

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: N/A

Parcel #: 111441

Owner's Name: DR KENNETH AND CAROLYN TAYLOR

Zoning: NC

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 09/07/2023

MEETING DATE: 09/20/2023

BACKGROUND / ANALYSIS

Owner would like to construct a 6 ft high privacy fence (an accessory structure) on a property without a primary structure/use.

Ordinance #: Sec 105-7 Definitions -- *Accessory use or structure* means a use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto

Requesting:

Allowed:

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

**CITY OF SHEBOYGAN****VARIANCE
APPLICATION**

Fee: _____

Review Date: _____

Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information

Name (Ind., Org. or Entity)

Dr. Kenneth and Carolyn Taylor

Mailing Address

507 Washington Ct.

City

Sheboygan

State

Wisconsin

ZIP Code

53081

Email Address

taylor.kennethr@gmail.com

Phone Number (incl. area code)

404-403-8338

Applicants interest in property:

Owner

SECTION 2: Property Information

Property New Tax ID: 59281111441

Property Address

Yet to be assigned

City

Sheboygan

State

Wisconsin

Zip

53081

Type of Building: ☐ Commercial ☒ ResidentialRequest for: ☒ New Construction ☐ Repairs ☐ Alterations ☐ Addition ☒ Nonconforming Use ☐ Other**SECTION 3: If the Request is for a Nonconforming Use**

Your intended use: Residential use in Neighborhood Commercial District NC allowed by right.

Non-conforming aspect: A fence is an accessory use to a residential occupancy. Without first having a primary residential structure, a fence can only be allowed as a Variance.

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

SECTION 4: Requested Variance

Please see separate letter attachment.

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.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)

Joseph Clarke - Legacy Architecture, Inc.

Title

Senior Project Manager

Phone Number

920-783-6303

Signature of Applicant

Date Signed

08/16/2023

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.



605 Erie Avenue, Suite 101
Sheboygan, Wisconsin 53081
(920) 783-6303
info@legacy-architecture.com
www.legacy-architecture.com

August 16, 2023

Zoning Board of Appeals
Sheboygan City Hall
828 Center Avenue, Suite 208
Sheboygan, WI 53081

Re: Application for Zoning Board of Appeals – September 20, 2023
New property parcel immediately west of 507 Washington Ct. (new address yet to be determined)
Sheboygan, WI 53081

Dear Board of Zoning Appeals members:

Thank you for consideration of this variance requests.

Dr. Kenneth Taylor and his wife Carolyn are the owners of the historic Hon. Thomas Blackstock house at 507 Washington Court. They have also recently purchased an approximately 60'-4"-wide parcel of land immediately west of 507 Washington Court that was previously part of the large Wells Fargo parking lot that extends west to 6th Street. The Taylors have hired Legacy Architecture to develop conceptual design options for potential improvements to their properties.

The Taylors purchased the adjacent parcel of land with the intention of creating a buffer between their current house and undesirable activities that they have sometimes observed happening in the Wells Fargo parking lot. They have provided more detail of these activities in a separate letter, but their goal has been to build a fence and make additional improvements to their property.

Since the recently purchased parcel is within the City's T.I.F. District-16 while their house is not, there are restrictions that prevent the Taylors from being able to combine their two properties as would typically be done. As a combined parcel, a fence would have been permissible by right.

As a separate property, the Taylors are exploring various options for building a new primary residence on the site. Their timeframe does not allow for immediate construction of a house on the new property, but they intend to pursue such construction within the next few years. Once a primary residence has been built on the site, a fence would be allowed by right and a Variance would no longer be necessary. In order to make their property safer, and to create a defined separation from the remaining portion of the Wells Fargo parking lot, they would like to proceed immediately with the following steps (please see attached conceptual diagram):

- 1) Saw-cut and remove the majority of existing asphalt pavement from their new property.
- 2) Install a new curb-cut and driveway to serve the new property from Washington Court.
- 3) Landscape the new parcel to aesthetically match their current property.
- 4) Install a 6-foot-high fence along the west property line and north setback line of the new property.
- 5) Install a secure gate in the northern section of fence.

Variance requested:

To allow the Taylors to build a fence on their new parcel of land PRIOR to building a primary residential structure on the property.

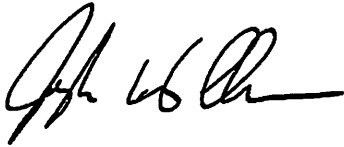
In summary, we feel that this request passes the "Three Tests for a Variance":

- a) A hardship is created by the City's T.I.F. District-16 not allowing for a typical combination of properties, and therefore not allowing a fence that would otherwise be allowed by right. The Taylors are also facing health and safety concerns from ongoing unauthorized access and use of their property.
- b) The unique physical characteristics of this property's inclusion in the City's T.I.F. District-16 and also its location adjacent to the remaining Wells Fargo parking lot are causing hardship for the property owners. Please see attached letter from the property owners indicating their current health and safety concerns.
- c) Granting this variance request would not harm the public interest in any way.

We appreciate the Board's time and consideration in addressing this request. Please contact us if there are any questions or if you require further information.

Sincerely,

Legacy Architecture, Inc.

A handwritten signature in black ink, appearing to read "J. E. Clarke", with a stylized flourish at the end.

Joseph E. J. Clarke, Assoc. AIA, LEED-AP
Senior Project Manager

Kenneth and Carolyn Taylor
507 Washington Ct
Sheboygan WI 53081

Subject: Fence variance for empty lot adjacent to 507 Washington Ct

Dear City of Sheboygan-

We recently purchased the Hon. Thomas Blackstock house (built in 1864, on the National Register of Historic Places as the most complete example of Italianate architecture in Sheboygan), and we have been enamored with the home and the surrounding area. We own a portion of the adjacent parking lot, and we are seeking a fence variance due to public safety concerns on our property.

As you will see from our pictures, we have constant issues with unauthorized use of the land. This often takes the form of minor inconveniences such as dumping snow (which erodes our asphalt), parking of construction vehicles on the land by surrounding businesses, and passerby filming music videos and dumping trash. However, some instances are potentially harmful to members of the community, and we thus seek to prevent unauthorized use with a fence.


On one instance, we had a very concerning incident of an individual joy riding in our parking lot in his pickup truck. This person was drifting in his car, and from our house it appeared that he might strike our vehicles or our retaining wall, or worse lose control and harm himself or others on our land. Fortunately, he drove away before we had to call the police or file a report.

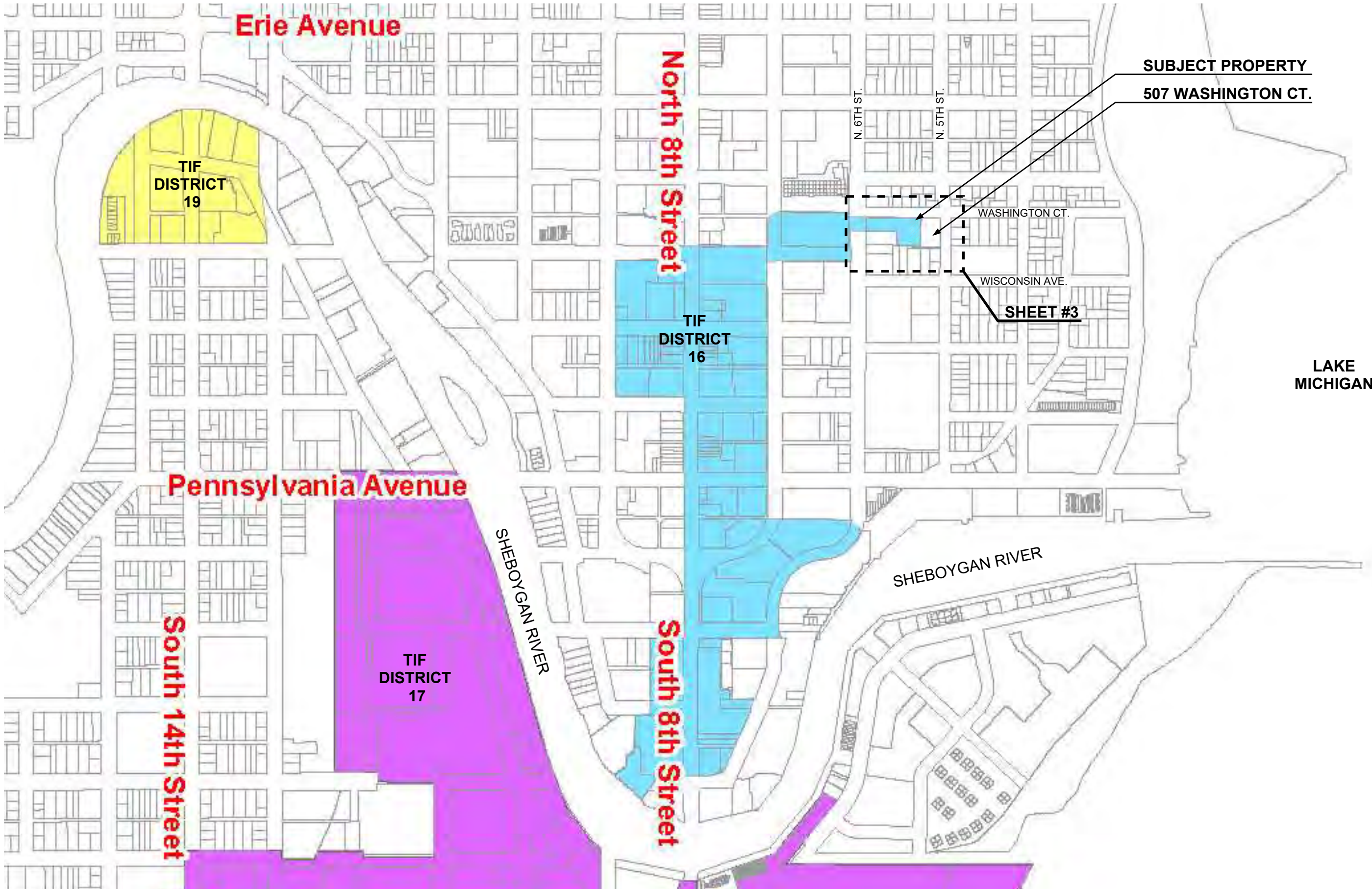
In another instance, there were 4 men who were clearly intoxicated and appeared to be in possession of illegal substances. One dropped what we presumed to be his substance and was crawling in the parking lot until he finally found it and was able to consume it before our eyes. We called the police, who arrested one of the four. A cantankerous spectacle ensued where the individual refused to dismount from his bicycle. After about 30 minutes, 8 police officers finally ushered him into an ambulance as he screamed "Rape! Rape! Rape!" over and over and over.

More concerningly, we often have neighborhood children who ride bicycles on our land. Our minds can only turn to how we would feel if the worst were to happen on our land and place the children in harm's way, either by violence or by accidental consumption of trash or illicit substances left behind on our land. There is no way for us to know what is contained in food wrappers, bottles, and cans on our lot left behind and waiting for a child to come across.

A fence would be in the interest of the public's safety and help the city removing this privately owned land from public access. We hope that you will consider our proposal and let us promulgate all Sheboganites' desire to keep our city clean and beautiful.

Kenneth and Carolyn Taylor
Cell: 404-403-8338
Email: taylor.kennethr@gmail.com

<div style="display: flex; justify-content: space-between;"> <div> <h1 style="margin: 0;">LEGACY</h1> <p style="margin: 0;">architecture</p> <p style="margin: 0;">605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-6303 www.legacy-architecture.com</p> </div> <div>  </div> </div>	<h2 style="margin: 0;">VARIANCE APPLICATION PACKAGE</h2> <h2 style="margin: 0;">KENNETH & CAROLYN TAYLOR</h2> <h2 style="margin: 0;">507 WASHINGTON CT.</h2> <h2 style="margin: 0;">SHEBOYGAN, WI 53081</h2>		NO.	REVISIONS	DATE



CITY OF SHEBOYGAN - T.I.F. MAP (6/5/2023)

SCALE: N.T.S.

NORTH



NO.	REVISIONS	DATE

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VARIANCE APPLICATION PACKAGE
KENNETH & CAROLYN TAYLOR
507 WASHINGTON CT.
SHEBOYGAN, WI 53081

PROJECT NUMBER
22.065

DRAWN BY
J. CLARKE

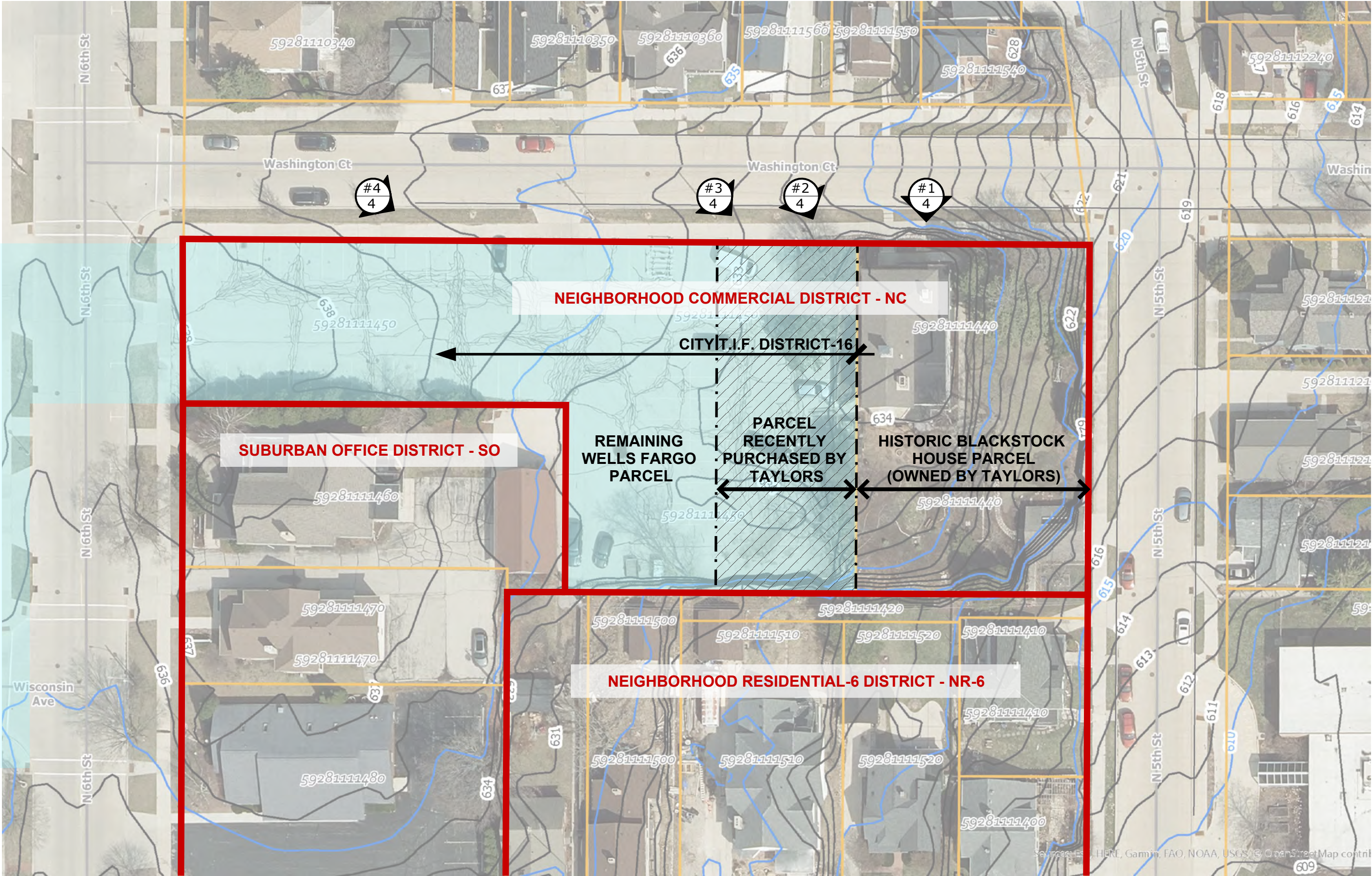
CHECKED BY
J. LEHRKE

DATE
August 16, 2023

SHEET TITLE
CITY T.I.F. DISTRICT MAP

SHEET NUMBER

2



EXISTING SITE ZONING

SCALE: 1" = 40'-0"

NORTH



NO. REVISIONS		DATE
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<div>VARIANCE APPLICATION PACKAGE</div> <div>KENNETH & CAROLYN TAYLOR</div> <div>507 WASHINGTON CT.</div> <div>SHEBOYGAN, WI 53081</div>		
PROJECT NUMBER 22.065		
DRAWN BY J. CLARKE		
CHECKED BY J. LEHRKE		
DATE August 16, 2023		
SHEET TITLE EXISTING SITE ZONING		
SHEET NUMBER 3		



#1 - FRONT OF HOUSE



#2 - CORNER OF HOUSE




#3 - SIDE OF HOUSE & PARKING LOT



#4 - PARKING LOT

NO. REVISIONS		DATE



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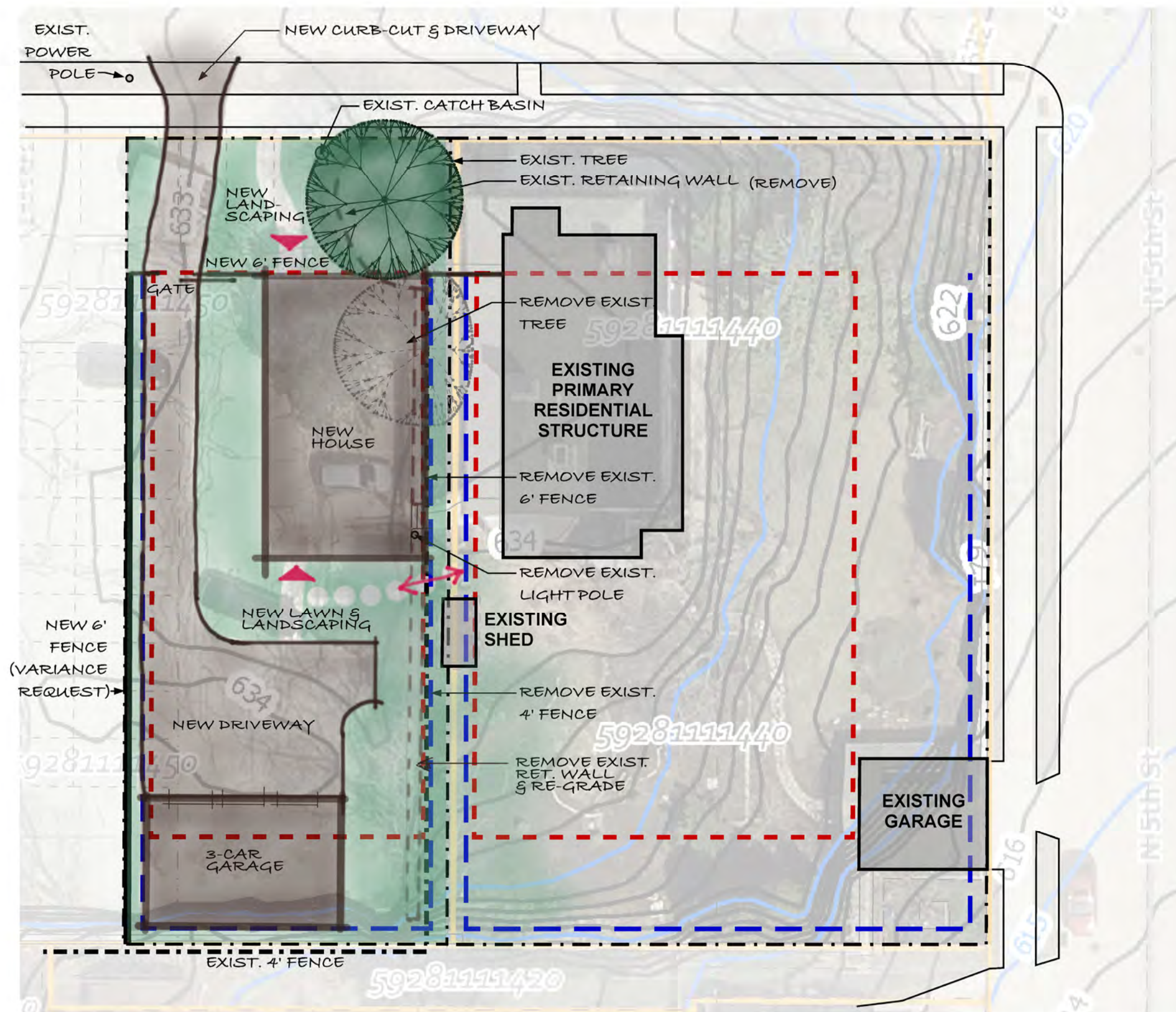
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J. CLARKE

CHECKED BY
J. LEHRKE

DATE
August 16, 2023

SHEET TITLE
EXISTING CONDITIONS
PHOTOGRAPHS

SHEET NUMBER
4



SITE PLAN - FUTURE PHASE-II SCOPE - OPT. "A"

SCALE: 1" = 20'-0"



HISTORIC BLACKSTOCK HOUSE 507 WASHINGTON COURT & ADJACENT PROPERTY TO WEST

FUTURE PHASE-II SCOPE

OPTION-"A"

DETACHED GARAGE LAYOUT-1
(SHOWN FOR CONTEXT ONLY)

LEGEND:

--- PROPERTY LINE

MINIMUM SETBACKS:

--- PRIMARY STRUCTURE

--- ACCESSORY BLDGS. / PAVING

PRELIMINARY: NOT FOR CONSTRUCTION

**VARIANCE APPLICATION PACKAGE
KENNETH & CAROLYN TAYLOR
507 WASHINGTON CT.
SHEBOYGAN, WI 53081**

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22.065

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J. CLARKE

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J. LEHRKE

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SHEET TITLE
SITE PLAN
FUTURE PH-II SCOPE
OPT-A

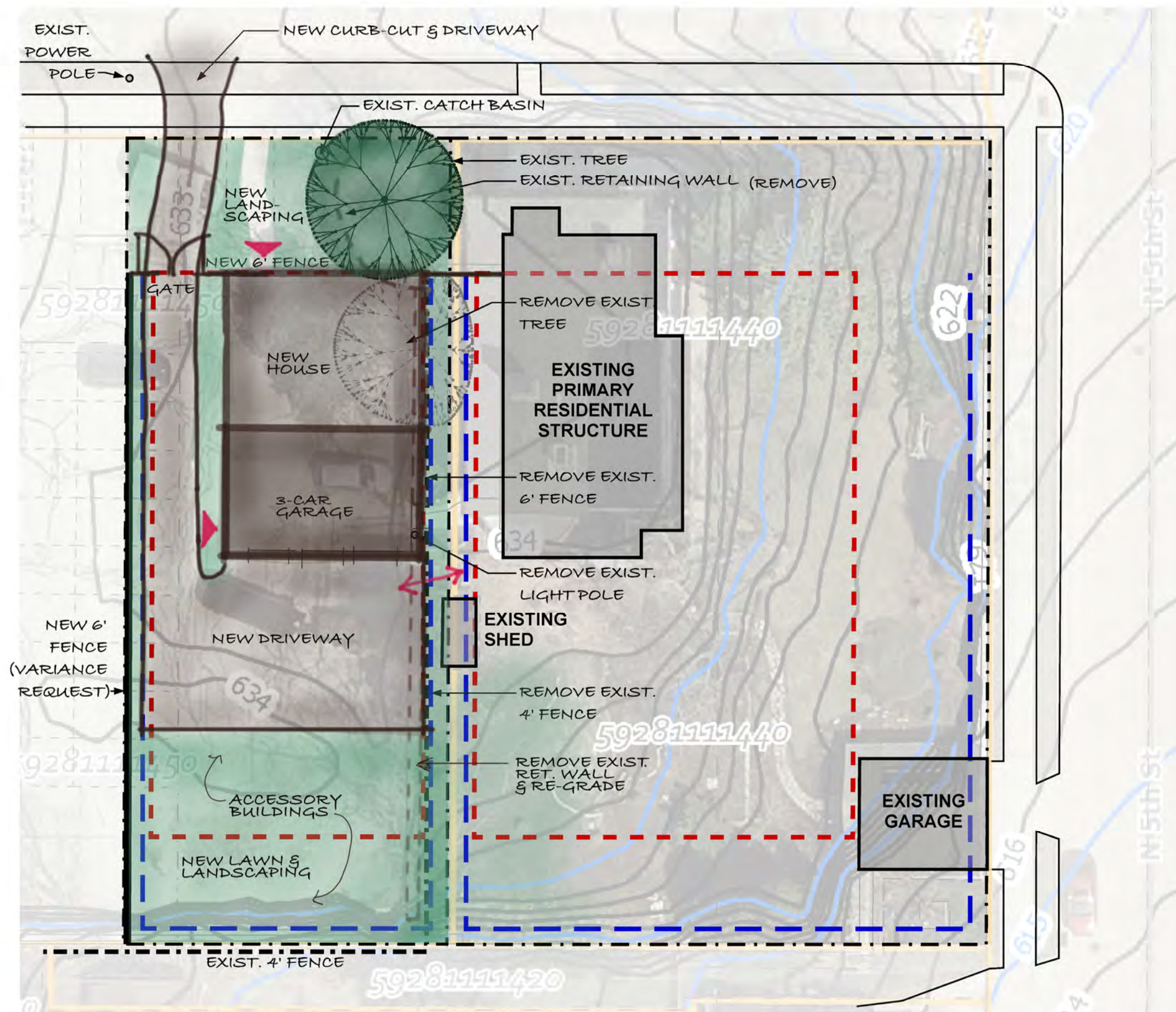
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7

DATE

NO. REVISIONS

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SITE PLAN - FUTURE PHASE-II SCOPE - OPT. "C"

SCALE: 1" = 20'-0"



HISTORIC BLACKSTOCK HOUSE 507 WASHINGTON COURT & ADJACENT PROPERTY TO WEST

FUTURE PHASE-II SCOPE

OPTION-"C"

ATTACHED GARAGE LAYOUT
(SHOWN FOR CONTEXT ONLY)

LEGEND:

--- PROPERTY LINE

MINIMUM SETBACKS:

--- PRIMARY STRUCTURE

--- ACCESSORY BLDGS. / PAVING

PRELIMINARY: NOT FOR CONSTRUCTION

VARIANCE APPLICATION PACKAGE
KENNETH & CAROLYN TAYLOR
507 WASHINGTON CT.
SHEBOYGAN, WI 53081

PROJECT NUMBER
22.065

DRAWN BY
J. CLARKE

CHECKED BY
J. LEHRKE

DATE
August 16, 2023

SHEET TITLE
SITE PLAN
FUTURE PH-II SCOPE
OPT-C

SHEET NUMBER

9

DATE

NO. REVISIONS

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EXIST. FENCE ON EAST PROPERTY LINE



EXIST. FENCE CORNER ON EAST PROPERTY LINE




EXIST. HANDRAIL - NORTH OF HOUSE



EXIST. FENCE & GATE - ORIGINAL WEST PROP. LINE

NO.	REVISIONS	DATE



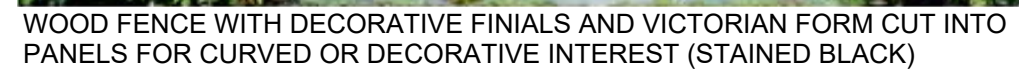
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PROJECT NUMBER
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DRAWN BY
J. CLARKE
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J. LEHRKE
DATE
August 23, 2023
SHEET TITLE
EXISTING FENCE & RAILING PHOTOGRAPHS

SHEET NUMBER
10

NOTE:
ACTUAL FENCE, GATES, AND POSTS HAVE NOT YET BEEN DESIGNED/APPROVED.
THESE IMAGES ARE INTENDED TO SHOW OWNERS' CURRENT INTENT.



 <p>LEGACY architecture 605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-6303 www.legacy-architecture.com</p>	VARIANCE APPLICATION PACKAGE KENNETH & CAROLYN TAYLOR 507 WASHINGTON CT. SHEBOYGAN, WI 53081		NO.	REVISIONS	DATE
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	DRAWN BY J. CLARKE				
	CHECKED BY J. LEHRKE				
	DATE August 23, 2023				
	SHEET TITLE OWNER FURNISHED PROPOSED FENCING CONCEPT IMAGES				
SHEET NUMBER 11					

















