

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 2516 Superior Ave

Parcel #: 610450

Owner's Name: Revelis Investments LLC

Zoning: SR-5

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 05/09/2022

MEETING DATE: 05/18/2022

BACKGROUND / ANALYSIS

Property is currently zoned SR-5 (Suburban Residential) and painting contractor use would be commercial/industrial use and considered nonconforming. The prior use of this property was a furniture store which was also a nonconforming use.

Ordinance #: 15.207(7) Change: A nonconforming use of a building or other structure, all or substantially all of which was originally designed or intended for a use which is permitted in the district in which it is located shall not be changed to any use other than a use permitted in the district in which the land is located or to another nonconforming use of similar characteristics when authorized by the Zoning Board of Appeals as regulated Subchapter 15-9 of this Chapter. When a nonconforming use has been changed to a permitted one, it shall not thereafter be changed back to a nonconforming use.

Requesting: Commercial/Industrial Land Use - Personal or Professional Service

Allowed: Residential - Single-family

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:

04/20/22

Application Deadline Date

05/18/22

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.

Pat K... ..

Signature

4/15/2022

Date

610450



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**

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

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

- 1). Appeal Location (address): 2516 Superior Avenue
- 2). Applicant: Paul Ferrich Telephone #: (920) 627-5123
Address: 2508 Wilgus Avenue
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) Lot
- 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: Commercial / industrial Paint Shop
Date last occupied as a nonconforming use: _____
By Whom: _____ Previous use: Vaughn Outlet
- 7). Applicants interest in property: _____
- 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: 4/15/2022

Signature: [Signature]
Printed Name: Paul Ferrich
Mailing Address: 2508 Wilgus Avenue
Sheboygan, WI



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.

To Whom It May Concern,

We write to you to request a variance change on the lot located at 2516 Superior Avenue. The building was previously used as a residential furniture outlet called Vaughn's Outlet. It sold couches, tables, and chairs. Previous to that, it was a Wheelchair Taxi service. The lot has been used for industrial purposes previously when it was occupied by Butzen's Welding. We would be using the building as a painting and finishing company. Ninety percent of our work is done in the client's home. The only service we conduct at the shop is pre-finished work. The site would be mainly used for storing equipment, trucks, trailers, and working on pre-finishing.

Our hours of operation are Monday-Friday 7:30am-5:30pm, Clients do not typically come to the shop, so there will be very low traffic. The only extra visits we would receive are from sub-contractors (we experience these, on average, once a week). We have six employees and there is off-street parking for six spots on the south end of the building alongside Superior Avenue. Our two utility vans will be parked indoors. Both of the vans will be stored inside, along with three construction trailers. The trailers may reside outside for brief periods at a time as needed.

We currently reside in a residential neighborhood, and our current neighbors were appreciative of us fixing up our current building. We foresee virtually no noise level changes to the neighborhood we will be moving into. Most of our work is offsite, and our paint crews only operate Monday-Thursday. Most of the parking will be in the spaces in front of the building and will not impact the flow of current traffic. The lighting will be no more than what there was previously.

There will be a three-dimensional sign in the same place as the current Vaughn's Outlet sign. We may apply vinyl decals to the garage doors. The interior office space will be renovated, a spray booth will eventually be installed, and other interior improvements. The west side of the building where there are currently bushes will eventually be a mulch bed with flowers and various plants. The windows on the east side of the building will be replaced with glass block windows, they will closely replicate the windows on the north side of the building. New service, entry, and overhead doors will be installed to replace the old ones. New concrete work will be done to replace the existing driveway. The exterior of the building will be redone to closely match the provided photos.

We see this location as a great fit for our needs as it is centrally located in Sheboygan. The building has enough square footage for us to grow. We have doubled in size since we bought our current building. We hope the Board sees that this will allow us to create more jobs in the community, and make the environment around the area more professional looking and aesthetically pleasing.

Thank you for your time and consideration,

Paul Fenrich

Fenrich Custom Finishes, 1427 South 15th Street Sheboygan, WI 53081





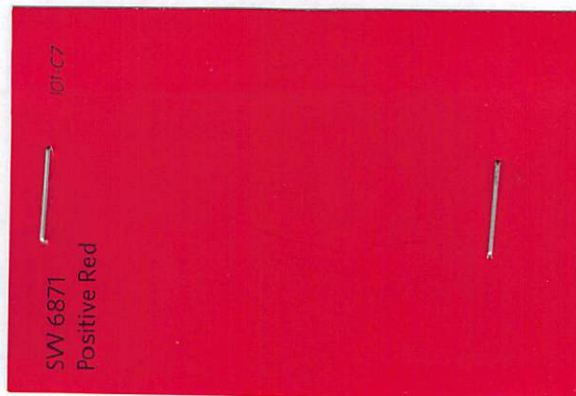


Color Scheme

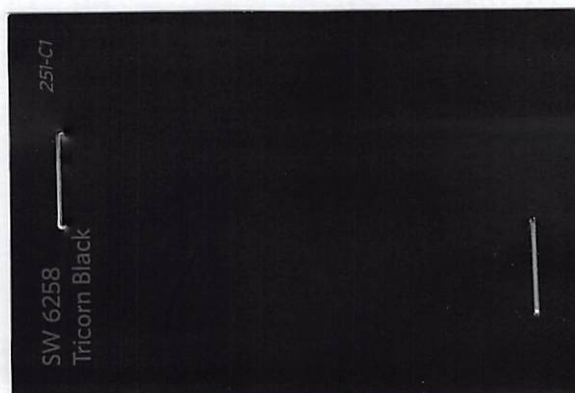
Siding



Doors

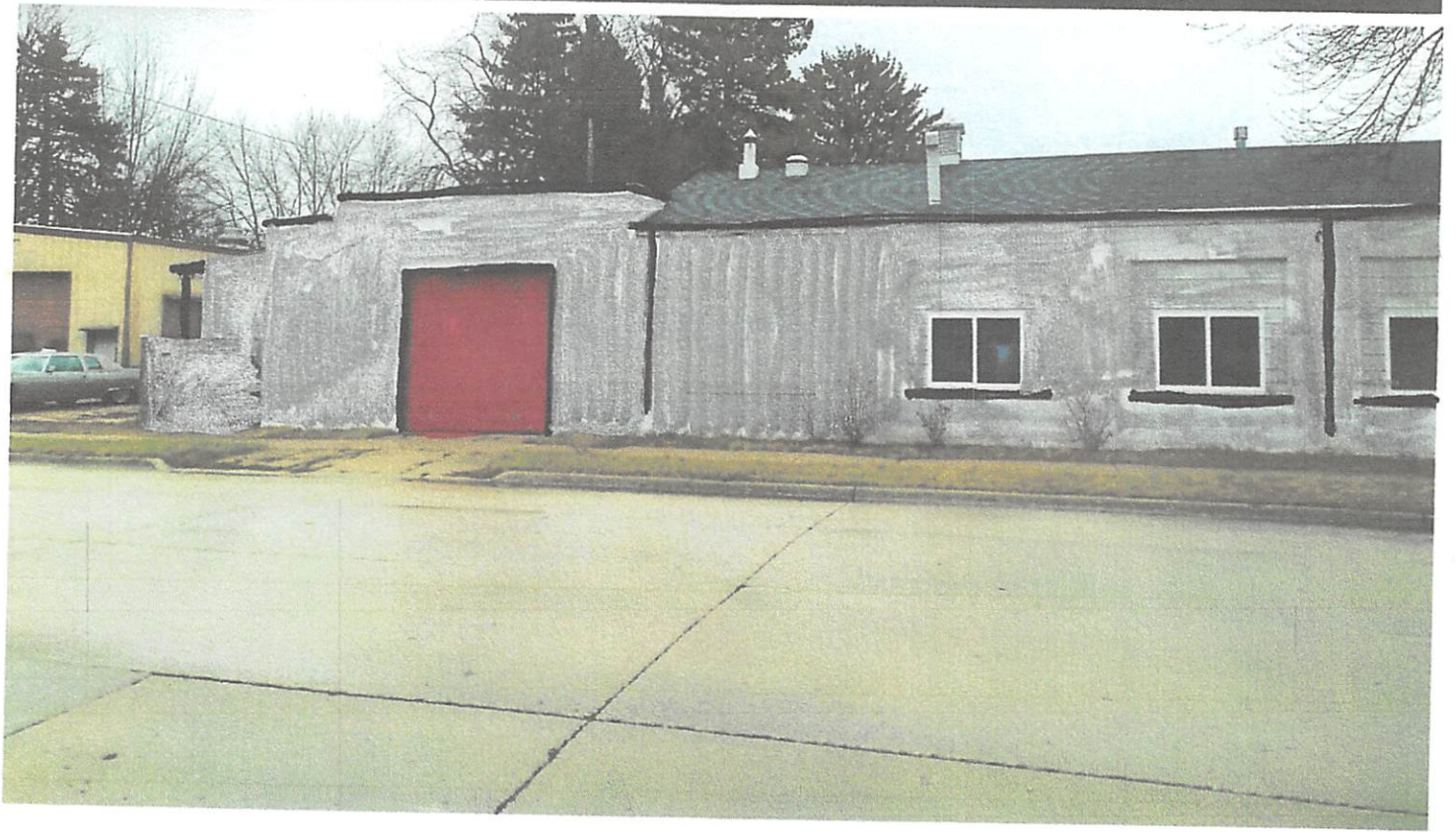


Trim



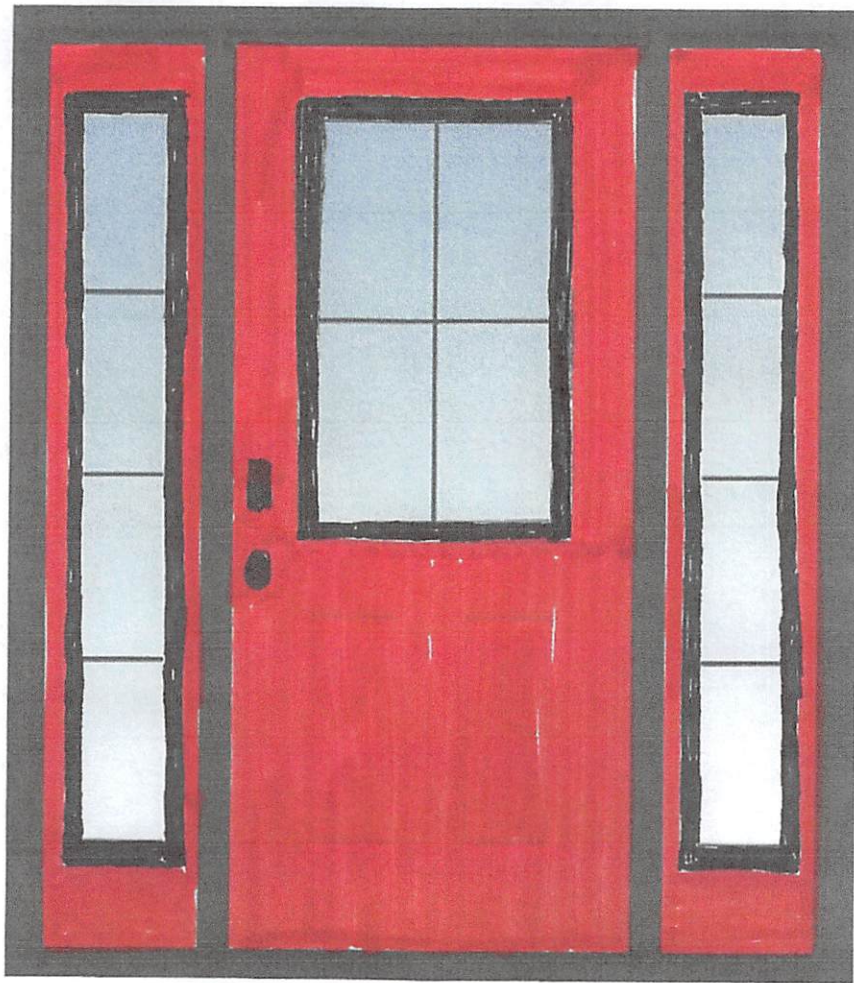






New Front Door

Pictured below is the door we will use in place of the current front door. It will be painted red along with the overhead doors and service door around the building. This will be an ADA compliant door.

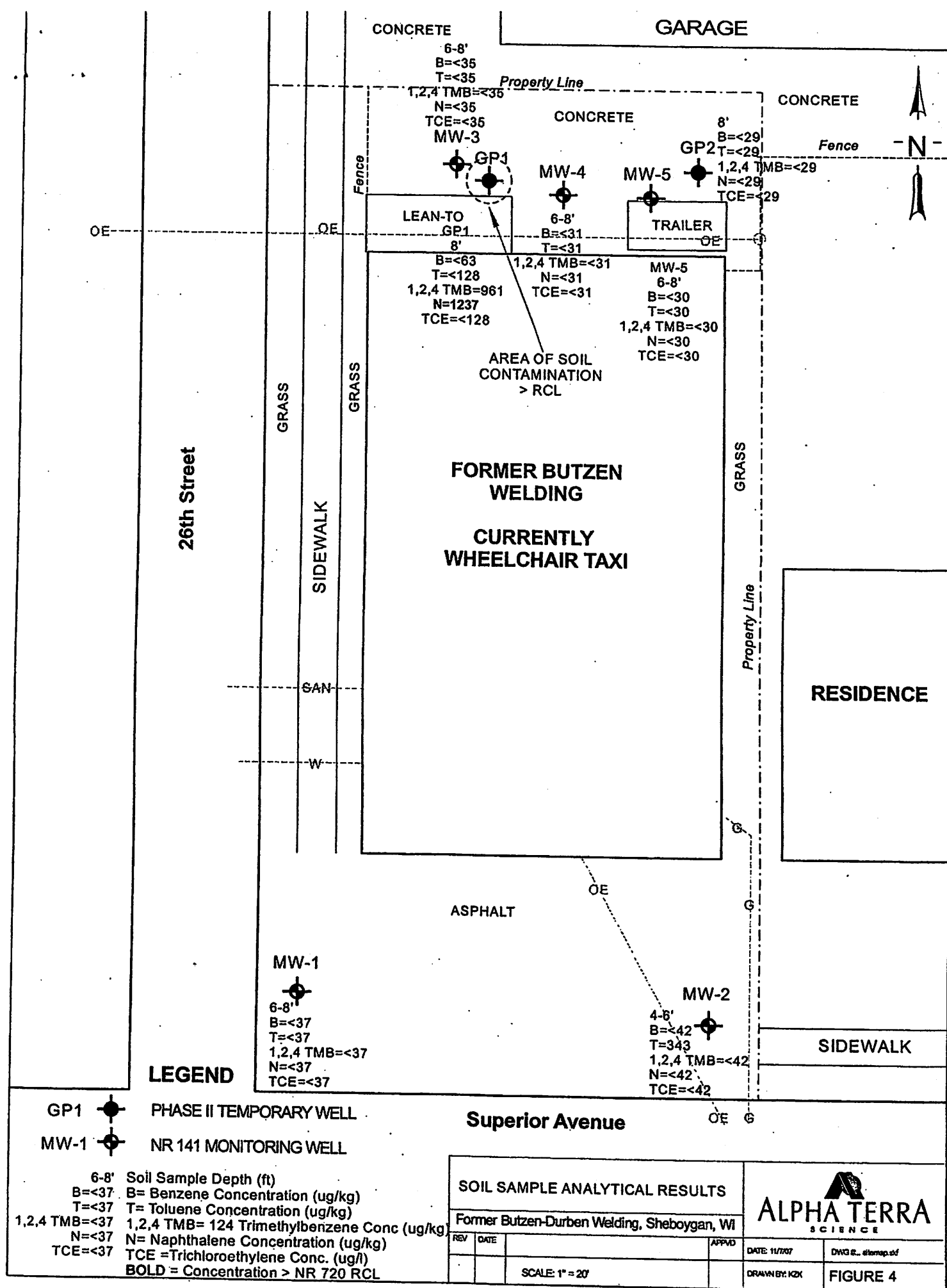


Company Vehicles



Trailers





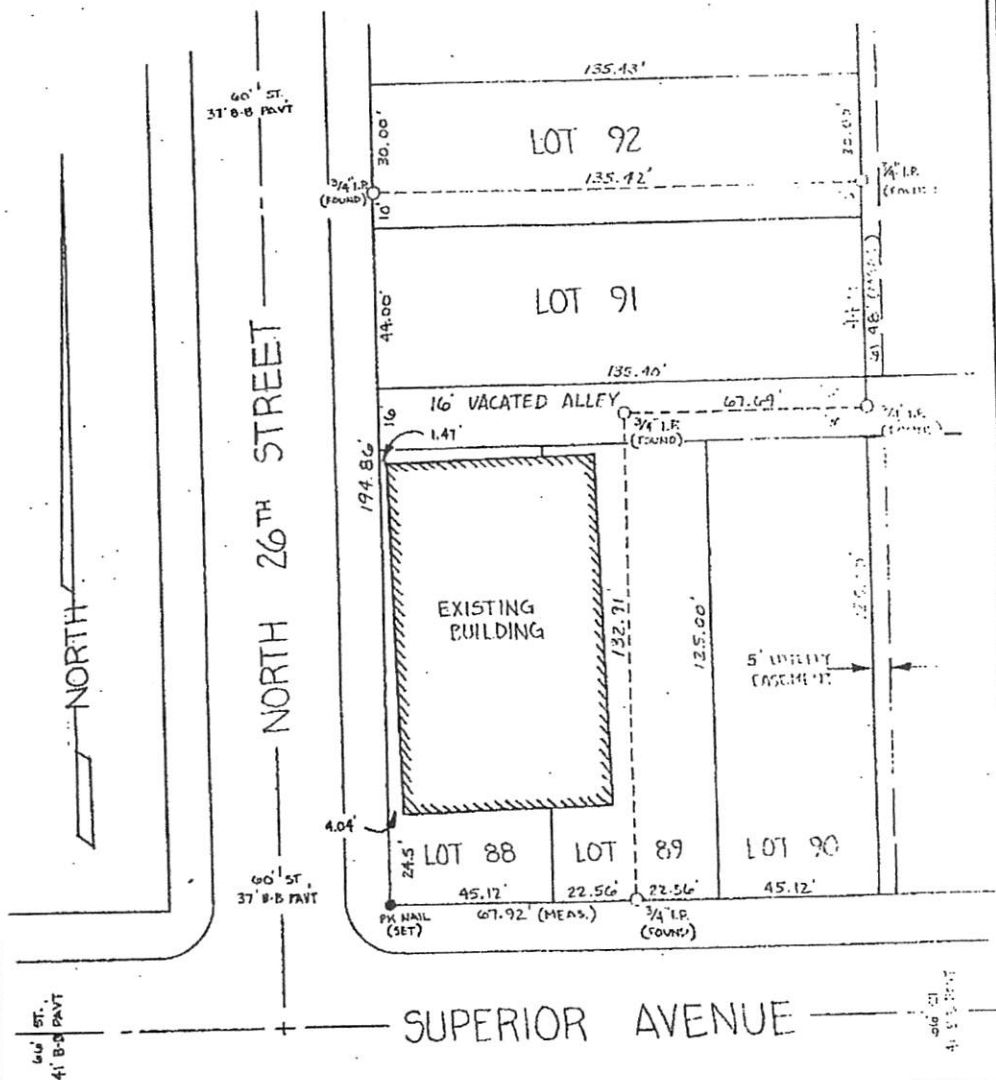
KRUEGER & KROLL

Land Surveyors

DESCRIPTION: Lot 88 and the west $\frac{1}{2}$ of Lot 89, Lot 91 and the south 10' of Lot 92 and vacated alley, Fairview Subdivision, City of Sheboygan.

SCALE: 1" = 40'

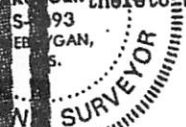
October 24, 1984



1521 Superior Avenue, Sheboygan, Wisconsin 53081 [414]452-9558

SURVEY CERTIFICATE

I have surveyed the above described property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures thereon, fences, apparent easements and roadways, and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from the date hereof.



Gary L. Krueger
Gary L. Krueger, Wisconsin Registered Land Surveyor S-1093

FOR: MEMORIAL DRIVE BANK / BUTZEN'S WELDING

JOB NO. _____

BOOK NO. 3

PAGE NO. 137

A-10281