

**\*\*\*ATTACHMENTS\*\*\***

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 320 ONTARIO AVE

Parcel #: 105420

Owner's Name: Robert Butcher

Zoning: NR-6

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**REPORT PREPARED BY:** Jeff Lutzke, Building Inspector

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**REPORT DATE:** 04/06/2021

**MEETING DATE:** 04/21/2021

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**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

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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

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Ordinance #:

Requesting:

Allowed:

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Ordinance #:

Requesting:

Allowed:

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**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:

\_\_\_\_\_ 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



BUILDING INSPECTION DEPARTMENT  
828 Center Avenue, Suite 208  
Sheboygan, WI 53081-4442  
Phone: (920) 459-3477  
[buildinginspection@sheboyganwi.gov](mailto: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): 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: [Handwritten Signature]  
Printed Name: ROBERT BUTCHER  
Mailing Address: 3020 N 6TH ST  
SHEBOYGAN, WI 53083

2BUTCHER@GMAIL.COM

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### 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 4<sup>th</sup> 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'

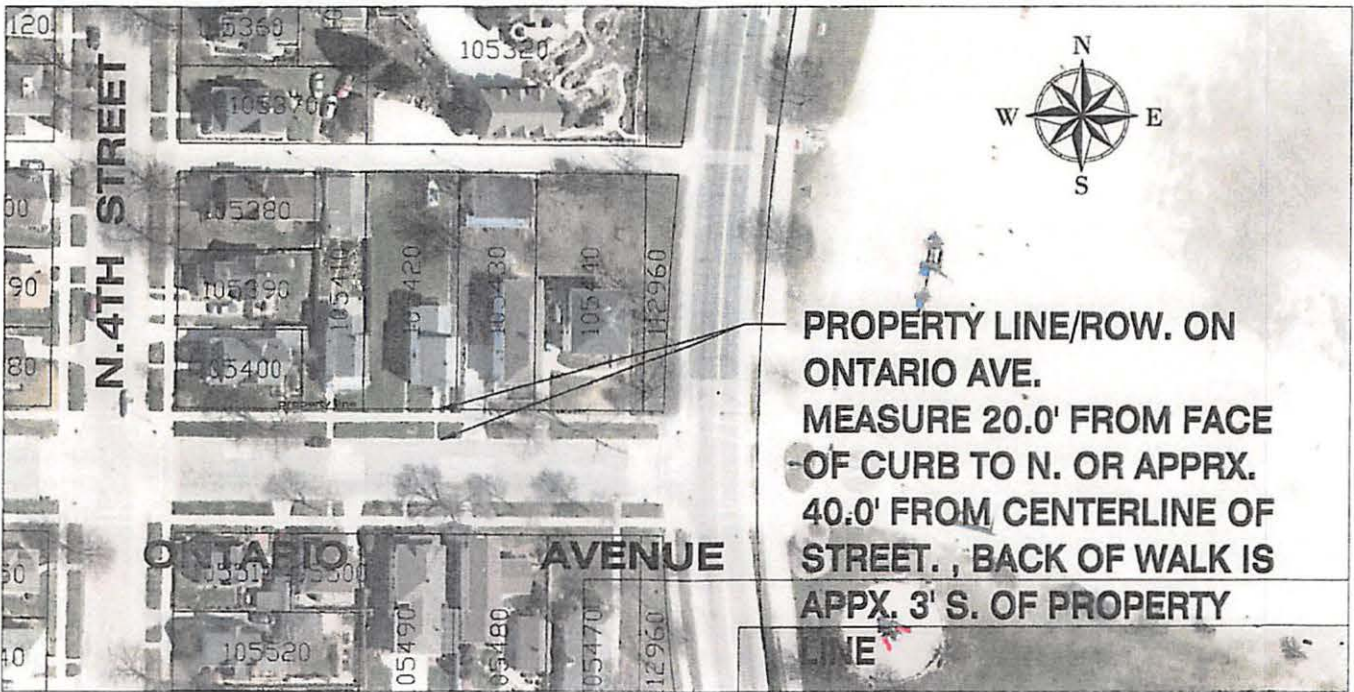
9). What unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance?  
See the attached "The Three Tests" For A Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.:  
PURCHASED HOUSE FOR VIEW WOULD LIKE TO VIEW LAKE & PARKS FROM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





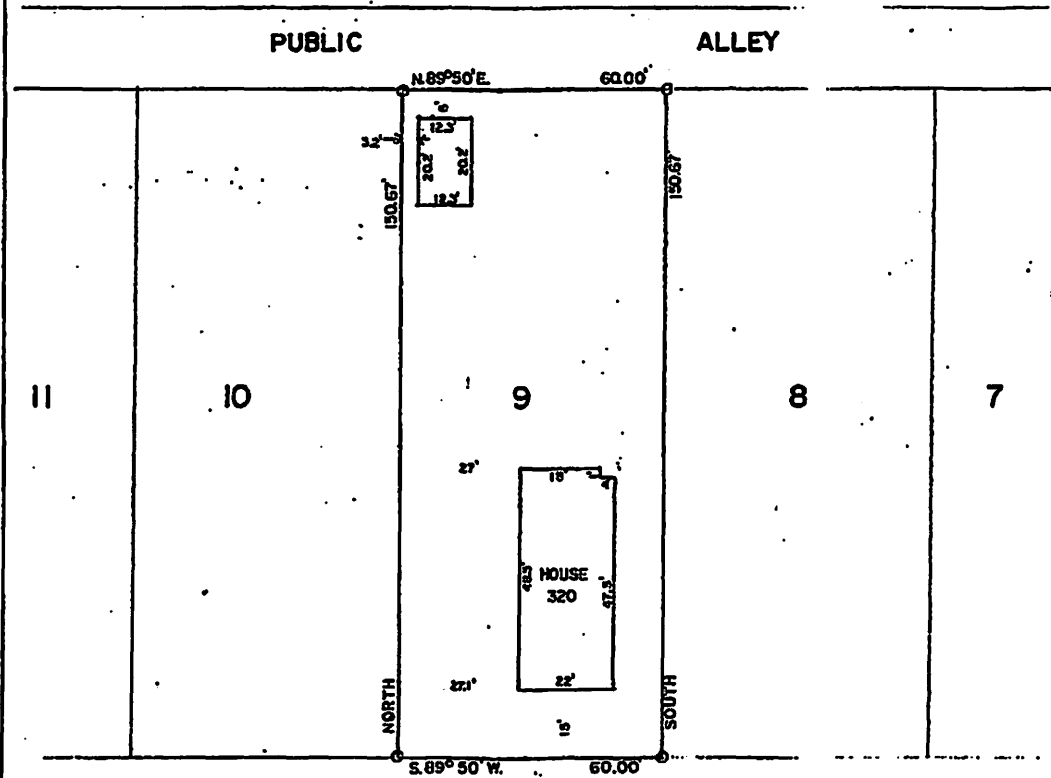
**PROPERTY LINE/ROW. ON  
ONTARIO AVE.  
MEASURE 20.0' FROM FACE  
OF CURB TO N. OR APPRX.  
40.0' FROM CENTERLINE OF  
STREET. , BACK OF WALK IS  
APPX. 3' S. OF PROPERTY  
LINE**

# 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 29<sup>th</sup> DAY OF June, 19 89 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**

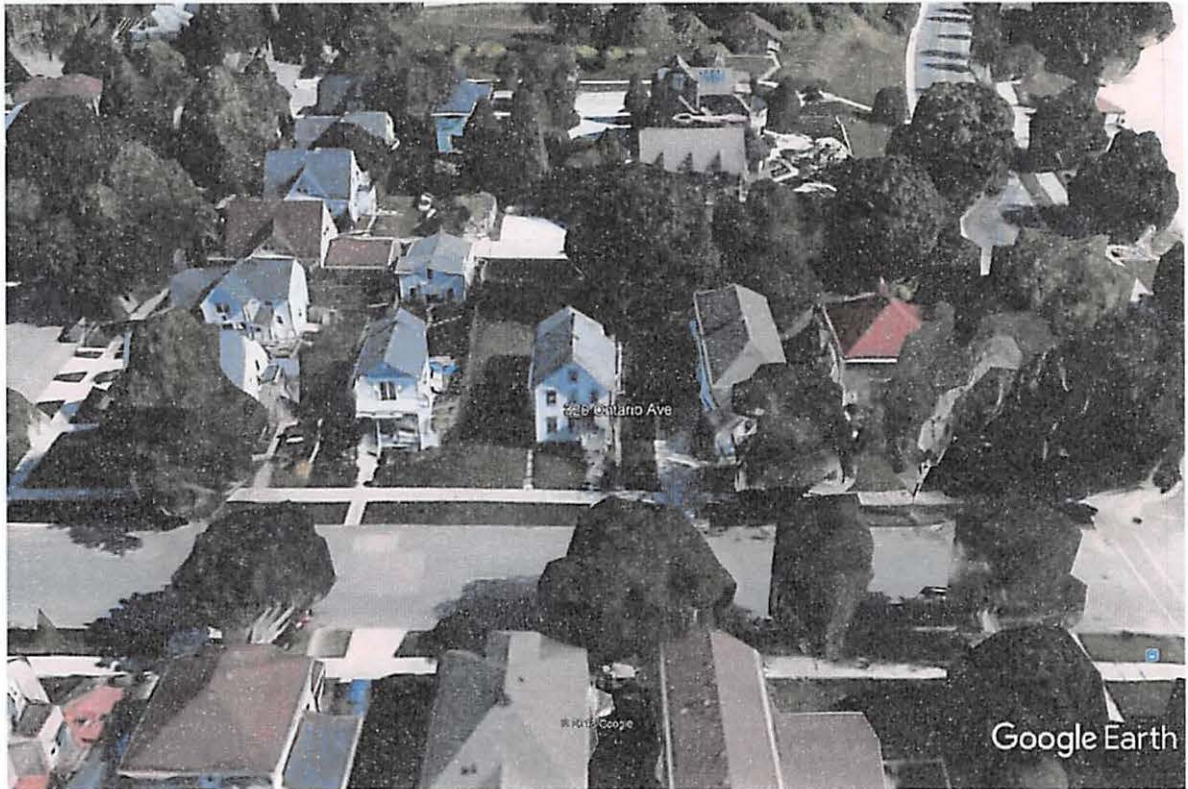
LOT  
LINE

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"

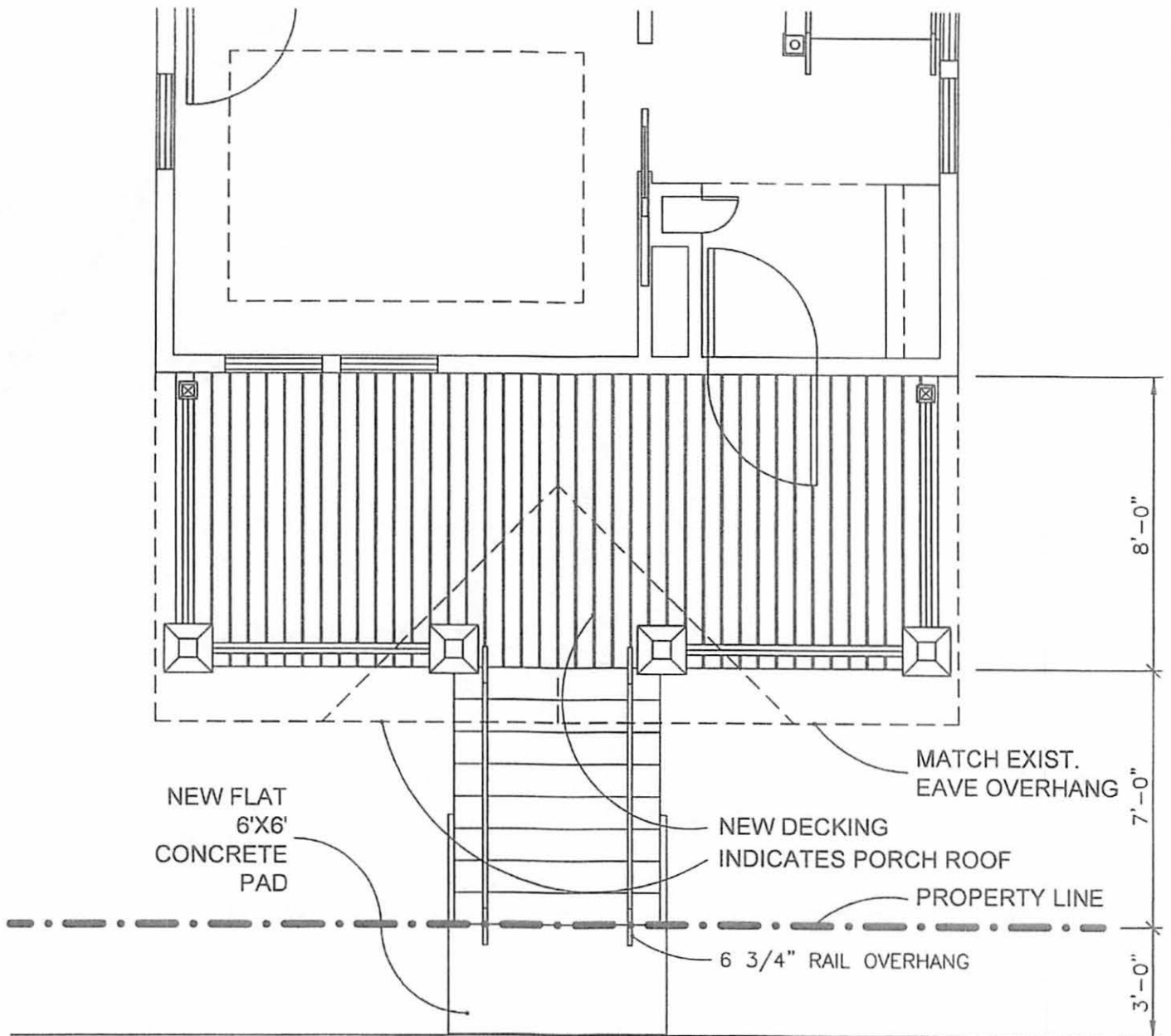












NEW SIDEWALK TO MATCH EXISTING WIDTH

<p><b>Butcher Rental</b> Ontario Ave.</p> <p><b>SHEBOYGAN</b> WISCONSIN</p>	<p>DESIGNED BY: WTR</p> <p>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:</p> <p style="text-align: center;"><b>PORCH PLAN</b></p>		
<p>SCALE: 1/4" = 1'-0"</p> <p>JOB NO.: 16-010</p>	<p>SHEET NO.:</p> <p style="text-align: center;"><b>A-01</b></p>		



**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 3333 N 6th ST

Parcel #: 012510

Owner's Name: Brian and Sarah Doherty

Zoning: SR-3

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**REPORT PREPARED BY:** Jeff Lutzke, Building Inspector

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**REPORT DATE:** 04/05/2021

**MEETING DATE:** 04/21/2021

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**BACKGROUND / ANALYSIS**

Owner would like to build a garage 36'x32' with additional 20'x2' bump out ( total of 1192 sq ft ). The garage will be located 26' from the front property line.

Ordinance #: 15.206(8)(d)(1)(b) The maximum square footage of a garage and/or carport is 1,000 square feet.

Requesting: 1192 sq ft

Allowed: 1000 sq ft

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Ordinance #: 15.105(2)(b)(3)(b)(F) Front lot line to garage is minimum 35'.

Requesting: 26' to lot line

Allowed: 35' to lot line

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Ordinance #:

Requesting:

Allowed:

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Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

Application, survey, and drawings

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:

WEDNESDAY MARCH 17<sup>th</sup>  
Application Deadline Date

WEDNESDAY APRIL 21<sup>st</sup>  
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.

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

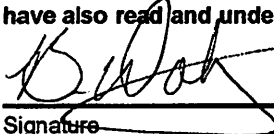
Applicants should be prepared to answer the following questions:


- \* *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

bjdoherent@yahoo.com

012570

**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): 3333 NORTH 6<sup>th</sup> STREET
- 2). Applicant: BRIAN DOHERTY Telephone #: (414) 708-7135  
Address: 3333 N. 6<sup>th</sup> STREET
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) LOT
- 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 & STORAGE  
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: 3-17-2021  
Signature: B. Doherty  
Printed Name: BRIAN DOHERTY  
Mailing Address: 3333 N. 6<sup>th</sup> STREET  
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.***

Brian and Sarah Doherty  
3333 North 6<sup>th</sup> Street  
Sheboygan, WI 53083

March 15, 2021

To whom it may concern,

We would like to tear down our existing, deteriorating carport in order to build a detached, three car garage. We would like to exceed the 1000 square foot limitation and are thus applying for a variance to exceed that size limitation. We live in a 3100 square foot ranch on Lake Michigan.

My wife and I have spent the past 19 years purchasing homes in need of some TLC, living in them, renovating them, increasing their value and then moving on to our next. My wife is a designer and creates the vision, and I have a mechanical engineering degree and plan and execute it all with the help of some contractors. We have done this successfully with three previous homes. We purchased this house specifically because of the potential to improve the house, improve the neighborhood as well as to live in and enjoy this amazing setting. Below is a list of our previous three houses, what we purchased them for and what we sold them for:

- 515 Geele Avenue – Purchased in 2002 for \$158K and sold in 2009 for \$185K
- 2330 North 6<sup>th</sup> Street – Purchased in 2009 for \$285K and sold in 2017 for \$370K
- 1512 Alabama – Purchase in 2016 for \$34K and sold in 2016 for \$125K – We purchased and flipped this house. We did not live in this one.

Essentially, we have experience and success in renovating homes in an appropriate manner to increase the value of the property and the surrounding neighborhood.

We purchased our current house at an undervalued price of \$395K due to the dated nature of the house and the awkward layout but also in part due to the deteriorating carport. Please see current images of the car port below:



Our intent is to create the house of our dreams for our own living satisfaction as well as for the resale value of our house and the neighborhood in the future. Since we have moved in here, we have completely renovated all bedrooms, two bathrooms, the kitchen/great room area, dining room and have created an in-law suite fifth bedroom. Please see a few before and after pictures below for your reference to understand our level of commitment in this space:



**Before** – Images of the dated, closed off kitchen and living space with 7.5' ceilings.



**After** – Vaulted great room with kitchen with 14 foot ceilings.

We have also completely redone the outdoor space and turned it into a beautiful oasis instead of an asphalt parking lot as it was when we purchased it. Please see before and outdoor pictures below:



**Before** – Please note the amount of asphalt between the carport and the house.



**After** – All asphalt between the house and carport as well as in front of the house has been turned to landscaped green space. A large deck and patio have been built to maximize the use of the space

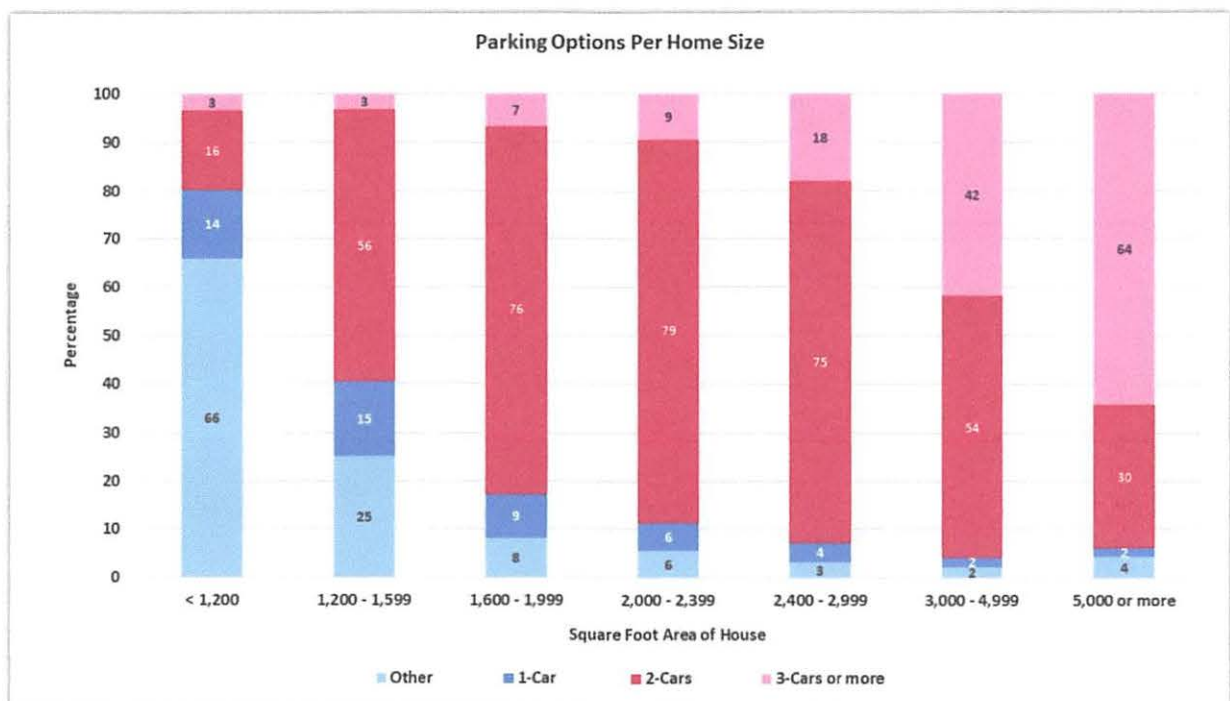
The existing carport is a terrible eyesore now and needs to be demolished and rebuilt. Please see attached pictures below of the house and the carport together:



During COVID, we updated the exterior of our house with paint, new accent IPE wood siding, new gutters and some modern touches. It is in this style that we will build the new garage. Please see images of those updates below:



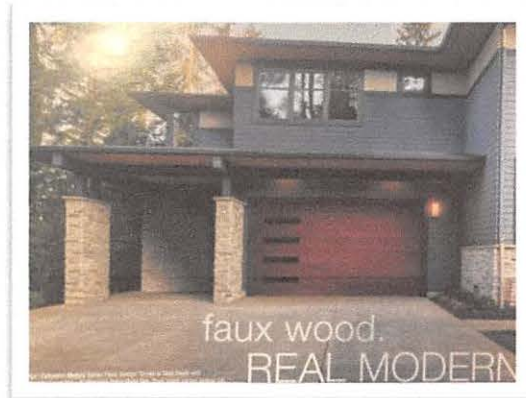
In planning this project, I was initially against a three car garage as I want this to be minimalistic, modern and reflect the style of our house. However, in researching current trends in housing, three car garages are definitely sought after for buyers looking in this price range and especially in this type of neighborhood with Lake Michigan views and access. I learned that in 2019, 42% of all houses in the size range of our house have a three car garage. Please see chart below:



I would expect that in a lakeshore neighborhood such as this, it will likely be an expectation for the majority of the buyers. One study showed that 33% of all house buyers want a three car garage. I assume that trend will only continue, and the proper decision for this house on this property would be to have a three car garage.

In our current situation, the current carport is 28' x 32.2'. There is currently 320 square feet of storage that houses all of our outdoor possessions. In my research, I have found that three car garages range from the absolute minimum of 20' x 30' up to 30' x 60' with the average being 32' x 22'. That is 704 square feet. Therefore, in order to have an average sized three car garage (704 sq. feet) and maintain our existing amount of outdoor storage (320 sq. feet), we would already be over the 1000 square foot limitation and would need to apply for a variance.

Our design for this project is based upon matching our existing house design and architecture as shown above with real wood siding, matching windows, modern lighting, a matching hip roof all while keeping it minimalistic and modern. Our garage door will be the focal point and will be a composite wood, modern slat design that will match the IPE wood accents on the house and the newly built deck in back. It will be a beautiful addition to the property and the neighborhood. Please see the image below of the garage door we intend to purchase for this project:



The extra size of this garage will be in the depth of it. It will not be readily apparent from a street view as the façade of the structure will only be 32' wide which is on the small end for three car garages. From a street view, this garage will look no larger than any other moderately sized three car garage.

We have spoken with all neighbors who have visibility to our garage, and they all support our project and are excited to see what we do with it. Below are the names and addresses of those neighbors:

Don and Suzanne Grace  
3411 North 6<sup>th</sup>  
Sheboygan, WI 53083

John Esch  
3406 North 6<sup>th</sup>  
Sheboygan, WI 53083

Steve and Julie Bayles  
3326 North 6<sup>th</sup>  
Sheboygan, WI 53083

Finally, please find attached the following for your reference:

- Exterior elevation drawing to scale
- Floor plan to scale
- Existing survey of the property with the footprint of the new garage sketched in

I hope that you will consider granting this variance for this project. If for some reason I have not justified our project, we will have to either choose to build a two car garage in order maintain adequate storage or will have to choose a three car garage with inadequate storage for us. In either case, we feel that decision will be a disservice to the property, the property value and the impact this property has on the surrounding neighborhood.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Brian and Sarah Doherty", with a long horizontal line extending to the right from the end of the signature.

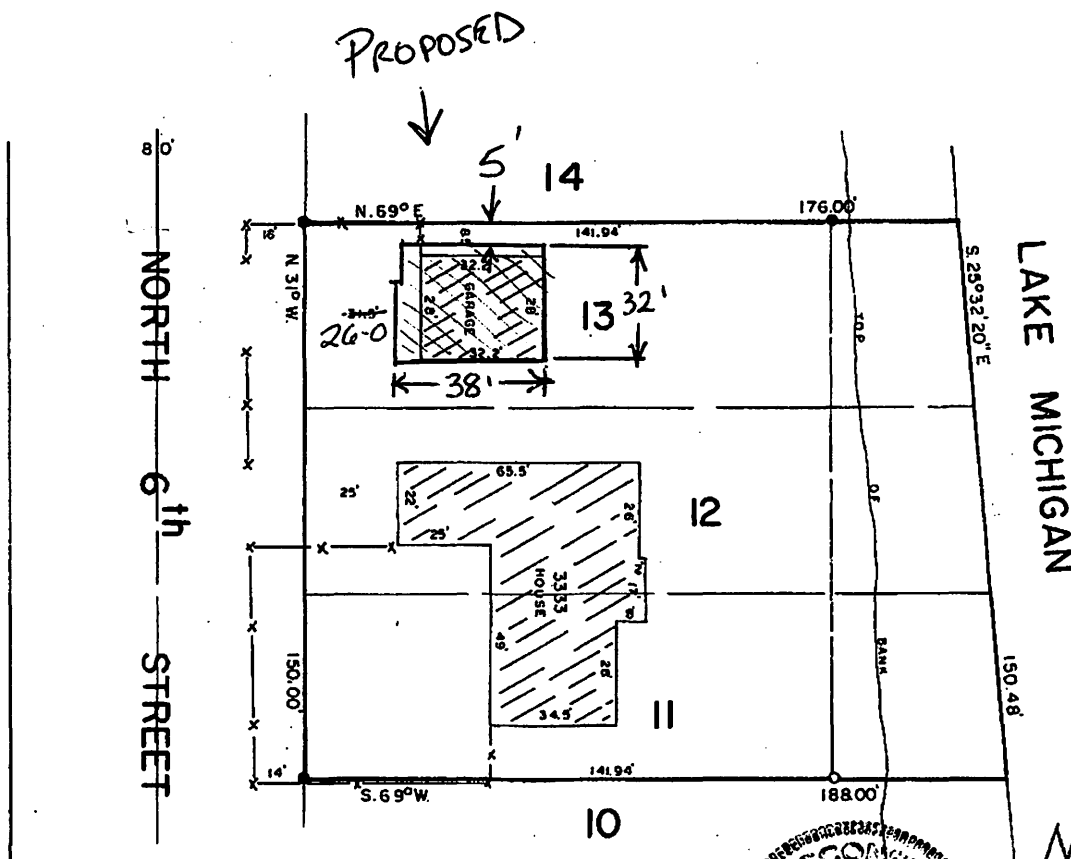
Brian and Sarah Doherty  
(414) 708-7135

# D & H LAND SURVEYS

SHEBOYGAN, WISCONSIN  
PLAT OF SURVEY

For Dave Quasius

Being Lots 11, 12 and 13 of Block 13 of Northshore Subdivision No. 1  
City of Sheboygan, Wi.

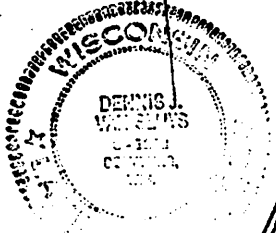


### SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the above described 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.

*Filed  
4-17-86  
mm*



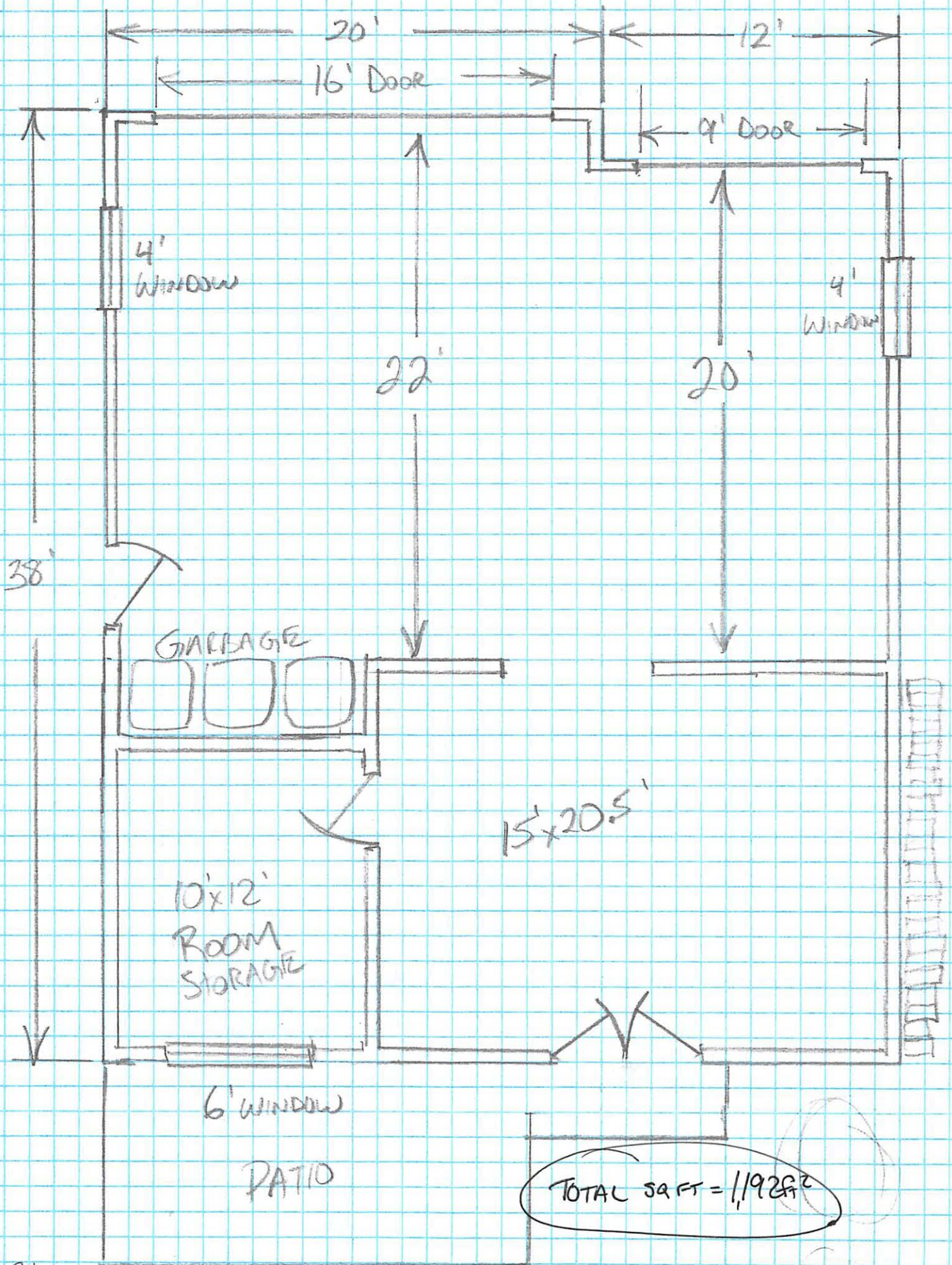
THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF IF SEAL IS IMPRINTED IN PLU

- = IRON PIPE FOUND
- = 1" IRON PIPE SET

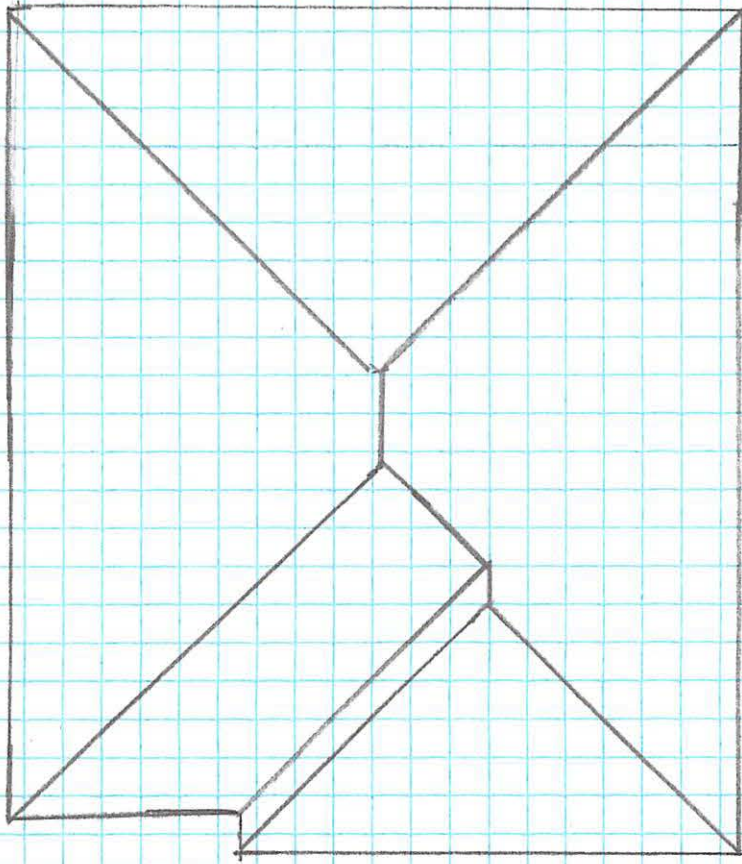
*Dennis J. Williams*  
WISCONSIN REGISTERED LAND SURVEYOR S-12386

THIS 3<sup>RD</sup> DAY OF APRIL, 1986 NOTEBOOK 121 PAGE 55 SCALE 1" = 40' 6-5717

A-12149

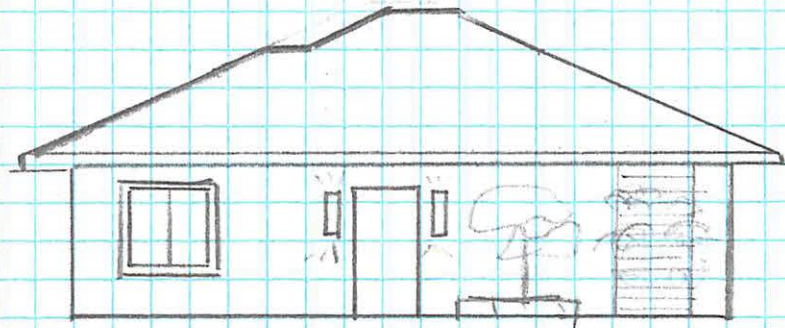
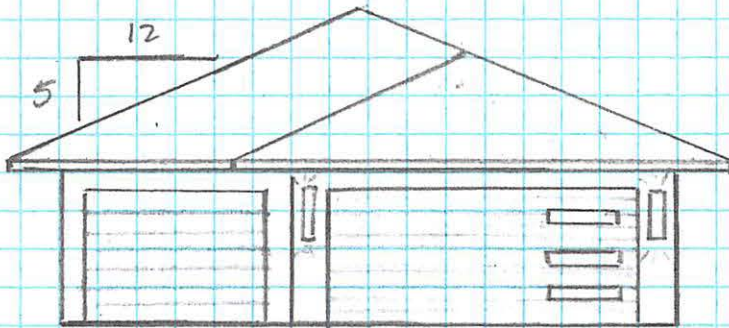


3-B-21



## DOHERTY FAMILY GARAGE

- ONE SQUARE  $\cong$  2 FEET
- PROJECT TO BE DONE BY BRUNETTE CONSTRUCTION
- TOTAL SQUARE FT = 1,192ft<sup>2</sup>



**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 2206 Weeden Creek Rd

Parcel #: 450604

Owner's Name: Dan Gruenke

Zoning: MR-8

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**REPORT PREPARED BY:** Jeff Lutzke, Building Inspector

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**REPORT DATE:** 04/05/2021

**MEETING DATE:** 04/21/2021

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**BACKGROUND / ANALYSIS**

Owner would like to widen his driveway at the front property line 5' wide in front of his house and 13' wide in front of his garage for a total of 42' wide at his property line.

Ordinance #: 15.702(10) All residential driveways shall have a maximum width of 25' at the property line. Driveways may be widened to the width of the garage and up to 9' on the outside of the garage.

Requesting: 42' wide

Allowed: 25' wide

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

Application, survey, pictures

210906



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

_____	<u>April 21, 2021</u>
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

3/25/2021  
Date

450604



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): 2206 WEIDEN CREEK SHEBOYGAN
- 2). Applicant: DAN GROENKE/MIKE KOENIG Telephone #: (920) 946-1914  
Address: 3502 BEHRENS PARKWAY
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) SURVEY ATTACHED

- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: EXTEND CULVERT PAST 25'

- 6). If the request is for a nonconforming use:  
Your intended use: BETTER INGRESS + EGRESS TO DRIVEWAY  
Date last occupied as a nonconforming use: \_\_\_\_\_  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_

7). Applicants interest in property: GENERAL CONTRACTOR

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: 3/25/2021

Signature: [Signature]  
Printed Name: MIKE KOENIG  
Mailing Address: 3502 BEHRENS PARKWAY  
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.**



March 25, 2021

City of Sheboygan  
828 Center Ave  
Sheboygan, WI 53081

RE: Variance, extend driveway culvert to 42'  
Homeowner Aggie Gruenke

Test #1

There would be no alternative plan to increase the egress and ingress to the existing home and parcel. Granting the 5' and 13' extension to the culvert allows easier access and creates a symmetrical appearance to the home.

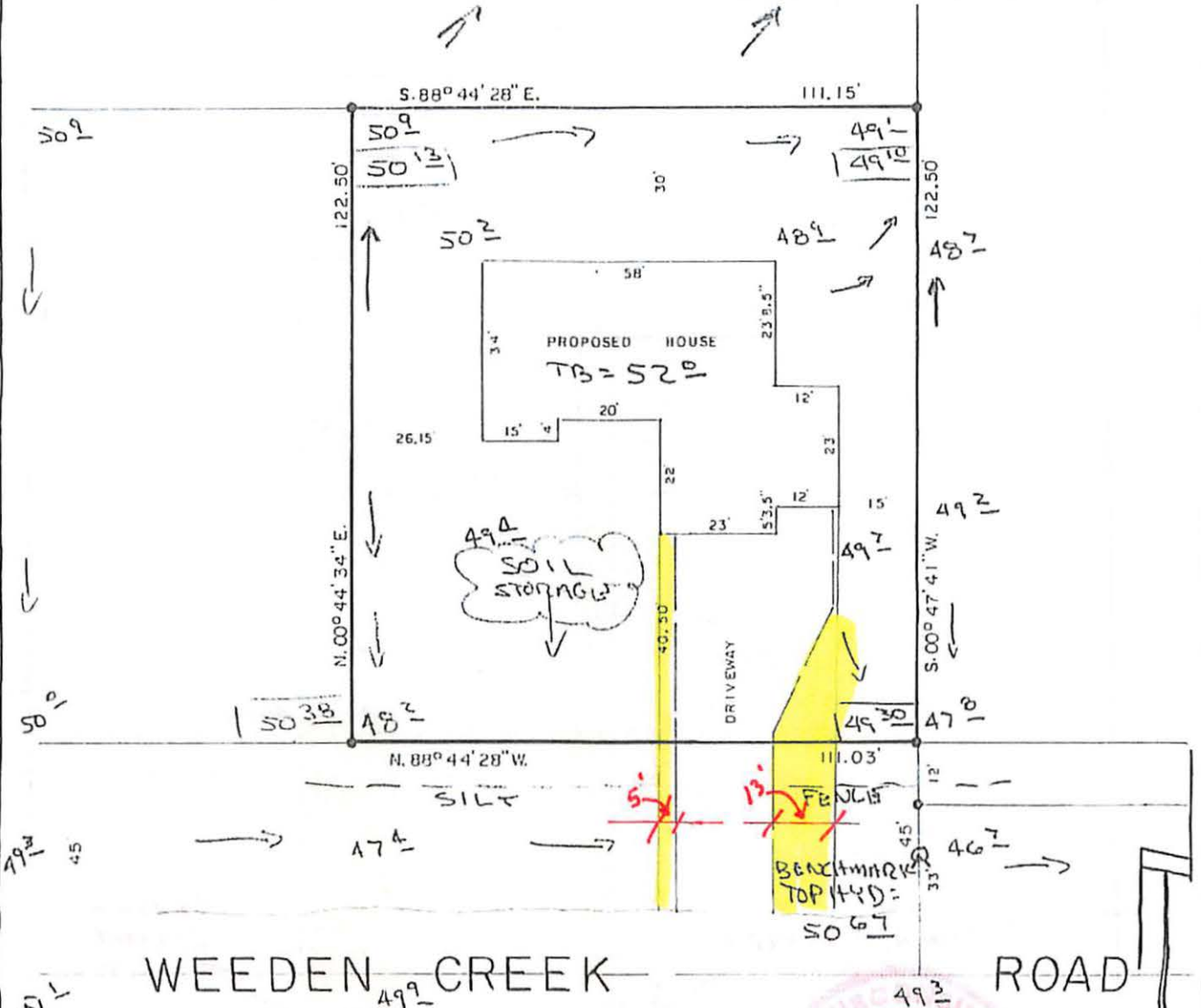
Test #2

Safety is of utmost concern to the home owner. Weeden Creek Road has over the years become busier and busier and it is harder to back out of the drive way due to on-coming traffic. Widening the approach at the street would allow direct access with their motor home without having to approach, back up and then redirect to gain access. The safety measure that the wider approach would offer increases the ease of ingress and egress especially for an older person, 78 years old.

Test #3

There are a number of duplex homes on Weeden Creek with wider approaches which do not hinder nor impair the aesthetics of the street. The culvert would be installed by a reputable site contractor and correct grading and erosion control installed to insure the flow line of the ditch would continue with-out impedance. There would not be any harm to public interest as far as the homeowner feels. Again, safety for the older current owner is considered.

PARCEL NO. Not available  
Until 3/1/03



WEE DEN CREE K ROAD

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the above described 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.



THIS IS AN ORIGINAL PRINT ONLY  
IF SEAL IS IMPRINTED IN RED

(47<sup>B</sup>) = PROPOSED ELEVATION

• = 1" IRON PIPE

47<sup>B</sup> = EXISTING ELEVATION

WISCONSIN REGISTERED LAND SURVEYORS -

3502 Mehrens Parkway, Sheboygan, WI 53081 \* Phone 920-457-0923 \* FAX 920-457-1024

THIS 15 DAY OF JULY, 2002 NOTEBOOK - PAGE - SCALE 1" = 30' L-18433

MIKE KOENIG CONSTRUCTION CO., INC.  
Commercial, Industrial & Residential  
3502 Behrens Parkway  
Sheboygan, Wisconsin 53081  
(920) 457-0923 Fax (920) 457-1024

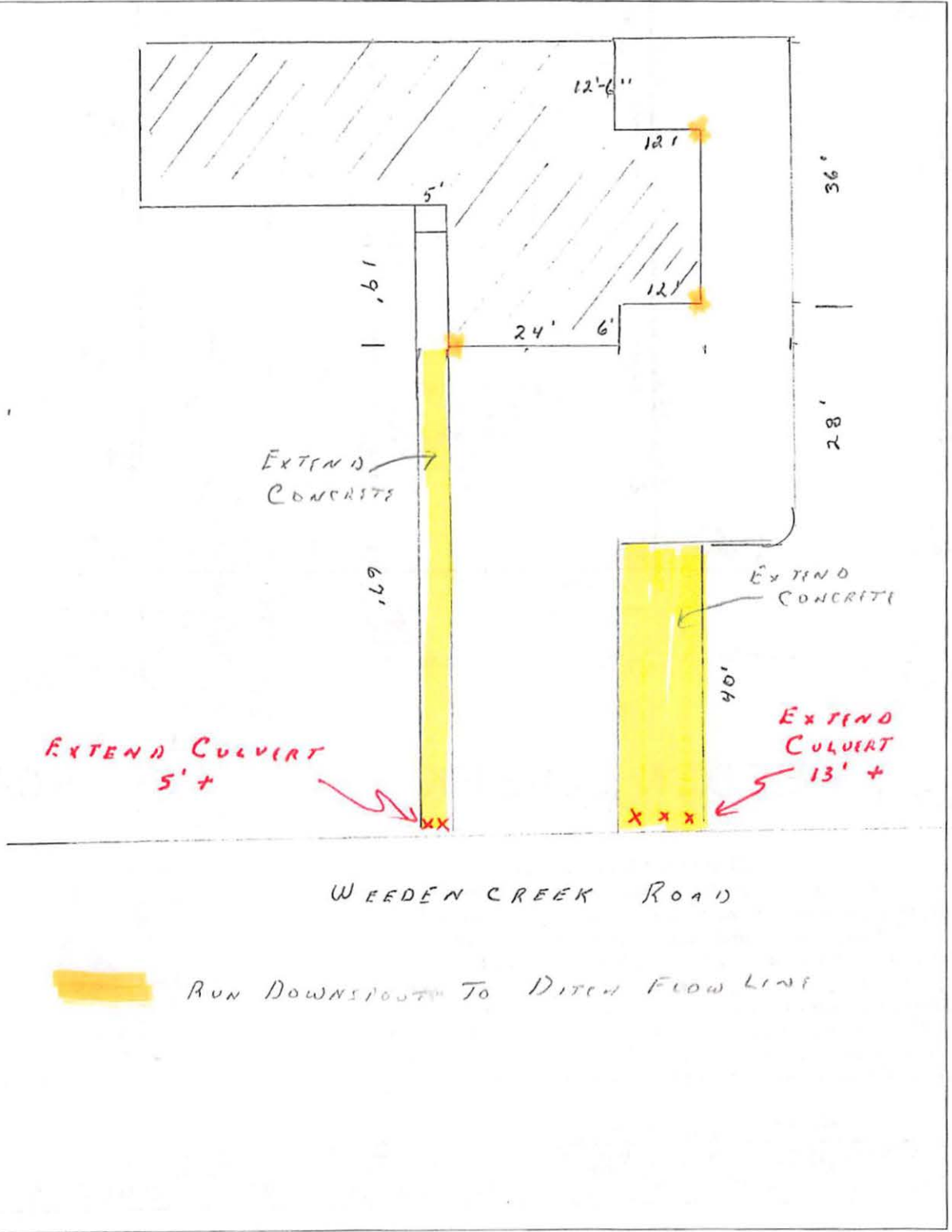
JOB GROENKE 2206 WEEDEN CREEK

SHEET NO. 2206 WEEDEN CREEK

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_





neighbor's property



Neighbor's Property

