

AGENDA
BOARD OF APPEALS
TUESDAY AUGUST 17TH, 2021 5:30 p.m.
City Hall Council Chambers
108 N. Capron St., Berlin, Wis.

- 1) Roll Call
- 2) Request by McConnell Investment Real Estate LLC for conditional use permit for animal services in B-2 district located at 758 Broadway Street. Property description is BEG AT NE COR LOT 3, CSM 2180; THENCE S 297.67'; W 223.69'; N 71.43'; W 135.84'; N 234.75'; E 363.04' TO THE POB, City of Berlin, Green Lake County, Wisconsin. Parcel # 206-01748-0801.
- 3) Adjourn

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)

CITY OF BERLIN
REQUEST FOR CONDITIONAL USE PERMIT

I/We McConnell Investments Real Estate LLC of PO Box 574, Green Lake, Wisconsin 54941
(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-2

Address of Property 758 Broadway Street, Berlin, Wisconsin 54923

Legal Description See Attached.

Reason for request:

Best and reasonable use of the property in the absence of a commercial tenant.

Lot Size 2.3 acres (former JT Foods Grocery Store)

Parcel Number 206-01748-0801

Present Improvements (Structures etc.) on Lot:

Commercial Structure (former grocery store)

Such proposed conditional use permit would be compatible with the character of the neighborhood because:

The requested use will not be seen by the general public as it will be used for storage of boats, atvs and other recreational property.

Hours of Operation: By Appointment

Number of Employees: None

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

No.

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 patterns and erosion control measures.

No.

Applicant Phone Number: (920) 230-7020

Applicant Email Address: nate@olsonlegalgroup.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: 

Date Filed: July 22, 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 _____

Board of Appeal Decision: Approve / Deny

Special Conditions: _____

ATTACHMENT TO REQUEST FOR CONDITIONAL USE PERMIT

Legal Description:

Being a part of Lot 3, Certified Survey Map No. 2180 as recorded in Volume 10 of Certified Survey Maps, page 2180 and 2180A, located in the Northwest Quarter of the Northeast Quarter of Section 8, Town 17 North, Range 13 East, City of Berlin, Green Lake County, Wisconsin described as follows: Beginning at the Northeast corner of Lot 3, Certified Survey Map No. 2180, said point being in the South right-of-way line of Broadway Street; thence South along the East line of Lot 3, 297.67 feet; thence South $88^{\circ}51'18''$ West along the West line of Lot 3 and the Easterly extension thereof, 223.69 feet; thence North $00^{\circ}39'54''$ West along the West line of Lot 3, 71.43 feet; South $89^{\circ}25'17''$ West along the West line of Lot 3, 135.84 feet; thence North $00^{\circ}39'54''$ West along the West line of Lot 3, 234.75 feet to the Northwest corner of Lot 3, said point being the South right-of-way line of Broadway Street; thence South $89^{\circ}34'48''$ East along the North line of Lot 3 and the South right-of-way line of Broadway Street, 363.04 feet to the point of beginning.

Green Lake County

Owner (s):

**MCCONNELL INVESTMENT REAL ESTATE
LLC**

Location:

NW-NE,Sect. 8, T17N,R13E

Mailing Address:

**MCCONNELL INVESTMENT REAL ESTATE
LLC**

School District:

0434 - BERLIN AREA SCHOOL DISTRICT

PO BOX 574

GREEN LAKE, WI 54941

Request Mailing Address Change

Tax Parcel ID Number:Tax District:

206-01748-0801 206-CITY OF BERLIN Active

Status:

Alternate Tax Parcel Number:Government Owned:Acres:

2.3000

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

BEG AT NE COR LOT 3, CSM 2180; THENCE S 297.67'; W 223.69'; N 71.43'; W 135.84'; N 234.75'; E 363.04' TO THE POB

Site Address (es): (Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)

758 BROADWAY ST

Tax Year: 2021

Real Estate Assessments

Code	Description	Acres	Land Value	Improvement Value	Total Value
2	Commercial	2.300	\$135,400	\$215,700	\$351,100
Total:		2.300	\$135,400	\$215,700	\$351,100

Estimated Fair Market Value:

\$0

Average Assessment Ratio:

-

* MFL, PFC, and Agriculture values are not included in the total Estimated Fair Market Value.

** Land classified Undeveloped and Agricultural Forest is assessed at 50% of market value. Doubling the assessed value then dividing by the average assessment ratio will determine the EFMV of these land classifications.