

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

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 3332 N 10th ST

Parcel #: 716060

Owner's Name: Nathan Torstenson

Zoning: SR-5

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

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**REPORT DATE:** 01/22/2021

**MEETING DATE:** 02/17/2021

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**BACKGROUND / ANALYSIS**

Owner was granted a variance to building a 2nd garage 14'x28' without a driveway in August 2019. The building rough framing was inspected and approved on July 30, 2020 and was built to the approved size of 14'x 28'. Since July, 2020 the owner added an additional 8' x 14' area of roof to the structure prior to final inspection of the structure. The owner is now applying for a variance for the 8' x 14' addition to original 14' x 28' garage.

Ordinance #: 15.206 (8)(d)(1)a

Requesting: Addition to 2nd garage which is still under construction

Allowed: 1 garage

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Ordinance #:

Requesting:

Allowed:

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Ordinance #:

Requesting:

Allowed:

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**ATTACHMENTS:**

application; survey; pictures

APPLYING FOR A VARIANCE

Variations 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:

1/18/21  
Application Deadline Date

2/17/21  
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.

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.

Nathan Tardenson  
Signature

1/18/21  
Date

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

CASE NO. 210181  
FILING DATE 1/20/21  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. \_\_\_\_\_

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

- 1). Appeal Location (address): 3332 NORTH 10<sup>TH</sup>
  
- 2). Applicant: NATHAN TORSTENSON Telephone #: (920) 889 - 3000  
Address: 3332 NORTH 10<sup>TH</sup>
  
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) NORTH SHORE SUBD NO 1 LOTS 4 & 5  
BLK 8 & THE E 1/2 OF THAT PRT OF VAC PUBLIC PLAYGROUND LYING  
W OF E ADJ TO SD LOTS S.11T.15R.23
  
- 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: CONTINUE TO USE APPROVED VARIANCE OF 14'x28" SHED  
Date last occupied as a nonconforming use: ADDITION TO 8' ROOF OVER HANG  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_
  
- 7). Applicants interest in property: \_\_\_\_\_
  
- 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: 1/18/21  
Signature: Nathan Torstenson  
Printed Name: NATHAN TORSTENSON  
Mailing Address: 3332 NORTH 10<sup>TH</sup>  
SHEBOYGAN WI 53083

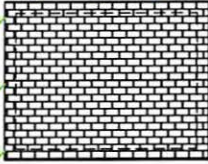
716060

Members of the Board of Zoning Appeals,

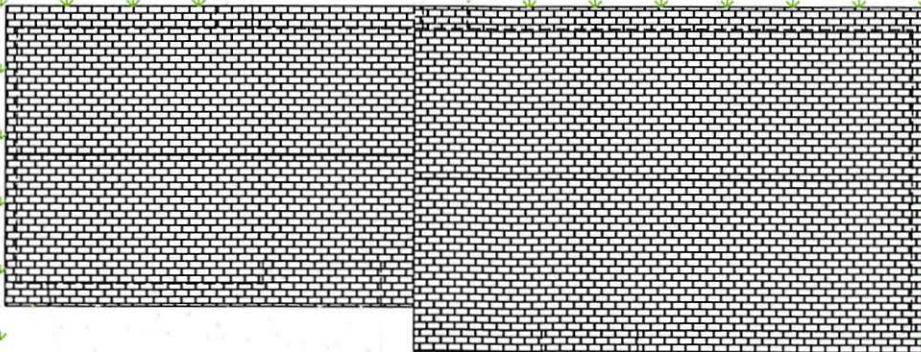
I filed for a variance (7/31/2019, application # 192336) with plans to build a 14'x28' shed. The variance was approved 8-21-2019. A building permit was filed 2-19-2020. . The shed is now complete other than the siding which will be completed this spring upon delivery of the material. I was issued a notice on January 5<sup>th</sup> for expired permit and non-compliant roof from the building inspection department. Due to the pandemic of Covid-19 product availability and delivery times for building supplies have been complicated thus running over the 6 month expiration period of a building permit. After unsuccessful attempts to come to an agreement with the building inspector department to resolve the roof matter I am filing another variance. The purpose of this new variance is to become compliant with the way the shed stands today. I built a 14'x28' shed with an 8' overhang off the south end of the building (see pictures and original plans). The discrepancy is that I did not specify on the original variance application anything about the 8' overhang, but did supply drawings at the first appeals meeting showing the overhang as part of the plans. I put in a lot of hard work to build this shed and I wish to continue to utilize this shed as it sits today. Thank you for your time in discussing the approval of this variance.

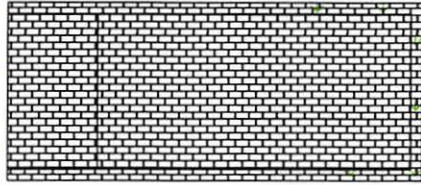
Regards,

Nathan Torstenson

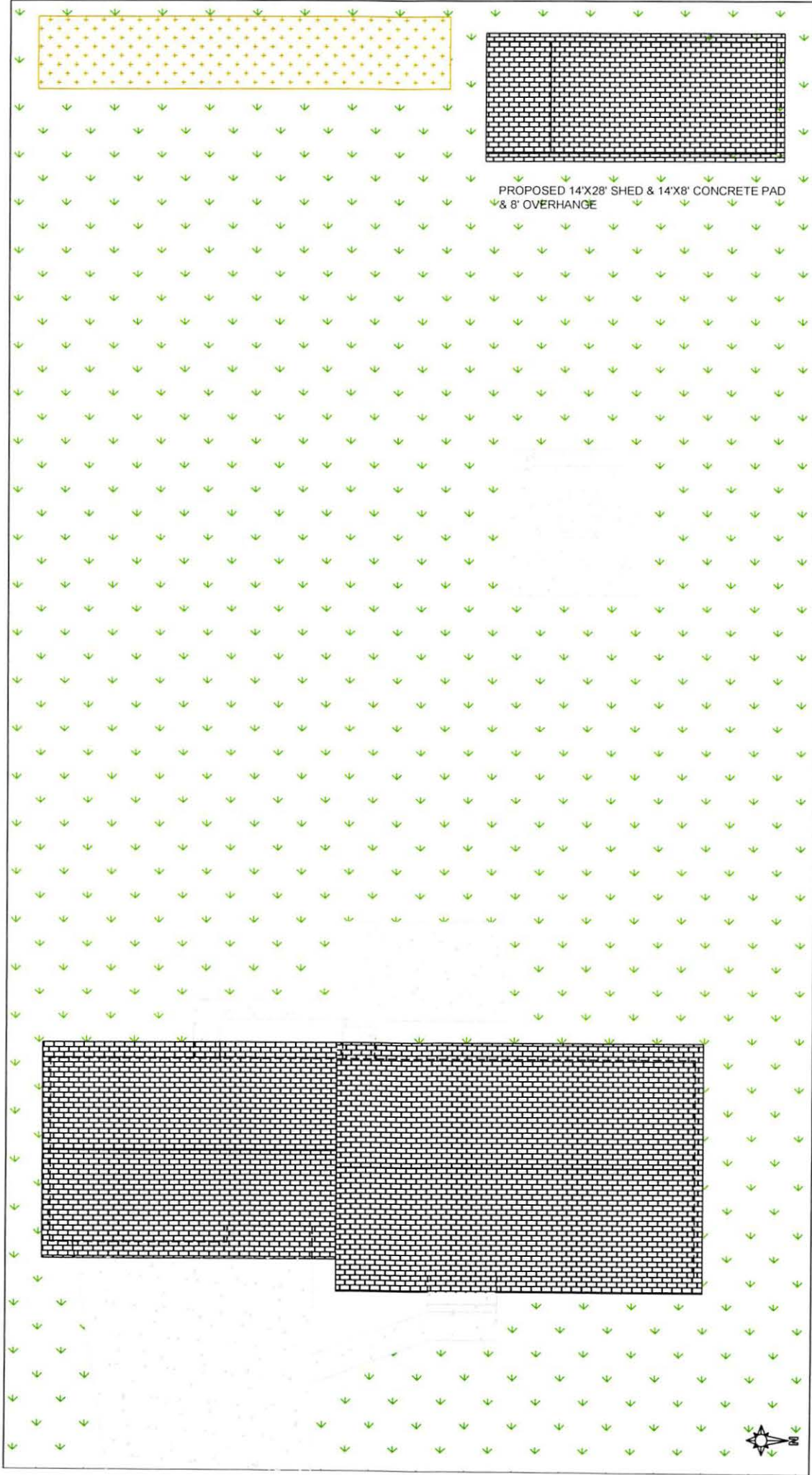


EXISTING 12' X 16'-2" SHED





PROPOSED 14'X28' SHED & 14'X8' CONCRETE PAD  
& 8' OVERHANGE

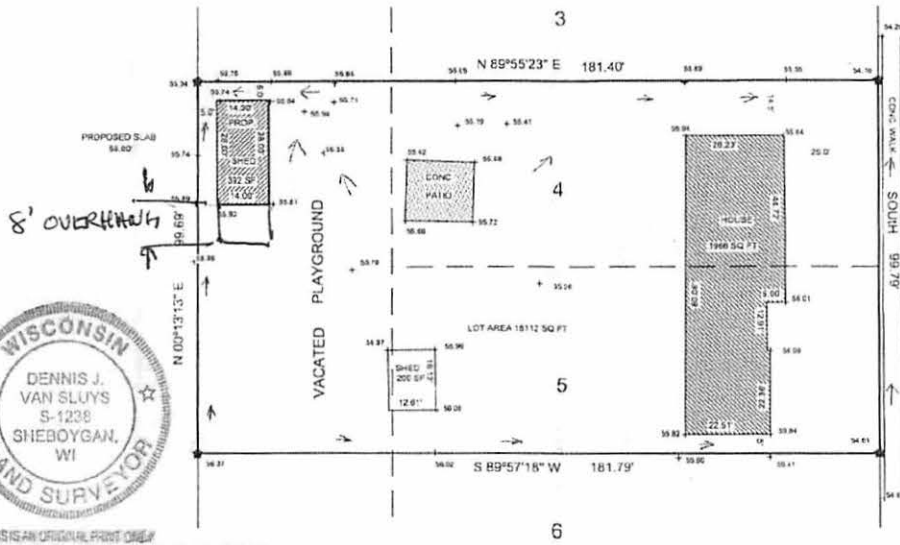




D & H LAND SURVEYS LLC  
 1628 GEORGIA AVENUE  
 SHEBOYGAN, WISCONSIN

3332 N. 10th STREET  
 PARCEL NO. 59281716000  
 BEING LOTS 4 AND 5 OF BLOCK 8 NORTH SHORE SUBDIVISION NO. 1  
 AND EAST HALF VACATED PLAYGROUND ADJACENT TO SAID LOTS  
 CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.

*Just from  
 DPW - City Sheboygan  
 9-17-19*



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

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

Dated this 12th day of September 2019.

★ = 1" IRON PIPE FOUND  
 + = EXISTING GRADE CITY DATUM  
 DATA:CSHER19/3332N10 1-24035

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 2004 Lakeshore DR

Parcel #: 319900

Owner's Name: Kurt Westley

Zoning: SR-5

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

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**REPORT DATE:** 03/04/2021

**MEETING DATE:** 03/17/2021

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**BACKGROUND / ANALYSIS**

Owner would like to raze existing garage and build a 28' x 38' (1064 sq ft) garage 25' tall with attic storage. The dwelling footprint is 916 sq ft.

Ordinance #: 15.206(8)(d)(1)(b) The maximum square footage of a garage and/or carport is 1,000 square feet. However, a garage structure shall not exceed the footprint square footage of the primary residential structure.

Requesting: 1064 sq ft garage

Allowed: 916 sq ft garage

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Ordinance #: 15.206(8)(d)(1)(d) The maximum height of a detached accessory structure shall not exceed 15 feet.

Requesting: 25' tall garage

Allowed: 15' tall garage

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Ordinance #:

Requesting:

Allowed:

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**ATTACHMENTS:**

Application; survey; pictures

## APPLYING FOR A VARIANCE

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2/17/2021  
Application Deadline Date

3/17/2021  
Board of Appeals Meeting Date

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**Note:**

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- 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?*
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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.

Kent Wally  
Signature

Feb 12, 2021  
Date

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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.*



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): 2004 Lakeshore Drive
- 2. Applicant: Kurt Westley Telephone #: (920) 207-6606  
Address: 2004 Lakeshore Drive
- 3. Legal Property Description (Lot, Block, Subdivision, etc.) The east 48 feet of Lot 3 and that part of Lot 2 west of Lakeshore Drive Block 13, Swifts addition to the city of Sheboygan Sheboygan County
- 4. Type of Building (Circle): Commercial - Residential
- 5. Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use Other  
(if other) please list: New Garage
- 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 of Property
- 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.

N/A

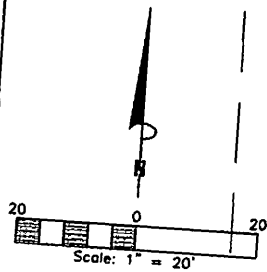
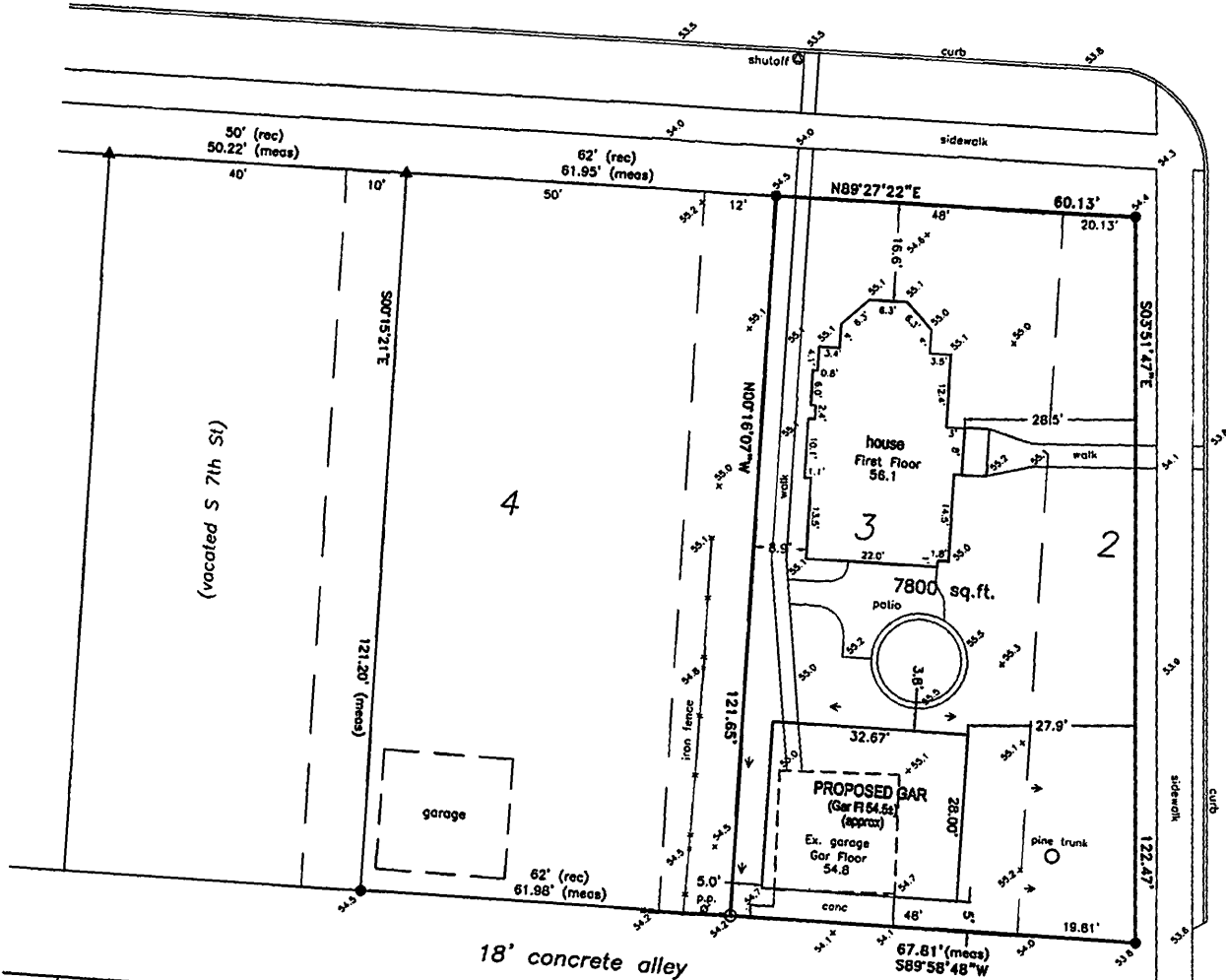
I HEREBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: Feb 13, 2021

Signature: Kurt Westley  
Printed Name: KURT Westley  
Mailing Address: 2004 Lakeshore Drive  
Sheboygan WI 53081

DILLINGHAM AVE

LAKESHORE DR



- = 1" iron pipe found
  - ▲ = Iron rod found
  - = Nail set in joint
- City Datum

Plat of Survey  
for  
Kurt Westley

The East 48 feet of Lot 3 and that part of Lot 2 west of Lakeshore Drive, Block 13,  
Swift's Addition to the City of Sheboygan, Sheboygan County, Wisconsin  
Subject to easements of record.

**compsite**  
Surveying & Mapping  
Oostburg, Wisconsin  
(920) 564-6812

I, John M. DuMez, Wisconsin Professional Land Surveyor, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

John M. DuMez - Wisconsin P.L.S. S-2267 / 2020  
Data  
The certification contained on this document shall not apply to copies.

TAX KEY No. 59281319900  
ADDRESS: 2004 Lakeshore Dr  
PATH: c:\projects2\westley\_k\dwg\westley\_k.dwg  
DRAWN BY: jdm  
PROJECT: 4240

# PROPOSAL FOR NEW GARAGE

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LOCATED AT 2004 LAKESHORE DRIVE, SHEBOYGAN, WI

## DESIGN CRITERIA:

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- Construct a garage that is capable of holding 3 vehicles.
- Due to the uniqueness of the house, it was important that the garage matches the architectural details of the home.
- Add character and value to the home and neighborhood.
- Replace existing concrete patio with new one that will tie the house with the garage.
- Fabricate a pergola over a portion of the new patio.

## REASON FOR VARIANCE REQUEST / HARDSHIP:

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- The current 20' x 20' garage can only fit one car & yard equipment.
- Was recently willed a classic car in excellent condition that needs to be in a secure and protected location.
- We now own 3 cars. For 20 years we have been keeping one car on the street and in the winter need to scrap the windows in the winter and move the vehicle everyday to the other side of the road. We would like to take proper care of the vehicles that we spent a lot of money on.
- It is important that the design lines of the garage matches the character/style of the house.

## OBJECTIVE:

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- Seek approval for construction of a new garage and patio

# RESULT:



VIEW -  
LOOKING SOUTHWEST



VIEW -  
LOOKING NORTHWEST

## SPECIFICATIONS:

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- **New Garage**

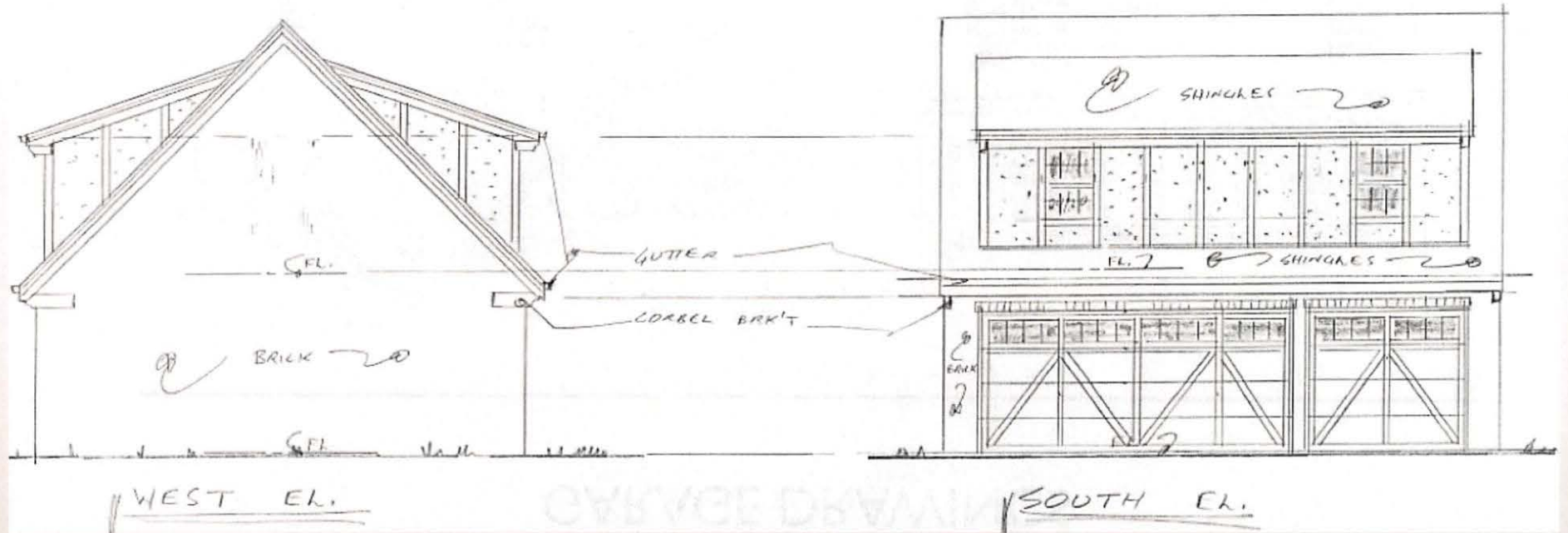
- 32' x 28' x 25' Tall.
- Capable of holding 3 vehicles.
- Storage in the attic.
- Attic space will only be used for storage.

- **Original Garage**

- 20' x 20' x 18' Tall.
- Capable of holding 1 car + yard equipment.
- Minimal storage in the attic.



# GARAGE DRAWINGS



## PICTURES OF THE HOUSE & PATIO:



VIEW -  
LOOKING SOUTHWEST



VIEW -  
LOOKING NORTHEAST



## PICTURES OF THE HOUSE & EXISTING GARAGE:



VIEW -  
LOOKING WEST



VIEW -  
LOOKING NORTHWEST

## PICTURES OF THE EXISTING GARAGE:



VIEW -  
LOOKING NORTHWEST



VIEW -  
LOOKING NORTHEAST

## PICTURES OF THE EXISTING GARAGE:



VIEW -  
LOOKING SOUTHWEST



VIEW -  
LOOKING NORTHWEST

## PICTURES OF THE TREE BY THE GARAGE:

THIS TREE WILL BE REMOVED TO ALLOW FOR OUR NEIGHBOR TO HAVE A BETTER VIEW OF LAKE MICHIGAN

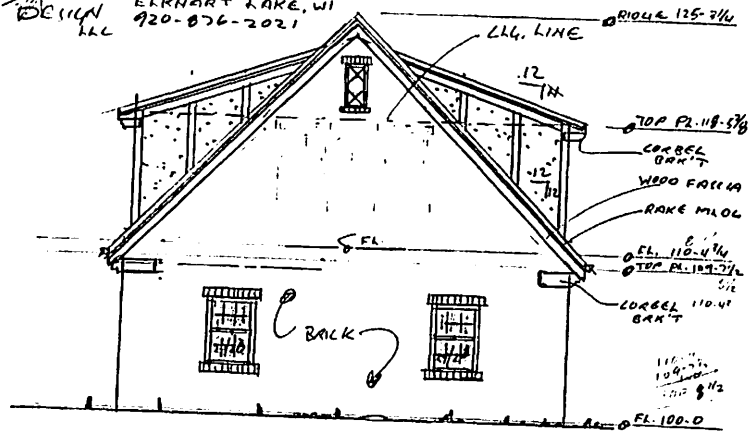


VIEW -  
LOOKING SOUTHWEST

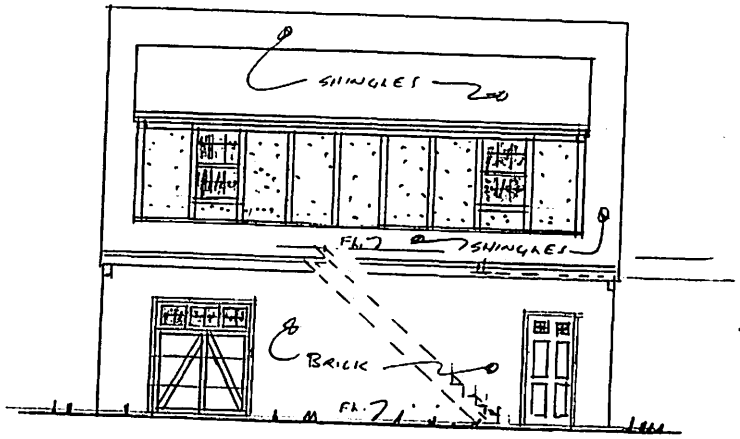


VIEW -  
LOOKING NORTHWEST

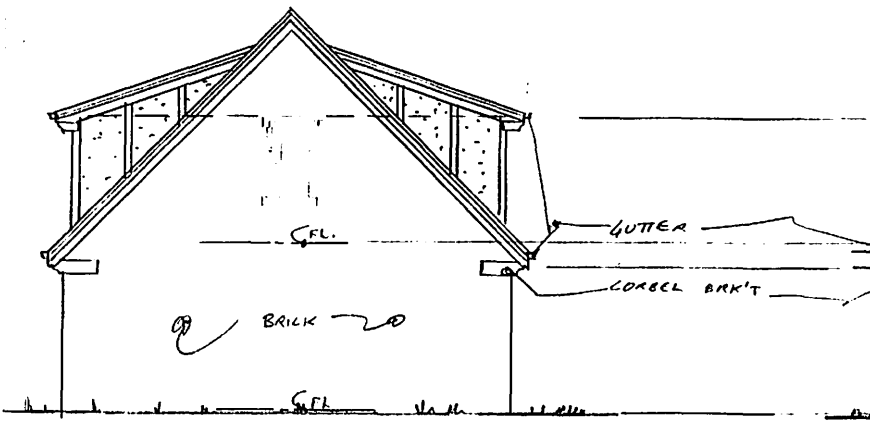
HANLOW DESIGNER  
 JIM HANLOW  
 EKHART LAKE, WI  
 920-876-2021



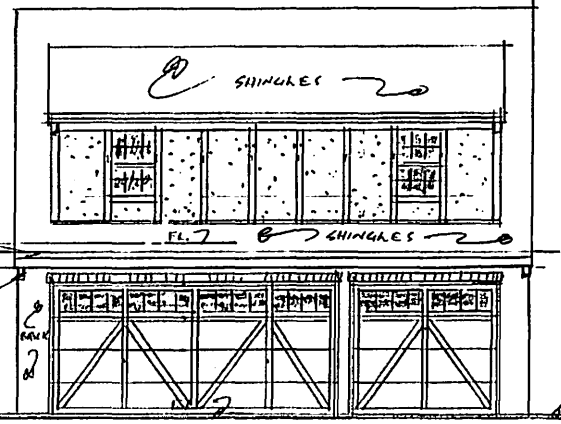
EAST ELEVATION  
 SCALE 1/4" = 1'-0"



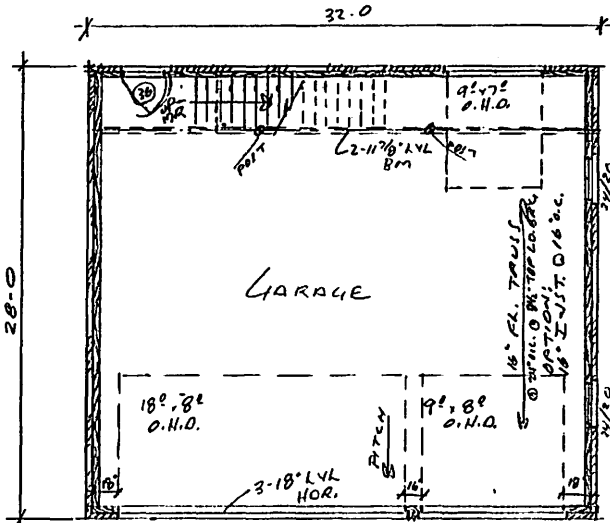
NORTH EL.



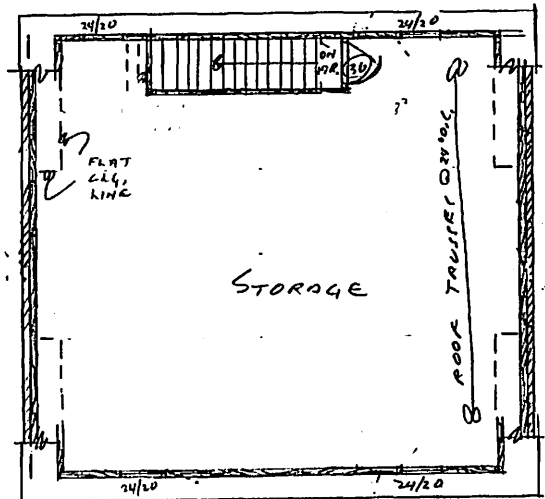
WEST EL.



SOUTH EL.



5' CONC. APRON  
**MAIN LEVEL PLAN**  
 SCALE 1/4" = 1'-0"



**UPPER LEVEL PLAN**

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:**

Address: 1719 S 13th St.

Parcel #: 401250

Owner's Name: Matthew Hardy

Zoning: NR-6

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

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**REPORT DATE:** 03/04/2021

**MEETING DATE:** 03/17/2021

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**BACKGROUND / ANALYSIS**

Owner would like to pave a 9'-6" wide driveway up to or within a few inches of side lot line on north side of house to access garage in back yard.

Ordinance #: 15.702(10) All residential access drives shall have a minimum width of 10 feet for one- and two-family dwellings.

Requesting: 9'-6" wide driveway

Allowed: 10' wide driveway

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Ordinance #: 15.702(10) Paved surface must be 3 feet from side property line.

Requesting: Zero or a few inches from lot line

Allowed: 3' from lot line

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Ordinance #:

Requesting:

Allowed:

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Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:** Application; site plan; pictures;

APPLYING FOR A VARIANCE

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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

2-1-21
Date

TIME RECEIVED  
February 5, 2021 at 10:22:47 AM PST

REMOTE CSID  
8188329865

DURATION PAGES  
82 3

STATUS  
Received

02/04/2021 22:20 8188329865

MICHAEL GREEN REALTY

PAGE 01/03

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


CASE NO. 210429  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. \_\_\_\_\_

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

- 1). Appeal Location (address): 1719 S. 13th St. Sheboygan WI
- 2). Applicant: Matthew Hardy Telephone #: (818) 480 2032  
Address: 17353 Citronia St. Northridge CA 91325
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Subdivision No. 18, Lot 6,  
Block 6  
18 | 6 | 6
- 4). Type of Building (Circle): Commercial  Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: Pave Driveway
- 6). If the request is for a nonconforming use:  
Your Intended use: \_\_\_\_\_  
Date last occupied as a nonconforming use: \_\_\_\_\_  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_
- 7). Applicants Interest in property: 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: 2-1-21

Signature:   
Printed Name: Matthew Hardy  
Mailing Address: 17353 Citronia St.  
Northridge CA 91325

401250

MATTHEW HARDY  
17353 CITRONIA ST.  
NORTHRIDGE, CA, 91325

SUBJECT PROPERTY:  
1719 S. 13<sup>TH</sup> ST.  
SHEBOYGAN, WI 53081  
COMPLAINT # 180700

**SUPPLEMENT FOR REQUEST FOR VARIANCE**


**DESCRIPTION OF REQUESTED VARIANCE:**

**REQUESTING TO PAVE DRIVEWAY UP O PROPERTY LINE OR WITHIN A FEW INCHES ON THE NORTH SIDE OF HOUSE. WOULD INCLUDE EXPANSION JOINT AT NEIGHBORING FENCE.**

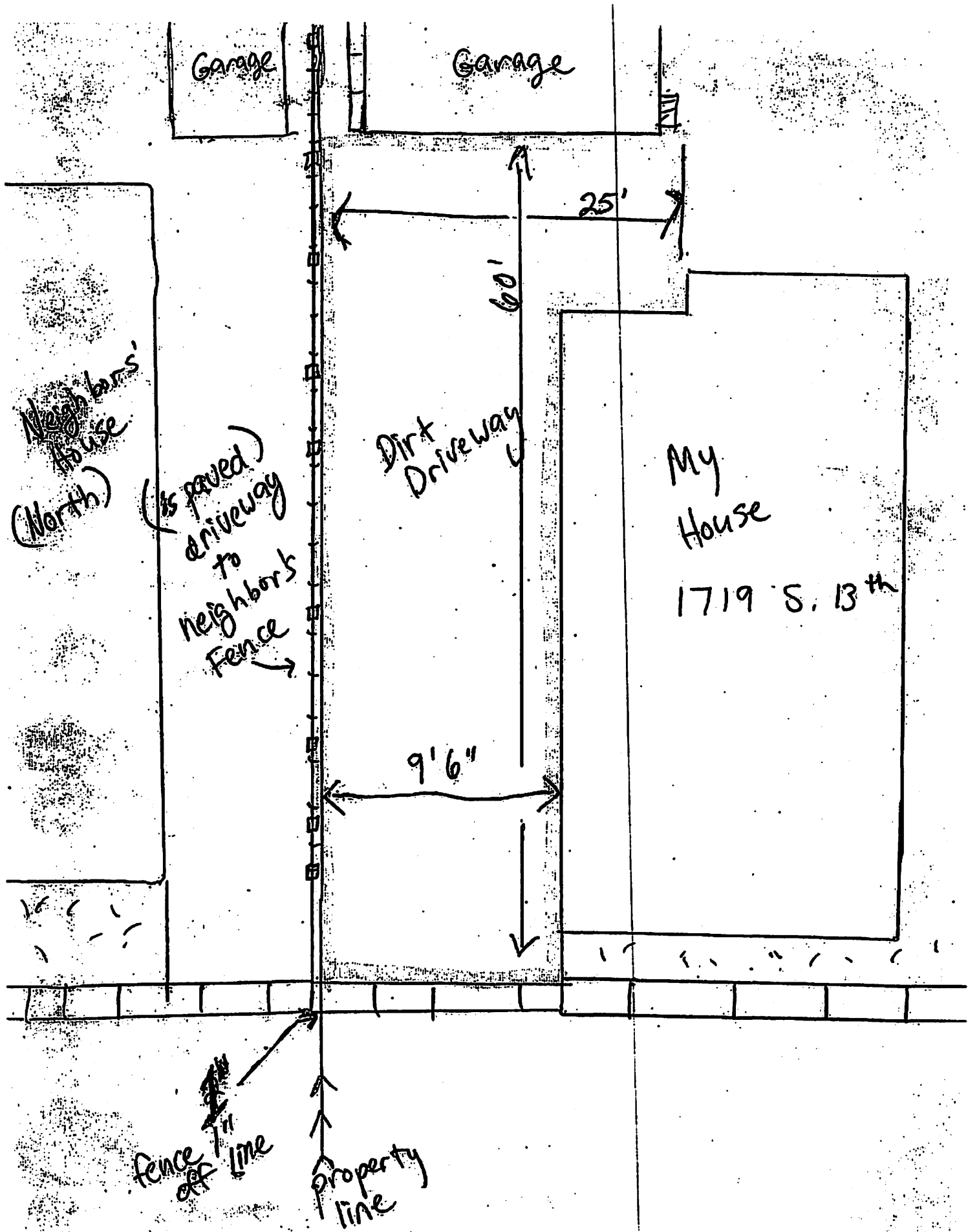
**DESCRIPTION OF UNNECESSARY HARDSHIP CAUSED BY REGULATION AND ARGUMENT FOR PASSING "THREE TESTS FOR A VARIANCE" RULE:**

**A PAVED DRIVEWAY WOULD GIVE ACCESS TO A CEMENT GARAGE PAD AND EASE THE PARKING PROBLEMS ON THE STREET, TO KEEP APPEARANCE VISUALLY BETTER, TO ELIMINATE MUD AND PROVIDE FOR BETTER WATER DRAINAGE.**

**RESPECTFULLY,**

  
\_\_\_\_\_  
MATTHEW HARDY

2-1-21  
DATE



Garage

Garage

25'

60'

Dirt Driveway

My House

1719 S. 13th

9'6"

fence of line

property line

Neighbors' House (North)

(is paved) driveway to neighbors' Fence



Driveway  
9.6" wide x by approx 50' L  
house foundation  
to property  
line

Less 2' 9" wide  
10' wide ?

11

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 1415 N 13th St.

Parcel #: 700430

Owner's Name: Kim Dietz

Zoning: NR-6

---

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

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**REPORT DATE:** 03/08/2021

**MEETING DATE:** 03/17/2021

---

**BACKGROUND / ANALYSIS**

Property is currently zoned NR-6 ( Neighborhood Residential ) and massage & chiropractor use would be commercial use and considered nonconforming. The prior use of this property was an accounting firm which was also a nonconforming use.

**Ordinance #:** 15.207(7) Change: A nonconforming use of a building or other structure, all or substantially all of which was originally designed or intended for a use which is permitted in the district in which it is located shall not be changed to any use other than a use permitted in the district in which the land is located or to another nonconforming use of similar characteristics when authorized by the Zoning Board of Appeals as regulated Subchapter 15-9 of this Chapter. When a nonconforming use has been changed to a permitted one, it shall not thereafter be changed back to a nonconforming use.

**Requesting:** Commercial Land Use - Personal or Professional Service

**Allowed:** Residential - Single-family

---

**Ordinance #:**

**Requesting:**

**Allowed:**

---

**ATTACHMENTS:**

Application; pictures

APPLYING FOR A VARIANCE

Variations 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.
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 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 [Handwritten Signature]

Date 2-16-21

## 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.**

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

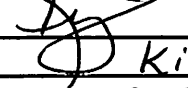
CASE NO. \_\_\_\_\_  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. \_\_\_\_\_

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

- 1). Appeal Location (address): 1415 N. 13<sup>th</sup> St. Sheboygan
- 2). Applicant: 2736 S. 11<sup>th</sup> St Telephone #: 1929 207-4440  
Address: Sheboygan WI 53081
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Block
- 4). Type of Building (Circle): Commercial - Industrial - Institutional - Residential - Apartment - Other (if other)  
please list: Nonconforming
- 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: multi tenant use = 5 rooms  
Your intended use: Self care Studio - Massage, Chiro; overall  
Date last occupied as a nonconforming use: over 2 years Wellness  
By Whom: Best Accounting Services Previous use: \_\_\_\_\_
- 7). Applicants interest in property: Multi tenant use for wellness Practitioners
- 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: 2-16-21

Signature:   
Printed Name: Kim Dietz  
Mailing Address: 2736 S. 11<sup>th</sup> St  
Sheboygan WI 53081

700428



### **Why this particular property?**

I, Kim Dietz LMT, am looking to create an office space for integrated healthcare workers, massage therapists, estheticians, chiropractor etc. I am NOT looking to create a spa rather a self-care studio for the people of my community; a place where they can receive several services with different practitioners. Most offices are set up for "office business" where people are not conscientious of noise. Simple amenities like a quiet work space that you don't hear the person talking in the room next to you, with enough room to move around the massage table and a designated sink for washing hands and tools used during the service at an affordable price is hard to come by in the city of Sheboygan. Often times in a regular office building noise, people talking loudly and having lengthy conversations, shared restrooms and having to use the restroom sink to clean tools, smells of people's lunches and hearing doors close and open is a common occurrence. Those noises can't be copntoled in a regular office building environment. I want to create a space that is conducive to the work environment I need to be successful. I will be creating the Integrated Self-care Studio- a multi-tenant building that offers wellness. There will be 5 treatment rooms total with a shared waiting area and 2 bathrooms. The 5 rooms will be rented/leased out to like-minded licensed professionals who value their business, appreciate a quiet workspace and want to succeed. The integrated health care professionals will include, but not limited to; licensed massage therapists, Chiropractor, naturopath, licensed esthetician etc. All renters will have licensing and permits as required by the state of WI and City of Sheboygan and will have them visibly posted for clients to see. Retail related to self-care and wellness will also be available example; soaps, essential oils, herbal foot creams, rice packs/neck wraps, crystals, sage sticks etc.

I, Kim Dietz LMT, owner of Fantoli Massage & Wellness LLC will occupy one of the five treatment rooms. Massage is performed by me, a licensed massage therapist; State of WI license #14101-146 and also permitted by the City of Sheboygan. Modalities include relaxation, deep tissue, therapeutic work, acupressure, cupping, myofascial release and other modalities that are within the scope of practice and other certifications related to massage.

The building at 1415 N. 13th St. was used prior as Bast Accounting Services located on the northwest corner of the downtown area. This building was chosen because of the central location and easy access from the highway for those clients that come from other areas. The location is just off a busy street and easy for clients to find. There are also other small businesses in the area that my clients could frequent such as Johnston's Bakery and Arrostopos. The area is up and coming and being revitalized. The location I am renting now does not offer any of that. I do not wish to be downtown due to the parking issues and constant traffic noise and clients have expressed the same. The size of the building at 1415 N. 13<sup>th</sup> ST. and layout are exactly what I'm looking for to start up my space. The rooms are of appropriate size and little remodel is needed. The atmosphere of the surrounding area is quiet. It is important to me to continue to build a professional business surrounding myself with like-minded individuals.

**\*Explanation of proposed use and all business activities to take place onsite:**

I will be creating the Integrated Self-care Studio-It will be a multi-tenant space- There will be 5 treatment rooms with a shared waiting area and 2 bathrooms. The 5 rooms will be rented/leased out to integrated health care professionals: such as licensed massage therapists, Chiropractor, acupuncture, naturopath, licensed esthetician, counselor etc. All renters will have licensing and permits as required by the state of WI and City of Sheboygan. Retail related to self-care and wellness will also be available example soaps, essential oils, herbal foot creams, rice packs/neck wraps etc.

Fantoli Massage & Wellness LLC will occupy one of the five treatment rooms. Massage is performed by a licensed massage therapist; State of WI license #14101-146 and also permitted by the City of Sheboygan. Modalities include relaxation, deep tissue, therapeutic work, acupressure, myofascial release and other modalities that are within the scope of practice and other certifications related to massage.

**\*Days and Hours of Operation:**

Days and hours of operation will be in accordance with the city of Sheboygan ordinance: Massage cannot take place from the hours of 10pm to 7am. Generally hours of operation are from 7am until about 8pm. Most integrated healthcare practitioners work day hours and occasional evening hours. With massage, 17, 1 hour massages per week is considered full time so it is unlikely a massage therapist would be there more than 5 days a week. Many integrated healthcare practitioners have other places that they are employed or service, some have multiple offices in different areas they work; Example: an acupuncturist that work in Mequon 3 days a week might need an office in Sheboygan 2 days a week.

**\*How many employees?**

At this time I, Kim Dietz LMT; owner of Fantoli Massage and Wellness, LLC do not have any employees. As for the building, the other treatment rooms will be rented/leased to other integrated health care professionals. Those 4 individuals may or may not have employees or independent contractors that share their space. Looking ahead, there will be a maintenance person available and also when the rooms are fully operational and rented a front desk person may be needed to handle the retail portion and a cleaning person may be needed.

**\*How many customers in a day?**

I, Kim Dietz LMT; owner of Fantoli Massage & Wellness, LLC currently see 3-4 clients a day, 4-6 days a week including some weekends. Hours vary depending on client schedules. My current hours of operation are between the hours of 10am and 8pm. I expect other massage therapists to have about the same numbers since we usually have 60 and 90min or more apt times. Depending on the nature of the business that is renting they may have more or less clients in a day. For example a chiropractor can see several more people in an hour because the apt times are shorter, estheticians and massage therapist see fewer people because of the length of the service. Some days people will come in for a gift certificate and that visit is then 5-10min. Usually those people schedule a time to come in because there is no receptionist available. Figuring five treatment rooms it would be fair to say throughout the entire day, 9am to 8pm, the total customers in a day could be as much as 25 but not likely.

**\*How will appointments be set up?**

I currently handle my scheduling; I do not offer online scheduling at this time. Clients contact me via phone or email and we then discuss injuries or concerns along with dates and times that work with their schedule and the available appointment times. Some integrated healthcare practitioners offer online scheduling as well as online programs related to their charting methods and payment companies that they use. Each business owner will be responsible for their own scheduling and operations of their business.

**\*Where will off-street parking be?**

There is a small parking area in the back of the building allowing for 6-8 cars to park. A few clients might park on the street at varied times throughout the day if they are using the front entrance. Depending on the day and time not all renters will be in the building at the same time.

**\*What type of vehicles, equipment etc. will you have?**

There are no company vehicles and there is no equipment that will need to be stored.

**\*How will you plan to address the neighbor concerns with regards of the perception of a commercial business in a residential neighborhood?**

Currently there is a sandwich shop across the street and businesses directly to the north and down the block to the south on 13<sup>th</sup> St. There are also businesses around the corner going east on Superior Ave. I have plans to walk the immediate neighborhood and meet with the residents to gain insight and answer any questions or concerns they may have regarding the Integrated Self-care Studio that will be at the location of 1415 N. 13 Street.

**\*How will you insure that the business will not become a nuisance to adjoining property owners?**

As a massage therapist I appreciate QUIET. As an integrated health care professional it's my job to create a calm relaxing environment for my clients therefore; there is no loud music & no bright lighting. Clients are coming to resolve pain and discomfort. Clients are coming for a relaxing atmosphere to decrease stress and tension and improve their overall wellbeing therefore; as a professional it is important to keep the area clean and free of clutter due to keeping in line with the values of providing a calm relaxing experience for clients to help facilitate in their healing process. Hours of operation typically are done during morning and early afternoon hours and daytime hours on the weekends. There are occasionally evening clients but those are usually done prior to 8pm. Per Sheboygan City ordinance there are no massage operations between the hours of 10pm and 7am.

Renters will also be signing a lease where there is expectations clearly written regarding parking, noise, cleanliness of the building etc.

Drugs are not permitted on the premises. Alcohol will not be served.

Parking in the back lot will be expected for most clients.

New landscaping will be placed in front, the large bushes removed and the grass will be maintained.

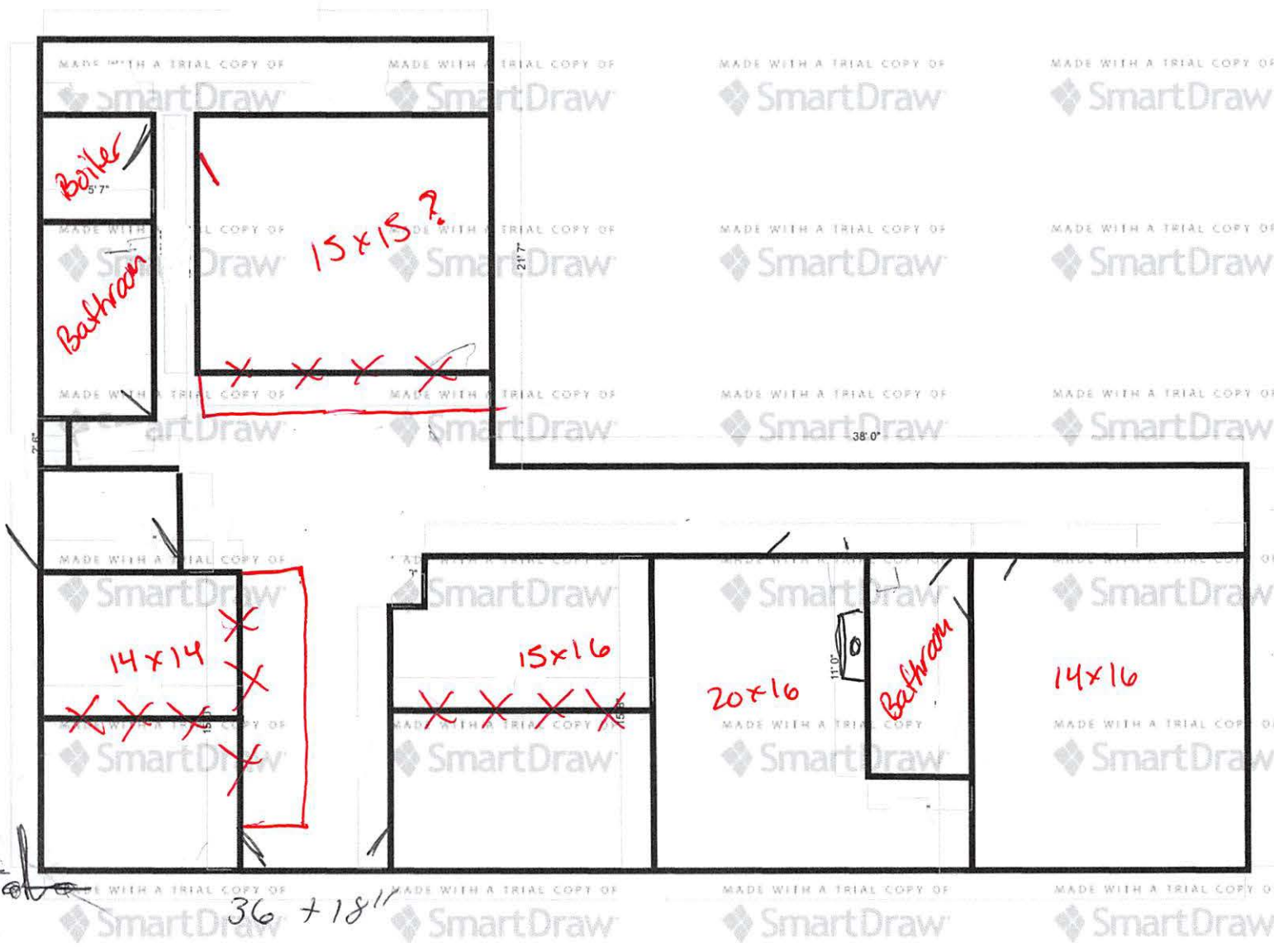
Garbage receptacles will be kept and maintained as outlined by the city of Sheboygan.

**\*Any other information that will be useful for the Board of Appeals to understand your proposed business.**

I, Kim Dietz LMT, am looking to create a multi-tenant office space for integrated healthcare workers, massage therapists, estheticians, acupuncturists, a chiropractor or others in the realm of professionally licensed integrated healthcare workers. I am not looking to create a spa rather a self-care studio with like-minded professionals who value their business and want to succeed. Most offices are set up for "office business" where people are not conscientious of noise. Simple amenities like a quiet work space with enough room and a private sink, at an affordable price is hard to come by in the city of Sheboygan. Often times in a regular office building noise, people talking loudly and having lengthy conversations in the hallways, loud deliveries, smells of peoples lunches and hearing doors close and open is a common occurrence. In a regular multi-tenant office building the prior mentioned can't be controlled. I want to create a space that is conducive to the work environment I and others need to be successful.

**\*Any Signage being proposed**

RLO Sign Inc. of Sheboygan was contacted on 2/11/21. Patrick is currently working on the estimate for the individual letters that will go on the west face of the building where the current Bast Accounting Services sign is. Dimensions will not exceed 32 square feet. (See attached).



SW  
X

Sign Type: Non Illuminated Letterset - (Qty. 1)

ove existing letters  
wall. Install new  
thick FCO letters  
fed white as  
m.



Project #: **S10393**

Customer: Integrated Self Care Studio  
Address: 3053 Calumet Dr  
Sheboygan State: WI  
Contact: x  
Phone: x  
Design: ARG

Notes:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Customer Approval Date  
Your design is an unpublished  
and RLO Sign hereby expressly  
the common law right pursuant  
7, section 2 of the United States  
to prevent the use of this design  
to obtain damages therefore.



www.RLOSIGN.com  
1030 Ontario Ave.  
Sheboygan, WI 53081  
Phone: 920-457-6602  
Fax: 920-457-2399



sf: N/A

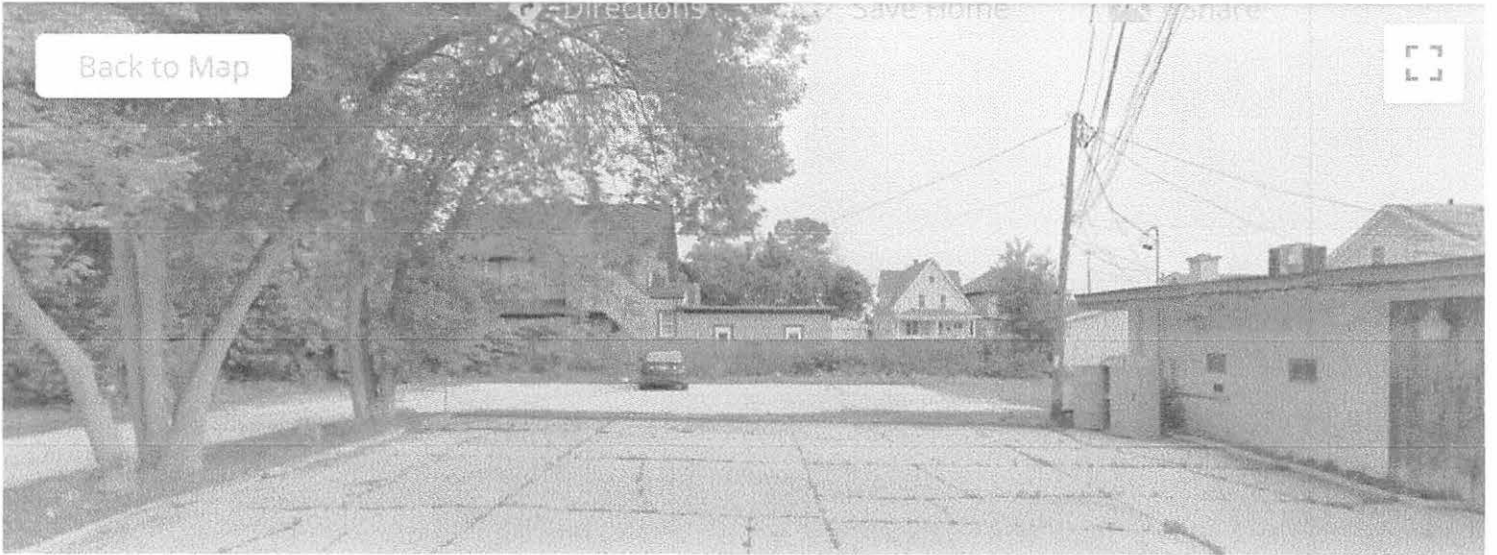
scale: 3/4" = 1'-0"

Integrated Self Care Studio

Map Satellite Lot lines



Back to Map



parking area located in the back  
of the building