

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1331 Indiana Ave

Parcel #: 507570

Owner's Name: Anastasia S Chronis

Zoning: UC

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 09/30/2022

MEETING DATE: 10/19/2022

BACKGROUND / ANALYSIS

Owner would like to construct a 20 foot x 28 foot parking pad in their required street yard.

Ordinance #: 15.105(2)(e)(3)(b)(E) Front or Street Side Lot Line to House: **Single family:** 30 feet

Requesting: 5 feet setback

Allowed: 30 feet setback

Ordinance #:


Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

223400

	CITY OF SHEBOYGAN VARIANCE APPLICATION	Fee: _____ Review Date: _____
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Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information

Name (Ind., Org. or Entity)

Anastasia S. Chronis

Mailing Address

 1318 S. 17th St

City

Sheboygan

State

WI

ZIP Code

53081

Email Address

a.s.chronis@hotmail.com

Phone Number (incl. area code)

920-912-3030

Applicants interest in property:

Co-owner

SECTION 2: Property Information

Property Address

1331 Indiana Ave

City

Sheboygan

State

WI

Zip

53081

 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)

Anastasia S. Chronis

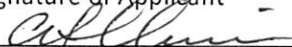
Title

Home owner

Phone Number

920-912-3030

Signature of Applicant



Date Signed

9-12-22

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 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*; 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.

Requesting a driveway that is located in a required street yard.

The property is located at the top of the hill on the corner of S. 14th St. and Indiana Ave. The 14th St. bridge runs the length of the property (N/S). The back of the property has an alley that runs E/W, and is a dead end to the 14th St. bridge (W). There is also a grass hill at the back of the property to the alley. The hill is approx. 4 ft. high on the east end and levels off to the west. Also, the road in question is S. 14th St., which is approx. 6 ft. above the ground at the back of property. We would like to have parking pad run N/S, off the alley, as far west as possible where the lot has less of a hill.

In the winter during winter parking rules parking availability is minimal, especially on even days. The only parking available is on the north side of Indiana Ave. (after the oil change parking lot) or on S. 13th St. Parking on Indiana Ave. is near impossible considering there are 3 houses that need to park their cars as well. Parking on S. 13th St. is also limited, particularly on weekends since there is a bar located on the corner of Indiana Ave. and S. 13th St.

Wierus, Linnae

From: Tess Chronis <a.s.chronis@hotmail.com>
Sent: Sunday, September 18, 2022 9:48 PM
To: Wierus, Linnae
Subject: 1331 Indiana Ave Photos
Attachments: 20220917_190154.jpg; 20220917_190305.jpg; 20220917_190808.jpg; 20220918_205307.jpg; 20220918_205413.jpg; Resized_20220917_141950.jpeg; Resized_20220917_142012.jpeg; Resized_20220917_142025 - Copy.jpeg

Hello,

Attached are additional photos with the area we want paved marked with the green stakes. We measured 5 feet from the property line to start the parking pad. The property line is marked with the orange flag. There are also photos of the parking situation on 13th St. and Indiana Ave. and of the estimate.

Thanks
Anastasia Chronis



Garage has been demolished.

Dead End (Alley)

Parking pad / driveway
30' x 28'



Payment S

Deposit (4

Starting Da

Before Po

Notes:

This estimate is for campleting the job as desc
does not include additional expenses which ma
arise work as stared.

Parking Spot
28 Ft by 20 Ft

With a total 560 SQ. FT









