

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 1504 Michigan Ave

Parcel #: 201800

Owner's Name: Debra E Fettig

Zoning: NR-6

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

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**REPORT DATE:** 10/03/2022

**MEETING DATE:** 10/19/2022

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**BACKGROUND / ANALYSIS**

Owner would like construct a new driveway on the west side of the dwelling. The distance to the west property line is approximately 11 foot 6 inches from the dwelling. The new driveway would be 10 feet wide and have a 1 foot 6 inch setback to the west side property line.

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Ordinance #: 15.105(2)(d)(3)(b)(M) Minimum Paved Surface Setback: 3 feet from a side or rear property line

Requesting: 1 foot 6 inches setback

Allowed: 3 feet setback

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Ordinance #:

Requesting:


Allowed:

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**ATTACHMENTS:**

Application, pictures, and drawing

pd 9-20

	<p align="center"><b>CITY OF SHEBOYGAN</b></p> <p align="center"><b>VARIANCE APPLICATION</b></p>	Fee: _____
		Review Date: _____

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

<b>SECTION 1: Applicant/ Permittee Information</b>			
Name (Ind., Org. or Entity) <b>DEBRA E Fetting</b>			
Mailing Address <b>1509 Michigan Ave</b>	City <b>Sheboygan</b>	State <b>WI</b>	ZIP Code <b>53081</b>
Email Address <b>Debbie.Fetting59@gmail.com</b>	Phone Number (incl. area code) <b>920-946-2849</b>		
Applicants interest in property: <b>OWN</b>			
<b>SECTION 2: Property Information</b>			
Property Address <b>1509 Michigan Ave</b>	City <b>Sheboygan</b>	State <b>WI</b>	Zip <b>53081</b>
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input type="checkbox"/> New Construction <input type="checkbox"/> Repairs <input checked="" type="checkbox"/> Alterations <input type="checkbox"/> Addition <input type="checkbox"/> Nonconforming Use <input type="checkbox"/> Other			
<b>SECTION 3: If the Request is for a Nonconforming Use</b>			
Your intended use:			
Date last occupied as a nonconforming use:			
By Whom:		Previous Use:	
<b>SECTION 4: Requested Variance</b>			
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.			
<b>SECTION 5: Certification and Permission</b>			
<p><b>Certification:</b> 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.</p> <p><b>Permission:</b> 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.</p>			
Name of Owner/Authorized Representative (please print) <b>Debbie Fetting</b>	Title	Phone Number <b>920-946-2849</b>	
Signature of Applicant 		Date Signed <b>9-17-22</b>	

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*; 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.***



09-16-2022 To City of Sheboygan  
Whom it may concern

I am Kermit Elkfson, managing member of KLE/KME LLC which owns the property at 1512 Michigan Ave. in Sheboygan, WI. Our adjacent property to the East of me is 1504 Michigan Ave. Sheboygan WI.

I understand the owner of 1504 Michigan Ave. has requested to place a driveway which would allow entry and egress to Michigan Ave. very close to or on our property line.

I agree with their request and would allow the driveway but they can't use any of our property to complete the driveway, or cause us to incur cost.

If you need anything more to allow this you can reach me at 920-946-4277 and I will provide what you need.

Thank you

Kermit L. Elkfson  
managing Member KLE/KME LLC

# CLINT KOENE MASONRY LLC

## ESTIMATE

N6587 MEADOWBROOK LANE, SHEBOYGAN 53083

PHONE 920.980.5759 FAX 920.467.2358

EMAIL [ckoenemasonry@gmail.com](mailto:ckoenemasonry@gmail.com)

ESTIMATE #1253

DATE: JANUARY 20, 2022

**TO:**

Debbie Fettig  
1504 Michigan Ave  
Sheboygan, WI 53083  
920.946.2849  
[Debbie.fettig59@gmail.com](mailto:Debbie.fettig59@gmail.com)

**FOR:**

New concrete driveway

DESCRIPTION	AMOUNT
<p>New concrete driveway approximately 68' x 10', new city sidewalk and approach approximately 14' x 9' with 16' curb cut.</p> <p>Price includes- Labor and materials</p> <ul style="list-style-type: none"><li>Excavation includes- Remove fence and posts, tree stumps and bushes. Demo and haul out existing concrete, haul in and compact new gravel base. Excavate approximately 10 holes for new fence posts.</li><li>Install new 4 x 4 treated posts for new fence.</li><li>Form new concrete to be 5" thick. Install rubber expansion joint along foundation. Install rebar throughout concrete.</li><li>Saw cut and remove curb for new approach.</li><li>Pour, apply cure and seal and saw new concrete.</li><li>Provide and install 2 new steel bollards around the gas meter</li><li>Remove forms and backfill new concrete with black dirt.</li></ul> <p>Price does not include-</p> <ul style="list-style-type: none"><li>Any permits</li><li>Any landscaping</li><li>New fence construction</li></ul> <p>50% down payment required at start of project</p>	<p>\$22,680.00</p>

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, materialman or other person who helps improve your property and is not paid for his labor, services or material has a right to enforce his claim against your property. For new concrete, Clint Koene Masonry, LLC is not responsible for surface scaling/flaking due to de-icing materials; lifting, cracking or surface pops due to winter freeze/thaw conditions. Clint Koene Masonry, LLC recommends applying additional sealer 28 days after your new concrete has been placed and every other year thereafter.

Payment is due upon completion of the job or otherwise specified.

Failure to pay within 30-days of completion will result in a 1½% interest charge.

If you have any questions concerning this proposal, contact:

Clint Koene - 920.980.5759 or [ckoenemasonry@gmail.com](mailto:ckoenemasonry@gmail.com)

Terms of this agreement good for 30-days.

**Thank you for your business!**

**Please sign and return to accept.**

Customer Signature: Debbie Fettig Date: 1-23-22

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## BUILDING PERMIT APPLICATION

The undersigned hereby applies for a permit to construct, remodel, repair, or install according to the following statements:

1. Address of Installation: 1504 Michigan Ave
2. Building/Structure Type: Commercial:        Residential: X
3. Description of Work: driveway for off street parking on side of house
4. Estimated Cost of Job \$: 23,000 Estimated Start Date: NONE yet this Summer
5. Fees \$:        Pmt Method: Cash/Check:        Credit Card\*: X Escrow:
6. Owner: Debbie Fettig Telephone No.: 920-946-2849  
Address: 1504 Michigan Ave City: Sheboygan
7. Contractor: Clint Koene Telephone No.:         
City License #:        WI Dwelling Qualifier #:         
WI Dwelling Contractor #:
8. Sub-Contractor:        Telephone No.:         
City License #:        WI Dwelling Qualifier #:         
WI Dwelling Contractor #:
9. Remarks:

**PLEASE TAKE NOTE: APPLICANT MUST CALL FOR ALL REQUIRED INSPECTIONS.** Failure to do so will result in a penalty fee of \$50 plus may delay any future transactions with the City of Sheboygan. Make checks payable to Sheboygan.

**\*PAYMENT BY CREDIT CARD.** A Permit Clerk will contact Applicant if not in person by phone for payment after permit verification occurs. Credit Card Payments have a convenience fee of \$3 for every \$100 in payment; i.e.: \$170 Permit Fee results in \$6 convenience fee.

The undersigned hereby applies for a permit to do the work above described, and hereby agrees that such work will be done in accordance with the descriptions herein set forth in this statement; and it is further agreed to construct, alter, repair and install in strict compliance with the building ordinance and other ordinances of the City of Sheboygan and the State Building Code of Wisconsin and to obey any and all lawful orders of the Inspector of Buildings of the City of Sheboygan. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said undersigned, shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

Applicant Signature: Debbie Fettig

Print Name: Debbie Fettig

E-mail: debbie.fettig59@gmail.com Phone: 920-946-2849

Address: 1504 Michigan Ave

City, ST Zip: Sheboygan, WI 53081 (over)



**CAUTIONARY STATEMENT TO PROPERTY  
OWNERS OBTAINING BUILDING PERMITS**

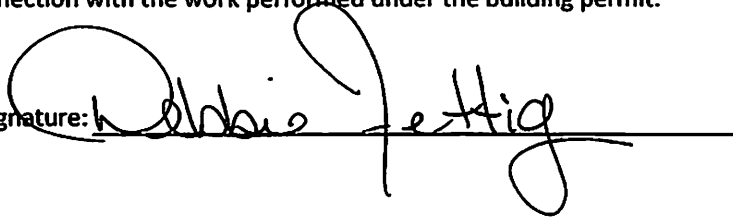
101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s.101.654(2) (a), the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the 1- and 2-family dwelling code or any ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

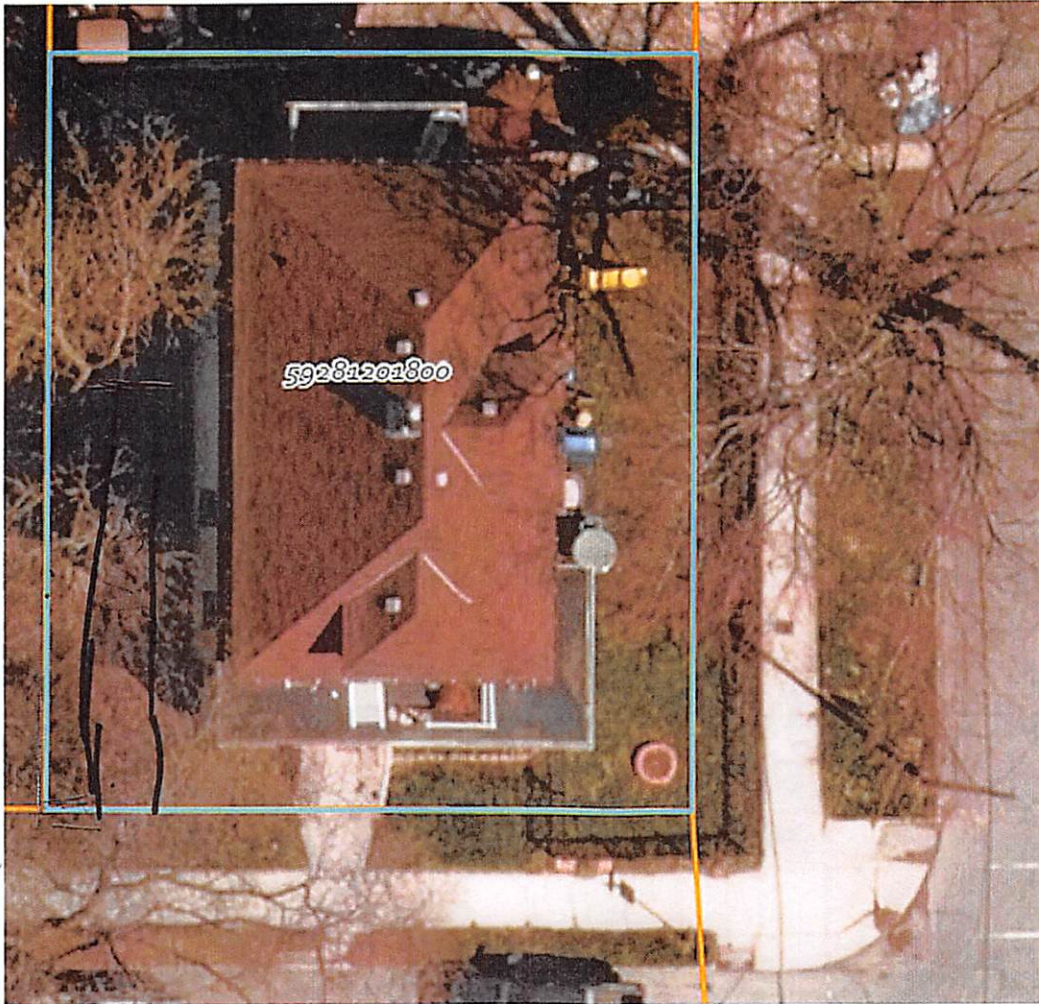
Owner Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Robert J. Htig", is written over a horizontal line. The signature is stylized with a large, circular initial "R" and a long, sweeping tail.





drive way my measurement to fence  
which is property line  
all the way to the alley  
is 11ft 6in ~~scribble~~



18'-6"  
from  
property  
line  
25 ft  
back

15 ft  
back

43A#





fence  
line from  
neighbors  
& other side  
of the fence

N 15th St 1300

SNOW  
ROUTE  
  
DURING SNOW  
EMERGENCY

Drive way







DRIVE way, 11/21 4:00







Inside  
fence

11 ft 6 in





Show the Street in front

I am applying for a Variance  
for off Street Parking at  
1504 Michigan Ave.

Reasons.

- ① I feel it is safer for me in Winter when we have to Rotate to not have to Cross the Street especially the older I get & the width of Michigan Ave.
- ② Safer for when I have my grand kids not to have to get them out of the Car in the Road
- ③ And it has to make it easier for the City Crew to Clean the Streets with one less Car on it.

And I want to mention the house to the West of me which you will see in the pictures is no where close to where my drive way will be.

Thank You

✓ I am a neighbor of Debbie Fetting  
1504 Michigan Ave

I have no problem with her  
adding a driveway to the side  
of her property

Name = Lisa Jassoy

Address = 1512 Michigan Ave.

Signature = 

Name = Janet Woods

Address = 1509 Mich. Ave

Signature = 

Name = Sue Johnson

Address = 1435 Michigan Ave

Signature = 

Name = Ronald Mueller

Address = 1503 Michigan Ave

Signature = 