

June 30, 2022

Jason C Martinko
Sunisa Y. Melton
812 South 7th Street
Watertown, WI 53094

Dear Jason C. Martinko & Sunisa Y. Melton

This letter is to provide notice that the Vehicle Repair & Maintenance land use that occurred at 820 East Main Street (PIN: 291-0815-0411-174), for which Jason C. Martinko & Sunisa Y. Melton are the property owners, has been discontinued for a period exceeding 365 days. Per the Wisconsin Department of Financial Institutions, Ironsides Estate Settlement, LLC for which Jason Martinko is the registered agent, has been operating since May of 2019 out of 820 East Main Street as an Indoor Sales or Service land use.

820 East Main Street is zoned Central Business (CB). The Central Business Zoning District allows the following principal land uses under Section § 550-34B:

B. List of allowable principal land uses (per Article III).

(1) Principal land uses permitted by right (per § 550-45A):

- (a) Cultivation.*
- (b) Selective cutting.*
- (c) Passive outdoor public recreation.*
- (d) Active outdoor public recreation.*
- (e) Public services and utilities.*
- (f) Office.*
- (g) Personal or professional services.*
- (h) Indoor sales or service.*
- (i) Indoor maintenance service.*
- (j) Off-site parking lot.*

(2) Principal land uses permitted as conditional use (per § 550-45B):

- (a) Clear-cutting.*
- (b) Indoor institutional.*
- (c) Outdoor institutional.*
- (d) Institutional residential.*
- (e) In-vehicle sales or service.*
- (f) Indoor commercial entertainment.*
- (g) Outdoor commercial entertainment.*
- (h) Commercial indoor lodging.*
- (i) Bed-and-breakfast establishments.*
- (j) Group day-care center (nine or more children).[1]*
- (k) Central business apartments (greater than 12 dwelling units).*

Vehicle Repair & Maintenance is not listed as a principal land use by right or as a conditional use. Per Section § 550-45E:

Land uses not listed in a specific zoning district are not permitted in such zoning district, except as legal nonconforming uses (per Article V).

The prior use of 820 East Main Street as a Vehicle Repair & Maintenance was permitted under Section § 550-61:

Any nonconforming use lawfully existing upon the effective date of this chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this article. Any legal use under the previous Zoning Ordinance which is made nonconforming by this chapter may apply for a conditional use permit (per § 550-142) to be granted legal conforming status. Any legal use under the previous Zoning Map which is made nonconforming by a change to the Official Zoning Map may apply for a Zoning Map amendment (per § 550-141) to an appropriate zoning district to be granted legal conforming use status.

However, under Section § 550-63:

When any nonconforming use of any structure or land is discontinued for a period of 12 months or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this chapter.

Wisconsin State Statutes further states per Section § 62.23(7)(h):

*(h) Nonconforming uses. The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. **If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.***

In summary, due to discontinuance of the Vehicle Repair & Maintenance land use for greater than 365 days at 820 East Main Street, the Vehicle Repair & Maintenance land use is not permitted at 820 East Main Street.

If you have any further questions, feel free to contact the Zoning Administrator at (920) 262-4041.

Sincerely,

A handwritten signature in cursive script that reads "Jacob A. Maas".

Jacob A. Maas, CFM
City of Watertown Zoning & Floodplain Administrator

Cc: Jaynellen Holloway, City of Watertown Director of Public Works/City Engineer
Doug Zwieg, City of Watertown Building Inspector

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060

Opportunity Runs Through It