

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1547 N 21st ST

Parcel #: 611170

Owner's Name: Scott Rutledge

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 08/02/2022

MEETING DATE: 08/17/2022

BACKGROUND / ANALYSIS

Owner would has widened his existing driveway to 36 feet and was not aware a building permit was required. The maximum driveway width allowed is 25 feet.

Ordinance #: 15702(10) All residential access drives shall have maximum width of 25 feet.

Requesting: 36 feet wide

Allowed: 25 feet wide

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

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:

7/20/22
Application Deadline Date

8/17/22
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.

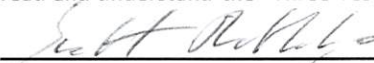
Applicants should be prepared to answer the following questions:

- * *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

July 15th 2022
Date



www.sheboyganwi.gov

Scutledge@Johnsonville.com

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

**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): 1547 North 21st Street Sheboygan
- 2). Applicant: 1547 North 21st Street Telephone #: (920) 980 3687
Address: _____
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) _____

- 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: _____
- 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: July 19th 2022

Signature: Scott Rutledge

Printed Name: Scott Rutledge

Mailing Address: 1547 North 21st Street
Sheboygan WI 53081



www.sheboyganwi.gov

BUILDING INSPECTION DEPARTMENT
 828 Center Avenue, Suite 208
 Sheboygan, WI 53081-4442
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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.

6/11/20

Application for Variance

1547 North 21st street

Scott Rutledge

The Zoning ordinance I am applying for a variance for is below. Specifically the maximum driveway width of 25 feet for a residential single family dwelling. As you can see in the picture three I have already completed the small addition. As a new home owner I was unaware this would require a permit and have since learned to check the city ordinances regarding all future home/property related projects.

- Jeff Lutzke and I have worked together to try and find an alternative plan to meet the ordinance and were unable to.
- My main reason for paving this portion of my driveway is because of my properties unique garage layout on a corner lot and the issue it causes with snow removal. Besides snow blowing onto the side walk or into the street which would create unsafe conditions, the only place to put snow is over my fence into my back yard. Doing this requires me to snow blow the area where I added concrete to get it over the fence. Before the concrete I would wreck the grass with the snow blower and spend each summer trying to regrow grass.
- The second and final reason I am applying for this variance is I do believe removing the small wedge of concrete would look worse than leaving it as it is. I understand the intent of this ordinance is to prevent home owners from turning their properties into parking lots. My goal is to prevent having a mud pit there after every winter and prevent having to plant grass every summer.

- (10) **Width of Driveways:** All residential access drives shall have a minimum width of 10 feet for one- and two-family dwellings, 18 feet for multi-family uses, and a maximum width of 25 feet. All non-residential 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 non-residential use.



