

232183

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 1907 N 6TH ST

Parcel #: 010360

Owner's Name: CHAD FRITZ

Zoning: NR-6 (NEIGHBORHOOD RESIDENTIAL)

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 6/27/2023

MEETING DATE: 07/19/2023

BACKGROUND / ANALYSIS

Property owner would like to install a 6 foot high privacy fence in his required street yard (Lincoln Ave). The fence would be located 8 feet from the public sidewalk.

Ordinance #: Sec 105-945 (a)(c)(3) *Maximum height*. The maximum height of any fence, landscape wall, or decorative post shall be the following:


- a. Four feet when located within a required street yard on any property, except if the house is closer to the property line than required by the zoning district in which it is located, the fence may be six feet high and solid for that portion between the setback line and the front of the house. **The fence from the front of the house to the property line shall not exceed four feet in height and must be 50 percent open.**
- b. Six feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard.

Requesting: 6 foot high privacy fence

Allowed: 4 foot high fence 50 percent open

ATTACHMENTS:

Application, pictures, and drawing

	CITY OF SHEBOYGAN VARIANCE APPLICATION	Fee: _____ Review Date: _____
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Read all instructions before completing. If additional space is needed, attach additional pages.

SECTION 1: Applicant/ Permittee Information			
Name (Ind., Org. or Entity) <u>Chad Fritz</u>			
Mailing Address <u>1907 N 6th ST</u>	City <u>Sheboygan</u>	State <u>WI</u>	ZIP Code <u>53081</u>
Email Address <u>onefritz@yahoo.com</u>	Phone Number (incl. area code) <u>920-254-0580</u>		
Applicants interest in property: <u>I own the property</u>			
SECTION 2: Property Information			
Property Address <u>1907 N 6th ST</u>	City <u>Sheboygan</u>	State <u>WI</u>	Zip <u>53081</u>
Type of Building: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential			
Request for: <input type="checkbox"/> New Construction <input type="checkbox"/> Repairs <input type="checkbox"/> Alterations <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Nonconforming Use <input checked="" type="checkbox"/> Other			
SECTION 3: If the Request is for a Nonconforming Use			
Your intended use:			
Date last occupied as a nonconforming use:			
By Whom:		Previous Use:	
SECTION 4: Requested Variance			
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.			
SECTION 5: Certification and Permission			
Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Variance Application. I certify that the information contained in this form and attachments are true and accurate. I certify that the project will be in compliance with all conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.			
Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.			
Name of Owner/Authorized Representative (please print) <u>Chad Fritz</u>	Title	Phone Number <u>920-254-0580</u>	
Signature of Applicant <u>Chad Fritz</u>		Date Signed <u>6/20/23</u>	

Complete application is to be filed with the Building Inspection Department, 828 Center Avenue, Suite 208. Variances to zoning ordinances are considered by the City of Sheboygan Zoning Board of Appeals monthly on the third Wednesday at 3 p.m. at a public hearing. To be placed on the agenda of Zoning Board of Appeals, application must be received no later than 4:30 p.m. on the third Wednesday of the month prior to the scheduled public hearing. Applications will not be processed if all required attachments and filing fee of \$250 (payable to the City of Sheboygan) are not submitted along with a complete and legible application. Application filing fee is non-refundable.

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) Samples of materials being used – roofing, siding, decking, etc.
- 5) A site sketch (see example), drawn to scale indicating location of all existing structures and 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.*

Notes:

- a) The applicant can present any additional information to inform the Board of the facts.
- b) Applicants should be aware staff may require a survey as part of the application information in order to clarify specific variance(s) requested.
- c) 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.
- d) Building permits must be acquired within 6 months of the granted approval or the approval will be voided.
- e) 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.

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.

Chad Fritz
1907 N 6th Street
Sheboygan, WI, 53081
(920) 254 – 0580

Dear City of Sheboygan,

I am writing to you about a request for the construction of a fence along Lincoln Ave, from the east side of my driveway 60 feet, the last 12 feet at an angle to accommodate bushes that are in the southeast corner of my lot. I live on 6th and Lincoln Ave, the fence is what I consider along our back yard where there is privacy. The fence would also extend beyond the south side of my house toward the street by 16 feet. The fence I am requesting a variance for is a white vinyl privacy fence measuring 6 feet in height, including a 14-inch lattice on the top. The proposed fence would be located approximately 8 feet from the sidewalk.

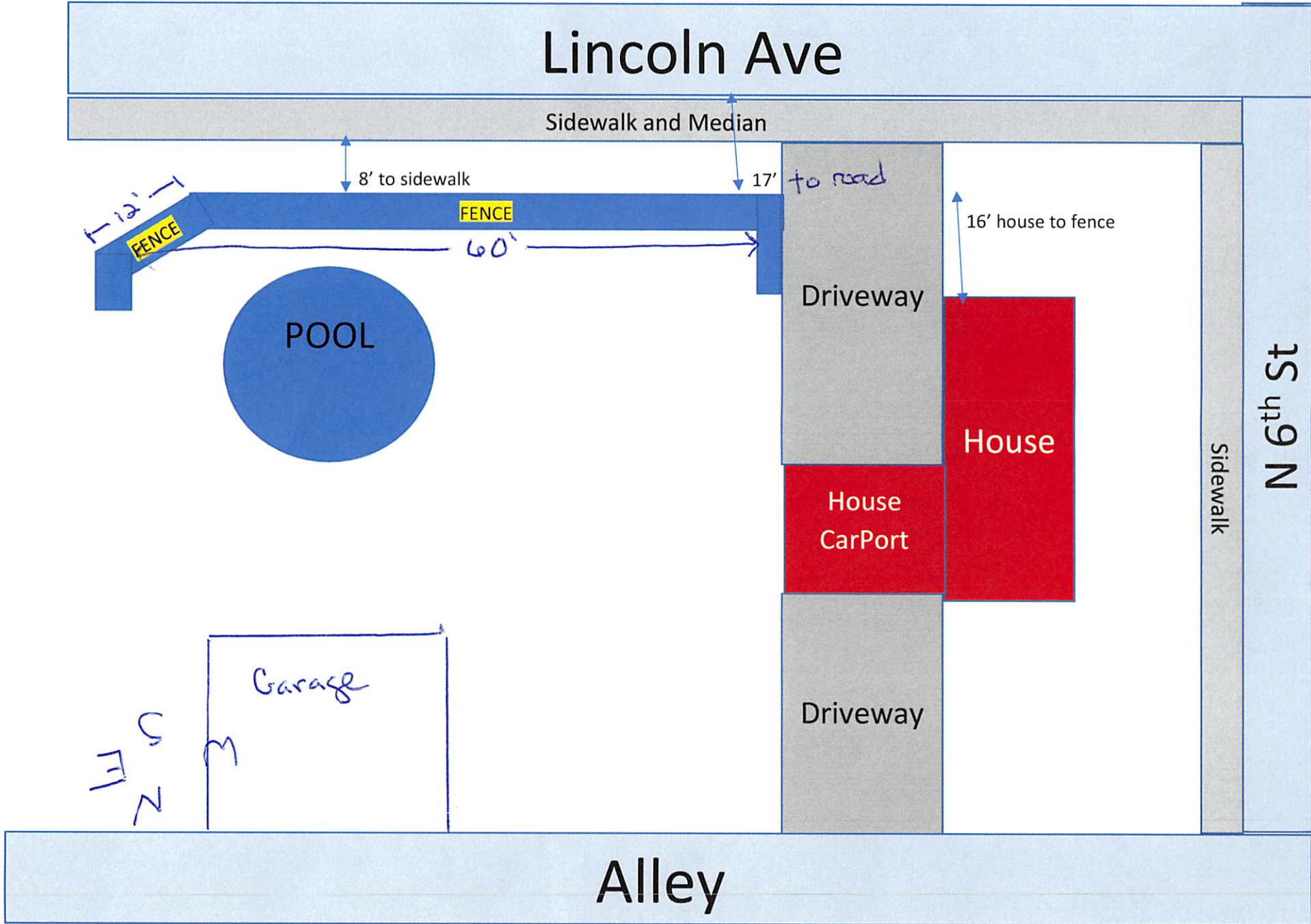
The primary reason behind this request is to help alleviate the disturbance caused by my dogs barking at people when they are walking by our back yard. Our dogs are all friendly; however, with someone walking by or a dog barking at them from the sidewalk results in my dogs barking. A well-constructed fence would serve as a deterrent, reducing the visibility of pedestrians to dogs and minimizing their response, ultimately enhancing the safety and tranquility of the neighborhood.

Additionally, this request is to address privacy concerns. As an important aspect of personal well-being and peace of mind, privacy plays a crucial role in creating a comfortable living environment. With this fence, it will allow for privacy along with creating a clean look to the neighborhood and to our yard. The fence would hide our pool during the summer, which allows for more comfortability.

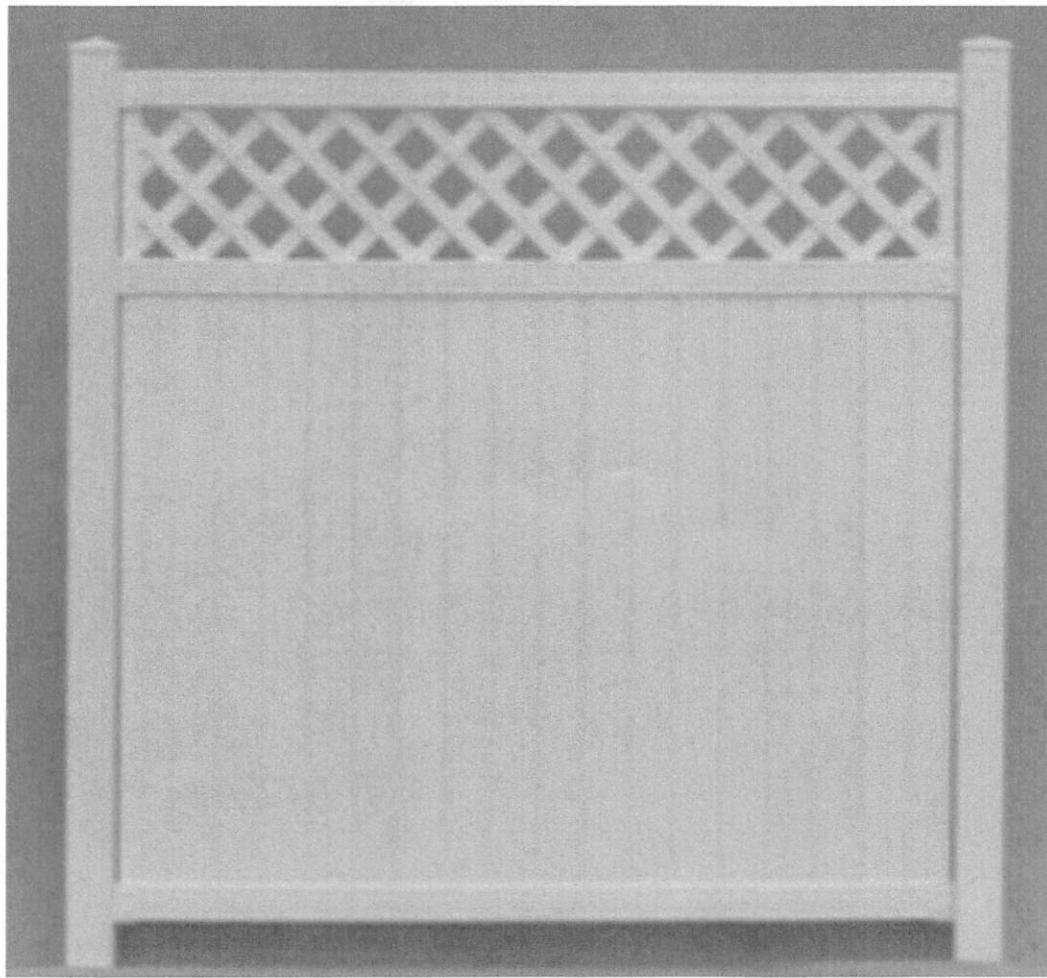
In terms of the specific details for the proposed fence, I recommend a white fence due to its aesthetic appeal and its ability to blend seamlessly with the surroundings. The height of 6 feet, including the 14-inch lattice top is one that can be seen throughout the neighborhood that strikes a balance between privacy and maintaining an open feel in the neighborhood. Placing the fence approximately 8 feet from the sidewalk would provide an adequate buffer while not obstructing the view of the sidewalk for pedestrians. Along with the distance from the sidewalk to the fence, the fence will also be 25 feet from the curb on Lincoln Ave, and an additional 19 feet to the center line of Lincoln Ave.

I kindly request that the City of Sheboygan consider this proposal for the installation of the fence along Lincoln Ave. It would greatly contribute to improving the quality of life for our family and the residents in terms of privacy and reducing disturbances caused by barking dogs. Additionally, it would enhance the overall visual appeal of the street by covering the pool in our backyard.

Sincerely,
The Fritz Family



Chad Frith



White vinyl fence
Lattice is 14" high