

## 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:

March 16, 2022

Application Deadline Date

April 20, 2022

Board of Appeals Meeting Date

### All applications must include:

- 1) Application forms, signed and dated, which are available at the Building Inspection Department Office.
- 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 application review and/or as a condition of approval prior to issuance of a building permit if a variance is granted.

**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]  
Signature

3/16/2022  
Date

220690

**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): 2324 N 5<sup>th</sup> St, Sheboygan 53083
- 2). Applicant: Richard & Sarah Cleary Telephone #: (512) 289-3241  
Address: \_\_\_\_\_ email: rcleary709@gmail.com
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Parcel 59281008240  
Lot 3, Block 1, Lake Heights subdivision
- 4). Type of Building (Circle): Commercial - Industrial - Institutional Residential - Apartment - Other (if other)  
please list: \_\_\_\_\_
- 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/occupants
- 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: 3/16/2022

Signature: Richard & Sarah Cleary  
Printed Name: Richard & Sarah Cleary  
Mailing Address: 2324 N 5<sup>th</sup> St  
Sheboygan WI 53083

008240

**Request for Zoning Variance**  
**2324 N 5<sup>th</sup> St**  
**Richard and Sarah Cleary, owner/occupants**  
**Project Narrative**

Dear Zoning Board of Appeals members:

We seek a variance of the setback requirement along our north property line to permit construction of a one-story addition aligned with the existing house.

**Background**

We moved to Sheboygan from Middleton, WI, in October 2021. We are a retired couple and were attracted to the city by its convenient size, amenities, and historic residential neighborhoods; the opportunity to live just a few blocks from Lake Michigan; and Sarah's family history in Sheboygan. We look forward to living here for many years. The addition of a small, easily accessible, ground-floor bedroom will facilitate our aging in place. It also will allow us to correct several undesirable architectural conditions at the rear of house.

**Project scope**

We propose construction of a one-story, 208 square-foot bedroom addition (15'-1½" x 13'-7") aligned with the rear wing of the existing house (please see the accompanying photographs and plans). Building coverage on the lot would be 35.1% (maximum allowed is 40%). Exterior materials, roof shape, and window types would maintain the architectural character of the existing house. Other components of the project address the scale of the deck/patio, the location of the rear entrance and configuration of the interior entry steps, and correct deficiencies in the ground-floor bathroom.

**The issue for your consideration**

The dimensions of our lot and the skewed placement of the existing house are non-conforming. The setback of the existing house along the north property ranges from 3.2 to 2.9 feet (the minimum requirement is 5.0 feet). We seek a variance that would allow us to maintain this alignment in building the addition. At the northwest corner of the addition the setback would be 2.7 feet, just two-tenths of a foot from the existing northwest corner of the house. We do not seek any other variance to undertake this project.

**Test #1: Unnecessary Hardship**

The lot and house pre-exist the current zoning ordinance. The ordinance effectively denies reasonable use by prohibiting construction of any addition that maintains the north line of the house. Such an alignment is the most reasonable use of the property. The proposed addition conforms to the existing arrangement of the house and lot and provides the most reasonable interior connection for an accessible bedroom and bath. An alternative location would disrupt this character-defining alignment and crowd the mature, yellow maple tree that is a major feature of the yard.

**Test #2: Unique Property Limitations**

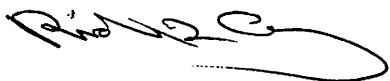
The current zoning ordinance awkwardly overlays the pre-existing placement of the house on the lot. No part of the north side of the house meets the five-foot setback requirement (please see survey). A valuable feature of the property is the healthy, mature, yellow maple tree located slightly south and west of the existing house. It provides shade in the summer. Protection of the tree requires attention to the integrity of the canopy and roots.

**Test #3: No Harm to Public Interest**

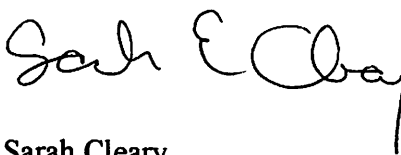
The requested variance would essentially maintain existing building alignments. The proposed addition is set beyond the end of our neighbor's house, and we have designed it with high-set windows on the north side to ensure her privacy. The placement and scale of the addition would be consistent with prevailing patterns in the neighborhood, and the wall cladding, roof configuration, and window types would be consistent with the character of the existing house. The area of the entire project conforms with current zoning, and even with the granting of the variance, the total setback of the house (both sides) would be in conformance (15 feet 0 inches required; 15 feet 8 inches proposed).

Thank you for considering our request.

Sincerely,



Richard Cleary



Sarah Cleary

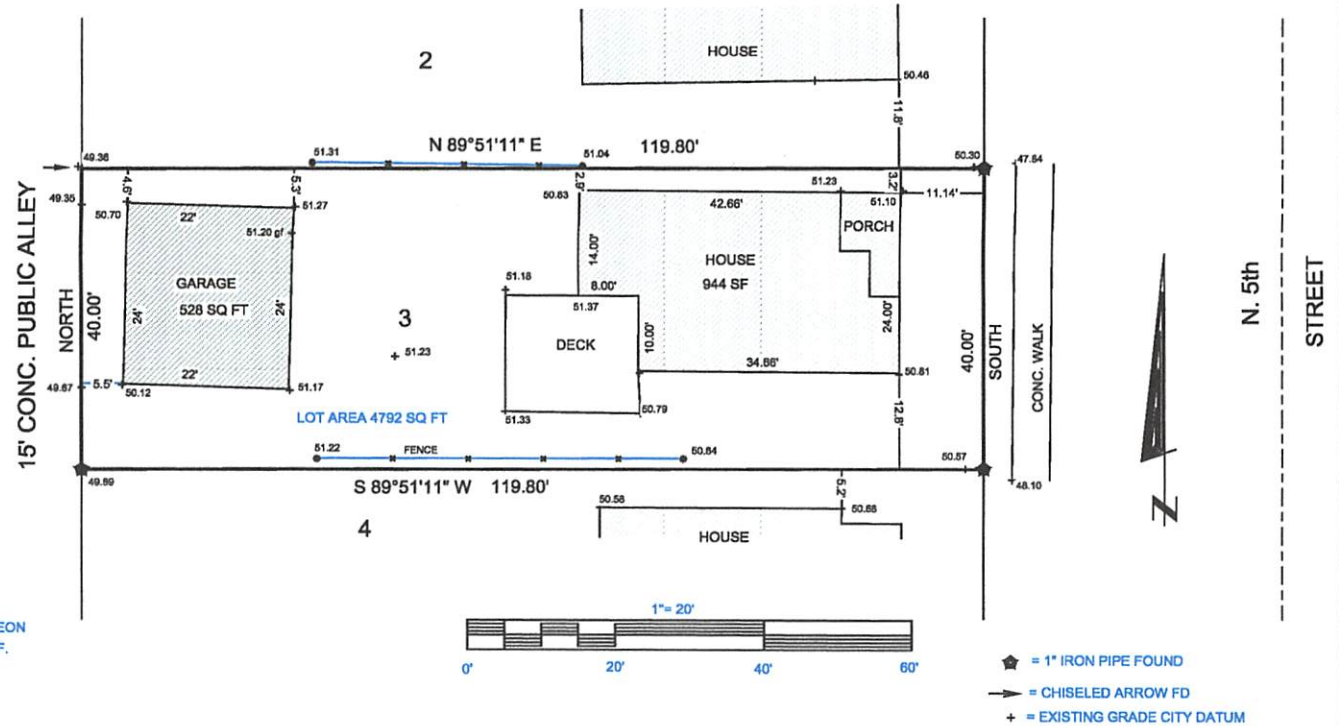
March 16, 2022

**Attachments**

- Property survey by D & H Land Surveys dated January 18, 2022
- Architectural drawings (project design by Legacy Architecture)
  - Site plan
  - Addition and remodel plan
  - North elevation
  - West elevation
  - South elevation
- Photographs
  - View of the house from the street
  - View of backyard looking west
  - Views looking east showing setback along north property line
  - View looking north
  - View looking south
  - Views looking east and northeast showing outline of proposed addition

D & H LAND SURVEYS LLC  
1628 GEORGIA AVENUE  
SHEBOYGAN, WISCONSIN

2324 N. 5th STREET  
PARCEL NO. 59281008240  
BEING LOT 3 OF BLOCK 1 OF LAKE HEIGHTS,  
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.



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

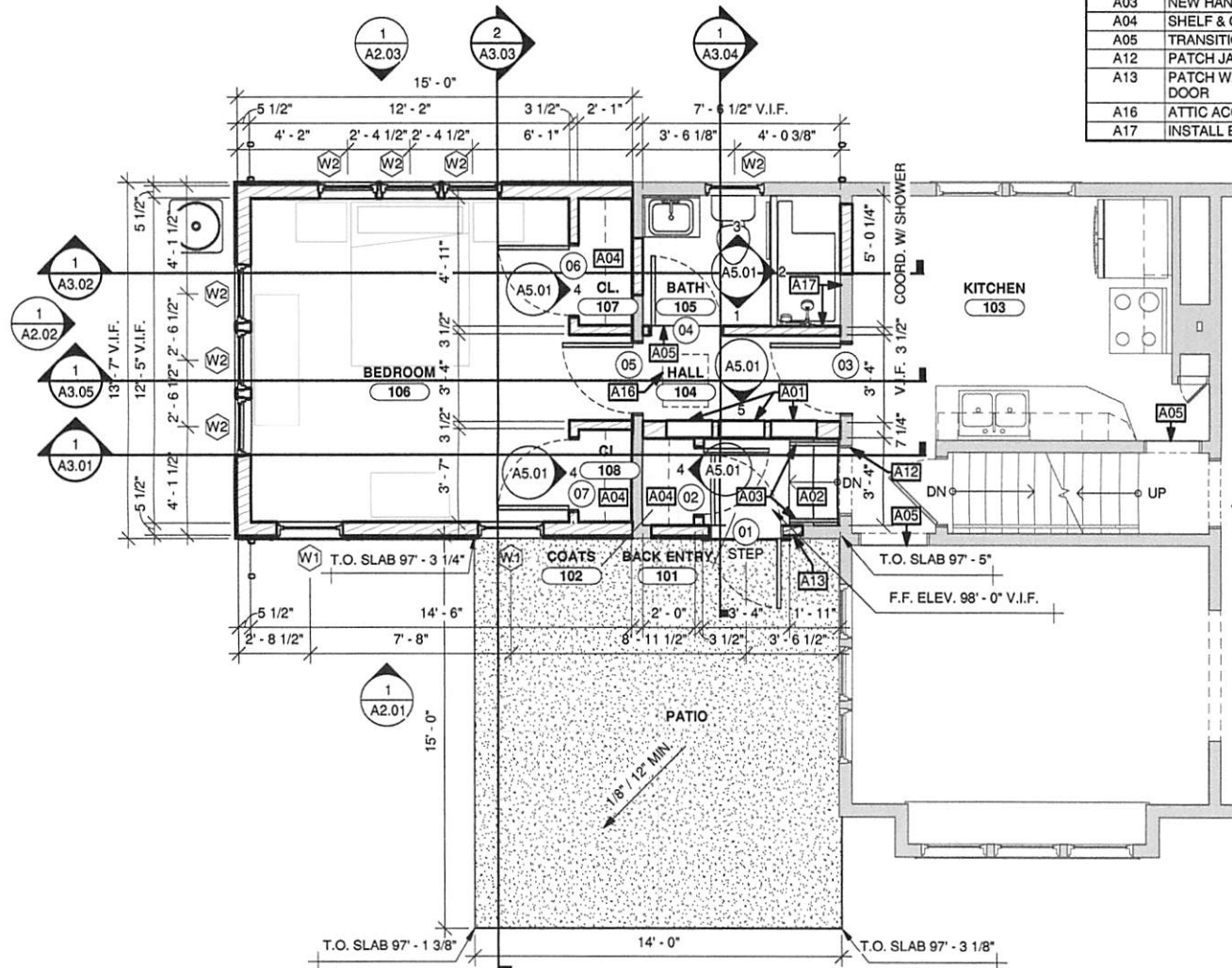
Dennis J. Van Sluys S-1238

Dated this 18th day of January, 2022.

DATA/CSHEB22/2324N5 L-24296



FLOOR PLAN NOTES	
A01	BUILT-IN CABINETS WITH ADJUSTABLE SHELVES
A02	NEW STAIR
A03	NEW HANDRAILS
A04	SHELF & CLOTHES POLE
A05	TRANSITION STRIP
A12	PATCH JAMBS AND FRAME AS NECESSARY, PAINT
A13	PATCH WALL AS NECESSARY AT LOCATION OF FORMER MILK DOOR
A16	ATTIC ACCESS HATCH ABOVE
A17	INSTALL BLOCKING FOR GRAB BARS, SEE DETAIL 6/A5.01



1  
A1.02 FIRST FLOOR PLAN  
1/4" = 1'-0"

F.F. ELEV. = 100'-0" (V.I.F.) U.O.N.

PRELIMINARY - NOT FOR CONSTRUCTION

**LEGACY**  
architecture  
605 Erie Avenue  
Sheboygan, WI 53081  
(920) 785-5303  
www.legacy-architecture.com

**RESIDENTIAL ADDITION & REMODEL**  
**RICHARD & SARAH CLEARY**  
2324 N 5TH STREET  
SHEBOYGAN, WISCONSIN 53081

PROJECT NUMBER  
22.002  
DRAWN BY  
B. SHORT  
CHECKED BY  
J. LEHRKE  
DATE  
03/10/22  
SHEET TITLE  
FIRST FLOOR PLAN

SHEET NUMBER  
**A1.02**

3/10/2022 5:32:34 PM











**2324 N 5<sup>th</sup> St (view looking west)**



**View of backyard looking west from back door to garage**





**Views looking east showing setback along north property line**



**View looking north**



**View looking south**





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**Views looking east and northeast showing outline of addition**

**Cleary Zoning Variance Request**  
**2324 N 5<sup>th</sup> St, Sheboygan**  
**Sheboygan Zoning Board of Appeals**  
**Hearing Date: April 20, 2022**

I am a neighbor of Richard and Sarah Cleary and have seen their proposal for an addition to their home located at 2324 N 5<sup>th</sup> St. I do not object to their requested variance to the set back requirement along the north side of their property.

Name

Address

KIRSTIN KROLL *Kirstin Kroll*

2320 N 5 ST

Sandra Gottschalk *Sandra Gottschalk*

2328 N 5 ST (2328)

Jody L. Kraemer

515 Bell Ave

*Ann M. ...*

2323 N. 5th

*Mary ...*

2317 N 5<sup>th</sup>

*Sarah Wassil ...*

2314 N 5<sup>th</sup> St