

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 2412 N 6TH ST

Parcel #: 003740

Owner's Name: JULIA E DUMEZ

Zoning: NR-6

REPORT PREPARED BY: Ellise Rose, Associate Planner

REPORT DATE: 05/29/2024

MEETING DATE: 06/19/2024

BACKGROUND / ANALYSIS

Owner would like to pave and expand a legally nonconforming driveway.

Ordinance #: Sec 105-234(b)(3)i -- Minimum paved surface setback: Three feet from a side or rear property line, except that an existing paved area nearer than three feet from a side lot line may be replaced, provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line.

Requesting: 1.5 foot setback

Allowed: 3 foot setback

Ordinance #: Sec 105-927(c)(2)(b)(3)(i) -- All residential access drives shall have a minimum width of ten feet for one- and two-family dwellings, 18 feet for multifamily uses, and a maximum width of 25 feet. All nonresidential access drives shall have a minimum width of 24 feet for land uses generating less than 750 vehicles per day, 30 feet for land uses generating 750 or more vehicles per day, and a maximum width of 40 feet. These widths may be increased with permission of the plan commission. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet for a residential use and 25 feet for a nonresidential use.

Requesting: 8.5 feet wide

Allowed: 10 feet wide

ATTACHMENTS:

Application, pictures, and drawing



BUILDING INSPECTION DEPARTMENT
 828 Center Avenue, Suite 208
 Sheboygan, WI 53081-4442
 Phone: (920) 459-3477
 Fax: (920) 459-0210
buildinginspection@sheboyganwi.gov

APPLYING FOR A VARIANCE

Variances to zoning ordinances are considered by the CITY OF SHEBOYGAN Zoning Board of Appeals monthly on the third Wednesday at 3:00 pm at a public hearing. In order to be considered for the next meeting, applications must be received in the Building Inspection Department Office **no later than 4:30 pm** on the third Wednesday of the month prior to the scheduled public hearing:

MAY 15, 2024

Application Deadline Date

Board of Appeals Meeting Date

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) A site sketch, drawn to scale indicating the location of all existing structures and the 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.

Note:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) In addition to the application information noted above, a survey is strongly recommended.
- c) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- d) 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.
- e) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.

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.

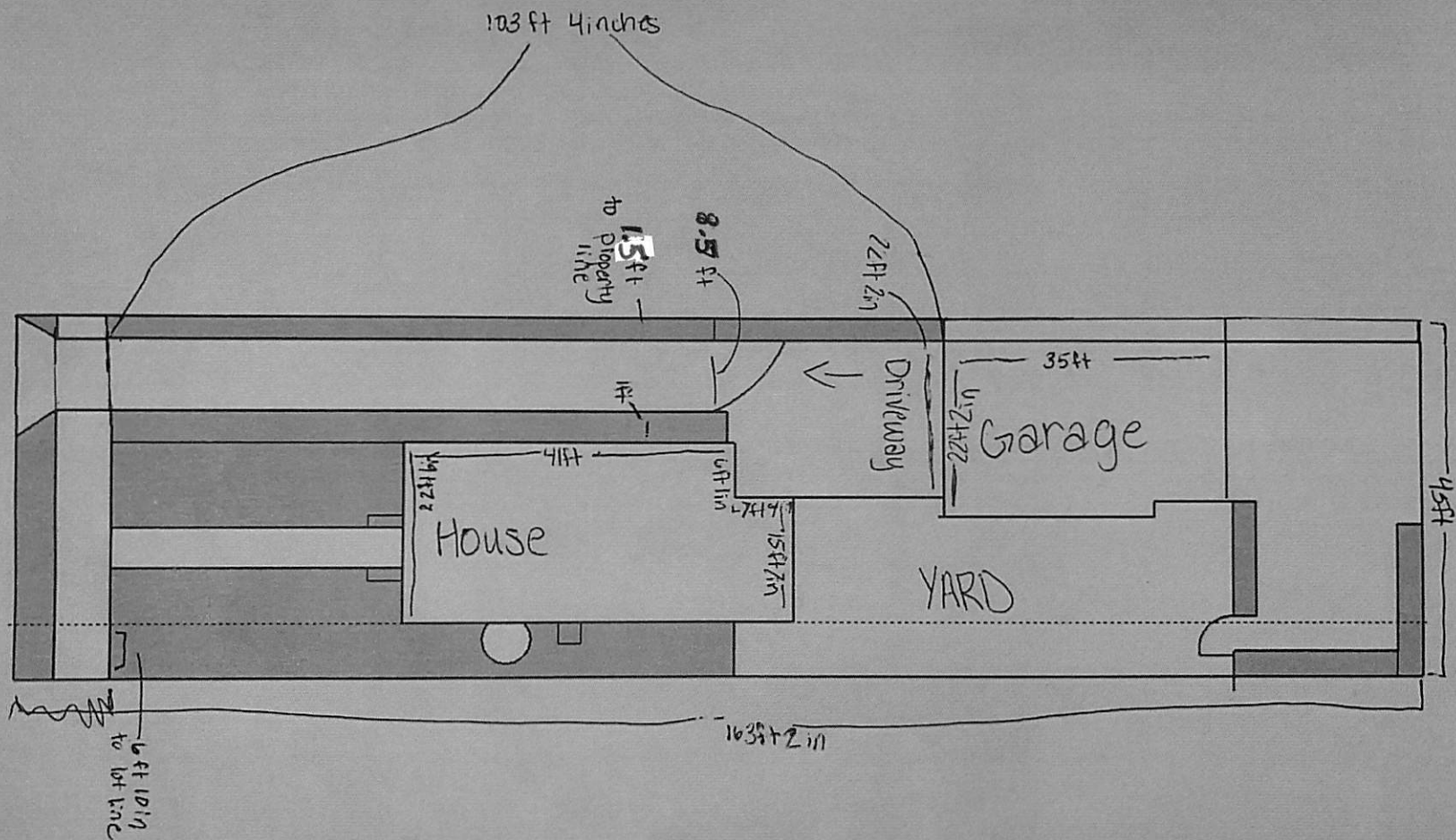
I have read the above and understand my responsibilities regarding my appeal to the Zoning Board of Appeals. I have also read and understand the "Three Tests" for a Variance Included with this form.

Signature

Julian Dudy

Date

5/17/24





www.sheboyganwi.gov

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APPEAL FROM RULING OF THE BUILDING INSPECTOR
AND/OR ZONING ADMINISTRATOR

CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: _____

TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI

- 1). Appeal Location (address): 2412 North 6 Street Sheboygan 53083
- 2). Applicant: 2412 N 6 Street Sheboygan Telephone #: (920) 301-7282
Address: 53083
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Block LOT
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: _____
- 6). If the request is for a nonconforming use:
Your intended use: _____
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: _____
- 7). Applicants interest in property: Extend driveway 1 1/2 feet south
- 8). 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.

I HEREBY CERTIFY THAT THE ABOVE APPLICATION AND/OR APPEAL AND ALL ATTACHMENTS THERETO ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: 5/7/24

Signature: Julia Dumetz

Printed Name: Julia Dumetz

Mailing Address: 2412 N 6 Street Sheboygan
WI 53083

Variance Request:

To: Zoning Board

From: Julia DuMez

Date: May 6, 2024

Subject: Variance Request for 2412 North 6 Street Sheboygan Wisconsin 53083

Dear Zoning Board,

I am writing to request a variance for my property located at 2412 North 6 street Sheboygan. The specific request pertains to the extension of the driveway by one and a half feet to the west. This variance is necessary due to the unique circumstances and hardships created by the application of the Zoning Ordinance to my property.

Hardship Created by Zoning Ordinance:

The application of the Zoning Ordinance to my property has created several hardships. Firstly, while the ordinance mandates a minimum distance of three feet from the property line, my driveway is exactly three feet from the property line as required. However, the minimum width requirement of ten feet cannot be met as my driveway currently measures only seven feet. Any attempt to extend the driveway in the opposite direction is impeded by the presence of a gas line, rendering compliance with the ordinance unfeasible.

In addition, the current configuration of the driveway poses practical challenges. Due to its narrow width, one cannot exit the car on the side adjacent to the house without risking collision with the house's structure when opening the doors. This limitation forces occupants to either exit the vehicle on the opposite side, which may not always be convenient or safe, or to park partially off the driveway, resulting in vehicles sinking into a muddy area or creating a makeshift parking spot. This further exacerbates the hardship created by the zoning ordinance's strict requirements, as it compromises both safety and the integrity of the property.

Reasonable Use of the Property Denied:

The zoning regulations effectively deny the reasonable use of my property. Despite various attempts to comply with the ordinance, including alternative plans such as gravel on the side, grates, and constant filling with dirt, none have proven successful. The persistent issue of a mud pit forming has become a significant safety hazard, particularly for the children and parents who utilize the driveway for drop-offs at my daycare. This situation not only poses a risk of accidents but also undermines the functionality and safety of the property.

Unique Physical Characteristics of the Property:

The unique physical characteristic of my property, namely the proximity of the gas line and the limitation on available space due to the three-foot setback requirement, prevents compliance

with the Zoning Ordinance. Any attempt to extend the driveway in the opposite direction would infringe upon the setback requirement, thereby restricting feasible development options.

Harm to Public Interest:

Granting the variance would not harm the public interest in any way; rather, it would enhance public safety. The current condition of the driveway, with its unstable and muddy surface, poses a clear risk to the safety of individuals accessing the property, including children, parents, and visitors. By extending the driveway to alleviate the mud pit issue, the variance would contribute to increased public safety and mitigate the potential for accidents or injuries.

In conclusion, I respectfully request that the Zoning Board grant the variance to allow for the extension of my driveway by one and a half feet to the west. This variance is necessary to address the hardships created by the Zoning Ordinance, facilitate reasonable use of the property, accommodate its unique physical characteristics, and enhance public safety.

Thank you for your attention to this matter. I am available to provide any further information or clarification required.

Sincerely,
Julia DuMez









