

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 3610 N 8<sup>th</sup> ST

Parcel #: 718609

Owner's Name: Randy T LeBeau

Zoning: SR-3

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

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**REPORT DATE:** 11/02/2022

**MEETING DATE:** 11/16/2022

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**BACKGROUND / ANALYSIS**

Owner would like to construct a 6 foot high privacy fence in their required street yard.

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Ordinance #: 15.105(2)(b)(3)(b)(E) Street side lot line to house 25 feet

Requesting: less than 25 feet setback

Allowed: 25 feet setback

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Ordinance #: 15.405(4)(a)(4) Permitted Intrusions into Required Front or Street Yards: Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way

Requesting: 6 foot privacy fence

Allowed: 4 foot fence

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Ordinance #: 17.720(3)(a)(1) Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50% opaque.

Requesting: privacy fence


Allowed: 50% opaque fence

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**ATTACHMENTS:**

Application, pictures, and drawing

223182

	<b>CITY OF SHEBOYGAN</b>  <b>VARIANCE APPLICATION</b>	<b>Fee:</b> \$250 -  <b>Review Date:</b> 11/16/22
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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) <u>Randy T. LeBeau</u>			
Mailing Address <u>3610 N. 8th St.</u>	City <u>Sheboygan</u>	State <u>WI</u>	ZIP Code <u>53083</u>
Email Address <u>rleb1956@gmail.com</u>		Phone Number (incl. area code) <u>920-287-6934</u>	
Applicants interest in property: <u>OWNER</u>			
<b>SECTION 2: Property Information</b>			
Property Address <u>3610 N. 8th St.</u>	City <u>Sheboygan</u>	State <u>WI</u>	Zip <u>53083</u>
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input type="checkbox"/> New Construction <input type="checkbox"/> Repairs <input type="checkbox"/> Alterations <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Nonconforming Use <input type="checkbox"/> Other			
<b>SECTION 3: If the Request is for a Nonconforming Use</b>			
Your intended use: <u>I would like to install a 6 Foot privacy Fence in a required street yard.</u>			
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>			
<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.			
<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.			
Name of Owner/Authorized Representative (please print) <u>Randy T. LeBeau</u>	Title <u>Mr.</u>	Phone Number <u>920-287-6934</u>	
Signature of Applicant <u>R. T. LeBeau</u>		Date Signed <u>10-13-22</u>	

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.

## **Variance Application Statement for Randy LeBeau, 3610 N Eighth street, Sheboygan, 53083.**

### **Background**

On June 15<sup>th</sup>, 2022 a storm with strong winds caused major damage on the north side of Sheboygan. My wife Trudy and I have been living at 3610 N Eighth st. for 25 years. We lost shingles off of our roof, trees fell on our property and most of our 270 feet of six foot fence which had enclosed our backyard for 26 years became damaged beyond repair. In order maintain the privacy and look of our property we decided to replace the fence.

When the fencing contractor applied for a building permit we were informed that the section of fence highlighted in yellow on the site sketch below needed to be a maximum of 4 ft high and no more that 50% opaque. After consulting with Sheboygan Building Inspector Jeff Lutzke I was told that the reason for the ordinance was for traffic visibility safety issues and possibly aesthetics. Because of the distance between my property and Eisner ave. and the style of the proposed fence, I believe that neither of these issues are applicable in this case so I am applying for a variance.

### **The three tests for a variance**

*➤ 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?*

No there is no alternative plan that would comply with the ordinance. A four foot fence with a maximum 50% opaque would not provide the privacy, match the look of the rest of the fence, or aesthetically match the landscape features of the property. I believe it would decrease the value of the property. So I believe that reasonable use of the property is being denied us.

*➤ Is there a unique physical characteristic of the property which prevents development of the property in compliance with the Zoning Ordinance?*

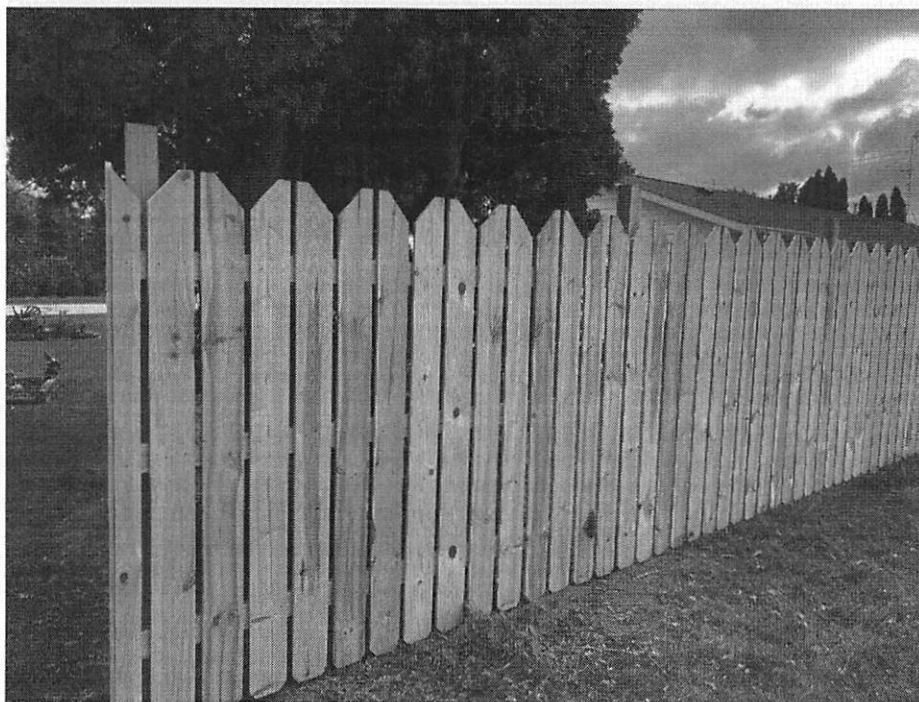
The unique characteristic of the property is the distance between the property and the street because of the large plot of city land between our property and Eisner. This plot of land, that the city maintains, was created when Eisner avenue was renovated several years ago. This distance removes any traffic safety issue as illustrated in the included photographs .

*➤ 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.)*

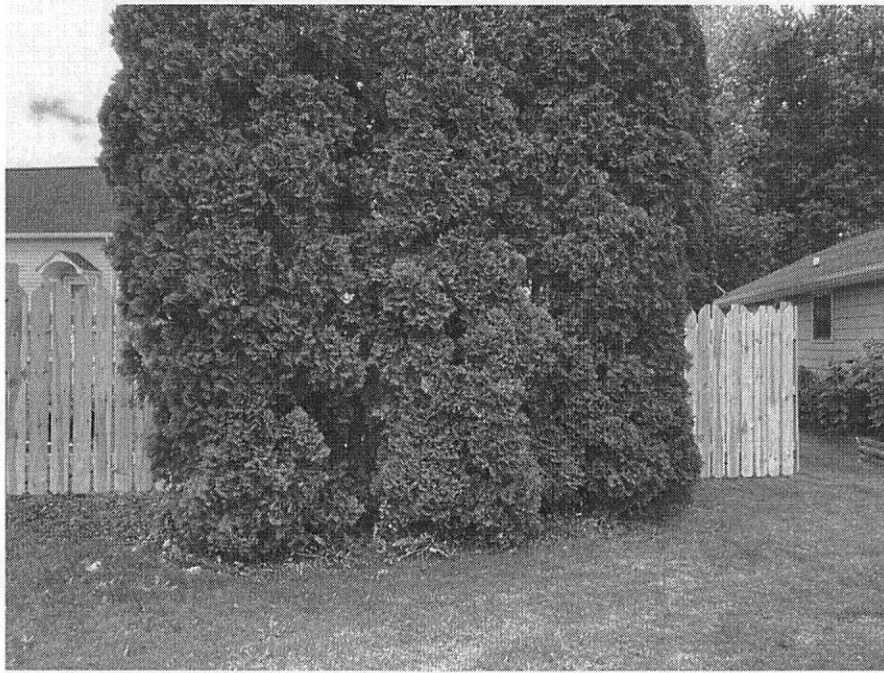
The part of the fence that is closest to the intersection is 69 feet away. The site sketch and the photographs show that the proposed fence is too far back from Eisner to cause any possibility of a safety issue. The photos of other fences in the neighborhood show that the design of the fence is in keeping with the aesthetics of the neighborhood.



**View from the stop sign on Eighth street and Eisner avenue showing that there is no safety hazard caused by the proposed fence.**



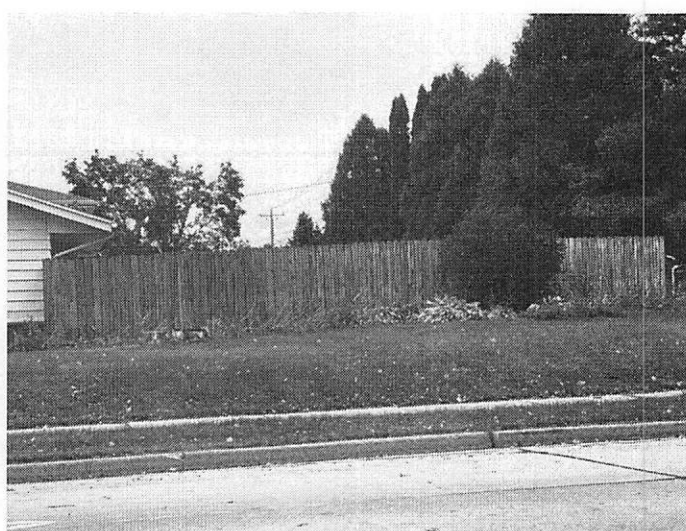
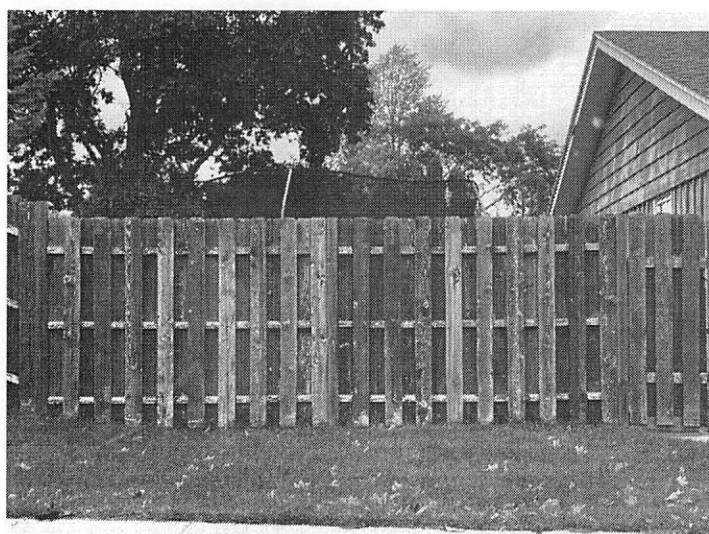
**Fence detail.**



**Landscape feature.**



**Site sketch of 3610 N Eighth street showing lot lines, fence location and distance to corner.**



**Nearby fences on Eisner or 8<sup>th</sup> st.**