

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

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:**

Address: 1034 Bluff Ave

Parcel #: 704320

Owner's Name: Jack Westfall

Zoning: NR-6

---

**REPORT PREPARED BY:** Pat Eirich, Building Inspector

---

**REPORT DATE:** 5/29/2020

**MEETING DATE:** 6/19/2020

---

**BACKGROUND / ANALYSIS**

Construct a deck in the front and street yard

Ordinance #: 15.405(4)(a)3 Intrusions into required yard

Requesting: Deck - 12'5" from front street property line

Allowed: 15'

---

Ordinance #: 15.405(4)(a)3 Intrusions into required yard

Requesting: Deck - 8'9" from side street property line

Allowed: 15'

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

Applications/drawings/pictures

704320

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

CASE NO. A201279  
FILING DATE 5-20-20  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. NR-6

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

1). Appeal Location (address): 1034 Bluff

2). Applicant: Jack Westfall Telephone #: 262 267.8000  
Address: 1317 N. 3rd St

3). Legal Property Description (Lot, Block, Subdivision, etc.) Parcel 704320  
lot dimensions 45 x 90  
assess subd N12 lot 19 blk 7

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: 8 x 10 deck

6). If the request is for a nonconforming use:  
Your intended use: \_\_\_\_\_  
Date last occupied as a nonconforming use: \_\_\_\_\_  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_

7). Applicants interest in property: OWNER

8). Describe the requested variance and grounds for refusal of a permit.  
the deck is less than 15' from property line

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.:  
The property has limited "private" outdoor space. The deck will provide more space for the tenants. The 90 x 45 lot restricts "private" outside space.  
No harm to public safety, etc.

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: 05.20.20

Signature: Dr We  
Mailing Address: 1317 N 3rd St  
Sheboygan 53081

**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:

Application deadline date (last working day of the month) \_\_\_\_\_ Date: 09.21.20 Board of Appeals Meeting

**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.

*Sent via email to Building Inspector*

**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 

Date 05.20.20

## THE THREE "TESTS" FOR A VARIANCE

The CITY OF SHEBOYGAN adheres to a set of Zoning Ordinances to make certain that your proposed construction is consistent with neighboring developments, that a development does not infringe on the enjoyment of property belonging to neighboring owners, that it does not detract from surrounding buildings or lots and is not out of character with the neighborhood, and that a project meets necessary public health and safety standards. If your proposed construction cannot meet the requirements of the zoning code or sign code, a **VARIANCE** is needed.

To obtain a variance, you must establish that, 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 THAT 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 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 that the proposed construction would not harm the public interest.

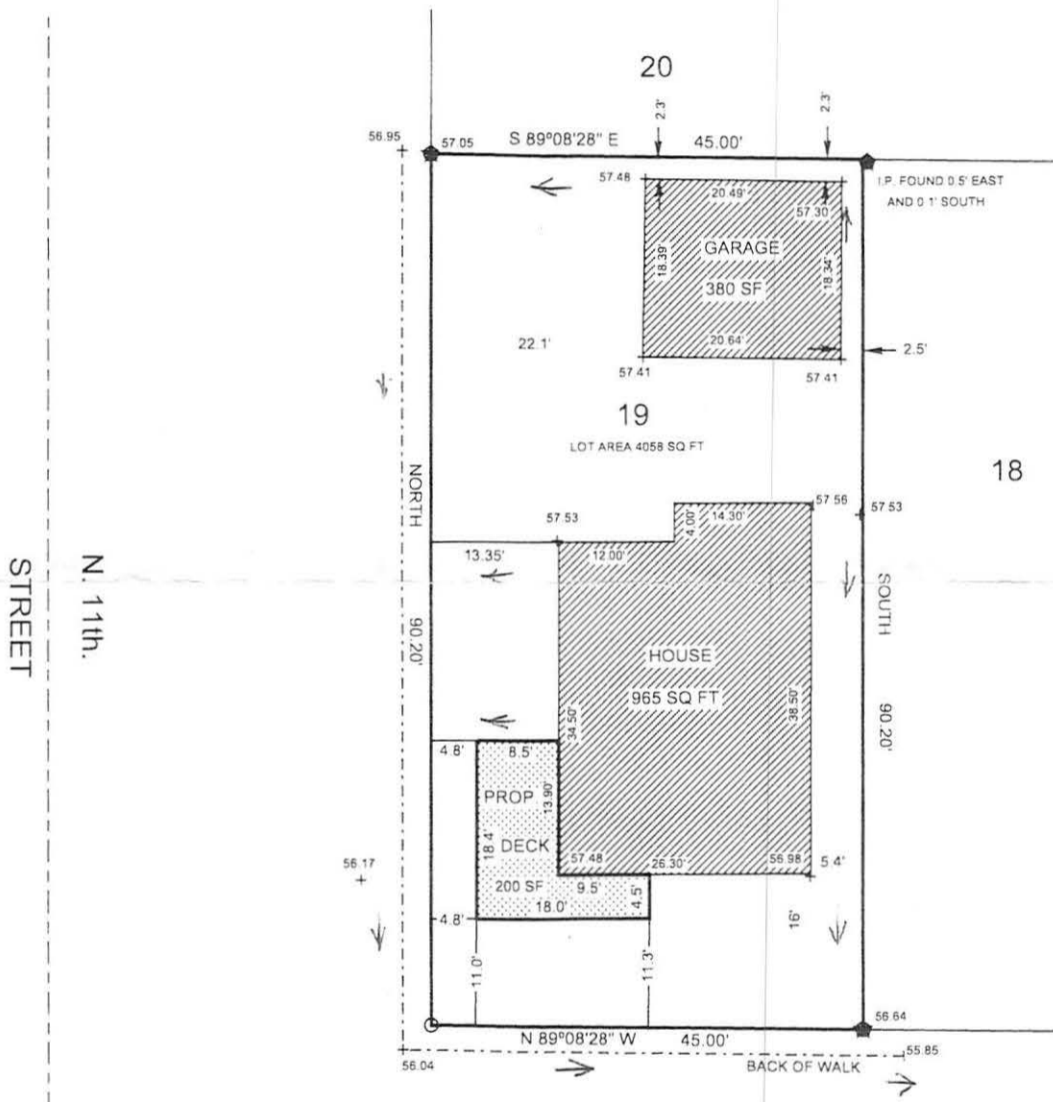
The Board, in granting a variance, may impose conditions on the proposed construction to assure that the public's interests are protected. Board members may only grant the ***minimum relief*** necessary for the reasonable use of the property.

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.***

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

1034 BLUFF AVENUE  
 PARCEL NO. 59281704320  
 BEING LOT 19 OF BLOCK 2 OF ASSESSMENT SUBDIVISION NO. 12,  
 CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.



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

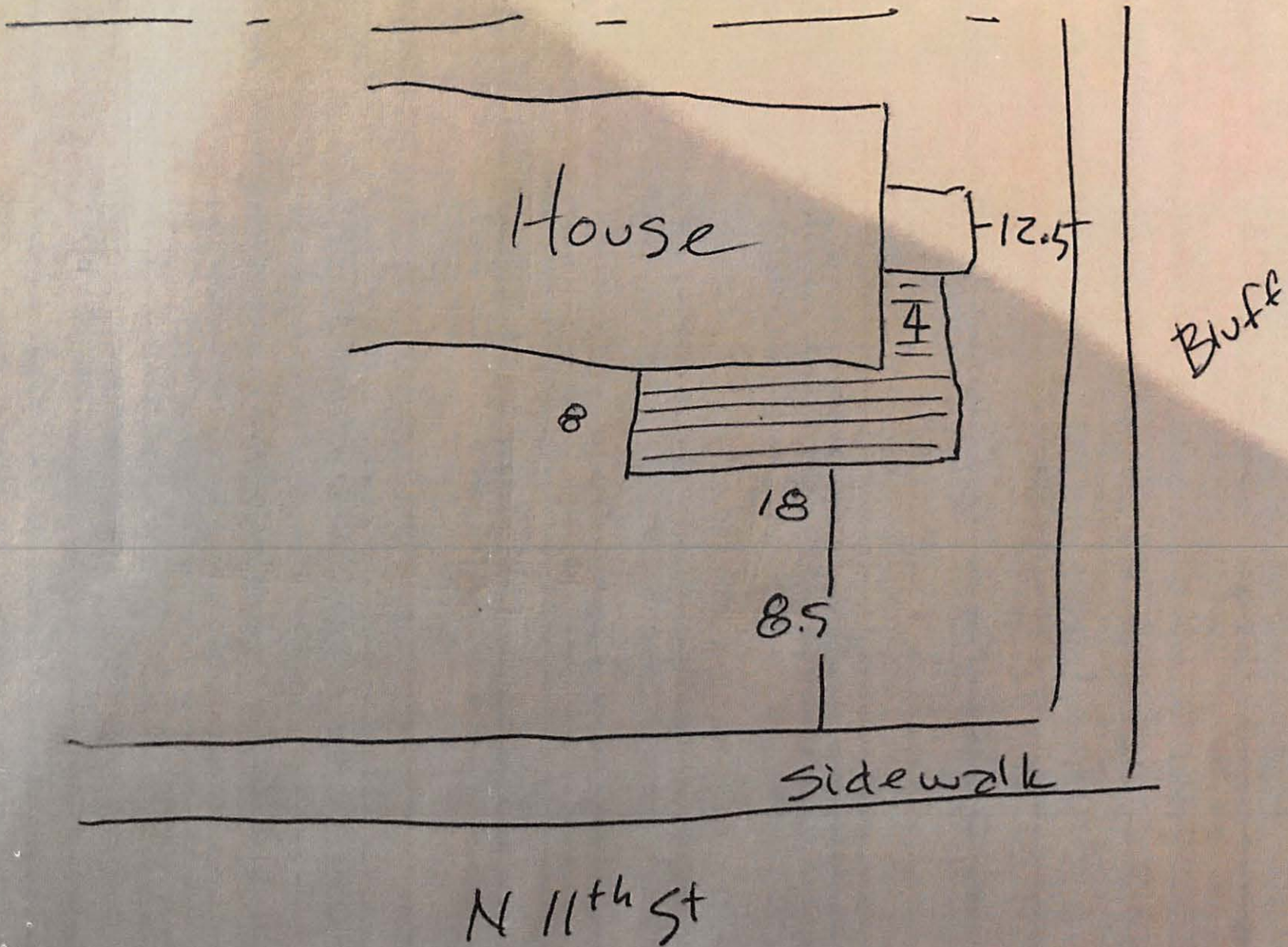
Dated this 19th day of June, 2020.

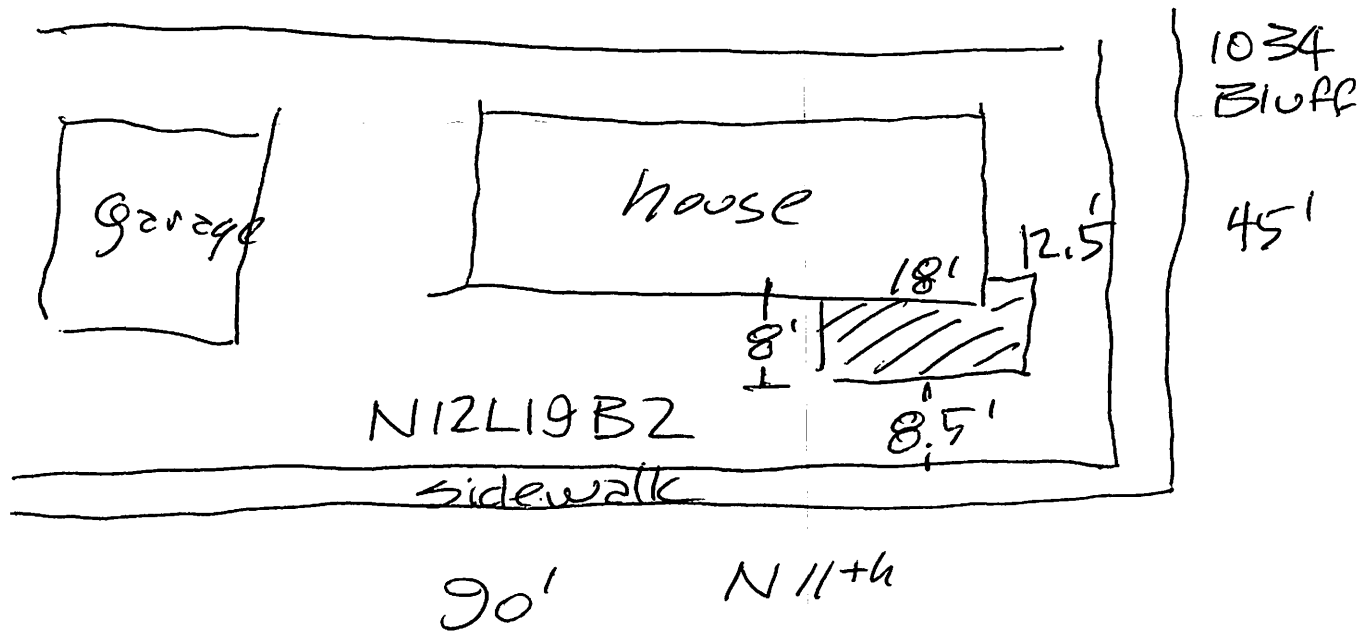
- ◆ = 1" IRON PIPE FOUND
- + = EXISTING GRADE CITY DATUM
- = 1" IRON PIPE SET

DATA/CSHEB20/1034BLUF L-24109



1034 Bluff





**Wierus Linnae**

---

**From:** Dr. Jack Westfall <dr.jack.westfall@gmail.com>  
**Sent:** Wednesday, May 20, 2020 1:12 PM  
**To:** Building Inspection  
**Subject:** 1034 Bluff Ave photo



15 ft - properly line from front + side



**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:**

Address: 232 Huron Ave.

Parcel #: 101100

Owner's Name: Edward & Susan Davis

Zoning: NR-6

---

**REPORT PREPARED BY:** Pat Eirich, Building Inspector

---

**REPORT DATE:** 06/25/2020

**MEETING DATE:** 07/15/2020

---

**BACKGROUND / ANALYSIS**

Owner would like to build a 28' x 27' addition to their existing garage.

Ordinance #: 15.206 (8)(d)b

Requesting: 1512 sq ft total garage space

Allowed: 1000 sq ft

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

application; building plans

**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:

June 17, 2020  
Application Deadline Date

July 15, 2020  
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.**

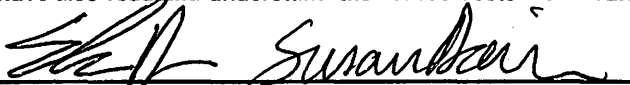
Applicants should be prepared to answer the following questions:

- \* *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

6/2/20  
Date



## REQUEST FOR VARIANCE TESTS

This pertains to the request for variance for the property located at 232 Huron Avenue, Sheboygan, WI 53081. We are requesting to increase the footprint of the garage by 100% as shown on the drawings that were submitted. This will take the garage from a two car garage to a four car garage with room to also store a motorcycle, our families bicycles, snow blowers, tools and work bench. It will be one structure that will still be considerably less than the footprint of the house. The addition will look exactly like the brick garage that is currently on the property, and should look seamless upon completion with matching the doors, windows, drainage, etc., that is existing.

We are a family of four drivers and would like to be able to contain all vehicles in an enclosed and secure location to keep the driveway, sidewalks and streets clear for weather concerns, safety and emergency services. I do not see that this will cause any harm to the public interest, but will actually add a nice visual to the area with the plans that we have in place.

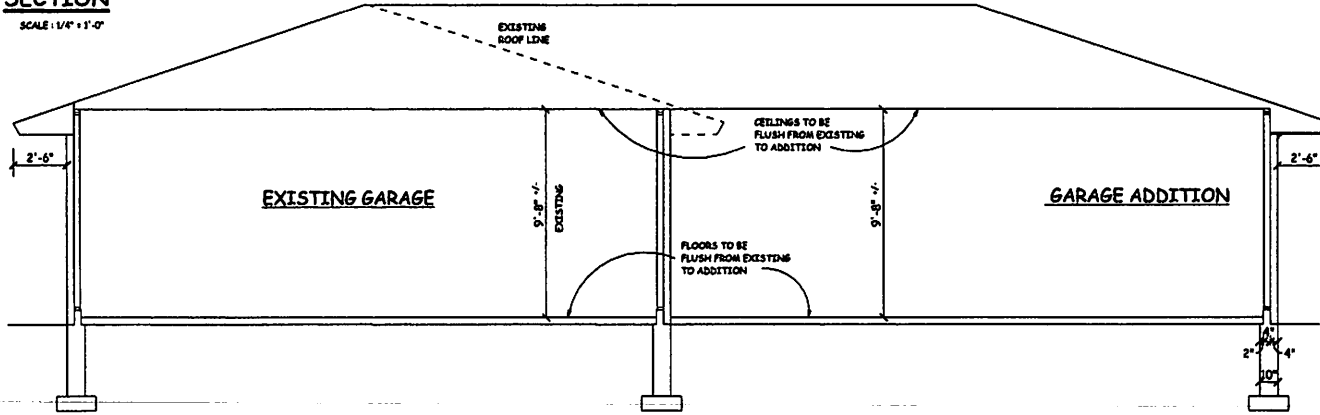
We plan to be in attendance at the July 15<sup>th</sup> meeting, but are happy to answer any questions in the interim. We can always be reached at 832-788-5501.

Regards,

Susan and Edward Davis

**SECTION**

SCALE: 1/4" = 1'-0"



**ROOF SYSTEM:**

- RIDGE VENT
- SHINGLES - ASPHALT DIMENSION
- MATCH EXISTING
- ROOF FELT
- 1/2" OSB SHEATHING
- PROPER VENTS WITH
- HURRICANE TIES/TRUSS SCREWS
- AS REQUIRED
- ROOF TRUSSES @ 24" O.C.
- 4/12 PITCH (VERIFY)
- VERIFY HEELS OFF EXISTING
- INSULATION
- VAPOR BARRIER
- 5/8" GYP BOARD
- BUILT IN GUTTERS AT FASCIA
- 1/4" T&G WITH COVE AT SOFFIT
- \*\*\*MATCH EXISTING SOFFIT/FASCIA SYSTEM\*\*\*

**WALL SYSTEM:**

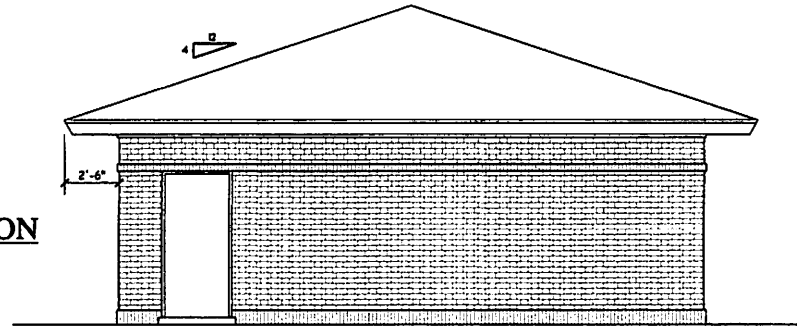
- BRICK TO MATCH EXISTING
- 7/16" OSB SHEATHING
- 2X4 STUDS @ 16" O.C.
- INSULATION - R-11
- VAPOR BARRIER
- 7/16" OSB AT WALLS

**FOUNDATION SYSTEM:**

- 2X4 TRIM'D SILL PLATE
- 10" FOUNDED CONG WALL WITH
- A 4" BRICK LEDGE AND 2" SLAB LEDGE
- BOTH 8" DOWN
- CONG FOOTINGS - SIZED BY MASON-
- AT A MIN OF 48" BELOW GRADE ON
- UNDISTURBED SOIL

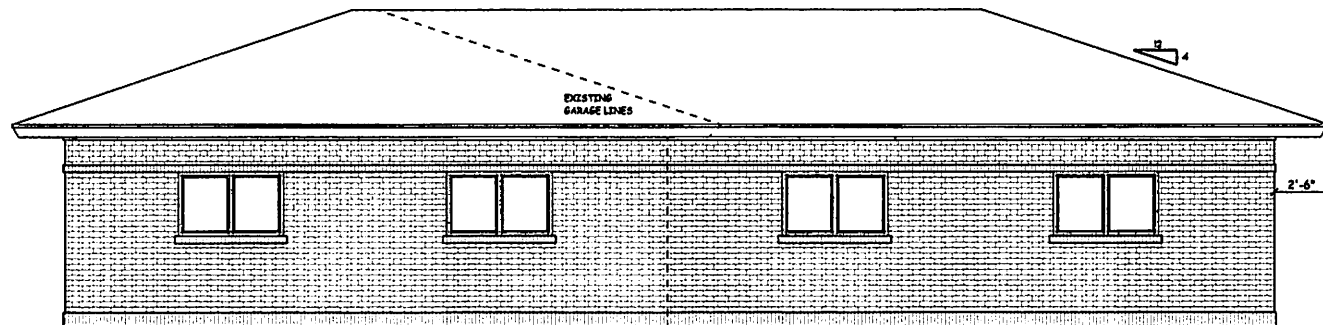
**REAR ELEVATION**

SCALE: 1/4" = 1'-0"



**SIDE ELEVATIONS**

SCALE: 1/4" = 1'-0"



<p>PROPOSED NEW PROJECT FOR:</p> <p><b>DAVIS</b> <b>EDDIE &amp; SUE</b></p>	
<p><b>Drexel</b> BUILDING SUPPLY DrexelTeam.com</p>	
<p>DATE: 10-17-19</p> <p>SCALE: 1/4" = 1'-0"</p> <p>NO: <b>A1</b></p> <p>PROJECT: <b>A20-216S</b></p>	<p>CONTRACT NO: <b>6-3-520</b></p> <p>OWNER: <b>DAVIS, EDDIE &amp; SUE</b></p> <p>ADDRESS: <b>1000 W. 10TH ST. #100</b></p> <p>CITY: <b>ST. LOUIS, MO 63104</b></p> <p>PHONE: <b>314-241-1111</b></p> <p>PROJECT MANAGER: <b>DAVID L. HARRIS</b></p> <p>DESIGNER: <b>DAVID L. HARRIS</b></p> <p>DATE: <b>10-17-19</b></p>







**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:**

Address: 1228 N 28th st

Parcel #: 214930

Owner's Name: Ashley Sanders

Zoning: MR-8

---

**REPORT PREPARED BY:** Pat Eirich, Building Inspector

---

**REPORT DATE:** 06/25/2020

**MEETING DATE:** 07/15/2020

---

**BACKGROUND / ANALYSIS**

Owner would like to install 6' tall fence from the corner of their house towards their street-lot along Michigan Ave. The fence would be installed a minimum of 6' from the sidewalk and would include a site triangle at the intersection.

Ordinance #: 17.720 (3)(c)1

Requesting: 6' high solid fence

Allowed: 4' high 50% open

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

application; drawing

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:

6-17-20

Application Deadline Date

7-15-20

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.

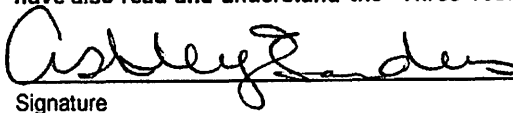
Applicants should be prepared to answer the following questions:

- *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

6-9-20  
Date

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

CASE NO. 201795  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. 214930

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

- 1). Appeal Location (address): 1228 N 28th St Sheboygan WI 53081
- 2). Applicant: Ashley Sanders Telephone #: (920) 889-2630  
Address: 1228 N 28th St  
Sheboygan WI 53081
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Ranch style home, two car  
detached garage with lot size .3 acres.
- 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: owner
- 8). On a separate letter to the Board describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

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

Date: 6-9-20

Signature: Ashley Sanders  
Printed Name: Ashley Sanders  
Mailing Address: 1228 N 28th St  
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.

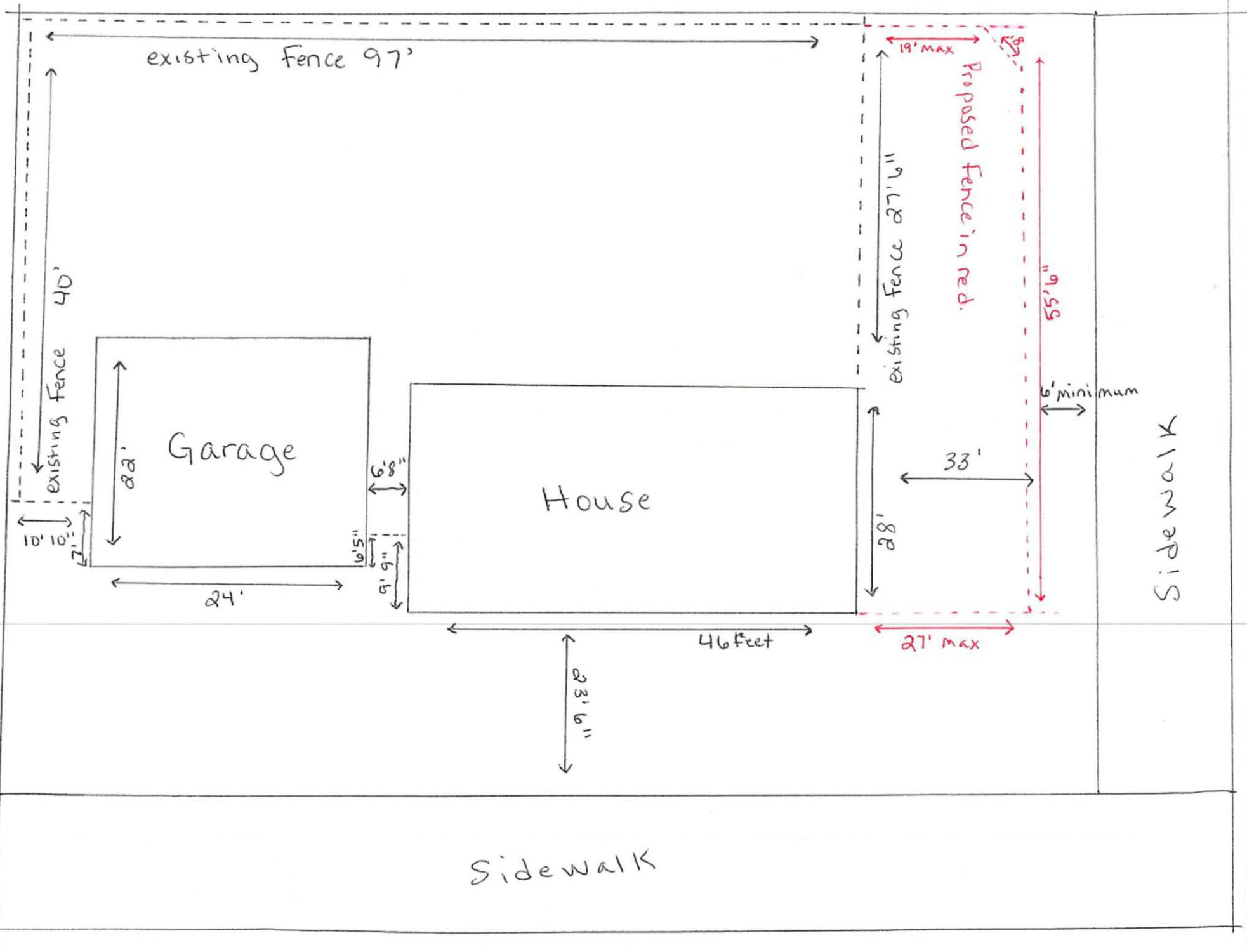
Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may 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.***

The request for a variance comes from a couple of reasons. We would like to extend our 6ft privacy fence from the front side of our house down toward the side walk on our side yard and come back up the rear side of our property and connect with the existing fence.

A six foot fence is optimal because our house lies on a hill, which makes for easy access over the fence from both inside the yard and out. We have two children, 11 and 6, who could easily climb over the fence if it were only 4ft tall. We also have a large breed dog who could easily jump over a 4ft fence, especially considering the hill.

We would like to place the fence a minimum of 6 feet off the sidewalk. We will cut the corner properly to all necessary visibility for the neighbors to exit their driveway safely. We would also be willing to use 6 foot fencing that has alternating panels, rather than solid on one side, along the sidewalk.



existing fence 97'

40'

existing fence

Garage

22'

24'

House

46 feet

existing fence 28'

33'

28'

27' max

Proposed fence in red.

9' 55"

6' minimum

Sidewalk

Sidewalk

23' 6"

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:**

Address: 2330 S 9th st

Parcel #: 314990

Owner's Name: Marcelo De La Cruz

Zoning: NR-6

---

**REPORT PREPARED BY:** Pat Eirich, Building Inspector

---

**REPORT DATE:** 06/25/2020

**MEETING DATE:** 07/15/2020

---

**BACKGROUND / ANALYSIS**

Owner wants to install a concrete slab at the side property line at alley.

Ordinance #: 15.105(d) 3bM

Requesting: 0'-0" to property line

Allowed: 3'-0" to property line

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

application; drawing; pictures

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly on the third Wednesday at 3p.m. at a public hearing. In order to be considered for the next meeting, applications must be received in the Building Inspection Department Office *no later than* 4:30p.m. on the third Wednesday of the month prior to the scheduled public hearing:

6/17/2020

Application Deadline Date

7/15/2020

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

06.17.20  
Date

## 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. 201793  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. 314990

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

- 1). Appeal Location (address): 2330 59<sup>th</sup> St
- 2). Applicant: Marcelo De La Cruz Telephone #: 920) 889-1571  
Address: 2330 59<sup>th</sup> St
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot
- 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: Variance
- 6). If the request is for a nonconforming use:  
Your intended use: Start concrete slab right at my property line  
Date last occupied as a nonconforming use: TO BE DATED  
By Whom: \_\_\_\_\_ Previous use: \_\_\_\_\_
- 7). Applicants interest in property: Concrete Parking Slab
- 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: 06.16.200  
Signature: Marcelo De La Cruz  
Printed Name: Marcelo De La Cruz  
Mailing Address: 2330 S 9th St  
Sheboygan, WI 53081

My hardship of this is not having enough parking to park all of our 4 vehicles and trailer. My main objective in the next 90 days is to build a concrete parking slab and butt it to my neighbors' existing parking slab. Doing this will eliminate having a thin strip of grass between both slabs. I've already have been issued a citation from the city for parking on the grass in my backyard. In our 3 person household we have 4 vehicles and a 6X12 enclosed trailer. We all work and have our own vehicles. I am complying with no parking on the grass but I would also like to get all the vehicles off the street. And, park them safely on our concrete slab. Instead of rotating vehicles back and forth that are parked on the street. I do have the room to make a longer but narrow slab. But, in turn that would take up more of the backyard and I will still be left with a thin strip of grass in between. Thank you.



59281315100

59281314970

92533538

59281315090

59281314980

59281315060

59281314990

9253351

59281315070

59281315000

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



my  
backyard





neighbor's  
concrete  
slab

I don't  
know where  
property line  
begins ???



**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

---

**ITEM DESCRIPTION:**

Address: 4432 Idlewild Lane

Parcel #: 451541

Owner's Name: Michael D. Reinbold

Zoning: SR-5

---

**REPORT PREPARED BY:** Pat Eirich, Building Inspector

---

**REPORT DATE:** 06/25/2020

**MEETING DATE:** 07/15/2020

---

**BACKGROUND / ANALYSIS**

Owner would like to build an 846 sq ft garage addition to their house.

Ordinance #: 15.206 (8)(d) b

Requesting: 1374 sq ft total ( addition is 846 sq ft )

Allowed: 1000 sq ft

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

Ordinance #:

Requesting:

Allowed:

---

**ATTACHMENTS:**

application; drawing; pictures

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:

June 17, 2020  
Application Deadline Date

July 15, 2020  
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.

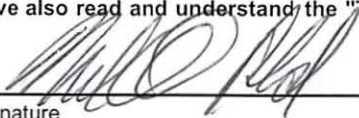
Applicants should be prepared to answer the following questions:

- \* *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

6/4/2020  
Date

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

CASE NO. 201781  
FILING DATE \_\_\_\_\_  
RECEIPT NO. \_\_\_\_\_  
ZONING DIST. 451541

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

- 1). Appeal Location (address): 4432 Idlewild Lane
- 2). Applicant: Michael D. Reinbold Telephone #: (920) 918-2441  
Address: 4432 Idlewild Ln. Sheboygan
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) \_\_\_\_\_  
\_\_\_\_\_
- 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: \_\_\_\_\_
- 8). On a separate letter to the Board describe the requested variance and include what unnecessary hardship or difficulty is caused by following the regulations or requirements of the ordinance. See the attached "The Three Tests for a Variance" and be prepared to argue how you pass the THREE TESTS FOR A VARIANCE.

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

Date: 6/4/2020  
Signature: [Signature]  
Printed Name: Michael D. Reinbold  
Mailing Address: 4432 Idlewild Ln.  
Sheboygan WI 53081

June 4, 2020

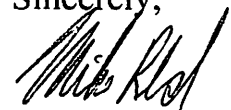
City of Sheboygan Zoning Board of Appeals

To Whom It May Concern,

The purpose of this letter is to address the request for a garage addition at Mike Reinbold's home at 4432 Idlewild Lane located in the city limits of Sheboygan. The current garage which is attached to the home is currently not sufficient to house the owner's personal property. The personal property that cannot be kept in the existing garage is therefore stored outside next to the garage. The current garage has just enough space for two vehicles with very restrictive space for anything else. The owner's personal property (not including 2 vehicles and sometimes 3) include, but are not limited to a boat and trailer 21 ½ feet X 8 ½ feet , cargo trailer 8 feet X 10 feet, garbage and recycling containers, yard equipment including: 30 inch lawn mower, 28 inch two stage snow blower, string trimmer, (2) chain saws, 12 foot pole chain saw, edger, wheelbarrow, ladders, shop vac, picnic table, patio table with umbrella and (4) chairs, stack of deck chairs, freestanding deck swing, bicycles, storage rack, cabinet, work bench, large assortment of fishing equipment and other sporting equipment . This garage addition will be sufficient to store these items inside so they won't be an eye sore in the neighborhood.

Thank you in advance for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Reinbold", written in a cursive style.

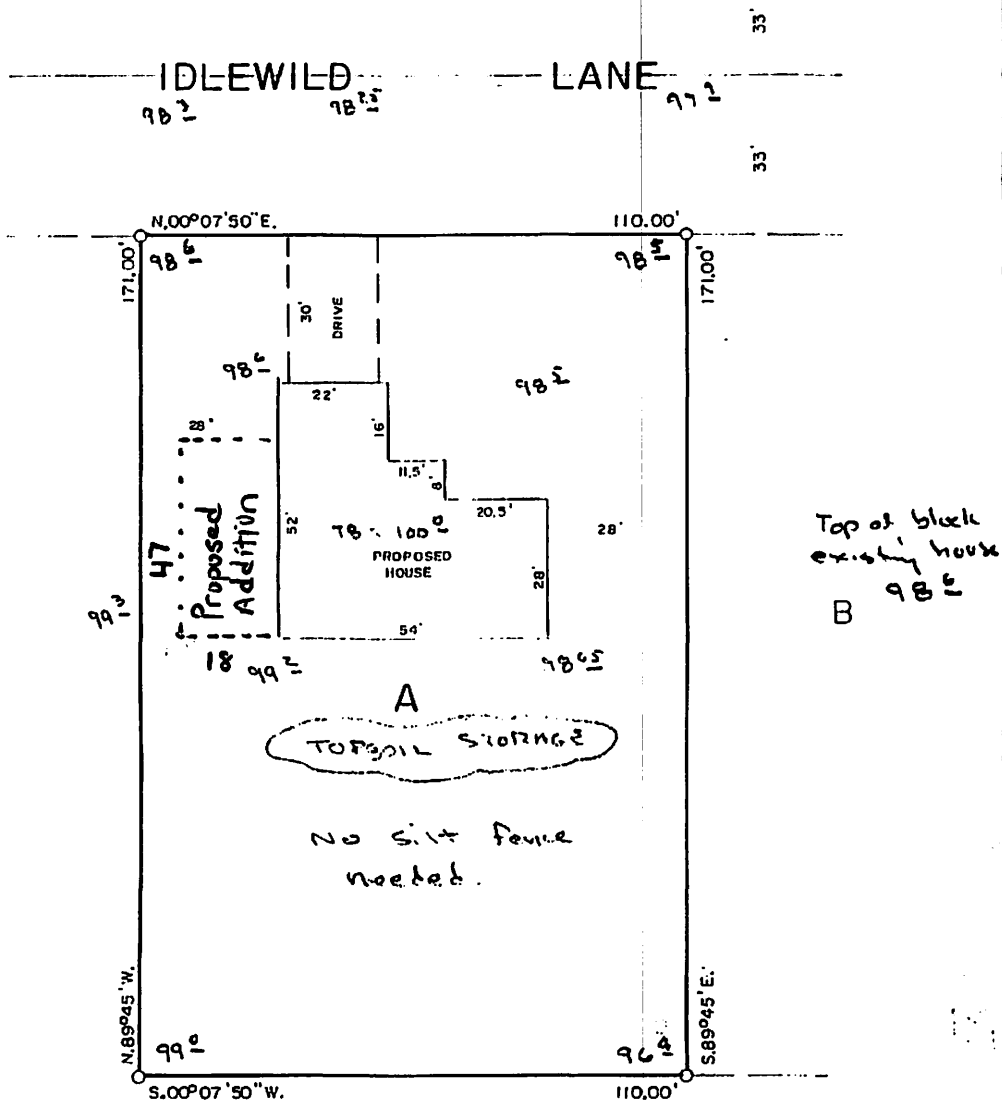
Mike Reinbold

# D & H LAND SURVEYS

SHEBOYGAN, WISCONSIN  
PLAT OF SURVEY

FOR BURGER BLDGS.

TRACT "A" OF CERTIFIED SURVEY MAP RECORDED IN VOLUME 1 ON PAGE 130 OF C.S.M.'S., LOCATED IN THE SE $\frac{1}{4}$  OF THE SW $\frac{1}{4}$  OF SECTION 3, T.14 N., R.23 E., CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.



## 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.

*Henry White*  
WISCONSIN REGISTERED LAND SURVEYOR S-1099

THIS 14<sup>th</sup> DAY OF March, 1994 NOTEBOOK - PAGE - SCALE 1" = 30' L-13026









CHILTON

CITY OF BERKSHIRE  
PUBLIC WORKS







