

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 3824 N 29th ST

Parcel #: 657723

Owner's Name: John Justinger

Zoning: MR-8

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 12 ft x16 ft (196 sq ft) storage shed with an attached 12 ft x16 ft (196 sq ft) roof overhang.

Ordinance #: Sec 105-722(d)(2)c -- The maximum square footage of a shed, gazebo, greenhouse or other similar accessory structure is 200 square feet.

Requesting: 392 sq ft

Allowed: 200 ft

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)

John Justinger

Mailing Address

5303 Indian Mound Circle Sheboygan

City

State

WI

ZIP Code

53081

Email Address

Phone Number (incl. area code)

920-457-1581

Applicants interest in property:

3824 N. 29 St Sheboygan, WI

SECTION 2: Property Information

Property Address

3824 N 29 Street

City

Sheboygan

State

WI

Zip

53083

Type of Building: Commercial Residential

Request for: New Construction Repairs Alterations Addition Nonconforming Use Other

SECTION 3: If the Request is for a Nonconforming Use

Your intended use:

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

SECTION 4: Requested Variance

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)

John Justinger

Title

owner

Phone Number

920-457-1581

Signature of Applicant

John Justinger

Date Signed

8/10/23

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.

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) Samples of materials being used – roofing, siding, decking, etc.
- 5) A site sketch (see example), drawn to scale indicating location of all existing structures and 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.*

Notes:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- c) 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.
- d) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.
- e) Any information submitted on the application will become public record and is not subject to confidentiality.

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.

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 FILING 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*; losses 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

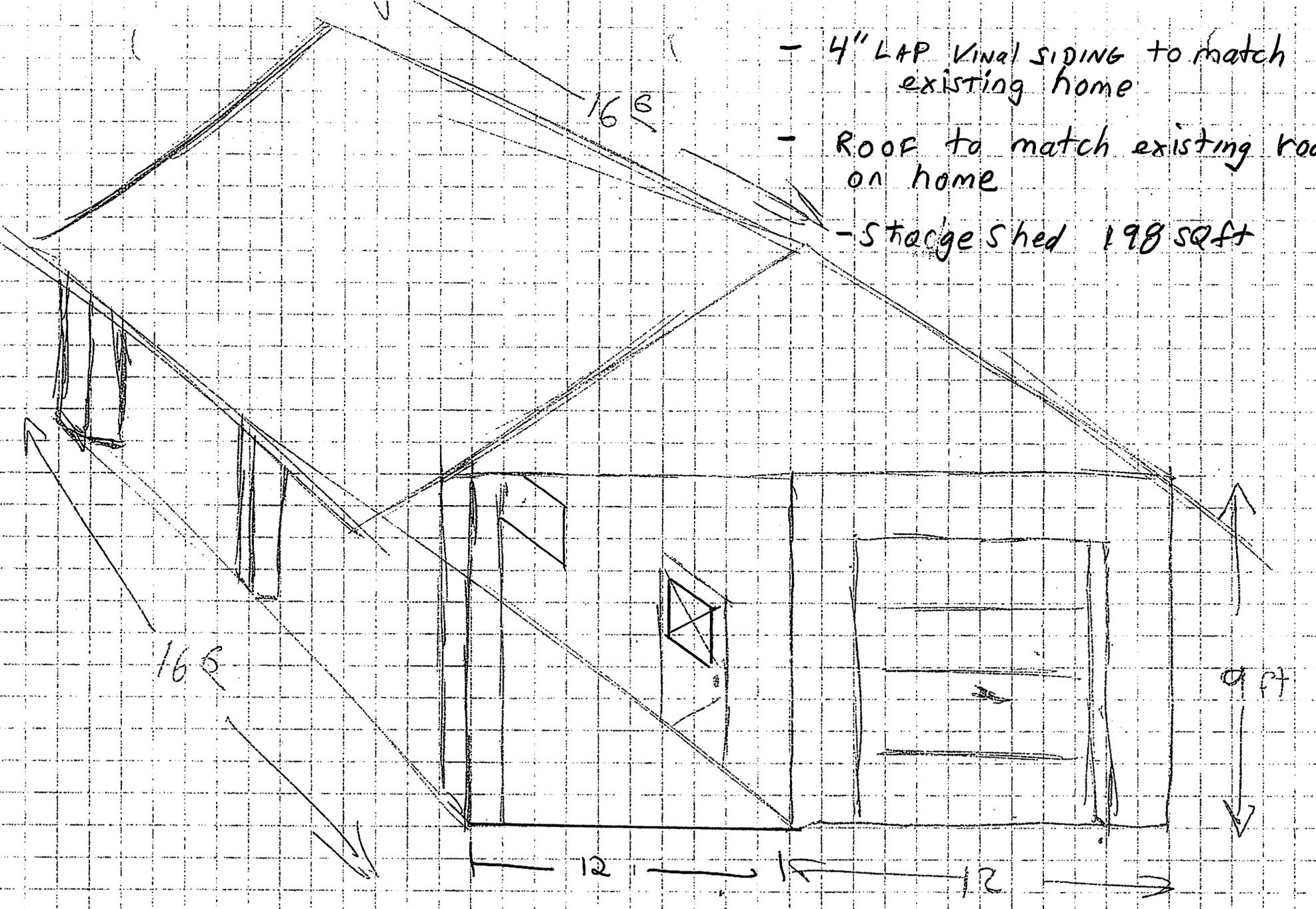
The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition *does not* necessarily mean the proposed construction would not harm the public interest.

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.

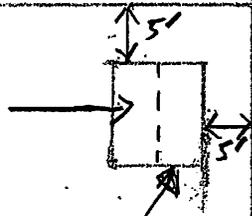
- 4" LAP Vinyl SIDING to match existing home
- ROOF to match existing roof on home
- Storage shed 198 sqft



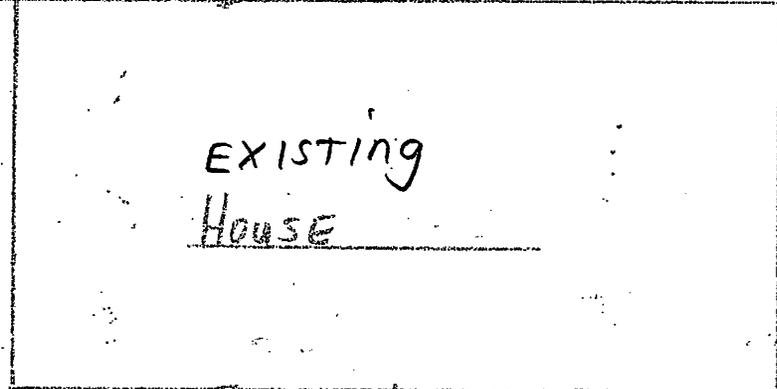
3824 N 29 Street

Rivine/Trees Area
No Homes

Covered
area



Storage
Shed



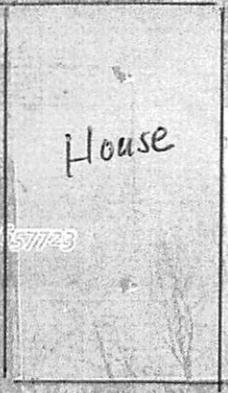
900

3824 N 29th St

Show search results for 382...



5' OFF Lot Line
Shed 12x16
Cover 12x16
NO DRIVEWAY



N 29th St

5928165773

5928165779

RIVINE

2023 Tax Parcels

Land Records Portal Lookup

Parcel #	5928165773
Acres	0.00
Site Address	3822 N 29TH ST
Owner Name 1	APEX I LLC
Owner Name 2	
Postal Address	5603 INDIAN MOUND CIR
Postal City	SHEBOYGAN
Postal State	WI
Postal Zip	53081
Postal Zip4	8000

Shoreland Permit May be Required
[Zoom to](#)

59024359840

59024359841

59024359851

59024344652



Store: 3247

Date: 06/10/2023 - 11:53 AM

Design Name: Truss Designer

Design ID: 324758044390

Estimated Price: \$1,455.80

MENARDS

Design & Buy™ TRUSS

*Today's Estimated Price. Future pricing may go up or down. Tax, labor, and delivery not included

How to recall and purchase your design at home:



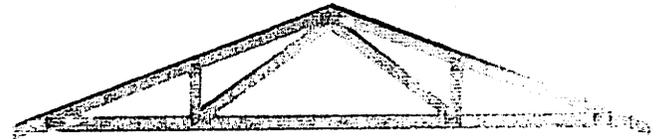
OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Truss Designer
3. Recall your design by entering Design ID: 324758044390
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 324758044390 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions

Truss Type: Spread Web
Sku: 1004547
Span: 24'
O.C. Spacing: 2'
Pitch: 5/12
Heel Height: 4-1/16"
Left Overhang: 0
Right Overhang: 0
Loading: 30-7-25-10
Shipping Length: 24'
Shipping Height: 5' 4-1/16"



Price Each: \$140.15
Quantity: x 8
Total Price: \$1,121.20

Truss Type: Standard End
Sku: 1004547
Span: 24'
Pitch: 5/12
Heel Height: 4-1/16"
Left Overhang: 0
Right Overhang: 0
Shipping Length: 24'
Shipping Height: 5' 4-1/16"



Price Each: \$149.39
Quantity: x 2
Total Price: \$298.78

Pickup Information:

MENARDS - SHEBOYGAN Store

Total Price: \$1,455.80

*Price shown is delivered to the MENARDS - SHEBOYGAN store.

Comments:

- Today's price, future pricing may go up or down. Tax, labor and delivery from store are not included. Truss picture(s) are for representation only.
- Price shown is delivered to the MENARDS - SHEBOYGAN store.
- Take this quote to the Building Materials desk to order.
- Loading values are just an estimate. Please contact your local building inspector to verify your code requirements.

This is an estimate. It is given only for general price information. This is not an offer and there can be no legally binding contract between the parties based upon this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY OF THE MATERIALS LISTED HEREIN. All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST, BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

For other design systems Search "Design & Buy" on Menards.com

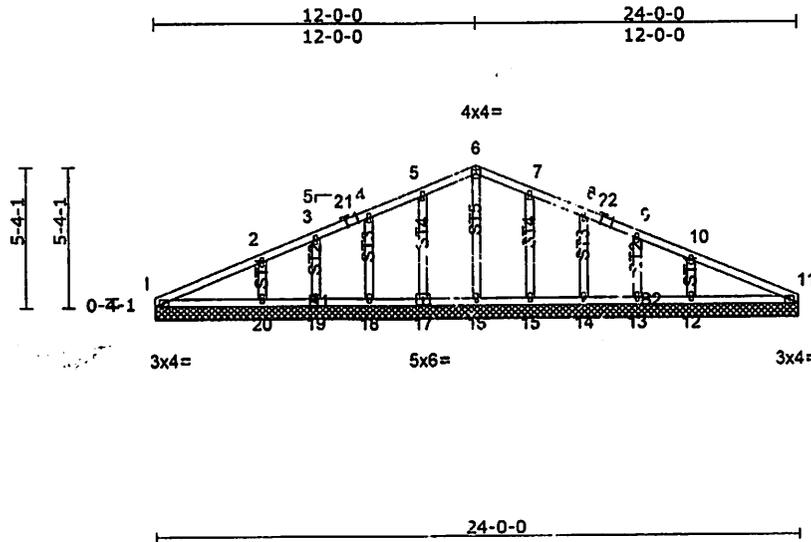
Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTREC0549559	T1E	COMMON	2	1	

Midwest Manufacturing, Eau Claire, WI

Run: 8.2 S 0 Jan 22 2018 Print: 8.200 S Jan 22 2018 MITek Industries, Inc. Thu May 03 08:55:41

Page: 1

ILNdURKwKMaBdX8A9W3_ShU3zKFx1-vz_vFCJ3oKncFAsVPYRK0EJupUyM91IRjG5RzKFwW



Scale = 1:76.5

Plate Offsets (X, Y): [17:0-3-0,0-3-0]

Loading	(psf)	Spacing	2-0-0	CSI	0.17	DEFL	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL (roof)	30.0	Plate Grip DOL	1.15	TC	0.17	Vert(LL)	n/a	-	n/a	999	MT20	197/144
Snow (Ps/Pg)	27.7/40.0	Lumber DOL	1.15	BC	0.12	Vert(TL)	n/a	-	n/a	999		
TCDL	7.0	Rep Stress Incr	YES	WB	0.08	Horiz(TL)	0.00	11	n/a	n/a		
BCLL	0.0*	Code	IRC2009/TPI2007	Matrix-R							Weight: 87 lb	FT = 15%
BCDL	10.0											

LUMBER
 TOP CHORD 2x4 SPF No.2
 BOT CHORD 2x4 SPF No.2
 OTHERS 2x4 SPF Stud

BRACING
 TOP CHORD
 BOT CHORD

Structural wood sheathing directly applied or 6-0-0 oc purlins.
 Rigid ceiling; directly applied or 10-0-0 oc bracing.

MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer installation guide.

REACTIONS All bearings 24-0-0.
 (lb) - Max Horiz 1=47(LC 10)
 Max Uplift All uplift 100 (lb) or less at joint(s) 1, 11, 12, 13, 14, 15, 17, 18, 19, 20
 Max Grav All reactions 250 (lb) or less at joint(s) 1, 11, 13, 14, 15, 16, 17, 18, 19 except 12=385(LC 1),20=385(LC 1)

FORCES (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
WEBS 2-20=-277/111, 10-12=-277/111

JOINT STRESS INDEX
 1 = 0.45, 2 = 0.51, 3 = 0.51, 4 = 0.51, 5 = 0.51, 6 = 0.32, 7 = 0.51, 8 = 0.51, 9 = 0.51, 10 = 0.51, 11 = 0.45, 12 = 0.51, 13 = 0.51, 14 = 0.51, 15 = 0.51, 16 = 0.51, 17 = 0.22, 18 = 0.51, 19 = 0.51 and 20 = 0.51

NOTES

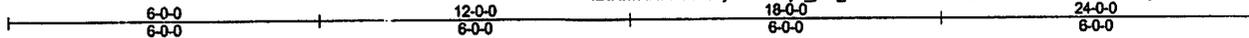
- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) exterior zone and C-C Exterior(2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- TCLL: ASCE 7-05; Pr=30.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=40.0 psf (ground snow); Ps=27.7 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category II; Exp B; Fully Exp.; Ct=1.1
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- All plates are 1.5x4 MT20 unless otherwise indicated.
- Gable requires continuous bottom chord bearing.
- Gable studs spaced at 2-0-0 oc.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-06-00 tall by 2-00-00 wide will fit between the bottom chord and any other members.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 11, 17, 18, 19, 20, 15, 14, 13, 12.
- This truss is designed in accordance with the 2009 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTRTH0007353	SW1	COMMON	14	1	

Midwest Manufacturing, HOLIDAY CITY, OH

8.130 a Sep 25 2017 MITek Industries, Inc. Wed Jan 10 11:18:41 2018 Page 1
 ID:HiwRNFnsVQXybWklEfkzy7k_M-wQHWPe3aokBNCvfu?IKewYhNzmmzngBkQoV5VWzwnos



Scale = 1:39.6

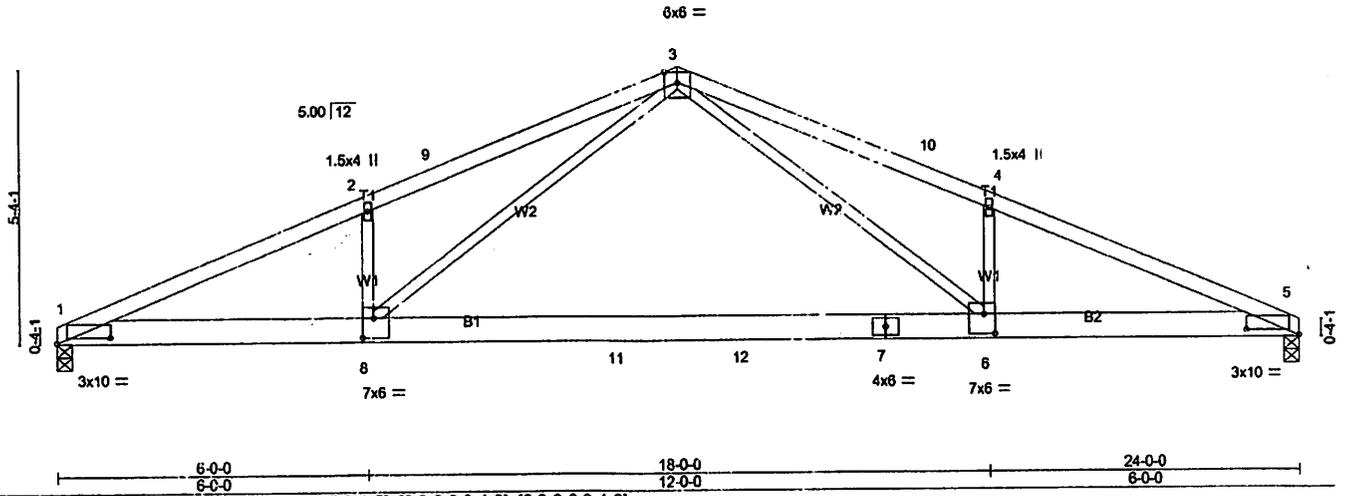


Plate Offsets (X,Y) - [1:1-0-5,0-1-5], [5:1-0-5,0-1-5], [6:0-2-8,0-4-8], [8:0-2-8,0-4-8]							
LOADING (psf)	SPACING-	CSI.	DEFL.	in (loc)	l/defl	L/d	PLATES
TCLL (roof) 30.0	Plate Grip DOL 2-0-0	TC 0.85	Vert(LL) -0.59	6-8	>484	240	MT20
Snow (Ps/Pg) 27.7/40.0	Lumber DOL 1.15	BC 0.63	Vert(TL) -0.85	6-8	>334	180	GRIP
TCDL 7.0	Rep Stress Incr YES	WB 0.68	Horz(TL) 0.06	5	n/a	n/a	197/144
BCLL 25.0 *	Code IRC2009/TPI2007	Matrix-R					Weight: 69 lb
BCDL 10.0							FT = 20%

LUMBER-	BRACING-	
TOP CHORD 2x4 SPF No.2	TOP CHORD Sheathed or 2-2-0 oc purlins.	
BOT CHORD 2x6 SPF 2103F 1.8E	BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.	
WEBS 2x3 SPF Stud *Except* W2: 2x3 SPF No.2		MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

REACTIONS. (lb/size) 1=1755/0-3-8 (min. 0-2-4), 5=1755/0-3-8 (min. 0-2-4)
 Max Horz 1=46(LC 9)
 Max Uplift 1=91(LC 9), 5=91(LC 10)

FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 1-2=-3913/310, 2-9=-3898/384, 3-9=-3744/402, 3-10=-3744/402, 4-10=-3693/384,
 4-5=-3913/310
 BOT CHORD 1-8=-236/3528, 8-11=-148/2044, 11-12=-148/2044, 7-12=-148/2044, 6-7=-148/2044,
 5-6=-236/3528
 WEBS 2-8=-445/188, 4-6=-445/188, 3-8=-114/1982, 3-6=-114/1982

JOINT STRESS INDEX
 1 = 0.86, 2 = 0.51, 3 = 0.80, 4 = 0.51, 5 = 0.86, 6 = 0.72, 7 = 0.60 and 8 = 0.72

- NOTES-
- Unbalanced roof live loads have been considered for this design.
 - Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) gable end zone and C-C Exterior(2) zone; cantilever left and right exposed; and vertical left and right exposed:C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
 - TCLL: ASCE 7-05; Pr=30.0 psf (roof live load); Lumber DOL=1.15 Plate DOL=1.15; Pg=40.0 psf (ground snow); Ps=27.7 psf (roof snow); Lumber DOL=1.15 Plate DOL=1.15; Category II; Exp B; Fully Exp.; Ct=1.1
 - Roof design snow load has been reduced to account for slope.
 - Unbalanced snow loads have been considered for this design.
 - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
 - * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members, with BCDL = 10.0psf.
 - Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 91 lb uplift at joint 1 and 91 lb uplift at joint 5.
 - This truss is designed in accordance with the 2009 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard, ANSI/TPI 1.

LOAD CASE(S) Standard

3824 North 29 Street

Description:

Storage shed with electrical power for convince outlets for fans, refrigerator (if needed), radio, lap top, etc. also for storing riding lawn mower, yard equipment, and anything else to keep yard looking respectable. Cover area to provide added protection from the windy weather, shade from sun and protection if it rains.

Intended use:

- Recreational use only
- Provide cover for rain / stormy weather
- Shade cover from sunny days
- Windy weather
- Etc.

Storage Shed:

- Use for store riding lawn mower
- Lawn chairs
- Bicycles, etc.
- Provide electrical power for charging cell phone, etc.
- Store miscellaneous stuff



This is the garage we built a block away. Would be using similar material to match the existing house. Obviously, it would be to the size depicted on the drawings.



This is the back yard trying to give our tenants a place to put their items to prevent eye sore to the neighbors.







