

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 504 Lincoln Ave

Parcel #: 010380

Owner's Name: David and Kathleen Hoffmann

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 10/05/2021

MEETING DATE: 10/20/2021

BACKGROUND / ANALYSIS

Requesting to build an attached garage addition closer than 25 feet to front property line and closer than 20 feet to rear property line.

Ordinance #: 15.105(2)(d)(3)(b)(E) Front Lot Line to House 25 feet

Requesting: 17.44 feet

Allowed: 25 feet

Ordinance #: 15.105(2)(d)(3)(b)(I) Rear Lot Line to House or Attached Garage 20 feet

Requesting: 4.0 feet

Allowed: 20 feet

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

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:

Application Deadline Date

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

Date

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

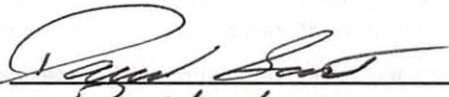
CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: _____

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

- 1). Appeal Location (address): 504 Lincoln Ave Sheboygan
- 2). Applicant: David & Kathleen Hoffman Telephone #: (920) 918-0201
Address: 504 Lincoln Ave Sheb.
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Parcel # 5928 10/10380
- 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: _____
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: Sept 10 2021

Signature: 
Printed Name: David East
Mailing Address: W3329 Sunset Rd
Sheboygan Falls WI 53085

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.

PROJECT SCOPE AND VARIANCE CRITERIA

The scope of the proposed project is to update and modernize the exterior of the property including re-roofing the entire home, new window installation, new balcony/deck, razing the existing single car garage and then constructing a moderately sized two car attached garage to the existing home.

As part of keeping established neighborhoods within the city as owner-occupied, single-family homes, upgrades to modern standards such as improving the home to have a two car attached garage should be an allowable modification. Every attempt was made to design this project to meet the objective of having a 2 car attached garage while still remaining consistent with the existing property improvements.

The property was developed prior to the current zoning and setback ordinances. The lot itself does not meet the current minimum square footage of 6000 sq/ft (actual size is 5088 sq/ft) nor does the existing home meet the required setbacks for the front yard (South), or side/rear yard (North). This condition existed prior to the current zoning ordinance and is consistent with the surrounding properties. The size of the lot and placement of the home, as originally developed, has created a situation where no reasonable addition can be constructed within the parameters of the zoning ordinance.

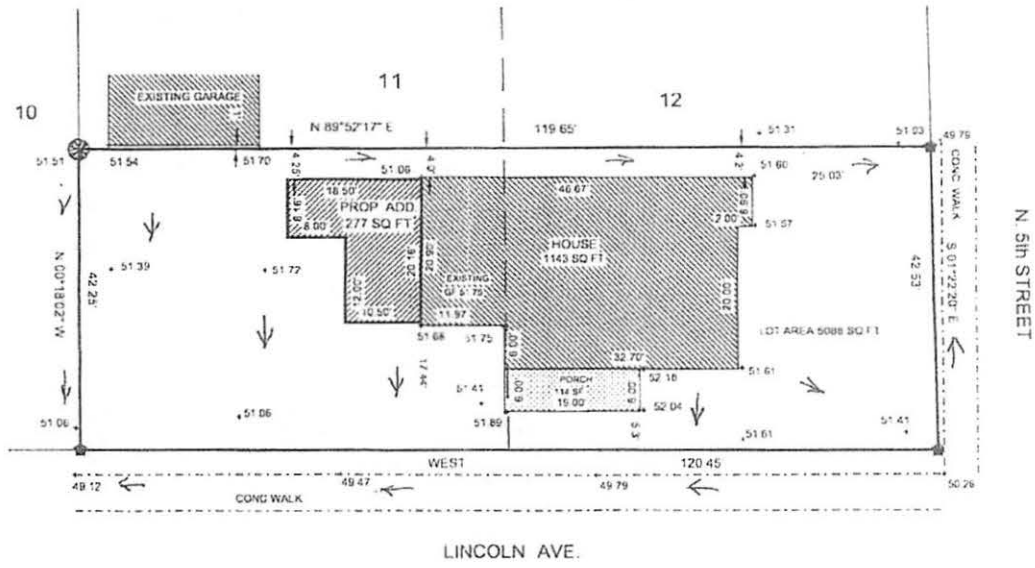
The proposed addition extends to the West of the existing home. The expansion to the West side yard stays well within the required setback. The North side (rear) of the addition remains consistent with the existing setback for the home and single car garage (no further infringement than what currently exists). The South (Front Yard) setback for the addition is well behind the South face of the existing home/porch and does not infringe any further into the setback than what already exists. There is no effect on the public interest beyond what already exists and has existed since the property was originally developed.

This request is for a variance to allow for the 4.0 ft rear yard setback and the 17.44 ft front yard setback as shown on the attached survey.

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

504 LINCOLN AVE
 PARCEL NO. 59281010380
 BEING THE SOUTH 1/3 OF LOTS 11 AND 12 BLOCK 1
 LAKESIDE ADDITION, CITY OF SHEBOYGAN
 SHEBOYGAN COUNTY, WISCONSIN

*Survey from
 DPW - City Sheboygan
 8-24-21*



THIS IS AN ORIGINAL PRINT ONLY
 * SEAL IS IMPRINTED IN PFD

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

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

Dated this 20th day of August, 2021

- ★ = 1" IRON PIPE FOUND
 - ⊙ = CEDAR TREE
 - = EXISTING GRADE CITY DATUM
- DATA/CSHEB21504/LINCO 1-24253



North Property Line



Area of the Addition



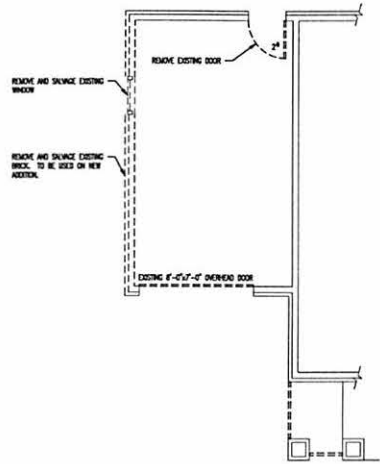
Front of the Existing Home



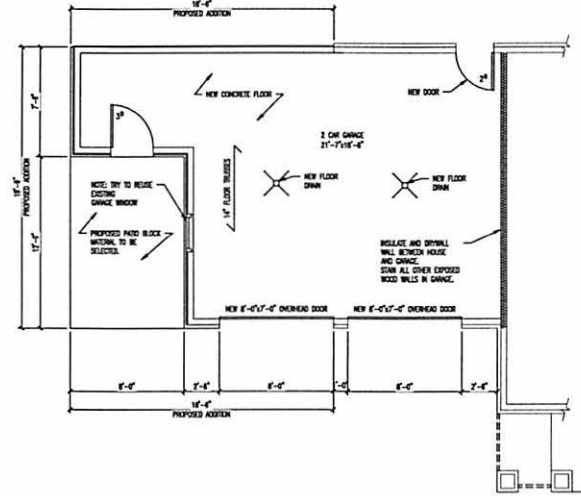
Existing West Elevation

NOTICE
 Although every effort has been made in preparing these plans, and checking them for accuracy, the architect, engineer or contractor does not warrant or assume any responsibility for any changes or omissions resulting from a need to construct the structure in accordance with these plans and specifications.

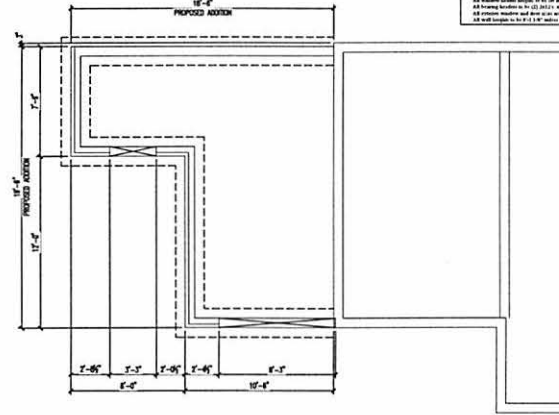
NOTICE
 All dimensions are based on the face of wall or face of slab, unless otherwise noted.
 All openings are to be finished with 1/2" x 4" x 1/2" metal lintels unless otherwise noted.
 All concrete finishes and areas are to be finished with a smooth trowel.
 All work is to be in accordance with the applicable building codes.



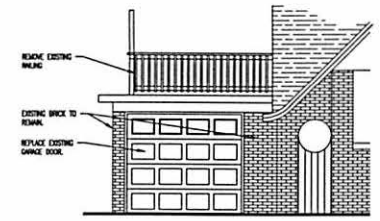
1 GARAGE PLAN - EXISTING
 A01 SCALE: 1/4"=1'-0"



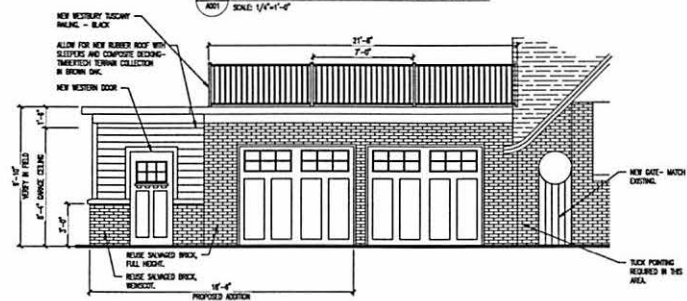
2 GARAGE PLAN - PROPOSED
 A01 SCALE: 1/4"=1'-0"



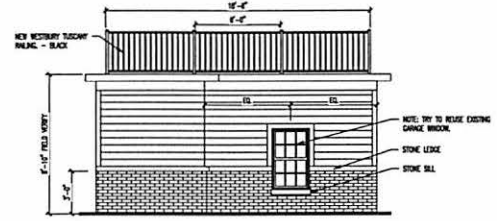
3 GARAGE FOUNDATION - PROPOSED
 A01 SCALE: 1/4"=1'-0"



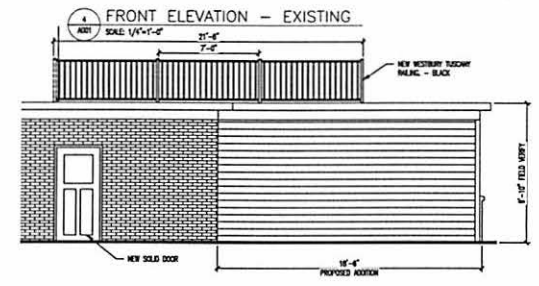
4 FRONT ELEVATION - EXISTING
 A01 SCALE: 1/4"=1'-0"



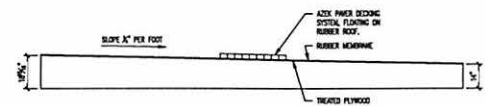
5 FRONT ELEVATION - PROPOSED
 A01 SCALE: 1/4"=1'-0"



6 LEFT ELEVATION - PROPOSED
 A01 SCALE: 1/4"=1'-0"



7 REAR ELEVATION - PROPOSED
 A01 SCALE: 1/4"=1'-0"



8 DETAIL - FLOOR TRUSS
 A01 SCALE: 3/8"=1'-0"

IMPORTANT
 PRESENTATION PLANS ONLY
 NOT FOR CONSTRUCTION USE

NOTICE:
 THESE PLANS AND SPECIFICATIONS CONSTITUTE THE ENTIRE CONTRACT FOR THE PROJECT.
 CONTRACTOR AND ARCHITECT/ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PROJECT.
 OOSTBURG LUMBER COMPANY, INC.

Visit us at
www.oostburglumber.com
 Email to
info@oostburglumber.com
 Antin@oostburglumber.com

OOSTBURG LUMBER COMPANY, Inc.

1218 Center Ave.
 Oostburg, WI 53151
 Fax: (920) 544-5349

PROJECT NAME:
 HOFFMAN RESIDENCE
 504 LINCOLN AVENUE
 SHEBOYGAN, WI

DATE: 02/22/2021	REV DATE: 02/26/2021
REV DATE: 03/08/2021	REV DATE: 03/08/2021
REV DATE:	REV DATE:
REV DATE:	REV DATE:
Checked by: KD	REV DATE:

Page: 1 of 1

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 2716 N 6th ST

Parcel #: 012980

Owner's Name: Greg Saatkamp

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 10/05/2021

MEETING DATE: 10/20/2021

BACKGROUND / ANALYSIS

Requesting to build a detached garage 3 feet from north property line.

Ordinance #: 15.105(2)(c)(3)(b)(J) Side Lot Line to Accessory Structure: 5 feet

Requesting: 3 feet

Allowed: 5 feet

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

APPLYING FOR A VARIANCE

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Note:

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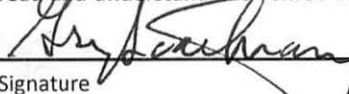
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I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance included with this form.


Signature

9-14-2021
Date

213332



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): 2716 N 6th St Sheboygan WI 53083
- 2). Applicant: Saatkamp family Telephone #: (920) 918-8167
Address: same
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) _____

- 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: garage
Date last occupied as a nonconforming use: _____
By Whom: Saatkamp family Previous use: _____
- 7). Applicants interest in property: present garage is deteriorating
- 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: 9-14-2021

Signature: [Handwritten Signature]
Printed Name: GREG SAATKAMP
Mailing Address: 2716 N 6th St
Sheboygan WI 53083

1505-11-1

012980

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.

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TEST #1: UNNECESSARY HARDSHIP

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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.

Wierus, Linnae

From: Greg Saatkamp <goldielocksllc@gmail.com>
Sent: Tuesday, September 14, 2021 11:49 AM
To: Wierus, Linnae
Subject: Variance for property @ 2716 north 6th street

Hi Linnae,
Here is the brief description...

We have a garage which is rapidly deteriorating, we estimate it is over 50 years old. We have been working with a contractor to help configure a new garage, but meeting current building specs- 6' from the back property line and 5' from the property to our north- puts the prospective garage offline from the driveway. We ask for a 3' variance from the property to our north to improve the approach into the garage. This would reduce the difficulty of the maneuver for an auto.

Greg Saatkamp
Sent from my iPad



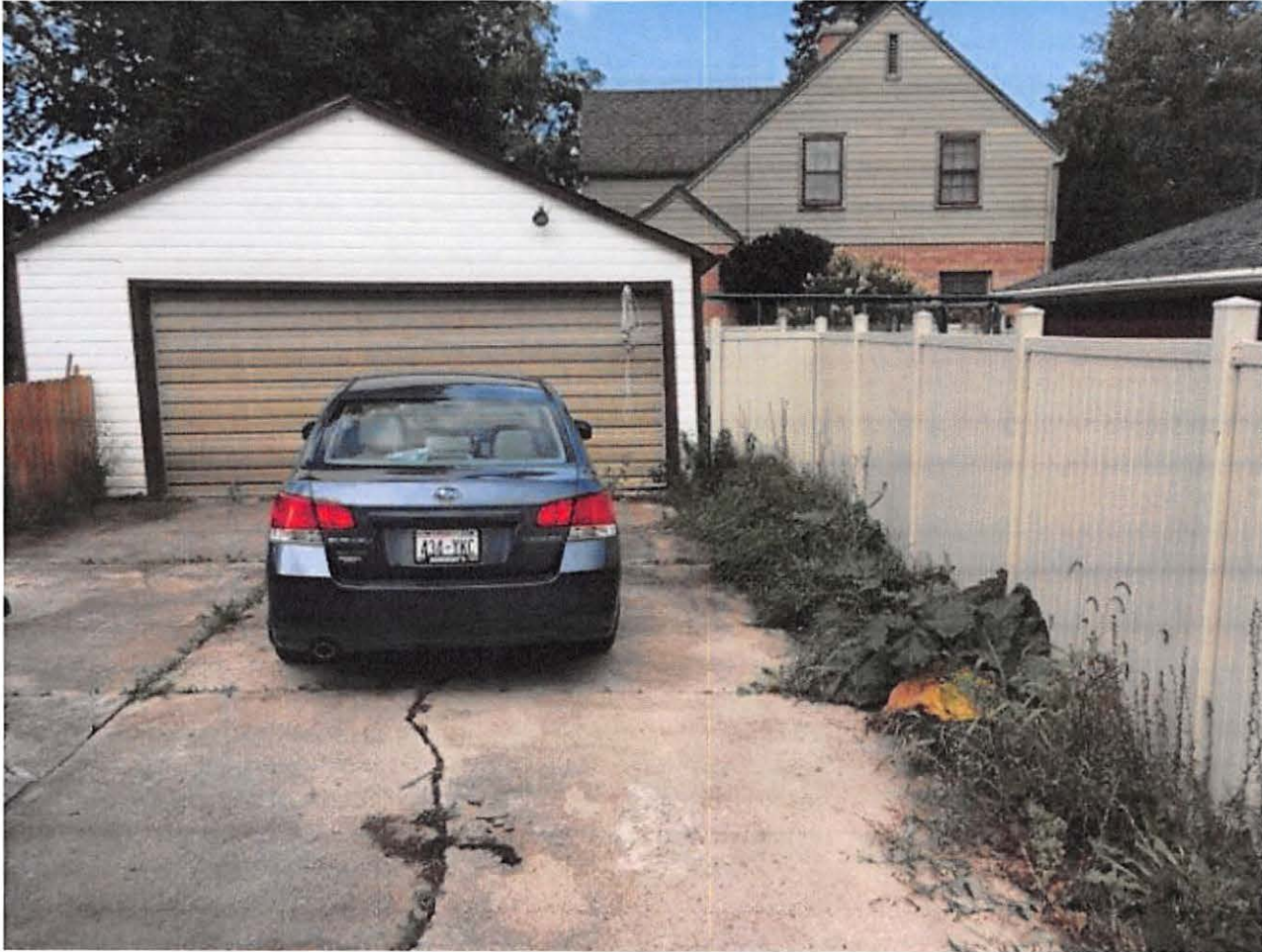












Sean G. Murray
3114 East Mark Drive
Sheboygan, WI 53083

City Of Sheboygan
Attn: Board of Housing Appeals
828 Center Ave
Sheboygan, WI 53081

Thursday, October 7, 2021

Board members,


My name is Sean Murray and I live at 3114 East Mark Drive in the city of Sheboygan. Recently my wife and I have been put into a situation where we need to add an additional bedroom to the home. We are currently in the process of becoming foster parents to a 13 year old girl. The details of which I cannot legally disclose at this present time. However, I will tell you that nobody else was willing or had the means in which to care for this child. I'm a father of two kids already, what's one more? The system is strained beyond belief, and I'm doing everything I can to legally allow this child to stay with us. Hence my letter.

We wish to install an egress window in our basement. Not knowing the code for such a window I contacted the building inspectors office and spoke with Pat Eirich who stopped by the house to check everything out and he found we could install the Egress window with really no issues. The only problem is that currently we have a 6'3" ceiling in the basement from the bottom of the support trusses that hold our house up. Code is asking that we have a 7 foot ceiling. My house is unique as I do not have any poles supporting the house. Rather I have trusses. Pat Eirich told us that in his line of work of over 27 years he has only ever seen 2 other houses like mine!!

Pat Eirich recommended that I ask for a variance from the board of housing appeals. We both feel that with an egress window in the bedroom the 9 inch difference will not effect safety or hinder in escape in case of a fire. This was confirmed by the contractor (M LaPlant Contractors LLC) who is licensed to perform such work and is known to be an expert in installing Egress windows.

I am asking for a variance approval to allow this bedroom to be a "legal" bedroom. I have 30 days to accomplish getting this bedroom built to satisfy Child Protective Services requirements. Please help me help this kid.

Respectfully,


Sean G. Murray



gress window placement.



west side of house

where egress window will be



This picture shows the trusses in basement. You can see there are only 11 blocks high + the trusses drop down into the top block. Should of went 13 blocks high.



613

This picture shows the future egress window.

This room was completed by previous owner. We need to turn this room into a bedroom.

height of ceiling to floor 6'3"

this room has 4 walls w/ 2 doors