

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Variance application by Paul Fenrich to operate Fenrich Custom Finishes from 2516 Superior Avenue. Requesting a variance to Section 15.720(7): to change one non-conforming use (furniture store) to another (Fenrich Custom Finishes).

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

REPORT DATE: May 13, 2022

MEETING DATE: May 18, 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:

Paul Fenrich is proposing to operate Fenrich Custom Finishes from the building located at 2516 Superior Avenue. The applicant states the following about the proposal:

- I would like to purchase this building/property at 2516 Superior Avenue in order to run Fenrich Custom Finishes, my painting and finishing company (present building owner is Revelis Investments, LLC). Fenrich Custom Finishes is a residential and light commercial painting/staining company. We work with a few remodeling companies and a lot of our work is directly with the home owner. Work to be done from the building/site includes kitchen cabinet finishing, trim, doors, etc. Pretty much anything in somebody's home that has paint or stain on it, we can take care of.
- 90% of our work is done in the client's home. The only service we conduct at the shop is pre-finished work. The site would be mainly used for storing equipment, trucks, trailers, and working on pre-finishing.
- The types of materials stored on site would be any paint/stain products that we would need in daily production. Materials are mostly water based products but some of our stains are solvent based. These would be stored inside the building, along with our paint sprayers, washers and other tools. A regulated spray booth would be installed.
- Outdoor use would basically be parking my work vans, trailers and employee vehicles. Other usage would entail maintenance of the property (yard work/ landscaping).

- None of the tools will be visible outside. It will either be stored inside the building, in the enclosed trailer or in the storage shed.
- I am considering purchasing this building/property because it is a perfect location for my business and it will provide my business the opportunity to grow (building is presently vacant).
- Our hours of operation are Monday-Friday 7:30am-5:30pm, Clients do not typically come to the shop, so there will be very low traffic. The only extra visits we would receive are from sub-contractors (we experience these, on average, once a week).
- We have six (6) employees and there is off-street parking for six (6) spots on the south end of the building alongside Superior Avenue. Our two (2) utility vans will be parked indoors. Both of the vans will be stored inside, along with three (3) construction trailers. The trailers may reside outside for brief periods at a time as needed.
- We foresee virtually no noise level changes to the neighborhood we will be moving into. Most of our work is offsite and our paint crews only operate Monday-Thursday. Most of the parking will be in the spaces in front of the building and will not impact the flow of current traffic. The lighting will be no more than what there was previously.
- There will be a three-dimensional sign in the same place as the current Vaughn's Outlet sign. We may apply vinyl decals to the garage doors.
- The interior office space will be renovated, a spray booth will eventually be installed, and other interior improvements.
- The west side of the building where there are currently bushes will eventually be a mulch bed with flowers and various plants. The windows on the east side of the building will be replaced with glass block windows, they will closely replicate the windows on the north side of the building.
- New service, entry, and overhead doors will be installed to replace the old ones. The exterior of the building will be redone to closely match the provided photos.
- New concrete work will be done to replace the existing driveway.
- We see this location as a great fit for our needs as it is centrally located in Sheboygan. The building has enough square footage for us to grow. We have doubled in size since we bought our current building. We hope the Board sees that this will allow us to create more jobs in the community, and make the environment around the area more professional looking and aesthetically pleasing.

STAFF COMMENTS:

2516 Superior Avenue is zoned Suburban Residential (SR-5). The SR-5 zone permits single-family residences. A business is not a permitted or conditionally permitted use in the SR-5 zone.

The previous wheelchair taxi, Vaughn Furniture Outlet uses of this property was a legal nonconforming use - legal because the property/building has been there for many years but nonconforming because a business is not permitted in the SR-5 zone today. Thus, the previous use may continue to operate, however, a legal nonconforming use is not permitted to be changed, extended or enlarged, per the City of Sheboygan Zoning Ordinance.

Sections 15.207(3) and 15.207(4) of the City of Sheboygan Zoning Ordinance state:

- Extension: A nonconforming use shall not be extended, expanded, enlarged or increased in intensity.
- Enlargement: No building or other structure that is devoted wholly or in part to a nonconforming use shall be enlarged or added to in any manner unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located

That being said, the owner of such property can submit a variance application to the Board of Appeals in order to propose substituting the existing nonconforming use with another nonconforming use of similar characteristics. This is a hearings process and only at such time as the City of Sheboygan Board of Appeals approves the variance would such a change of nonconforming use be permitted.

The building appears that it has always been used commercially.

The Board may want to have the applicant address any potential exterior renovations and/or painting of the building (paint is chipping on the north wall of the building). The applicant will also need to clean/remove the miscellaneous debris, equipment, etc. stored outside the north side of the building. No outdoor storage is permitted.

Staff is acceptable to utilizing the existing interior lit cabinet sign but all new signage will be well designed (may not reface existing wall sign above the door by the window). Applicant shall remove all signage referencing previous business.

Applicant shall obtain the required occupancy permit and shall meet all building and mechanical codes prior to an occupancy.

ACTION REQUESTED:

Staff recommends approval of the variance for the nonconforming use change subject to the following conditions:

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant shall obtain all necessary permits for the construction, the storage and the handling of hazardous chemicals and/or fuels (applicant shall be in contact with building inspection, fire/police departments, etc.).
3. Applicant shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
4. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
5. 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.).
6. Outdoor storage of materials, products or equipment shall be prohibited.
7. All painting activities shall take place inside the building (no outdoor activity).
8. All new 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.
9. Applicant shall obtain the necessary sign permits prior to installation. Applicant shall be permitted to install individual letter signs – no cabinet or flat panel signs. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration.
10. 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, new street improvements, new and/or closed ingress/egress driveway openings, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.).
11. 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.
12. Any new or modified ingress/egress driveway openings and any existing driveways to be closed shall be improved to standard City specifications.
13. If there are any exterior alterations, those alterations will be reviewed by the City of Sheboygan Architectural Review Board.
14. If there are any amendments to the approved use and/or site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.

ATTACHMENTS:

Variance application and required attachments.