

*****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: 04/06/2021

MEETING DATE: 04/21/2021

BACKGROUND / ANALYSIS

Owner is requesting to build a new 8 ft. deep covered porch to match the width of the house and stairway from porch to 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: 0 feet from front property line

Allowed: 15 feet from front property line

Ordinance #:

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing



210803

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

_____ Application Deadline Date

4-21-2021
_____ 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.

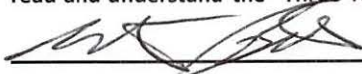
Applicants should be prepared to answer the following questions:

- * *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

3-24-21
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): 3020 320 ONTARIO AVE
- 2). Applicant: ROBERT BUTCHER Telephone #: (920) 452-6096
Address: 3020 N 6TH ST
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) ORIGINAL PLAT LOT
9 BLK 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: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: LIVE, RENT OR SELL 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: 3-24-21

Signature: 

Printed Name: ROBERT BUTCHER

Mailing Address: 3020 N 6TH ST

SHEBOYGAN, WI 53083

2BUTCHER@GMAIL.COM

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.

Describe the requested variance and grounds for refusal of a permit:

Extending porch, including steps to front lot line, extending porch to the entire width of house, 7 ft setback, required 25ft.

What unnecessary hardship or difficulty is cause by the following the regulations or requirement of the ordinance?

Currently there is no porch on the front of the house. One of the reasons I purchased this house was for the lake Michigan views and looking forward for the 4th of July parades from our porch, and other activities at Deland park.

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly at a public hearing. In order to be considered at the next meeting, applications must be received in the Building Inspection Department Office *no later than NOON* on:

2-28-18
Application deadline date (last working day of the month)

March 21, 2018
Date: Board of Appeals Meeting 4:00pm

All applications must include:

1. Application forms, signed and dated, which are available at the Building Inspection Department Office.
2. A legal description of the property.
3. The non-refundable filing fee - \$250.00.
4. A site sketch, drawn to scale if possible, indicating the location of all existing structures and the proposed construction. Also indicate lot lines, size of lot, streets and other public ways, driveways, off-street parking, loading areas, and existing and proposed front, side and rear yards. Please consult with Building Inspection staff for more information.
5. Photographs of the property.

Note The applicant can present any additional information which is necessary to inform the Board of the facts.

FAILURE TO SUPPLY ADEQUATE AND / OR ACCURATE INFORMATION AS REQUESTED ABOVE CAN BE GROUNDS FOR DISMISSAL OF THE APPEAL REQUEST.

Applicants should be prepared to answer the following questions:

- * *What hardship is created by the application of the Zoning Ordinance to this property? Is reasonable use of the property denied by the zoning regulations? In other words, is there an alternative plan that would comply with the ordinance?*
- * *Is there a unique physical characteristic of the property which prevents development of the property in compliance with the Zoning Ordinance.*
- * *Would granting the variance harm the public interest in any way? For example, would public safety be compromised? (Note: Lack of neighborhood opposition does not necessarily mean that a variance would not harm the public interest.)*

A notice of the date and time of the hearing will be mailed to all property owners within 100 feet of your property. Notice of hearing will also be sent to the City of Sheboygan Planning Department. It is important that you discuss your proposal with the Building Inspection Department and Planning Department.

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

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

[Signature]
Signature

2-27-18
Date

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

CASE NO. 2.3
FILING DATE 2-28-18
RECEIPT NO. 68810
ZONING DIST. NR

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

1). Appeal Location (address): 320 ONTARIO AVE

2). Applicant: ROBERT BUTCHER Telephone #: ()
Address: 3020 N 6TH ST

3). Legal Property Description (Lot, Block, Subdivision, etc.) ORIGINAL PLAT LOT 9 BLK 99

4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)
please list:

5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list:

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: FIX IT UP AND LIVE IN IT, OR SELL

8). Describe the requested variance and grounds for refusal of a permit.
EXTENDING PORCH INCLUDING STEPS, TO FRONT LOT LINE, EXTENDING PORCH ENTIRE FRONT WIDTH OF HOUSE 8 FT PORCH, 7 FT SPARS 7' SETBACK
DEPTD 25'

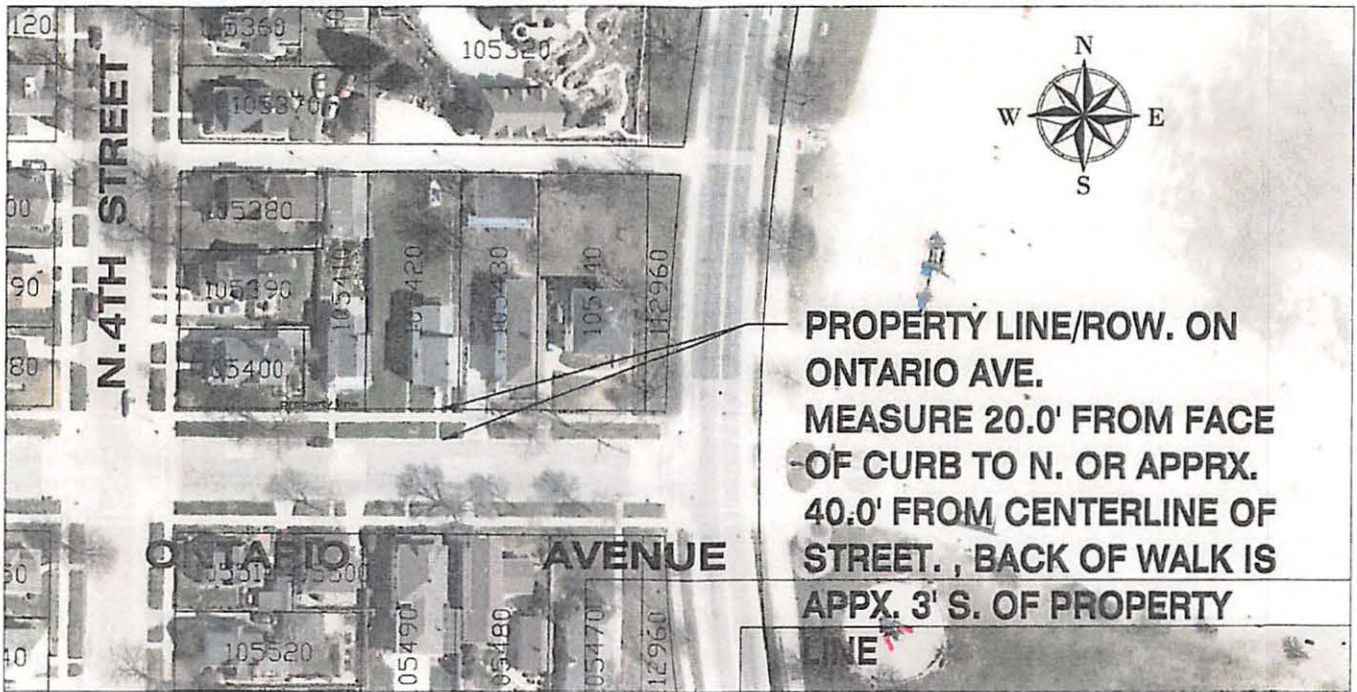
9). What unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance?
See the attached "The Three Tests" For A Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.:
PURCHASED HOUSE FOR VIEW WOULD LIKE TO VIEW LAKE & PARKS FROM PORCH

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: 2-29-18

Signature: [Signature]
Mailing Address: 3020 N 6TH ST





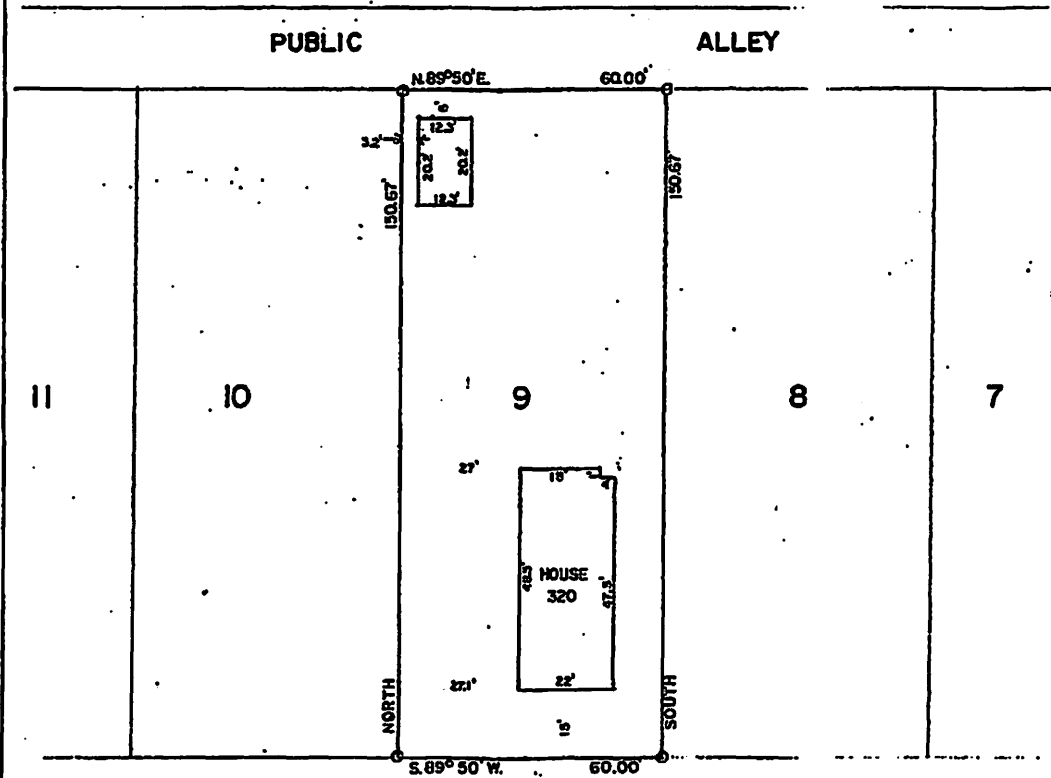
**PROPERTY LINE/ROW. ON
ONTARIO AVE.
MEASURE 20.0' FROM FACE
OF CURB TO N. OR APPRX.
40.0' FROM CENTERLINE OF
STREET. , BACK OF WALK IS
APPX. 3' S. OF PROPERTY
LINE**

D & H LAND SURVEYS

SHEBOYGAN, WISCONSIN
PLAT OF SURVEY

David Nelson

LOT 9, BLOCK 99 OF THE ORIGINAL PLAT OF THE CITY OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN.



ONTARIO AVENUE

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the above describe property and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any.

This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof.

David Nelson

○=IRON PIPE SET

WISCONSIN REGISTERED LAND SURVEYOR S-1029

THIS 29th DAY OF June, 1989 NOTEBOOK/62 PAGE 61 SCALE 1"=30' L-9130

A-17906



**Porch width would be 8ft,
steps would be 7ft total of 15ft,
36 inches from front lot line
and run entire length of house**

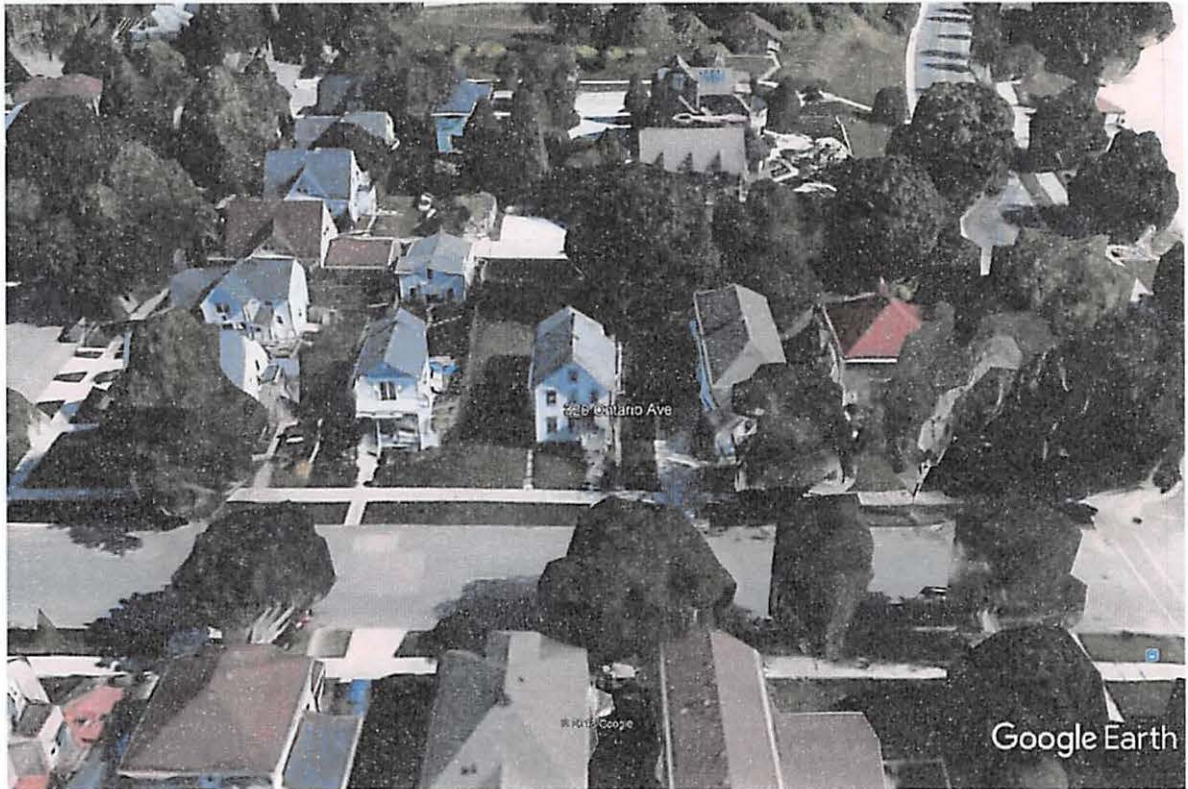
LOT
LINE

MOVE

**Porch width would be 8ft,
steps would be 7ft total of 15ft,
36 inches from front lot line
and run entire length of house**

LOT
LINE → 36"

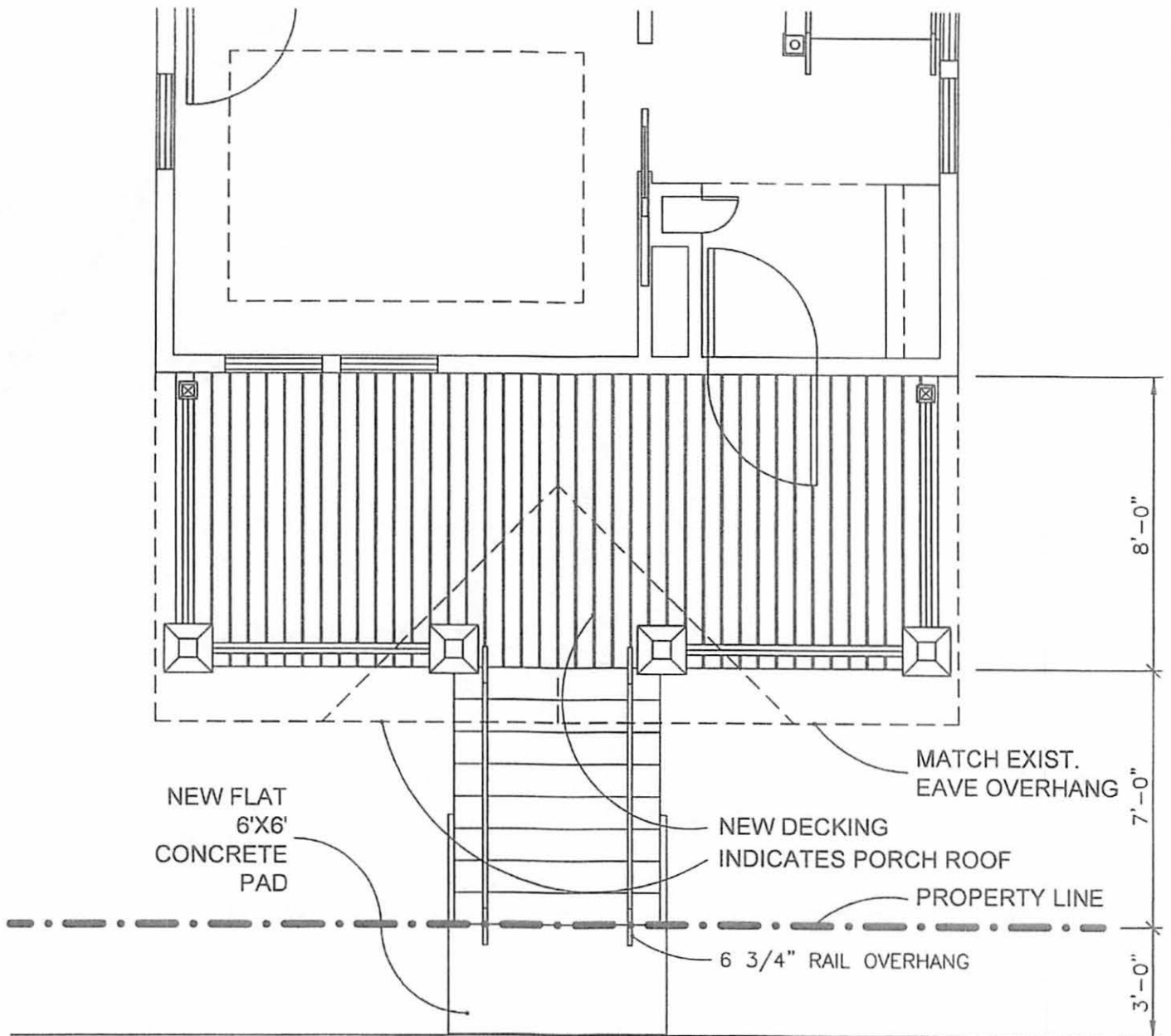













NEW SIDEWALK TO MATCH EXISTING WIDTH

<p>Butcher Rental Ontario Ave. SHEBOYGAN WISCONSIN</p>	<p>DESIGNED BY: WTR DRAWN BY: WTR</p>		<p>WILLIAM TODD ROLLINS 2305 HILLSHIRE DR. - UNIT 3D SHEBOYGAN, WI 53081 P. 920.226.4855 E. wtrollins22@gmail.com</p> <p>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 prior written permission of William Todd Rollins.®</p>
	<p>SHEET TITLE: PORCH PLAN</p>		
	<p>SHEET NO.: A-01</p>		
<p>SCALE: 1/4" = 1'-0"</p>			
<p>JOB NO.: 16-010</p>			



Wierus, Linnae

From: Lutzke, Jeffrey
Sent: Wednesday, May 19, 2021 8:19 AM
To: Wierus, Linnae; Sokolowski, Steve
Subject: FW: 320 Ontario Ave.

Linnae,
Can you include this email with the variance request?

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: Tuesday, May 18, 2021 7:05 PM
To: Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>
Subject: RE: 320 Ontario Ave.

Thanks for letting me know. Rob constructed a mock porch so I could see what he has planned. The porch rails will cut my view in half. Also the posts he used are 2 inch but will be 6 inch when built. He also has 2 posts. 3 posts at 6 inches would be a partial block. That cuts my view further. All these will decrease my property value because of decreased lake view.

I also feel the requirements for the variance are not being met. Where is the hardship? By approving this variance it will set a precedence for others. His porch will not conform with the other properties along the north side of Ontario Ave.

Thank you.
Pat Kevin

From: "Lutzke, Jeffrey"
To: "chrispat1@charter.net"
Cc:
Sent: Tuesday May 18 2021 2:06:34PM
Subject: RE: 320 Ontario Ave.

Pat,

At this time we have not received anything from the property owner. Until we receive additional drawings I really cannot offer an opinion.

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: Monday, May 17, 2021 8:13 AM

To: Lutzke, Jeffrey <Jeffrey.Lutzke@sheboyganwi.gov>

Subject: 320 Ontario Ave.

Good morning Jeff-

Do you have any more information regarding the above address? Has he submitted more detail on the roof line for the porch? If so, can you please send this to me? I know the meeting is Wednesday. Also what is your opinion of this addition and variance.

Thanks for working with me.

Past Kevin

NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail; please notify the sender immediately and delete this e-mail from your system. Also, please be aware that email correspondence to and from "The City of Sheboygan" may be subject to open record requests.