

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION:**

Address: 418 Blackstock Ave

Parcel #: 009740

Owner's Name: Juhani & Susan Kivisto

Zoning: SR-5

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

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**REPORT DATE:** 05/06/2022

**MEETING DATE:** 05/18/2022

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**BACKGROUND / ANALYSIS**

Property owner is proposing to construct detached 25 foot x 25 foot garage ( 625 sq ft ) located 13 feet to the north of the home with a new driveway on North Ave. There is currently an attached single car garage that is accessed from a driveway on Blackstock Ave. This property has 2 front yards ( Blackstock Ave and North Ave ).

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

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Ordinance #: 15.702(3)(a) Except under unusual circumstances as permitted by the Plan Commission, no lot shall be permitted more than one access point on any one street if its frontage on said street is less than 300 linear feet (as measured along the right-of-way line).

Requesting: 2 access points

Allowed: 1 access point

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Ordinance #:

Requesting:

Allowed:

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**ATTACHMENTS:**

Application, pictures, and drawing

220845



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

## 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:

April 20, 2022

Application Deadline Date

May 18, 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 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.

X   
Signature

March 31, 2022  
Date

009740

**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): 418 Blackstock Ave
- 2). Applicant: Juhani Kivisto Telephone #: (608) 225-2533  
Address: \_\_\_\_\_
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot  
Building garage back side of the lot and have entry way from North St.  
PARCEL # 59281009740
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: Garage
- 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: Juhani Kivisto  
Mailing Address: 418 Blackstock Ave  
Sheboygan WI 53083

### 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.***





3-31-22

To Whom it may concern,

We would like to build a garage in our back yard because we would like to keep our vehicles out of the weather.

We would also like to use the garage also for tool storage, lawnmower, snowblower and as a doghouse for my husband.

The material we will use for the outside/exterior will be matching the house with pleasant looking landscaping around it. Both neighbors on either side do not oppose that we build this. They both have garages in their backyards also.

This neighborhood is very charming, our neighbors are great and we are very happy to be here.

Thank you for your time and consideration.

Susan & Juhani Kivisto

608-225-9128

608-225-2533

SmKivisto@gmail

JuKivisto@gmail



Department of Public Works  
2026 New Jersey Avenue  
Sheboygan, WI 53081

PHONE  
(920)459-3440  
FAX  
(920)459-3443  
WEBSITE  
[www.sheboyganwi.gov](http://www.sheboyganwi.gov)

Permit Number	220809
Application Number	220830
Date Issued	03/30/2022
Permit Type	CURB CUT EXCAVATE IN CITY RoW

Parcel Number	Date Issued	Date Expires
009740	03/30/2022	04/30/2022
Street Address		
418 BLACKSTOCK AVE		
Owner Information	Application Information	
GABRIELSE, CHERYL L. 418 BLACKSTOCK AVE SHEBOYGAN, WI 53083-5070	GABRIELSE, CHERYL L. 418 BLACKSTOCK AVE SHEBOYGAN, WI 53083-5070	
Contractor Information		
KIVISTO, JUHANI 418 BLACKSTOCK AVE SHEBOYGAN, WI 53081		

Permit Details:  
CURB CUT

Additional Information:

Fees		All Terms and Conditions from the Permit Application Apply
DPW-CURB CUT	\$25.00	
Total Fees	\$25.00	