

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 4141 S 15th ST

Parcel #: 460185

Owner's Name: Adam & Julia Schmitz

Zoning: SR-3

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 06/07/2022

MEETING DATE: 06/15/2022

BACKGROUND / ANALYSIS

Property owner is proposing to construct detached 24 foot x 36 foot garage with an 8 foot x 36 foot roof overhang (1,152 sq ft). There is currently a two car garage attached to the dwelling. NOTE – there is no height provided by owner. Maximum height allowed is 15 feet.

Ordinance #: 15.206(8)(d)(1)(a) The maximum number of accessory structures per lot is three (3) – not to exceed one (1) garage, one (1) shed, one (1) gazebo or one (1) greenhouse.

Requesting: 2 garages

Allowed: 1 garage

Ordinance #: 15.206(8)(d)(1)(b) The maximum square footage of a garage and/or carport is 1,000 square feet.

Requesting: Existing 2 car garage and new 1,152 sq ft detached garage

Allowed: 1,000 sq ft

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:

5/18/22

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

Date



www.sheboyganwi.gov

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**

221637
CASE NO: _____
FILING DATE: _____
RECEIPT NO: _____
ZONING DIST: _____

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

- 1). Appeal Location (address): 4141 S 15th St, Sheboygan
2). Applicant: Adam Schmitz Telephone #: (920) 334-1575
Address: 4141 S 15th St, Sheboygan
3). Legal Property Description (Lot, Block, Subdivision, etc.): Parcel # 5928 1460185

- 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: 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: 5/17/22

Signature: Adam Schmitz
Printed Name: Adam Schmitz
Mailing Address: 4141 S 15th St
Sheboygan, WI 53001

460185



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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

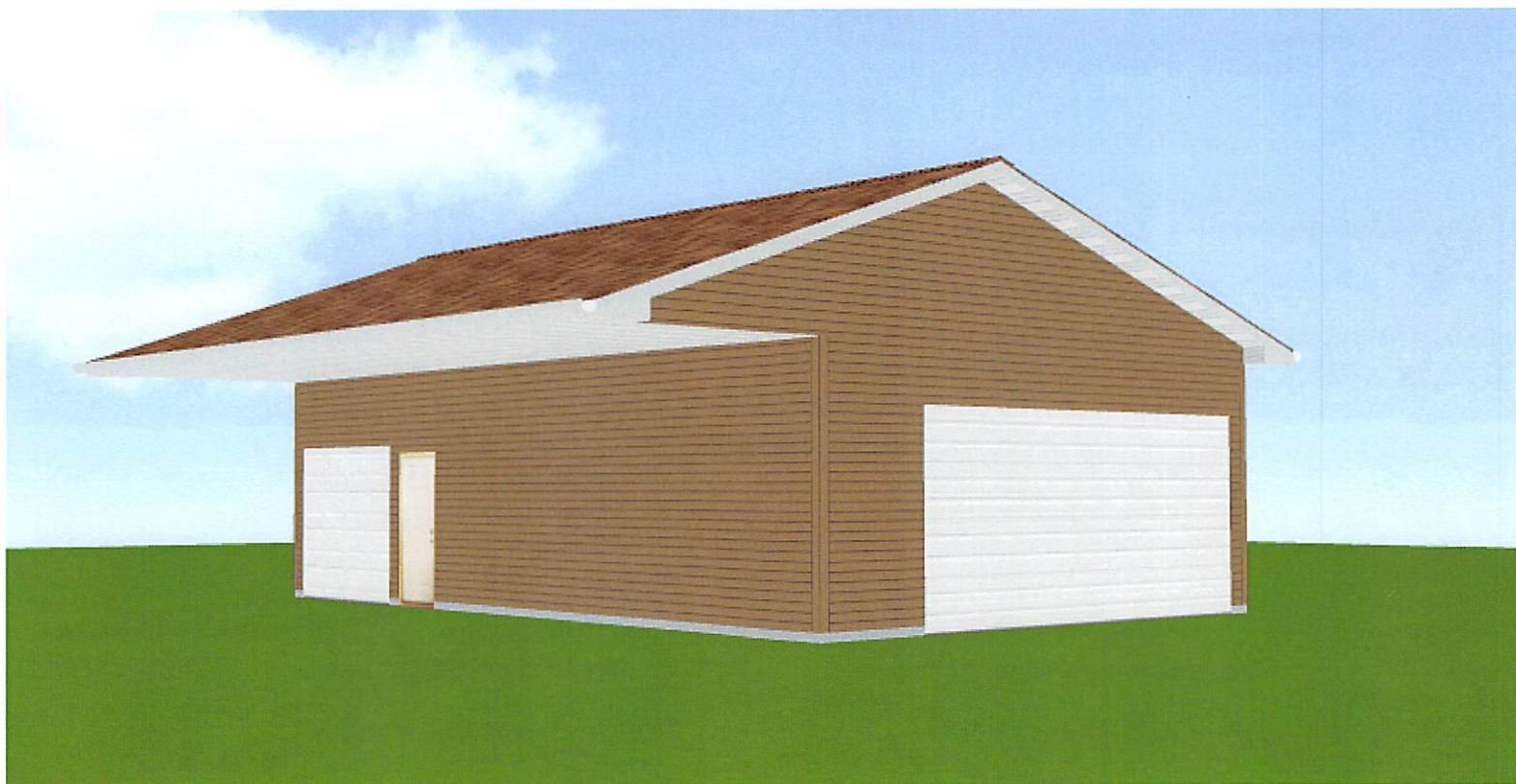
The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

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.

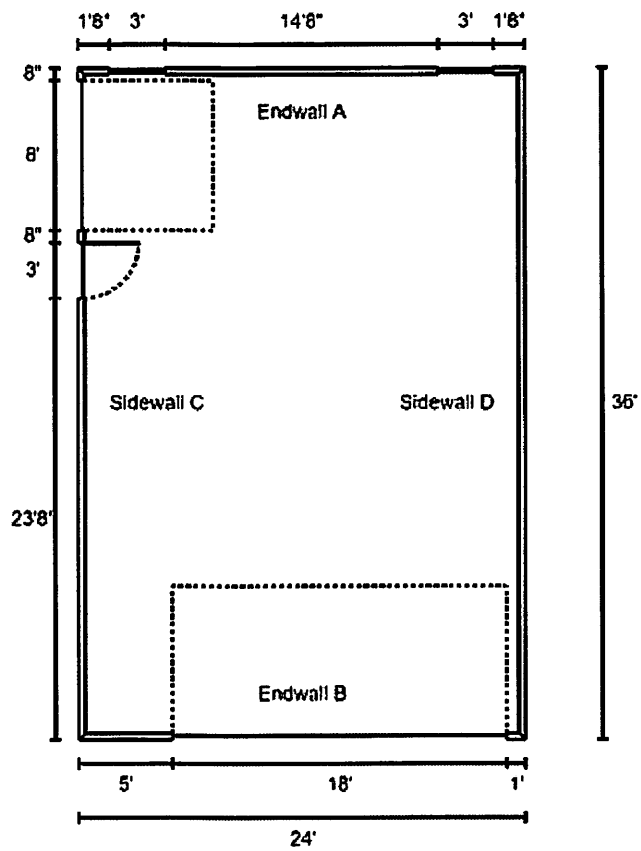
Your proposed construction must meet all three "tests" to qualify for a variance. Variances are meant to be an ***infrequent remedy*** where an ordinance imposes a unique and substantial burden. ***They are not intended as an accommodation for a property owner's convenience.*** A variance decision may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

We own a 2.12-acre property at 4141 S 15th Street in Sheboygan. Our current two car attached garage has quickly become too small for our growing family. Due to its location, we are unable to make the garage larger. My spouse and I each have a personal vehicle and a work vehicle. This is four vehicles between the two of us. We also have four small children who enjoy playing outside and enjoy the land that we own. They themselves have quite a large number of bikes, cars, and outdoor toys which occupy much of our current garage. As of right now, our garage is only large enough for one of our personal vehicles with all our kids' toys, bikes, lawn mower, log splitter, skid loader, four wheelers, multiple trailers, and leaf collector. We would like to build an additional 24x36 foot garage with a covered patio on the end of our current driveway. This new garage would ensure that all our vehicles, outdoor toys, and yard equipment would be stored inside the garage and out of the weather, instead of on the street or in our driveway. We pride ourselves in taking care of what we own and that has been hard to do without being able to store everything properly.












MM MIDWEST MANUFACTURING

MIDWEST MANUFACTURING BUILDING PLANNER

Tools:     

[Request a Quote](#)

Building Properties

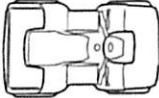
Length	Width
24 ▾	36 ▾


Object Properties

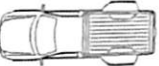
Description	No Icon Selected
Length ft in	
Width ft in	
Angle	

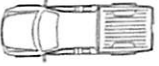
Available Objects

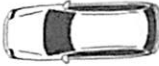
Vehicles ▾



ATV

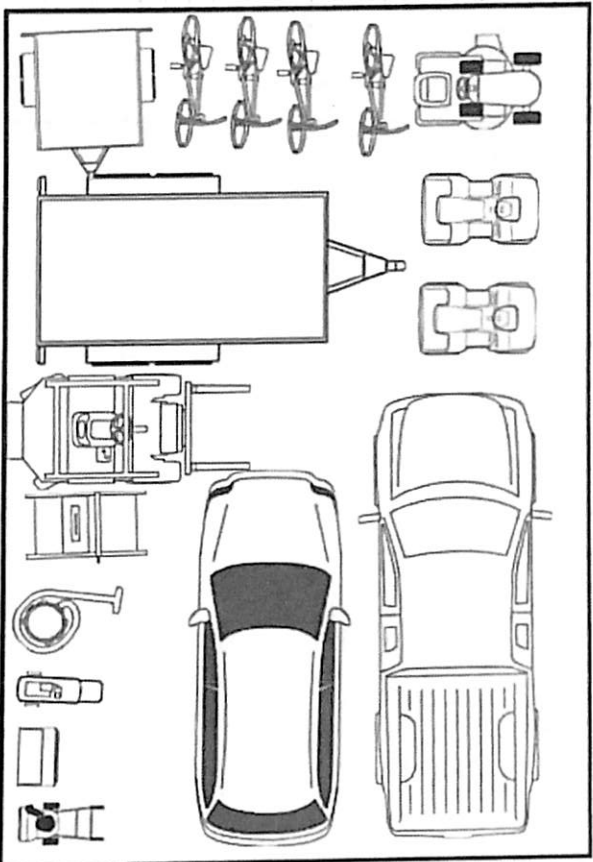

Car


Dually Pickup Truck


Pickup Truck


SUV


Speed Boat On Trailer



← Alliant power lines →

Woods

lot line

10x10 ft shed

existing garage

150 feet from 15th St
24x36 New Garage

100 feet from 14th St

existing driveway

lot line

lot line

14th St

15th St

lot line

Date: 5/17/2022 - 12:40 PM
Design Name: Garage Design
Design ID: 324753763604

Estimated Price: \$20,525.29

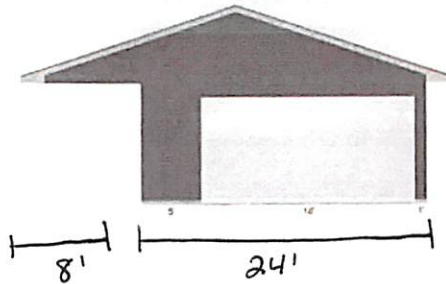
**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS
Design & Buy GARAGE

Dimensions

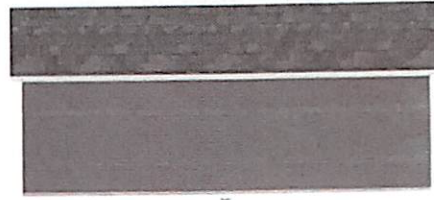
Wall Configurations

*Illustration may not depict all options selected.



ENDWALL B

Ideal Door® Commercial 18' x 9' White Insulated Garage Door

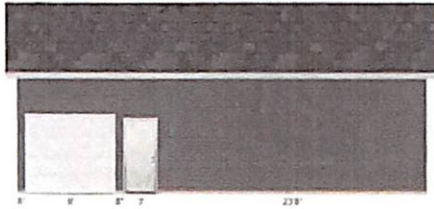


SIDEWALL D

with 8' over hang - 1,152 sq ft

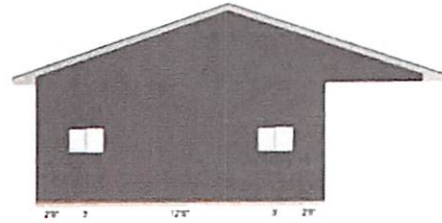
Date: 5/17/2022 - 12:40 PM
Design Name: Garage Design
Design ID: 324753763604
Estimated Price: \$20,525.29

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SIDEWALL C

Mastercraft®: 36"W x 80"H Primed Steel 6-Panel
Ideal Door®: 4-Star 8' x 7' White Select Value Insulated



ENDWALL A

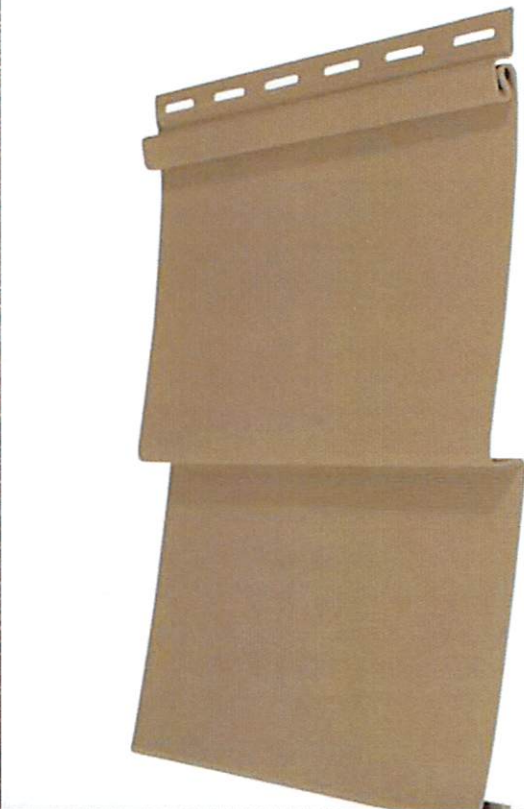
36"W x 24"H JELD-WEN® Vinyl Slider
36"W x 24"H JELD-WEN® Vinyl Slider

*Some items like wainscot, gutter, gable accents, are not displayed if selected.

For other design systems search "Design & Buy" on Menards.com

Cedar Creek™ Double 4" x 12' 6"
Khaki Vinyl Siding

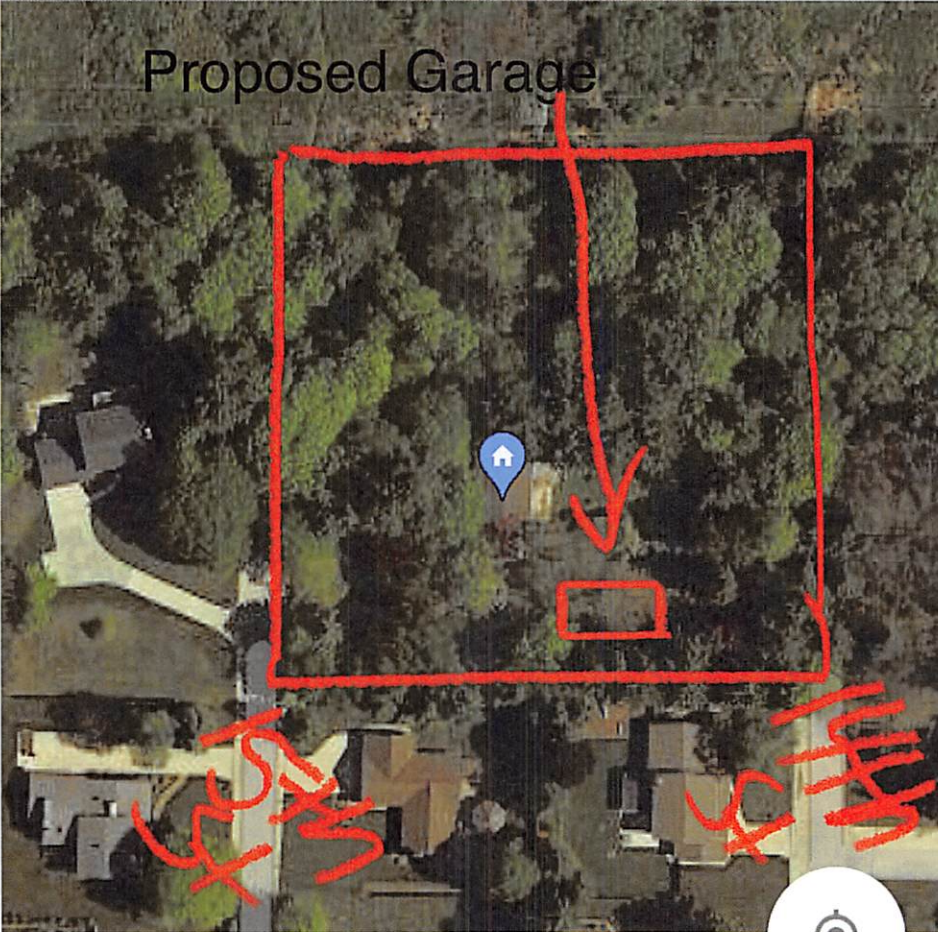
Model Number: VLC4028 | Menards® SKU: 1462537





The shed will be removed to build the new garage





Proposed new
garage and
patio

14th St

House

15th St





