

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1230 S 13th ST

Parcel #: 508080

Owner's Name: Edward Procek

Zoning: NR-6

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 06/07/2022

MEETING DATE: 06/15/2022

BACKGROUND / ANALYSIS

Property owner is proposing to attach an existing 12 foot 4 inch x 18 foot 4 inch one car garage to the existing dwelling. The existing garage would also be raised 16 inches by adding 2 courses of 8 inch cement block between the bottom of the wood wall and existing foundation. The creation of an attached garage will not meet the required setback requirements.

Ordinance #: 15.408(1)(a)(2) A nonconforming accessory residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration creates an additional nonconformity or causes any portion of said accessory residential building to be located nearer to a lot line where a nonconformity exists

Requesting: Increase height 16 inches

Allowed: 0

Ordinance #: 15.105(2)(d)(3)(b)(G) Side Lot Line to House or Attached Garage: 5 feet

Requesting: Less than 5 feet

Allowed: 5 Feet

Ordinance #: 15.105(2)(d)(3)(b)(H) Total of Both Sides, Lot Lines to House/Attached Garage: 30 ft for a corner lot

Requesting: Less than 30 feet

Allowed: 30 feet

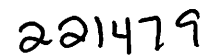
Ordinance #: 15.105(2)(d)(3)(b)(I) Rear Lot Line to House or Attached Garage: 20 feet

Requesting: Less than 20 feet

Allowed: 20 feet

ATTACHMENTS:

Application, pictures, and drawing



APPLYING FOR A VARIANCE

5/18/22
Application Deadline Date

6/15/22
Board of Appeals Meeting Date

- 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.

- 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.

- * *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.)*

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.

Date _____

508080

**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): 1230 South 13 Street
- 2). Applicant: Edward J. Procek Telephone #: (920) 4587074 (cellular)
Address: 1230 So 13 Street
- 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: 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: _____ Signature: [Signature]
Printed Name: Edward J. Procek
Mailing Address: 1230 South 13 Street
SHEBOYGAN, WI 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.

May 4, 2022

Test 1) Is that the garage is not large enough to house a car and other preferably covered items, such as a snow blower, City of Sheboygan Refuse Containers.

Test 2) Unique is the older neighborhood, lot lines, and also being a corner lot. This allows for no other configuration for the property.

Test 3) While existing zoning is in many cases understandable, this is a unique situation. The abutting land owners have verbally agreed to the concept so as to clear the area and make it aesthetically more appealing for us all, and useful for me I do believe this drawing actually after talking with several others, including Tim Rakun (Construction), Scott Davis (Concrete), and Ed Hurlbutt (Architect) about the project and as we proceeded this became the float to top solution so all the pieces fit together. With the ideas from construction contractors we hope we will enhance the appearance of the neighborhood and have the property better utilized.

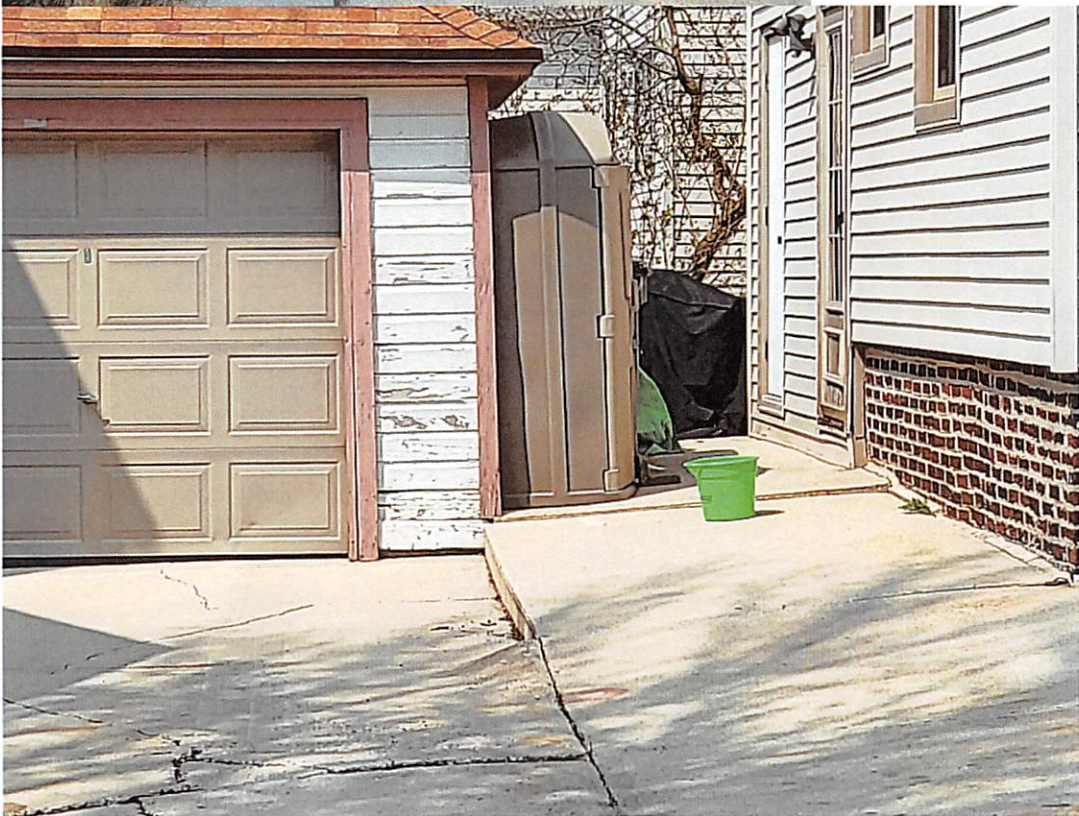
Sincerely,



Edward J Procek

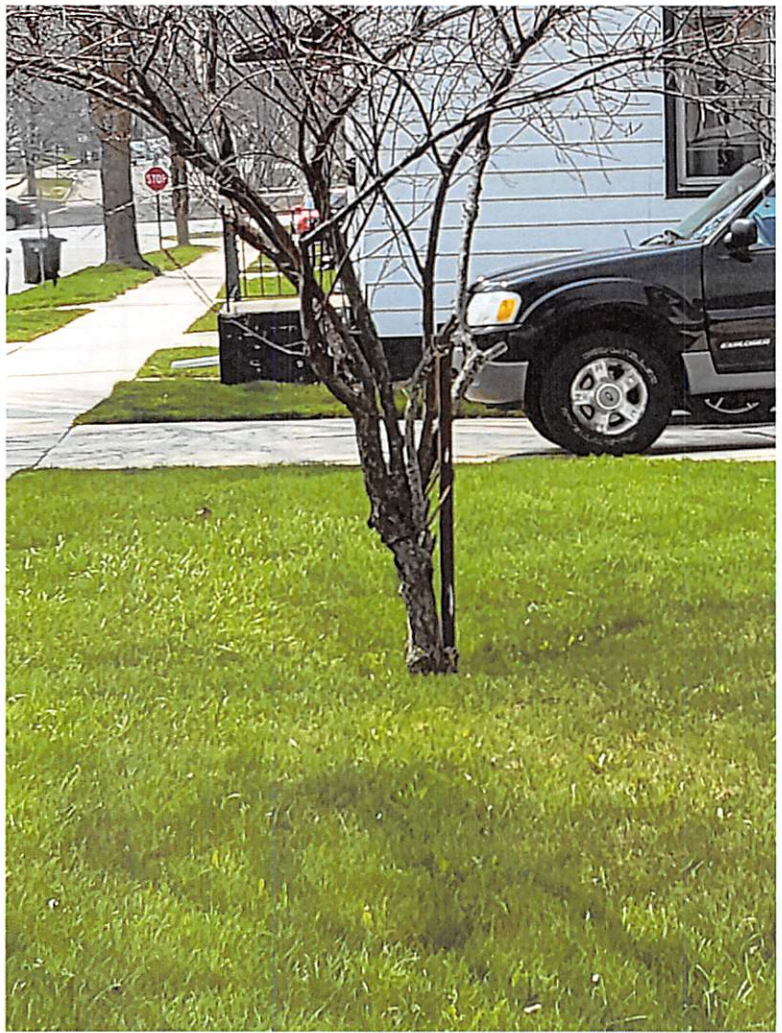
1230 South 13 Street

Sheboygan, WI 53081











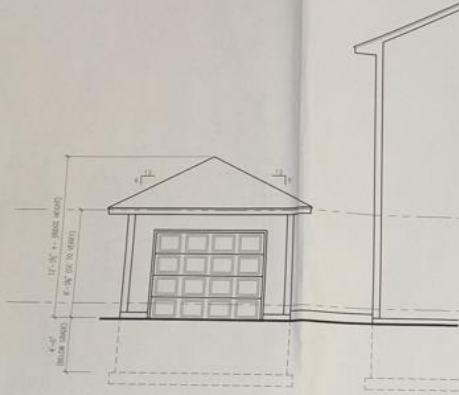




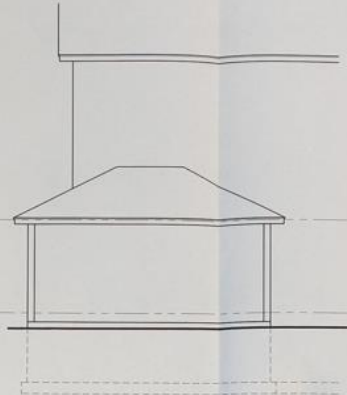




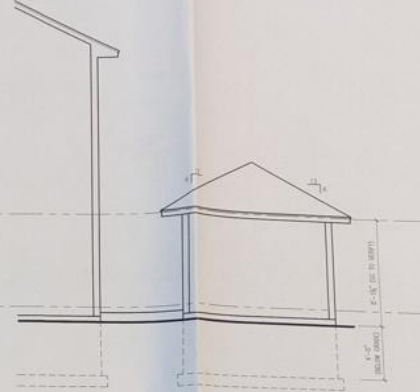
All dimensions are face of stud to face of stud (tol. $\pm 1/32"$), 2nd (2 $\pm 1/32"$)
 All wall thicknesses to be not less than 1/8" unless otherwise noted.
 All bearing surfaces to be 12.5x12.5, unless otherwise noted.
 All exterior windows and doors shall be flush opening.
 All wall heights to be 8' $\pm 1/8"$ unless otherwise noted.



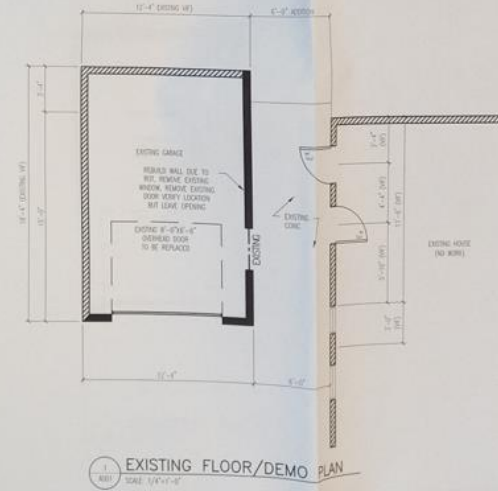
EXISTING EXTERIOR ELEVATION
SCALE 1/4"=1'-0"



3 EXISTING EXTERIOR ELEVATION
A001 SCALE: 1/4"=1'-0"



2 EXISTING EXTERIOR ELEVATION
ADT SCALE: 1/4"=1'-0"



1. EXISTING FLOOR/DEMO PLAN
ADD SCALE 1/8"=1'-0"

NOTICE:
 THESE PLANS ARE UNCHANGED SINCE 1991. A FIRM THAT USES THESE
 CONDITIONS AND REQUIREMENTS OR OTHER PLAN REQUIREMENTS
 INDICATED WITHOUT THE EXPRESSED WRITTEN CONSENT OF
 OOSTBURG LUMBER COMPANY, INC.

Visit us at:
www.oostburglumber.com

1218 Center Ave.
Oostburg, WI 53070
Phone: (920) 364-2378
Fax: (920) 364-3040

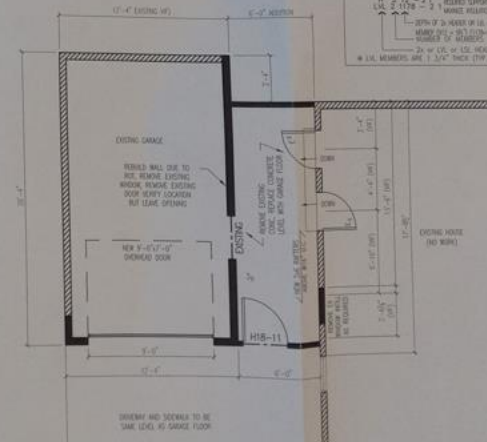
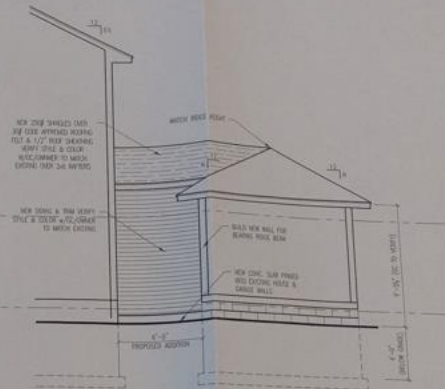
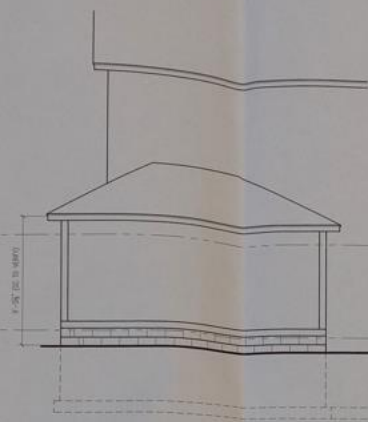
PROJECT FOR: TIM RAKUN
ED PROCEK BREEZEWAY
1230 S 13TH ST
SHEBOYGAN, WI

Page: 1 of 2	By: THE DESIGN CONNECTION
	DATE: NOV 17, 2021
	REV. DATE: MAY 4, 2022
	REV. DATE:
Drawn by: JPM	REV. DATE:
Checked by: AJT	REV. DATE:

Architectural drawing of a proposed garage addition. The drawing shows a side elevation of a house with a gabled roof and a new addition with a flat roof. The addition features a large multi-paned garage door and a side door. Dimensions and material specifications are provided for the new construction.

Labels and dimensions include:

- WATCH ROOF HEIGHT
- NEW SIDING & TRIM VERIFY STYLE & COLOR & SC-FINISH TO MATCH EXISTING
- NEW CONC. SLAB FINISH NOT EXISTING HEIGHT & GARAGE WALLS
- PROPOSED ADDITION
- NEW DOOR 1/2 GLASS VERIFY SILE, TYPE & COLOR & SC-FINISH
- EXISTING GARAGE
- 15'-0" (SEE TRIM HEIGHT)
- 8'-0" (SEE TRIM HEIGHT)
- 6'-0" (SEE TRIM HEIGHT)
- EXISTING GARAGE
- EXISTING GARAGE 1P 2 COURSES OF BLOCK



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