

AGENDA
BOARD OF APPEALS
THURSDAY, March 18th, 2021 5:30 p.m.
City Hall Council Chambers
108 N. Capron St., Berlin, Wis.

- 1) Roll Call

- 2) Request by Tina Schrei, 550 N Fulton Street, Princeton, WI for conditional use permit for animal services in B-1 district located at 227 Broadway Street. Property description is FORSYTHS & BASSETTS ADD COM AT SE COR OF TAVERN LOT: W 24'; N 8R; E 24'; S 8R TO BEG BLK 95; ALSO PART OF BROADWAY VAC ADJ THERETO and FORSYTHS & BASSETTS ADD COM 8R N OF SE COR OF TAVERN LOT: W 24'; N TO N LN OF BLK 95; E ON LOT LN TO NW COR OF LOT 7; S TO BEG BLK 95, City of Berlin, Green Lake County, Wisconsin. Parcel # 206-01339-0000 and 206-01340-0000.

- 3) Adjourn

DATE: March 12, 2021

TO: BOARD OF APPEALS

FROM: LINDSEY KEMNITZ

RE: Conditional Use Permit for Animal Services

BACKGROUND: In 2020, the City Plan Commission amended the conditional use permit ordinance due to a Supreme Court case to have the Board of Appeals review the conditional use permits. Due to the court case it was advised to have a quasi-judicial board review the request. It was also advised that each conditional use has specific conditions that must be met and if the required conditions are all met, the board should approve the request. I have included the conditions set per ordinance that need to be met. Conditional use permits do not need to meet the three part test for a variance request.

Tina Schrei the owner of 227 Broadway Street is requesting a conditional use permit to allow animal services in B-1 zoning district. Tina currently operates a mobile pet grooming business and requesting to expand her business with a storefront that will offer grooming and daycare. Tina would not be boarding dogs overnight at the property. 227 Broadway has a larger than normal rear yard in the downtown that offers space to install fenced in area for the pets. Tina is intending to install two fences, one will be chain link fence on the interior for the pets and the second fence will be of wood material to block the visibility of the pets to reduce barking outside. Attached is her application.

CITY OF BERLIN
REQUEST FOR CONDITIONAL USE PERMIT

I/We Tina Schrei of 550 N Fulton St. Princeton WI 54968
(name) (mailing address)

hereby request the Plan Commission to recommend to the Common Council of the City of Berlin the approval of a conditional use permit under the Zoning Code of the City of Berlin pursuant to Chapter 82 of the Municipal Code.

Current Zoning of property B-1

Address of Property 227 Broadway Street Berlin

Legal Description Enclosed tax bill with location and legal description

Reason for request: Animal Service Facilities

Lot Size ^{About} 175 x 24

Parcel Number ~~206013390000 and 206013400000~~

Present Improvements (Structures etc.) on Lot: 206013390000 and 206013400000

to date Building is being modified to offer ^{pet} grooming,
A temporary 6x6x6 kennel will be placed in back yard
in case of need for a pet being groomed
with in the month of May the full back yard will be fenced.
Such proposed conditional use permit would be compatible with the character of the for daycare
neighborhood because: My services are unique to the city

AS currently there are no pet services offered
in Berlin

Hours of Operation: grooming 9am to 6pm (day care 7am - 6³⁰pm when approved)
(grooming only by appointment till 8pm)

Number of Employees: 3 to 5

? Will your request increase the percentage of impervious surface on the property? If yes, how much?

enclosed
Attachment

Will your request have an adverse effect on any existing roadway in the area? If yes, please explain the volume of traffic you anticipate. NO

Will your request involve any excavation on the respective property? If yes, please attach a topographical map with 1 ft. contours indicating the current and post-construction drainage patters and erosion control measures. NO

Applicant Phone Number: 812-403-0003
Applicant Email Address: tinastaxi@yahoo.com

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of the City of Berlin Zoning Department to enter onto the property on which the conditional use is being proposed by this application during daylight hours to collect information relative to my proposal. I further agree to withdraw this application if substantive false or incorrect information has been included. I also understand that the \$200 fee is nonrefundable once a public hearing has been conducted on my proposal.

Petitioner/Agent Signature: *Rina Scheri*

Date Filed: Feb. 26th 2021

Conditional Use Permit Fee \$200.00 - Fee must accompany this appeal payable to the City of Berlin

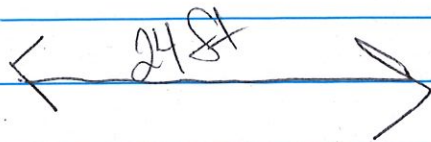
FOR OFFICE USE ONLY

Meeting advertised _____ Date of Commission Meeting 3/18/21

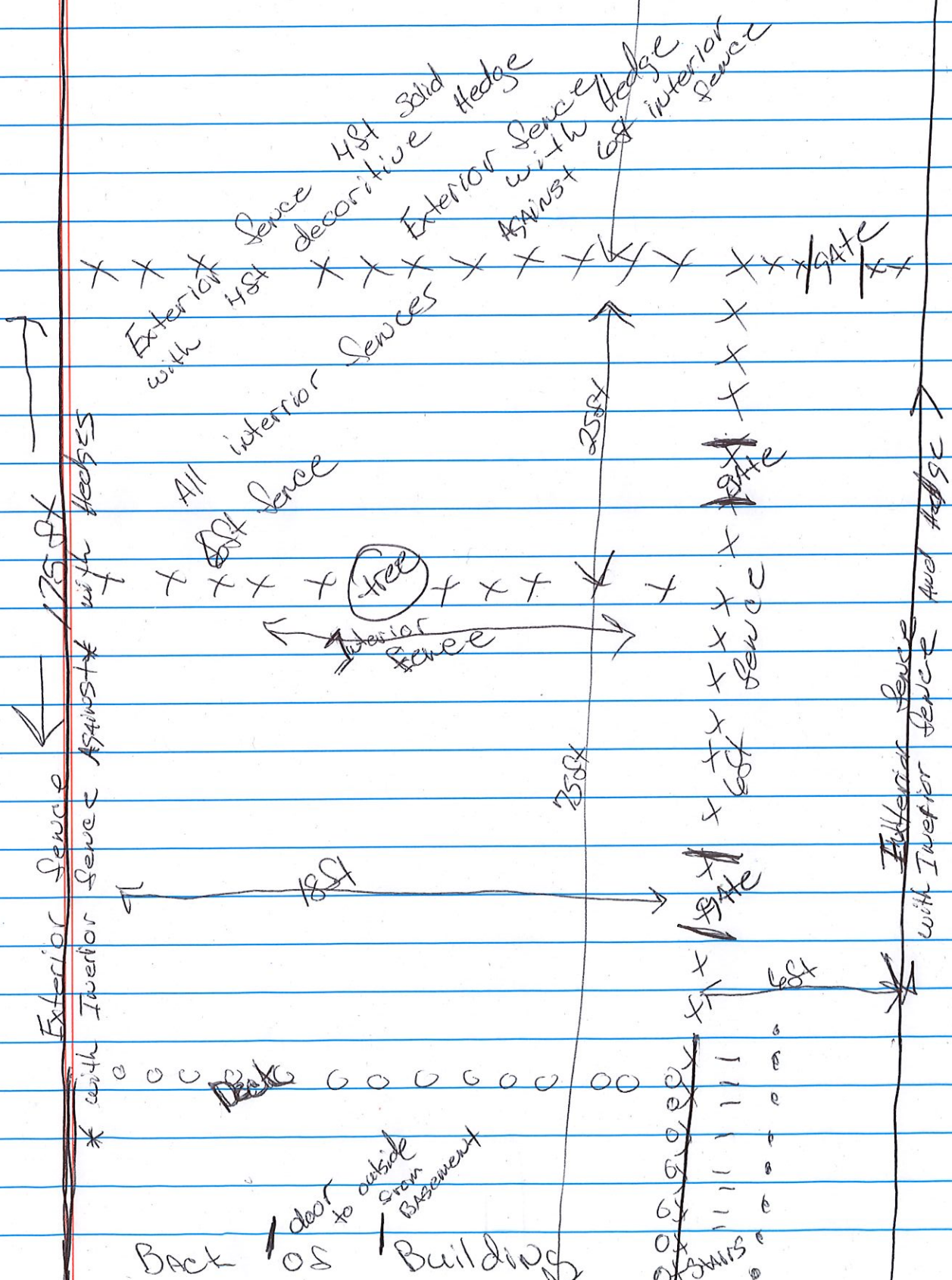
Board of Appeal Decision: Approve / Deny

Special Conditions: _____

ROAD



50 ft



Exterior fence
* with Interior fence AGAINST* with Hedges

175 ft

18 ft

All interior fences

Interior fence

25 ft

25 ft

Gate

60 ft

Gate

Interior fence and hedge
with Interior fence

Back of Building
door to outside from Basement

o o o o o o o o
o o o o o o o o
o o o o o o o o
o o o o o o o o
o o o o o o o o

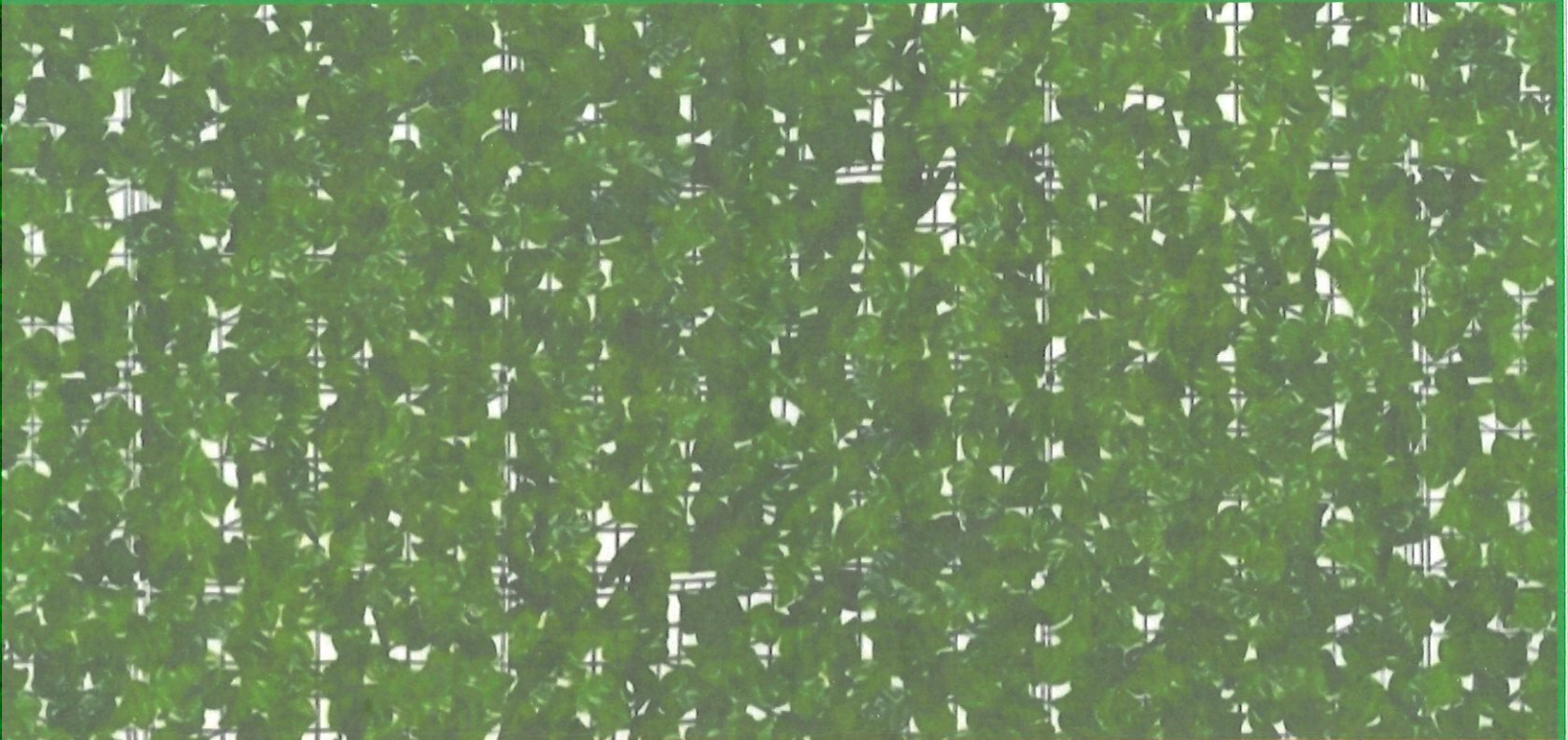
tree

Exterior 4ft decorative hedge

Exterior fence with 6ft interior fence

Hedge

Gate



PhotoGrid

Sec. 82-641. - Consideration of factors in granting permit.

- (a) When granting a conditional use or special exception permit, the board of appeals shall take into consideration, in addition to the specific conditions provided in this article, the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. The board of appeals shall consider, among other things, the particular facts and circumstances of each proposed use in terms of the following standards, and shall find substantial evidence that such use on the proposed location will:
- (1) Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the area.
 - (2) Not be hazardous or disturbing to existing or future neighboring uses.
 - (3) Not be detrimental to property in the immediate vicinity or to the community as a whole.
 - (4) Be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
 - (5) Have vehicular approaches to the property which shall be designed not to create interference with traffic on surrounding public streets, alleys, roads or sidewalks.
 - (6) Not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (7) Not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (8) Not violate state or federal floodplain or wetland areas.
- (b) The applicant for a conditional use permit or special exception permit must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use, or special exception permit as applicable, are or shall be satisfied, both of which must be supported by substantial evidence. The board of appeal's decision to approve or deny the permit must be supported by substantial evidence. The board of appeals may require additional requirements and conditions that may be deemed necessary in order for the conditional use or special exception requested to meet the standards of this article. Such additional requirements and conditions may include, but not limited to, requirements pertaining to lot coverage, lot area, setbacks, off-street parking and loading, pedestrian and vehicular accessways, storage, fencing, screening, landscaping, open space, height limitations, lighting and hours of operation. However, any requirement or condition imposed by the board of appeals must be related to the purpose of the ordinance and be based on substantial evidence. All requirements and conditions imposed by the city must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. If an applicant for a conditional use

permit or special exception permit meets or agrees to meet all of the requirements and conditions specified in this article and those imposed by the board of appeals, the board of appeals shall grant the conditional use permit, or special exception permit as applicable.

(Code 1989, §§ 13-1-64, 13-1-65; Ord. No. 07-19, 9-10-2019)

In the B-1 district, conditional uses shall be as follows:

...

- (4) Animal service facilities. For conditional use applications for animal service facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:
- a. Hours of operation may be limited by the board of appeals, and operation of the facility shall in no case be allowed between 10:00 p.m and 5:00 a.m.
 - b. No overnight boarding of animals not owned by the operator shall be allowed.
 - c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.
 - d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.
 - e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.
 - f. Each dog or cat serviced at the facility must have been vaccinated by a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).
 - g. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.

Sec. 82-386 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-386. - Use regulations.

The B-2 business district is intended to provide for the orderly and attractive grouping of commercial activities of a more general retail and wholesale nature. The following shall be