

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 2017 Broadway

Parcel #: 430470

Owner's Name: Travis Hammer

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 08/03/2022

MEETING DATE: 08/17/2022

BACKGROUND / ANALYSIS

Owner would like to replace an existing garage with a 20 foot x 24 foot garage. The new garage would not meet the required side property line setback nor the required street yard property line setback.

Ordinance #: 15.105(2)(c)(3)(b)E Front or Street Side Lot Line to House: 25 feet. 15.405(5) **All Front Yard and Street Yard Areas:** With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

Requesting: 24 feet setback

Allowed: 25 feet setback

Ordinance #: 15.105(2)(c)(3)(b)J Side Lot Line to Accessory Structure: 5 feet

Requesting: 3.5 feet

Allowed: 5 feet

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 3p.m. 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** 4:30p.m. 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.
- f) 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.

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

7-19-22

Date



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): 2017 Broadway Ave
2. Applicant: Travis Hammer Telephone #: (920) 207-2338
Address: 2017 Broadway Ave
3. Legal Property Description (Lot, Block, Subdivision, etc.) Werner & Clemens SUBD
Lot 21 BIK 8
4. Type of Building (Circle): Commercial - Residential
5. Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other
(if other) please list: Remove current garage and build new one
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: Owner
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: 7-19-22

Signature: [Signature]
Printed Name: Travis Hammer
Mailing Address: 2017 Broadway Ave
Sheboygan, WI 53081

To the City of Sheboygan Zoning Board of Appeals,

I'm looking to have a new 24' x 20' garage constructed and need to request an area variance due to limitations caused by the size of my property. City ordinance states that the garage needs to be 5 feet away from side and rear property lines and 25 feet away from the sidewalk and my property is too small to make this possible.

I currently have a 14' x 20' garage that is located a bit more than 3 feet away from the east side property line, 4 feet away from the alley on the south side of the property, and the garage is 24 feet away from the sidewalk. The new garage can be constructed 5 feet away from the alley. I'm requesting a variance to be allowed to have the new garage be the same bit more than 3 feet away from the east side property line and 24 feet away from the sidewalk as the current garage is.

The garage could be constructed 5 feet away from the east side property line and be 22 feet away from the sidewalk, however, it would be preferable to have the garage be 24 feet away from the sidewalk to allow larger vehicles more room in the driveway and allow for a little extra space when backing out which would benefit the safety of pedestrians and street traffic.

The only way a garage could be constructed to fully comply with the zoning ordinances would be if the garage were to be off the alley rather than the street, but this would present several practical difficulties:

- The existing driveway would need to be removed, requiring significant landscaping and the reconstruction of the curb, which would be a high additional cost on top of an already expensive project. The property is not large enough to have a full length driveway off the alley, at most it could be 14-15 feet which is not large enough to park a vehicle outside of the garage. It would be out of character for the property to not have a driveway off the street, almost all of the corner lots in the neighborhood have one.
- Size constraints of the property limit the placement options of the garage and it would potentially interfere with wires running from the electrical pole to the panel on the house and could be too close to the downspout on the house. The garden window would be blocked from receiving sunlight.
- Moving the garage west to avoid the electrical panel and downspout would be an inefficient use of the yard space and would look too out of character for the neighborhood. Reducing the length of the "driveway" to get the garage further away from the house would create difficulties for a vehicle in the garage to safely back into the alley due to lack of visibility.

- It would be a potential nuisance for the neighbors across the alley due to the proximity of the garage to their house. Lights from the garage and from vehicles entering and exiting would be shining directly into their windows.

Per the Wisconsin Supreme Court ruling in *Ziervogel v. Washington County Board of Adjustment* in 2004 the standard for unnecessary hardship required in area variance cases is whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with those restrictions unnecessarily burdensome. The reasons listed above are an unnecessary burden for a variance of only a couple of feet, especially since the existing garage has the same area variance issues, so the first test for a variance should be considered passed.

The second test for a variance is unique property limitations. The limitation of my property is its size and shape. Since this is not a self-imposed or self-created issue the second test is passed.

The third test is no harm to public interest. The only difference between the proposed construction and the current garage is the proposed garage will be wider than the existing garage and the existing driveway will be widened, this change will have no adverse impact on the public. It would actually be beneficial since the expanded garage and driveway will allow more off street parking which reduces the risk of vehicles getting broken into, vandalized, or hit, and it also makes the street easier to clear for the street sweepers and snow plows. The proposed construction plan also includes replacing the nearby cracked sidewalk blocks which improves public safety.

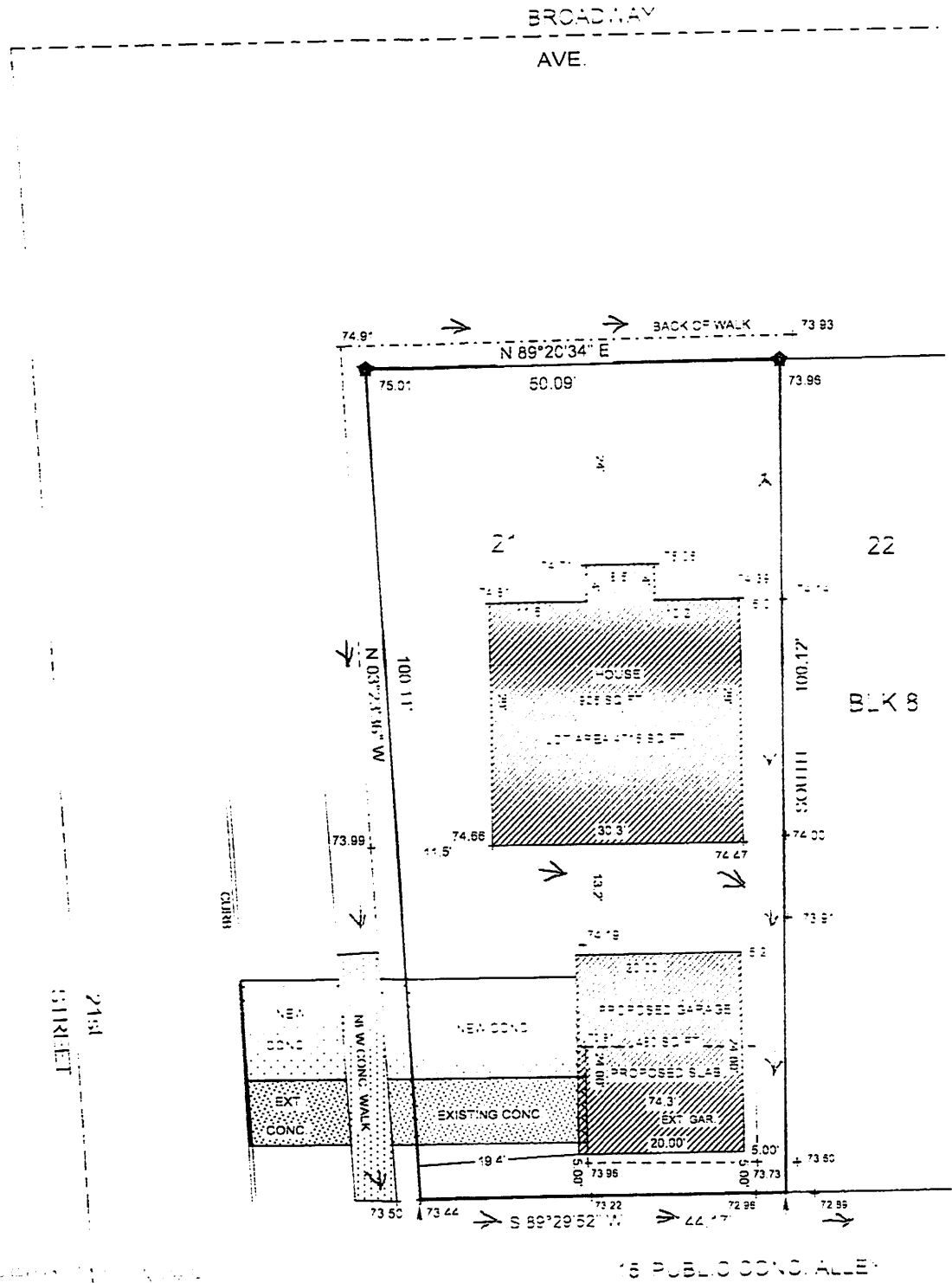
I hope the Board will agree with the points laid out here and grant my request for a variance.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Travis Hammer', with a long horizontal stroke extending to the right.

Travis Hammer

2017 BROADWAY AAVE.
 PARCEL 59281430470
 BEING LOT 21 OF BLOCK 8 OF WERNER & CLEMENS SUBDIVISION
 CITY OF SHEBOYGAN, S-SHEBOYGAN COUNTY, WISCONSIN



THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
 IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

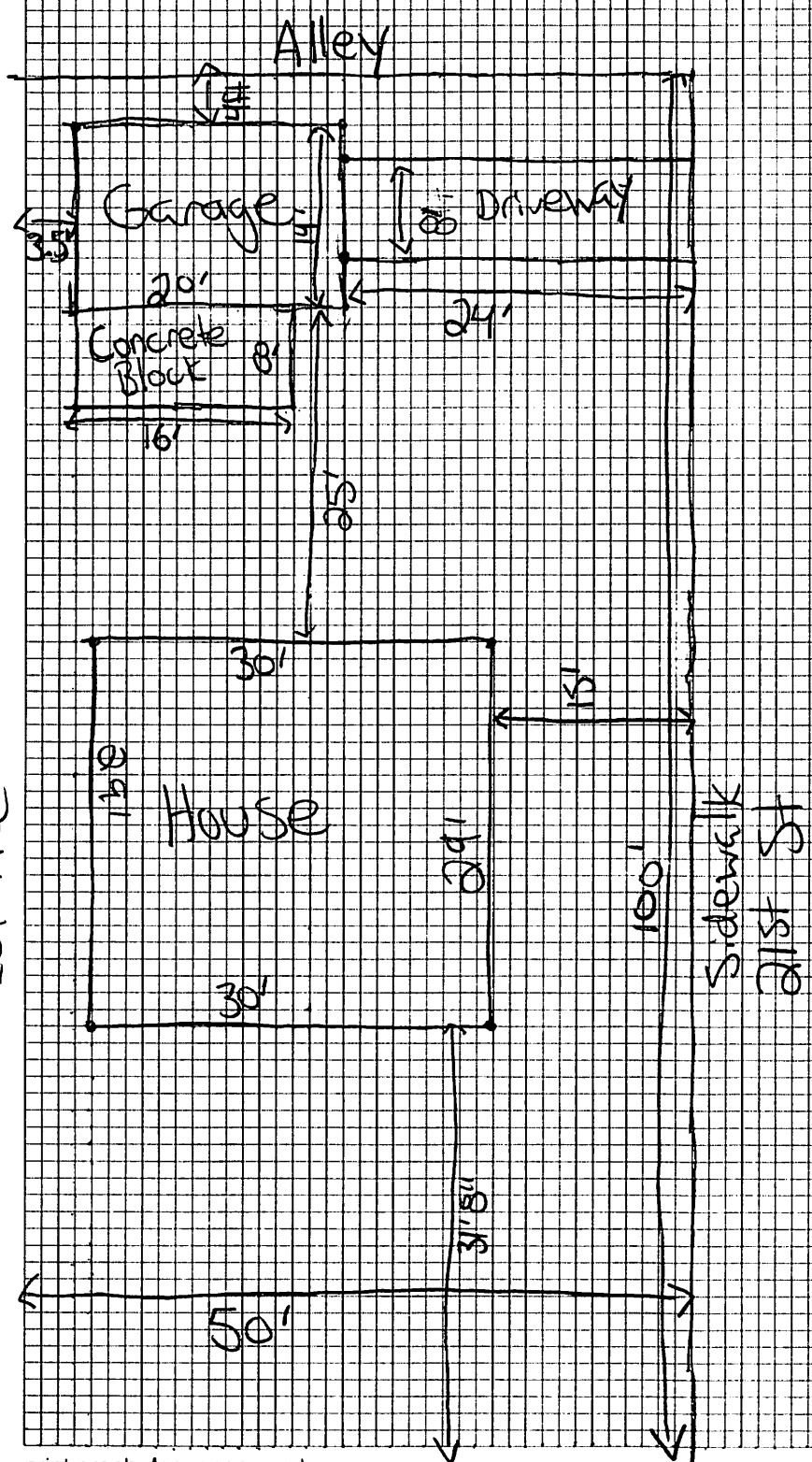
Dennis J. Van Sluys
 Dennis J. Van Sluys S-1238

Dated this 3rd day of July, 2022

- = EXISTING GRADE CITY DATUM
- ★ = 1" IRON PIPE FOUND
- ↑ = CHISEL ARROW FOUND

DATA/CSHEB22/2017BROA L-24328

Lot line



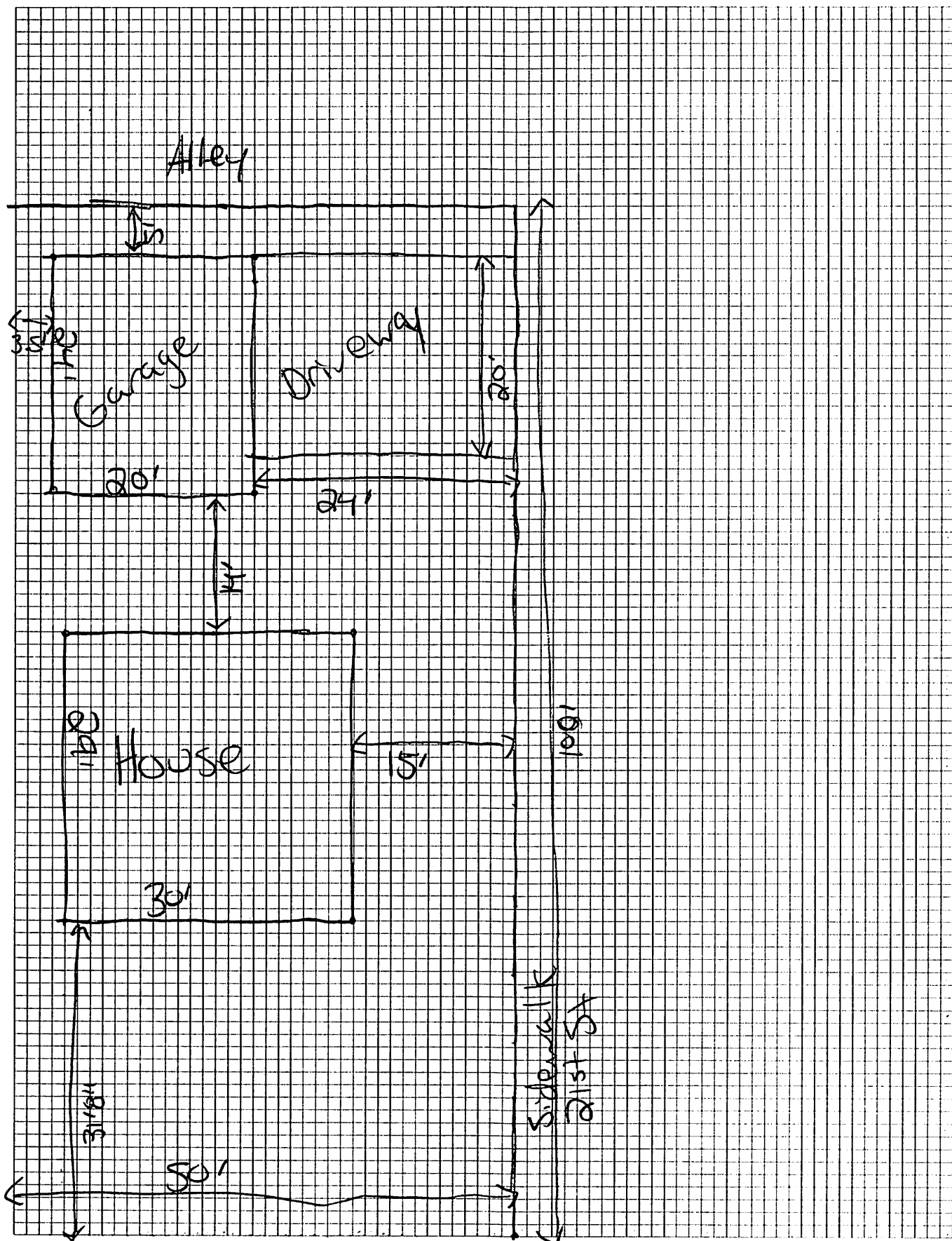
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Side walk
Broadway Ave

Current

*Concrete block used to be sunroom on the garage, it collapsed 15+ years ago

Lot line



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Sidewalk
Broadway Ave

Proposed
Construction

The house will be re-sided to match the garage
within the next year or two































