

Report to the Manitowoc Plan Commission

Meeting Date: November 20, 2019

Request: PC 37-2019: Kevin and Kay Sonnenburg; Request for a Conditional Use Permit for the establishment of a Bed and Breakfast at 2004 Menasha Avenue pursuant to Chapter 15.130(3)h.

Reason for Request: A Conditional Use Permit is required for the establishment of a Bed and Breakfast in the R-3 Single Family Zoning District.

Existing Land Use for Subject Property: Residential

Existing Zoning for Subject Property: R-3 Single Family

Surrounding Property Land Uses and Zoning

| Direction | Existing Land Use | Existing Zoning |
|--------------------------|-------------------|-------------------|
| North, South, East, West | Residential | R-3 Single Family |

Comprehensive Plan: Single Family Residential

Consistency Analysis: Conditional Use Permits do not have to be consistent with the future land use map but the proposed project would be in scale with the surrounding properties and it would be consistent with the Future Land Use Map and Comprehensive Plan.

NOTE: Wisconsin ACT 67 (2017) now requires that a local municipality must hold a public hearing on a conditional use permit application, following a class 2 notice. Conditional Use Permits will now have a public hearing in front of the Common Council similar to a change in the zoning map or zoning text.

Report: Kevin and Kay Sonnenburg are requesting a conditional use permit to establish a 3 room bed & breakfast at 2004 Menasha Avenue. According to the assessor records the property is 0.716 acres with a 136 feet of frontage along Menasha Avenue and averages 235 feet in depth. The residence was built in 1900 and is a total of 3,748 sq feet (1,566 basement, 2182 first floor, 1,566 2nd floor). There are 4 bedrooms, 2 full baths and 1 half bath.

There is a two car garage and enough space for 3 off-street parking spaces. Off-street parking requirements are *"A minimum of one parking space for each guest room, plus two spaces per dwelling unit."* The site meets the off-street requirements.

The Sonnenburg's would like to open the B&B in April 2020. Sonnenburg's also own the residence at 2008 Menasha Avenue which is directly to the west.

Bed and Breakfast's are licensed by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection. They define a B&B as *"as any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast."* The Manitowoc County Health Department acts as an agent for the State and does all the inspections and licensing for the State.

Statute and Municipal Code:

Pursuant to Section 15.370(27)c of the Municipal Code the following criteria shall be considered when considering a Conditional Use Permit.

"the Plan Commission and Council shall consider whether the requested use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located."

In 2017 the Wisconsin legislature passed Wisconsin Act 67 which lessened the discretion and control of local governments regarding the issuance of conditional use permits. The statute is copied and pasted below.

" §62.23(7)(de) Conditional use permits.

1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10."

Public Comments: Notices were mailed out to abutting or fronting properties on November 13th, and no comments have been received at the time of this writing.

Timeline

- Plan Commission informational hearing Nov. 20
- Common Council hearing December 16.

Recommendation: The Community Development Department recommends approval of the Conditional Use Permit for the establishment of a Bed & Breakfast at 2004 Menasha Avenue.

**REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
A BED AND BREAKFAST
LOCATED AT 2004 MENASHA AVENUE
DECEMBER 16, 2019**

- A. The CUP is granted exclusively to Kevin and Kay Sonnenburg for operation of a bed and breakfast at 2004 Menasha Avenue.
- B. The CUP shall not be assignable or transferrable without the written approval of the City Plan Commission.
- C. The maximum number of bedrooms for the bed and breakfast shall be limited to 3, and the maximum total number of all guests at any single time shall be 6.
- D. The CUP shall require compliance with all applicable city, county and state licensing requirements.
- E. All vehicles related to the bed and breakfast shall be parked off-street.
- F. Non-compliance with the terms of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

TO: CITY OF MANITOWOC
PLANNING & REVIEW

ATTN: PAUL BRAUN

FROM: KEVIN & KAY SONNENBURG
2004 MENASHA AVENUE
MANITOWOC, WI 54220

This is a request for a conditional use permit to operate a 3-room bed & breakfast at 2004 Menasha Avenue, Manitowoc, WI 54220.

We have provided a video on an external drive showing the views of the the surrounding area of the proposed bed and breakfast.

3-car off street parking and 2 car inside garage for owners

Facing east approximately 150 feet: **1928 Menasha Avenue**

Facing west: **2008 Menasha Avenue**

South view: **1927 Menasha Avenue**
2001 Menasha Avenue
2005 Menasha Avenue
2011 Menasha Avenue

Proposed front sign attached to historic lamp post.

Ownership residence is on site.

Tentative opening: April 5, 2020



**Request for a Conditional
Use Permit for a Bed & Breakfast**

1/16th Line

MENASHA AVE

LEXINGTON DR

**City of
Manitowoc**

ATLANTA

**HEIGHTS
NO. 2**

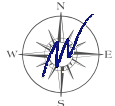
**SW 1/4
Sec 18,
T19N, R24E**

GRANGER RD

MARKHAM ST

CONDITIONAL USE PERMIT

City of Manitowoc, WI



0 50 100
Feet



Area of Conditional Use
Permit for a Bed & Breakfast

DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 11/12/2019
O:\Planning\PC Plan Commission\PC_CUP\PC 37-2019 Sonnenburg Bed & Breakfast CUP\Maps\PC 37-2019.mxd

**PC 37-2019 Sonnenburg B&B
2004 Menasha Ave.**

Manitowoc City Plan Commission



Property Record Card



Parcel Number:
818301040

Property Address:
2004 MENASHA

Municipality:
Manitowoc City of

Owner Name:
SONNENBURG KEVIN L & KAY L
2004 MENASHA AVE
MANITOWOC WI 54220

Zoning:
1-Residential

Land Use:
Residential

Date of Inspection:

Property Photograph:



Legal Description:

PT. NE 1/4 SW 1/4 DESC. V. 240 P. 120 OF DEEDS & EX. V. 333 P. 593 S. 18
T. 19 R. 24

Building Description

| | | | |
|-------------------------------|------------------|------------------------------|----------|
| Year Built: | 1900 | Exterior Wall: | 07-Brick |
| Building Type/Style: | 08-Residence O/S | Bedrooms: | 4 |
| Story: | 2 | Full Baths: | 2 |
| Grade: | B | Half Baths: | 1 |
| CDU/Overall Condition: | (D) (D)Average | Room Count: | 9 |
| Interior Condition: | 2-Same | Basement Description: | Partial |
| Kitchen Condition: | 1-Very Good | Heating: | |
| Bath Condition: | 2-Good | Type of Fuel: | 1-Gas |
| | | Type of System: | A |

Square Footage / Attachments

| | |
|--------------------|------------------------------|
| Basement: 1566 | Total Square Footage: |
| First Story: 2182 | 3748 |
| Second Story: 1566 | |

| | |
|-----------------------------------|--------------|
| <u>Attachment Description(s):</u> | <u>Area:</u> |
| Open Frame Porch | 105 |
| Open Frame Porch | 162 |
| Enclosed Frame Porch | 55 |
| Attached Masonry Garage | 577 |

| | |
|--------------------------------|---------------|
| <u>Feature Description(s):</u> | <u>Units:</u> |
|--------------------------------|---------------|

Other Building Improvements

| | | | |
|------------------------|--------------------|--------------|-------------------|
| <u>Structure Type:</u> | <u>Year Built:</u> | <u>Area:</u> | <u>Condition:</u> |
| | | | NA |

Permit / Construction History

| | | | |
|------------------------|-----------------------|-----------------------|---------------------------|
| <u>Date of Permit:</u> | <u>Permit Number:</u> | <u>Permit Amount:</u> | <u>Details of Permit:</u> |
|------------------------|-----------------------|-----------------------|---------------------------|

Ownership / Sales History

| | | |
|----------------------|--------------------------|-------------------------|
| <u>Date of Sale:</u> | <u>Sale Amount:</u> 0 | <u>Conveyance Type:</u> |
|----------------------|--------------------------|-------------------------|

Land Data & Computations

| | | | | | | |
|-------------------|------------------------------|-----------------------|---------------|-------------------------|-----------------------------|------------------------------|
| <u>Land Class</u> | <u>Total Square Footage:</u> | <u>Total Acreage:</u> | <u>Depth:</u> | <u>Actual Frontage:</u> | <u>Assessed Land Value:</u> | <u>Assessed Improvement:</u> |
| Residential | 31088.772 | 0.7137 | 0 | 0 | \$35800 | \$195000 |

| | |
|--------------------------------|----------|
| Total Improvement Value | \$195000 |
| Total Land Value | \$35800 |
| Total Assessed Value | \$230800 |