

**CITY OF SHEBOYGAN**

**REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION**

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**ITEM DESCRIPTION: (Variance #1 )**

Address: 504 PENNSYLVANIA AVE

Parcel #: 110940

Owner's Name: JILL PRIGGE & JAMES HOWARD PRIGGE

Zoning: SO

**ITEM DESCRIPTION: (Variance #2 )**

Address: 502 PENNSYLVANIA AVE

Parcel #: 110930

Owner's Name: DENNIS P PENTEK

Zoning: SO

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

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**REPORT DATE:** 03/03/2023

**MEETING DATE:** 03/15/2023

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**BACKGROUND / ANALYSIS**

Owner would like to enlarge an existing sidewalk on the east side of the property. The sidewalk crosses over the property line to the adjacent property ( 502 Pennsylvania Ave ). There is an easement for the sidewalk and there is a 2nd variance request for 502 Pennsylvania Ave to increase the sidewalk width located on the west side of the property.

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Ordinance #: 15.105(3)(b)(3)(b)(M) Minimum Paved Surface Setback: 3 feet from side or rear

Requesting: 0 inches

Allowed: 3 feet

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Ordinance #:

Requesting:

Allowed:

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**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): 504 + 502 PENNSYLVANIA AVE  
2). Applicant: PAUL KUNIS Telephone #: (708) 912-9511  
Address: 9033 MARTIN LN.  
3). Legal Property Description (Lot, Block, Subdivision, etc.) \_\_\_\_\_

- 4). Type of Building (Circle): Commercial ~~Residential~~ 3 FAMILY  
5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: NEW CONCRETE SIDEWALK + REAR DRIVEWAY

- 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: GENERAL CONTRACTOR  
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: 2-13-23

Signature: Paul Kunis  
Printed Name: PAUL KUNIS  
Mailing Address: 9033 MARTIN LN.  
BRIDGEVIEW, IL 60455

**APPEAL FROM RULING OF THE BUILDING INSPECTOR  
AND/OR ZONING ADMINISTRATOR**

CASE NO: \_\_\_\_\_  
FILING DATE: \_\_\_\_\_  
RECEIPT NO: \_\_\_\_\_  
ZONING DIST: \_\_\_\_\_

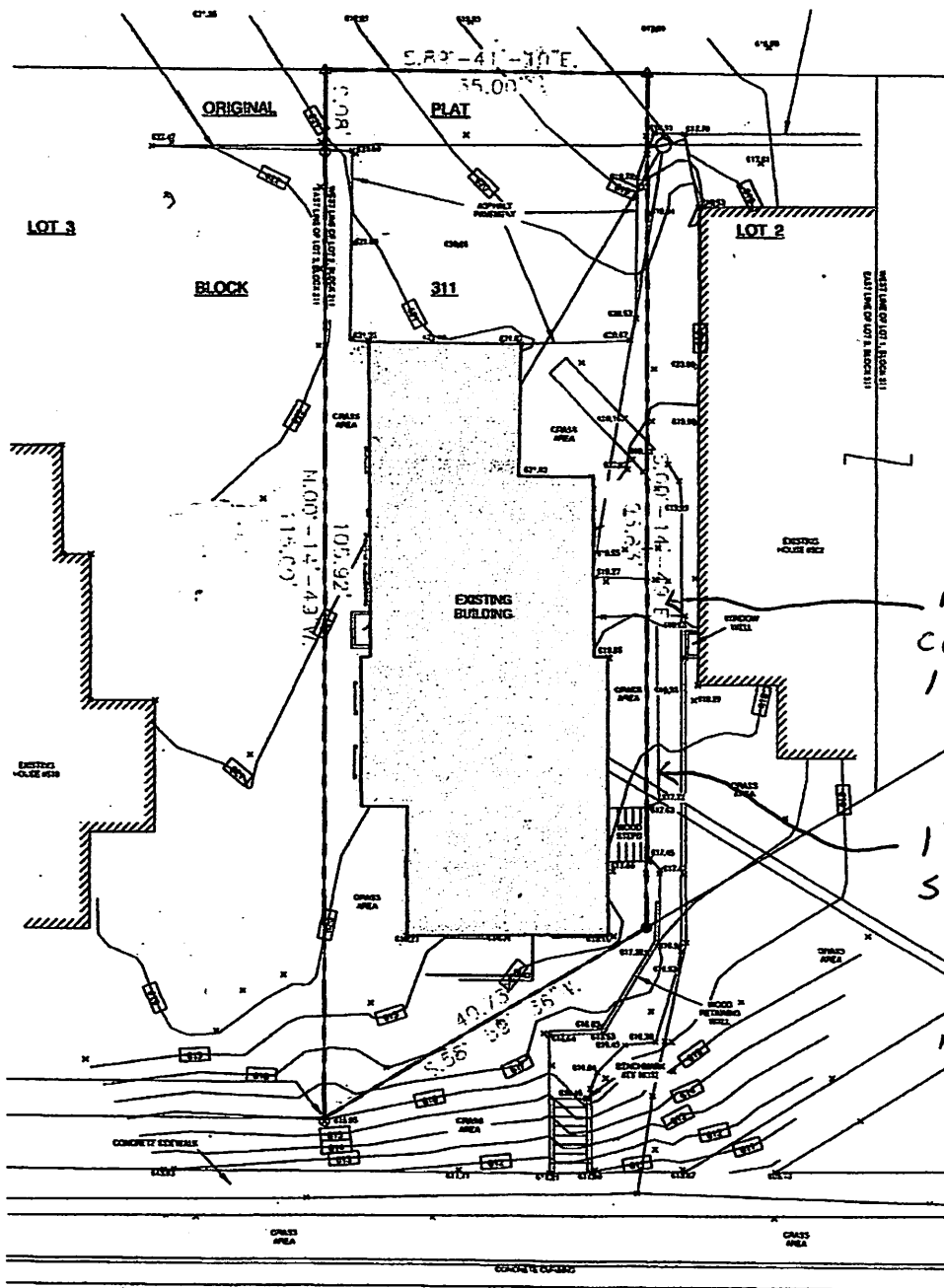
**TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI**

- 1). Appeal Location (address): 502 PENNSYLVANIA AVE
- 2). Applicant: PAUL KUNIS Telephone #: (708) 912-9511  
Address: 9033 MARTIN LN
- 3). Legal Property Description (Lot, Block, Subdivision, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4). Type of Building (Circle): Commercial - Residential
- 5). Request for (Circle): New Construction - Repairs - Alterations - Addition - Nonconforming Use - Other  
(if other) please list: NEW CONCRETE SIDEWALKS SAME LOCATION  
ADDITIONAL 1'0" OF CONCRETE SIDEWALK TO LOT LINE
- 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: GENERAL CONTRACTOR
- 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: 2-15-23

Signature: Paul Kunis  
Printed Name: PAUL KUNIS  
Mailing Address: 9033 MARTIN LN.  
BRIDGE VIEW, IL 60435



PENNSYLVANIA

AVENUE

② SITE PLAN - SITE PLAN - EXISTING  
1" = 15'-0"



# **Creative Construction & Renovation, Inc.**

Paul Kunis

General & Carpentry Contractor

9033 Martin Lane Bridgeview, IL. 60455

Office & Fax number: 708-430-4858

email: [paul-n-deb@comcast.net](mailto:paul-n-deb@comcast.net)

**02/15/2023**

Dennis Pentek  
502 Pennsylvania Ave.  
Sheboygan, WI 53081

To Whom It Concern,

We Creative Construction & Renovation, Inc. are requesting a hardship variance for removal and replacement of the existing concrete sidewalk on the west side of lot. We are purposing to install 1'0" concrete sidewalk per location in plat survey. We are requesting the hardship variance due to the maintenance in this area and would like to match the existing concrete side walk at the rear of the lot on the west side of lot.



Property owner of 502  
Pennsylvania Avenue  
Dennis Pentek

# **Creative Construction & Renovation, Inc.**

**Paul Kunis**

**General & Carpentry Contractor**

**9033 Martin Lane Bridgeview, IL. 60455**

**Office & Fax number: 708-430-4858**

**email: [paul-n-deb@comcast.net](mailto:paul-n-deb@comcast.net)**

**02/14/2023**

We Creative Construction & Renovation, Inc. are requesting a hardship variance for a new concrete side walk on the east elevation @ 504 Pennsylvania Ave. The existing sidewalk is on the neighbor's property @ 502 Pennsylvania Ave. Owned by Dennis Pentek. I was informed that we can pour a new sidewalk in the same location as it would be grandfathered in. The new owners would like a wider sidewalk but would have to be 1'0" from the lot line. We are requesting this hardship variance so we don't have this 1'0" gap between sidewalks. The owner on the east side of this lot Dennis Pentek will give us permission and has no objections to pour the sidewalk we have outlined on the plat survey.

# **Creative Construction & Renovation, Inc.**

Paul Kunis

General & Carpentry Contractor

9033 Martin Lane Bridgeview, IL. 60455


Office & Fax number: 708-430-4858

email: [paul-n-deb@comcast.net](mailto:paul-n-deb@comcast.net)

**02/12/22023**

To Whom It May Concern,

I Dennis Pentek own the house and lot @ 502 Pennsylvania Ave. Sheboygan, WI gave Jill and Jim Prigge permission to remove the existing sidewalk on my property and pour a new concrete sidewalk to the property line. I am granting them permission to use this sidewalk as a easement to go from the front of their lot to the rear of their lot.

A handwritten signature in black ink, appearing to read "Dennis Pentek", written over a horizontal line.

Dennis Pentek

Dennis Paul Pentek



8 5 3 2 4 2 5  
Tx:4201749

## EASEMENT AGREEMENT

Document Number

Document Name

**2101990**  
**SHEBOYGAN COUNTY, WI**  
**RECORDED ON**  
**11/02/2020 08:46 AM**  
**ELLEN R. SCHLEICHER**  
**REGISTER OF DEEDS**  
**RECORDING FEE: 30.00**  
**TRANSFER FEE:**  
**EXEMPTION #**  
**Cashier ID: 9**  
**PAGES: 5**

This Easement Agreement is made and entered into as of the 30<sup>th</sup> day of October, 2020 by and between Dennis P. Pentek ("Grantor") and Rauwerdink Family Trust of 2007 ("Grantee").

### RECITALS

A. Grantor is the owner of the real property known as Parcel No. 59281110930 and legally described on the attached Exhibit A (the "Grantor Property").

B. Grantee is the owner of the real property known as Parcel No. 59281110940 and legally described on the attached Exhibit A (the "Grantee Property").

### AGREEMENT

Recording Area

Name and Return Address

David Gass  
Rohde Dales LLP  
909 N. 8<sup>th</sup> Street, Suite 100  
Sheboygan, WI 53081

59281110930 and 59281110940


Parcel Identification Number (PIN)

It is hereby agreed between the parties in consideration of mutual benefits and of the promises and agreements contained within this instrument, as follows:

1. Grant and Location. Grantor hereby grants, bargains, sells, conveys and confirms to Grantee a non-exclusive right of way and easement for non-motorized access across a strip of land containing a sidewalk which is depicted in yellow on the Architectural Site Survey attached hereto as Exhibit B (the "Walkway").
2. Purpose. The right of way and easement is granted for the purpose of Grantee having access to and egress from the Grantee Property.
3. Repair and Maintenance of the Pedestrian Walkway. Grantee shall be responsible for and shall pay the cost of maintaining and repairing the Walkway, including snow removal and replacement of any of the concrete of the Walkway.
5. Indemnification and Restoration. Grantee shall indemnify Grantor, and his successors, against any loss or damages resulting from any direct act of the Grantee or the exercise of Grantee's rights under this Easement Agreement.
6. Perpetual Nature. The benefits and obligations of the covenants contained in this Easement Agreement shall run with each of the properties and shall bind the parties to their agreements and insure to the benefit, as well as their heirs, legal representatives, and successors.
7. Enforcement by Grantor. If the Grantee engages in any act in violation of any provision of this Easement Agreement, Grantee agrees that Grantor shall be entitled, in addition to such other remedies and damages that may be available to it by law or under this Agreement, to injunctive relief to enforce such provisions without the necessity of posting a bond and to reimbursement for all costs and expenses incurred in enforcing this Easement Agreement including, but not limited to, reasonable attorney's fees.

8. Counterparts. This Easement Agreement may be executed in counterparts, each copy of which shall constitute an original. This Easement Agreement executed as of the date set forth above. The parties have executed this agreement the day and year first above written.

GRANTOR

  
Dennis P. Pentek

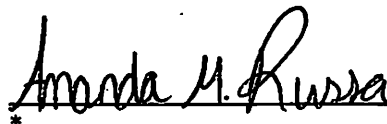
GRANTEE

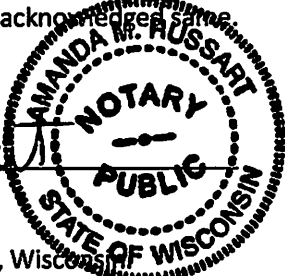
RAUWERDINK FAMILY TRUST OF 2007

By:   
Dale R. Rauwerdink, Trustee

STATE OF WISCONSIN )  
 )ss.  
SHEBOYGAN COUNTY )


Personally came before me this 29 day of  
October, 2020, the above-named  
Dennis P. Pentek, to me known to be the person  
who executed the foregoing and acknowledged same.

\* 

  
Notary Public Sheboygan County, Wisconsin.  
My Commission is permanent. (If not, state expiration  
date: 9/11/2024 )

STATE OF WISCONSIN  
SHEBOYGAN COUNTY

Personally came before me this 20<sup>th</sup> day of  
October, 2020, the above-named  
Dale R. Rauwerdink, to me known to be the  
person who executed the foregoing and  
acknowledged same.

\*   
Stephanie J. Baug

Notary Public Sheboygan County, Wisconsin.  
My Commission is permanent. (If not, state expiration  
date: 4/9/23 )

THIS INSTRUMENT DRAFTED BY:  
Attorney David Gass  
Rohde Dales LLP

## **EXHIBIT A**

### **Grantor Property**

That part of Lot One (1) lying West of N. 5<sup>th</sup> Street, and all of Lot Two (2) except the West Thirty-Four (34) feet thereof, Block Three Hundred Eleven (311), Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded Plat thereof.

For Informational Purposes Only:

Tax Parcel No. 59281110930

Property Address: 502 Pennsylvania Ave., Sheboygan, WI

### **Grantee Property**

The West Thirty-Five (35) feet of Lot Two (2), Block Three Hundred Eleven (311), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded Plat thereof.

For Informational Purposes Only:

Tax Parcel No. 59281110940

Property Address: 504 Pennsylvania Ave., Sheboygan, WI

**EXHIBIT B**

**ARCHITECTURAL SITE SURVEY**

**(See attached)**

**AP Lulloff**  
**LAND SURVEY, LLC**  
Anthony Lulloff PLS. SP  
AP Lulloff Land Survey, LLC  
17825 Melnick Road  
Kodi, W 83042  
aplulloff@gmail.com  
878.894.7151

**Prayered For:**  
Beverly Ann Family Trust  
11111 N. 2nd  
Orem, UT 84057

1	1-6-38	Payroll
2	1-6-38	Phone

MAHAR PLS. Melnickson  
PROPERTY MANAGER 2010144  
GILMAN BLDG 2ND FLOOR 2ND FLR  
400 S. 2000th St. P.O. Box 33  
Orem, UT 84057