

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 504 Pennsylvania Ave

Parcel #: 110940

Owner's Name: Jill and James Prigge

Zoning: SO

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 10/03/2022

MEETING DATE: 10/19/2022

BACKGROUND / ANALYSIS

Owner would like to remove and reconstruct an enclosed front porch that is too close to the front property line. The new structure will be similar size and design as the old structure, 5 foot x 13 foot 6 inches. Note – the contractor was informed this work required an approved variance prior to starting, but proceeded to start the work without approval.

Ordinance #: 15.105(2)(b)(3)(b)(E) Front or Street Side Lot Line to House: **Single family:** 30 feet

Requesting: 1 foot 5 inches setback

Allowed: 30 feet setback


Ordinance #: 15.105(2)(b)(3)(b)(G) Side Lot Line to House or Attached Garage: 10 feet

Requesting: 4 foot 1 inch setback

Allowed: 10 feet setback

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)

CREATIVE CONSTRUCTION + RENOVATION INC.

Mailing Address

9033 MARTIN LN

City

BRIDLEVIEW

State

IL

ZIP Code

60455

Email Address

PAUL-N-DEB@COMCAST.NET

Phone Number (incl. area code)

708-912-9511

Applicants interest in property:

SECTION 2: Property Information

Property Address

504 PENNSYLVANIA AVE

City

SHEBOYGAN

State

WI

Zip

53081

Type of Building:

☐ Commercial

☒ Residential

3 FAMILY

Request for:

☐ New Construction

☒ Repairs

☐ Alterations

☐ Addition

☐ Nonconforming Use

☐ 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)

PAUL KUNIS

Title

CONTRACTOR

Phone Number

708-912-9511

Signature of Applicant

Paul Kunis

Date Signed

9-20-22

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

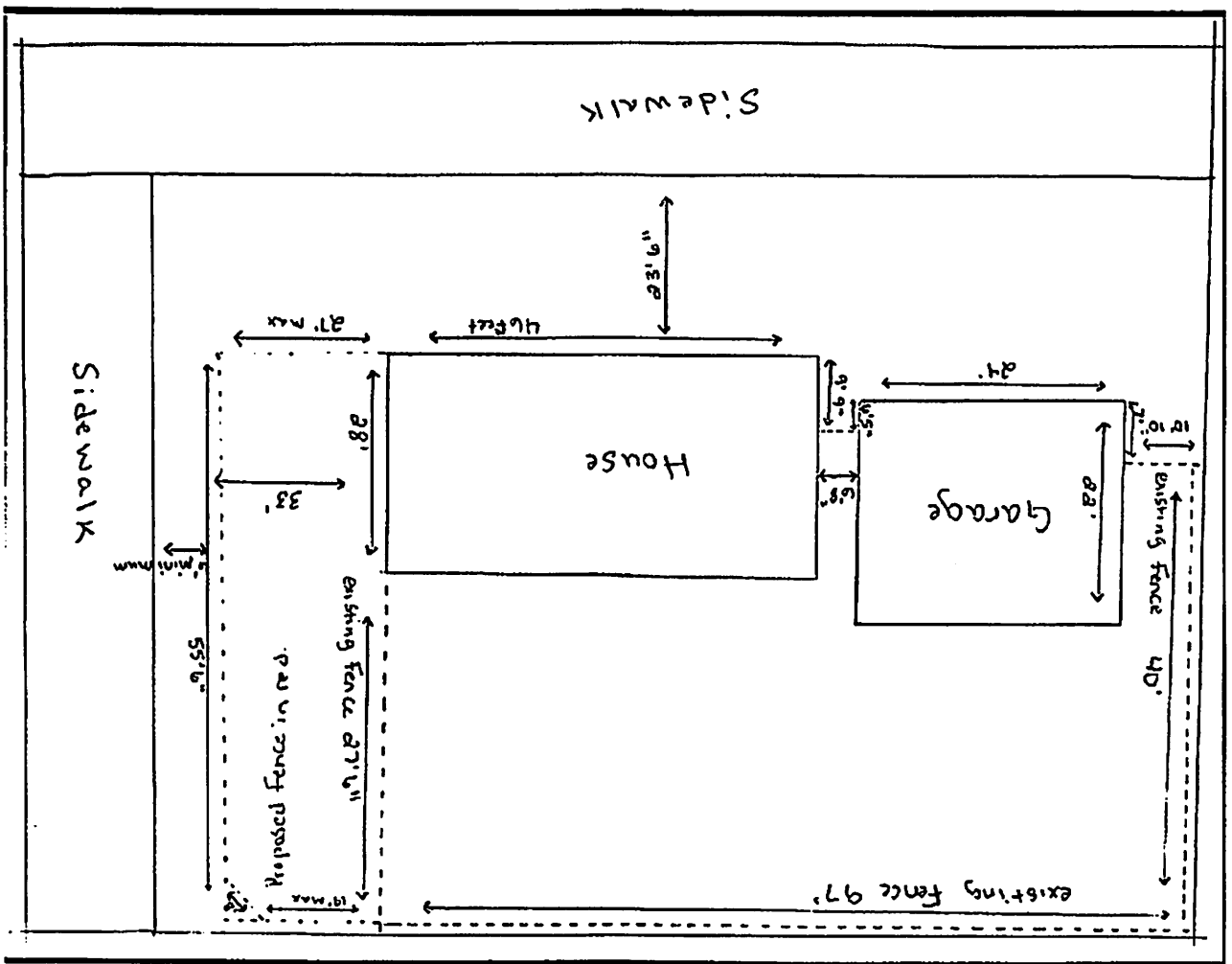
The Board members will be taking into account the reason for the existence of the zoning ordinance in applying this test. Lack of opposition *does not* necessarily mean the proposed construction would not harm the public interest.

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



Creative Construction & Renovation Inc.

PAUL KUNIS :
GENERAL & CARPENTRY CONTRACTOR
9033 MARTIN LANE BRIDGEVIEW, IL. 60455
OFF. & FAX NO. 708-430-4858 PAUL'S CELL -708-912-9511
E-Mail: paul-n-deb@comcast.net
09/20/2022

RE: 504 Pennsylvania Ave,

To Whom It May Concern,

We Creative Construction & Renovation, Inc. are requesting a hardship variance for an existing enclosed porch on the south east corner of the existing building. Due to the condition of the roof and deck from many many years of water leaking in these areas we cannot repair these areas by sistering in new lumber next to the existing ceiling and floor joists. Also there were 2 existing brick columns only 2' down from grade which where dilapidated and caused the porch to sag down in several areas due to the conditions in this area.

The only proper thing to do will be to rebuild the entire structure. The structure was built originally when the house was 1st built. But does not meet the set-back requirements now. We are asking for this variance to rebuild this structure in the exact footprint which has been there since the beginning.

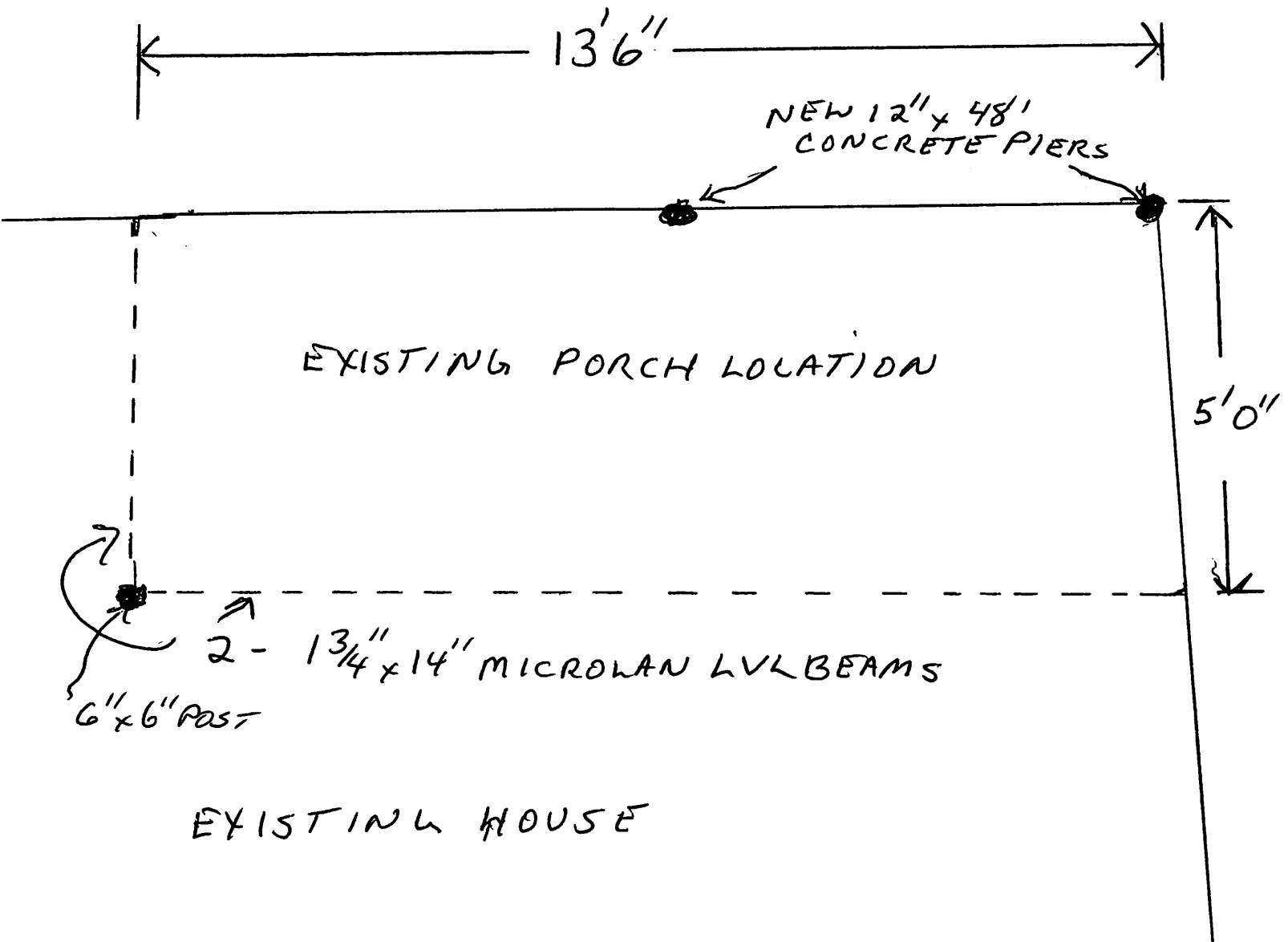
We have discussed this project with the neighbor to the east and he has no problem in rebuilding this structure.

Sincerely,



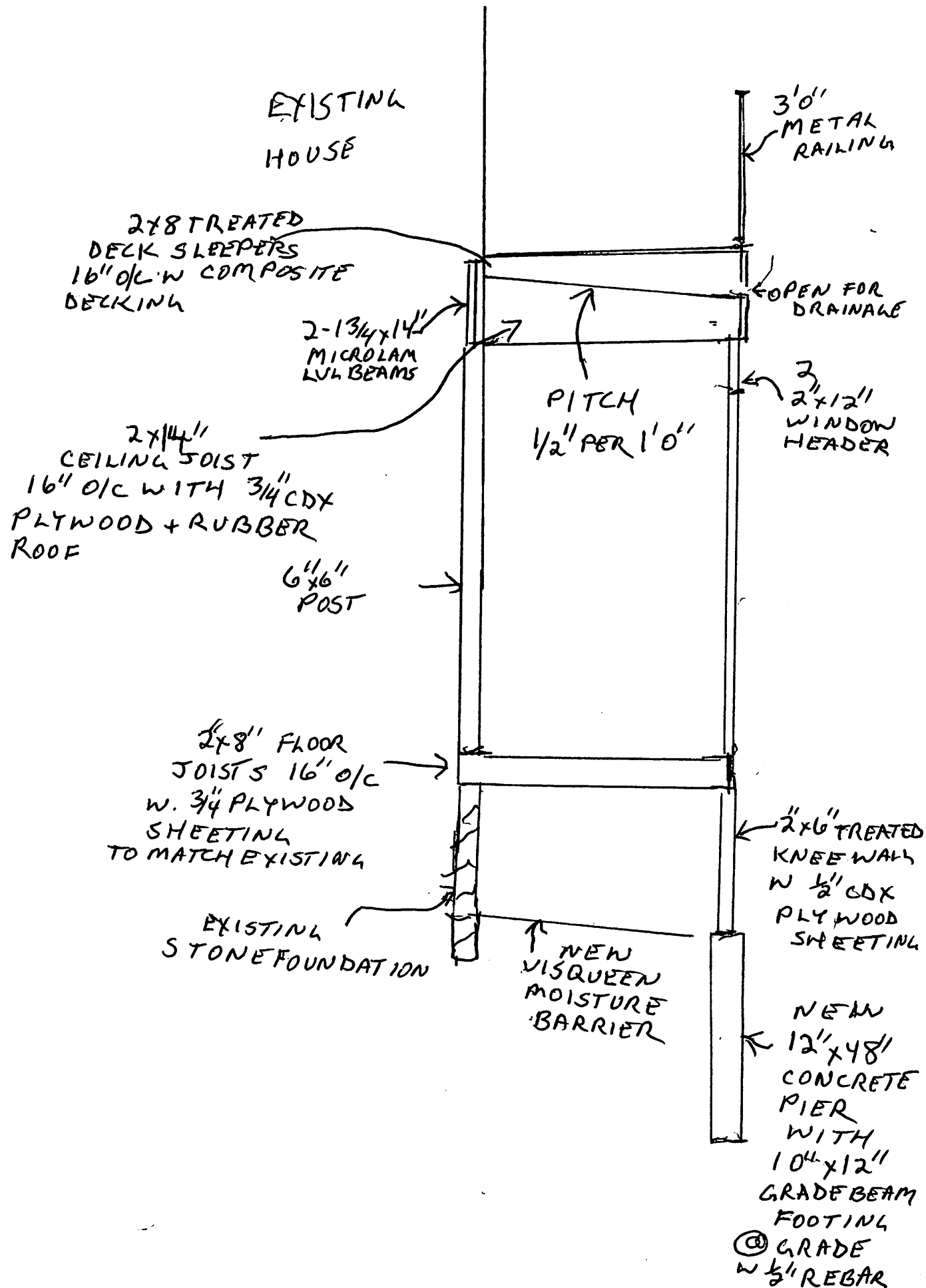
Paul Kunis
President

504 PENNSYLVANIA AVE.

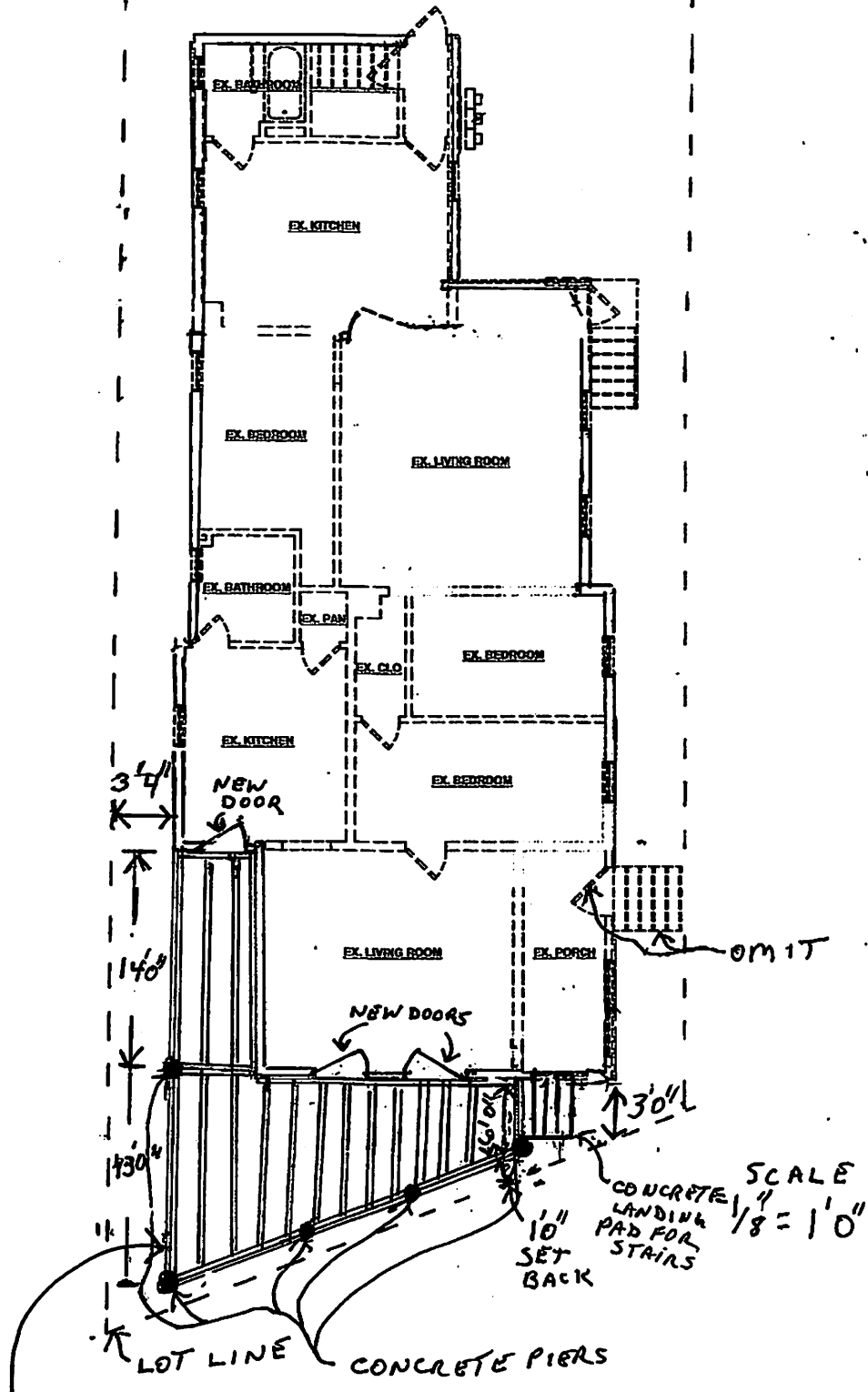


SCALE
1/2" = 1'0"

504 PENNSYLVANIA AVE

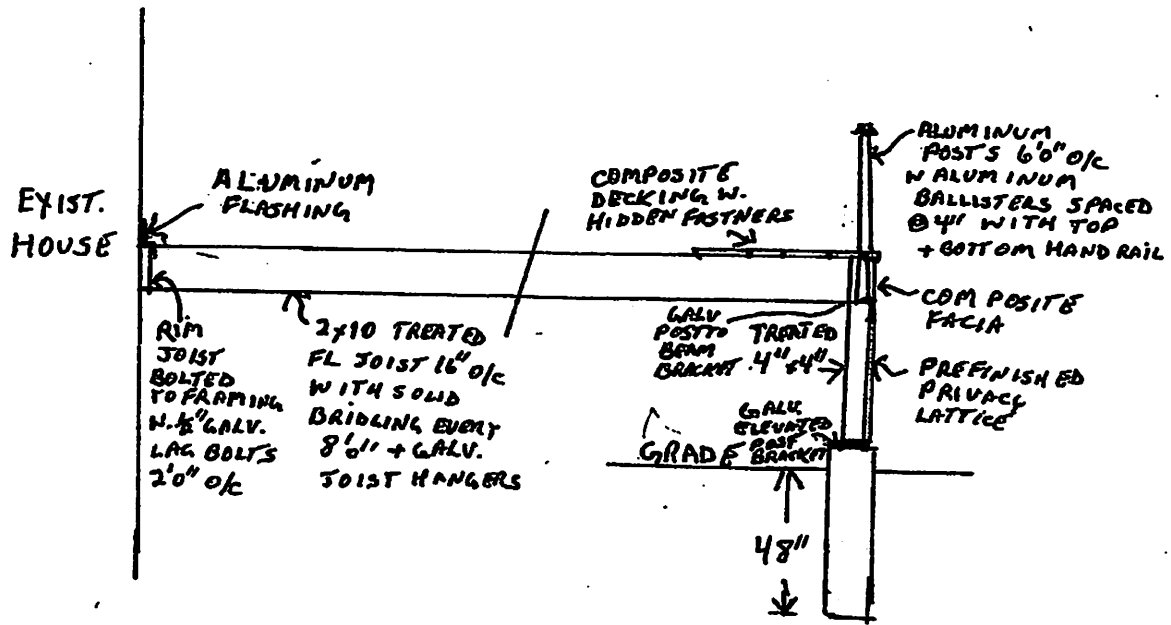


504 PENNSYLVANIA AVE



APPROVED
DECK WITH
PREVIOUS
VARIANCE

DECK SPECIFICATIONS

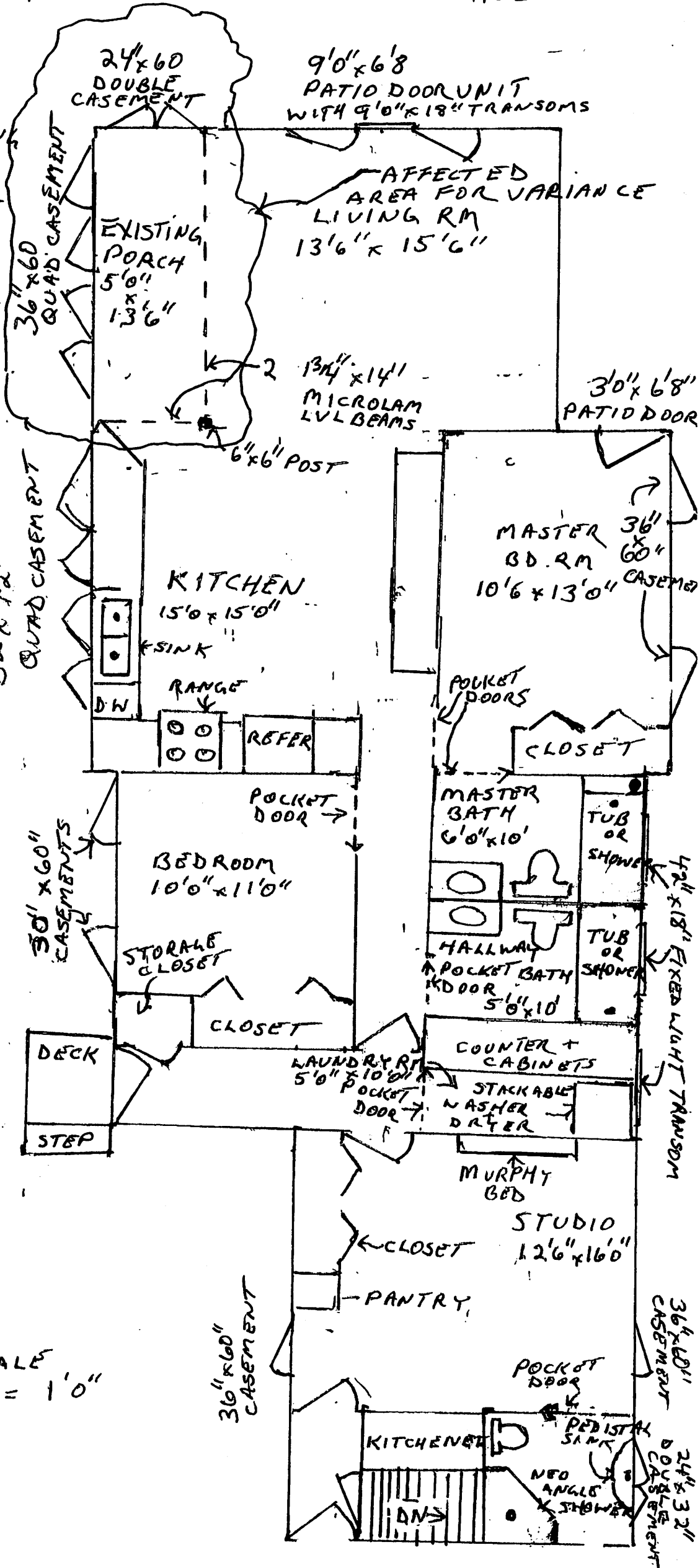


504 PENNSYLVANIA AVE

SCOPE OF WORK

- REFRAME EXISTING WALL PARTITIONS
- INSULATE OUTSIDE WALLS WITH R-15 FACED INSULATION
- INSTALL 5/8" DRYWALL ON CEILING & 1/2" WALL PARTITIONS
- INSTALL SOLID CORE INTERIOR DOORS + TRIM THROUGHOUT
- INSTALL KITCHEN + BATH CABINETS
- INSTALL KITCHEN + BATH COUNTER TOPS

APPROVED
PLANS BY
BUILDING DEPT



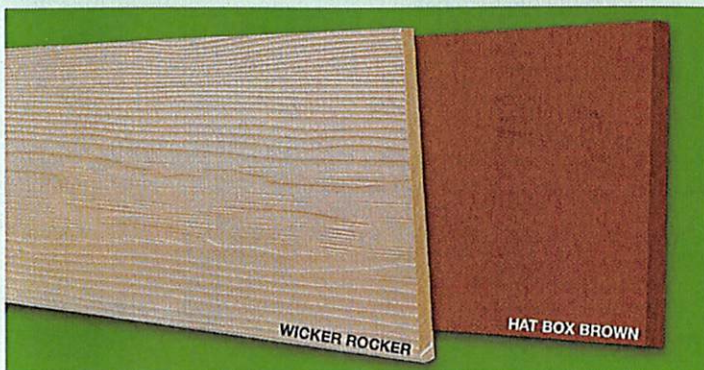
Fiber cement panels topcoated with *Duracolor* coating and a leading competitor's coating were tested in a 5,000-hour accelerated weathering scenario. The tests confirmed:

***Duracolor* eggshell exterior finish outperforms the competition with better durability and color retention.**

FIBER CEMENT SIDING



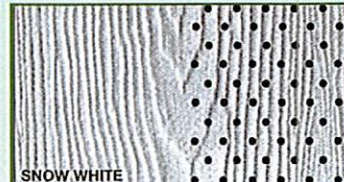
50 YEAR LIMITED PRODUCT WARRANTY



STAGGERED EDGE SHAKE SIDING

• 1/4" x 16" x 48"

T 15YR: (140-3335-8425) T 30YR: (140-7483-7504)



TEXTURED SOFFIT

• 1/4" x 12" x 12' Solid

T 15YR: (140-3340-8416) T 30YR: (140-7730-7729)

• 1/4" x 16" x 12' Solid

T 15YR: (140-3346-8421) T 30YR: (140-7776-8498)

• 1/4" x 4' x 8' Solid

T 15YR: (140-3421-8421) T 30YR: (140-7845-7864)

• 1/4" x 12" x 12' Vented

T 15YR: (140-3341-8417) T 30YR: (140-7748-8497)

• 1/4" x 16" x 12' Vented

T 15YR: (140-3343-8419) T 30YR: (140-7799-8495)

• 1/4" x 24" x 12' Vented

T 15YR: (140-3345-8420) T 30YR: (140-7822-8500)



STRAIGHT EDGE SHAKE SIDING

• 1/4" x 16" x 48"

T 15YR: (140-3334-8424) T 30YR: (140-7462-7481)

SIDING & CORNERS

12' TEXTURED LAP SIDING

• 5/16" x 5-1/4" T 15YR: (140-3357-8426) T 30YR: (140-7199-7218)

• 5/16" x 6-1/4" T 15YR: (140-3343-8419) T 30YR: (140-7799-8499)

• 5/16" x 7-1/4" T 15YR: (140-3359-8428) T 30YR: (140-7245-7264)

• 5/16" x 8-1/4" T 15YR: (140-3360-8429) T 30YR: (140-7268-7287)

• 5/16" x 9-1/4" T 15YR: (140-3361-8430) T 30YR: (140-7291-7310)

• 5/16" x 12" T 15YR: (140-3362-8431) T 30YR: (140-7314-7333)

12' SMOOTH LAP SIDING

• 5/16" x 6-1/4"

S 15YR: (140-3350-8432)

S 30YR: (140-7351-7370)

• 5/16" x 8-1/4"

S 15YR: (140-3352-8433)

S 30YR: (140-7388-7407)

• 5/16" x 12"

S 15YR: (140-3354-8434)

S 30YR: (140-7425-7444)

T=Textured S=Smooth



STUCCO-LOOK TEXTURED PANEL SIDING

• 5/16" x 4' x 8'

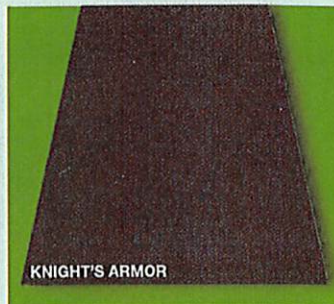
T 15YR: (140-3363-8481) T 30YR: (140-7660-7679)

• 5/16" x 4' x 9'

T 15YR: (140-3364-8442) T 30YR: (140-7683-7702)

• 5/16" x 4' x 10'

T 15YR: (140-3365-8443) T 30YR: (140-7705-7724)



SMOOTH PANEL SIDING

• 5/16" x 4' x 8'

S 15YR: (140-3380-8445) S 30YR: (140-4048-8459)

• 5/16" x 4' x 9'

S 15YR: (140-3380-8445) S 30YR: (140-4049-8460)

• 5/16" x 4' x 10'

S 15YR: (140-3381-8446) S 30YR: (140-4050-8461)



NO GROOVE TEXTURED PANEL SIDING

• 5/16" x 4' x 8'

T 15YR: (140-3371-8438) T 30YR: (140-7591-7610)

• 5/16" x 4' x 9'

T 15YR: (140-3372-8439) T 30YR: (140-7614-7633)

• 5/16" x 4' x 10'

T 15YR: (140-3373-8440) T 30YR: (140-7637-7656)



TEXTURED 8" GROOVED ON CENTER PANEL SIDING

• 5/16" x 4' x 8'

T 15YR: (140-3366-8435) T 30YR: (140-7522-7541)

• 5/16" x 4' x 9'

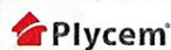
T 15YR: (140-3367-8436) T 30YR: (140-7545-7564)

• 5/16" x 4' x 10'

T 15YR: (140-3368-8437) T 30YR: (140-7568-7587)

TRIM BOARDS

Nominal Size



50 YEAR LIMITED PRODUCT WARRANTY

WICKER ROCKER



50 YEAR SUBSTRATE WARRANTY

HAT BOX BROWN

12' TEXTURED OR SMOOTH FIBER CEMENT

T=Textured S=Smooth

- 1" x 4" Net Size: 3/4" x 3-1/2"
T 15YR: (140-3385-8448) S 15YR: (140-7893-8468)
T 30YR: (140-6968-7017) S 30YR: (140-8040-8511)
- 1" x 6" Net Size: 3/4" x 5-1/2"
T 15YR: (140-3387-8449) S 15YR: (140-7915-8470)
T 30YR: (140-7022-7041) S 30YR: (140-8053-8513)
- 1-1/4" x 2" Net Size: 1" x 1-3/4"
T 15YR: (140-3394-8450) S 15YR: (140-7944-7963)
T 30YR: (140-7085-7013) S 30YR: (140-7084-7103)

- 1-1/4" x 4" Net Size: 1" x 3-1/2"
T 15YR: (140-3396-8451) S 15YR: (140-7964-8503)
T 30YR: (140-7108-7126) S 30YR: (140-8104-8519)
- 1-1/4" x 6" Net Size: 1" x 5-1/2"
T 15YR: (140-3398-8452) S 15YR: (140-7982-8505)
T 30YR: (140-7130-7149) S 30YR: (140-8125-8521)
- 1-1/4" x 8" Net Size: 1" x 7-1/4"
T 15YR: (140-3399-8453) S 15YR: (140-8000-8506)
T 30YR: (140-7153-8414) S 30YR: (140-8138-8522)
- 1-1/4" x 12" Net Size: 1" x 11-1/4"
T 15YR: (140-3401-8454) S 15YR: (140-8019-8508)
T 30YR: (140-7176-7195) S 30YR: (140-8036-8524)

16' TEXTURED OR SMOOTH SOLID ENGINEERED WOOD

T=Textured S=Smooth



- 1" x 2" Net Size: 3/4" x 2"
T 15YR: (143-2745-4568) S 15YR: (143-4187-4608)
T 30YR: (143-4082-4588) S 30YR: (143-4357-4628)
- 1" x 4" Net Size: 3/4" x 3-1/2"
T 15YR: (143-2768-4570) S 15YR: (142-4204-4610)
T 30YR: (143-4105-4590) S 30YR: (143-4374-4630)
- 1" x 6" Net Size: 3/4" x 5-1/2"
T 15YR: (143-2791-4572) S 15YR: (143-4221-4612)
T 30YR: (143-4128-4592) S 30YR: (143-4391-4632)
- 1" x 8" Net Size: 3/4" x 7-1/4"
T 15YR: (143-2814-4574) S 15YR: (143-4238-4614)
T 30YR: (143-4151-4594) S 30YR: (143-4408-4634)
- 1" x 12" Net Size: 3/4" x 11-1/4"
T 15YR: (143-2837-4576) S 15YR: (143-4255-4616)
T 30YR: (143-4170-4596) S 30YR: (143-4425-4636)
- 1-1/4" x 2" Net Size: 1" x 2"
T 15YR: (143-2600-4577) S 15YR: (143-4272-4618)
T 30YR: (143-3967-3984) S 30YR: (143-4442-4561)
- 1-1/4" x 4" Net Size: 1" x 3-1/2"
T 15YR: (143-2624-4580) S 15YR: (143-4289-4552)
T 30YR: (143-4442-4602) S 30YR: (143-4459-4640)
- 1-1/4" x 6" Net Size: 1" x 5-1/2"
T 15YR: (143-2660-4582) S 15YR: (143-4306-4621)
T 30YR: (143-4442-4602) S 30YR: (143-4476-4642)
- 1-1/4" x 8" Net Size: 1" x 7-1/4"
T 15YR: (143-2696-4584) S 15YR: (143-4306-4622)
T 30YR: (143-4013-4604) S 30YR: (143-4493-4644)
- 1-1/4" x 12" Net Size: 1" x 11-1/4"
T 15YR: (143-2720-4586) S 15YR: (143-4340-4626)
T 30YR: (143-4059-4606) S 30YR: (143-4510-4646)



50 YEAR LIMITED PRODUCT WARRANTY

SMOKY SABLE

SANDY CLAY

16' TEXTURED ENGINEERED WOOD STRAND



- 1" x 2" Net Size: 5/8" x 1-1/2"
T 15YR: (142-3551-3944) T 30YR: (142-4550-4569)
- 1" x 4" Net Size: 5/8" x 3-1/2"
T 15YR: (142-3553-3946) T 30YR: (142-4573-4592)
- 1" x 6" Net Size: 5/8" x 5-1/2"
T 15YR: (142-3554-3947) T 30YR: (142-4569-4615)
- 1" x 8" Net Size: 5/8" x 7-1/4"
T 15YR: (142-3555-3948) T 30YR: (142-4619-4638)
- 1" x 12" Net Size: 5/8" x 11-1/4"
T 15YR: (142-3556-3949) T 30YR: (142-4654-4673)
- 1-1/4" x 2" Net Size: 25/32" x 1-1/2"
T 15YR: (142-3550-3952) T 30YR: (142-4677-4696)
- 1-1/4" x 4" Net Size: 25/32" x 3-1/2"
T 15YR: (142-3364-3954) T 30YR: (142-4700-4719)
- 1-1/4" x 6" Net Size: 25/32" x 5-1/2"
T 15YR: (142-3566-3955) T 30YR: (142-4723-4742)
- 1-1/4" x 4" x 10' Preformed Outside Corner
T 15YR: (142-3549-3950) T 30YR: (148-4815-4834) Net Size: 25/32" x 3-1/2"
- 1-1/4" x 8" Net Size: 25/32" x 7-1/4"
T 15YR: (142-3568-3956) T 30YR: (142-4746-4765)
- 1-1/4" x 10" Net Size: 25/32" x 9-1/4"
T 15YR: (142-3569-3957) T 30YR: (142-4769-4787)
- 1-1/4" x 12" Net Size: 25/32" x 11-1/4"
T 15YR: (142-3570-3958) T 30YR: (142-4769-4788)

WINDOWS TO MATCH

13 TIMELESS COLORS

WINDOW TRIM SOFFIT FACIA

Snow White

Hat Box Brown

Arbor Mist

Wicker Rocker

Sandy Clay

Dover Gray

Bronze

Grecian Stone

Smoky Sable

Knight's Armor

Nickel

Biscayne Blue

Hunt Club Red



WARRANTY PROTECTED

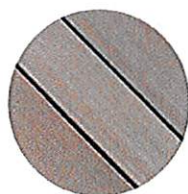
Menards confidently offers a 15-year limited paint finish warranty* and a 30-year limited paint finish warranty*, backed by PPG. For warranty information, go to MENARDS.com - keyword: Prefinished Siding

SPANISH CEDAR

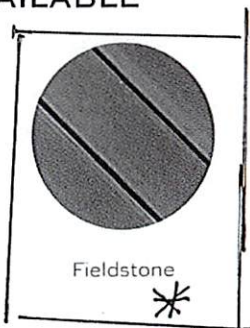


COLORS AVAILABLE

**Colors may vary from colors shown*



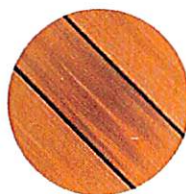
Canyon



Fieldstone



Sandstone



Spanish Cedar

PROFILES



RADIUS EDGE

Use for stair treads & deck border applications

1" H x 5 3/16" W



DECK BOARD

Use for deck surfaces

1" H x 5 3/16" W

AVAILABLE IN

8', 12', 16', 20' Deck Board

12' Radius Edge

Cladding: Yes

SKUs:

Canyon 112-0385

Fieldstone 112-0373

Sandstone 112-0379

Spanish Cedar 112-0368

SKUs:

Canyon 112-0381-0384

Fieldstone 112-0369-0372

Sandstone 112-0375-0378

Spanish Cedar 112-0360-0366







504A
504A
504B























