

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 837 Leland

Parcel #: 313460

Owner's Name: Joseph Koerner

Zoning: NR-6

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

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**REPORT DATE:** 08/03/2022

**MEETING DATE:** 08/17/2022

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**BACKGROUND / ANALYSIS**

Owner would like to construct a parking pad for their RV trailer in their required street yard.

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Ordinance #: 15.706(2)(b) In all residential zoning districts, recreational equipment including, but not limited to, boats, snowmobiles, all-terrain vehicles, travel trailers, pop-up campers, and motor homes, shall be permitted if said equipment is stored or parked a minimum of three (3) feet from any and all property lines and shall not be located within any front yard or any required street side yard (except for designated parking spaces approved by the Plan Commission) and shall be located on a pad paved with asphaltic concrete or Portland cement.

Requesting: 19 feet setback

Allowed: 25 feet setback

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Ordinance #: 15.105(2)(d)(3)(b)(E) Front or Street Side Lot Line to House: **Single family:** 25 feet

Requesting: 19 feet setback

Allowed: 25 feet setback

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**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:

July 20<sup>th</sup>  
Application Deadline Date

Aug 17<sup>th</sup>  
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

7/15/22  
Date



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

- 313460
- 1). Appeal Location (address): 837 LELAND AVE SHEBOYGAN WIS
  - 2). Applicant: JOSEPH A KOERNER Telephone #: (920) 457-3102  
Address: 837 LELAND AVE
  - 3). Legal Property Description (Lot, Block, Subdivision, etc.) LOTS 20 AND 21, BLOCK 26,  
LAKE VIEW PARK SUBDIVISION, CITY OF SHEBOYGAN, SHEBOYGAN  
COUNTY, WISCONSIN
  - 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: POURING A CEMENT PARKING PAD
  - 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: 7/15/22

Signature: Joseph Koerner  
Printed Name: JOSEPH KOERNER  
Mailing Address: 837 LELAND AVE  
SHEBOYGAN, WIS. 53081

### 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.

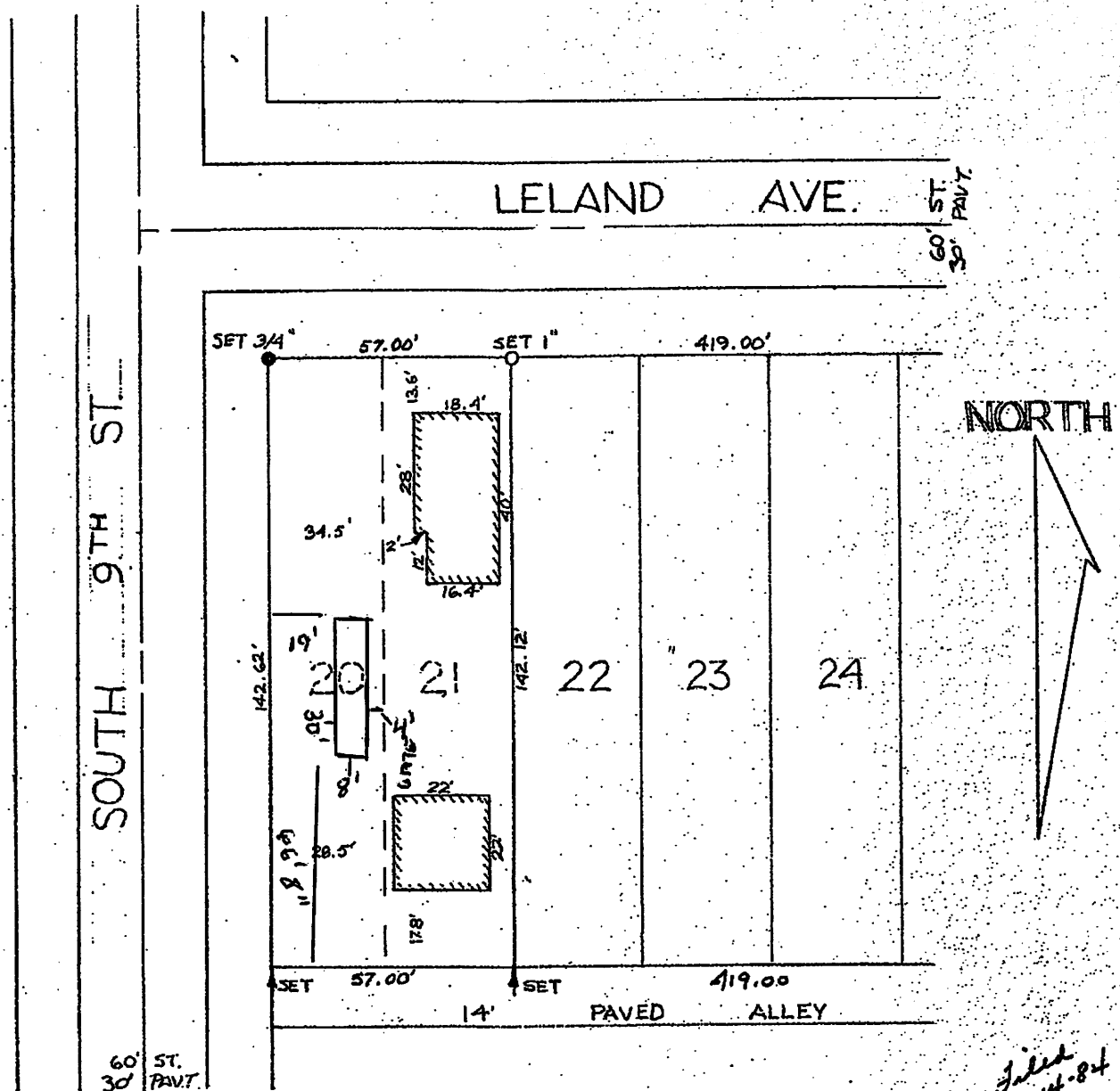
Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may 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.***

DESCRIPTION: Lots 20 and 21, Block 26, Lake View Park Subdivision,  
City of Sheboygan, Sheboygan County, Wisconsin.

SCALE: 1"=40'

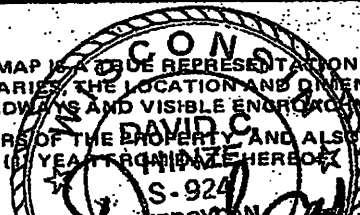
MAY, 1984



1212 SOUTH 21st STREET • P.O. BOX 144 • SHEBOYGAN, WISCONSIN 53081 • (414) 458-5921

SURVEY CERTIFICATE

I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.



We, Joe and Linda Koerner at 837 Leland Ave, are respectfully asking for a variance on that property to put a cement parking pad, just west of our fence between our trees, (to avoid falling branches during storms, which would puncture the campers rubber roof, and cause expensive damage) so that we can have access to our garage.

Also having a parking pad on our property will completely eliminate possibility of an accident or injury to us or others driving possibly into a parked vehicle as 9<sup>th</sup> street is a One Way Street going south, which puts our access doors opening into the center of the street, which makes it a very dangerous thing parking.

Thank you

Respectfully yours,

Joe and Linda Koerner



We, Joe and Linda Koerner at  
837 Leland Ave. are asking our  
neighbors for your signature  
stating that you are not opposed  
to us pouring a cement pad on  
our property, west of our fence,  
to be used as off street parking  
for our Four Winds camper  
Thank you

Name	Address
Lisa Gundlach	2408 S. 9th St
Terry Hoban	2417 S 9th St
Marcelo De la Cruz	2330 S 9th St.
Jeff Boers	2327 S. 9th St.
Glenn NAJACH	833 LELAND AV.
Katie Morrison	2406 S. 9th St.
Scott Kussner	2404 S. 9th St
Kathleen Steinmaier	2336 S 9 St
Jeff G. G. G.	920-889-8327
	2414 South 9th



The below listed condition(s) are in violation of International Property Maintenance Code (IPMC), State Code (SC), or local Municipal Ordinance (MC) as listed:

**VIOLATION DESCRIPTION (What needs done)**

**Comply By**

*Ordinance*

**FOUR WINDS RV TRAILER, WIS. RV REG., 92355, PARKED ON LAWN AS WELL AS ON THE STREET SIDE.**

**07/11/2022**

*SZO 15.706 - Exterior Storage Standards for Residential, Office and Commercial Districts*

*(2) Requirements for Exterior Storage in Residential Zoning Districts:*

*(b) In all residential zoning districts, recreational equipment including, but not limited to, boats, snowmobiles, all-terrain vehicles, travel trailers, pop-up campers, and motor homes, shall be permitted if said equipment is stored or parked a minimum of three (3) feet from any and all property lines and shall not be located within any front yard or any required street side yard (except for designated parking spaces approved by the Plan Commission) and shall be located on a pad paved with asphaltic concrete or Portland cement.*

PAT IRLICH

12:30  
1:30

9' w w/STEP

**BUILDING INSPECTION**

CITY HALL  
828 CENTER AVE.  
SUITE 208  
SHEBOYGAN, WI 53081

920-459-3477  
[www.sheboyganwi.gov](http://www.sheboyganwi.gov)





June 28, 2022

KOERNER, JOSEPH A.

837 LELAND AVE  
SHEBOYGAN, WI 53081-6353

Case No: 905  
Case Date: 06/22/2022  
Parcel No: 313460

RE: Property Violation(s) @ 837 LELAND AVE

**Notice to Property Owner(s):**

Recently an inspection of the above referenced property was made by the Building Inspection Department. As a result, immediate action is required to correct the violation(s) listed on the following page(s) and bring the property into compliance. Permits may be required to complete the required repairs. Violations not corrected by the **Comply By** date may result in a Municipal Citation with a maximum fine of \$750.00 per violation per day.

It is the property owner's responsibility to maintain owned property in good order and repair, meeting all international, state and local municipal codes. It is also the property owner's responsibility to call the Code Enforcement Officer or Building Inspector listed below when violations are corrected or cannot be corrected by the **Comply By** date. Inquiries regarding this notice must be made prior to the **Comply By** date shown.

Recourse to this notice is outlined in Section 26-869 of Article VII – Property Maintenance Standards in the City of Sheboygan Municipal Code.

BUILDING INSPECTION DEPARTMENT

DAVE ANDERSON 920-459-3478  
CODE ENFORCEMENT

BUILDING INSPECTION

CITY HALL  
828 CENTER AVE.  
SUITE 208  
SHEBOYGAN, WI 53081

920-459-3477  
www.sheboyganwi.gov

**VIOLATIONS NEXT PAGE (on back)**

## APPLICATION PROFILE

Application ref: 222465 (continued)

**ROLES/NAMES**

Role	Name/Address
OWNER	KOERNER, JOSEPH A.
CID : 6278	837 LELAND AVE
	SHEBOYGAN, WI 53081-6353
PERMIT OFFICIAL - BUILDING	LUTZKE, JEFFREY
CID : 20002	SHEBOYGAN, WI 53081
Phone: (920) 459-3481	

**BUILDING CONSTRUCTION**

No Building Construction detail was found.

**PERMITS**

Type	Permit Number	Status	Issued	Fee	Unpaid Amt
ZONING BOA		FEE		250.00	.00

**AUDIT HISTORY**

Department	Action	Source	Created by
Date	Comments		
BUILDING INSPECTION	Permit payment collected	APP	bicntr
07/18/22	Payment collected on permit ZONING BOARD OF APPEALS		
BUILDING INSPECTION	Permit added	APP	bicntr
07/18/22	Permit 'ZONING BOARD OF APPEALS' (ID: 31222) added to application		
BUILDING INSPECTION	Name added	APP	bicntr
07/18/22	LUTZKE, JEFFREY added to application		
BUILDING INSPECTION	Application entered.	APP	bicntr
07/18/22			

\*\* END OF REPORT - Generated by BI COUNTER \*\*

## APPLICATION PROFILE

## GENERAL APPLICATION

Application ref	222465	Fee Effective Dt	07/18/2022
Department	BUILDING INSPECTION		
Location	837 LELAND AVE		
Parcel	313460		
Cross streets			
Add'l loc desc			
Municipality	SHEBOYGAN		
Subdivision		Lot	
Existing use	RESIDENTIAL		
memo			
Current Zoning	NEIGHBORHOOD RESIDENTIAL		
Flood zone			
Applicant	OWNER		
Proj/Activity	BUILDING		
Class of work			
Description	PARKING PAD		
Proposed use	RESIDENTIAL		
memo			
Proposed zoning	NEIGHBORHOOD RESIDENTIAL		
Flood zone			
Non-conforming	N		
Applic received	07/18/22		
Estimated cost	0		
Estim start/end			
Actual start/end			
Impervious Surf			
Assigned to	LUTZKE, JEFFREY		
Status	ACTIVE		
Status code desc	OPEN	Multiple submissions	N
Next action		Government owned	N
memo			
Ordinance ref			
Reason for app			
Parent app			

## PROGRESS

Prerequisites Approved	0 of	0
Restrictions/Hazards Cleared	0 of	0
Plan Reviews	0 of	0
Department/Board Reviews	0 of	0
Permits Issued/Completed	0 of	0
Inspections	0 of	0
Permit Fees Paid	0 of	0
Miscellaneous Charges Paid	0 of	0
Work Orders Paid	0 of	0



















