

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 3411 N 28TH ST

Parcel #: 627480

Owner's Name: HEIDI JOY LOOSE

Zoning: SR-5 (SUBURBAN RESIDENTIAL)

REPORT PREPARED BY: Ellise Rose, Zoning Administrator

REPORT DATE: 09/17/2026

MEETING DATE: 10/21/2026

BACKGROUND

Owner has built a 203 sqft storage shed within the front and side yard setbacks.

Ordinance #: 105-722 Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard.

Requesting: 19.6-foot setback

Allowed: 25-foot setback

Ordinance #: 105-722(d)(2)(c) The maximum square footage of a shed, gazebo, greenhouse or other similar accessory structure is 200 square feet.

Requesting: 203 square feet

Allowed: 200 square feet

Ordinance #: 105-203(b)(3)(g) Side lot line to accessory structure: Five feet.

Requesting: 4.6-foot setback

Allowed: 5-foot setback

ANALYSIS

1. Unnecessary hardship

This variance request appears to be lacking an unnecessary hardship, as per the provided alternative locations map, the shed could be placed elsewhere on the property. A shed would need to be a minimum of 5' from the rear property line. Based on the survey provided, the shed could be moved to the backyard. A fence being located through the property does not constitute a property hardship. There is also not a property hardship that requires a shed larger than 200 square feet. A financial hardship, or hardship created by the property owner do not qualify as an unnecessary hardship.

2. Unique property limitations

There do not appear to be unique property limitations on this property such as steep slopes or wetlands that would make the proposed location the only possible location for a storage shed.

3. Public Interests

It does not appear that the requested variance would result in harm to public interests.

ATTACHMENTS:

Application, pictures, and drawing

263436

	CITY OF SHEBOYGAN VARIANCE APPLICATION	Fee: <u>\$250.00</u> 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) Heidi Loose			
Mailing Address	City Sheboygan	State WI	ZIP Code 53083
Email Address hbm3xxx@gmail.com		Phone Number (incl. area code) 9206273079	
Applicants' interest in property: owner			

SECTION 2: Property Information

Property Address 3411 N. 28th Street	City Sheboygan	State WI	Zip 53083
Type of Building: ☐ Commercial ☒ Residential			
Request for: ☐ New Construction ☐ Repairs ☐ Alterations ☐ Addition ☐ Nonconforming Use ☒ Other: <i>variance for an existing structure to address noncompliance related to location setbacks, separation and size as identified in the Notice of Ord. Violat(2)</i>			

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.

Owner Name/Authorized Representative (please print) Heidi Loose	Title owner	Phone Number 9206273079
Signature of Applicant Heidi Loose <i>[Signature]</i>		Date Signed August 1 2026

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***; losses 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

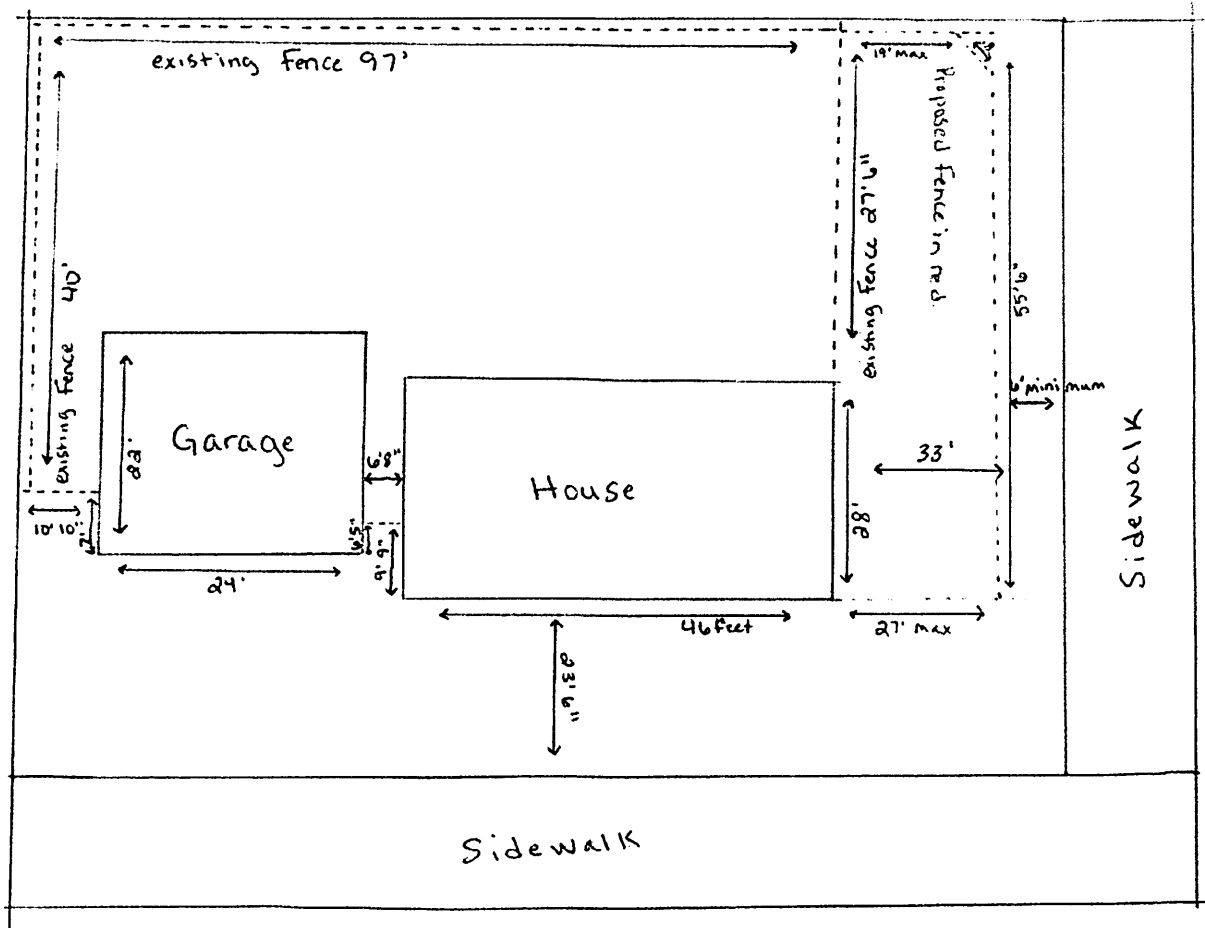
The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition ***does not*** necessarily mean the proposed construction would not harm the public interest.

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.

SITE MAP EXAMPLE



Case No: 4003
Case Date: 06/09/2026
Parcel No: 627480

Date: August 31, 2026

STATEMENT IN SUPPORT OF REQUESTED VARIANCES

Accessory Structure – Location, Setbacks, and Size

I respectfully request that the City of Sheboygan Board of Zoning Appeals grant the variances necessary to permit the existing accessory structure to remain in its current location and configuration.

The City's Notice of Ordinance Violation identifies the accessory structure as not meeting zoning requirements relating to **location, size, and setbacks**, and directs that the structure either be removed or that valid permitting be obtained.

I am requesting variance relief because the physical characteristics and configuration of this particular property make compliance with all of the applicable requirements impractical without eliminating the reasonable and intended use of the accessory structure. I have made a good-faith effort to determine whether the structure can be relocated or otherwise brought into compliance. A professional land survey was completed, including an evaluation of alternative building locations. The surveyor's conclusion is that the shed does not reasonably fit elsewhere on the property while satisfying the applicable setback requirements.

The supporting survey, site plan, photographs, and alternative-location drawings are being submitted with this application.

TEST #1 – UNNECESSARY HARDSHIP

The property does not provide another reasonable **location** for the accessory structure.

The issue is not simply that I prefer the existing location. The issue is that the physical configuration of this particular lot does not provide another practical location where the accessory structure can be placed while satisfying the applicable zoning requirements.

A professional surveyor evaluated the property and prepared drawings identifying potential alternative locations. The drawings identify the applicable setback areas and demonstrate that the alternative locations do not provide sufficient space for the existing accessory structure.

The property's usable configuration is further affected by several existing physical conditions, including:

- The lot has an unusual shape and is located on a curve.
- An existing tree occupies a portion of the rear yard.
- An Alliant Energy utility pole and overhead utility lines are located in the rear portion of the property.
- Approximately 45 square feet of the property, as identified by the survey, is located behind the rear neighbor's existing fence.
- The west neighbor's garden is located at the lot line.
- The east neighbor's fence extends slightly over the property line.
- The existing home, deck, and cantilevered portion of the home further limit the available configuration of the property.
- The applicable setback requirements create additional areas in which an accessory structure cannot be placed.

These conditions collectively create a property-specific limitation on where an accessory structure can reasonably be located.

Importantly, changing the location of the shed does not simply eliminate the zoning issue. The surveyor's alternative-location analysis demonstrates that moving the shed would cause it to encounter other setback or location limitations. In other words, there is not another reasonable location on this lot that simply allows the same structure to be relocated into full compliance.

The requested variance therefore seeks relief from the application of the ordinance to the particular physical configuration of this property, rather than relief based solely upon personal preference.

The **size** variance requested is minimal.

The existing accessory structure exceeds the applicable size requirement by approximately **three square feet**.

The requested size variance is therefore extremely limited. The structure is not substantially oversized relative to the applicable requirement; it exceeds the requirement by approximately three square feet.

The existing accessory structure is a professionally manufactured and well-maintained Old Hickory Buildings structure.

The requested variance would permit the existing structure to remain rather than requiring removal or replacement based upon a very small dimensional difference.

Compliance cannot be achieved simply by changing the **setback** in one location.

Another important characteristic of this property is that moving the structure or changing one setback does not eliminate the underlying physical limitation. The property's shape and existing physical features mean that reducing the setback in one location would create or shift a setback problem elsewhere.

The alternative-location drawings prepared by the surveyor demonstrate this limitation.

For this reason, the requested relief should be considered in the context of the property as a whole rather than as an isolated measurement from one property line.

TEST #2 – UNIQUE PROPERTY LIMITATIONS

This request is based upon physical characteristics of the property itself.

The property is not a typical rectangular lot with an unobstructed rear yard. Its unusual shape, curved street frontage, existing structures and improvements, existing tree, utility infrastructure, and existing boundary conditions materially restrict the usable area available for an accessory structure.

The professional survey and alternative-location analysis provide objective evidence of these limitations.

The survey identifies the actual property boundaries and existing conditions. It also demonstrates that portions of the property are affected by neighboring fences and improvements, including approximately 45 square feet of the property located behind the rear neighbor's fence, the west neighbor's garden at the lot line, and the east neighbor's fence extending slightly beyond the property line.

The rear utility pole and overhead lines, together with the existing tree and the configuration of the house and deck, further restrict practical placement options.

Most importantly, a professional surveyor evaluated alternative building locations and concluded that the accessory structure does not reasonably fit elsewhere on the property under the applicable setback requirements.

This is therefore not a request based upon the applicant's personal circumstances alone. The request arises from the physical characteristics and limitations of this particular parcel.

TEST #3 – NO HARM TO THE PUBLIC INTEREST

Granting the requested variance would not harm the public interest.

The requested relief would allow an existing accessory structure to remain in a location that is already established on the property. The variance would not create a new development pattern or introduce an incompatible use.

The accessory structure is subordinate to the residence and is used for its intended accessory purpose.

The structure is well maintained and professionally constructed. The property has also been improved through the addition of the driveway and accessory structure, resulting in a maintained and orderly exterior appearance.

The requested variance would not interfere with the public's use of streets or sidewalks, create a new traffic hazard, or create a condition that would compromise public safety.

The existing utility pole and overhead utility lines are recognized existing conditions. Any requirements of the utility serving the pole will continue to be respected.

The requested variance is also limited in scope. The size variance is approximately three square feet, and the location and setback relief requested is limited to what is necessary to allow the existing accessory structure to remain in its existing location.

The intent of zoning regulations is to promote orderly development, protect neighboring properties, and protect the public interest. Granting this limited variance would not defeat those purposes. Rather, it would recognize that strict application of the requirements to this unusually configured property produces a result that is not reasonably workable while providing little corresponding public benefit.

REASONABLE USE OF THE PROPERTY

The accessory structure serves a legitimate and practical accessory use of the residential property.

The existing single-car garage is unusually small and does not provide sufficient clearance to comfortably open the vehicle doors when the vehicle is inside the garage while the items currently stored in the accessory structure are also stored in the garage.

The accessory structure therefore provides necessary storage that allows the garage to function as a garage and permits reasonable use of the residential property.

The issue is not simply convenience or a desire for additional storage. The existing property configuration provides very limited storage alternatives. Removing the accessory structure would substantially reduce the property's practical functionality and would require the homeowner to find alternative storage within an already constrained structure.

GOOD-FAITH EFFORT TO COMPLY

I have made a good-faith effort to understand and comply with the City's requirements.

Rather than simply requesting that the existing structure be allowed to remain, I obtained a professional survey and had alternative locations evaluated. I am submitting the survey information and alternative-location drawings so the Board can independently evaluate the physical limitations of the property.

I am not asking the Board to disregard the City's zoning requirements. I am asking the Board to consider whether strict application of those requirements to this particular property produces an unnecessary hardship because of the property's unique physical characteristics.

The requested relief is limited to the minimum necessary to allow the existing accessory structure to remain in a practical location and to address the approximately three-square-foot size discrepancy.

REQUEST

For these reasons, I respectfully request that the Board of Zoning Appeals consider the property's unique physical characteristics, the professional survey and alternative-location analysis, the minimal nature of the requested size variance, and the absence of harm to the public interest.

I respectfully request approval of the variances necessary to permit the existing accessory structure to remain in its current location and configuration, subject to any reasonable conditions the Board determines are appropriate.

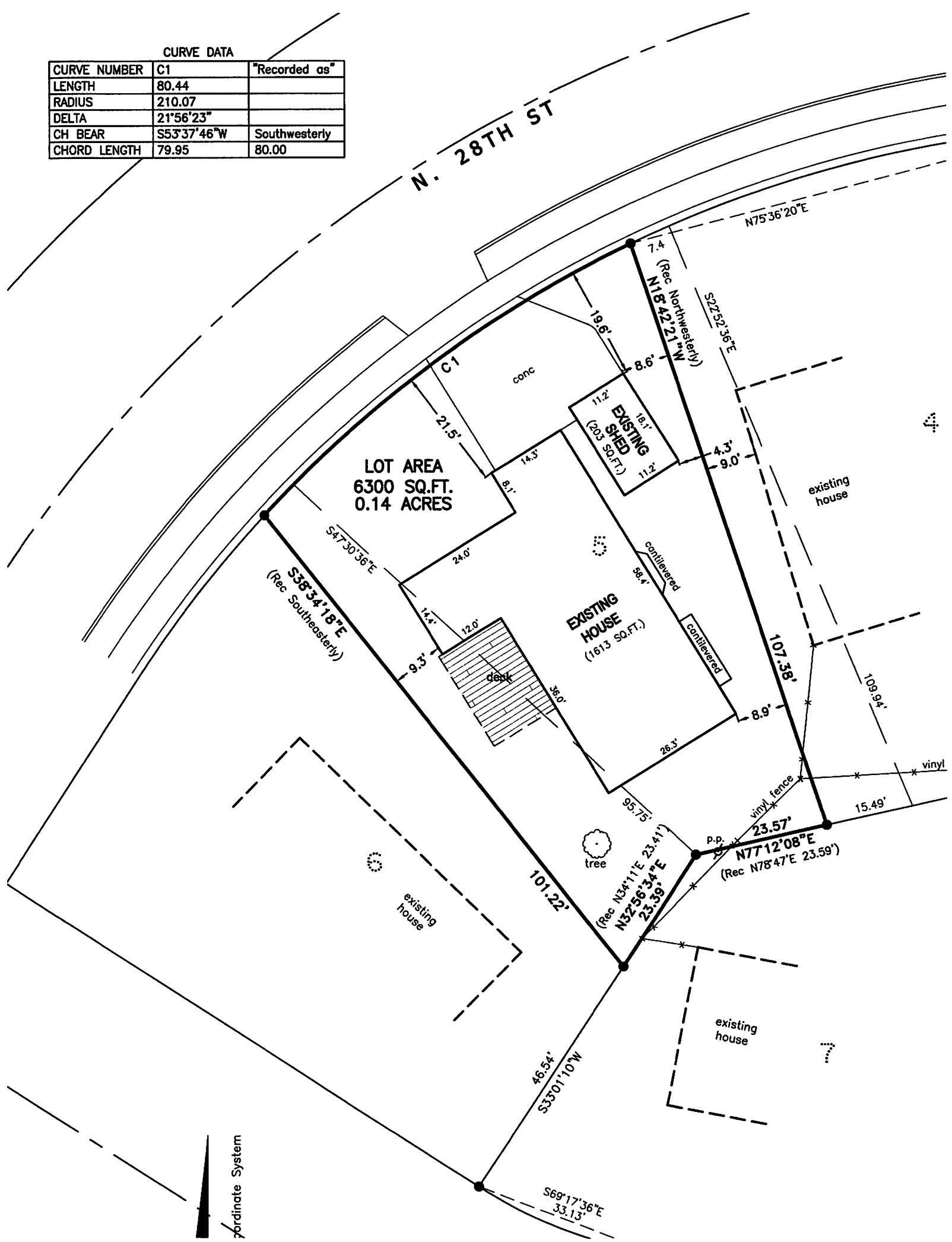
Thank you for considering my request and the information submitted with this application.

Respectfully,

Heidi Loose
3411 N. 28th Street
Sheboygan, WI 53083

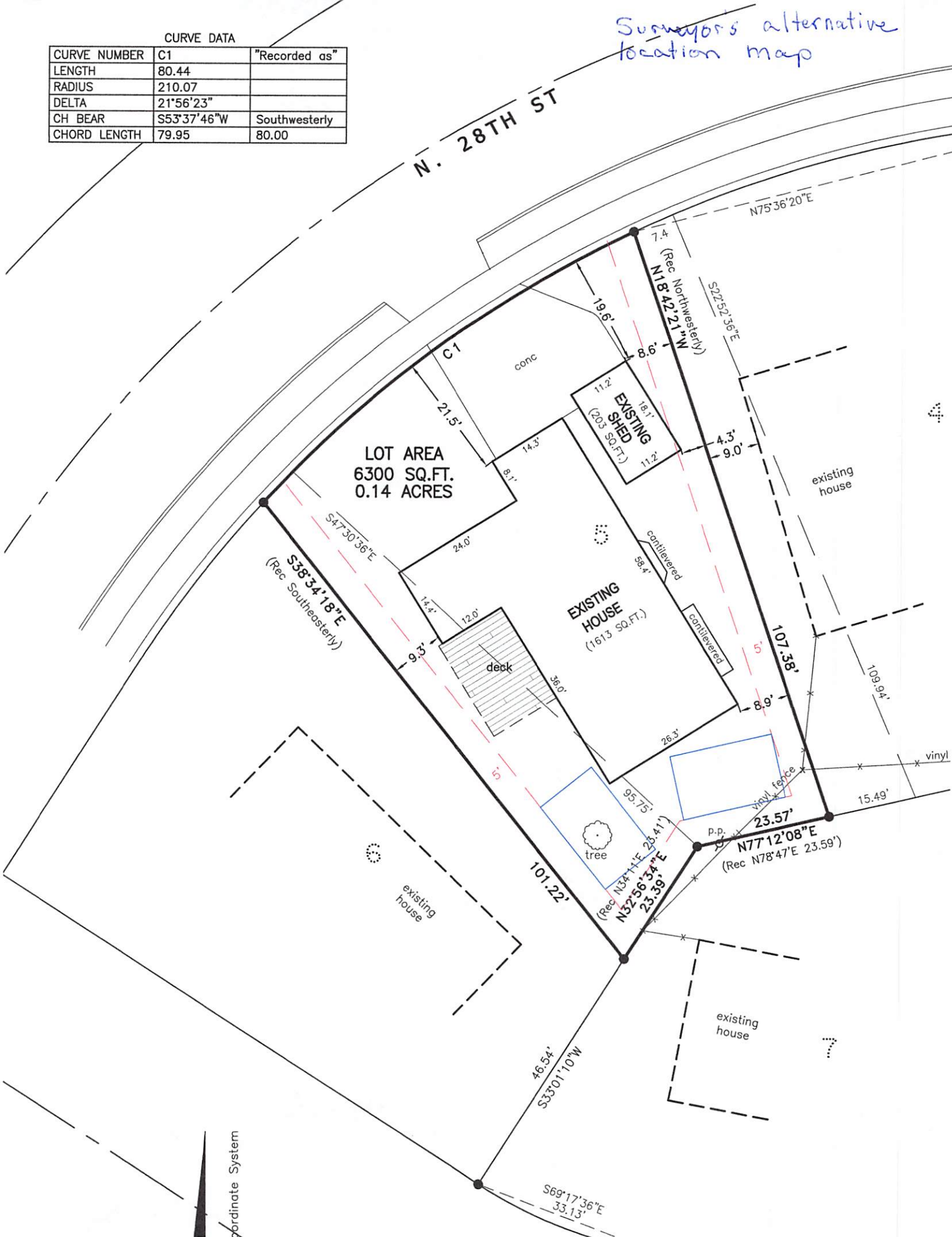
CURVE DATA

CURVE NUMBER	C1	"Recorded as"
LENGTH	80.44	
RADIUS	210.07	
DELTA	21°56'23"	
CH BEAR	S53°37'46"W	Southwesterly
CHORD LENGTH	79.95	80.00



CURVE DATA		
CURVE NUMBER	C1	"Recorded as"
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Surveyor's alternative location map



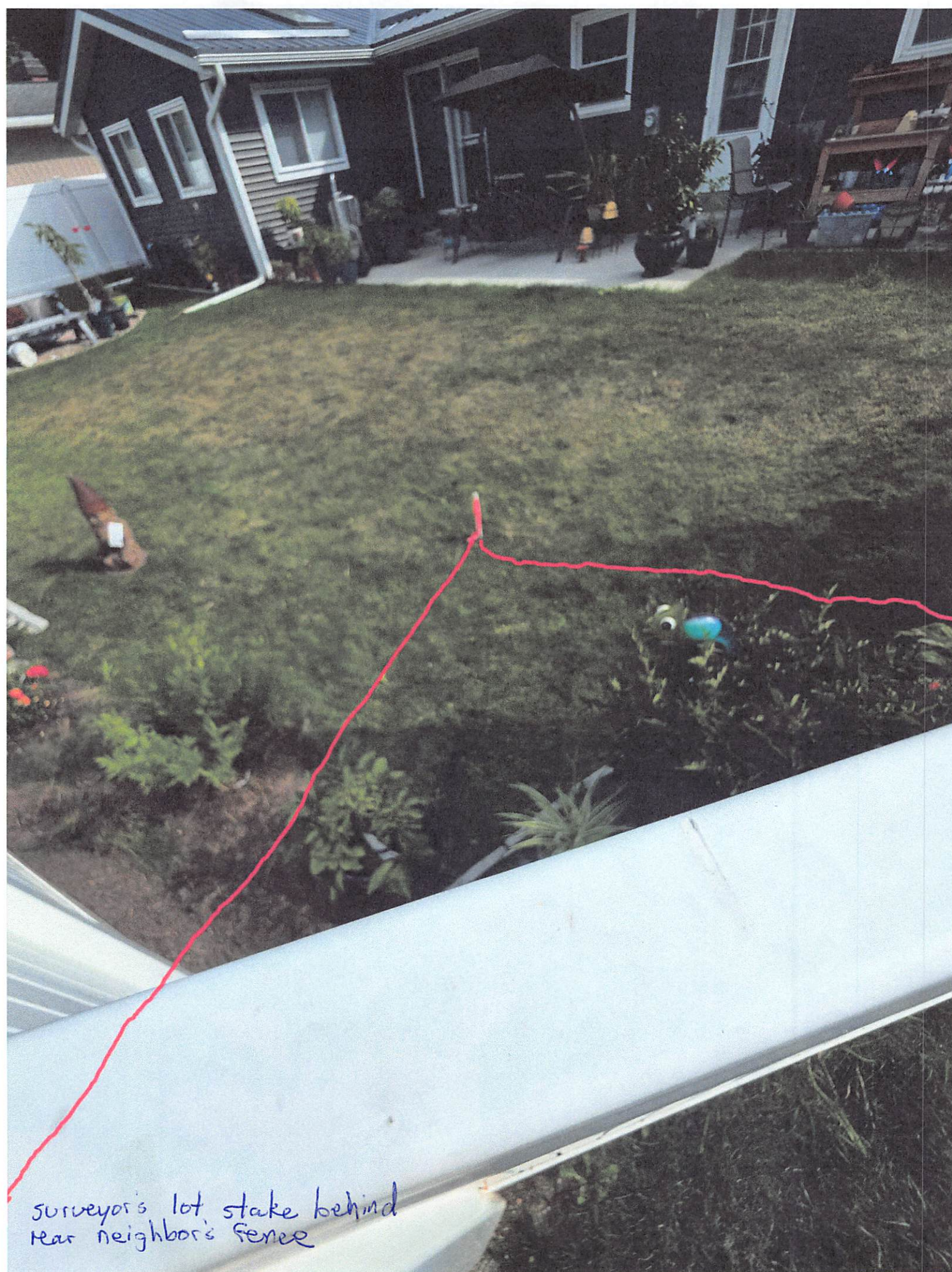
back yard



Surveyors lot stake by pole







surveyor's lot stake behind
rear neighbor's fence



surveyors lot stake in neighbor's
garden





June 22, 2026

LOOSE, HEIDI J.

3411 N 28TH ST
SHEBOYGAN, WI 53083-2706

Case No: 4003
Case Date: 06/09/2026
Parcel No: 627480

RE: Property Violation(s) @ 3411 N 28TH ST

Notice to Property Owner(s):

Recently an inspection of the above referenced property was made by the Building Inspection Division. As a result, immediate action is required to correct the violation(s) listed on the following page(s) and bring the property into compliance. It is the property owner's responsibility to maintain owned property in good order and repair, meeting all international, state and local municipal codes as well as to contact the Code Enforcement Officer or Inspector listed below when violations are corrected or cannot be corrected by the **Comply By** date. Any inquiry regarding this notice must be made prior to the **Comply By** date shown to the inspector listed below.

Permits may be required to complete the required repairs. Violations not corrected by the **Comply By** date may result in a Municipal Citation with a maximum fine of **\$750.00** per violation per day. Recourse to this notice is outlined in Section 12-260 of Article 12-III-7 – Board of Appeals in the City of Sheboygan Municipal Code.

BUILDING INSPECTION DIVISION

KYLE HRUDKA 920-459-3479
BUILDING INSPECTION

VIOLATIONS NEXT PAGE (on back)

BUILDING INSPECTION

CITY HALL
828 CENTER AVE.
SUITE 208
SHEBOYGAN, WI 53081

920-459-3477
www.sheboyganwi.gov



The below listed condition(s) are in violation of International Property Maintenance Code (IPMC), State Code (SC), or local Municipal Ordinance (MC) as listed:

VIOLATION DESCRIPTION (What needs done)

Comply By

Ordinance

ACCESSORY STRUCTURE DOES NOT MEET ZONING REQUIREMENTS INCLUDING, LOCATION, SIZE, SETBACKS. REMOVE STRUCTURE OR OBTAIN VALID PERMITTING

07/20/2026

Sec 105-722(d) - Accessory Land Uses - Detached private residential garage, carport, or utility shed.

(1) Description. A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle or the storage of residential maintenance equipment. A gazebo is a detached roofed accessory building, open on all sides, which is used for entertaining. A greenhouse is a glass enclosed building used for cultivating plants. The structures shall be located on the same lot as primary residential structure.

(2) Permitted by right. All districts.

a. The maximum number of accessory structures per lot is three--not to exceed one garage, one shed, one gazebo or one greenhouse.

b. The maximum square footage of a garage or carport is 1,000 square feet. However, a garage structure shall not exceed the footprint square footage of the primary residential structure.

c. The maximum square footage of a shed, gazebo, greenhouse or other similar accessory structure is 200 square feet.

d. The maximum height of a detached accessory structure shall not exceed 15 feet.

e. The design and color of the accessory structure shall compliment the residence.

f. Temporary canopies, carports or other similar structures are prohibited.

(3) Special use regulations. Not applicable.

(4) Conditional use regulations. If in excess of 1,000/200 square feet, RA-35 and ER-1 Districts or as part of a multifamily development proposal in the UR-12.

SHED INSTALLED WITHOUT REQUIRED PERMIT. CONTACT BUILDING INSPECTION

07/20/2026

Sec 12-51 - Permits Required

(a) No person shall do any of the following without first obtaining a building permit therefor from the director of planning and development or the director's designee:

(1) install or cause to be installed any concrete.

(2) erect or construct any building or structure or cause any such building to be erected or constructed.

(3) add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure, or cause the same to be done.

(4) commence any work covered by this code on any structure.

BUILDING INSPECTION

CITY HALL
828 CENTER AVE.
SUITE 208
SHEBOYGAN, WI 53081

920-459-3477
www.sheboyganwi.gov

ryan.memed@
sheboygan.wi.gov