



# **ZONING BOARD OF APPEALS AGENDA**

**March 15, 2023 at 3:00 PM**

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,  
Sheboygan, WI**

Persons with disabilities who need accommodations to attend this meeting should contact the Building Inspection Department, (920) 459-4064.

## **OPENING OF MEETING**

1. Call to Order
2. Pledge of Allegiance
3. Identify potential conflicts of interest

## **MINUTES**

4. Approval of the Board of Appeals minutes from December 21, 2022.

## **ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Variance application by Lauren Michelle Blue to construct either phase 1 or phase 2 located at 1 North Point Drive. Phase 1 - Owner currently has a 388 sq ft attached garage and would like to construct a second 670 sq ft detached garage. Total garage sq ft is 1058. Phase 2 - Owner will remodel existing attached garage and reduce the size by 58 sq ft which reduces the total garage space to 1000 sq ft. And property owner would like to construct a new second driveway access on North Point Drive.
6. Variance application by Dennis and Jill Prigge 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. Also, would like to raise the walls and roof height at the north end of the dwelling to create a larger 2<sup>nd</sup> floor storage room located at 504 Pennsylvania Avenue.
7. Variance application by Dennis Pentek to increase the sidewalk width located on the west side of the property with a zero paving setback location at 502 Pennsylvania Avenue.
8. Variance application by Fidel Najera who poured concrete sidewalks and patios around the perimeter of the dwelling. The concrete at the west side is closer than 3 feet to the side property line, and the concrete on the east side crosses over the side property line located at 1612 Indiana Avenue.

## **NEXT MEETING**

9. April 19, 2023

## **ADJOURN**

10. Motion to Adjourn

***In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:***

*City Hall • Mead Public Library  
Sheboygan County Administration Building • City's website*



**CITY OF SHEBOYGAN**

**ZONING BOARD OF APPEALS MINUTES**

**Wednesday, December 21, 2022**

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**Members Present:** Kevin Sampson, Kimberly Meller, Don Gerber and Ed Surek

**Members Excused:** Sala Sander, Dick Linde and Keeli Johnson

**Staff/Officials Present:** Manager of Planning & Zoning Steve Sokolowski and Building Inspector Jeff Lutzke

**OPENING OF MEETING**

1. Call to Order

Kevin Sampson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance is recited.

3. Identify potential conflicts of interest

No committee member had a conflict of interest.

**MINUTES**

4. Approval of the Board of Appeals minutes from November 16, 2022.

Motion by Ed Surek, second by Don Gerber to approve. Motion carried.

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

5. Variance application by Scott Hayes to construct an 11-foot x 15-foot 2 story addition to a legally nonconforming structure. The addition would increase the nonconformity in the street yard located at 1529 Oakland Avenue.

Motion by Don Gerber, second by Ed Surek to approve with the following conditions:

1. Applicant shall remove all unused equipment from the roof such as antennas, etc.
2. Applicant shall reinstall windows in all 1<sup>st</sup> and 2<sup>nd</sup> story windows opening (remove plywood).
3. Applicant shall reinstall glass block windows in all basement window openings (remove plywood).
4. Applicant proposed to remove the front door from Oakland Avenue. Applicant shall infill this former front entrance area to match the existing homes design, color and materials (cannot infill this area with different design, materials, and/or colors).
5. Applicant shall fix the damaged white trim above the overhead garage door.
6. Garage is weathered and has different siding colors (most of the garage is blue but the east end of the south side along the alley is white vinyl). Applicant shall paint the garage so it is all the same color.
7. There is a significant amount of miscellaneous debris and equipment stored outside including but not limited to barrels, topsoil pile, bricks, swing sets, etc. All of these materials will be removed and/or stored inside the house or garage.
8. All inoperable vehicles, boats, etc shall be removed from the property.

**NEXT MEETING**

6. January 18, 2023

*Item 4.*

**ADJOURN**

7. Motion to Adjourn

Motion by Don Gerber, second by Kimberly Meller to adjourn. Motion carried.

Being no further business, the meeting was adjourned at 3:20 p.m.

REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 1 NORTH POINT DR

Parcel #: 011960

Owner's Name: LAUREN MICHELLE BLUE

Zoning: SR-5

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

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**REPORT DATE:** 03/02/2023

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

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**BACKGROUND / ANALYSIS**

**Phase 1**

Owner currently has a 388 sq ft attached garage and would like to construct a second 670 sq ft detached garage. Total garage sq ft is 1058.

**Phase 2**

Owner will remodel existing attached garage and reduce the size by 58 sq ft which reduces the total garage space to 1000 sq ft. And property owner would like to construct a new second driveway access on North Point Drive.

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Ordinance #: 15.206(8)(d)(1)(a) The maximum number of accessory structures per lot is three (3) – not to exceed one (1) garage, one (1) shed, one (1) gazebo or one (1) greenhouse.

Requesting: 2 garages

Allowed: 1 garage

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Ordinance #: 15.206(8)(d)(1)(b) The maximum square footage of a garage and/or carport is 1,000 square feet. However, a garage structure shall not exceed the footprint square footage of the primary residential structure.

Requesting: 1058 sq ft

Allowed: 1000 sq ft

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Ordinance #: 15.105(2)(c)(3)(b)B Minimum Lot Width: 60 feet or 70 feet for a corner lot

Requesting: Lot varies from 32.66 ft to 96.4 ft

Allowed: 60 ft minimum

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Ordinance #: 15.702(3)(a) ... no lot shall be permitted more than one access point on any one street if its frontage on said street is less than 300 linear feet (as measured along the right-of-way line).

Requesting: 96.4 ft

Allowed: 300 ft

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Ordinance #: 15.702(7) The minimum distance between access drives serving the same property shall be 100 feet on 25 mph speed limit streets

Requesting: distance not shown on plan

Allowed: 100 ft

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**ATTACHMENTS:**

Application, pictures, and drawing



CITY OF SHEBOYGAN

VARIANCE  
APPLICATION

Fee: \$250

Item 5.

Review Date: 3/15/23

Read all instructions before completing. If additional space is needed, attach additional pages.

**SECTION 1: Applicant/ Permittee Information**

Name (Ind., Org. or Entity)

Dr. Lauren Blue

Mailing Address

1 North Point Drive

City

Sheboygan

State

Wisconsin

ZIP Code

53081

Email Address

lauren.blue.md@gmail.com

Phone Number (incl. area code)

205-454-8817

Applicants interest in property:

Owner

**SECTION 2: Property Information**

Property Address

1 North Point Drive

City

Sheboygan

State

Wisconsin

Zip

53081

Type of Building: ☐ Commercial ☒ ResidentialRequest for: ☒ New Construction ☐ Repairs ☐ Alterations ☐ Addition ☐ Nonconforming Use ☐ Other**SECTION 3: If the Request is for a Nonconforming Use**

Your intended use: Residential use to remain unchanged.

Non-conforming aspects include: a) Two garages on property in lieu of one; b) Exceed 1,000-sq.ft. garage area limit until Phase-II construction is completed; c) Two driveway access points to North Point Drive; d) Less than 100-ft between access points on same street.

Date last occupied as a nonconforming use:

By Whom:

Previous Use:

**SECTION 4: Requested Variance** Please see separate letter attachment.

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)

Joseph Clarke - Legacy Architecture, Inc.

Title

Senior Project Manager

Phone Number

920-783-6303

Signature of Applicant

Date Signed

02/15/2023

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.



**LEGACY**  
architecture

605 Erie Avenue, Suite 101  
Sheboygan, Wisconsin 53081  
(920) 783-6303  
info@legacy-architecture.com  
www.legacy-architecture.com

February 15, 2023

Zoning Board of Appeals  
Sheboygan City Hall  
828 Center Avenue, Suite 208  
Sheboygan, WI 53081

Re: Application for Zoning Board of Appeals – March 15, 2023  
1 North Point Drive  
Sheboygan, WI 53081

Dear Board of Zoning Appeals members:

Thank you for consideration of these variance requests.

Dr. Lauren Blue moved from New Hampshire to Sheboygan in 2021 to join Prevea Health as one of their two current OB/GYN practitioners. She purchased the property at 1 North Point Drive and has engaged Legacy Architecture to develop conceptual design options for potential improvements to that property.

While situated at an ideal location along North Point Drive with wonderful views out to Lake Michigan, the property is an awkward, wedge-shaped configuration. The property is zoned Single Family Residential SR-5, and as such, should have a minimum lot width of 60-feet. Instead, the rear of the property is only 32'-8" wide which allows only 24'-4" between the Accessory Structure Setbacks.

The Zoning Ordinance allows for 1,000-sq.ft. of garage, which equates to a generous 3-car garage. Given the configuration of this property, however, it is impractical to locate all of those three cars in a single garage at the rear of the site. Instead, Dr. Blue is proposing to build a two-car detached garage at the rear of the property and to incorporate a single-car attached garage into the anticipated addition at the front of the house.

This approach would actually require two variances to the language of Ordinance Section 15.034, Definitions:

**Garage (residential):** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of ten thousand (10,000) pounds. The maximum square footage of a garage is 1,000 square feet. However, a garage structure shall not exceed the footprint square footage of the primary residential structure. A maximum of one (1) garage per lot. (GO 48-14-15; 4/20/15)

Variances requested:

- 1) To be allowed two (2) garages on the lot in lieu of the maximum of one (1) cited by Ordinance.
- 2) To (temporarily) exceed the 1,000-sq.ft. maximum combined area for the garages in order to accommodate the planned phasing sequence of work.
  - a. Dr. Blue's plan is to complete the new 2-car garage as phase-I of her project during 2023. She would also be proceeding with finalizing plans for the phase-II house expansion and remodeling project during that time, with an anticipated construction during 2024.
  - b. At the completion of this phased work, the two garages would total the allowable 1000-sq.ft. area. The existing 1-1/2-car garage at the front of the property is 388-sq.ft. where the anticipated single-car garage that would take its place would only be 330-sq.ft. Until the phase-II work is completed, the allowable garage area would be exceeded by 58-sq.ft.

The Zoning Ordinance also states in Section 15.702 Access Standards:

(3) Number of Access Points:

- (a) **Except under unusual circumstances as permitted by the Plan Commission, no lot shall be permitted more than one access point on any one street if its frontage on said street is less than 300 linear feet (as measured along the right-of-way line).**
- (7) **Distance Between Access Drives:** The minimum distance between access drives serving the same property shall be 100 feet on 25 mph speed limit streets, 125 feet on 30 mph streets, and 150 feet on streets of 35 mph or more, as measured at the property line. A distance in excess of the above listed measures may be required if, in the opinion of the Plan Commission, present or projected traffic factors warrant a greater distance.

While the driveways are the purview of the Plan Commission, the City has recommended that we submit Dr. Blue's driveway requests to the Zoning Board of Appeals for your determination:

- 1) To allow two driveway access points.
  - a. This is requested to allow better traffic-flow for proximity and visibility to the front door in addition to just accessing the garage.
- 2) To allow less than 100-feet between access drives serving the same property.
  - a. The front of the lot is 96'-5" wide and the distance between side-yard paving setbacks is only 90'-5" which does not allow compliance with the stated 100-ft. separation distance.
  - b. Instead, Dr. Blue is proposing to keep the two access points pushed as far as possible toward the outside edges of her property along North Point Drive.

In summary, we feel that these requests pass the "Three Tests for a Variance":

- a) A hardship is created by the irregular configuration of this property (which does not comply with the Zoning Ordinance minimum width requirements) in that that use of the property for an allowed three-car garage at the rear of the lot is not reasonable.
- b) The unique physical characteristics of this property's irregular/wedge-shape prevent development of the property in compliance with the Zoning Ordinance.
- c) Granting of these variance requests would not harm the public interest in any way.

While we understand that each Application for Variance shall be considered on its own merits, we have also included a neighborhood site plan documenting several other previously approved instances of two separate garages on a property and/or looped driveways with two points of access along North Point Drive. Although these instances were obviously not intended to set a precedent, they do support our contention that such conditions do not pose any harm to the public interest in this neighborhood.

We appreciate that the application package states that "the **property** must qualify for the variance, **not your particular situation,**" but did also want to convey some additional background information as to why Dr. Blue needs to maintain direct garage access along North Point Drive.

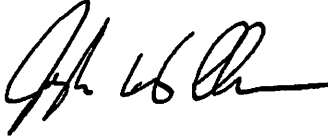
- a) As an OB/GYN doctor, she is regularly on-call and is contractually required to be able to get to the hospital within a set amount of time when called – even during a snowstorm. As indicated on the neighborhood site plans, the properties along North Point Drive had originally been platted to back onto a shared driveway to the rear that looped around a shared greenspace. The actual current condition is that there is a single, narrow, private drive that cuts through the center of that intended greenspace. Given how critical it is for Dr. Blue to always have direct access to plowed streets in order to reach the hospital, she needs to rely on the City Department of Public Works to clear North Point Drive, which will typically happen long before the driveway in the back getting plowed.

- b) She also wanted to improve the appearance of her property from North Point Drive by eliminating the long, blank brick side wall of the existing garage and by not reintroducing an imposing three-car garage façade along that prominent public right-of-way.

We appreciate the Board's time and consideration in addressing these requests. Please contact us if there are any questions or if you require further information.

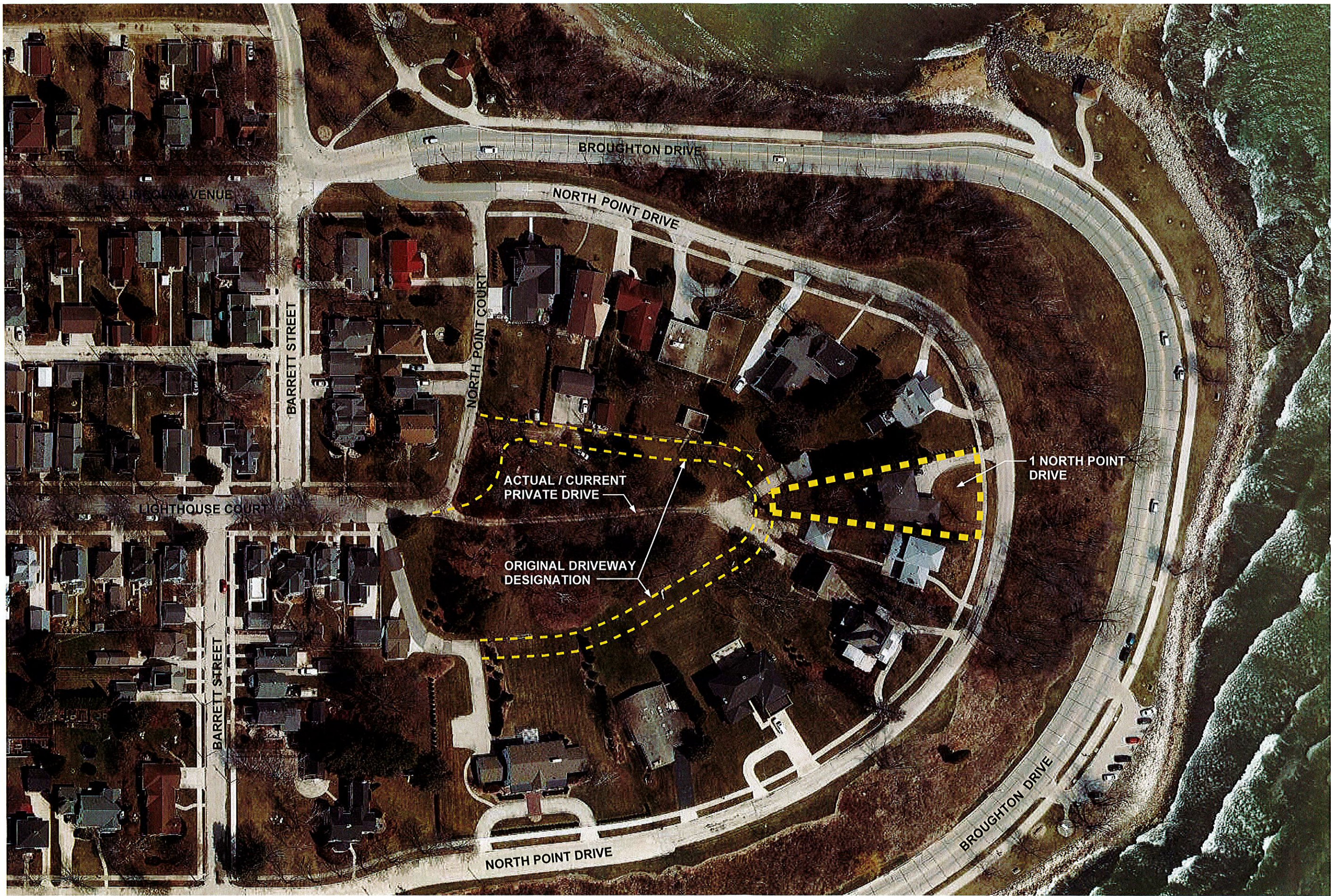
Sincerely,

Legacy Architecture, Inc.

A handwritten signature in black ink, appearing to read 'J. E. Clarke', written in a cursive style.

Joseph E. J. Clarke, Assoc. AIA, LEED-AP  
Senior Project Manager





PRELIMINARY - NOT FOR CONSTRUCTION

GARAGE CONCEPTS FOR:  
LAUREN BLUE  
1 NORTH POINT DRIVE  
SHEBOYGAN, WI 53081

PROJECT NUMBER  
21.088.01

DRAWN BY  
J. CLARKE

CHECKED BY  
J. LEHRKE

DATE  
February 15, 2023

SHEET TITLE  
NEIGHBORHOOD  
CONTEXT

SHEET NUMBER

1



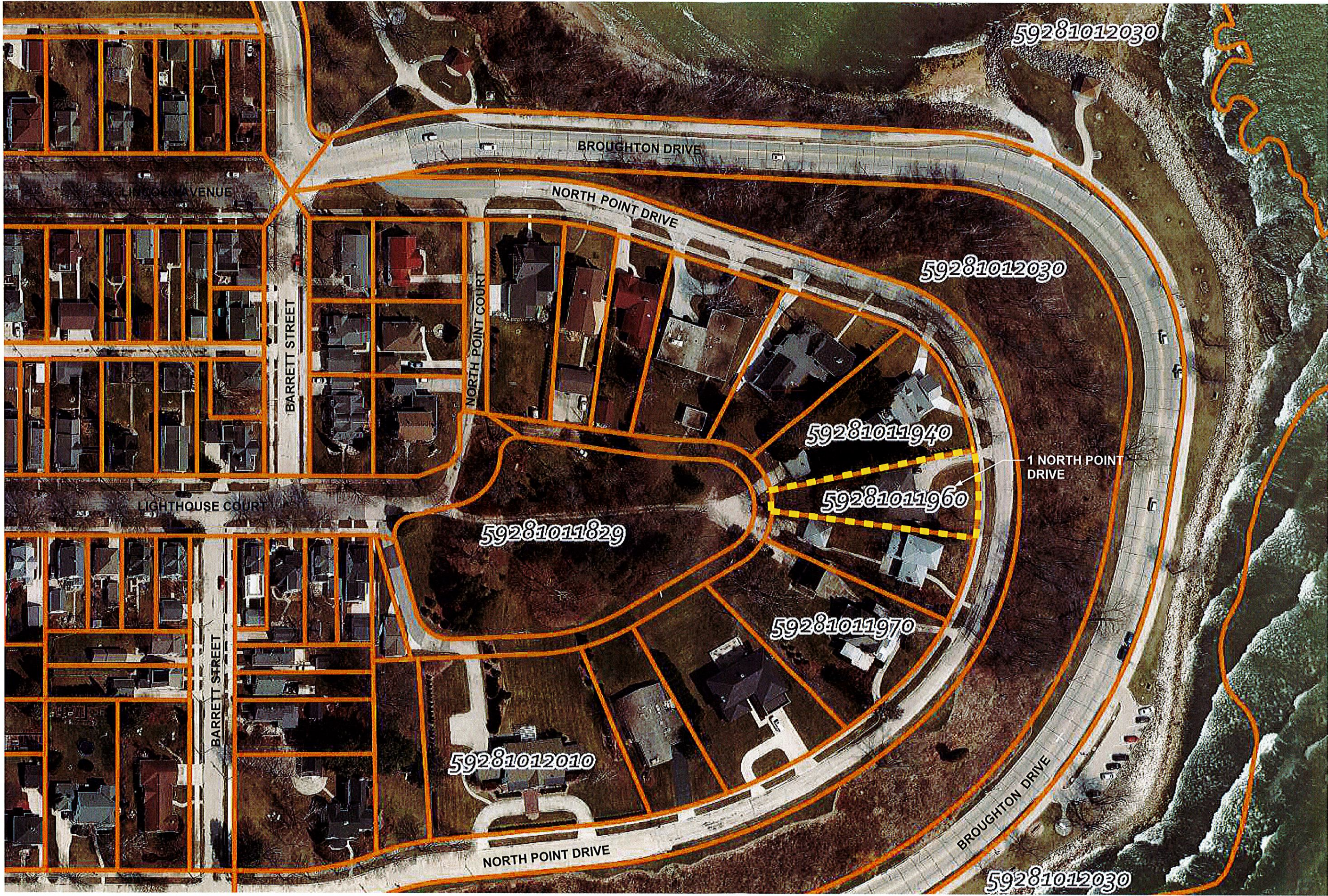
LEGACY  
architecture  
605 Erie Avenue  
Sheboygan, Wisconsin 53081  
(920) 783-6303  
www.legacy-architecture.com

NO. REVISIONS


DATE

Item 5.





PRELIMINARY - NOT FOR CONSTRUCTION

LEGACY architecture 605 Erie Avenue Sheboygan, Wisconsin 53081 (920) 783-4303 www.legacyarchitecture.com		NO.	REVISIONS	DATE
				
GARAGE CONCEPTS FOR: LAUREN BLUE 1 NORTH POINT DRIVE SHEBOYGAN, WI 53081				
PROJECT NUMBER 21,088.01				
DRAWN BY J. CLARKE				
CHECKED BY J. LEHRKE				
DATE February 15, 2023				
SHEET TITLE PROPERTY BOUNDARIES IN NEIGHBORHOOD CONTEXT				
SHEET NUMBER 2				

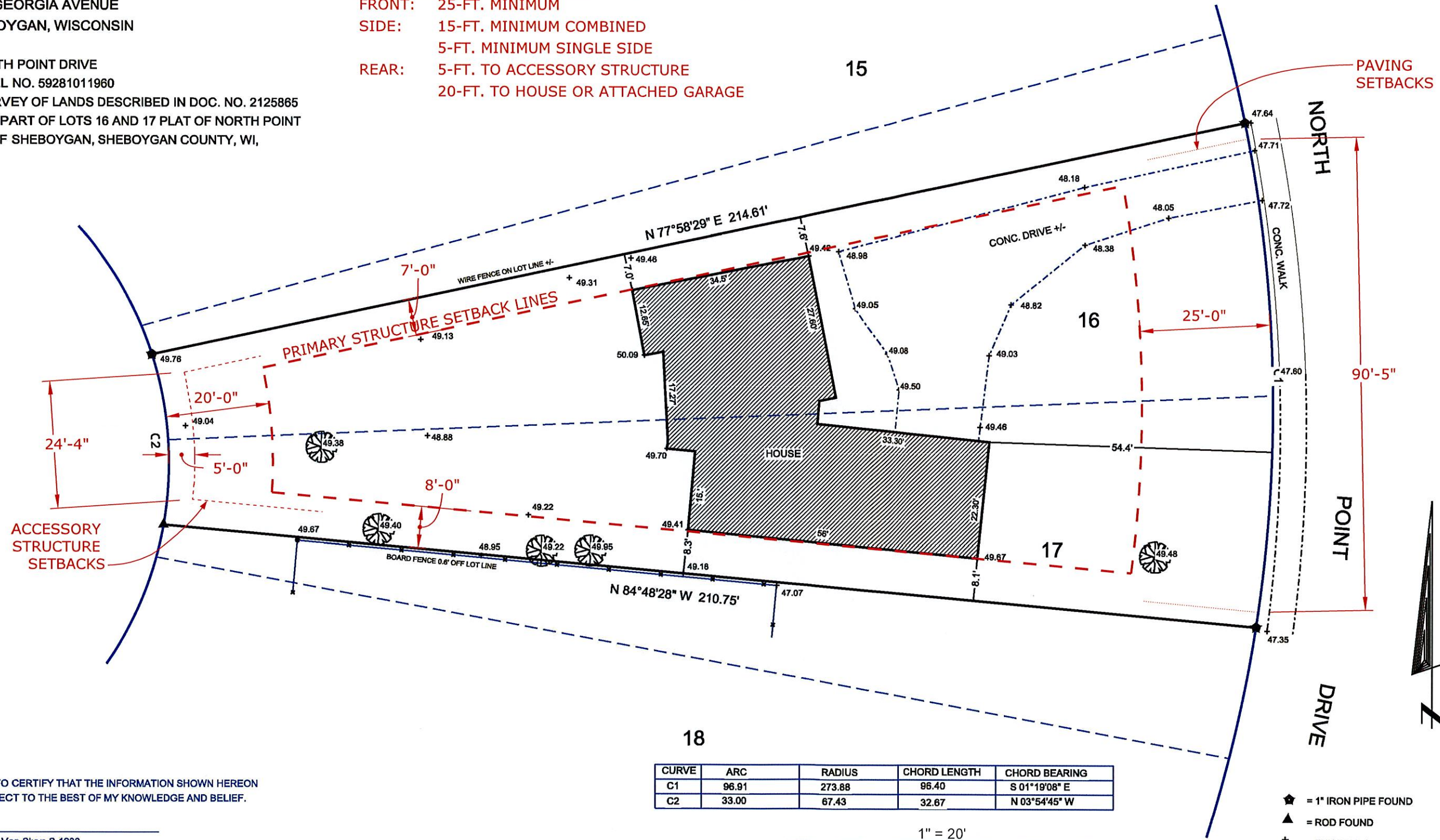


D & H LAND SURVEYS LLC  
1628 GEORGIA AVENUE  
SHEBOYGAN, WISCONSIN

1 NORTH POINT DRIVE  
PARCEL NO. 59281011960  
RESURVEY OF LANDS DESCRIBED IN DOC. NO. 2125865  
BEING PART OF LOTS 16 AND 17 PLAT OF NORTH POINT  
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI,

SETBACKS:

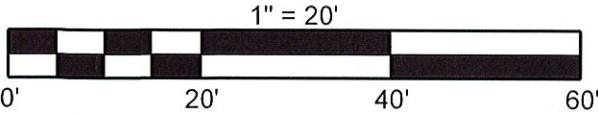
FRONT: 25-FT. MINIMUM  
SIDE: 15-FT. MINIMUM COMBINED  
5-FT. MINIMUM SINGLE SIDE  
REAR: 5-FT. TO ACCESSORY STRUCTURE  
20-FT. TO HOUSE OR ATTACHED GARAGE



THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON  
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis J. Van Sluys S-1238  
Dated this 16th day of December, 2021.

CURVE	ARC	RADIUS	CHORD LENGTH	CHORD BEARING
C1	96.91	273.88	96.40	S 01°19'08\" E
C2	33.00	67.43	32.67	N 03°54'45\" W



- ★ = 1" IRON PIPE FOUND
- ▲ = ROD FOUND
- + = EXISTING GRADE CITY DATUM

DATA/CSHEB19/1NPORTDR/1NPDR.MAP D-3510

Item 5.

NO.	REVISIONS	DATE

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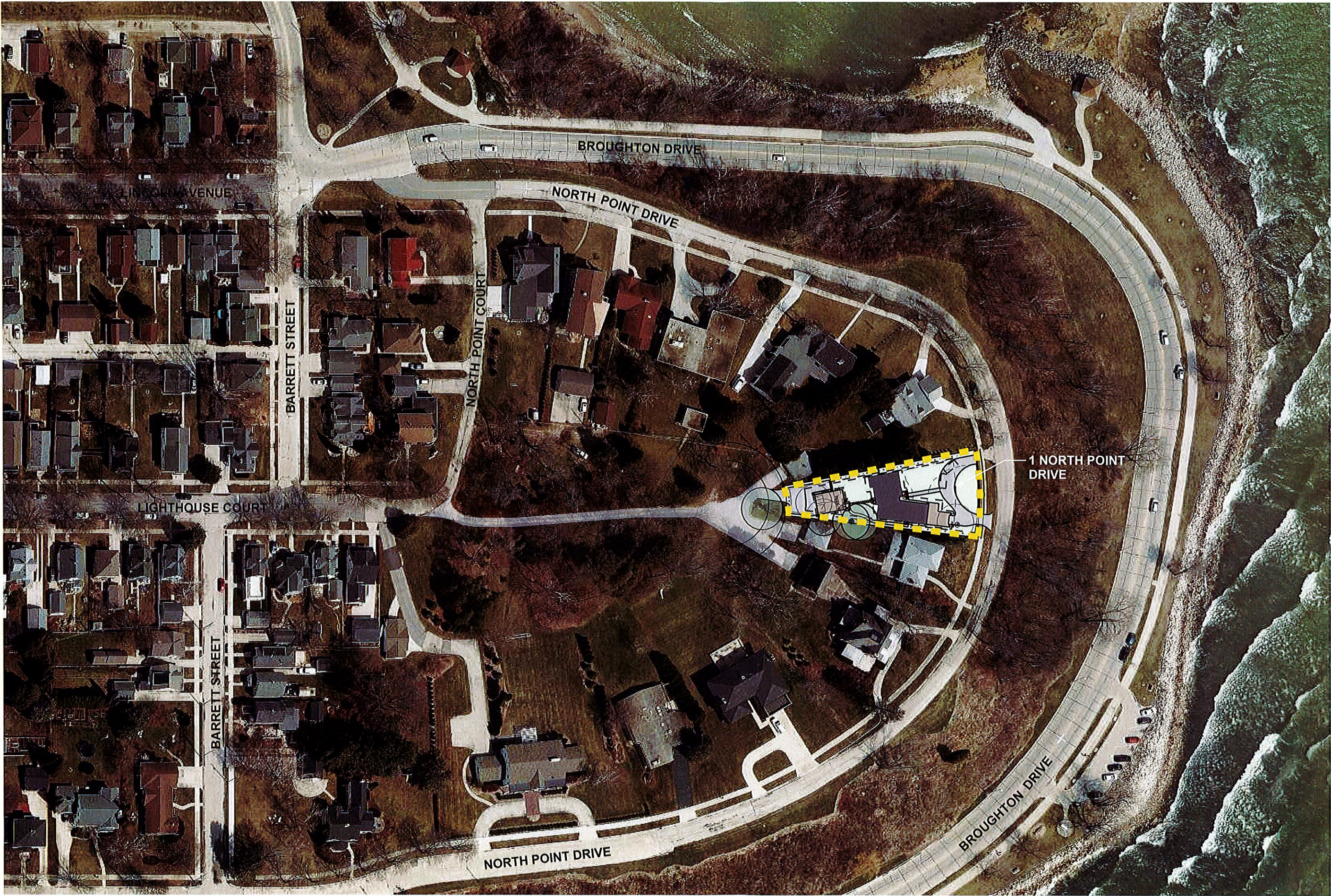
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Sheboygan, Wisconsin 53081  
(920) 783-6303  
www.legacy-architecture.com

PRELIMINARY - NOT FOR CONSTRUCTION

GARAGE CONCEPTS FOR:  
LAUREN BLUE  
1 NORTH POINT DRIVE  
SHEBOYGAN, WI 53081

PROJECT NUMBER	21.088.01
DRAWN BY	J. CLARKE
CHECKED BY	J. LEHRKE
DATE	February 15, 2023
SHEET TITLE	SURVEY & SETBACKS
SHEET NUMBER	3





PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT NUMBER	
21.088.01	
DRAWN BY	
J. CLARKE	
CHECKED BY	
J. LEHRKE	
DATE	
February 15, 2023	
SHEET TITLE	
CONCEPTUAL SITE PLAN IN NEIGHBORHOOD CONTEXT	
SHEET NUMBER	
4	

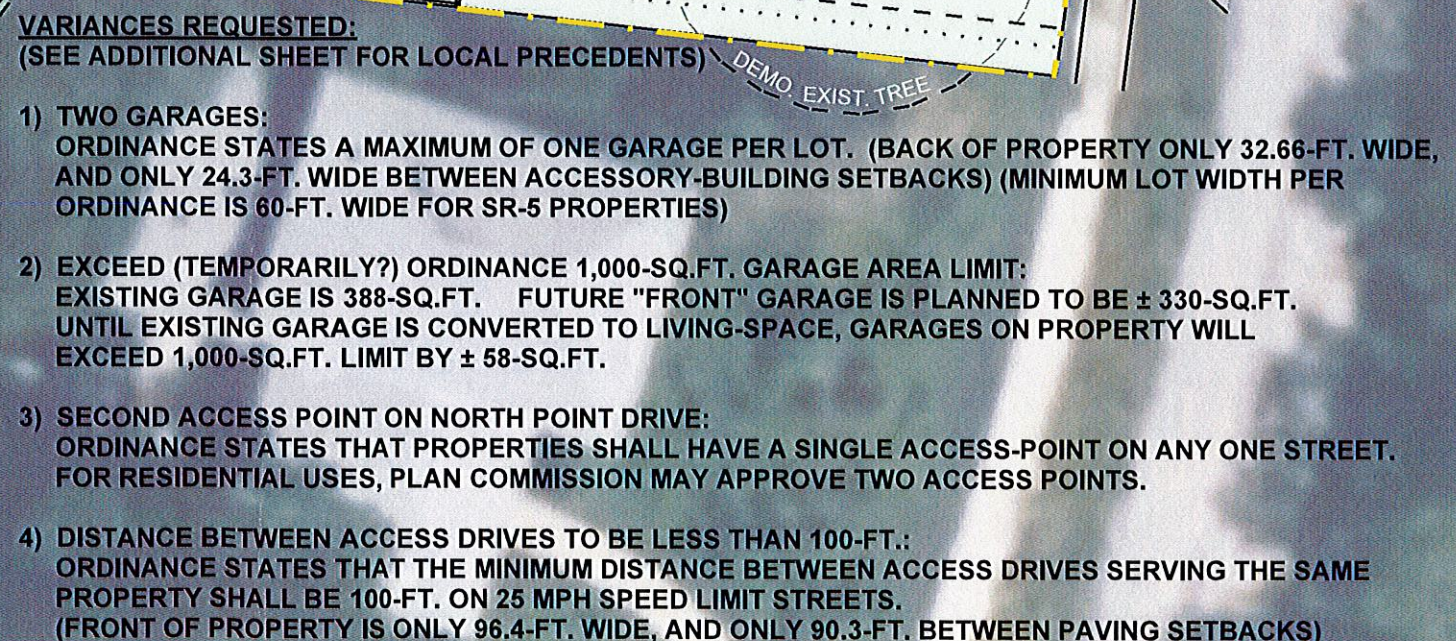


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NO.		REVISIONS	DATE



COMBINED PROPOSED GARAGE AREA:	1,000-SQ.FT.	(1,000-SQ.FT. MAXIMUM ALLOWED)
PROPOSED GARAGE HEIGHT:	14'-5"	(15'-0" MAXIMUM ALLOWED)
PROPOSED GARAGE ROOF SLOPE:	3:12	(3:12 MINIMUM ALLOWED)
PROPOSED GARAGE ROOF EAVE DIM.:	24"	(18" MINIMUM ALLOWED)

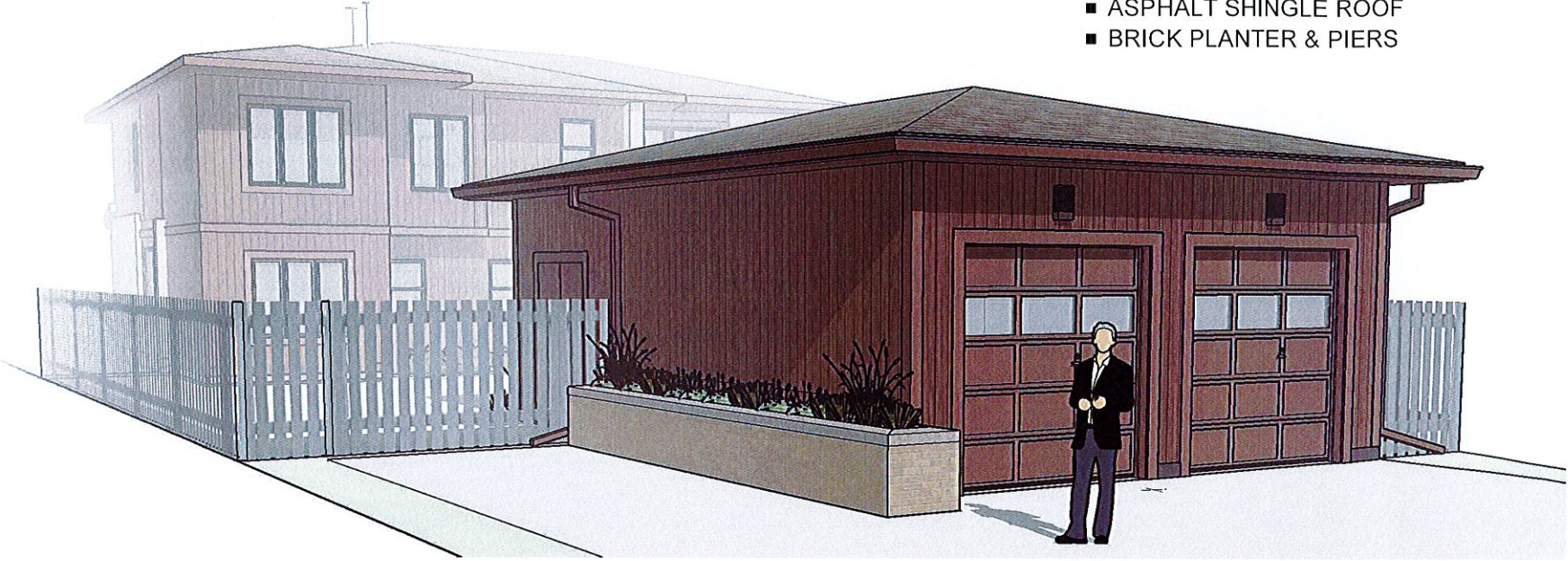

$$\overline{1'' = 20'-0''}$$





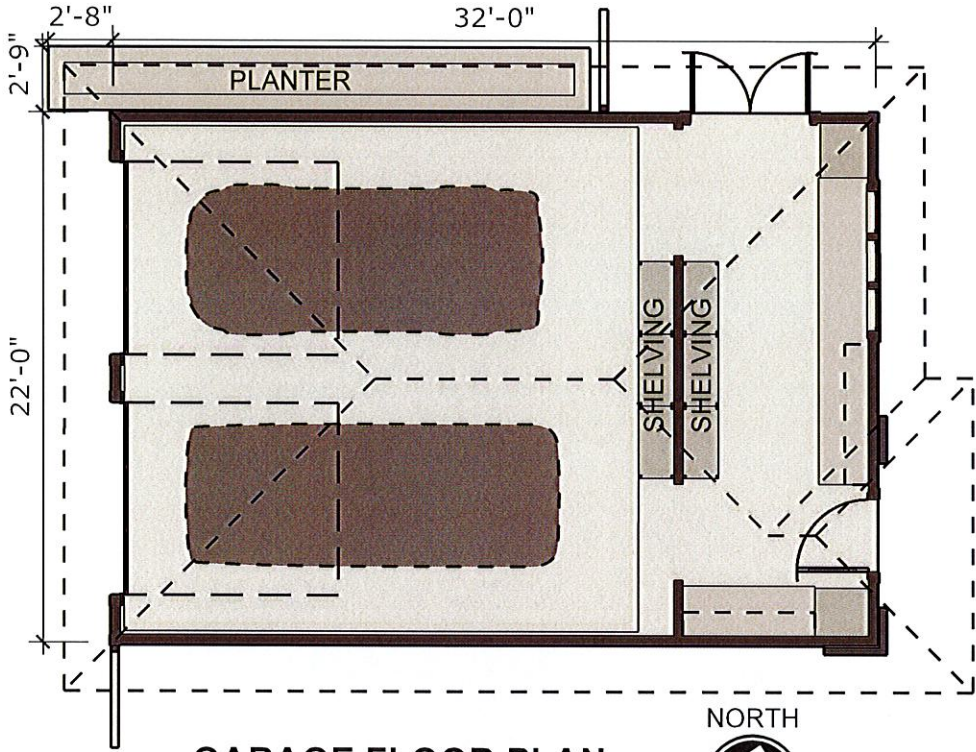


PROPOSED GARAGE



GARAGE VIEW - LOOKING SOUTHEAST  
N.T.S

- GARAGE MATERIALS TO MATCH HOUSE:
- VERTICAL LP-SMART PANEL SIDING
  - ASPHALT SHINGLE ROOF
  - BRICK PLANTER & PIERS



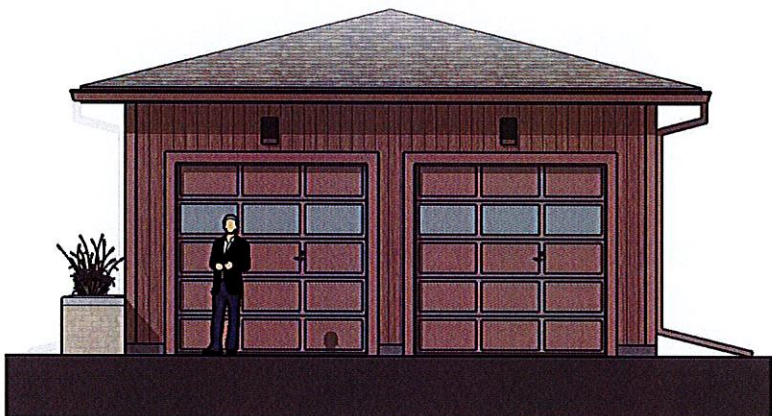
GARAGE FLOOR PLAN  
1/8" = 1'-0"



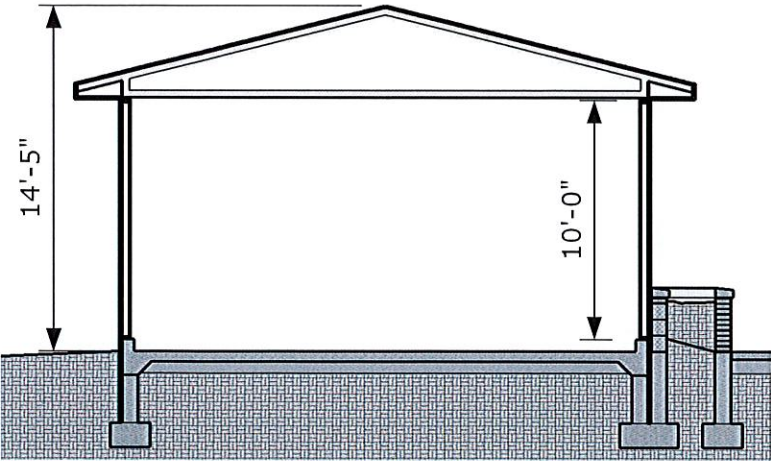
GARAGE ELEVATION - EAST  
1/8" = 1'-0"



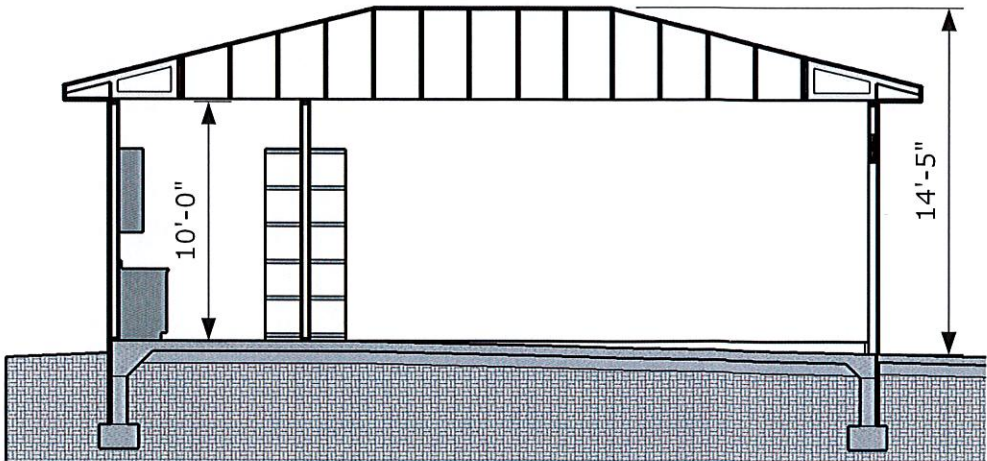
GARAGE ELEVATION - NORTH  
1/8" = 1'-0"



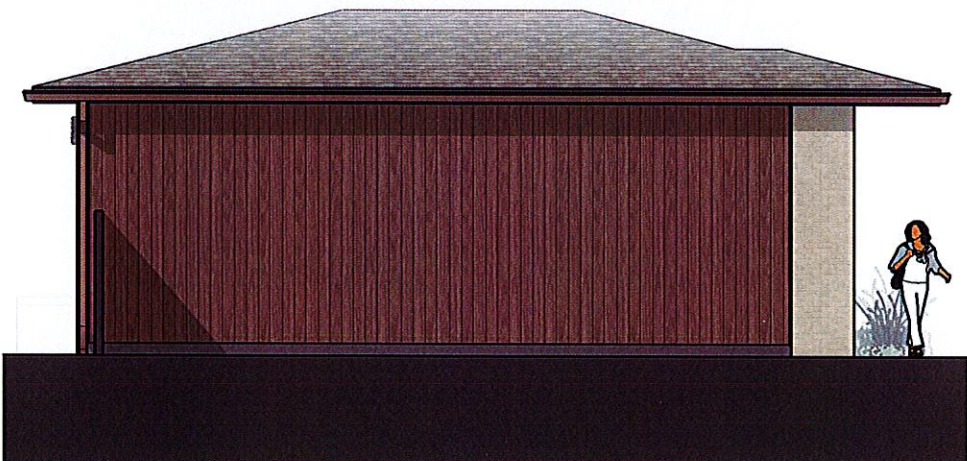
GARAGE ELEVATION - WEST  
1/8" = 1'-0"



GARAGE SECTION - NORTH / SOUTH  
1/8" = 1'-0"



GARAGE SECTION - EAST / WEST  
1/8" = 1'-0"



GARAGE ELEVATION - SOUTH  
1/8" = 1'-0"

DATE

NO.

REVISIONS

Item 5.

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605 Erie Avenue  
Sheboygan, Wisconsin 53081  
(920) 783-4303  
www.legacyarchitecture.com

GARAGE CONCEPTS FOR:

LAUREN BLUE

1 NORTH POINT DRIVE

SHEBOYGAN, WI 53081

PROJECT NUMBER

21.088.01

DRAWN BY

J. CLARKE

CHECKED BY

J. LEHRKE

DATE

February 15, 2023

SHEET TITLE

CONCEPTUAL  
GARAGE PLANS

SHEET NUMBER

7

PRELIMINARY - NOT FOR CONSTRUCTION



A photograph of a single-story brick building with a dark roof and a downspout. An American flag is visible in the background. The building is surrounded by grass and trees.



8

PRELIMINARY - NOT FOR CONSTRUCTION



CONCEPTUAL MASSING FOR PHASE-II HOUSE ADDITION



CONCEPTUAL VIEW LOOKING SOUTHWEST  
N.T.S.



CONCEPTUAL VIEW LOOKING NORTHWEST  
N.T.S.



CONCEPTUAL VIEW LOOKING NORTHEAST  
N.T.S.

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PRELIMINARY - NOT FOR CONSTRUCTION

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LAUREN BLUE  
1 NORTH POINT DRIVE  
SHEBOYGAN, WI 53081

PROJECT NUMBER  
21.088.01

DRAWN BY  
J. CLARKE

CHECKED BY  
J. LEHRKE

DATE  
February 15, 2023

SHEET TITLE  
PRELIMINARY  
CONCEPTUAL MASSING

SHEET NUMBER  
9

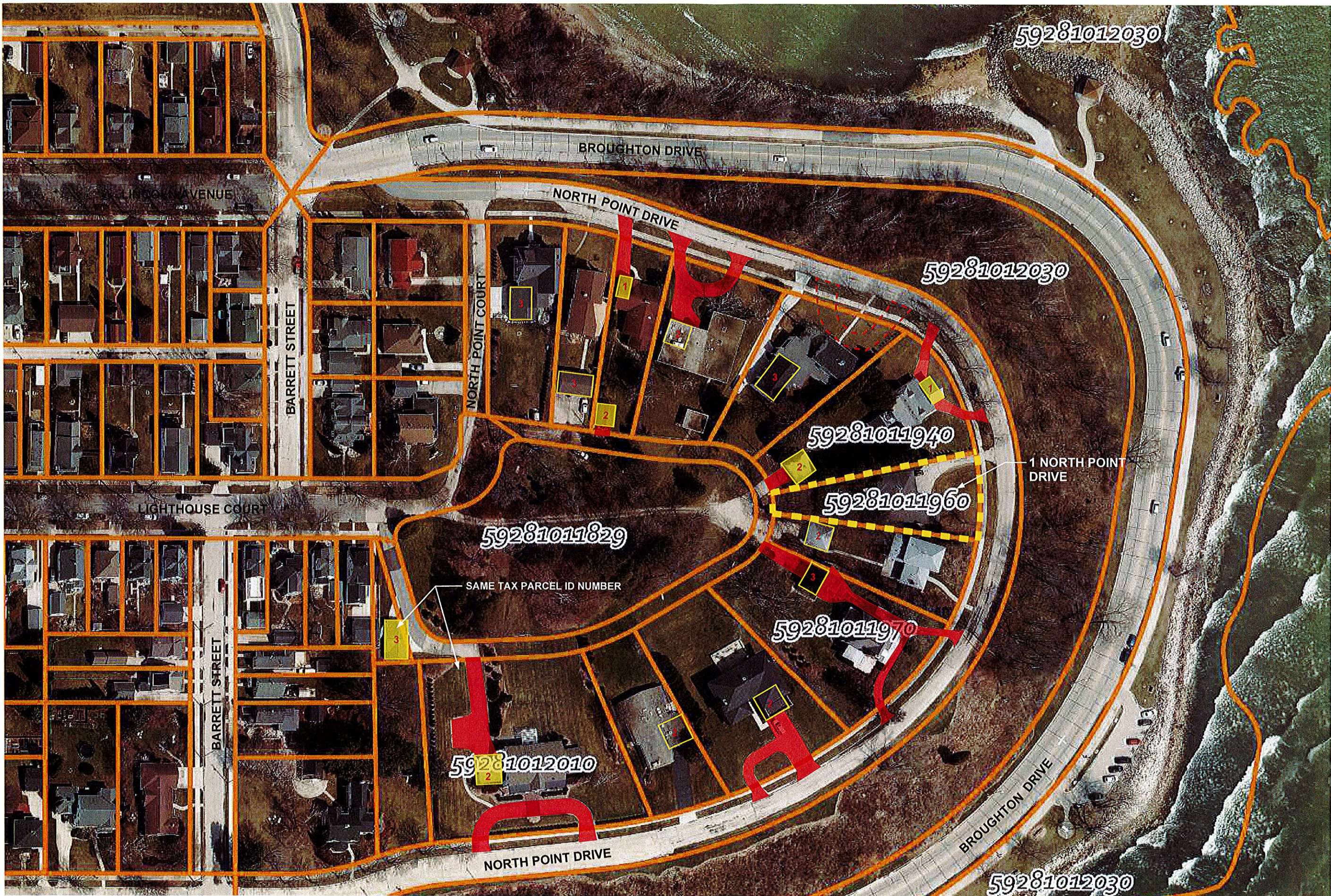
NO. REVISIONS

DATE

Item 5.

19





NORTH



# NEIGHBORHOOD PLAN

1" = 100'-0"

**NOTE:** OF THE 11 HOUSES SERVICED VIA NORTH POINT DRIVE:

- 3 HAVE BOTH AN ATTACHED- AND A DETACHED-GARAGE
- 5 HAVE LOOP DRIVEWAYS

PRELIMINARY - NOT FOR CONSTRUCTION

GARAGE CONCEPTS FOR:  
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1 NORTH POINT DRIVE  
SHEBOYGAN, WI 53081

PROJECT NUMBER  
21.088.01

DRAWN BY  
J. CLARKE

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J. LEHRKE

DATE  
February 15, 2023

SHEET TITLE  
NEIGHBORHOOD  
CONTEXT PLAN

SHEET NUMBER

10

20



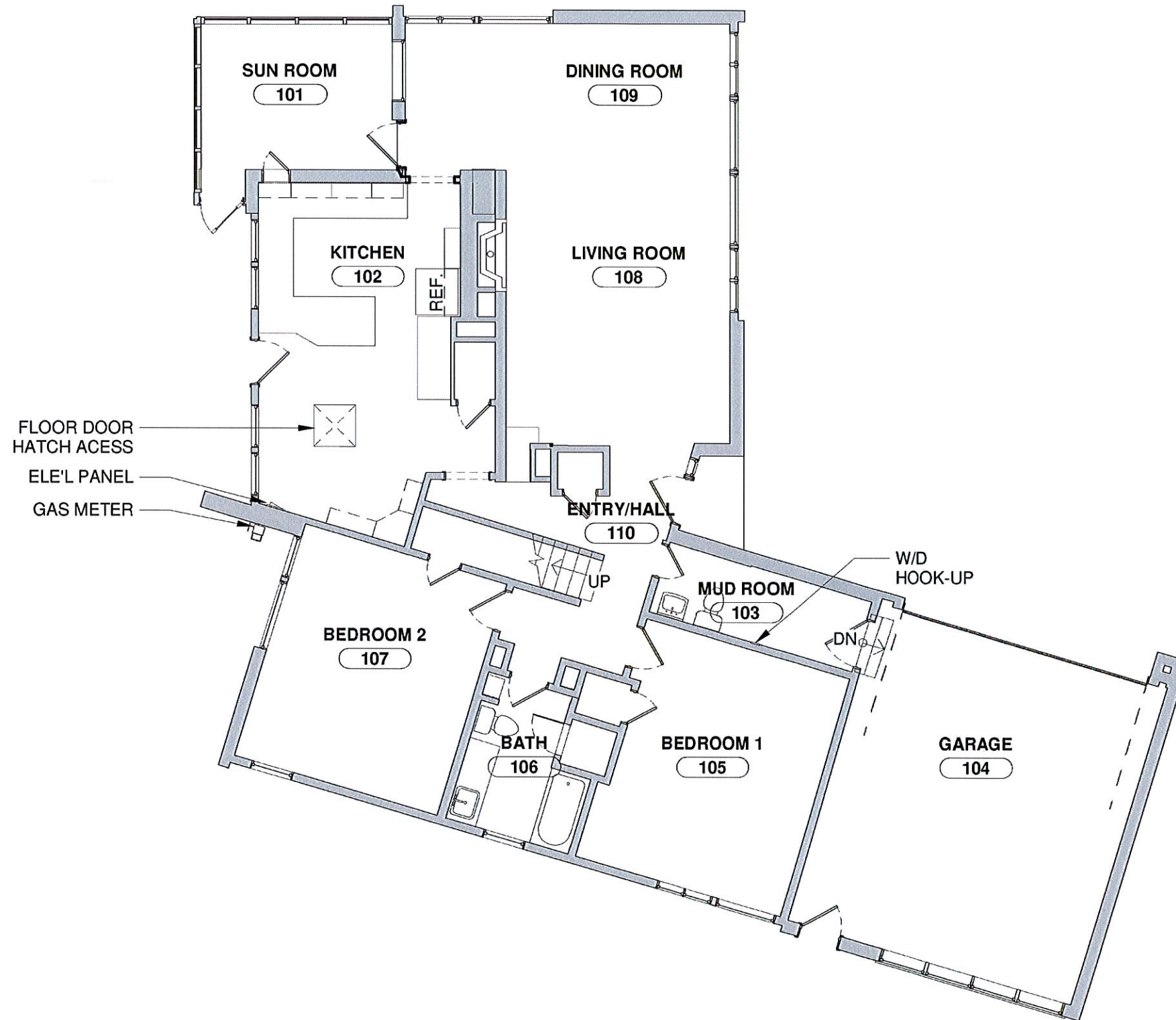
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NO. REVISIONS

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Item 5.





EXISTING  
FIRST FLOOR PLAN  
1/8" = 1'-0"

NO. REVISIONS

DATE

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DATE  
February 15, 2023

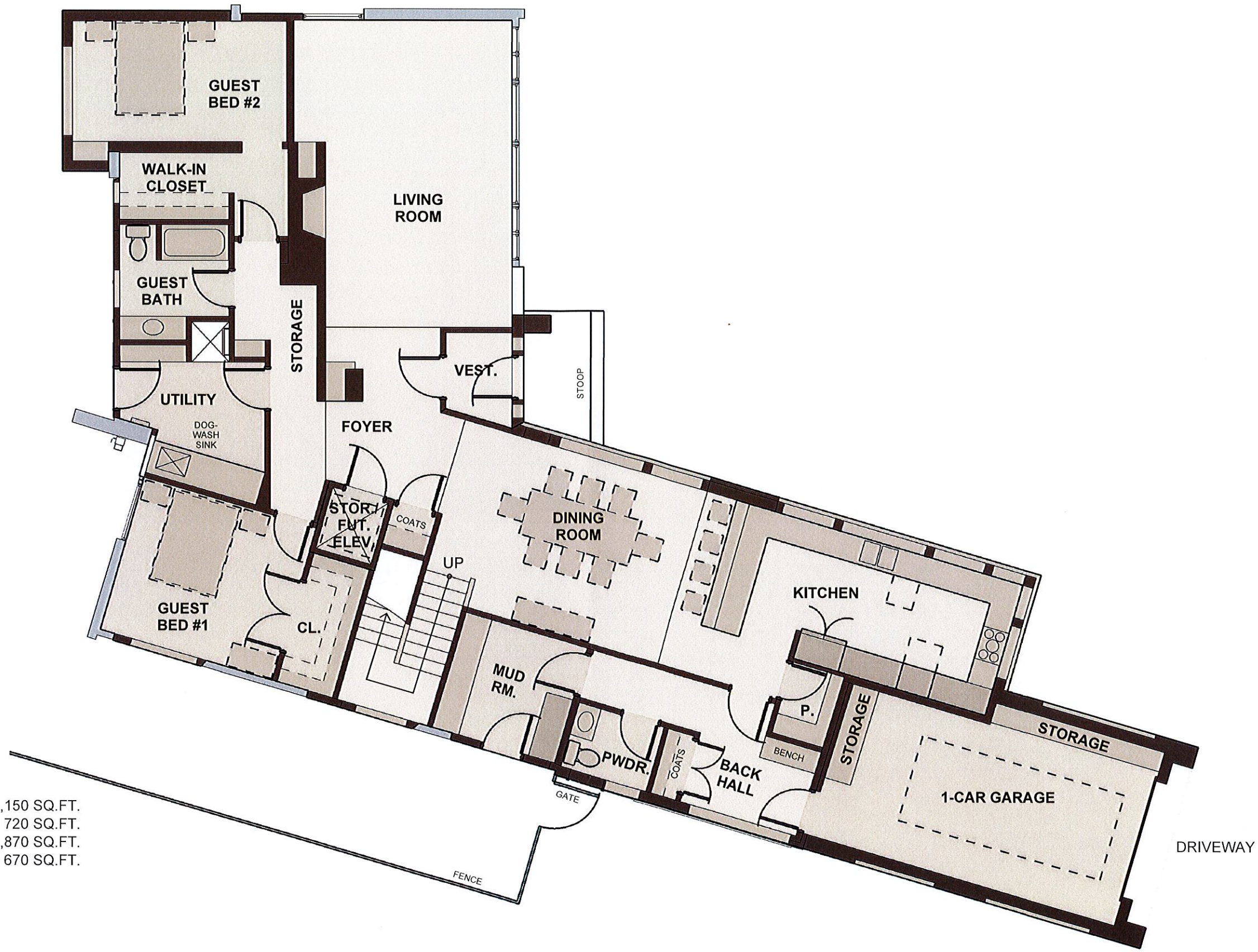
SHEET TITLE  
EXISTING PLAN  
FIRST FLOOR

SHEET NUMBER

11

21





EXISTING FOOTPRINT: 2,150 SQ.FT.  
 ADDITIONS: 720 SQ.FT.  
 TOTAL WITH ADDITIONS: 2,870 SQ.FT.  
 DETACHED GARAGE: 670 SQ.FT.

 **CONCEPTUAL  
FIRST FLOOR PLAN**  
 1/8" = 1'-0"

**PRELIMINARY - NOT FOR CONSTRUCTION**

**GARAGE CONCEPTS FOR:**  
**LAUREN BLUE**  
 1 NORTH POINT DRIVE  
 SHEBOYGAN, WI 53081

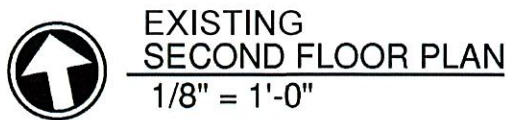
PROJECT NUMBER  
21.088.01  
 DRAWN BY  
J. CLARKE  
 CHECKED BY  
J. LEHRKE  
 DATE  
February 15, 2023  
 SHEET TITLE  
PROPOSED PLAN  
FIRST FLOOR  
 SHEET NUMBER  
12

**LEGACY**  
 architecture  
 605 Erie Avenue  
 Sheboygan, Wisconsin 53081  
 (920) 783-6303  
 www.legacyarchitecture.com

NO. REVISIONS DATE

Item 5.





23





## 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 2<sup>nd</sup> 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

Item 6.



**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**

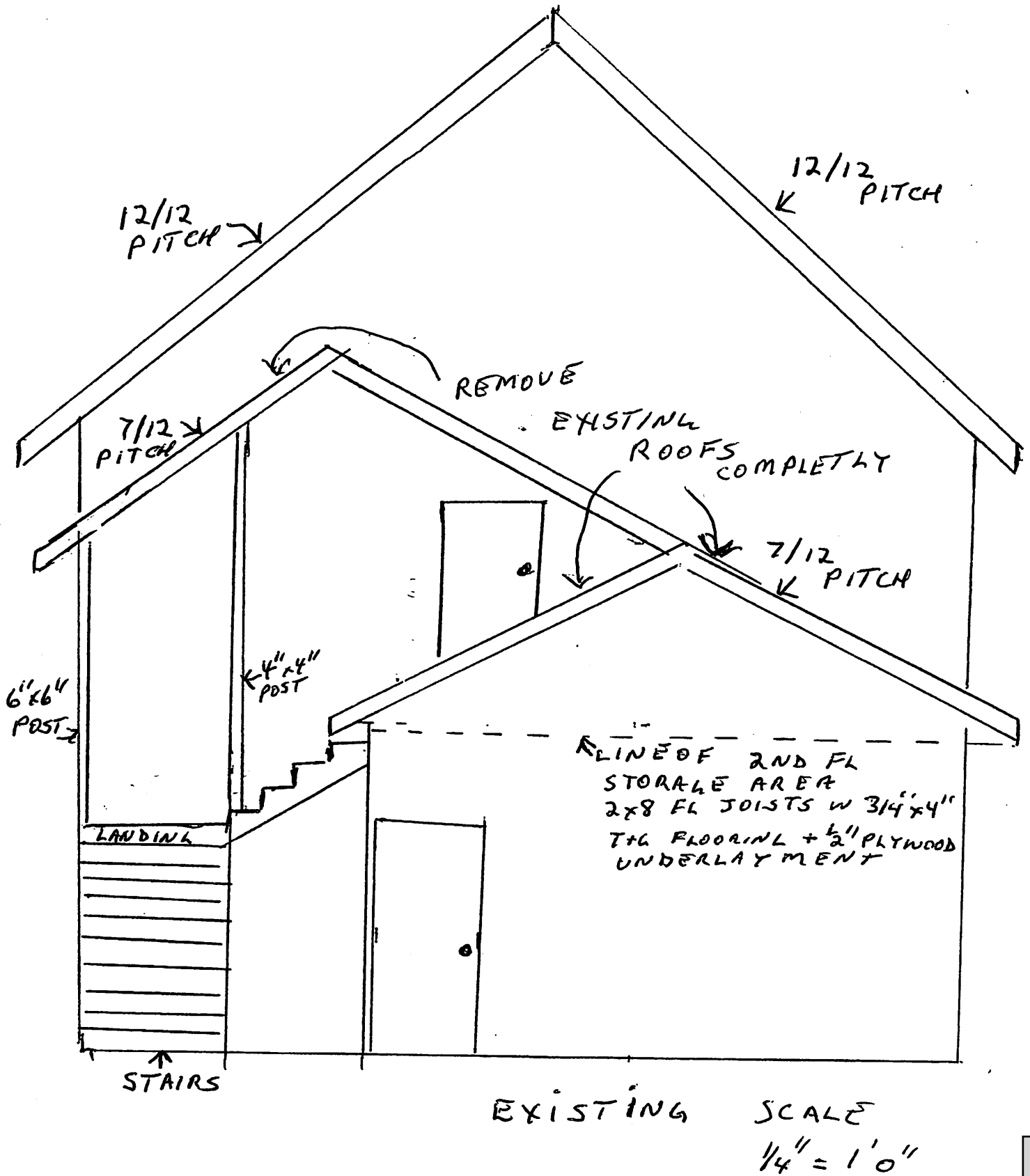
**Office & Fax number: 708-430-4858**

**email: paul-n-deb@comcast.net**

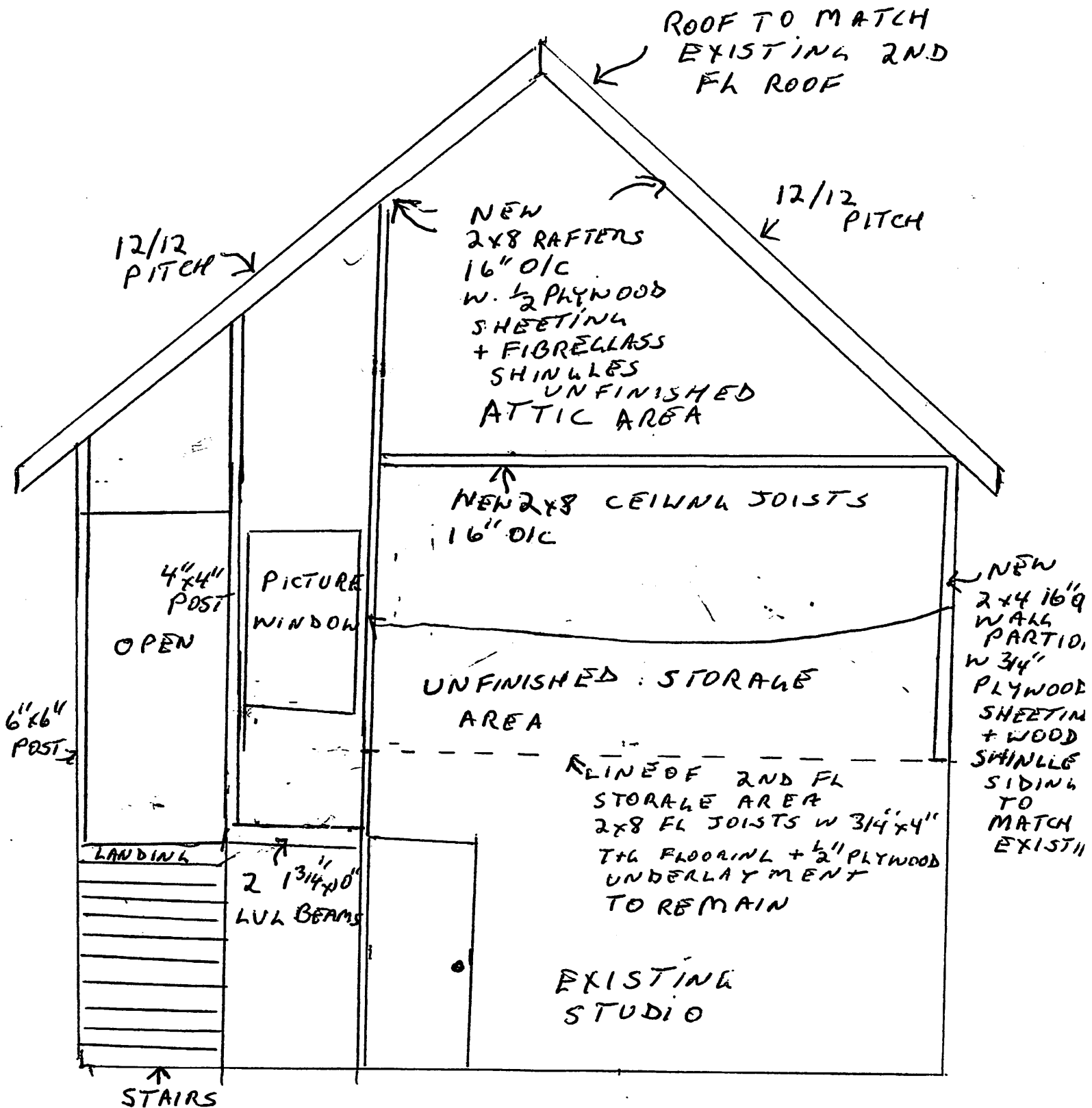
**02/14/2023**

**To Whom It May Concern,**

**We Creative Construction & Renovation, Inc. are requesting a hardship variance for new walls and roof in 2<sup>nd</sup> floor storage area. We purpose to build these walls and roof to match the existing 2<sup>nd</sup> 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'

# **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**

**02/12/22023**

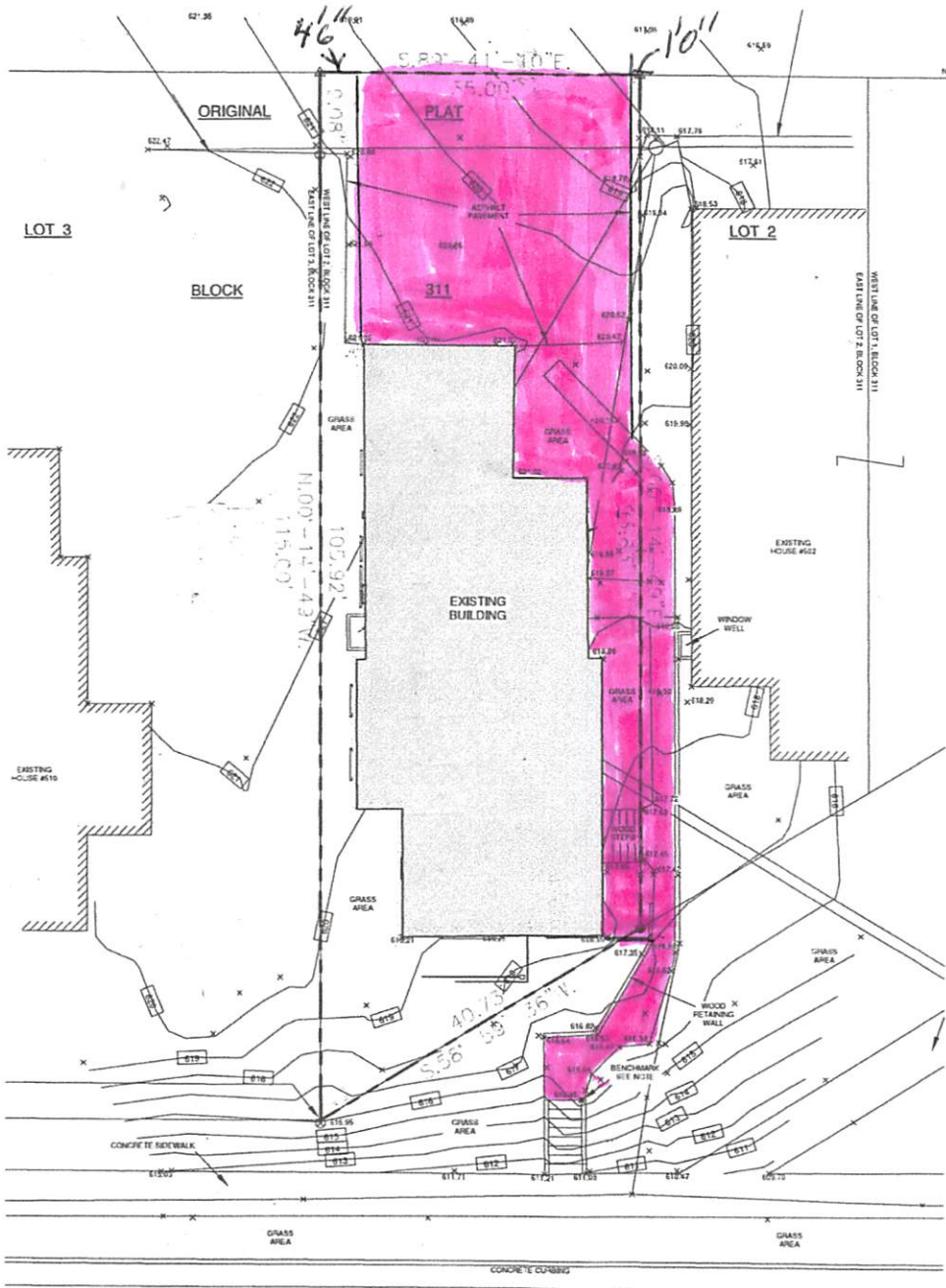
To Whom It May Concern,

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



INDICATES NEW CONCRETE  
SIDEWALK + REAR DRIVEWAY

# PENNSYLVANIA

AVENUE

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





8 5 3 2 4 2 5  
Tx:4201749

Item 6.

## EASEMENT AGREEMENT

Document Number

Document Name

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

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.

**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**

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)

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

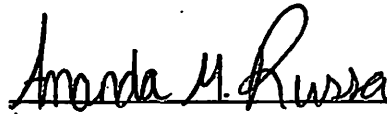
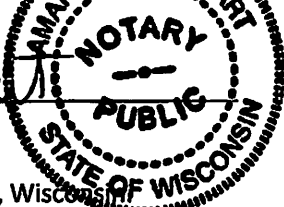
GRANTEE

RAUWERDINK FAMILY TRUST OF 2007

By:   
Dale R. Rauwerdink, Trustee

STATE OF WISCONSIN )  
 )ss.  
SHEBOYGAN COUNTY )


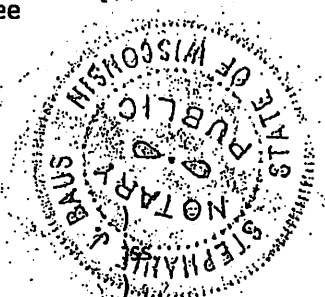
Personally came before me this 29 day of  
October, 2020, the above-named  
Dennis P. Pentek, to me known to be the person  
who executed the foregoing and acknowledged same.

  
\* 

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 30 day of  
October, 2020, the above-named  
Dale R. Rauwerdink, 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: 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)**



Item 6.



Item 6.



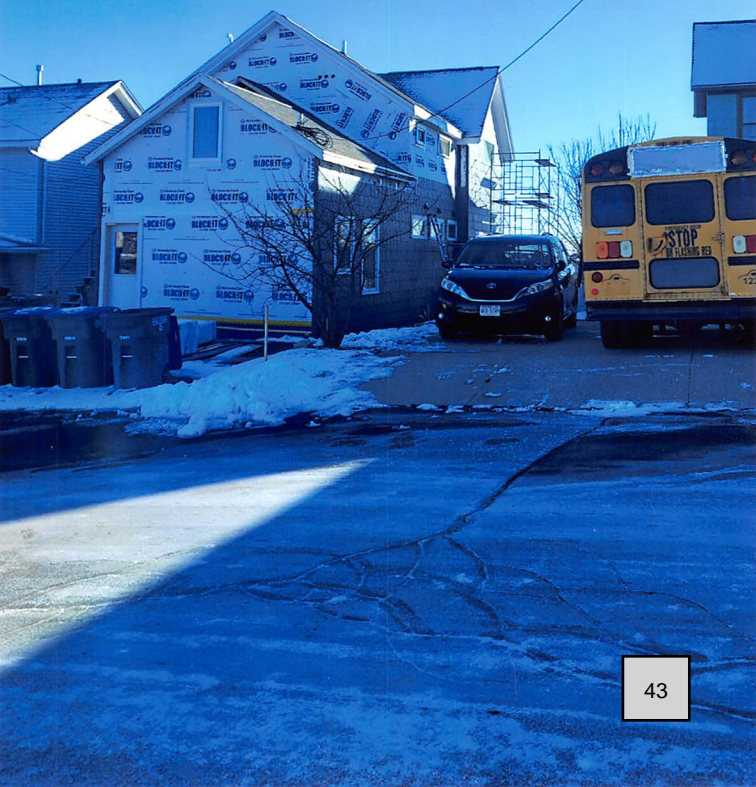


Item 6.





Item 6.



Item 6.

NO  
PARKING  
ANY  
TIME  
↔

Storage  
Area  
OFF  
To, from  
Main

Item 6.





Item 6.



Item 6.



Item 6.







Item 6.



Item 6.





*Item 6.*



Item 6.





*Item 6.*

*Item 6.*







*Item 6.*



Item 6.





Item 6.



Item 6.



Item 6.



REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

---

**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

---

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

---

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

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

---

**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.

---

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

Requesting: 0 inches

Allowed: 3 feet

---

Ordinance #:

Requesting:

Allowed:

---



**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: \_\_\_\_\_

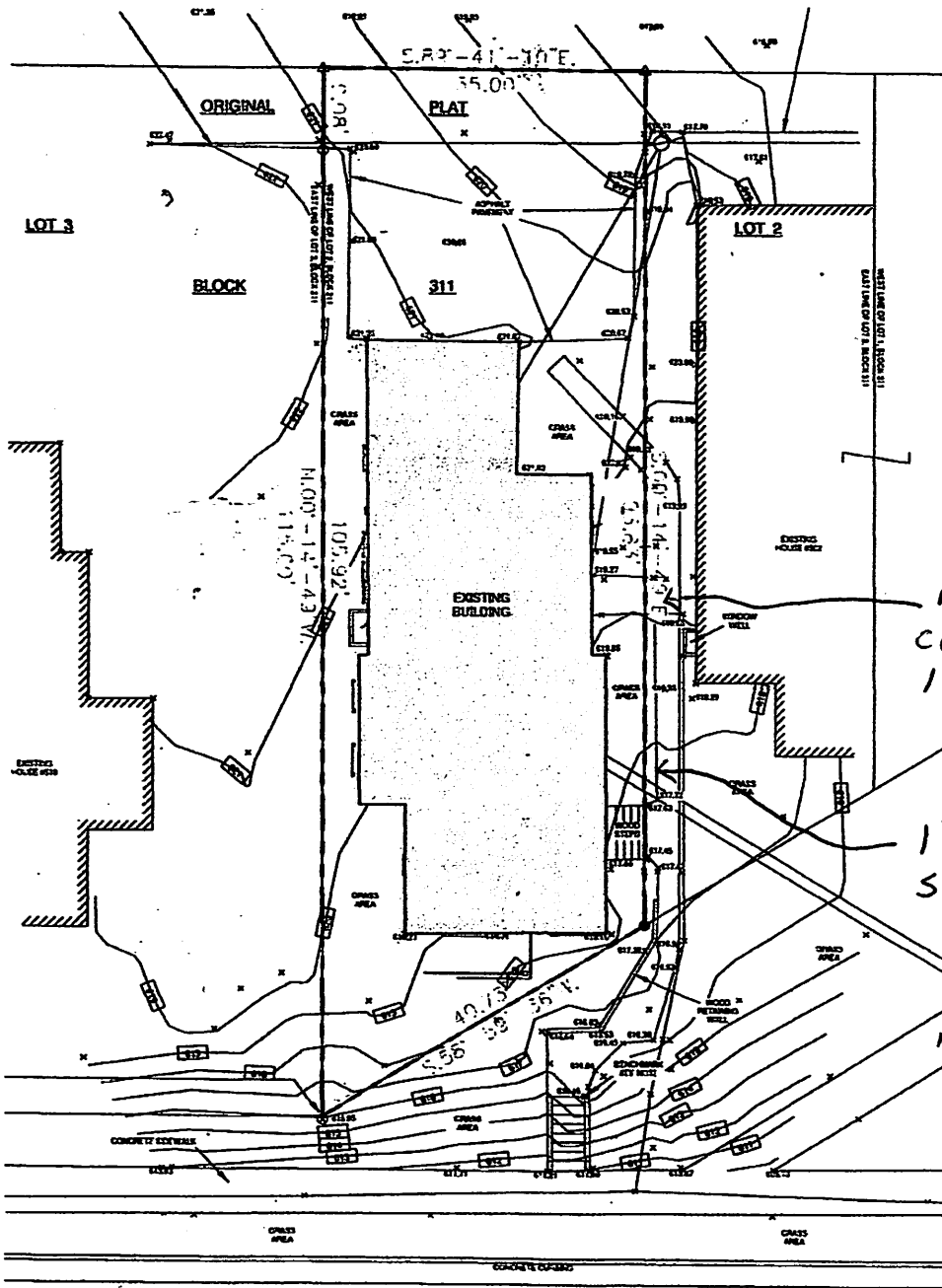
**TO: THE ZONING BOARD OF APPEALS, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WI**

- 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 SIDEWALK IN SAME LOCATION  
ADDITIONAL 1'0" OF CONCRETE SIDE WALK 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

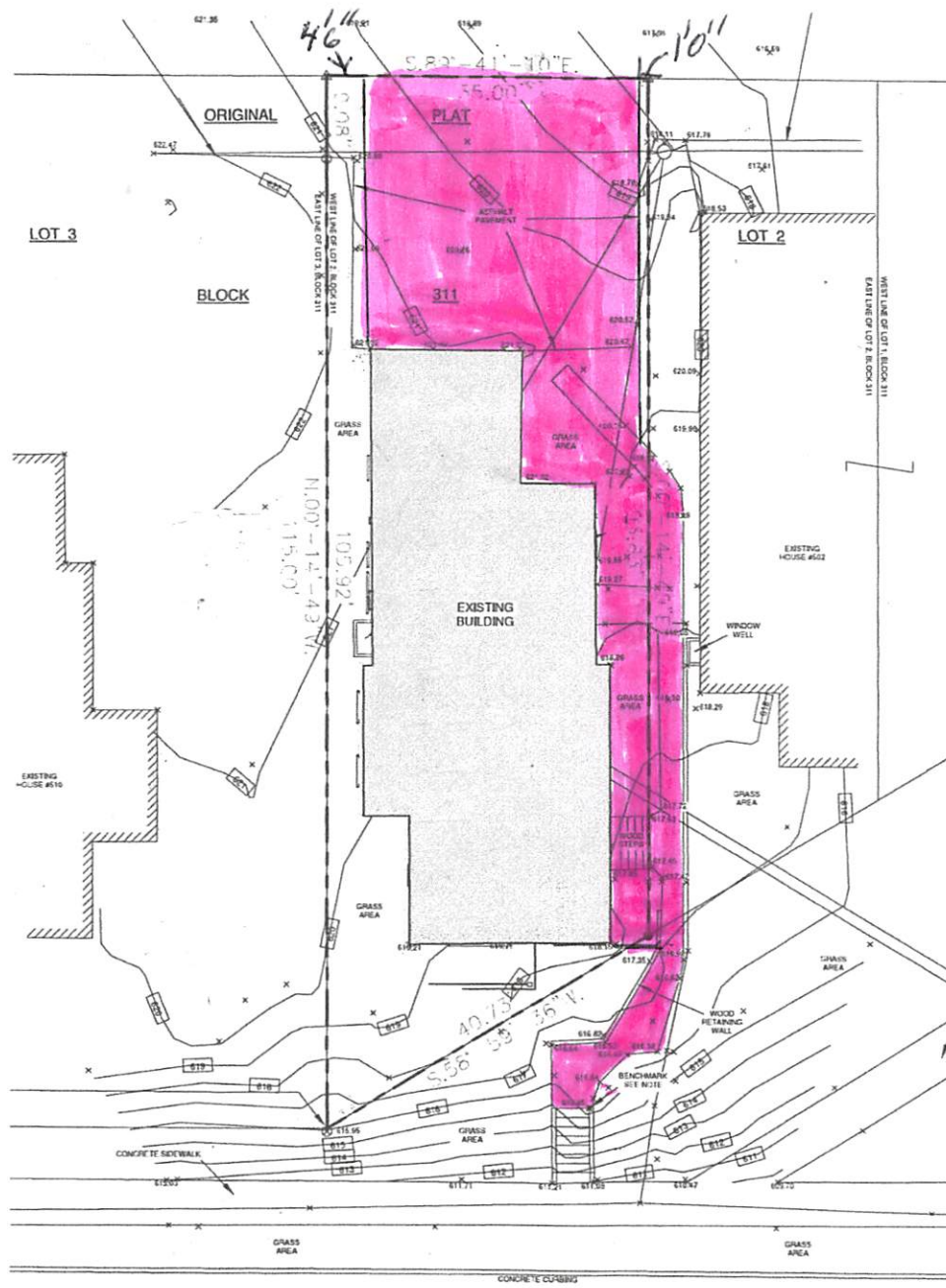
Signature: Paul Kunis  
Printed Name: PAUL KUNIS  
Mailing Address: 9033 MARTIN LN.  
BRIDGE VIEW, IL 60435



PENNSYLVANIA

AVENUE

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



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**

**02/12/2023**

**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

Item 7.

## EASEMENT AGREEMENT

Document Number

Document Name

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

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.

**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

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)

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

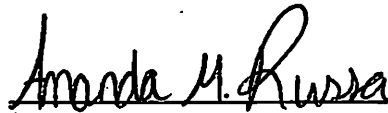
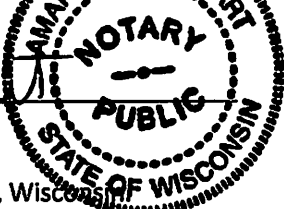
GRANTEE

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 30<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.

  
\*   
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)**



## REQUEST FOR ZONING BOARD OF APPEALS CONSIDERATION

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**ITEM DESCRIPTION:**

Address: 1612 Indiana Ave

Parcel #: 506740

Owner's Name: Fidel Najera

Zoning: UC

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

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**REPORT DATE:** 08/05/2022

**MEETING DATE:** 08/17/2022

---

**BACKGROUND / ANALYSIS**

Owner would has poured concrete sidewalks & patios around the perimeter of the dwelling. The concrete at the west side is closer than 3 feet to the side property line, and the concrete on the east side crosses over the side property line.

---

Ordinance #: 15.402 Minimum Paved Surface Setback: 3 feet from property line.

Requesting: 0 feet setback

Allowed: 3 feet setback

---

Ordinance #:

Requesting:

Allowed:

---

---

**ATTACHMENTS:**

Application, pictures, and drawing





BUILDING INSPECTION DEPARTMENT  
828 Center Avenue, Suite 208  
Sheboygan, WI 53081-4442  
Phone: (920) 459-3477  
Fax: (920) 459-0210  
buildinginspection@sheboyganwi.gov

## 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:

7/20/22  
Application Deadline Date

8/17/22  
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.
- f) 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.

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.

FUEE NAJERA  
Signature

7/07/22  
Date

**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): 1612 Indiana Ave
- 2). Applicant: 2007 N 15<sup>th</sup> St Telephone #: (773) 791-2258  
 Address: Sheboygan WI 53081
- 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: \_\_\_\_\_
- 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: \_\_\_\_\_
- 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: 7-7-20

Signature: Fidel Najera  
 Printed Name: Fidel Najera  
 Mailing Address: najeraf83@gmail.com





BUILDING INSPECTION DEPARTMENT  
 828 Center Avenue, Suite 208  
 Sheboygan, WI 53081-4442  
 Phone: (920) 459-3477  
 Fax: (920) 459-0210  
[buildinginspection@sheboyganwi.gov](mailto:buildinginspection@sheboyganwi.gov)

### 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.***

We were sent paperwork by the city to repair the sidewalk in front of the house due to buckling of the current sidewalk. When fixing this issue, we also decided to add a sidewalk from the front to the back of the property. We were informed we should go over 6 to 8 inches more in order to assist in drainage. This would not only benefit our property, but would benefit the adjoining house. It will keep the water from flooding the basements in both houses by allowing the water to flow downward away from the properties.

In the letter from the city it also stated that we needed to cut the grass in front of the house. When we added concrete we decided to add cement in the front of the house also in order to prevent from having this issue as the property will be used for a rental property in the near future. Our plans were to add a bench and flower pots to the front for decoration purposes, but were trying to prevent future code ordinance violations in the future.

In the back of the house we added concrete after fixing the stairs to the back entrance. We added cement to the end of the house for a patio for the property. This was also intended to be used for the city garbage cans so that they could have a place to go when not in use. We also wanted to use this patio as an area for a grill and/or patio furniture.





Item 8.



Item 8.





Item 8.



Item 8.

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Item 8.



*Item 8.*





Item 8.

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Network: Aug 11, 2022 1:47:46 PM CDT  
Local: Aug 11, 2022 1:47:45 PM CDT  
43°44'35.891"N -87°43'36.636"W  
1608 Indiana Avenue  
Sheboygan County  
Wisconsin



Network: Aug 11, 2022 1:47:57 PM CDT  
Local: Aug 11, 2022 1:47:56 PM CDT  
43°44'35.837"N -87°43'36.126"W  
1608 Indiana Avenue  
Sheboygan County  
Wisconsin





Network: Aug 11, 2022 1:46:20 PM CDT  
Local: Aug 11, 2022 1:46:19 PM CDT  
43°44'35.849"N -87°43'36.369"W  
1608 Indiana Avenue  
Sheboygan County  
Wisconsin



Network: Aug 11, 2022 1:47:00 PM CDT  
Local: Aug 11, 2022 1:46:59 PM CDT  
43°44'35.942"N -87°43'35.054"W  
1602 Indiana Avenue  
Sheboygan County  
Wisconsin

























# PLAT OF SURVEY

FOR: Fidel Najera

Parcel #59281506740, West 26.5' of the South 1/2 of Lot 11 Block 250 Original Plat, Part of the NW 1/4 of the NE 1/4, Section 27, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin.

