

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

---

**ITEM DESCRIPTION:** Application for Conditional Use Permit by Tobias Juarez to locate a commercial apartment at Jr's Tree Service located at 1429 N 26<sup>th</sup> St. SC Suburban Commercial Zone.

---

**REPORT PREPARED BY:** Ellise Rose, Associate Planner

---

**REPORT DATE:** June 19, 2025

**MEETING DATE:** July 15, 2025

---

#### APPLICANT PROPOSAL:

Tobias Juarez is proposing to locate a commercial apartment at Jr's Tree Service located at 1429 N 26<sup>th</sup> St. The applicant states the following:

- Its current use is a shop for Jr's Tree Service, my father has been running this business in the area licensed for almost 25 years.
- There is no mulch yard or dump of sorts at the property. It is used as a home base where trucks and equipment are stored.
- Clients/customers do not visit our physical location.
- 4 people currently employed – Tobias and his two sons Alexis and Tobias Jr as well as an employee Frank.
- No services are rendered at the property and very rarely is there more noise than idling/loading equipment and trucks.
- Property is kept in good shape with maintained garden beds and has over 100ft of planted arborvitae as a privacy screen.
- The property was acquired by my father in the mid 2000's. It is roughly  $\frac{3}{4}$  shop/garage space and  $\frac{1}{4}$  apartment/office space. It has been in that configuration since the purchase.
- The proposed living space was refurbished a number of years ago, it is roughly 450 sq ft.
- There is a large asphalt pad at the front (west side) of the property that is used for employee parking. It can accommodate 6 cars comfortably.
- We strive to be good neighbors and do our best to keep noise down for our residential neighbors across the street and have never received a complaint.
- Our work starts at 7am, no earlier. Chainsaws and loud equipment like chippers are almost never operated on the property.
- Hedges and garden beds are maintained and we recently repainted the entire building as it began to show age.
- We were unaware of needing a conditional use until this year. This was also the first year we received a fire inspection.

- I was informed by Nicholas Noster the Division Chief of Inspection and Prevention that the property for whatever reason was not included in their inspection list. We have since updated and become fire compliant however the living space is what we are here to address.
- All of the neighboring properties on the block are all commercial/business and the residential homes across the street to the west are residential.
- Living space will be used by our current employee. It helps us offer a competitive package for employment. It also helps tremendously with daily operations, opening, and closing tasks.
- The space is not to be rented out to the general public at this time or the foreseeable future.
- We do not find our conditional use to have any sort of negative impact on the surrounding area as it is already a mixture of commercial and residential property.
- The minimal impact of our operations on site, combined with our proactive efforts to maintain the property and minimize noise, demonstrates our commitment to being a good neighbor.
- This conditional use, specifically for an employee living space, is crucial for our business's continued efficiency and our ability to offer competitive employment.
- We firmly believe it presents no adverse impact to the surrounding commercial and residential properties and respectfully request your approval.

#### **STAFF ANALYSIS:**

The use is permitted as a conditional use under the Suburban Commercial zoning district as a commercial apartment. No exceptions are required for the project.

#### **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, etc.
2. All lighting shall be installed per Section 105-932 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
3. 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.
4. 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. unless an encroachment is obtained permitting use of public right-of-way.
5. 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.).
6. 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.

7. If operating as a short-term rental, the applicant will be required to file the proper room tax paper work with the City of Sheboygan.
8. If there are any amendments to the conditional use, the applicant will be required to submit a new conditional use application reflecting those amendments.

**ATTACHMENTS:**

Conditional Use Permit Application and attachments