

CITY OF SHEBOYGAN

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

ITEM DESCRIPTION:

Address: 504 PENNSYLVANIA AVE

Parcel #: 110940

Owner's Name: JILL PRIGGE & JAMES HOWARD PRIGGE

Zoning: SO

REPORT PREPARED BY: Jeff Lutzke, Building Inspector

REPORT DATE: 03/03/2023

MEETING DATE: 03/15/2023

BACKGROUND / ANALYSIS

Owner would like to raise the walls and roof height at the north end of the dwelling to create a larger 2nd floor storage room.

Ordinance #: 15.408(1)(a)(1) A nonconforming principal residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase the degree of the existing nonconformity of all or any part of such building

Requesting: To increase the roof height of north end of dwelling

Allowed: Not allowed

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

Requesting: 4 foot 8 inches

Allowed: 10 foot

Ordinance #:

Requesting:

Allowed:

ATTACHMENTS:

Application, pictures, and drawing

**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 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: MODIFY WALLS + ROOF IN STORAGE AREA ON 2ND FL.
- 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

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:

Application Deadline Date

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.

Signature

Date

Creative Construction & Renovation, Inc.

Paul Kunis

General & Carpentry Contractor

9033 Martin Lane Bridgeview, IL. 60455

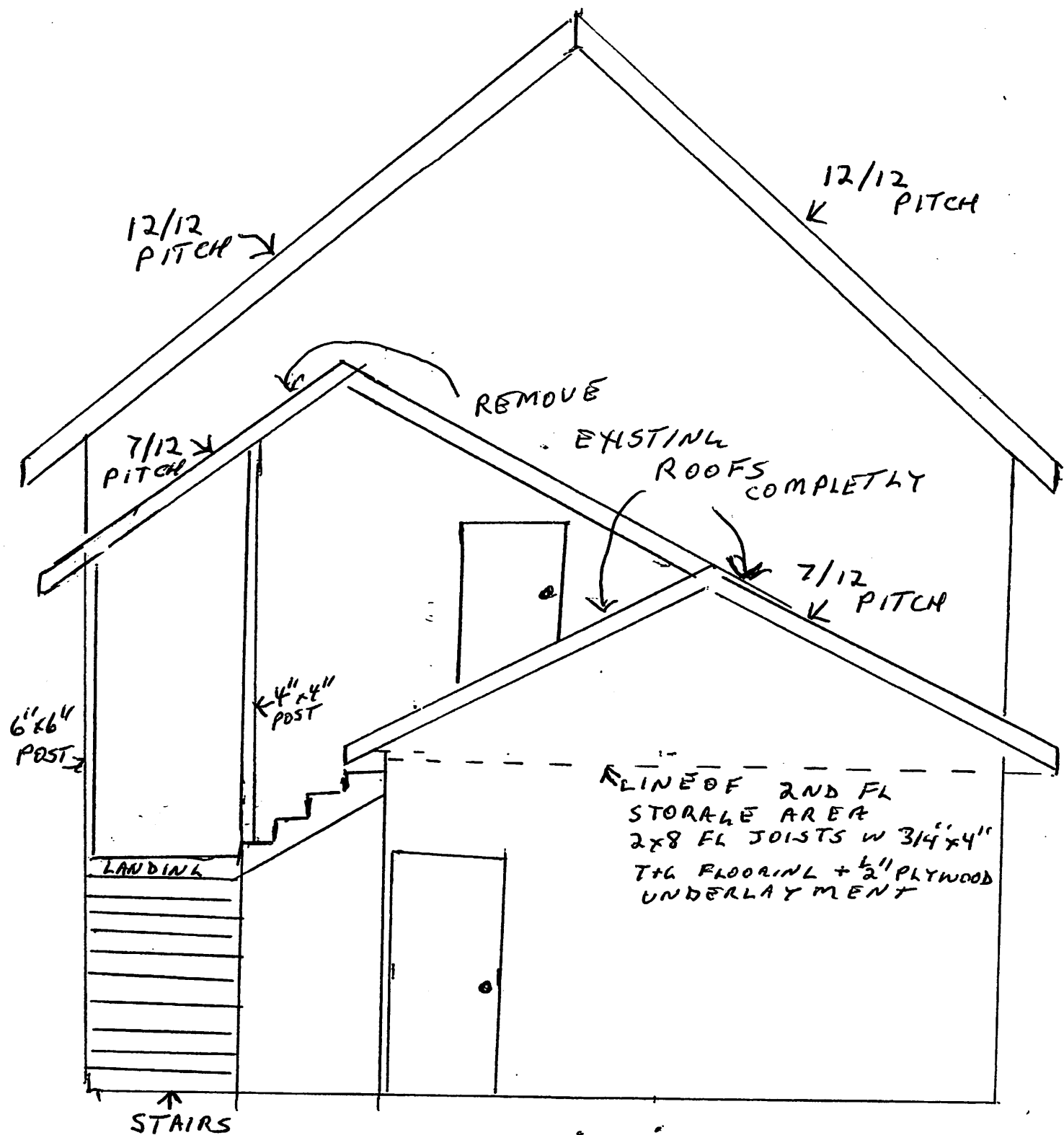
Office & Fax number: 708-430-4858

email: paul-n-deb@comcast.net

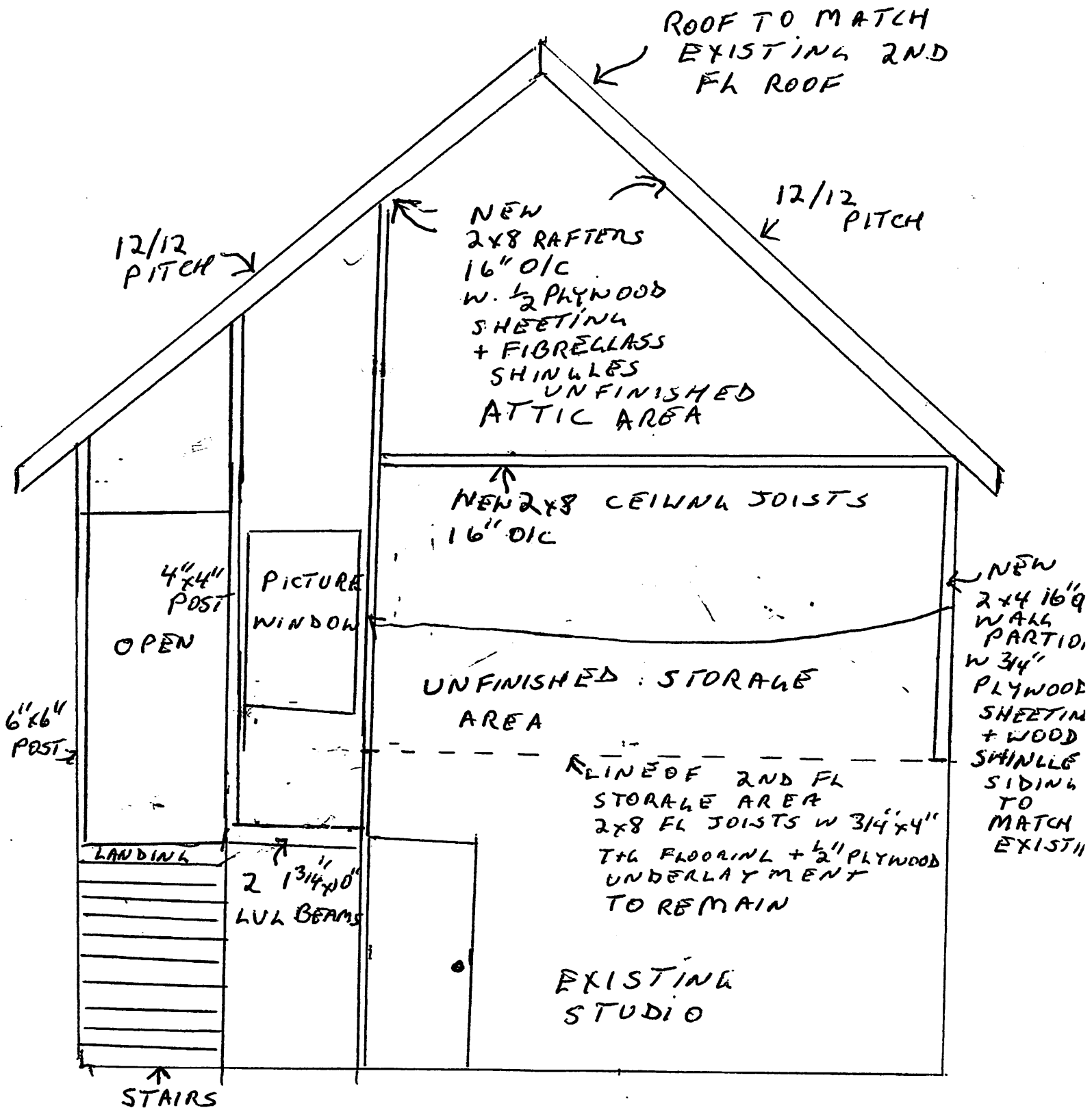
02/14/2023

To Whom It May Concern,

We Creative Construction & Renovation, Inc. are requesting a hardship variance for new walls and roof in 2nd floor storage area. We purpose to build these walls and roof to match the existing 2nd floor walls and roof. This will solve the hardship of not enough storage due to the size of the basement and crawl space. We believe the new configuration of walls and roof will look aestically better for the neighborhood. We will use the same wood siding, roofing and eaves to match the existing building. The new storage area does not meet the 10' side lot set back requirement.



EXTEND ROOF OVER STAIR CASE
+ STUDIO



PROPOSED NEW UNFINISHED
STORAGE AREA OVER STUDIO

SCALE
1/4" = 1'0"

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

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

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 dark 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 30th 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. 8th 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

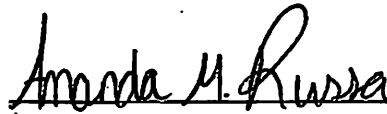
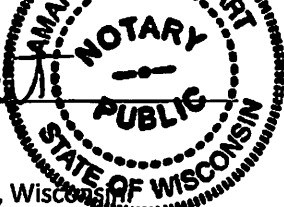
GRANTEE

RAUWERDINK FAMILY TRUST OF 2007

By: 
Dale R. Rauwerdink, Trustee

STATE OF WISCONSIN)
)ss.
SHEBOYGAN COUNTY)


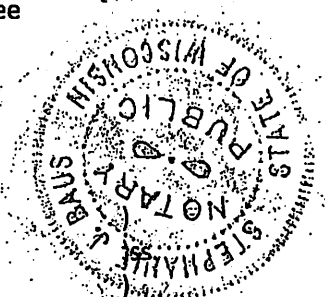
Personally came before me this 29 day of
October, 2020, the above-named
Dennis P. Pentek, to me known to be the person
who executed the foregoing and acknowledged same.

* 


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 20th 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. 5th 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:

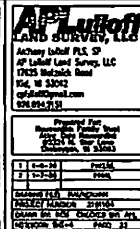
Tax Parcel No. 59281110940

Property Address: 504 Pennsylvania Ave., Sheboygan, WI

EXHIBIT B

ARCHITECTURAL SITE SURVEY

(See attached)











NO
PARKING
ANY
TIME
↔

Storage
Live
OFF
the
Main
Floor































