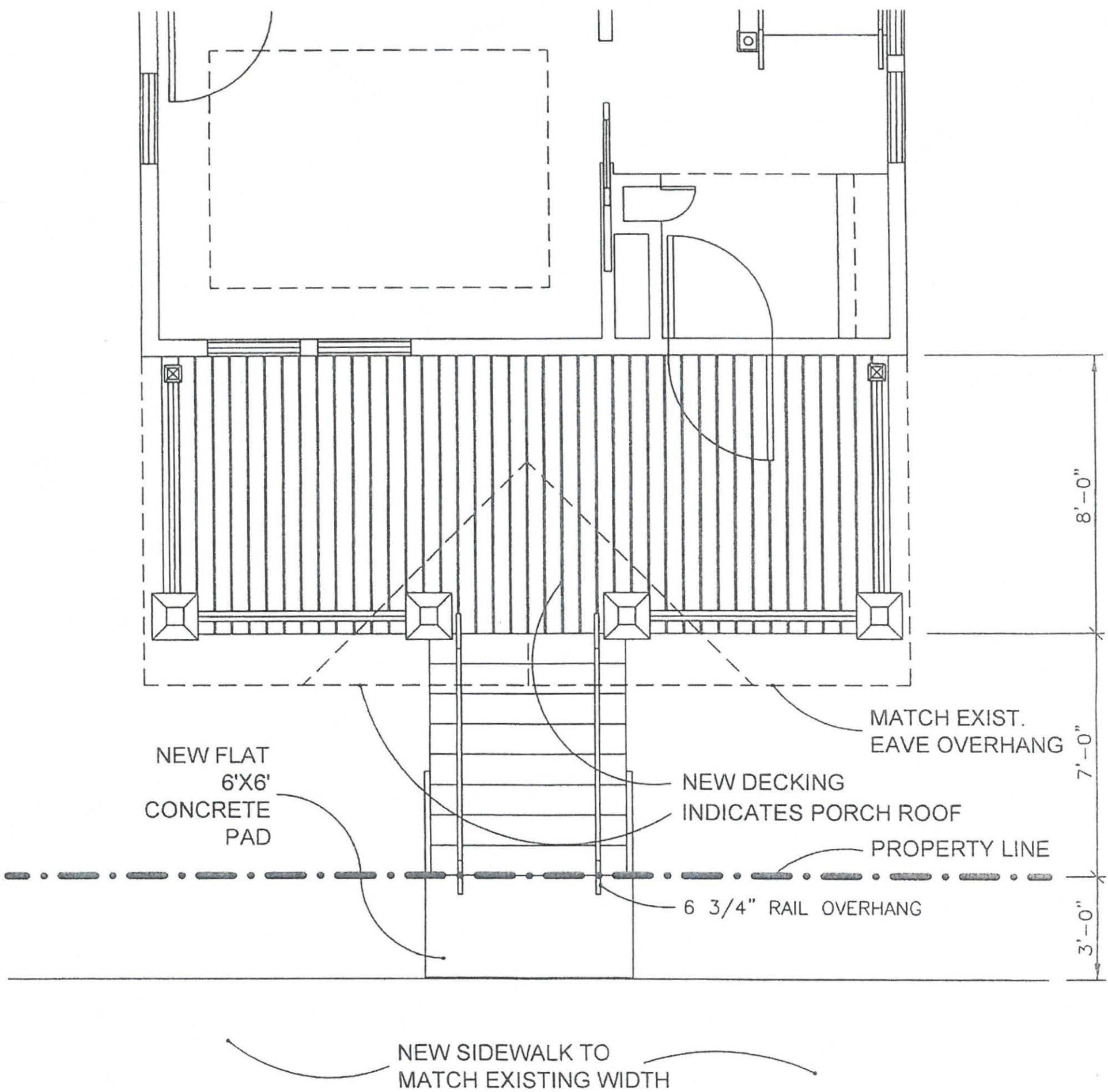
Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing





Butcher Rental
Ontario Ave.

SHEBOYGAN
WISCONSIN

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

DESIGNED BY: WTR
 DRAWN BY: WTR

SHEET TITLE:
PORCH PLAN

SHEET NO.:

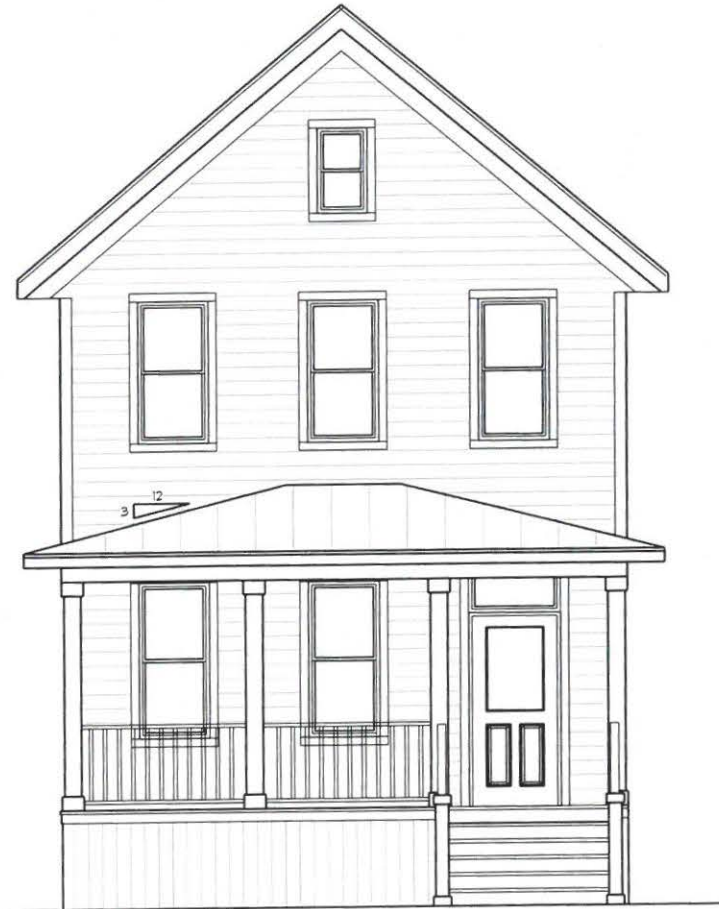
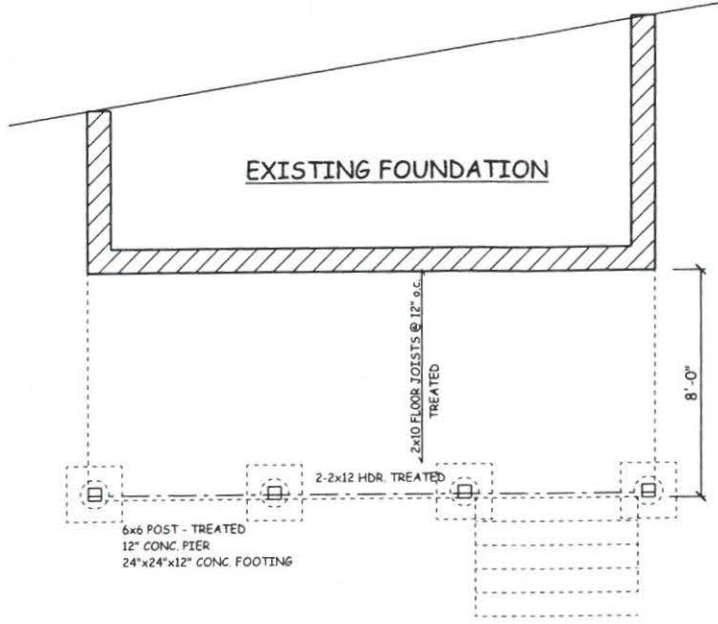


WILLIAM TODD ROLLINS
 2305 HILLSHIRE DR. - UNIT 3D
 SHEBOYGAN, WI 53081
 P. 920.226.4855
 E. wtrollins22@gmail.com

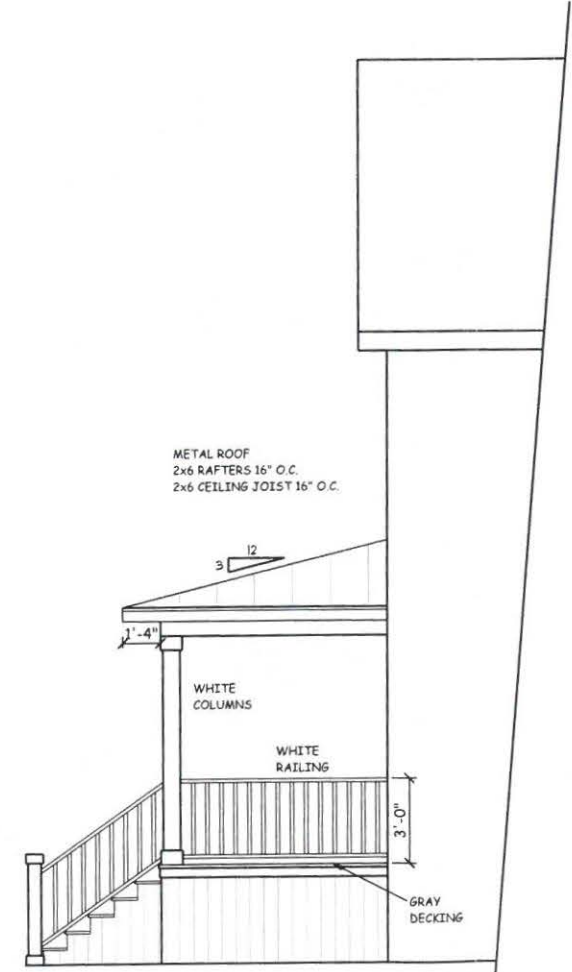
William Todd Rollins holds all rights of copy right in and to these prints, drawings, and documents. No reproduction, copying, alteration, modification, usage, incorporation into other documents, or assignment of the same may occur without the



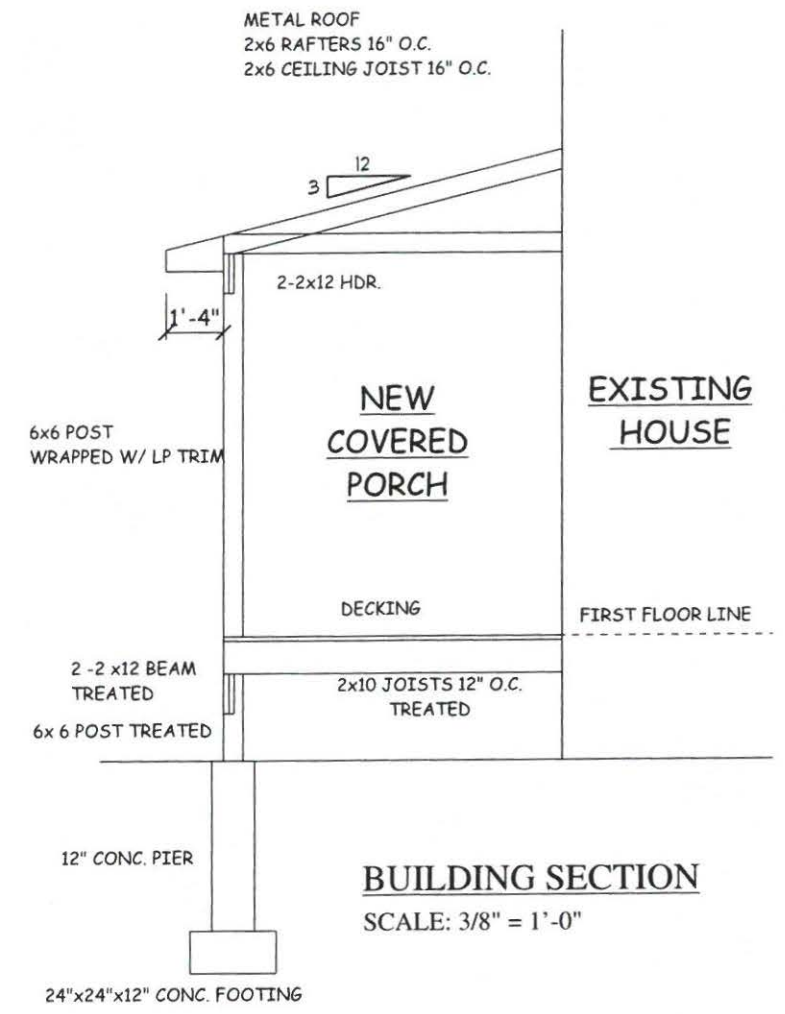
FLOOR PLAN
SCALE: 1/4" = 1'-0"



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



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



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

PRELIMINARY PLAN: 11/15/2021 REVISIONS: 11/19/2021 REVISIONS: 11/29/2021
COPYRIGHT ALL DIMENSIONS ARE TO THE BRUSH STUD CENTER UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO THE BRUSH STUD CENTER UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO THE BRUSH STUD CENTER UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO THE BRUSH STUD CENTER UNLESS NOTED OTHERWISE. ALL DIMENSIONS ARE TO THE BRUSH STUD CENTER UNLESS NOTED OTHERWISE.
PROPOSED NEW PROJECT FOR: BUTCHER, ROBERT 130 ONTARIO AVE. SHERBOYGAN
Drexel BUILDING SUPPLY Drexelteam.com
DRAWN BY: S.A. J.W. SCALE: As Shown TITLE: A1 DRAWING NO: A21-387-K





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

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Application Deadline Date

12/15/21
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- 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:

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- b) In addition to the application information noted above, a survey is strongly recommended.
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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.

Emma Bruhl
Signature

11-16-21
Date



BUILDING INSPECTION DEPARTMENT
828 Center Avenue, Suite 208
Sheboygan, WI 53081-4442
Phone: (920) 459-3477
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): 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
subdivision four (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

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TEST #3: NO HARM TO PUBLIC INTEREST

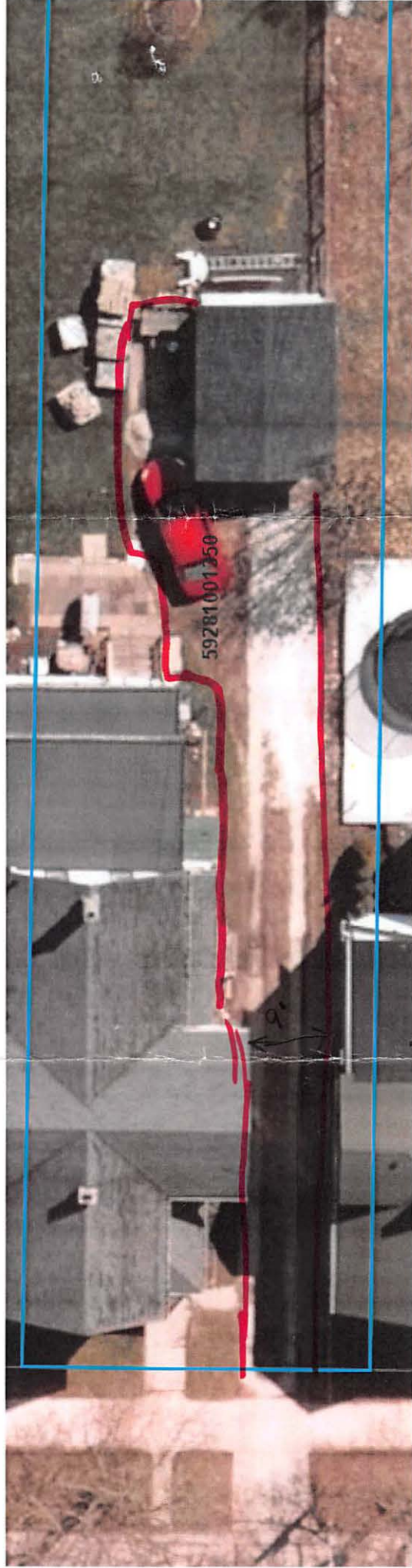
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Please contact the staff at the City's Planning Department and/or Building Inspection Department if you have any further questions.

1607 N 5th St



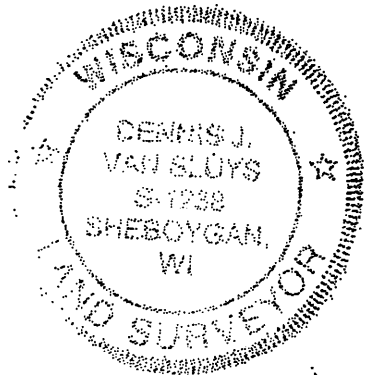
59281001250

9'

← 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 AN ORIGINAL PRINT ONLY
REAL IS REPRINTED HEREIN

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

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

Dated this 17th day of Oct, 2017.

N. 5th STREET

