

## Report to the Manitowoc Plan Commission

**Meeting Date:** April 23, 2025

**Request:** PC 15-2025: Zirpoli / Bergner; Request to Assign an Existing Conditional Use Permit to Operate a Beauty Salon in the B-1 Office Residential Zoning District for property located at 709 Marshall Street (Tax Parcel #000-284-012).

**Existing Land Use for Subject Property:** Beauty Salon and 2<sup>nd</sup> floor residential

**Existing Zoning for Subject Property:** B-1 Office - Residential

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North	Institutional, Office, Retail	B-4 Central Business
South, East & West	Residential, Office	B-1 Office Residential

**Report:** Tammy Zirpoli is requesting the assignment of an existing Conditional Use Permit that was issued originally to Mary Bergner. The CUP was issued to Mrs. Bergner in 1996 for the establishment of a beauty salon. Mrs. Zirpoli is not requesting any changes or alterations to the 1996 CUP.

The 1996 CUP states “the Conditional Use Permit be granted exclusively to Mary and Larry Bergner, and that the Conditional Use Permit not be assignable or transferrable without the written approval of the City Plan Commission.” The 1996 CUP also says the use is subject to the conditions outlined under Section 15.230(3)5 which “limits the maximum building floor area (net public space) to 900 square feet or less; limit hours of operation to between 8:00 A.M. and 8:00 P.M., Monday – Saturday; special landscaping or fencing where residential properties abut the subject property / and to make provisions for vehicular access, parking and loading areas.”

Conditional Use Permits are controlled by section 15.370(27) of the municipal code.

In acting upon any application for a conditional use, the Plan Commission and Council shall consider whether the requested use: (1) is reasonably necessary for the convenience and welfare of the public; (2) is in harmony with the character of the surrounding area; and (3) will have a minimal or no effect on surrounding property values.

### Municipal Code:

Pursuant to Section 15.370(27)(c) of the Municipal Code, “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.”

**State Statute:**

*“ §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: No notices were mailed out to neighbors because the CUP is being assigned and no changes to the conditions are being requested. The CUP is simply transferring to a different entity.

Timeline

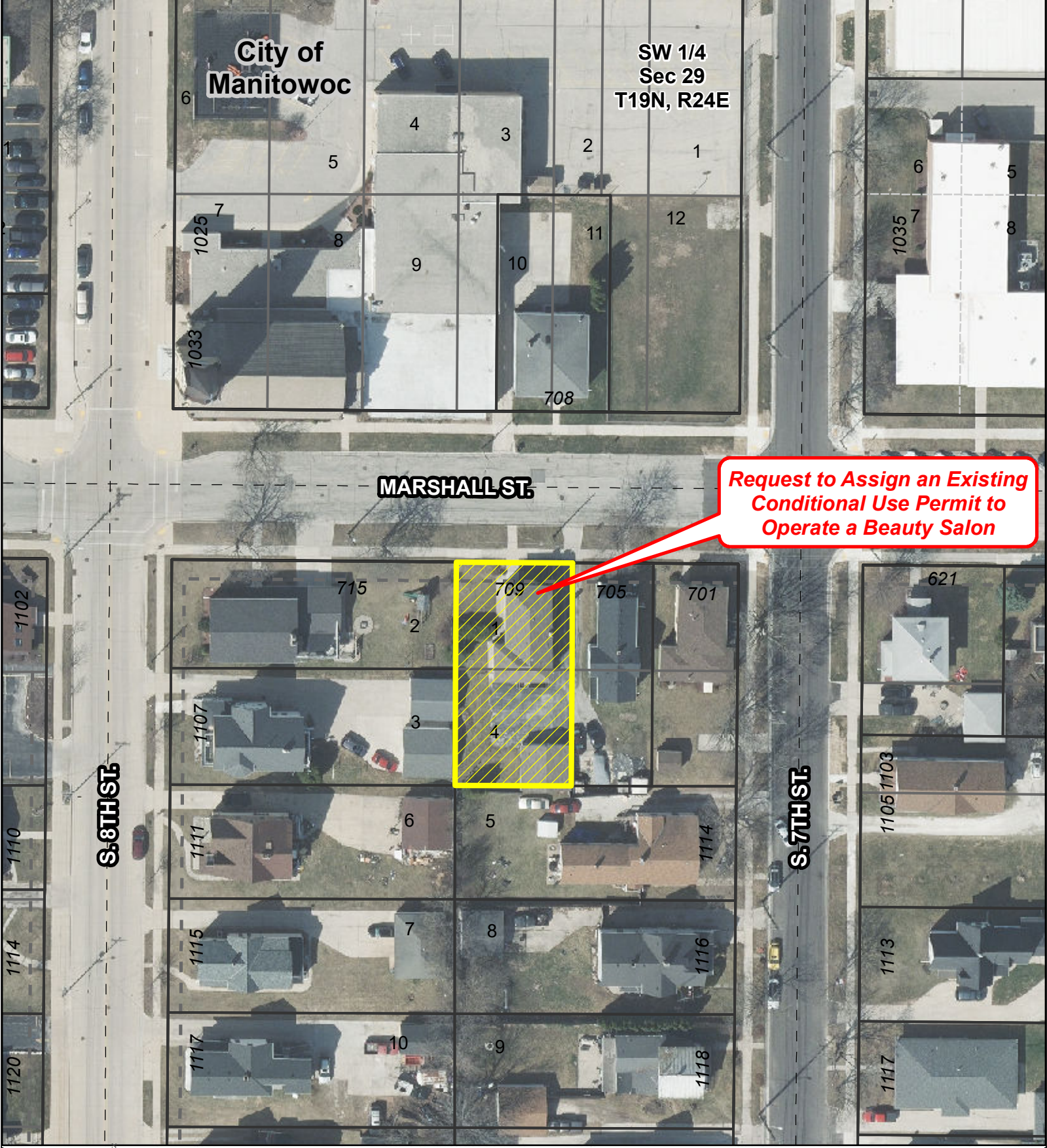
- Application Received: April 11, 2025
- Notifications Sent: Not Applicable
- Plan Commission Discussion: April 23, 2025
- Common Council acceptance of Plan Commission report: May 19, 2025

**Recommendation:** Approve the assignment of the 1996 Conditional Use Permit.

REQUIREMENTS FOR THE ASSIGNMENT OF A  
CONDITIONAL USE PERMIT (CUP) FOR THE OPERATION OF  
A BEAUTY SALON TO TAMMY ZIRPOLI  
LOCATED AT 709 MARSHALL STREET  
TAX PARCEL # 000-284-012  
5/19/2025

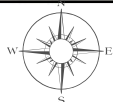
NOTE: The CUP was originally issued to Larry and Mary Bergner in 1996. PC 12-1996

- A. The Conditional Use Permit be granted exclusively to Tammy Zirpoli and associated staff and that the Conditional Use Permit not be assignable or transferrable without the written approval of the City Plan Commission.
- B. That the Conditional Use Permit be subject to the conditions outlined under Section 15.230(3)5, which would limit the maximum building floor area (net public space) to 900 square feet or less; limit hour of operation to between 8:00 A.M. and 8:00 P.M., Monday – Saturday, special landscaping or fencing where residential properties abut the subject property; and to make provisions for vehicular access, parking and loading areas.



# CONDITIONAL USE PERMIT

City of Manitowoc, WI



0 50 100 Feet

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.

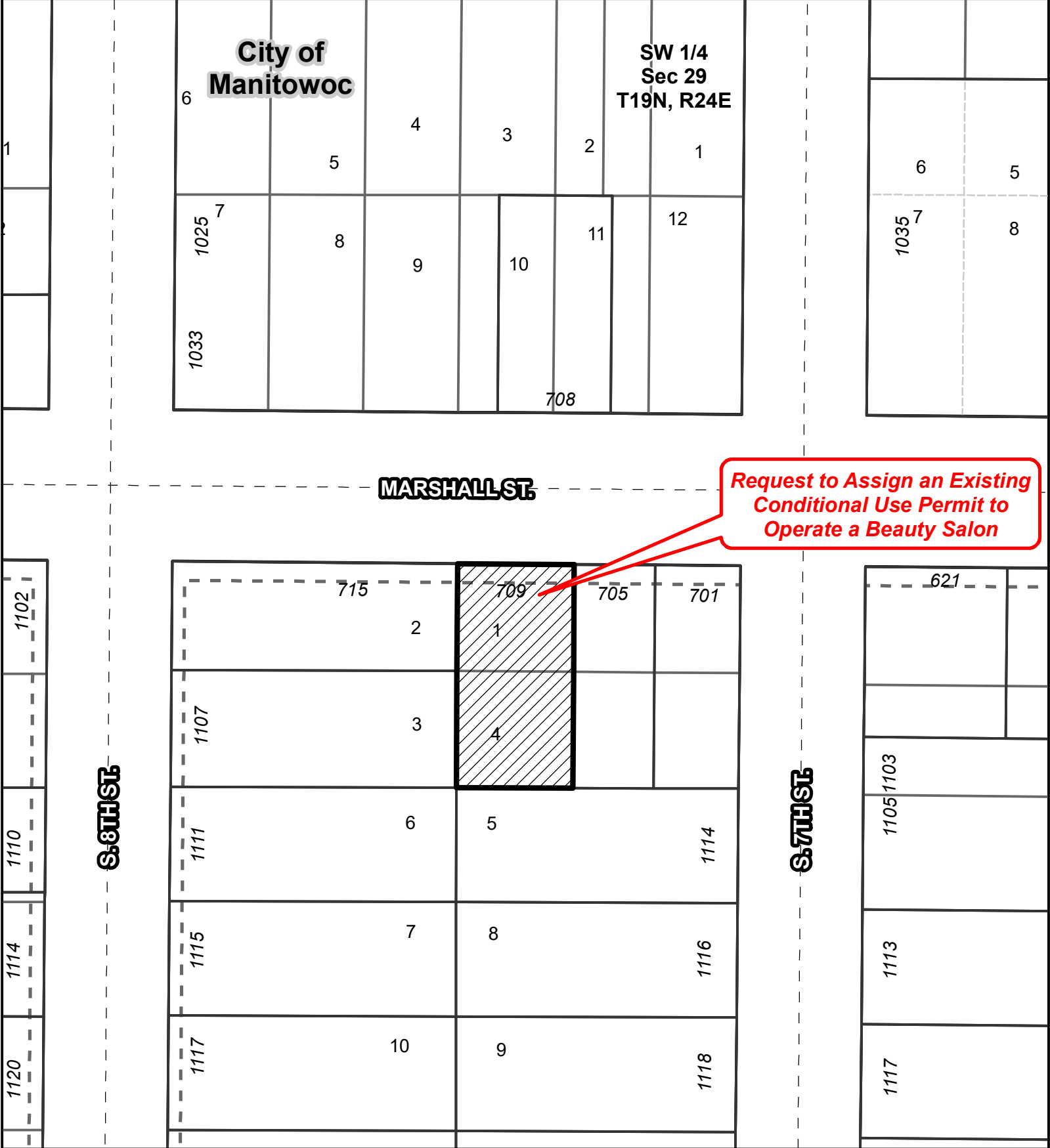
Prepared by City of Manitowoc  
Community Development Department  
www.manitowoc.org  
Map Plotted: 4/14/2025  
O:\Committees\PC Plan Commission\PC\_CUP\2025\PC 15-2025 Zirpoli-Bergner 709 Marshall Street\PC 15-2024 CUP.mxd



Existing Conditional Use Permit  
Area to be Assigned to  
Operate a Beauty Salon

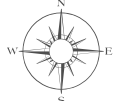
PC 15-2025  
709 Marshall St.

Manitowoc City Plan Commission



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Existing Conditional Use Permit  
Area to be Assigned to  
Operate a Beauty Salon

PC 15-2025  
709 Marshall St.

Manitowoc City Plan Commission



RECEIVED

JUN 14 1996

3.64

CITY CLERK'S OFFICE

June 17, 1996

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: PC12-96: Mary and Larry Bergner; Request For a Conditional Use Permit (CUP) at 709 Marshall Street for Operation of a Beauty Salon.

Dear Mayor and Common Council:

At the regular June 12, 1996 meeting of the Manitowoc City Plan Commission, the Commission held a public informational hearing on the abovereferenced request for a CUP in a "B-1" Office-Residential District. The Commission unanimously recommended that the Council grant the CUP, subject to the following conditions:

1. That the CUP be granted exclusively to Mary and Larry Bergner, and that the CUP not be assignable or transferrable without the written approval of the City Plan Commission.
2. That the CUP be subject to the conditions outlined under 15.23(3)5, which would limit the maximum building floor area (net public space) to 900sf or less; limit hours of operation to between 8:00 A.M. and 8:00 P.M., Monday - Saturday; special landscaping or fencing where residential properties abut the subject property; and to make provisions for vehicular access, parking and loading areas.

The Commission notes that there was no opposition to the proposed CUP.

Respectfully Submitted,

David Less  
Secretary

Attachment

Re: Document #96-312

David Less  
City Planner

CITY HALL  
817 Franklin Street  
P.O. Box 1597  
Manitowoc, WI 54221-1597  
Phone: (414) 683-4435  
FAX: (414) 683-4424

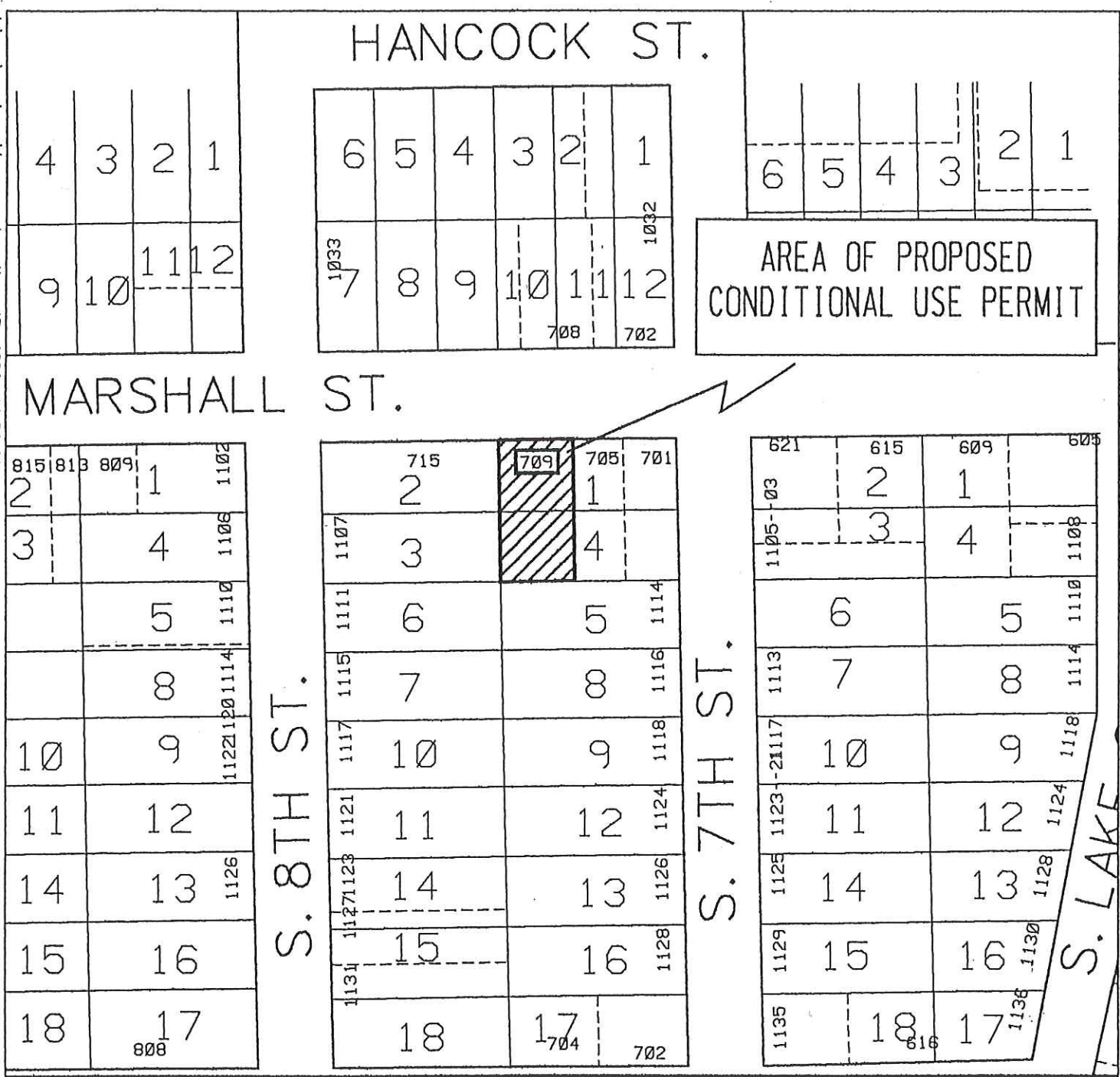
6-17-96. 6-18-96

Committee recommends acceptance of report and place on file

T. Fisher Secretary

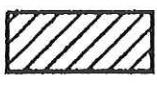
Paul B. Wilson

d:\map\cond-use\bergnar.dgn May. 17, 1996 14:36:11

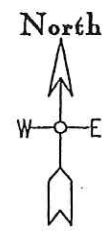


# CONDITIONAL USE PERMIT

## CITY OF MANITOWOC, WI



= AREA OF PROPOSED  
CONDITIONAL USE PERMIT







## LAND USE APPLICATION

APPLICANT Tammy Zirpoli PHONE 513-276-2797  
MAILING ADDRESS 232 Skyline Dr. P.O. Box 52 EMAIL TLZirpoli03@gmail.com  
PROPERTY OWNER 920 901 9005 ~~Tammy Zirpoli~~ Mary & Larry BERGNER PHONE ~~513-276-2797~~  
MAILING ADDRESS 232 Skyline Dr. P.O. Box 52 EMAIL ~~TLZirpoli03@gmail.com~~  
REQUEST FOR: 125 WATSON RD TWO RIVERS myoBERGNER@yahoo.com

☒ Conditional Use Permit (CUP) \$350\*      ☐ Zoning District Change/Map Amendment \$350\*  
☐ Site Plan Review \$350      ☐ Request for Annexation \$350\*  
☐ Certified Survey Map (CSM) \$100      ☐ Planned Unit Development (PUD) \$350\*  
☐ Official Map Review \$350\*      ☐ Street/Alley Vacation \$350\*

\*Publication of legal notice fees additional.

STATUS OF APPLICANT: ☒ Owner      ☐ Agent      ☒ Other BOYER  
PROJECT LOCATION ADDRESS 709 Marshall ST MANITOWOC  
PARCEL ID# 052- CURRENT ZONING \_\_\_\_\_  
CURRENT USE OF PROPERTY Salon & Apt. Rental  
PROPOSED USE OF PROPERTY SAME

**REQUIRED: Attach a detailed written description of your proposal or request.**

Include as much information as possible including planned use, maps, project renderings or drawings, etc.

The undersigned hereby represents and warrants that it has the authority to enter into this Contract. If the party entering into this Contract is not an individual, the person(s) signing on behalf of the entity represents and warrants that they have been duly authorized to bind the entity and sign this Contract on the entity's behalf.

Signature ~~Tammy Zirpoli~~ Mary Bergner Date 4-9-25  
Print Name Tammy Zirpoli MARY BERGNER

**For Office Use Only**

Date Received: 4-11-25

PC/SP #: \_\_\_\_\_

Fee Paid: yes

Check#: 557

Plan Commission Date: 4-23

**The City of Manitowoc Plan Commission meets the fourth Wednesday of each month at 6pm.**

**Deadline for submission is the Friday two weeks prior to the meeting.**

Please contact the Community Development Department at 920-686-6930 if you have any questions.



The approximately 900 sq ft lower level of 709 Marshall St. has been utilizing this conditional use permit since 1996 by Mary Bugno as a beauty salon. Mary will be selling the property to Tammy Zispoli in early May. Tammy also holds a UT cosmetology license. Mary would continue to rent said space, where Tammy and Mary would do salon business.

Tammy may rent to an additional person to do massage therapy.

There is an apartment upstairs.

The property has a two car garage and additional parking for 3-4 cars.

Back Door

MASSAGE  
Facial  
Room

Dispensary

Basin

Toilet

Basin

Dryer Washer

Basin

Basin

Front Desk

Work  
Station

work  
station

Waiting  
Room

Front Door

8th Street

pastor house

church

multi  
rental

play  
ground

7th Street

art  
studio

Sam's  
home

salon

top

passage