

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 3232 Main Ave

Parcel #: 630698 and 346888

Owner's Name: Andrew Purdy

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 06/18/2021

MEETING DATE: 07/21/2021

BACKGROUND / ANALYSIS

Property owner would like to install a 6 feet high privacy fence in his required street yard. Previous property owner was granted a variance to install a 6 feet high fence but was required to have a 50% open 12 inch lattice top on May 19, 1999.

Ordinance #: 17.720(3)(c)1 -4 feet when located within a required street yard on any property. The fence from the front of the house to the property line shall not exceed 4 feet in height and must be 50% open.

Requesting: 6 feet high privacy fence

Allowed: 4 feet / 50% open fence

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:



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

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:

6/15/21
Application Deadline Date

7/21/21
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]
Signature

6/6/21
Date

212090



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**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): _____
- 2). Applicant: Andrew Purdy Telephone #: (715) 497-6377
Address: 3232 Main Ave
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) _____
Parcel: 59281630698 and 59024346888
- 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: Home 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: 6/15/21

Signature: [Signature]
Printed Name: Andrew Purdy
Mailing Address: 3232 Main Ave
Sheboygan, WI 53083

630698

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.

Letter to the Board: Application for a Variance (fence)

Andrew & Jenny Purdy

3232 Main Ave, Sheboygan WI, 53083

Test 1: Unnecessary Hardship

We believe that 4 ft and 50% opacity requirements result in an unsafe environment for our family. We have 3 young boys, one of whom is Autistic. While providing privacy to the busy street, it is also security against the "hop the fence" reaction when a ball/frisbee goes over.

Test 2: Unique Property Limitations

North Taylor Drive is an especially busy street. At all hours, there are regular vehicles and pedestrians. This presents significantly higher risk and visibility as compared to most properties in Sheboygan.

Test 3: No Harm to Public Interest

The placement of the fence does not interfere with use of the sidewalk, either road, or neighbors. In the review of this project, we identified one opportunity that would improve public safety and three for the visual appeal of the property.

Proposal:

Replace existing 6 ft (solid/lattice) fence with 6 ft (board on board) design. The location of the fence will be unchanged. The staining will be an earthy cedar. Please note, the staining will be completed after 1 year, the recommended dry time for treated lumber.



Figure 1: Existing/Proposed locations with distances. Image provided by Google Maps.



Figure 2: Example unstained board on board design. Image provided by Whirl Wind Post Holes & Fencing.



Figure 3: Example of flat dog-ear. Not the design intent. Image provided by A Murphy Fence Co.



Figure 4: Property overview and image orientation. Image provided by Google Maps.



Figure 5: Greying and damage.

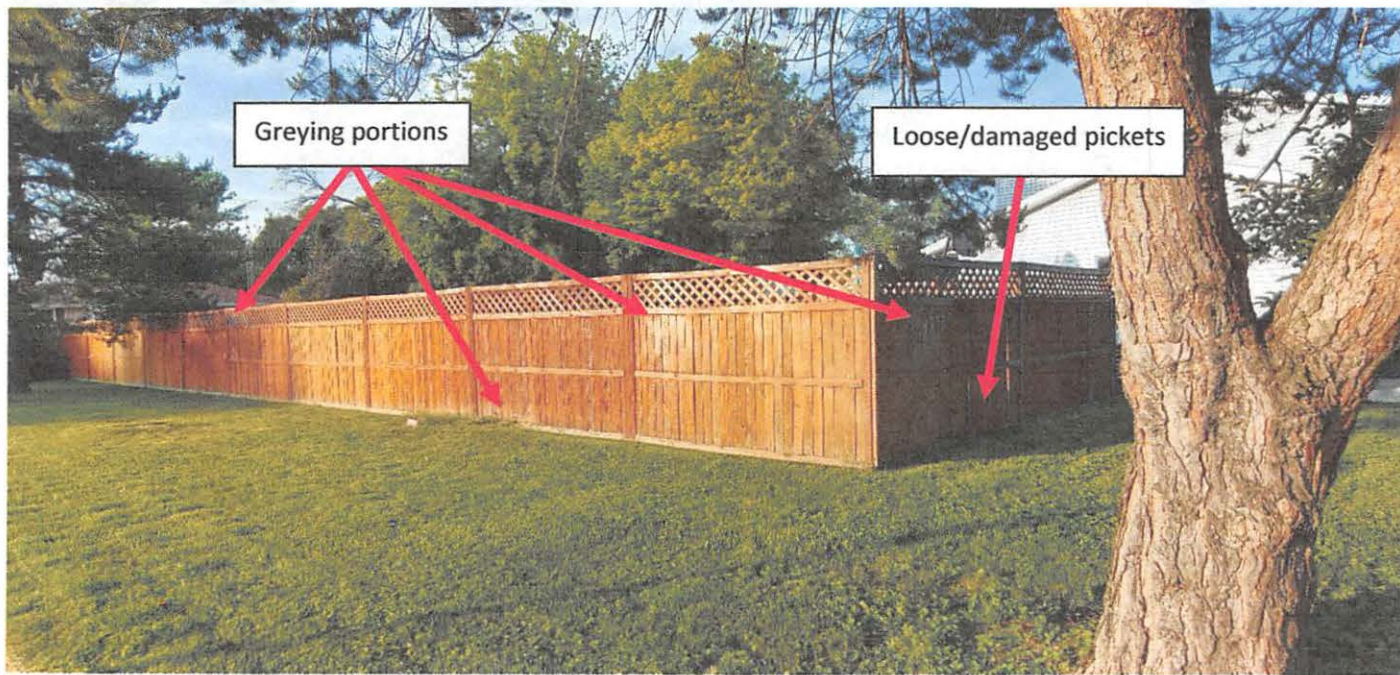


Figure 6: Greying and damage.



Figure 7: Greying.



Figure 8: Greying with loose/damaged pickets.

Additional Opportunities

Safety: Complete removal of bush from under apple tree. Providing unobstructed view for vehicles at Stop sign.

Visual appeal 1: After bush removal, trimming of apple tree's lower branches, to match that of adjacent evergreen.

Visual appeal 2: Plant evergreen where one was lost.

Visual appeal 3: Remove bush to the north of existing young evergreen.



Figure 9: Additional opportunity, bush removal, trim apple tree.



Figure 10: Additional opportunity, replace evergreen, remove bush.

BUILDING PERMIT

PERMIT EXPIRES UNLESS WORK COMMENCES WITHIN 30 DAYS,
AND IS COMPLETED WITHIN 6 MONTHS.

Sheboygan, Wisconsin

Date: 05/25/92

Parcel: 630698

Map #: 16130006

Lot: IRBEG

TO THE BUILDING INSPECTOR:

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

1. Location of Structure 3232 MAIN AVE Zone _____

2. Owner HEALY, PAUL G & DEBBIE L Phone (000) 000-0000

Address 3232 MAIN AVE SHEBOYGAN, WI 53081

3. Contractor OWNER Phone (000) 000-0000

Address _____ 00000

4. Architect _____ Phone (000) 000-0000

Address _____ 00000

5. Permit for FENCE _____ Square Footage _____

6. Permit Class FENCES, POOLS, DECKS Residential Units _____

7. Estimated Cost \$ 1,600.00 Permit Fees \$ 15.00

8. Tentative Start 05/28/92 Double Fee _____

9. Description/Remark VARIANCE GRANTED - 6' HIGH FENCE WITH TOP 1'

BEING 1/2 OPEN AND THE BOTTOM 5' SOLID. APPEAL

NO 15-92

NOTE: THE OWNER MUST BE PRESENT AND WORKING ON THE PROJECT AT ALL TIMES WHEN THE PEOPLE LISTED ON BACK ARE HELPING (NOT BEING PAID) WITH THE WORK LISTED ON THIS PERMIT.

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

PLEASE TAKE NOTE: APPLICANT MUST CALL FOR ALL REQUIRED INSPECTIONS.

Print Name Paul Healy

Sign Name Paul Healy

Address 3232 Main Ave

Sheboygan WI - 53083





