

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use with exceptions by Zach Fitzgerald to construct a new dwelling unit in the commercial building located at 834 N. Water Street. NC zone

REPORT PREPARED BY: Steve Sokolowski, Manager of Planning and Zoning

REPORT DATE: February 10, 2023

MEETING DATE: February 14, 2022

FISCAL SUMMARY:

Budget Line Item:	N/A
Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin	N/A
Statutes:	
Municipal Code:	N/A

BACKGROUND / ANALYSIS:

Zach Fitzgerald is proposing to construct a new dwelling unit in the commercial building located at 834 N. Water Street. The applicant states the following about the project:

- Building is currently occupied by Blue Moon photography studio on the main floor and residence on the lower floor. The site and building are in good condition.
- The applicant is proposing to purchase the existing 17,000sf facility, which will allow their company, If Only Pretty, to remain within the City of Sheboygan. The facility will undergo upgrades to provide a useful base of operations for the new owner on the main floor If Only Pretty replacing Blue Moon Studios), while the lower floor will be utilized as a residence.
- The facility is currently being utilized in the same fashion, but the current owner never completed and obtained the conditional use permit to allow this residential usage. Based on city inspection(s), the new owner will provide upgrades as needed to ensure code compliance for these separated commercial and residential uses. The residence in the lower level will be for the new owner's family only. There will be no rental living space within the building.
- Interior Improvements: Code required alterations to include a new fire-rated door at top of south stairs. Secure existing doors at west (river) side of the building to preclude operation. The doors currently open to approximately three (3) feet above the rip-rap along the shoreline, and as such, comprise a fall hazard.

- Exterior Building Upgrades: Replace existing door at north stairwell, with outswing door, and provide appropriately sized landing at exit to allow safe egress. New owner proposes replacing the existing glass block window infill with storefront units to allow daylighting with energy efficient glazing. This project may be phased based on budgetary constraints. New owner also proposes a “deck” along the riverside (west) façade to provide exterior space along the river. This structure will be fully supported by the existing building and will not extend closer to the water than similar structures at the neighboring building.
- Future construction: Additional bedroom(s) and bathroom within the south portion of the building. It is understood that these bedrooms will require alternate egress platforms to exit through new, operable windows into the alley adjacent to the south face of the building.
- No garbage dumpster will be required as to service this business. If a dumpster is required at a future date, an approved enclosure will be provided.

STAFF COMMENTS:

The existing owner has created residential space in the building without obtaining the required land use approvals and building/occupancy permits. The potential buyers are proposing to live and operate their business from the building and therefore will be required to obtain the required approvals, permits and inspections prior to receiving an occupancy permit to occupy the residential space. The applicant is aware of this requirement.

The applicant will need to work with the building inspection department regarding the conversion of the lower level into a residential dwelling. Occupancy shall be granted only at such time as all permits and codes have been met.

The potential buyers will live and operate their business, If only Pretty, from this facility as well. IF Only Pretty LLC was founded in 2012 by Ina and Zach Fitzgerald and was created out of their desire to make unique and customized jewelry. Ina and Zach started IF Only Pretty and instantly built a connection with their customers through the stories told on their bracelets. What once started as a hobby for family and friends is now one of the highest sought out personalized bracelets. We live in Sheboygan, Wisconsin where we cut, hand-stamp, shaped, finish and seal every bracelet in our basement studio.



ACTION REQUESTED:

Staff recommends approval of the conditional use permit subject to the following conditions:

1. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, DNR, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Building permits shall be issued only at such time as the applicant can provide documentation that they own the parcel.
3. If using dumpsters, dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility. If using chain link fencing, the applicant shall install Privacy Decorative Slating (PDS) material in order to effectively screen the dumpster.
4. All ground level and rooftop mechanicals shall be screened and/or enclosed and constructed of like materials and colors of the facility (HVAC equipment, etc.).
5. Outdoor storage of materials, products or equipment shall be prohibited.
6. All lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
7. It will be the applicant's responsibility to work with all private and public utilities in order to provide easements and/or relocate utilities as necessary.
8. Absolutely no portion of the building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc.
9. Any work within City of Sheboygan Public rights-of-way shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, driveway openings, curb, gutter, sidewalk, pavement, utilities, street trees, etc.).
10. Applicant shall obtain the necessary sign permits prior to installation. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs).
11. Applicant shall remove all unused signs and all signage referring to previous business.
12. The applicant may replace the existing glass block window infill with storefront units per the approved plan. If staff has any concerns with the design, the matter may be brought back to the Plan Commission for their consideration.
13. If there are to be any exterior renovations to the facility, the applicant will be required to obtain Architectural Review Board approval prior to receiving a building permit for such renovation. The colors and materials are to complement/match the existing building.
14. If applicant leases space to additional tenants, the tenants shall obtain all necessary land use and building approvals/permits prior to occupancy (future uses and/or phases may require conditional use permits, building/mechanical permits, occupancy permits, etc.).
15. If there are any amendments to the site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use Permit Application and required attachments.