



Our intention is to have in-person meetings going forward. For the time being, we will hold the City Committee Meetings, Plan Commission, Council and most others at the Community Room at 933 Michigan Avenue. This in-person location will meet the legal requirement for our open meetings.

We will have a virtual option available, but the technology for the hybrid style meeting may not be reliable all of the time.

Members

- Chair George Doxtator
- Gracia Day
- Lynn Markham
- Ismaila Odogba
- Chris Tiffany
- Tom Schrader (Alt. #1)
- Stephen Klein (Alt. #2)

AGENDA

ZONING BOARD OF APPEALS

Date and Time: August 29, 2022 6:00 PM
Location: Community Room
 933 Michigan Avenue, Stevens Point, WI

OR

Zoom Teleconferencing

Meeting ID: 813 5411 5583
 Passcode: 829637
By Computer:
<https://us02web.zoom.us/j/81354115583?pwd=MTA1b2lBaE83ZjExajB0ZzJTRUt>
By Phone: +1-312-626-6799 (US Chicago)

Opening Section:

1. Roll Call

Discussion and Possible Action on:

2. Report of the June 7, 2022 meeting of the Zoning Board of Appeals.
3. A request from Andrea Olson for an administrative appeal regarding a home occupation on the property located at 410 Franklin Street (Parcel ID 281240830402108).
4. Move into closed session pursuant to Wisconsin Statutes 19.85(1)(a) (deliberation concerning a case which is subject of any judicial or quasi-judicial trial or hearing before that governmental body) on the following:
 - A. A request from Andrea Olson for an administrative appeal regarding a home occupation on the property located at 410 Franklin Street (Parcel ID 281240830402108).

PLEASE TAKE NOTICE that any person who has special needs while attending these meetings or needs agenda materials for these meetings should contact the City Clerk as soon as possible to ensure that a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Maps further defining the above area(s) may be obtained from the City of Stevens Point Department of Community Development, 1515 Strongs Avenue, Stevens Point, WI 54481, or by calling (715) 346-1567, during normal business hours.

PLEASE TAKE FURTHER NOTICE that a quorum of the Common Council may be in attendance at this meeting.

5. Return to open session for a decision on a request from Andrea Olson for an administrative appeal regarding a home occupation on the property located at 410 Franklin Street (Parcel ID 281240830402108).

Closing Section:

6. Adjourn

ZONING BOARD OF APPEALS REPORT

June 7, 2022 – 4:30 PM

Police Department, Room 122 – 933 Michigan Avenue, Stevens Point, WI 54481

PRESENT: Member George Doxtator, Member Gracia Day, Member Lynn Markham, Member Ismaila Odogba, Member Chris Tiffany, Member Tom Schrader, and Member Stephen Klein.

ALSO PRESENT: Zoning Administrator/Associate Planner Kuhn, City Attorney Beveridge, and any unidentified virtual audience members.

INDEX:

Discussion and Possible Action on:

1. Roll Call
 2. Minutes of the November 18, 2021 meeting of the Zoning Board of Appeals.
 3. Presentation by the City Attorney on the roles and responsibilities of the Zoning Board of Appeals.
 4. Adjourn
-

Discussion and Possible Action on:

1. Roll Call

Chairperson Doxtator called the meeting to order at 4:31 PM, to which a quorum was present.

Present: Doxtator, Day, Odogba, Tiffany, Schrader, Klein

Excused: Markham

2. Minutes of the November 18, 2021 meeting of the Zoning Board of Appeals.

Motion by Gracia Day to approve the minutes of the November 18, 2021 meeting of the Zoning Board of Appeals; seconded by Ismaila Odogba.

Motion carried 5-0.

3. Presentation by the City Attorney on the roles and responsibilities of the Zoning Board of Appeals.

City Attorney Beveridge provided a presentation on the following:

1. What Zoning is and how it was established.
2. The role of the Zoning Board of Appeals.
3. Restrictions and authority the Zoning Board of Appeals has or is limited to.
4. Types of requests brought forward to the Zoning Board of appeals.
 - a. Statutory Review criteria used for each type of request.
 - b. Relating case law for each type of request.

5. The process followed in exercising the authority granted to the board, in addition to finalizing their findings.

Member Markham arrived at 4:51 PM

Members had the following comments:

1. Inquiry on whether the Zoning Board of Appeals had similarities between the Zoning Board of Appeals in being a quasi-judicial body, to which City Attorney Beveridge confirmed that both bodies were quasi-judicial, but he also outlined key differences.
2. Inquiry as to who the board's legal counsel was, to which City Attorney Beveridge clarified that his role would be to defend the Zoning Administrator, and the City would hire outside legal counsel for the board which has historically been Attorney Dietrich.
3. Comment that the requestor could also bring in legal counsel.

There was a back-and-forth discussion on:

1. Hypothetical examples of types of requests that the board could hear.
2. Open versus closed deliberations, as well as the process of finalizing actions and findings.
3. Allowing the public to provide comment or testimony for a request, like a public hearing.
4. Acting on a request and the potential of triggering additional mirroring or similar requests for different properties.
5. The level of involvement any member may have for information gathering outside of the posted meeting. It was recommended that this be avoided as to not compromise findings.
6. Clarification on the responsibilities and duties of alternate Members.

Zoning Administrator/Associate Planner Kuhn inquired on whether the board could recommend staff amend an ordinance in their findings, to which Attorney Beveridge confirmed that while they could recommend amending the ordinance, it would not carry any procedural weight in the amendment process.

Motion by Chairperson Doxtator to adjourn the meeting; seconded by Member Day.

Motion carried 5-0.

4. Adjourn

Meeting adjourned at 5:21 PM



APPLICATION FOR ADMINISTRATIVE APPEAL

(Pre-Application Conference Optional)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		Date Submitted		Fee Required		Fee Paid	
Associated Applications if Any				Assigned Case Manager			

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)	
Applicant Name	Andrea Olson	Contact Name	
Address	410 Franklin St	Address	
City, State, Zip	Stevens Point, WI 54481	City, State, Zip	
Telephone	(715)570-1475	Telephone	
Fax		Fax	
Email	andrea_olson@yahoo.com	Email	

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/>)		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name		Owner's Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Fax		Fax	
Email		Email	

APPEAL SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
Parcel ID: 281240830402108		
Legal Description of Subject Property		
LOT 7 BK 4 E B & H GRANT ADD 813406		
Designated Future Land Use Category		Current Use of Property
NA		R3 Two Family Residential
Proposed Use of Property		Current Zoning District(s)
NA		R3- Single and Two Family Residential
Ordinance Provision(s) from which the appeal is requested, if applicable.		
NA		

TYPE OF APPEAL REQUESTED

Zoning District Boundary Dispute	Ordinance Interpretation Dispute	Administrative Decision/Measurement/Order in Dispute
-	-	Home Occupation Zoning Violation

Describe the rationale and reasoning for the appeal. Attach any additional information necessary for the appeal.

Imagine being a single female homeowner with your lights off in fear that if you turn them on your next door neighbor is going to call the police reporting a noise violation or city to report any number of things on that day he deems as "not appropriate". You know the police department told him they will not respond to his unfounded complaints anymore, but briefly consider maybe it was better with their sporadic presence. You know he was told to "document" everything by the city, an easy way to respond to constant complaints, but not thinking about what it is doing to the person he is documenting. So, you know you are "being watched". He is going to "legally" creep around his backyard, peering out windows, driving circles around the block trying to take photos as "proof". You know when your dog wakes up at 11:17pm from his loud diesel truck he is home, watching you. If you have insomnia and can't sleep and choose to be productive, you better shut the lights off or it is encouraging his documenting and complaints. Then you remind yourself you have a big dog, golden retriever or not, he is like a wood tick, and not going anywhere...he's got your back. You are fine.

Suddenly, instead of focusing on your home renovation trying to get contractors over and at the same time continue your home occupation that you have had for 6 years with ZERO complaints so you can pay for the work you have yet another more emotionally exhausting task... Suddenly you have to document everything from if a day is foggy, if the power goes out, if a fire is reported, if the city trucks are moving tar(the scent), if the trains are echoing loudly, if you are having a contractor over to work on the house, if a friend is visiting etc. because you have to "prove" you aren't violating anything. Why, because his unfounded complaints the city has determined are true and are in violation to the "Residential Zoning Codes".

However, are the complaints true and in violation of the zoning codes or are they false? If any are true, are these things that would also occur without a home occupation? If the same sounds, scents, traffic, people, activities etc. would occur without a home occupation present then they cannot be deemed a valid complaint and a zoning violation just because that homeowner has a home occupation or it is discrimination. This IS what is happening here. I can use a window AC unit at 74 decibels but a fan at 40-60 decibels, a fan also used to vent ranges/attics, isn't allowed because I have a home occupation. One needs to consider if the "home occupation" discontinued could the homeowner continue the same things but then not be in violation?

The issue here is a dispute between neighbors. He has a vendetta against me because I bought houses he claims were "promised" to him. I even let him have a classic car that was part of the home sale. It didn't help. This is the second round of harassment and destruction I've endured impacting my ability to finish renovations on my house and work. I said, "NO" to a man knowing what might happen again. My nightmare again came true. I'll survive. However, my bigger concern is how the city determines if a claim is true. Do they review police reports or ask a homeowner prior to determining a zoning violation? Do they consider that other houses in the area might be causing some of the things being reported? OR do they just send fines and jump to conclusions to try to stop someone from filing new and different complaints if any are cleared up. This process is broken and needs to be revised. This case never should have gotten to a zoning review board. It just proves someone can constantly change their complaints and harassment works. If the process worked the proof of violations would be in the photos and the city would happily provide clear definitions of what is being violated. The paperwork indicates "dust and noise". Not a single photo shows dust. Not a single photo shows a decibel reading app on a phone recording sound levels(free I used one with one of the inspectors in 3/21). I was fined \$100 for a "re-inspection" but no photographic proof of a violation is shown. Just claiming I have a "Woodworking Business" that needs to cease. I haven't done any woodworking on site since 2018 in preparation to raze the structurally unsound garage. I can't stop what I'm not doing. One hopes neighbors would be friendly...it isn't always the case.

Current Zoning Surrounding Subject Property

North:	R3 Single and Two Family Residential	South:	Conservancy
East:	R3 Single and Two Family Residential	West:	R3 Single and Two Family Residential

Current Land Use Surrounding Subject Property

North:	Residential	South:	Parks (Piffner Building...event space)
East:	Residential	West:	Residential

EXHIBITS, if applicable.

Owner Information Sheet	<input type="checkbox"/>	Additional Exhibits If Any:
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	<input type="checkbox"/>	-Police reports -Police reports cross referenced against Bruce's claims
Site Plan (designating primary, side, and service street frontages)	<input type="checkbox"/>	-Timeline of events including each claim/report, days contractors were over, license plates identified -Photos -and additional documentation **All to come.
Photos of property, building, etc.	<input checked="" type="checkbox"/>	

CERTIFICATION AND SIGNATURE

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
Andrea Olson	4/22/2022	Andrea Olson	4/22/2022

Administrative Staff Report

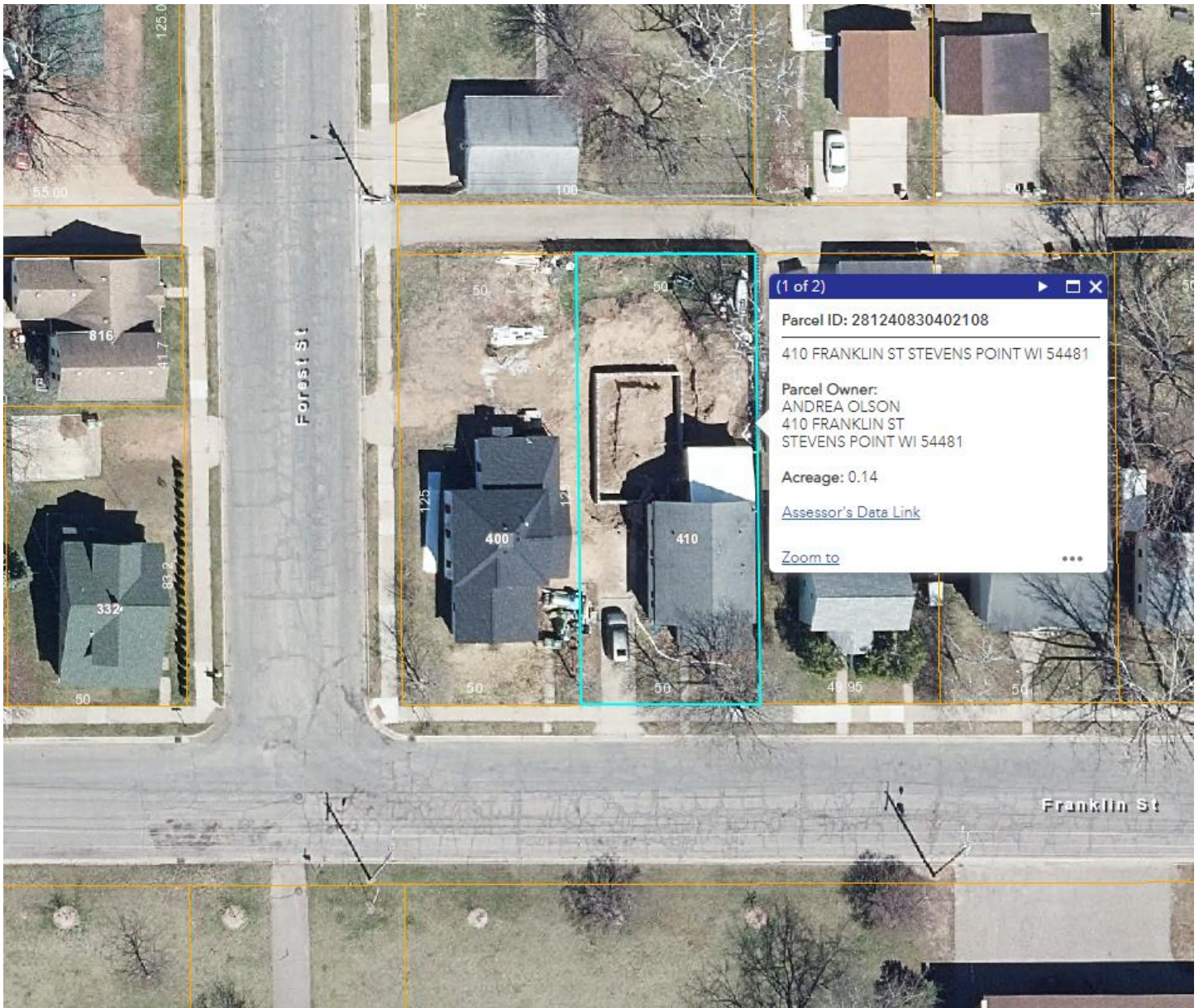
Administrative Appeal
Home Occupation Standards
410 Franklin Street
August 29, 2022



**Department of Community
 Development**

<p>Applicant(s):</p> <ul style="list-style-type: none"> • Andrea Olson <p>Staff:</p> <ul style="list-style-type: none"> • Adam Kuhn, Associate Planner / Zoning Administrator akuhn@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> • 281240830402108 <p>Zone(s):</p> <ul style="list-style-type: none"> • “R-3” Single- and Two-Family Residential <p>Master Plan:</p> <ul style="list-style-type: none"> • Single-Family Residential <p>Council District:</p> <ul style="list-style-type: none"> • District 4 Ald. Zarazua <p>Lot Information:</p> <ul style="list-style-type: none"> • Frontage: 50 ft. • Depth: 125 ft. • Lot Size: 6,250 sq. ft. (0.143 ac.) <p>Current Use:</p> <ul style="list-style-type: none"> • Single-unit residence <p>Applicable Regulations:</p> <ul style="list-style-type: none"> • 23.05 	<p>Request</p> <ol style="list-style-type: none"> 1. A request from Andrea Olson for an administrative appeal regarding a home occupation on the property located at 410 Franklin Street (Parcel ID 281240830402108). <p>Attachment(s)</p> <ol style="list-style-type: none"> 1. Exhibits <p>Findings of Fact</p> <ol style="list-style-type: none"> 1. The applicant operates a woodworking business within the subject property. 2. Products produced on the property include personalized wooden boxes and gifts for weddings, corporations, special events and for individual use. 3. Starting in March of 2021, City staff became aware of negative ancillary effects pertaining to the size and operation of the business. 4. After fact gathering, it was determined that the applicant was not meeting Zoning Code standards specific to running a home-based business in one’s house. Reasons for the applicant’s business not meeting Zoning Code standards include that said business in not incidental to the primary residential use of the property, along with the use creating a significant change in the character of the community. 5. Code enforcement actions related to the home-based business have been on-going since March of 2021. 6. On April 22, 2022, the applicant submitted an administrative appeal regarding the Zoning Administrator’s determination that the home-based business does not meet City Zoning Code requirements. 7. Pursuant to Wis. Stats. 62.23(7)(e), the Zoning Board of Appeals shall render judgement on any decisions by the Zoning Administrator where one is aggrieved by said decision.
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Vicinity Map



What is a Home Occupation?

After the U.S. Supreme Court ruling in *Euclid v. Ambler Realty*, formally acknowledging zoning as a valid form of police power, municipal zoning codes have carefully crafted language to allow for small-scale commercial operations to take place within one's home. A home occupation, generally defined, is the use of a dwelling or accessory building for a specific commercial activity. As will be discussed later in this report, communities adopt specific standards within a home occupation ordinance to better regulate the size, scale and operation of a home-based business.

According to the American Society of Planning Officials (now known as the American Planning Association), the intent of allowing home occupations is subject to the three-pronged review. First, home occupations must be customary to occupations that have historically been carried out within the home. Per the ASPO, customary home occupations include, but are not limited to, "doctor and lawyer [professions] and certain feminine occupations such as dressmaking

and sewing.¹ Second, home occupations must be “incidental to the use of the premises as a residence.”² As will be discussed in greater detail below, this requirement is list verbatim within the City’s home occupation definition. Third, home occupations must not be a business. According to the ASPO, the primary reasons for ensuring home occupations are not a business are as follows:

- Businesses have customarily not been carried out within the home;
- There is a distinction between professional offices (historically carried out within the home) and businesses; and
- Physical characteristics of a home-based business results in negative ancillary effects within the neighborhood. These physical characteristics include noise, dirt, smoke, traffic, etc.³

As discussed above, there is a deliberate differentiation between home-based businesses and professional offices. Examples of home-based businesses include baking, dressmaking and telephone service occupations. Examples of professional offices include spaces for accountants, architects, interior designers, dentists and photographers. Although communities see examples of both home-based businesses and professional offices, the last five years have seen a significant increase in the quantity of professional offices. The overhead costs to operate a commercial office space, along with the aftermath of the COVID-19 pandemic, has resulted in an increase in professional offices occupying space within a home. Based on the historical intent of allowing home occupations, professional offices are generally permitted due to the following facts:

- Office-type uses do not produce noise, dirt, smoke or traffic;
- The exterior appearance of a home does not need to be altered to accommodate an office;
- Offices do not require a large amount of space to operate (typically a desk or table is all that is needed);
- Only one person is needed to carry out the office-type use; and
- There is no excessive supplies or materials that is needed to accommodate an office use (equipment used to operate an office space is limited and is customarily found within most homes).

The Home-Based Business at 410 Franklin Street

Contrary to the above examples of permitted home-based businesses, let’s provide an overview of the applicant’s business, Reimagine Brewing. According to the applicant’s website, she produces personalized wooden boxes and gift for weddings, corporations, special events and for individual use. As you can see within the attached exhibits, these products are highly personalized to meet the specific asks of the consumer. When reviewing these pictures, picture the time, labor intensity and general process to bring about piece of wood into these finished products. Picture the machinery that is needed to cut pieces of wood, stain pieces of wood, etch words and designs onto wood and the packaging materials needed to ship these products at mass scale.

¹ American Society of Planning Officials, *Zoning Regulation of Home Occupations* (Chicago, Illinois: Planning Advisory Service, 1953), pg. 1-4.

² Ibid.

³ Ibid.

Examples of products made from the applicant's business are found below.



Retirement Gift Wooden 12oz Beer Cad...
\$55.00 FREE shipping

6 people have this in their cart



Brewery Logo Custom Wood 6 Pack Be...
\$66.00



Personalized Retirement Gift Wood Whi...
\$52.00



Teacher Graduation Gift 6 Pack Beer Tote
\$64.00 FREE shipping



Personalized Wood Menu and Paperwo...
\$67.00 FREE shipping



Corporate Gift Etched Rustic Growler C...
\$60.00 FREE shipping



Your Logo Wine, Whiskey and Liquor C...
\$63.00 FREE shipping



Branded Promotional Wooden Wine an...
\$146.00

The following section provides a history of the code enforcement actions levied against the applicant's home-based business, along with additional details as to the size, scale and operation of this business. When reading the rest of this report, I encourage Zoning Board of Appeals members to ask whether the applicant's business meets their expectations of what a business operating out of a house should be.

Code Enforcement History

The following provides a sequence of events regarding the code enforcement actions taken against the home-based business occurring on the subject property:

- March 19, 2021: City staff is notified by a concerned resident about the home-based business occurring on the subject property. The concern centered on dust produced as part of the home-based business that is blowing onto a resident's house.
- March 22, 2021: The City's Zoning Administrator and Building Inspection Superintendent meets with the property owner of 418 Franklin Street. The discussion centered on the home-based business occurring within the subject property and its impact on the neighborhood (e.g., noise, dust emissions, etc.).
- March 23-May 11, 2021: A review of the applicant's home-based business occurs. At the conclusion of the review, it was determined that the applicant's business does not meet the requirements of a lawful home occupation.
- May 12, 2021: A non-compliance letter was sent in the mail to the applicant detailing the unlawful home occupation. A compliance date of June 15, 2021 was given.
- June 25, 2021: With the home-based business still occurring on the property, a second non-compliance letter was sent in the mail to the applicant. A compliance date of July 13, 2021 was given.

- July 6, 2021: The applicant meets at City Hall with the Zoning Administrator and Community Development Director to discuss the home-based business occurring on the property. A requirement was given to move the blower, which is directed towards the east lot line. A compliance date of August 6, 2021 was given.
- October 21, 2021: New details emerge regarding the size and scale of the woodworking use that occurs on the property. A meeting at City Hall was scheduled on October 21, 2021 with the Zoning Administrator and Community Development Director to discuss the applicant's business. At the conclusion of the meeting, the applicant was notified that a non-compliance letter would be mailed to her due to the business's violation of home occupation standards. During this meeting, the applicant stated that she would appeal this decision to the Zoning Board of Appeals. Both parties agreed to a February 1, 2022 deadline for the applicant to submit an administrative appeal application to go before the Zoning Board of Appeals.
- October 26, 2021: A non-compliance letter was sent in the mail to the applicant detailing the unlawful home occupation. A compliance date of February 1, 2022 was given.
- December 30, 2021: A memorandum written by the Zoning Administrator was mailed to the applicant reminding her of the February 1, 2022 deadline to submit an administrative appeal application or stop the woodworking use on the subject property.
- February 2, 2022: Neither an administrative appeal application was submitted, nor has the woodworking use stopped. A non-compliance letter was sent to the applicant with a compliance date of February 11, 2022.
- February 15, 2022: Neither an administrative appeal application was submitted, nor has the woodworking use stopped. A non-compliance letter was sent to the applicant with a compliance date of March 11, 2022.
- March 21, 2022: Neither an administrative appeal application was submitted, nor has the woodworking use stopped. A non-compliance letter was sent to the applicant with a compliance date of April 15, 2022.
- April 18, 2022: Neither an administrative appeal application was submitted, nor has the woodworking use stopped. An email, written by the Zoning Administrator, was sent to the applicant asking for a status update on the administrative appeal application.
- April 22, 2022: The applicant submitted an administrative appeal application to contest the legality of the home-based business occurring at the subject property. Information was submitted by the Zoning Administrator to the applicant via email instructing her of the necessary fees to pay for an administrative appeal (\$150) and ways to submit payment.
- May 6, 2022: Payment has not been submitted. A reminder email, written by the Zoning Administrator, was sent to the applicant. A deadline of May 23, 2022 to submit payment was relayed to the applicant. The applicant was instructed that failure to submit payment by the aforementioned deadline will re-start code enforcement actions.
- May 17, 2022: Payment was submitted by the applicant.

The City's Home Occupation Definition

The City's definition of a home occupation and professional office is as follows:

HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession.

Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.

Stated differently, the requirements to operate a home-based business is as follows:

1. The person who carries out the home-based business must reside on the premise.
2. The residential use of the property must be primary, and the commercial use must be “incidental” to that residential use.
3. The building cannot be modified externally to accommodate the commercial use.
4. The commercial use cannot induce significant traffic, noise, dust, etc., over and above that is already present in the neighborhood.
5. Only a reasonable amount of stock for a business being run out of a household is on site at any given time. Entire rooms filled with goods for sale, garages stocked full of boxes of goods, or goods cluttering spaces otherwise used for residential purposes are not allowed.
6. One may employ only one person other than immediate family members who reside on the property to work at the residential property.
7. Businesses where animals, rodents or aquatic life are essential to its operation are not permitted.

“Incidental to the Use of the Premise for Residential Purposes”

The Zoning Administrator first contends that the applicant’s home-based business is not “incidental to the use of the premise for residential purposes.” For clarification purposes, it is necessary to state that the word ‘incidental’ is subjective and leaves it up to interpretation as to what is and is not considered ‘incidental.’ Unfortunately, the City’s Zoning Code does not provide a definition for the word ‘incidental.’ Knowing this, it is common practice in ordinance interpretation to use a common dictionary to define a word that is not defined within municipal ordinances. *Webster’s New College Dictionary* formally defines the word ‘incidental’ as the following:

1. “Occurring or apt to occur as an unpredictable or minor concomitant.”
2. “Of a minor, casual, or subordinate nature.”⁴

The following paragraphs outline the Zoning Administrator’s reasonings for why the applicant’s home-based business is not incidental. When reviewing these findings of fact, all readers should keep in mind the above definitions when determining the validity of the argument.

Space Utilized: One criterion to determine whether or not a home-based business is incidental or not is determine how much space it utilizes within the dwelling. Unfortunately, the City’s home occupation definition (unlike other communities) does not quantify how much space a business can utilize in a dwelling and still be considered ‘incidental.’ While the City’s Zoning Code does leave this question open-ended, other codes that govern the applicant’s dwelling does provide a threshold to determine when a home-based business is or is not incidental – other codes being the Universal Dwelling Code and the Wisconsin Commercial Code. According to the Wisconsin Administrative Code, a home occupation is defined as the following:

SPS 320.02(1) (cs) 1. Any portion of a space within a one- or two-family dwelling unit on or after to the effective dates under s. SPS 320.03 in which a home occupation is located.

⁴ Webster’s Dictionary, Webster’s II New College Dictionary (Boston, Massachusetts: Houghton Mifflin Company, 1995).

2. In this paragraph, “home occupation” means any business, profession, trade, or employment conducted in a person’s dwelling unit, that may involve the person’s immediate family or household and a maximum of one other unrelated person, **but does not involve any of the following:**

a. Explosives, fireworks, or repair of motor vehicles.

b. More than 25% of the habitable floor area of the dwelling unit.⁵

Subsection B is of note in the above—that a home occupation may not occupy more than 25% of the habitable floor area of the housing unit. If a business operating within a dwelling exceeds the 25% threshold, the business is not classified as a home occupation, but is rather a full-fledged commercial operation that is subject to Wisconsin Commercial Building Code requirements. Knowing that other codes that govern the applicant’s house uses a 25% habitable floor area threshold to determine whether or not a home occupation is incidental, it is important to next define what ‘habitable’ is. According to SPS 320.07(37), ‘habitable room’ is defined as the following:

(37) “Habitable room” means any room used for sleeping, living or dining purposes, excluding places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.⁶

In order to begin calculating whether the applicant falls under or over the 25% threshold, it is important to understand where the applicant operates her home-based business. According to an October 15, 2021 email by the applicant, she answers where on the property she operates her woodworking business. She states the following:

“My business was in the basement and garage and now will only be in the garage and a little of the basement when the drywall is done.”

*Andrea Olson
October 15, 2021*

According to a May 4, 2022 email from a representative of the Wisconsin Department of Safety and Professional Services, calculating the 25% threshold for home occupations are as follows:

The total square footage utilized by a home-based business

The total square footage of habitable floor space that exists within the dwelling unit

According to publicly available records obtained from the City Assessor’s Office, the size of the applicant’s attached garage is 784 square feet. As the applicant did not provide the amount of space that is being utilized in the basement for her home-based business, the basement square footage is being excluded from this calculation. The following includes square footage information regarding the dwelling at 410 Franklin Street:

- Front porch – 144 square feet (not habitable)
- Basement – 1,056 square feet (not habitable)
- First floor – 1,056 square feet (part habitable and part non-habitable). Note that this area includes a living room (habitable), a kitchen (not habitable) and dining room area (habitable).
- Breezeway – 80 square feet (not habitable)
- Attached garage – 784 square feet (not habitable)
- Patio – 192 square feet (not habitable)
- Second floor – 864 square feet (part habitable and part non-habitable). Note that this area includes bedrooms (habitable), a restroom (not habitable) and hallway space (not habitable).

⁵ Wisconsin State Legislature, Administration and Enforcement (Madison, Wisconsin: Wisconsin Administrative Code, 2022).

⁶ Ibid.

- Attic – 416 square feet (habitable)

Unfortunately, this publicly available information does not further differentiate which portions of the habitable areas identified above are, in fact, not considered habitable (e.g., hallways, bathrooms, etc.). With that said, a conservative estimate to calculate the 25% threshold is the following:

25% Habitable Floor Area Calculation	
The total square footage utilized by the home-based business	784 square feet
The total square footage of habitable floor space that exists within the dwelling unit	2,125 square feet
Calculation:	36.9%

As shown above, an estimated 36.9% of the habitable floor space on the subject property is being utilized by the applicant’s home-based business. As the 2,125 square footage calculation also includes non-habitable areas that are not known through publicly available information, the ‘true’ calculation exceeds 36.9% and likely eclipses 40%. Nevertheless, the above information indicates that the applicant’s business would not be considered a home occupation per the Wisconsin Administrative Code, but rather a commercial endeavor that is subject to Wisconsin Commercial Building Code requirements.

A History of the Applicant’s Commercial Operation: While the applicant has stated in her administrative appeal application that she has had her business for six years and have not received any complaints, crucial information is being left out that would benefit the Zoning Board of Appeals in deciding on this matter. The crucial information that is being excluded is that for the last six years, the applicant has been either actively looking for or operating her business within a commercial tenant space. In an October 27, 2016 email with the City’s former Zoning Administrator, the applicant stated that she was actively inquiring about spaces downtown that could accommodate her business (specifically the Premier Building, located at 1308 Main Street). Reasonings for wanting to transition her business from her residence to a commercial site include the following:

“I need a space to spread out in.”

“I don’t like working in a basement and garage.”

“I’ve outgrown my third start-up space in three years.”

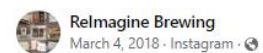
*Andrea Olson
October 27, 2016*

“When your work invades your home. Lots of wood wine caddies, pint glass totes & condiment caddies waiting to get business logos. Handcrafted by @reimaginebrewing link to shop in bio. I think I need a bigger workshop!”

*Andrea Olson
Reimagine Brewing
March 4, 2018*

Although the applicant did not relocate her business to a commercial space in 2016, she did find a new space two years later. In 2018, the applicant relocated her business to the property located at 3310 Church Street in the city of Stevens Point. 3310 Church Street, zoned “B-4” Commercial, would classify the applicant’s business as a permitted use. From 2018-2020, the applicant operated her business at the Church Street address. For reasons unknown, the applicant relocated her business out of the Church Street commercial space and back into her dwelling at 410 Franklin Street in 2020.

Before discussing further on this subject, I would like to pause and discuss the feasibility to relocate a business from a home to a commercial tenant space. As outlined above, there are strict requirements in place for a home occupation that ensures that the commercial use is small and minor in nature to not detract from the primary residential use of the property. Therefore, it is unlikely that the City’s Zoning Code would prohibit the relocation of a home-based business into a commercial tenant space due to the size and scale of the operation, along with the fact that commercial uses are more likely than not to be permitted uses within the City’s higher-density residential zoning districts and commercial districts. For example, imagine a property owner in the city who operates a barber shop in their home. While there are strict parameters to follow to be a lawful home-based business, there would be little issue if that same property owner would seek to relocate their barber shop to a commercial tenant space. For reference, barber shops are a permitted use starting in the “R-5” Multiple Family II Residence District. Regarding the applicant’s business, it would be a permitted use starting in the “B-2” Central Business Transition Zoning District. Therefore, the City’s Zoning Code would allow for the applicant’s business to be permitted within a commercial tenant space at the point it does not meet home occupation standards.



When your work invades your home. Lots of wood wine caddies, pint glass totes & condiment caddies waiting to get business logos. Handcrafted by @reimaginebrewing link to shop in bio. I think I need a bigger workshop!
#corporateevents #restaurantdecor #condiments #serving #reimaginebrewing



Product stored within the applicant’s home.



The applicant conducting business operations at 3310 Church Street (circa October 2019).

While the City's Zoning Code would generally allow for a home-based business to relocate into a commercial tenant space (either by right or via a conditional use permit), the Zoning Code would conversely prohibit most commercial uses that operate in a commercial tenant space to relocate into a dwelling. For example, imagine an automobile repair company operating within a lot zoned for commercial uses. Although automobile repair shops are generally large in scale, have a significant amount of stock that is kept on the property, and has many ancillary effects associated with that use (e.g., increased noise, pollution or by-product (dust), vehicle traffic, etc.), it would be an allowed use on the property given its commercial or industrial zoning classification. Imagine, however, the same automobile repair company seeking to relocate its operation into the garage of a single-family residence. The City's Zoning Code would deny such a move due to it violating the home occupation definition.

The City's Zoning Code, in the above examples, fulfills its intent of regulating and restricting the use of structures and properties within City limits.

Ch. 23.01(4) Purpose and Intent

The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community. It is the general intent of this ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; percent over-crowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

As such, it comes at no surprise that shortly after the applicant relocated her business from a commercial site to her dwelling, complaints were relayed to City staff regarding the use of the dwelling as a claimed 'home occupation.'

Number of Products Produced: Knowing that the applicant has, for several years, operated her space out of a commercially zoned site, it begs the question – how many products are being produced from this home-based business? Thankfully, the aforementioned question can be answered using information from the applicant's business website and her own comments to City staff.

Earlier this year, the applicant provided to City staff a written account of the quantity of products that are produced as part of her home-based business. She states that her home-based business:

"Sell[s] over 10,000 items/year at 50% or greater margin"

10,000 items produced per year. 10,000 beer cadies, specialty boxes and custom bottle openers that are produced within the confines of the applicant's home. This equates to approximately 833 items produced each month, 192 items produced each week and 27 items produced each day. My question to the Zoning Board of Appeals is the following – is the creation of these many products minor or subordinate in nature? My belief, when administering the City's home occupation definition, is that the creation of 27 custom products per day within a dwelling is not incidental – rather, this manufacturing endeavor is significant in scale and minimizes the true residential intent and character of the subject property.

Besides written confirmation from the applicant as to the quantity of items that are produced, one can also verify the above statement by observing sales information through the applicant's business [website](#). As of July 21, 2022, the applicant's Etsy website states that



Circa July 21, 2022 at 8:55am

there have been approximately 34,439 sales since her business first used Etsy in 2013. Before going further, it is important to discuss the growth projection of any business in relation to the sales figure listed above. Like any business first starting out, sales are few and far between. It takes time to market the product or service that is offered, to obtain the necessary supplies and to form a positive reputation among potential customers of your product or service. Over time, and with a little bit of luck, the business crescendos. More and more products are produced year over year. More and more services are provided year over year. In the context of the applicant's business, a greater proportion of the 34,439 sales took place within the last two years versus the first two years of the business's incorporation.

A good example that highlights the quantity of sales that took place recent is found within Exhibit K. As shown in the exhibit, approximately 33,961 sales were registered on June 9, 2022. On July 12, 2022, 33 days after the aforementioned date, approximately 34,323 sales were registered. This 362 difference in sales equates to approximately 11 sales per day. Lastly, it is necessary to state that one sale does not equate to one product that is purchased online. Similar to purchases at other commercial businesses, one may purchase multiple products within a sale or transaction. Therefore, the roughly 11 sales that were calculated above may result in more than 11 products produced each day as a result of this commercial endeavor.

Wholesale Production: Knowing the size of the applicant's commercial business within her dwelling and knowing the high number of products that are produced per day, the next question that should be asked is the following – how are these products being marketed to the general public? Although marketing the applicant's business through a company website and social media platforms reaches a broad audience, a troubling revelation in the context of the City's home occupation requirements is that the applicant actively promotes and conducts the wholesale production of goods. According to the applicant's website, she highlights this fact on multiple occasions:

“CORPORATE/WHOLESALE ORDERS:

Only offered on a case-by-case basis due to demand. We wish we could do more but have limited space during our shop build.”

“Wholesale availability

Wholesale is available for most items. Wholesale orders can also be customized to your specifications with laser etched and color printed logos and text. Please contact us for a quote. Custom items that are not offered on Etsy can also be made for wholesale orders.”

Retrieved July 19, 2022

Page **11** of **18**

While most can provide a reasonable definition of the word ‘wholesale,’ it is necessary to define this word in the context of the above discussion. Unfortunately, the City’s Zoning Code does not provide a definition for the word ‘wholesale.’ Using a common dictionary, *Webster’s New College Dictionary* formally defines the word ‘wholesale’ as the following:

1. “The sale of goods in large quantities, as for resale by a retailer.”
2. “Relating to or engaged in the sale of goods at wholesale.”
3. “Sold in large bulk or quantity, usually at a lower cost.”⁷

My question for the Zoning Board of Appeals is the following – can a home-based business be both incidental in nature, but allow for the production of goods in large quantities? The Zoning Administrator contends that both cannot occur simultaneously as the definition of ‘incidental’ and ‘wholesale’ are antonyms for each other. As stated earlier, ‘incidental’ is to occur in a minor or happenstance manner, while ‘wholesale’ is to occur in a large or deliberate manner.

Revenue: Another indicator to determine whether or not a home-based business is incidental in nature is better understand the profit margins of the business. For most home-based businesses (with the exception of not-for-profit establishments), it is a natural goal to generate revenue. With that said, at what point does a business generate so much revenue that the home-based business is not incidental in operation? The Zoning Administrator contends that there is a negative correlation between the revenue that a home-based business obtains and its classification as being incidental to the primary residential use of the property. Specifically, the more revenue that a home-based business obtains makes it less and less incidental due multiple factors needed to operate a commercial enterprise with significant profits (including, but not limited to, increased quantity of supplies, more employees needed to support the operation and more storage space needed for businesses).

According to a 2022 statement by the applicant, she stated to City staff the amount of revenue that is generated as part of her home-based business. She states that she:

“...established a 100% handmade online customized gift business with approximately \$500k/yr [in] revenue.”

My question for the Zoning Board of Appeals is the following – can a home-based business be both ‘incidental’ and generate \$500,000 per year in revenue? The Zoning Administrator contends that, while this generation in revenue is impressive for any commercial establishment, it is not consistent with the intent of the City’s home occupation definition of ensuring that home occupations are small and minor in nature. As stated earlier in this report, the historical intent of communities incorporating home occupation regulations into their zoning codes is to allow for small businesses



Our wood caddies are perfect for Breweries, Liquor Stores, Wedding Party Gifts, Mother's Day, Father's Day and Birthdays. Please contact us for special pricing for wholesale orders. Manufacturing time ranges from 1-10 business days.

Courtesy:
<https://www.facebook.com/RelImagineBrewing/>

⁷ Webster’s Dictionary, Webster’s II New College Dictionary (Boston, Massachusetts: Houghton Mifflin Company, 1995).

and offices to operate within a dwelling. However, at any point where a business grows in size to a scale where it is not small, minor or incidental to which the primary use of the property must be for residential purposes, one must follow the use requirements for non-residential zoning districts. Furthermore, I contend making \$500,000 per year in revenue ties into the previous examples mentioned above (i.e., wholesale production, quantity of products produced and the footprint of the operation within the dwelling unit) to paint a clear picture that this woodworking use is not incidental in nature.

Manufacturing & Woodworking

As I conclude my argument that the applicant's home occupation is not "incidental to the use of the premise for residential purposes," I would like to pause to further discuss the terms 'manufacturing' and 'woodworking.' Within the attached exhibits, it is stated by the applicant on multiple occasions that she neither manufactures on the subject property nor conducts any woodworking.

Beginning with the term 'manufacturing,' the City's Zoning Code unfortunately does not define the word. Using a common dictionary, *Webster's New College Dictionary* formally defines the word 'manufacture' as the following:

1. "To make or process (a raw material) into a finished product, especially by a large-scale industrial operation."
2. "To make or process (a product), especially with industrial machines."
3. "To produce, create, or turn out in a mechanical way."⁸

While the applicant claims to not manufacture items when subject to a non-compliance letter, she has stated the opposite either through her business website or from previous email correspondence. Examples of such statements are as follows:

"IF ORDERING FOR A SPECIFIC DUE DATE:

It is the responsibility of the customer to purchase early or purchase upgrades to manufacturing and/or transit speeds to meet their deadlines. Expected arrivals are posted. Manufacturing time is the responsibility of the shop."

"Special Requests for additional words, dates or quotes are non-standard orders and most likely will take longer than the quoted manufacturing and delivery time frame."

"Manufacturing Time

Manufacturing times are only valid for orders that are submitted complete and accurate based on what a listing offers for personalization."

"Customer Logos/Graphics:

These can take additional manufacturing time.

Manufacturing time starts once a usable logo or final text is submitted."

Retrieved July 19, 2022

https://www.etsy.com/shop/ReImagineBrewing?section_id=14196200

"I do not manufacture anything from my home. However, many other people in my neighborhood do manufacture items from their residences."

Andrea Olson

⁸ Ibid.

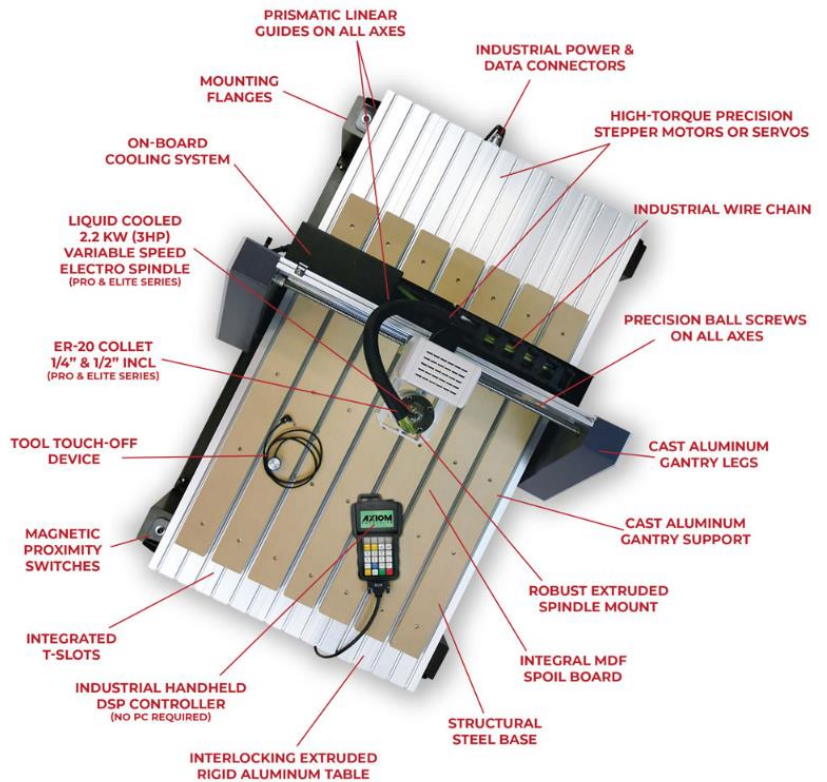
Going back to the above definition, it is unequivocally clear that the applicant manufactures within the subject property. If the definition of ‘manufacture’ is to produce or create an item through mechanical means, how is wood transformed into beer caddies, specialty boxes and custom bottle openers? The applicant has admitted that she uses two desktop lasers as part of the etching of designs on the wood. How is a design etched onto wood? Through mechanical means. How is affixing a bottle opener on a piece of custom-engraved wood not considered creating a ‘finished product?’

Transitioning to a definition for ‘woodworking,’ *Webster’s New College Dictionary* defines the word ‘woodwork’ as the following:

1. “Objects made of or work done in wood.”

Under a literal interpretation of the ‘woodwork’ definition listed above, how is the etching of symbols, images and words onto wood not considered woodworking? Work is being performed on a piece of wood to be transformed into a final, custom product. Likewise, the assemblage of wood is necessary for the purposes of producing specialty boxes.

All in all, manufacturing and woodworking uses are not prohibited outright as part of the City’s home occupation definition. With that said, one must take into account the intensity of the use, the size of the use and the ancillary effects that manufacturing and woodworking uses create (e.g., noise, pollution, traffic, etc.) when determining if a prospective home-based business is in fact legal. As shown above, the space that the applicant uses in her dwelling for the business, the amount of products produced, the wholesale production of goods and the revenue generated as part of the business highlights that it does not meet the intent and requirements of the City’s Zoning Code.



Axiom Precision Computer Numerical Control Machine
 Courtesy: <https://www.axiompson.com/>

Change in the Character of the Neighborhood

Next, the Zoning Administrator contends that the applicant’s home-based business results in a “substantial change...in the character of the neighborhood.” As discussed previously, the Zoning Code does not define the words ‘character’ or ‘substantial’ to determine whether or not this home occupation standard is met. Using a common dictionary, *Webster’s New College Dictionary* defines the word ‘character’ as the following:

1. “A distinctive feature or attribute.”⁹

Additionally, *Webster’s New College Dictionary* defines the word ‘substantial’ as the following:

1. “Being of considerable importance, value, degree, amount or extent.”¹⁰

The following paragraphs outline the Zoning Administrator’s reasonings for why the applicant’s home-based business substantially impacts the character of the neighborhood. When reviewing these findings of fact, all readers should keep in mind the above definitions when determining the validity of the argument.

Building Code Requirements: As addressed earlier in this report, the business operating within the applicant’s dwelling exceeds the 25% habitable floor area calculation. When claimed home occupations exceed the 25% threshold, the structure where the use is occurring is required to meet Wisconsin Commercial Building Code requirements. What are these requirements? According to the City’s Commercial Building Inspector, the applicant’s dwelling would be required to have a two-hour fire wall separation between the living areas and where the business operations are occurring (in this case, the attached garage and the basement). Second, sprinklers would be required within the attached garage and basement due to the woodworking and storage operation.

In 2019, the applicant obtained a building permit to raze a former garage that once stood on the property and to construct a 36’ x 24’ attached garage. When reviewing the plan submittal for this new garage, the plans do not include the fire separation and sprinkler requirements as mentioned above. Why are fire walls and sprinklers required for a large-scale commercial endeavor? Unsurprisingly, the larger the commercial operation, the increased risk of fire that occurs. As mentioned above, the applicant has multiple pieces of mechanical equipment that are essential to the operation of her business. Naturally, the use of mechanical equipment and the storage of wood at mass scale poses an increased fire risk.

Now, the Zoning Board of Appeals may be asking – how does fire safety relate to zoning? The intent of the City’s Zoning Code, as identified below, is to ensure safety from fire by promoting compatibility of land uses within their respective zones.

Ch. 23.01(4) Purpose and Intent

The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community. It is the general intent of this ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; percent over-crowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community’s comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

⁹ Ibid.

¹⁰ Ibid.

The City's home occupation definition deliberately seeks to allow for home-based businesses within a dwelling that are minor or subordinate in nature. Why is that? In part, it is meant to reduce the fire dangers within a dwelling and the broader neighborhood by regulating the size, scale and operation of a business. With the applicant's dwelling not meeting essential building code requirements to operate a large-scale commercial endeavor, it threatens the character of the neighborhood by subjecting it to an increased fire danger.

Traffic: As illustrated above, approximately 10,000 items are produced each year and 27 items produced each day. With this amount of product that is produced within the applicant's dwelling, it begs the following question to be answered – how is wood delivered to the applicant's residence and how often are final products shipped out? In a 2016 conversation with the City's former Zoning Administrator, the applicant provides detail as to the amount of wood that is delivered to her residence. She states the following:

"I had seven pallets of items for the holidays arriving, my big order for the year..."

*Andrea Olson
October 27, 2016*

Seven pallets of wood being delivered to the property at one time. Not only is that not incidental in nature, but it results in an increased amount of traffic on Franklin Street and the surrounding neighborhood streets. Should pallets of wood be delivered by a semi-truck, is that customary in nature and consistent with the residential character of the neighborhood? Not only is Franklin Street not considered a designated truck route, but it changes the character of the neighborhood as consistent semi-truck deliveries is not compatible with single-family residential living. Conversely, if larger trucks are used to transport wood to the applicant's dwelling, it represents an increased amount of traffic on Franklin Street that is not consistent with the traffic counts of a residential street.

After items are produced and ready for shipment, the applicant states that she sends out packages every day for shipment.

"We drop off packages each day..."

*Andrea Olson
October 15, 2021*

Would this frequency in traffic occur if a business was not operating within the applicant's dwelling? It is my belief that a significant reduction in traffic would occur if a business that creates 27 products per day does not operate within a dwelling. According to the applicant, "a successful, thriving business should have truck traffic or delivery traffic." It is clear when reviewing the facts stated within this report that the applicant's business is thriving in terms of output, clientele and revenue. While it is true that successful businesses should have increased traffic, the Zoning Code deliberately places these businesses within commercial or industrial zones – typically along major thoroughfares – to mitigate the increase in traffic. Residential streets are not built for, nor are they intended for, commercial traffic.



Circa June 25, 2021 at 2:15pm

Pollution and by-product: An attribute of the applicant's business that results in a concern for the neighborhood is the pollutants,

specifically sawdust, that is released into the air. As referenced in the code enforcement history of this home occupation, the applicant has a blower that blows dust from inside the business space to the outside. Originally, the blower was located along the east lot line. Contrary to sound dust collection systems where no dust escapes outside, pictures of the blower as shown in Exhibit L shows that there is merely a rubber tote situated above it. With merely a tote placed over the blower, it does not enclose this area and permits sawdust to escape outside. Although the applicant did relocate the blower to the rear of the building, the same issue arises again where sawdust is not properly contained. It is one thing for sawdust to escape during the occasional cutting or trimming of a tree on a residential lot, but is it normal for sawdust to be released into the air on an almost daily basis? My belief is that this is not customary to residential living.



March of 2021 was my first experience noticing the effects of sawdust being transmitted into the air. The air had a smell reminiscent of days cutting trees all day at a family farm. While I was in the neighborhood only around 30-40 minutes, I could notice a gritty taste that resulted in a day's long sore throat. Although I consider myself a healthy young adult, it is another thing for nearby residents to be subjected to the smell and taste of sawdust on most days. Is this customary to a residential neighborhood? My belief is that it is not.

Unanswered Questions

A significant question that is of importance for the Zoning Board of Appeals is determining where wood is stored prior to its assemblage into a product and where finished product is stored prior to its delivery. According to a previous comment by the applicant, she alludes to this question by stating the following:

"I can just put everything in my basement next door... (This was the original plan)."

*Andrea Olson
October 17, 2016*

For reference, the "basement next door" statement is referring to the property located at 400 Franklin Street (the property immediately to the west of the applicant's house). 400 Franklin Street, while owned by the applicant's father, is vacant and has been so for several years. Knowing that the applicant's father works for her in this business, along with the fact that the 400 Franklin Street property is not being occupied by anyone, it would be deeply concerning if the applicant is using this property for storing materials from her business. As a reminder, one requirement for a lawful home occupation is that there is:

"No substantial amount of stock in trade is kept of commodities sold."

As 10,000 goods are produced each year, along with 27 goods being produced daily, there is surely a need for large storage areas to accommodate the business's high output. With that said, having that much supply of wood and accessory materials to make the finished product would represent a significant amount of stock. Likewise, expanding a claimed 'home-occupied business' into two residential lots is against the spirit and intent of a home occupation

ordinance. How can a home-based business be considered incidental should it need to utilize two single-family residences as part of its operation? Lastly, it is important to note that there are active exterior building and structural violations tied to the residence at 400 Franklin Street. Is this a safe situation for the neighborhood if a commercial business is being operated in a house that has structural violations? My argument is that this goes against the purpose and intent statement as outlined in the City's Zoning Code.

Closing Statements

As I conclude my written testimony to the Zoning Board of Appeals, there are two items that I would like to address in relation to the applicant's administrative appeal application. First, the applicant has claimed, on multiple occasions, that the City is targeting her home-based business and not other home occupations. To the contrary, the Zoning Administrator has released non-compliance letters for other home occupation violations that have occurred during the applicant's non-compliance window. Please see Exhibit N for copies of non-compliance notices for previous home occupation violations.

Second, the applicant questions within her administrative appeal application if she could operate a residence within the subject property if her business is not located in the residence. She states the following:

"One needs to consider if the 'home occupation' [is] discontinued, could the homeowner continue the same things but then not be in violation?"

*Andrea Olson
April 22, 2022*

In short, the applicant is alluding to the claim that if her business is vacated from the dwelling, she will have no reasonable use of the property. Thankfully, there is ample case law regarding just that. In the 1978 U.S. Supreme Court case, *Penn Central Transportation Company v. City of New York*, the Supreme Court found that a 'taking' requires losing all reasonable uses of a property. The Zoning Administrator argues that ruling against the granting of this appeal would not represent a taking. There is still a reasonable use of the property that exists at 410 Franklin Street – that being a single-family residence. As shown within the attached exhibits, the subject property is zoned "R-3" Single- and Two-Family Residence and classifies single-family residential uses as a permitted use. Similarly, the lot's size (6,250 square feet) and width (50 feet) meet the minimum lot size requirement (5,000 square feet) and lot width requirement (45 feet). Therefore, there is nothing unique to the property that would prohibit it from being used as a single-family residence or other non-residential uses that are permitted within the "R-3" District.

In conclusion, it is my belief that this written testimony and attached exhibits shows that the applicant's business does not meet the requirements of a home occupation. The City's Zoning Code provides guidelines to gauge whether or not a home-based business is lawful or not. Granting this appeal would set, in my opinion, a dangerous precedent regarding the intensities of home-based businesses that are allowed within residences. Commercial and industrial zoning districts are established in the Zoning Code – businesses of greater intensity would better meet the purpose and intent of the Zoning Code if located in those districts.

EXHIBIT A

HISTORIC INTENT OF HOME OCCUPATION REGULATIONS

★ planning advisory service

AMERICAN SOCIETY OF PLANNING OFFICIALS

1313 EAST 60th STREET — CHICAGO 37, ILLINOIS

Information Report No. 54

September, 1953

ZONING REGULATION OF HOME OCCUPATIONS*

When the battle for use zoning was won in 1926 (Village of Euclid v. Ambler Realty Co. 272 U.S. 365, 47 S. Ct. 114), there still remained a number of secondary points to be settled. One of the most vexing of these secondary matters concerned established uses whose nature was contrary to the principal uses permitted in residential districts.

Although the lawmakers could have declared all of these various contrary uses to be nonconforming and subject to eventual elimination either by amortization or "natural death," they chose instead to divide them into two main groups and to treat them differently with respect to continuation. The basis for distinction was whether the inconsistent use was principal or secondary. If it was found to be principal - for example, a grocery store or a filling station - it was declared to be a legal, pre-existing nonconforming use. Subject to variations in state laws, the particular nonconforming use could be continued for a period of time. However, other grocery stores and filling stations could not be built in the district where the pre-existing nonconforming uses were permitted to remain.

If, on the other hand, the established but apparently inconsistent use was found to be incidental or accessory to the main residential or other principal use - for example, a medical practice or a dressmaking establishment - it was handled quite differently in the zoning ordinance. Not only was it permitted to remain in that district, but also other like accessory uses could at any time thereafter be commenced.

Both of these legal devices for handling inconsistent uses recognized the community as it existed at the time when the zoning ordinance was first drawn. The device of the nonconforming use recognized the substantial investment an individual might have in his grocery store or filling station. The device of

*Copyright, American Society of Planning Officials, September, 1953.

the customary home occupation recognized custom. Specifically, it recognized particular customs prevailing in certain districts. It recognized that certain occupations - with the acceptance of the community and in accordance with unwritten law - had been found in incidental association with the use of the house as a dwelling.

With the home occupation, the chief problem has been to maintain the integrity of the residential district and at the same time to allow and regulate in equitable fashion the customarily accepted non-residential types of activity. For this reason it has been generally agreed that an enterprise must satisfy certain criteria in order to qualify as a permitted home occupation: it must be customary; it must be incidental to the principal use of the premises as a residence; and it must not be a business.

I. THE BASIS FOR REGULATION

A. Must Be Customary. Traditional acceptance is usually considered fundamental to a definition of home occupations. In general, those occupations which customarily have been given approval when conducted in the home are the professions, chiefly doctors and lawyers, and certain feminine occupations such as dressmaking and sewing. However, there are also likely to be, in any given city, other occupations customarily conducted in the home but which are not customary in another city. Decisions on what is to be considered as customary must necessarily be made in the light of local conditions. For this reason it is undesirable for one community to accept without careful consideration the definition of home occupation drawn up in another community. For example, in northern Minnesota certain hand operations involved in the manufacture of men's shirts are carried out in the home, the housewives taking the finished work to the factory at intervals and returning with a supply of unfinished goods to be worked on. This is certainly a customary home occupation in these communities, regardless of what it would be elsewhere. Any zoning ordinance for a city in the area should be drawn so as to allow this occupation.

B. Must Be Incidental. Of even greater importance is the requirement that the occupation be clearly incidental to the use of the premises as a residence. Obviously, a residential district is established in a zoned community to protect and encourage the use of the land in that district for residential purposes. To be permissible, any other use must prove that its existence in the district will not be contrary to the spirit and intent of the ordinance. One aspect of this proof is the demonstration that the non-residential use is not the primary use of the property, but is merely incidental to the residence. Some persons may find it desirable or necessary to carry on an occupation in the home, either as a supplement to a regular occupation or because the home is the most practical

place in which to operate. This practice has been recognized and is generally allowed so long as the occupation does not become a large scale enterprise - one that would be harmful to the residential character of the neighborhood and would violate the purpose of zoning.

The clarification of this "incidental" aspect has been accomplished through a variety of provisions in ordinances designed to place limits on the size of any operation being conducted as a home occupation. Most of the specific factors regulated in the ordinances, as discussed in Part II below, are ones which relate directly to the size of the operation. Their strict limitation is an attempt to assure that the permitted home occupations maintain the "incidental" characteristic.

C. Must Not Be a Business. A third aspect of the definition of home occupations is that they are not businesses.* Businesses are nearly always prohibited in residence districts. Many ordinances, in addition, make a distinction between two principal types of permitted home occupations, "customary home occupations" and the "professions."

There are three general reasons for the development of this distinction. Custom, of course, has played a considerable part. Certain occupations have, as Bassett says, "from time immemorial" been carried on in the home. These are the professions, such as medicine, law, art, and the domestic crafts such as millinery, dressmaking, laundering. The writers of ordinances have found no reason to change this pre-existing condition, and the courts have generally upheld this practice.

In the second place certain intangible social factors have been influential, particularly in determining the position of the professions. That is, the professions as a whole traditionally enjoy high prestige. The professional man or woman has considerably more education than most persons. The professions deal largely with personal services using knowledge and skills not readily understandable. The income of the professional person tends to be higher than average. For reasons which are not speculated on here, such characteristics as these have been looked up to. The professional office seems to be a desirable neighbor, much more so than the grocery store, machine shop or filling station. Consequently, professions are permitted occupations in most residential areas.

*C. A. Rathkopf, The Law of Zoning and Planning. New York: The Grosby Press, 1949 (second edition), pp. 58-63. E. M. Bassett, Zoning: The Laws, Administration, and Court Decisions During The First Twenty Years. New York: The Russell Sage Foundation, 1940. pp. 100-102. E. C. Yokley, Zoning Law and Practice. Charlottesville, Virginia: The Michie Company, 1948, pp. 86-87. Legal cases illustrating various aspects of this point are presented in Part IV following.

Finally, the overt physical characteristics of these three classes of occupations - businesses, professions, and the other "customary home occupations" - are a basis for discriminating among them. Commercial or industrial businesses possess more commonly and to greater degree those characteristics that make them undesirable in residence districts: vehicular and pedestrian traffic, noise, dirt, smoke, odor. These are the characteristics which lead to their exclusion from residential districts through zoning. However, it is not clear that overt physical characteristics are always significant reasons for discriminating between the "professions" and the "customary home occupations." And it is not certain that some businesses are more objectionable in these terms than some professions.

In this report, unless otherwise indicated, the term "home occupation" is used to include any incidental economic enterprise permitted in residential areas, including professions and domestic crafts.

II. CONTENT OF THE REGULATIONS

The major portion of this report is based on a survey of a carefully selected sample of zoning ordinances representative of the United States and Canada. Included in the sample are ordinances of types commonly found, some of which are unusually well constructed, and some of which are merely unusual. While this should not be considered to be either a random or representative sample in the statistical meanings of those terms, it is believed that the ordinances analyzed here provide a reasonably complete picture of home occupation regulations in the zoning ordinances of these countries. In references to specific ordinances the date given is that of the most recent version available.

In all, eleven points of regulation were found. No single ordinance employs all of them, and in spite of some general similarities, variety in approach to the problem is characteristic. These eleven points of regulation are:

- | | |
|------------------------------------|------------------------|
| A) Occupations permitted | F) Employment |
| B) Differential regulation by zone | G) Accessory buildings |
| C) Transitional zoning | H) Sale of goods |
| D) Area occupied | I) Display |
| E) Equipment used | J) General regulations |
| | K) Permits |

EXHIBIT B

EXAMPLES OF PRODUCTS MADE BY THE APPLICANT'S BUSINESS



Groomsmen Gift Qty 10 Beer Totes, 6 P...
\$368.00 FREE shipping



8 Groomsmen Gift Wooden 12oz Six Pa...
\$332.00 FREE shipping



Qty 9 Groomsmen Gift Wooden 12oz Si...
\$317.00 FREE shipping



7 Groomsmen Gifts Handcrafted Wood...
\$292.00 FREE shipping



6 Rustic Wedding Engagement Grooms...
\$284.00 FREE shipping



5 Groomsmen Gifts Wooden Beer Six P...
\$265.00 FREE shipping



RUSH Twelve Bottle Personalized Wood...
\$194.00 FREE shipping



Extra RUSH Six Bottle Personalized Wo...
\$193.00 FREE shipping



4 Wooden Beer Tote Groomsmen Gifts...
\$193.00 FREE shipping



RUSH Six Bottle Personalized Wood Wi...
\$173.00 FREE shipping



Six Bottle Personalized Wood Wine Box ...
\$173.00 FREE shipping



Rush Custom 12 Bottle Wine Crate, Whi...
\$173.00 FREE shipping



Twelve Bottle Personalized Wooden Wi...
\$164.00 FREE shipping



Alternative Wood Guest Book Photo Al...
\$163.00 FREE shipping



Personalized Blanket and Toy Storage B...
\$161.00 FREE shipping



Handcrafted 42 Golf Ball Collection Dis...
\$160.00



Wood Dog Toy Storage Box
\$157.00



Unique Wedding Gift Personalized 12 B...
\$146.00



Personalized 12 Bottle Wine Storage Bo...
\$146.00 **FREE shipping**



Branded Promotional Wooden Wine an...
\$146.00



3 Groomsmen Gift Wooden Beer Caddi...
\$146.00 **FREE shipping**



12 Bottle Wine and Gift Storage Box, Cu...
\$146.00



Personalized Gift Six Bottle Wood Wine ...
\$143.00 **FREE shipping**



Six Bottle Personalized Wood Wine Box
\$137.00 **FREE shipping**



RUSH Monogram Whiskey and Wine Dec...
\$126.00



RUSH Champagne and Wine Box with D...
\$114.00



Handcrafted Parosheal Marble Board G...
\$108.00



6 Bottle Monogram Wooden Wine Cad...
\$108.00 **FREE shipping**



Personalized Wooden Whiskey and Win...
\$101.00 **FREE shipping**



2 Wooden Six Pack Beer Caddies Perso...
\$101.00 **FREE shipping**



RUSH Personalized Wooden Wine and ...
\$99.00 **FREE shipping**



RUSH Three Bottle Wine Box with Divid...
\$99.00 **FREE shipping**

EXHIBIT C

**TIMELINE OF CODE ENFORCEMENT ACTIONS REGARDING THE HOME OCCUPATION USE OF
THE SUBJECT PROPERTY**



5/12/2021

ID#: RAC-2021-00407

ANDREA OLSON
410 FRANKLIN ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
AT 410 FRANKLIN ST**

Dear Andrea Olson,

An inspection of the property located at 410 FRANKLIN ST was made on 05/12/2021. As a result of this inspection, the condition below was observed:

Condition:

- o The home occupation at 410 Franklin Street violates Zoning Code requirements. The commercial use of the property shall cease to exist no later than June 15, 2021. Must be corrected by: 06/15/2021

Ch. 23.02(2)(b)(2)(c) - Home occupations/professional home offices: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property

conditions’.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **06/15/2021**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,

A handwritten signature in black ink that reads "Adam Kuhn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam Kuhn
Code Enforcement Official



Friday, June 25, 2021

ID#: RAC-2021-00407

ANDREA OLSON
410 FRANKLIN ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 410 FRANKLIN ST**

Dear Andrea Olson,

An inspection of the property located at 410 FRANKLIN ST was made on 06/25/2021. As a result of this inspection, the condition below was observed:

Condition:

- o The home occupation at 410 Franklin Street violates Zoning Code requirements. The commercial use of the property shall cease to exist no later than July 13, 2021. Must be corrected by: 07/13/2021
Ch. 23.02(2)(b)(2)(c) - Home occupations/professional home offices: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. ***Case details may be viewed at stevenspoint.com/cityview***

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to

07/13/2021. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Adam Kuhn
Code Enforcement Official



Tuesday, October 26, 2021

ID#: RAC-2021-01121

ANDREA OLSON
410 FRANKLIN ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 410 FRANKLIN ST**

Dear Andrea Olson,

An inspection of the property located at 410 FRANKLIN ST was made on . As a result of this inspection, the condition below was observed:

Condition:

- City staff have received complaints from multiple parties regarding excessive noise and dust emission due to the woodworking use occurring within the dwelling. As staff believes that excessive noise and dust pollution negatively impacts the character of the neighborhood, along with said use not being incidental to the use of the premise for residential purposes, a violation of the home occupation definition of the City's Zoning Code exists. Therefore, please vacate the woodworking use on the property no later than February 1, 2022. Must be corrected by: 02/01/2022

Ch. 23.04(2): Home Occupation Definition: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. Case details may be requested at communitydevelopment@stevenspoint.com.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **02/01/2022**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Adam Kuhn
Zoning Administrator/Associate Planner
akuhn@stevenspoint.com
715-346-1567



MEMORANDUM

To: Andrea Olson
From: Adam Kuhn, Associate Planner / Zoning Administrator
Date: December 30, 2021
RE: RAC-2021-01121

Dear Andrea Olson,

This is a friendly reminder that the deadline to comply to the noncompliance notice dated November 4, 2021 (ID# RAC-2021-01121) is February 1, 2022. The noncompliance letter stemmed from a conversation that you had with Director Ryan Kernosky and I on October 21, 2021 regarding the home occupation use of the property at 410 Franklin Street, Stevens Point, Wisconsin.

Another copy of the aforementioned notice is enclosed within this letter. If you have any questions, please do not hesitate to contact me.

www.stevenspoint.com

Open Records Rider: The City of Stevens Point is subject to Wisconsin Statutes relating to public records. Communication, such as this document, sent or received by City employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of City communication should presume that the communications are subject to release upon request, and to state record retention requirements.



Wednesday, February 2, 2022

ID#: RAC-2021-01121

ANDREA OLSON
410 FRANKLIN ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 410 FRANKLIN ST**

Dear Andrea Olson,

An inspection of the property located at 410 FRANKLIN ST was made on 02/01/2022. As a result of this inspection, the condition below was observed:

Condition:

- o City staff have received complaints from multiple parties regarding excessive noise and dust emission due to the woodworking use occurring within the dwelling. As staff believes that excessive noise and dust pollution negatively impacts the character of the neighborhood, along with said use not being incidental to the use of the premise for residential purposes, a violation of the home occupation definition of the City's Zoning Code exists. Therefore, please vacate the woodworking use on the property no later than February 11, 2022. Must be corrected by: 02/11/2022

Ch. 23.04(2): Home Occupation Definition: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. Case details may be requested at communitydevelopment@stevenspoint.com.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **02/11/2022**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit [stevenspoint.com/595/Homeowner-Help](https://www.stevenspoint.com/595/Homeowner-Help)

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Adam Kuhn
Zoning Administrator/Associate Planner
akuhn@stevenspoint.com
715-346-1567



Tuesday, February 15, 2022

ID#: RAC-2021-01121

ANDREA OLSON
410 FRANKLIN ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 410 FRANKLIN ST**

Dear Andrea Olson,

An inspection of the property located at 410 FRANKLIN ST was made on 02/14/2022. As a result of this inspection, the condition below was observed:

Condition:

- o City staff have received complaints from multiple parties regarding excessive noise and dust emission due to the woodworking use occurring within the dwelling. As staff believes that excessive noise and dust pollution negatively impacts the character of the neighborhood, along with said use not being incidental to the use of the premise for residential purposes, a violation of the home occupation definition of the City's Zoning Code exists. Therefore, please vacate the woodworking use on the property no later than March 11, 2022. Must be corrected by: 03/11/2022

Ch. 23.04(2): Home Occupation Definition: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. Case details may be requested at communitydevelopment@stevenspoint.com.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **03/11/2022**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit [stevenspoint.com/595/Homeowner-Help](https://www.stevenspoint.com/595/Homeowner-Help)

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Adam Kuhn
Zoning Administrator/Associate Planner
akuhn@stevenspoint.com
715-346-1567



Monday, March 21, 2022

ID#: RAC-2021-01121

ANDREA OLSON
410 FRANKLIN ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 410 FRANKLIN ST**

Dear Andrea Olson,

An inspection of the property located at 410 FRANKLIN ST was made on 03/21/2022. As a result of this inspection, the condition below was observed:

Condition:

- o City staff have received complaints from multiple parties regarding excessive noise and dust emission due to the woodworking use occurring within the dwelling. As staff believes that excessive noise and dust pollution negatively impacts the character of the neighborhood, along with said use not being incidental to the use of the premise for residential purposes, a violation of the home occupation definition of the City's Zoning Code exists. Therefore, please vacate the woodworking use on the property no later than April 15, 2022. Must be corrected by: 04/15/2022

Ch. 23.04(2): Home Occupation Definition: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. Case details may be requested at communitydevelopment@stevenspoint.com.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **04/15/2022**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit [stevenspoint.com/595/Homeowner-Help](https://www.stevenspoint.com/595/Homeowner-Help)

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



Adam Kuhn
Zoning Administrator/Associate Planner
akuhn@stevenspoint.com
715-346-1567

From: [Adam Kuhn](#)
To: [Adam Kuhn](#)
Subject: RE: [External] Property Appeal Form 410 Franklin St Stevens Point ID#RAC-2021-00407(and a lot more)
Date: Thursday, July 21, 2022 2:11:59 PM

From: Adam Kuhn
Sent: Monday, April 18, 2022 2:32 PM
To: 'Andrea Olson' <andrea_olson@yahoo.com>
Cc: Ryan Kernosky <rkernosky@stevenspoint.com>
Subject: RE: [External] Property Appeal Form 410 Franklin St Stevens Point ID#RAC-2021-00407(and a lot more)

Hi Andrea –

I hope that you had a good weekend. Just checking in on the status of your administrative appeal application. Please let me know your estimated completion date so that the scheduling of the next Zoning Board of Appeals meeting can occur.

Best,

Adam Kuhn
Associate Planner/Zoning Administrator
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
akuhn@stevenspoint.com
(o) 715-342-4158

From: Adam Kuhn
Sent: Tuesday, March 29, 2022 10:30 AM
To: 'Andrea Olson' <andrea_olson@yahoo.com>; Clerk <Clerk@stevenspoint.com>
Cc: Ryan Kernosky <rkernosky@stevenspoint.com>; Andrew Beveridge <ABeveridge@stevenspoint.com>
Subject: RE: [External] Property Appeal Form 410 Franklin St Stevens Point ID#RAC-2021-00407(and a lot more)

I do appreciate the time that you have put into this. However, we will need the attached application completed as this will be the basis for the request brought before the Zoning Board of Appeals.

I am unable to provide input as to how you prepare for the ZBA meeting as the purpose of this request is appealing a determination made by the Zoning Administrator.

Best,

Adam Kuhn
Associate Planner/Zoning Administrator
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
akuhn@stevenspoint.com
(o) 715-342-4158

From: [Adam Kuhn](#)
To: [Andrea Olson](#)
Cc: [Ryan Kernosky](#); [Andrew Beveridge](#); [Clerks](#)
Subject: RE: [External] Re: [External] Property Appeal Form 410 Franklin St Stevens Point ID#RAC-2021-00407(and a lot more)
Date: Friday, May 6, 2022 3:13:51 PM
Attachments: [image001.png](#)

Hi Andrea –

This is a friendly reminder that payment is needed to make the application submittal complete. On the advice of legal counsel, payment will need to be submitted no later than Monday, May 23rd at 8:00am. Failure to submit payment by this deadline will re-start code enforcement actions.

If you have any questions, please defer them to Attorney Beveridge.

Best,

Adam Kuhn
Associate Planner/Zoning Administrator
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
akuhn@stevenspoint.com
(o) 715-342-4158

From: Andrea Olson <andrea_olson@yahoo.com>
Sent: Thursday, April 28, 2022 5:18 PM
To: Adam Kuhn <akuhn@stevenspoint.com>
Cc: Ryan Kernosky <rkernosky@stevenspoint.com>; Andrew Beveridge <ABeveridge@stevenspoint.com>; Clerks <Clerks@stevenspoint.com>
Subject: Re: [External] Re: [External] Property Appeal Form 410 Franklin St Stevens Point ID#RAC-2021-00407(and a lot more)

Hi,

I went in and spoke with SPPD on Friday April 22. Based on the conversation I contacted the State Bar to consult with a non-local attorney. I am still waiting to speak with two additional firm. I'll let the final firm chosen determine how I should proceed with everything.

Andrea Olson
(715)570-1475

On Friday, April 22, 2022, 08:39:36 AM CDT, Adam Kuhn <akuhn@stevenspoint.com> wrote:

Hi Andrea –

Confirming receipt. Administrative appeal requests incur a \$150 fee, however that fee is refunded if the appeal is granted by the Zoning Board of Appeals. Payment methods are as follows:



Payment Options

1. Online [here](#) or by going to www.stevenspoint.com/payments (additional processing fees will apply, **see attachment**. Do not add processing fees to amount, they will automatically populate)

Permit Number: **2022 410 Franklin**

Amount: **\$150**

My Bills

Description	
 Save  Delete	Payment Type: *
	Inspection/Comm.Dev.- Permits
	Permit Description: *
	Board of Zoning Appeals
	Permit Number: *
	2022 410 Franklin
	Amount: *
	\$150
	Comment/Business Name: *
	Olson

2. Check or Cash (**mailed or Drop Off inside City Hall - Community Development Dept** – no additional fees)

Make checks payable to **City of Stevens Point** and remit to:

Attn: Inspection

1515 Strongs Avenue

Stevens Point, WI 54481

Online payments can be receipted as soon as they are received. If sending an application via email, and sending a physical check in the mail, the permit will not be considered issued or valid until payment is received and processed (2-3 days), and if the application does not have the necessary approvals. Please contact us if there are any additional questions.

The Clerks Office will handle the scheduling of the Zoning Board of Appeals meeting and preparing the agenda. From this point forward, please direct all communication regarding this appeal to the Clerks Office or the City Attorney's Office.

Best,

Adam Kuhn

Associate Planner/Zoning Administrator

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

akuhn@stevenspoint.com

(o) 715-342-4158

From: Andrea Olson <andrea_olson@yahoo.com>
Sent: Friday, April 22, 2022 1:21 AM
To: Adam Kuhn <akuhn@stevenspoint.com>
Cc: Ryan Kernosky <rkernosky@stevenspoint.com>; Andrew Beveridge <ABeveridge@stevenspoint.com>
Subject: [External] Re: [External] Property Appeal Form 410 Franklin St Stevens Point ID#RAC-2021-00407(and a lot more)

Hi,

Here is the appeal. The exhibits are not done yet because they are extensive with so much data to review.

Over a week ago I did move my computer so I'm 100% visible when anyone passes the house from the front windows in an attempt to prevent false claims due to having lights on in the house. I have insomnia exasperated by stress and do work on things anytime I'm awake. I don't "Idle" well as I was told in my racing days.

I'd also like to put in a request to see the "sign-in" sheet from the meeting about ADU/ACU units that occurred at Pffiffner Park the summer of 2021, and any photos taken during it. I was told two people put in complaints and one occurred at that meeting. I do not believe Gerald was actually there. He has a walker/ramp. I believe it was Bruce's Father-in-law since his car was out front during that meeting.

Thank you,

Andrea

EXHIBIT D

CITY OF STEVENS POINT HOME OCCUPATION/PROFESSIONAL OFFICE REQUIREMENTS

provided on-site on an interim basis after referral from a public agency or institutional facility.

HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.

HOSPITAL - “hospital” may be a public or private, profit or non-profit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its in-patient facilities. It may also be an institution sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include cafeteria, gift and floral shops, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the patient services pharmacies and similar uses; provided, however, that any such accessory use is so related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex, and provided further that the floor area occupied by all accessory uses does not exceed one-third of the total floor area. Whether or not a questionable use is “similar” or an “integral” part of the total purpose shall be subject to determination by the Board of Appeals. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation of area occupancy.

HOTEL - is an establishment which is open to transient guest, as compared to a boarding rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service.

HYDRAULIC REACH - a designated length of river, stream or lake where the storage of flood water therein has been taken into account to reduce the regulatory flood discharge. Major man-made or natural changes in the river character, limits of political jurisdiction, or a change in the flood-routing technique used to determine the storage and translation of a flood wave through the area of interest may be used to define the end of a hydrologic reach (e.g. a dam may be considered a major man-made change in the river character or a change from channel routing to reservoir routing may be considered a major change in the flood-routing technique).

INDUSTRIAL PARK - is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

EXHIBIT E

**WISCONSIN ADMINISTRATIVE CODE HOME OCCUPATION REQUIREMENTS & DEFINITION OF
'HABITABLE ROOM'**

which are covered separately under this section).

- (b) Adult family homes providing care, treatment and services for 3 or 4 unrelated adults built on or after the effective dates under s. SPS 320.03.
- (c) Community-based residential facilities providing care, treatment and services for 5 to 8 unrelated adults built on or after the effective dates under s. SPS 320.03.
- (ce) A one- or 2-family dwelling built on or after the effective dates under s. SPS 320.03 that is used as a foster home or group home, or as a residential care center for children and youth that has a capacity for 8 or fewer children, all as defined in s. 48.02, Stats. Where such a home or center is operated in each dwelling unit of a 2-family dwelling, the capacity limit for each unit is independent of the other unit only if the two operations are independent of each other.

Note: Note: The definitions in s. 48.02, Stats., limit foster homes to no more than 4 children unless the children are siblings, and limit group homes to no more than 8 children. Where permitted by the Department of Children and Families, a group home or a residential care center for children and youth that has a capacity for 8 or fewer children may be located in a one- or 2-family dwelling as a community living arrangement, as defined in s. 46.03 (22), Stats.

- (cm) A one- or 2-family dwelling built on or after the effective dates under s. SPS 320.03, in which a public or private day care center for 8 or fewer children is located. Where such a day care center is operated in each dwelling unit of a 2-family dwelling, the capacity limit for each unit is independent of the other unit only if the two operations are independent of each other.

Note: Chapter DCF 250, as administered by the Department of Children and Families, defines a "family child care center" as being "a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 children who are not related to the provider." Chapter DCF 250 applies various licensing and other requirements to these centers, including for fire protection and other aspects of the physical plant.

SPS 320.02(1)(cs)

(cs)

1. Any portion of or space within a one- or 2-family dwelling built on or after the effective dates under s. SPS 320.03, in which a home occupation is located.
2. In this paragraph, "home occupation" means any business, profession, trade, or employment conducted in a person's dwelling unit, that may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:
 - a. Explosives, fireworks, or repair of motor vehicles.
 - b. More than 25% of the habitable floor area of the dwelling unit.

Note: See chs. SPS 361 to 366 for buildings that are beyond the scope of this code.

- (d) The onsite installation of a mobile home or manufactured home on piers, regardless of the date of production of the home.

Note: The design and construction of a manufactured home is regulated by the U.S. Department of Housing and Urban Development and is not subject to UDC requirements. Prior to regulation by HUD in 1976, manufactured homes were known as mobile homes and their design and construction were not uniformly regulated. See s. SPS 320.07 (52m) for the statutory definition.

- (e) The onsite installation of a manufactured home, regardless of the type of foundation, where the manufactured home has a production date on or after April 1, 2007.
- (f) The design and construction of a crawlspace, basement or foundation, other than piers, under a manufactured home where the manufactured home has a production date on or after the effective dates under s. SPS 320.03.
- (g) All garages, carports, porches, stoops, decks, balconies, stairways and similar structures that are attached to any building covered under this section that was constructed or had a production date on or after the effective dates under s. SPS 320.03.
- (h) Adjacent, unattached structures listed under par. (g) that serve an exit from a dwelling.

(2) MUNICIPAL ORDINANCES.

- (a) A municipality may not adopt an ordinance on any subject falling within the scope of this code including establishing restrictions on the occupancy of dwellings for any reason other than noncompliance with the provisions of this code as set forth in s. SPS 320.10 (4). This code does not apply to occupancy requirements occurring after the first occupancy for residential purposes following the final inspection required under s. SPS 320.10 (3) (h).
- (b) This code shall not be construed to affect local requirements relating to land use, zoning, post-construction storm water management, fire districts, side, front and rear setback requirements, property line requirements or other similar requirements. This code shall not affect the right of

replacement work covered under this code and who takes out a building permit. "Dwelling contractor" does not include the owner of an existing dwelling, an owner who will reside in a new dwelling or a person, firm or corporation engaging exclusively in electrical, plumbing, or heating, ventilating and air conditioning work.

- (27) "Dwelling unit" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
- (28t) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (29) "Exit" means a direct, continuous, unobstructed means of egress from inside the dwelling to the exterior of the dwelling.
- (30) "Farm operation" is the planting and cultivating of the soil and growing of farm products substantially all of which have been planted or produced on the farm premises.
- Note:** According to s. 102.04 (3), Stats., the farm operation includes the management, conserving, improving and maintaining of the premises, tools, equipment improvements and the exchange of labor or services with other farmers; the processing, drying, packing, packaging, freezing, grading, storing, delivery to storage, carrying to market or to a carrier for transportation to market and distributing directly to the consumer; the clearing of such premises and the salvaging of timber and the management and use of wood lots thereon but does not include logging, lumbering and wood-cutting operations unless the operations are conducted as an accessory to other farm operations.
- (31) "Farm premises" is defined to be the area which is planted and cultivated. The farm premises does not include greenhouses, structures or other areas unless used principally for the production of food or farm products.
- (32) "Farm products" are defined as agricultural, horticultural and arboricultural crops. Animals considered within the definition of agricultural include livestock, bees, poultry, fur-bearing animals, and wildlife or aquatic life.
- (33) "Farming" means the operation of a farm premises owned or rented by the operator.
- (33m) "Fireblocking" means a material or device used to retard or prevent the spread of flame or hot gases through concealed spaces into adjacent rooms or areas.
- (34) "Firebox" means that part of the fireplace used as the combustion chamber.
- (34e) "First floor" means the first floor level above any groundfloor or basement or, in the absence of a groundfloor or basement, means the lowest floor level in the dwelling.
- (34f) "Flight" means a continuous series of risers and treads, with no intermediate landings.
- (34g) "Floodfringe area" means that portion of the floodplain outside of the floodway that is at or below base flood elevation. The term "floodfringe" is intended to designate an area of standing, rather than flowing, water.
- (34h) "Floodplain" means land which is subject to flooding which is at or below base flood elevation. The floodplain includes the floodway and floodfringe areas.
- (34i) "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the flood discharge. The term "floodway" is intended to designate an area of flowing, rather than standing, water.
- (34s) "Foundation" means the structural system used to transfer the weight of the building to the earth.
- Note:** The foundation may include one or more components such as footings, piers, columns, slabs and walls.
- (35) "Garage" means a structure used for storing motorized vehicles that has any more than 2 sides completely enclosed.
- (36) "Gas appliance" means any device that uses gas as a fuel or raw material to produce light, heat, power, refrigeration or air conditioning.
- (36m) "Groundfloor" means that level of a dwelling, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.
- (36r) "Guard" means a barrier erected to prevent a person from falling to a lower level.
- (37) "Habitable room" means any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.
- (37m) "Handrail" means a horizontal or sloping rail intended for grasping by a hand, for guidance or support or preventing a fall down a stair.
- (38) "Hearth" means the floor area within the fire chamber of a fireplace.

Adam Kuhn

From: Ximena Christianson
Sent: Tuesday, May 10, 2022 9:23 AM
To: Kanter, Robert D - DSPS
Cc: Scott Omernik; Adam Kuhn
Subject: FW: Home Occupation per UDC - less than or equal to 25% of habitable floor area

Thanks for the reply, Robert.

Kind regards,

XIMENA CHRISTIANSON
Building Inspector
CITY OF STEVENS POINT
1515 Strongs Ave.
Stevens Point, WI 54481
715-346-1559

From: Kanter, Robert D - DSPS <Robert.Kanter@Wisconsin.gov>
Sent: Monday, May 9, 2022 3:26 PM
To: Ximena Christianson <XChristianson@stevenspoint.com>
Subject: [External] Home Occupation per UDC - less than or equal to 25% of habitable floor area

Hi Ximena,

I wanted to follow up with you on the items you brought up last week pertaining to Home Occupation per SPS 320.02(1)(cs) in the UDC. Our UDC group discussed the issue today.

Below is the basic code language that applies to one and two family dwellings built on or after June 1, 1980. Building code applications to one and two family dwellings built prior to this date are the domain of the local municipality having jurisdiction where the dwelling is located.

The scope of the UDC includes areas used as "home occupations" that fall within the parameters described in the code section shown below.

SPS 320.02(1) (cs) 1. Any portion of or space within a one- or 2-family dwelling built on or after the effective dates under s. [SPS 320.03](#), in which a home occupation is located.

2. In this paragraph, "home occupation" means any business, profession, trade, or employment conducted in a person's dwelling unit, that may involve the person's immediate family or household and a maximum of one other unrelated person, **but does not**

involve any of the following:

a. Explosives, fireworks, or repair of motor vehicles.

b. More than 25% of the habitable floor area of the dwelling unit.

Note: See chs. [SPS 361](#) to [366](#) for buildings that are beyond the scope of this code.

Regarding what we recognize as the habitable floor area on which to base the 25% threshold, this would be based on the areas described in the definition for “Habitable room” as defined in SPS 320.07(37). The area where the home occupation would be located (or is located) would be calculated in this sum for the purposes of calculating this figure.

(37) “Habitable room” means any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

For more information on this DSPS program, please see the department’s UDC One and Two Family Dwelling program homepage at <https://dsps.wi.gov/Pages/Programs/UDC/Default.aspx>

Regards,

Lenny Kanter
UDC Engineering Consultant
Division of Industry Services
Department of Safety and Professional Services
State of Wisconsin

608 225 1855

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The information and response presented above is a general code answer based on the question submitted. This response should not be construed as a formal code interpretation.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Adam Kuhn

From: Ximena Christianson
Sent: Thursday, May 5, 2022 7:45 AM
To: Adam Kuhn; Scott Omernik
Subject: FW: 361.04(3m) RE: Questions regarding home occupation

Please see below answers from the State of Wisconsin code experts.

Kind regards,

XIMENA CHRISTIANSON
Building Inspector
CITY OF STEVENS POINT
1515 Strongs Ave.
Stevens Point, WI 54481
715-346-1559

From: Miller, Jack A - DSPS <Jack.Miller@Wisconsin.gov>
Sent: Wednesday, May 4, 2022 5:28 PM
To: Ximena Christianson <XChristianson@stevenspoint.com>
Cc: DSPS SB UDC Tech <DSPSSBUDCTech@wisconsin.gov>
Subject: [External] 361.04(3m) RE: Questions regarding home occupation

My replies below in purple.

Sincerely,
Jack A. Miller

Commercial Building Plan Examiner & [product reviewer](#) / Division of Industry Services / WI Department of Safety and Professional Services / 608 785-9348

The information and response presented above is a general code answer based on the question submitted. This response should not be construed as a formal code interpretation.

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From: Ximena Christianson <XChristianson@stevenspoint.com>
Sent: Wednesday, May 4, 2022 11:27 AM
To: DSPS SB UDC Tech <DSPSSBUDCTech@wisconsin.gov>; Miller, Jack A - DSPS <Jack.Miller@Wisconsin.gov>
Subject: Questions regarding home occupation

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QUESTIONS REGARDING HOME OCCUPATION

Below are several questions regarding home-based business. We would like to focus on the threshold of when the building where the home based business becomes governed by the commercial code.
Please further explain what happens when the home based business (over 25% of the dwelling) allows public into the home to receive a service (which is the case of a hair-dresser)

Per SPS 101.1 A dwelling where business is conducted

Home occupation is not make a building a place of employment public building

Home occupation is not make a building a

(11) "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include any of the following:

- (a) An adult family home, as defined in s. 50.01 (1).
- (b) Except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.
- (c) A home-based business, as defined by the department by rule.
- (d) A not-for-profit facility with the primary purpose of housing or rehabilitating abandoned, injured, or sick wildlife.

(12) "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include any of the following:

- (a) A previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator.
- (b) An adult family home, as defined in s. 50.01 (1).
- (c) A home-based business, as defined by the department by rule.
- (d) A not-for-profit facility with the primary purpose of housing or rehabilitating abandoned, injured, or sick wildlife.

In both of the above cases the code by SPS 361.04(3m) rule does make it a place of employment or public building by exceeding 25% of habitable area limitation.

However, home occupation is addressed in the UDC code and the Wisconsin commercial code:

- 1) 1 and 2 family – Uniform Dwelling Code
SPS 320.02 (1)(cs)2.

(cs) 1. Any portion of or space within a one- or 2-family dwelling built on or after the effective dates under s. SPS 320.03, in which a home occupation is located.

2. In this paragraph, "home occupation" means any business, profession, trade, or employment conducted in a person's dwelling unit, that may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

- a. Explosives, fireworks, or repair of motor vehicles.
- b. More than 25% of the habitable floor area of the dwelling unit.

Note: See chs. SPS 361 to 366 for buildings that are beyond the scope of this code.

Original home sq. ft ____ built before 1980 – However, the home occupation started after 1980
The home has been added on after 1980 _____ Sq. ft of home additions built after 1980

How to calculate the habitable areas of the home? *Add all area of bedrooms + living rooms + dining rooms per SPS 320.07(37) definition, but note that the statute is based on the commercial code definition that also includes the kitchen.*

How to calculate the home occupation areas

Is the 25% of the home allowed for home occupation, 25% of the total square footage of the home, or 25% of the calculated habitable area? *Habitable area.*

Habitable in the UDC code is defined in 320.07(37) "any room used for sleeping, living or dining purposes, excluding such enclosed spaces as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces."

Is a detach garage accessory to a 1 & 2 family home of which 100% of the detached building is being used for home occupation considered a commercial building? *Yes per Statutes above it is not less than 25% of the habitable area of that dwelling, so it is a place of employment & public building.*

2) Wisconsin Commercial Building Code

If 361-66 does not apply to home occupation or home-base buildings per:

SPS 361.02 Scope. (1) Except as provided in subs. (2) and (3), chs. SPS 361 to 366 apply to all public buildings and places of employment.

Note: "Place of employment" is defined under s. 101.01 (11), Stats.

Note: "Public building" is defined under s. 101.01 (12), Stats.

(2) Chapters SPS 361 to 366 do not apply to buildings or situations listed under the exclusions in s. 101.01 (11) and (12), Stats., or under the exemptions in s. 101.05, Stats.

Since it did not meet the exclusion by staying under the 25% limit, it is not exempted from SPS 361-366.

Why does **SPS 361.02(3)(h)** *That portion of or space within a one-2 family dwelling in which a home-based business is located* includes it as part of 361-66? *The SPS 361.02(3)(h) says that if it meets the UDC exception as home-based business, then it is exempted from the commercial code and thus regulated by the UDC rules instead. In this case it did not meet that 25% exception and thus does fall under the commercial code (not the UDC).*

Is a home-based business exempt from 361-66 because if a conflict exists, 361.03(3) defers back to 101.01(11) and (12)? *No, it is only exempt when it is covered by the UDC rules instead of the commercial rules.*

(3) CONFLICTS (a) If any rule written by the department differs from a requirement within a document referenced in chs. SPS 361 to 366, the rule written by the department shall govern.

(b) Where rules of the department specify conflicting requirements, types of materials or methods of construction, the most restrictive rule shall govern, except as provided in pars. (a) and (c).

Note: If the most restrictive of two or more conflicting requirements is not readily apparent, a determination of which is more restrictive can be obtained from the department.

And then again, SPS 360 defines home-based business as: *This is similar to UDC definition of home occupation.*

(3) "Dwelling unit" has the meaning given in s. 101.61 (1), Stats., for the purpose of determining whether chs. SPS 361 to 366 applies to a residential occupancy. For all other purposes, the meaning is as given in IBC section 202, IECC section 202, and IMC section 202.

Note: Section 101.61 (1), Stats., reads in part: "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others."

(3m) "Home-based business" means any business, profession, trade, or employment conducted in a person's dwelling unit,

which may involve the person's immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

(a) Explosives, fireworks, or repair of motor vehicles.

(b) More than 25% of the habitable floor area of the dwelling unit.

Note: A dwelling unit that includes a home-based business is referred to as a "live/work" unit as defined in s. SPS 362.0202 (2) (b).

How would we calculate the 100% habitable areas in the commercial code since by definition in IBC 202 Habitable areas are "A space in a building for living, sleeping, eating or cooking. Bathrooms toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces." ? *As mentioned above, count bedrooms + living rooms + dining room + kitchen for the total habitable area of the dwelling unit in commercial code.*

How to calculate the 25% of the home occupation? *Just take the above habitable area and divide by four.*
-Based on the total square footage of the dwelling? Or
-Based on a comparison between the habitable space by definition? *Only the habitable space of the dwelling unit is used for home-based business calcs.*

Is a detach garage accessory to a 1 & 2 family home of which 100% of the detached building is being used for home occupation considered a commercial building? *Yes that is a public building and place of employment by Statutes, thus a commercial building. Since it is not in the living unit, it cannot be exempt.*

XIMENA CHRISTIANSON
Building Inspector
CITY OF STEVENS POINT
1515 Strongs Ave.
Stevens Point, WI 54481
715-346-1559

EXHIBIT F

PROPERTY INFORMATION OF 410 FRANKLIN STREET

2022 Property Records for City of Stevens Point, Portage County

July 21, 2022

Tax key number: 281-24-0830402108

Property address: 410 Franklin St

Owner: Andrea L. Olson
410 FRANKLIN ST
STEVENS POINT WI 54481

Zoning: R3 Two Family
Traffic / water / sanitary: Light / City water / Sewer
Legal description:

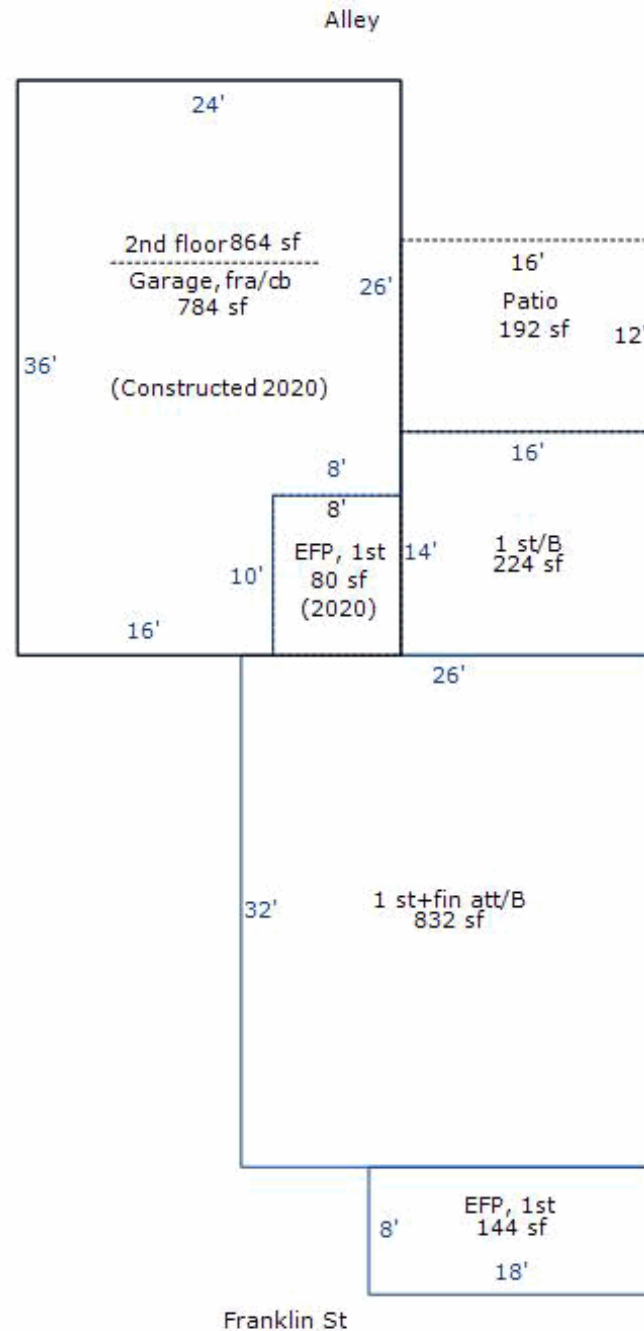
Summary of Assessment	
Land	\$12,500
Improvements	\$95,400
Total value	\$107,900

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1	Residential	50	125	6,250	0.143	None	Residential		\$12,500

Residential Building			
Year built:	1949	Full basement:	1,056 SF
Year remodeled:		Crawl space:	
Stories:	1 story w/attic	Rec room (rating):	
Style:	Residence Old Style	Fin bsmt living area:	
Use:	Single family	First floor:	1,056 SF
Exterior wall:	Alum/Vinyl/Steel	Second floor:	864 SF
Masonry adjust:		Third floor:	
Roof type:	Asphalt shingles	Finished attic:	416 SF
Heating:	Gas, forced air	Unfinished attic:	
Cooling:	No A/C	Unfinished area:	
Bedrooms:	3	Garage	784 SF
Family rooms:		Patio	192 SF
Baths:	2 full, 1 half	Enclosed porch	80 SF
Other rooms:	2	Enclosed porch	144 SF
Whirl / hot tubs:			
Add'l plumb fixt:	4		
Masonry FPs:			
Metal FPs:			
Gas only FPs:			
Bsmt garage:			
Shed dormers:		Energy adjustment:	No
Gable/hip dorm:		Percent complete:	70%



Total living area is 2,336 SF; building assessed value is \$94,400



Franklin St

2022 Property Records for City of Stevens Point, Portage County

July 21, 2022

# of identical OBIs: 1		Other Building Improvement (OBI)		
Main Structure		Modifications (Type, Size)		Photograph
OBI type: Utility shed, residential	Width: 10 LF	Grade: C		not available
Const type: Metal	Depth: 14 LF	Condition: Average		
Year built: 2021	Fir area: 140 SF	% complete: 100%		
		Assessed \$: \$1,000		

Building Permits				
Issued	Permit #	Purpose	\$ Amount	Completed
11/23/2021	20211504	Replace boiler	\$30,000	12/31/2021
10/26/2020	20201087	Install shed	\$1,200	1/4/2022
7/21/2020	20200824	Addition & install AC	\$5,500	12/31/2021
10/24/2019	20191295	Construct afg w/2nd flr living	\$20,000	12/29/2020
11/5/2015	15-0713	Interior remodel	\$8,000	12/29/2020
9/1/1994	24491	AC & Furnace	\$1,995	8/30/1995

Sales History		
Date	Price	Type

EXHIBIT G

**APPLICANT CONVERSATIONS WITH FORMER ZONING ADMINISTRATOR REGARDING THE
HOME OCCUPATION**

From: [Andrea Olson](#)
To: [Kyle Kearns](#)
Cc: reimaginebrewing@gmail.com; [Michael Ostrowski](#); [Jim Zepp](#)
Subject: Re: Woodworking Use - Zoning Ordinance
Date: Thursday, October 27, 2016 2:33:53 PM

Hi Kyle,

I'm sorry but I do not agree with the following statement nor do many of the young professionals and local artist that I spoke with this past week: "the downtown may not be the most suitable location." This was in reference to my business and my intentions to purchase the Premier Building on Main St.

I think that there might be a lack of understanding or education/experience regarding what mass industrial/manufacturing and crafts entail. I fit into B-3 zoning and what the intent of what B-3 zoning is. "encourage primarily retail uses and a variety of supporting uses" "development and maintenance of the downtown area as a specialized pedestrian-oriented shopping and community center" Page 63 of the zoning code. My "crafts" or as was referred to as "industrial/manufacturing" by Kyle Kerns, is not accurate at all. If my sales are reviewed about 50-75% are currently engraving or printing onto items that then get shipped out. (Similar to the stamp maker at B & B Cardstock Company established in 1999 at 609 Franklin St.) The remainder of my sales are from refinishing antiques/vintage items, creating and crafting new wood items to sell, doing photography and working with other art mediums. I do not "mass" produce anything. Kyle, you and I discussed this on the phone when I asked about the old Mid-State Building. I had 7 pallets of items for the holidays arriving, my big order for the year and I still needed a place to rent with a 6' door for my printer. I print and etch onto the items that I order from a Wisconsin industrial woodworking and pallet manufacturer. I need to create new designs, prototype items and market my items. I am worth a lot more doing that than mass-producing. I need a space to spread out in. I don't like working in a basement and garage. I want a space that allows customers to visit, let them create design on computers and customize items onsite. I want to be a "downtown destination". This IS what downtown needs. The city lost Clay Corner. Does it want to turn its back on another company?

I've outgrown my third start-up space in 3 years. I have succeeded with growth and created a sustainable resilient company by making smart decisions. A core concept in business growth and development is time management and opportunity cost. For instance, I cannot keep up with orders and grow if I am "mass manufacturing items" myself or with my dad's free help. So, over the past three years when my items get "popular" I stop making them myself. I have worked with Goodwill Industries and had people with disabilities manufacture my items. I have talked locally with OTC about manufacturing. I also work with a local lumber mill and get finished goods from another Wisconsin Based Company. To allow a startup to grow and thrive partnerships with other local businesses need to occur. (I could import my items too, but I turned down the opportunities) Having a smaller NON-HIGH VOLUME workshop to design and test prototypes, and make smaller runs of custom items is what I need. I cannot get the type of volume discount on lumber that a manufacturing plant or pallet making factory can get. When it is more economical to outsource, a person gives up control and outsources to allow them to focus on marketing, research and development and business growth. Sustainability and Resilience are elements of the new Comprehensive Plan. My business is a great example of that. I also help other local businesses grow. I have already, and intend to continue to teach community members how to sell online and not just depend on the

fluctuations of local sales.

"Claimed Issues that my Business would Cause"

It was stated that my business would be creating "increased noise, pollution or by-product (dust), truck traffic etc." at the Premier building Location. If that would be the case; and be "noticeable", wouldn't my current neighbors and people living in my neighborhood including the Mayor already have filed complaints? Wouldn't the entire North Side know that I have an "at home" business? Not a single supply or item for my online business is visible from the street. Why would spreading out into an area that is not a one stall garage and basement create any additional "increased noise, pollution or by-product (dust), truck traffic etc."? If proper measures are taken people do not know what is actually going on inside of a structure. (example: when the paper use to print downtown B-3 zoning). The level of "manufacturing" you are referring to also could not occur in the Premier Building for many reasons. The biggest one is that a loading dock does not exist nor could it ever exist. Also, a forklift could never be used or stored on the property. The building is built almost on the lot lines and the only axis to the building is from Main Street. The back of the building is landlocked and cannot be accessed. How could the amount of lumber needed for industrial mass production ever be processed in a land locked location lacking accessibility to move it?

"Truck Traffic"

To address the increase "truck traffic" comment; a successful thriving business should have truck traffic or delivery traffic. If Shopko, Politos, Dive Point, Guu's did not have deliveries they would go out of business. (Shopko has daily semi-deliveries B-3 zoning.) However, none of the businesses on Main St Downtown have more truck traffic than the business next to the Premier Building. Per the Postmaster, the Stevens Point Post Office. During "typical seasons" has 6 semi-trucks on the premises daily and 26 postal trucks. Excluding holidays that is 1,872 semi trucks and 8,112 postal trucks creating traffic adjacent to the Premier Building. In addition to primary traffic that the post office itself generates is the secondary traffic created by the patrons visiting the post office on a daily basis. It would be difficult for any business going into the Premier Building to generate any type of traffic even close to that of the post office. Second to USPS is Associated Bank. I could count the cars they have there daily, but it is well known that they have multiple "large" parking lots and still lack parking spaces.

"Noise"

This should not be relevant. The portion of the building where any tools would be located do not have any adjoining walls with neighboring businesses. If a business follows the steps that the EPA suggests for controlling noise people outside should not even know what is going on inside of the building. Noise can be dampened and contained with proper use of tooling, insulation, using good blades, proper maintenance, noise dampening procedures, enclosures, barriers and more. Again, the Stevens Point Journal was printed in a basement for years and was quiet. The Premier Building has Masonry Walls, a basement and proper noise control and prevention measures would be taken. (fun fact...a leaf blower and lawn mower is at a higher decibel level than a table saw)

The post office also has many employees that wear ear protection due to the loud decibel level that pushing industrial metal carts around on the metal loading docks and when hitting the doors creates. The best time to see and hear this is between 5-5:30pm. These sounds are heard outside of their building due to open garage doors, but not when you are in the Premier Building. The post office is B-3 Zoning.

B-3 Zoning also allows "Motor vehicle, marine, sales and repair but not, salvage, wrecking, storage or junking operations". Air powered impact wrenches are at over 102dB. A table saw is over 10dB lower. A dust collection system is also quieter. An industrial repair shop air compressor is over 80dB louder than a California air compressor that allows one to speak at a normal voice over it. It is as quiet as a window fan. Auto shops do a lot of metal on metal contact with grinders, lathes, they do sand blasting, tire balancing and many other things that generate sound at higher decibel levels than a woodshop on a consistent basis. Also, an auto shop has a thin garage door verses an insulated brick building with additional sound proofed cabinets for louder items. Utilizing tools, equipment and materials that are environmentally friendly greatly impact the safety and health of individuals. You only have one set of ears. Hearing is important. I also DO NOT use any automation or mass production processes or techniques. The woodshop is used for prototyping and low quantity custom work. (However, I am very familiar with industrial manufacturing because I managed a mass production metal gasket product line in the past)

"Pollution or by-product (dust)"

This also should not be an issue. Due to the location of the building on the lot a cyclone dust collection system would be set up inside of the building. Dust collection could not happen outside! The DNR gives many suggestions for managing dust by-product. I also value my health. Proper dust collection and "air purification/scrubbing" is a must! Insurance companies also have specific requirements for dust collection to prevent fires and bodily harm. A good dust collection system also increases the life of all equipment and consumable materials.

Dust also does not have to be a "pollution" causing agent. There are numerous markets for dust captured and collected for recycling that turn waste into profit. I prefer to give wood scraps to neighbors for kindling, shavings to people with larger animals and dust to people with chickens. Saw dust and shavings are also an alternative to salt or sand on icy surfaces. They biodegrade just like mulch and it works great! This could be a wise alternative to salt near water systems or on the green circle. I'm also going to be contacting "Farm Shed" to see if they would like clean sawdust for composting. It is great to support a larger community with one small business.

Dust and lead paint dust is also caused by furniture refinishing and reupholstering. Did you know a hand sander generates 3x more dust than a table saw. That is a lot of lead paint dust! B-1 zoning allows for "Re-upholstery and furniture repair" and also "Gift stores and antique stores". Many people that work in re-upholstery shops end up with lung cancer due to inhalation of fibers and other sicknesses due to lead poisoning. Furniture repair and antique stores also work on lead based items, use hazardous chemicals for stripping furniture and work with power tools that are found in a wood shop. I have one antique dealer in a B-1 zoned business asking to buy my doors and trim to strip and refinish for a fire damaged home. The last business at 1205 Second St B-3 also did furniture stripping and repair in addition to antique sales/auctions. Do the antique stores in town that do restoration utilize proper dust collection? I know multiple that do not because it is cost prohibitive for them and they have not been required to do them.

A pollutant that was not mentioned is "finishing materials"

I care about the environment and my health. I use low VOC water-based stains and sealers. This is what the EPA suggests to be "green". The VOC content is also the same as finishing materials that people use for creating distressed furniture like they do at, Redesign Coach, 75 Sunset Blvd, Stevens Point, WI. I used water-based stains after working with Goodwill

Industries. They hire individuals with disabilities to do woodworking. They built my items for me for over a year using water-based stain due to being an "at-risk" health population. Oil stain was not an option.

The type and amount of stain I use in a month also does not require special air purification equipment nor a paint booth. I however want these things for the rare occasions that a material requires is more combustible (higher VOC typically). They also can lower my insurance premiums and are better for the environment.

Overall, my business does and will continue to have less of an impact than other B-3 businesses. A "Motor vehicle, marine, sales and repair but not, salvage, wrecking, storage or junking operations" is approved for B-3 zoning. A repair shop is highly regulated by the EPA due to hazardous waste(oil, antifreeze, battery acid, tires, bulbs, thinners, etc.), air pollutants(abrasive grinding or blasting, paint, welding etc) and more. A repair shop also creates a lot of noise pollution. They use equipment that puts metal on metal which resounds at a higher decibel level than wood on metal. Repair shops also use many of the same items as a wood shop...a lathe, grinder, saws etc. However, they also use very loud air tools and other tools that test at higher decibel levels than woodworking items. Auto shops also do not keep their doors closed and utilize different safety measures than woodshops do. My business is eco-friendly. Repair shops are not.

My business provides a "proof of concept" for the city. I am currently working from home. Similar to the "Mixed Use/Live Work" development that Blenker proposed to build on the Lullaby Furniture Lot. Unless people see these things work, it is difficult to generate "buy in". Live Work works in large cities and it should here too. However, it is difficult to convince people in small towns that this type of "change" is good and will work. Just look at the reviews for the development proposal on the blogs in town... What the residents, graduating students and young professional looking to move need to read about and see is a small start up in a live/work situation outgrows the space and needs a larger downtown building.

I have a business that has not caused any ancillary effects on my neighbors. (Full disclosure, I did have one noise complaint because I was vacuuming my bathroom floor at 11pm and the neighbor's house is 1' from the lot line. The college age son was peeping in my window and called the cops due to the fact I purchased the house his family wanted to buy. The cop laughed and said I should be out at a bar at my age.)

My "core business" is NOT manufacturing. My business currently fall into multiple B1-B-3 categories:

-Furniture and Upholstery Repair Shops: B1 (furniture repair requires finishing materials and both hand and automated tools)

-Re-upholstery and furniture repair: B2

-Copy and duplicating services: B1 (my printing onto items)

-Photographic studios, portrait: B2

-Mailing, reproduction, and stenographic: B2 (reproduction of artwork)

-Equipment rental and leasing: B2

-Miscellaneous arts and crafts shops: B2 *****

-Commercial printing, publishing, bookbinding, and related businesses: B2

-Printing, publishing, engraving and bookbinding: B3 *****

-Filling of property: B3 *****A vacant building has been sitting empty. The realtor tried to convince the owner of the Post Office building to demolish it for parking.

Parking vs a storefront. One generates more taxes and creates additional traffic downtown.*****

My initial use for the space will be to have a store front for MY BUSINESS, engraving room, printing room and a woodshop. I will also have spaces for art studios(offices) and art classes to be taught by local individuals. (I have 20 people willing to teach and one person willing to work with getting UWSP students involved) I will also have a "clean room" for my printers for customizing finished goods that I am having manufactured locally. My UV Printers cannot be around saw dust or normal dust because the printer heads generate static and get clogged which is a \$5-\$20k fix. I can't have poor dust collection. It is too costly. In the back of the building or on the non-adjointing USPS side of the building I will have a workshop/woodshop for design, prototyping and smaller product runs. One of the last tenants, Compass Property Management, also had a workshop in the Premier Building. That is why the space where the roof has dry rot is opened up without carpet but with shelving for wood/tools. I contacted the Boys and Girls Club and they confirmed that Compass Property Management had a shop there, but did not know how much work they did in it. My future goal is to allow rental time on my equipment and set up a separate Not-For-Profit "Maker's Space" running in the Premier Building. However, future plans/ideas/uses cannot determine current uses. Create Portage Co/The I D E A Center received \$20k from the city without known intent of their space. They are doing a big remodel still without intent? (The GIS data must not be updated for the permits pulled yet.) They have intent and this was discussed in the Finance Committee Meeting on June 13. The focus then was around a "3D printer". That technology is not addressed in the zoning code. If my business is categorized as manufacturing, a 3D printer also is manufacturing. Taking a raw product and turning it into something else. Also, a future business goal of a "maker's space" cannot drive current zoning classification approval. My immediate intended usage for the Premier Building should be used when being determined if it is appropriate otherwise no land could or should be re-zoned because change and growth never happen. My immediate usage for the space is for MY BUSINESS!

Zoning should not be an issue. An amendment to the current zoning should not be needed. I do not create the "ancillary" affects that Kyle claimed my business creates. I do have a list of multiple other small and larger woodworking/cabinet shops in non-approved zoning in Stevens Point that do have some of these "ancillary" affects. The shops are in commercially zoned buildings and in residences. However, the residences are having customers pick up items. One of the shops even does work for SPASH and other government related properties. If 100% woodworking shops are already established in commercial and residential zoning, a workshop did exist in the Premier Building, only a fraction of my business is crafting my items from dimensional lumber, why wouldn't my business be classified to be appropriate for a B-3 zoned building?

Thank you. I eagerly await a zoning response.

****The Belke Building Rezoning. I discussed a land contract with Eric prior to him passing away. This was prior to the re-zoning and I had talked to Jim about the building. Then the re-zoning was approved. This prevented the Belke's from re-establishing their family business or selling the business with the equipment that was left. The Belke's have discussed re-starting woodworking there with local individuals other than myself. Also, what was sent in the email on May 23 was addressing the re-zoning but did not include what was said during our private conversation. I was told that woodworking would still be allowed in the building, but NOT to

the same scale as it previously was. I was also told a cheese factory or brewery could go in there and both of those businesses have more pollution, traffic and waste than a little shop like mine could ever generate.****

Andrea Olson
ReImagine Brewing
(715)570-1475

On Wed, Oct 19, 2016 at 9:45 AM, Kyle Kearns <KKearns@stevenspoint.com> wrote:

Hi Andrea,

First, this is something others have done regarding a specific use if it is not clear within the zoning ordinance. Secondly, there are many definitions of makerspace which can include a different focus, such as computers, science, technology, machining, art, etc. From what you've described for the use, it would be more industrious and therefore has many ancillary effects that industrial/manufacturing uses create such as increased noise, pollution or by-product (dust), truck traffic, etc.

Given the intensity of the use and the method and machines identified for the use, the downtown may not be the most suitable location. A rezoning of several former manufacturing properties recently occurred in downtown to ensure that surrounding uses in the downtown district were similar and did not negatively affect the uses already in existence. While I see great benefit in makerspaces in downtown, an industrial or manufacturing maker space may be better suited in an appropriate zoning district where the use can fully be exercised.

Also I want to note that in our conversation months ago regarding your interest and use, you primarily discussed the product created and did not go into great detail about the methods and machinery used to create the product. A full description in writing of the use was not provided then and has not yet been provided. Note also, my exact response attached in a previous email dated May 23, 2016. Further details regarding the use, intensity and scale of the use were recently provided in our phone conversation with which staff and I have determined do not fit within the 'miscellaneous arts and crafts shops' use for the B-3 District. Unfortunately no other clearly defined use exists in the zoning ordinance matching your proposed use, and therefore an amendment is required. See pages 59-64 of the [zoning ordinance](#) for full lists of uses in the B-2 and B-3 Zoning Districts.

I cannot answer the question regarding the Idea Center, or other examples mentioned because I have not been informed of their intent within their facilities. The Comprehensive Plan typically

identifies uses in general terms, whereas the zoning code provides greater specifics. For example, the Comprehensive Plan may identify the importance of place-making within downtown, and suggest an objective to diversify the business culture in order to assist in defining the place. One way to achieve this may be to encourage the use of makerspaces to engage citizens and entrepreneurs to utilize this resource with the hopes that they will eventually create business and improve the downtown. From this over-arching goal, the zoning code could be amended to address makerspaces and other uses. Our department hopes to rewrite the zoning ordinance next year, as the Comprehensive Plan update becomes finished. As I indicated above, I see great value in certain makerspaces within the downtown, some of which would fit within existing permitted uses, such as technology and computer science makerspace which could be classified as 'computer and data processing service' within the existing zoning code. Again however, specifics regarding the use and intensity would need to be clarified.

Should you want to discuss this further, please let me know.

Thank you,

Kyle Kearns

Associate Planner / Zoning Administrator

City of Stevens Point

Stevens Point City Hall

1515 Strongs Ave

Stevens Point, WI 54481

Ph: [\(715\)342-4158](tel:(715)342-4158)

Email: kkearns@stevenspoint.com

From: Andrea Olson [mailto:reimagineupcycling@gmail.com]

Sent: Monday, October 17, 2016 5:35 PM

To: Kyle Kearns <Kkearns@stevenspoint.com>

Cc: reimaginebrewing@gmail.com; Michael Ostrowski <mostrowski@stevenspoint.com>

Subject: Re: Woodworking Use - Zoning Ordinance

Hi Kyle and Michael,

I'm a bit confused. I do not own the building I would be requesting an amendment for. I will not put an offer on the building unless I know that the zoning for the use would be approved. Putting an offer in on the building requires me to do 60 hours or so of work which includes: re-writing a business plan, loan application, loan review, grant searching etc. This is time I do not want to invest unless I know the results would end up as an amendment. I can just put everything in my basement next door and continue processing lumber at a farm in Plover. (This was the original plan.) I don't think it is appropriate or the next step for me to request an amendment for a building I do not own. If I am wrong please let me know that it is a common practice for potential buyers to request variances for buildings they do not own.

I think the bigger picture is that the city needs to identify and address "Maker's Spaces" first. Me paying and waiting 2 months to set a precedence for other properties does not seem right. "Maker's Spaces" need to be addressed by the city and not gain revenue from a potential investor. Kyle, indicated that the type of woodworking I wanted to do would be allowed in the Belke building when we discussed the building a few months ago. "Mass Production" on the scale of what they use to do would not be allowed, but smaller scale would be allowed. That building is now zoned B2. How is this B3 building different? It should incorporate the B2 approved uses. I understand the Premier Building would be a "change of use", but still if B2 Belke's lot allows woodworking but B3 doesn't how does that work? I can double check my emails to see if I have this in writing.

Also, the equipment in maker's spaces vary. What equipment has approval and what doesn't in the Idea's Center? A 3D printer, laser cutter, CNC, textile printer etc all give off different fumes and operate at different decibel levels. Some are louder than a saw. What amendments or variances has that space gotten approval for? Did they pay the fees for amendments? What about when Clay Corner opened downtown or even Steph Jone's house? Saws and Giant baking mixers are both set up in the building behind Graffiti's.

Overall, the city is utilizing grant money and tax money to currently rewrite the Comprehensive Plan. When identifying locations for "Maker's Spaces" is a priority for the Mayor and his Advisory Council on Arts and Culture shouldn't the Comprehensive Plan fully incorporate and identify and define "Maker's Spaces" and what is allowed and not allowed within current zoning. This should not be something that a local investor should have to pay to request an amendment, wait 2 months, and maybe or maybe not get an amendment approved. It seems backwards when the Comprehensive Plan is being rewritten and it is supposed to be rewritten to address current issues our city is facing.

I look forward to your response.

Thank you,

Andrea

ReImagine Brewing

Andrea Olson

ReImagine Brewing

[\(715\)570-1475](tel:(715)570-1475)

On Mon, Oct 17, 2016 at 2:09 PM, Kyle Kearns <KKearns@stevenspoint.com> wrote:

Andrea,

After discussion with Michael, it is clear that the uses identified in the zoning ordinance and specifically within the B-3 Zoning District do not address the woodworking use you've proposed. Therefore, an amendment is required to the [zoning ordinance](#). Attached is the ordinance amendment application. Please submit the completed application and fee and include a detailed description of your proposed use.

Let me know if you have further questions.

Kyle Kearns

Associate Planner / Zoning Administrator

City of Stevens Point

Stevens Point City Hall

1515 Strongs Ave

Stevens Point, WI 54481

Ph: [\(715\)342-4158](tel:(715)342-4158)

Email: kkearns@stevenspoint.com

----- Forwarded message -----

From: Kyle Kearns <KKearns@stevenspoint.com>

To: "reimaginebrewing@gmail.com" <reimaginebrewing@gmail.com>

Cc: Kyle Kearns <KKearns@stevenspoint.com>

Date: Mon, 23 May 2016 09:54:53 -0500

Subject: Business in Belke Lumber Building

Andrea,

Per our conversation last week about your interest in starting a business at the Belke Lumber building, I have provided further information below.

The property was recently rezoned from M-1 Light Industrial to B-2 Central Business Transition District. The zoning ordinance (link below) may allow for the uses discussed under 'miscellaneous arts and crafts shops', or could possibly be amended to include a small-scale woodworking facility. Should you want to pursue amending the zoning ordinance, please let me know. As previously discussed, note the B-2 zoning district is exempt from parking standards. Other applicable zoning standards and building code would apply.

Downtown Rezoning Webpage: <http://stevenspoint.com/index.aspx?NID=1151>

Zoning Ordinance <http://stevenspoint.com/DocumentCenter/Home/View/769> (pages 57-62)

Zoning Map: <http://wi-stevenspoint.civicplus.com/DocumentCenter/Home/View/808> (note the map does not yet reflect the recent downtown rezoning)

Should you have further questions or concerns, don't hesitate to contact me as I would be happy to assist. Should you move forward with your business venture, I would recommend another meeting to discuss details.

Kind regards,

Kyle Kearns

Economic Development Specialist / Associate Planner

City of Stevens Point

Stevens Point City Hall

1515 Strongs Ave

Stevens Point, WI 54481

Ph: [\(715\)342-4158](tel:(715)342-4158)

Email: kkearns@stevenspoint.com

EXHIBIT H

**APPLICANT CONVERSATIONS WITH ZONING ADMINISTRATOR REGARDING THE HOME
OCCUPATION**

From: [Andrea Olson](#)
To: [Ryan Kernosky](#); [Adam Kuhn](#)
Subject: Re: [External] 410 Franklin St
Date: Monday, October 18, 2021 11:43:39 PM

Tentatively, yes, 11am on Thursday will work.

However, prior to the meeting I require the city's definition of "Manufacturing". I want to run it past advisors to be prepared for the meeting. I truly don't appreciate being personally targeted by one neighbor and now the city. When the police don't see anything out of the ordinary. I apologized to the Mayor for my neighbor showing up at his home and his comments were of no concern. I talk to the city attorney and find that my neighbor, Bruce, is asking about "dust" claiming "asthma attacks" by his father in law and construction workers on the street. I know, I am being targeted because I'm female and stood up for my rights as a homeowner. I do have two "home model desktop lasers" that I use. I have insured since I purchased the laser PRIOR to moving to Stevens Point that both DNR and OSHA standards were met and exceeded.

So, if manufacturing is what the city is claiming my home business is doing AND the reason for the meeting, a definition is required. My home business was approved prior to either of you being hired by The City of Stevens Point.

Andrea

On Monday, October 18, 2021, 04:03:53 PM CDT, Adam Kuhn <akuhn@stevenspoint.com> wrote:

Would Thursday at 11:00am work? If not, we will have to push it to next week.

Best,

Adam Kuhn

Associate Planner/Zoning Administrator

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

akuhn@stevenspoint.com

(o) 715-342-4158

From: Andrea Olson <andrea_olson@yahoo.com>
Sent: Monday, October 18, 2021 2:13 PM

To: Ryan Kernosky <rkernosky@stevenspoint.com>; Adam Kuhn <akuhn@stevenspoint.com>

Subject: Re: [External] 410 Franklin St

Hi,

Only Thursday will work for Rubina. This harassment by Bruce Pickett and stress being created by the city appealing his targeting me and my properties is creating emotional distress. So, I want to insure I have a third party present. I've also contacted my alderperson.

Prior to the meeting, I would really appreciate it if you would review the city's documentation and emails regarding 400 and 410 Franklin St. You'll find again that I have been in communication with the city about my home business with the city since 2015. I had positive experiences both in Plover, WI and Houghton, MI with my home business. I've been very open and forward with the City of Stevens Point to insure no issues would ever occur. My initial contact was to insure I would not need special permission or a conditional use permit to have my minority owned home business at 400 and a few months later at 410 Franklin. I did find out 400 had a permitted use for an upholstery repair shop, Larry Rosenthal(Larry's Upholstery also on HWY 10). 410 Franklin was used for haircuts and woodworking repair work.

-The business has been active at 410 since 2015. Some work was offsite Sept 2018-Sept 2020. since the roof put was leaking and the garage needed to come down and other renovations.

-I've followed all building/zoning regulations to insure nobody could tell I have a home business from the exterior of the property.

-The first changes to a structure were the plans for a two story workshop/garage that were discussed and approved for 400 Franklin when I razed the barn. St. Ron Adamski did the plans.

-Bill Yudchitz was involved with the plans for the house at 400 Franklin for my parent's and me. A unique thing was the workshop under the entire house and part of the garage. The common council approved the project.

-The plans for 410 Franklin involved Bill Yudchitz(stairway) and then John Dolan(garage).

Property Owner emails will be from:

Andrea Olson: andrea_olson@yahoo.com, reimagineupcycling@gmail.com,
reimaginebrewing@gmail.com

Bruce Olson: bruceolson@charter.net

Architects:

Ronald Adamski: snowmen6@hotmail.com

Bill Yudchitz: bill@revarc.com

John Dolan: arccentral@att.net (lives a few doors away with an outdoor wood boiler)

Again, I'm being targeted and harassed by a neighbor and it is feeling like the city is appeasing a resident so he'll go away. He however, has not pulled a permit since 2018 and has non-addressed building permit violations the city has not yet addressed. He immediately reported 332 Franklin St, my new acquisition when he found out I purchased the house. The police have indicated they did not see or hear anything out of the ordinary the last times they were called. I feel very targeted. I am improving my neighborhood and am the person neighbors call when they need help. I give away anything someone might need to make a repair to their house if I have something that matches what they need. I have a "shared" garden at 400 Franklin. I will happily have my lawyer send a cease and desist letter to Bruce Pickett to force these claims of violations in person, online and from calls to stop.

Andrea Olson

(715)570-1475

On Monday, October 18, 2021, 07:48:08 AM CDT, Adam Kuhn <akuhn@stevenspoint.com> wrote:

Hi Andrea,

Hope you had a good weekend. Would this Wednesday at 2:00pm work for you?

Best,

Adam Kuhn
Associate Planner/Zoning Administrator
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
akuhn@stevenspoint.com
(o) 715-342-4158

From: Andrea Olson <andrea_olson@yahoo.com>
Sent: Friday, October 15, 2021 4:26 PM
To: Adam Kuhn <akuhn@stevenspoint.com>; Ryan Kernosky <rkernosky@stevenspoint.com>
Subject: Re: [External] 410 Franklin St

I've asked Rubina Marie Martini to attend future city meetings with me. I thought I could use a strong female business owner and maker/artist advocate. As you know, she started Process General Store, works for Create Portage County and owns Tomorrow River Homestead.

What day and time might work for you two?

Thank you,
Andrea

On Friday, October 15, 2021, 03:40:52 PM CDT, Andrea Olson <andrea_olson@yahoo.com> wrote:

I will record the meeting.

I do not do any manufacturing on the property. I use no raw materials nor assemble anything on site. By definition: "Manufacturing, any industry that makes products from raw materials by the use of manual labor or machinery and that is usually carried out systematically with a division of labor. In a more limited sense, manufacturing denotes the fabrication or assembly of components into finished products on a fairly large scale." **Please clarify how I am doing manufacturing with proof of manufacturing.**

I keep repeating myself and this is going nowhere. This is a neighbor that has a personal issue with me that has had family members verbally harass me. I used to do minimal manufacturing which was part of my business model from 2013 to 2017/18. The aspects of this were discussed with the city in a meeting I had prior to buying 400 Franklin St, and then 410 Franklin St. Nothing has changed with the business except NO MANUFACTURING since then. All manufacturing is done in Arpin by two Amish girls, and on a Farm on the Edge of Stevens Point. All raw materials are processed at Feltz Lumber. I used to rip down boards, sand, plane, use a chop saw etc. in the garage from 2015 to late 2017. That does not occur anymore. When it did, I needed to make sure that no saw dust was outside and had a dust collector set up to prevent this. It also could not look like a business was being run out of the house. Nothing could be picked up from the house. These were things that were told to me by the city. I did have a laser at that time that ran everyday. I addressed this too. I would not have purchased my home to have a home business if my use had not been approved prior to the purchase multiple years ago. Nothing has changed other than renovations to the property due to Steel Shield putting a bad roof on the house that rotted the garage and back addition's roof and walls to the point I was squeezing out the rotten new sheeting. The garage was torn down and the roof of the house ripped off.

The garage was made a few feet longer, and living space has been added above the garage. The changes to the garage did not even warrant a conditional use permit to re-build. My business was in the basement and garage and now will only be in the garage and a little of the basement when the drywall is done.

If you consider modifying an item "manufacturing" then the city will have to address many businesses out of homes. I'd suggest starting with Vincent Miresse, 1008 6th Ave., Stevens Point, WI. He is a woodworker and on the County Board for District 1. He makes his items from raw materials similar to any artist that works from home or even someone that makes quilts or knits.

Just in my direct neighborhood we have a lot of makers:

-600 Portage St has made cutting boards, 434 Washington makes Cabinets, 317 Washington is a woodworker hence their big garage build, 318 Washington Architect has sold things there, 540 Franklin is an artist/sculptor, 524 Bukolt Heidi Oberstadt makes wooden jewelry/tumblers/photos/etc., 600 Franklin is a photographer that printed photos(manufacturing), 924 Franklin St does modifying of products (shirts/hats etc), The 3rd Wheel does re-manufacturing (sanding of lead paint too and sell from home and at shops locally), 324 Walker is a woodworker, 908 2nd St is an artist/welder/woodworker, 801 Franklin St is another artist doing manufacturing, 401 Washington have a 3D printer (definitely manufacturing), 840 2nd St is a grower plants and sells planters, 1508 Division St manufactures candles and this is just touching the surface in the neighborhood.

Places that do manufacturing not in manufacturing zoning: Idea Center is doing manufacturing, Point Trophy is doing Manufacturing, Brody Designs(engraving), Grubba Jewlers(was engraving), Sarah Kaetterhenry's husband with his laser is doing manufacturing because he cuts things out to create other things, 101Rabbits, and I can go on here too.

Again, I've insured that I have not changed anything that I do with my business since buying 400 Franklin St. I have less of an impact now than I did when I started it. Now, I don't even have USPS do pickups. We drop off packages each day arriving at the same time as many other small businesses. I do not manufacture anything from my home. However, many other people in my neighborhood do manufacture items from their residences...makers, something Stevens Point I thought was encouraging with Create Portage County and utilizing Makers Sales outlets like Agora, Process General Store, The Co-op, Market on Strong etc.

Andrea

On Friday, October 15, 2021, 12:53:22 PM CDT, Ryan Kernosky <rkernosky@stevenspoint.com> wrote:

Andrea,

This conversation also stems from staff concerns about the manufacturing use of your property. If you wish to have counsel present, City staff will not have the meeting and will rather communicate via USPS. Your choice.

Please advise.

RK

From: Andrea Olson <andrea_olson@yahoo.com>
Sent: Friday, October 15, 2021 11:59 AM
To: Adam Kuhn <akuhn@stevenspoint.com>
Cc: Ryan Kernosky <rkernosky@stevenspoint.com>
Subject: Re: [External] 410 Franklin St

Hi,

I just called. Please let me know what these additional complaints are. I would like formal documentation for my records. I have not had any further contact from the police recently. They indicated they saw/heard nothing out of the normal during their last visit. Since their visit, I have started to use my firepit in the backyard more often. Also, neighbors have started to use their wood stoves again too. I do not have any business related things outdoors, no employees, and do have construction going on daily. I did pay to take down my Maple Tree that my neighbor was complaining about due to its leaves falling in his yard. He typically blows them in the street or puts full bags on my yard. Someone did puke in his yard after the last party at the Pfiffner building. I will not take down my Birch Tree in the backyard. If you would like, I can provide text messages from Bruce, my next door neighbor not complaining about 410 Franklin. Where he

was fine with everything, prior to me refusing to take down the Birch Tree. I've now taken down 6 trees due to complaints by him. I'm not taking down my last tree in my yard.

Do you suggest I bring a lawyer or have one get involved?

Also, have any of the complaints I filed been addressed or permits pulled/fines for not pulling them?

Thank you,
Andrea Olson
(715)570-1475

On Friday, October 15, 2021, 10:17:03 AM CDT, Adam Kuhn <akuhn@stevenspoint.com> wrote:

Hi Andrea,

Ryan and I would like to schedule a meeting with you next week to discuss some complaints levied against your property. Please let us know your availability to meet in City Hall next week.

Best,

Adam Kuhn
Associate Planner/Zoning Administrator
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481
akuhn@stevenspoint.com
(o) 715-342-4158

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EXHIBIT I

PRODUCT STACKED WITHIN THE APPLICANT'S DWELLING



Relmagine Brewing

March 4, 2018 · Instagram · 🌐

When your work invades your home. Lots of wood wine caddies, pint glass totes & condiment caddies waiting to get business logos.

Handcrafted by @reimaginebrewing link to shop in bio. I think I need a bigger workshop!

[#corporateevents](#) [#restaurantdecor](#) [#condiments](#) [#serving](#)
[#reimaginebrewing](#)



👍 7

👍 Like

💬 Comment

➦ Share

EXHIBIT J

THE APPLICANT CONDUCTING BUSINESS OPERATIONS AT 3310 CHURCH STREET









EXHIBIT K

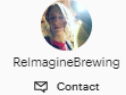
INFORMATION ABOUT THE HOME OCCUPATION FROM THE APPLICANT'S BUSINESS WEBSITE



ReImagineBrewing
 Wisconsin Made Personalized Wooden Boxes and Gifts
 Stevens Point, Wisconsin
 34,445 Sales ★★★★★

Smooth shipping
 Has a history of shipping on time with tracking.

Rave reviews
 Average review rating is 4.8 or higher



Contact

Follow shop

Announcement
 Last updated on Dec 24, 2021

We are a very busy tiny shop that does not buy pre-made items. Everything is made in house and is Rustic replicating what you would see in barn boards but with new lumber. Unfortunately messages do take multiple days for responses since we prioritize orders over future business when things are busy. We provide quality items quickly with minimum customer contact. Most questions can be answered by referring to item descriptions/photos. I'm sorry but the shop is too small to be able to provide a lot of customer contact and a high level of customer service. We go for less contact and less worries since quality is always good when only 1-2 people make everything in the shop. Something you'd never expect when a shop looks big.

IF ORDERING FOR A SPECIFIC DUE DATE:
 It is the responsibility of the customer to purchase early or purchase upgrades to manufacturing and/or transit speeds to meet their deadlines. Expected arrivals are posted. Manufacturing time is the responsibility of the shop. Transit companies are responsible for transit time and not our shop.

WHAT TO EXPECT WHEN ORDERING:
 -You will be provided an estimated delivery date when checking out. The customer chooses their shipping speed at that time to meet their deadline. Always Expect The Last Day of the estimate. If you need an item sooner, upgrade the shipping speed and/or buy Rush 1 Day Manufacturing. (two different things)
 -Always include the date you need an item in your order. This is for our reference if we have something unexpected happen in house (flood, machine down).
 -Manufacturing times:
 ...Most items ship out in 2-5 business days.
 ...Are accurate for Standard Graphic Requests that Match the sample graphic formatting.
 ...Special Requests for additional words, dates or quotes are non-standard orders and most likely will take longer than the quoted manufacturing and delivery time frame.
 ...Are accurate for customer submitted logos only if the logo meets the logo requirements and are submitted in a message on Etsy (all black, no gray/color and high resolution. Do a test print at 4" to insure your graphic is good to save time.)
 -Your order has the most accurate ship date and will have the tracking information. Please refer there for updates. We also look there and cannot be more specific.

YOU NEED AN ITEM FASTER:
 -For an order to be shipped early, a Rush Listing or 1 Day Manufacturing Upgrade must be purchased. This pays us to prioritize your order and stay late.
 -Faster Transit: Pays the transit company to move your item faster.
 Two fees that pay two different entities. We do not offer these for free.

We are a tiny shop that looks big we work on orders first and then future business opportunities.

CORPORATE/WHOLESALE ORDERS:
 -Only offered on a case by case basis due to demand. We wish we could do more but have limited space during our shop build.

PRICING:
 -Due to the volatility of the lumber market prices are changing often.

****Please follow ReImagine Brewing on Facebook, Instagram and Twitter:
<https://www.facebook.com/ReImagineBrewing/>

Returns & exchanges**I gladly accept exchanges**

Contact me within: 3 days of delivery

Ship items back within: 7 days of delivery

I don't accept returns or cancellations

But please contact me if you have any problems with your order.

The following items can't be returned or exchanged

Because of the nature of these items, unless they arrive damaged or defective, I can't accept returns for:

- Custom or personalized orders
- Perishable products (like food or flowers)
- Digital downloads
- Intimate items (for health/hygiene reasons)
- Items on sale

Conditions of return

Buyers are responsible for return shipping costs. If the item is not returned in its original condition, the buyer is responsible for any loss in value.

More information

Last updated on Nov 4, 2021

Frequently asked questions**Custom and personalized orders**

Customization can be done on most items. It is either laser engraved or printed with a custom industrial printer onto the item.

-Please submit custom text in the "Text Box"

-Please insure that the information is complete and accurate. If it is not, additional manufacturing time may occur.

*******CUSTOMER SUBMITTED LOGOS/GRAPHICS*******

-Customer logos must be high resolution, black only without gray or color. Black will be etched & white or transparent will not.

-If editing is required for use, we can refer you to a professional graphic design company that charges very minimal fees (\$10-\$15).

-Customer submitted graphics may take additional manufacturing time if graphics they do not meet the logo requirements.

Wholesale availability

Wholesale is available for most items. Wholesale orders can also be customized to your specifications with laser etched and color printed logos and text. Please contact us for a quote.

Custom items that are not offered on Etsy can also be made for wholesale orders.

Shipping Costs, Quotes & Tracking

Items that include "Free Shipping" typically ship UPS SurePost or USPS Ground 3-5 days transit but can take up to 8 business days. Shipping upgrades are always an option for customers and are suggested if you need an item in 10 days or less.

We also ship with Speedee Delivery, which is very inexpensive in the Mid-West. We can ship 1-70lb packages for about \$12-\$34. (WI, IL, MN, ND, SD, NE, IA and St. Louis, MO Metro Area)

If an order has shipped the tracking information will be available under your purchases on Etsy.

Order Questions and Proofs

Proofs are not included with orders but can be purchased separately. Due to being a small shop that makes everything in house and by hand, the decision was made not to offer proofs. This allows us to be able to accommodate most customer's timelines and ship items within a few hours to a few days instead of weeks due to potential communication delays.

To make things easy, we created great graphics that can have the text customized. If something looks "odd" when we're creating a graphic, a screen shot or question is sent to the customer. A customer has 24 hours to respond. If we do not receive a reply, we will proceed with your order assuming approval.

This has lead to very happy customers that receive orders fast!

Manufacturing Time

Manufacturing times are only valid for orders that are submitted complete and accurate based on what a listing offers for personalization.

Customer Logos/Graphics:

-These can take additional manufacturing time.

Texture & Finish of Products

Items are Rustic. They will not be perfect just like a barn is not perfect. We are replicating primitive looks with new local lumber. Dimensions are Approximate due to being handmade, but we try to stay within about 1/8" +/-, the width of a sawblade. Please do not buy an item if Rustic is not desired

Please refer to the item details to see the labeled finishes of items.

Wood is Organic & Variations Should be Expected In:

- Finish coloring
- Etching coloring even within a single graphic due to grain in wood
- Knots, Texture(rough to smooth)
- Board length & overhang

Graphics:

Graphics are either etched with a laser or printed with a custom designed commercial printer made for exterior signs. Black graphics are printed. Paint is never used.

Damaged During Shipping

Unfortunately, items do sometime get damaged in shipping no matter how hard we try to insure an item's safety. If an item is damaged during shipping please contact ReImagine Brewing within 48 hours of receiving the package. Claims are not accepted after 72 hours of receiving an item. When contacting us please submit 4-8 photos. The photos must show the damage to the exterior cardboard box. A photo of how the item was packaged when you opened up the box (please place the item and original packaging materials back into the package as it originally arrived). Photos of the damaged item outside of the box. After receiving the photos we will submit a claim to the shipping company and work with you to complete a replacement item or shop credit.

Attaching Bottle Openers To Walls

The bottle openers are designed to be kept in a drawer, displayed or to attach to walls and cabinets. By request at the time of ordering, longer screws can be sent with your order.

To attach the opener to a solid surface such as a stud in a wall or cabinet all you do is swap the shorter screws holding the opener on for the longer ones.

The optional cap catching magnet is for catching bottle caps and not designed to attach to metal surfaces. Refrigerators today are prone to being scratched by magnets.

Wrong Shipping Address Submitted & Returned Packages

Incorrect Address Submitted:

-Re-purchase the item ASAP with the correct shipping address.

This allows us to see a multi order alert

-Submit a cancellation request for the first order with the order number indicated.

-A cancellation will not occur until the new order is submitted. Due to how quickly we work we do not offer cancellations without re-orders. If a new order is not placed within 1 hour you do risk the item being shipped to the original address since we might have already shipped it.

-Thank you for understanding how hard we work to get your order to you quickly.

Returned Package:

If a package is returned due to being "undeliverable as addressed" or "unclaimed" it is the buyer's responsibility for the re-shipping costs.

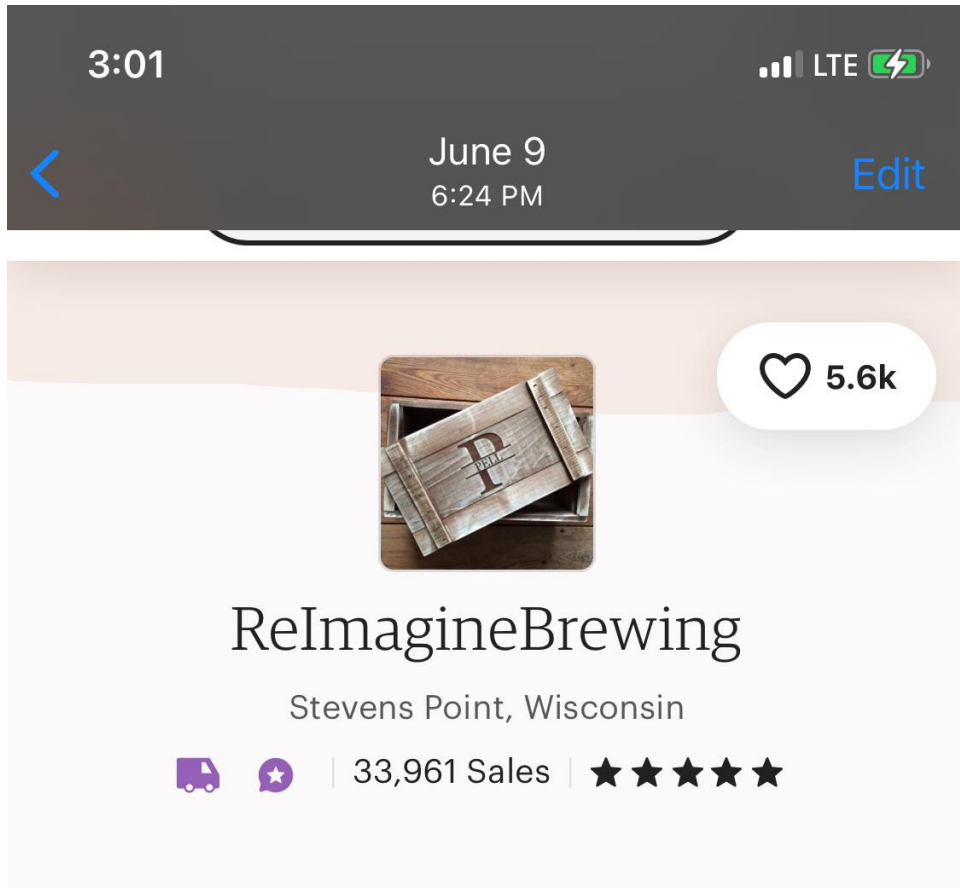
Gift wrapping and packaging

Gift Wrap:

CURRENTLY NOT AVAILABLE. When available, it is a rustic burlap bag with tie. Bags can be upgraded with custom graphics. Unfortunately, due to the nature of our items they cannot be gift wrapped together unless one fits inside of another. Burlap is made of jute and will have that natural jute scent. Burlap is also biodegradable! Qty 1 purchased=1 item gift wrapped, 1 bag.

Packaging:


Typically, new cardboard boxes are used, and sometimes cut to fit your items. Foam, packaging peanuts, news paper and packaging paper are also used. We use minimal unconventional but very effective packaging materials and have a 0.1% damage rate. Bubble wrap is rarely used because it pops.



Announcement We are a very busy tiny shop that does not buy pre-made items. Everything is made in house and is Rustic replicating what you would see in barn boards but with new lumber. Unfortunately messages do take multiple days for responses since we prioritize orders over future business when things are busy. We provide quality items quickly with minimum customer contact. Most questions can be answered by referring to item descriptions/photos. I'm sorry but the shop is too small to be able to provide a lot of customer contact and a high level of customer service. We go for less contact and less worries since quality is always good when only 1-2 people make everything in the shop. Something you'd never expect when a shop looks big.



5.6k



ReImagineBrewing

Stevens Point, Wisconsin

| 34,323 Sales | ★★★★★

Announcement We are a very busy tiny shop that does not buy pre-made items. Everything is made in house and is Rustic replicating what you would see in [Read more](#)

Search items

All (309) ▼ ↕

Featured items



EXHIBIT L
SAWDUST COLLECTION



EXHIBIT M
BUILDING VIOLATIONS AT 400 FRANKLIN STREET



November 06, 2018

ID #: CEEXTS20181530

Bruce L. Olson
1911 Apple Ct
Plover, WI 54467

**NONCOMPLIANCE NOTICE:
Exterior Building or Structure Violations AT 400 Franklin St**

Dear Bruce L. Olson

An inspection of the property located at 400 Franklin St was made on November 06, 2018. As a result of this inspection, the condition described below was observed:

Condition:

- Peeling paint and exposed wood on exterior of dwelling please correct prior to the due date or if you are unable to comply contact our office to discuss further options. Must be corrected by: **September 27, 2019**

21.07(2) - Weather-Proof Exterior Surfaces and Sound Condition Interior Surfaces: Every foundation, roof, exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and dampfree, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatments. Walls shall be capable of affording privacy for the occupants.

The condition described above is not in compliance with the Muni Code, Wis Admin Code, & Wis Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. **Case details may be viewed at stevenspoint.com/cityview**

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated above. A re-inspection will occur to see if the first or all condition(s) is abated prior to **September 27, 2019**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection.

Failure to abate the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, including, but not limited to the issuance of a citation and/or the abatement by the City with the costs of abatement being assessed against the real estate as a special charge.

Please note that work being performed, or slated to be performed, may require a building permit.

Inquire with our office to verify if a building permit is needed. Double fees shall be charged if work is commenced prior to the issuance of a permit. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,

A handwritten signature in black ink that reads "Mark Kordus". The signature is written in a cursive, flowing style.

Mark Kordus
Neighborhood Improvement Coordinator
mkordus@stevenspoint.com
(715) 346-1554

RECIPIENTS: Bruce L. Olson

2022 Property Records for City of Stevens Point, Portage County

July 21, 2022

Tax key number: 281-24-0830402107

Property address: 400 Franklin St

Owner: Bruce L. Olson
1931 APPLE CT
PLOVER WI 54467-2078

Zoning: R3 Two Family
Traffic / water / sanitary: Light / City water / Sewer
Legal description:

Summary of Assessment	
Land	\$12,500
Improvements	\$24,000
Total value	\$36,500

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1	Residential	50	125	6,250	0.143	None	Residential		\$12,500

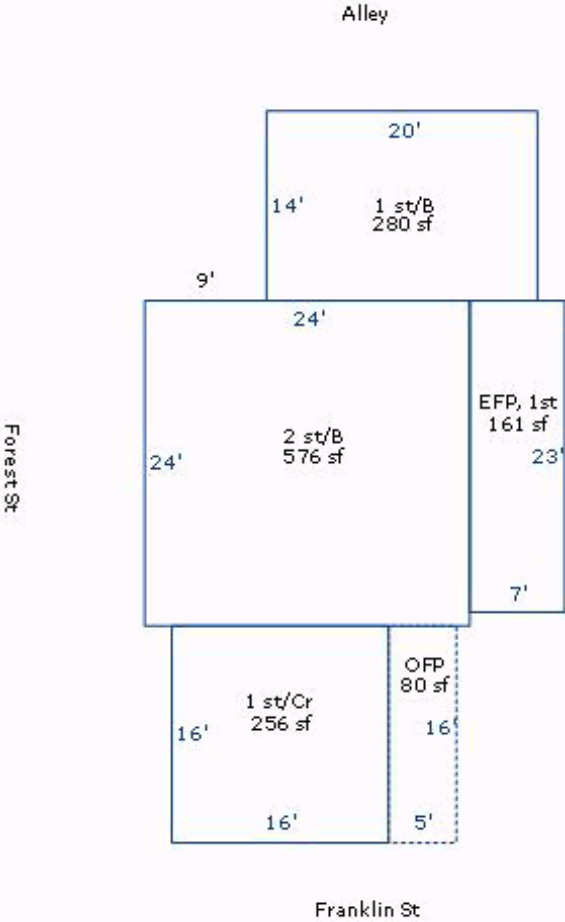
Residential Building			
Year built:	1880	Full basement:	856 SF
Year remodeled:		Crawl space:	256 SF
Stories:	2 story	Rec room (rating):	
Style:	Residence Old Style	Fin bsmt living area:	
Use:	2 Family	First floor:	1,112 SF
Exterior wall:	Wood	Second floor:	576 SF
Masonry adjust:		Third floor:	
Roof type:	Asphalt shingles	Finished attic:	
Heating:	Gas, forced air	Unfinished attic:	
Cooling:	No A/C	Unfinished area:	
Bedrooms:	3	Open porch	80 SF
Family rooms:		Enclosed porch	161 SF
Baths:	2 full, 0 half		
Other rooms:	5		
Whirl / hot tubs:			
Add'l plumb fixt:	2		
Masonry FPs:			
Metal FPs:			
Gas only FPs:			
Bsmt garage:			
Shed dormers:		Energy adjustment:	No
Gable/hip dorm:		Percent complete:	60%



Total living area is 1,688 SF; building assessed value is \$24,000

2022 Property Records for City of Stevens Point, Portage County

July 21, 2022



2022 Property Records for City of Stevens Point, Portage County

July 21, 2022

Building Permits				
Issued	Permit #	Purpose	\$ Amount	Completed
9/22/2015	15-0563	Detached Garage	\$31,000	12/29/2020
7/22/2015	15-0394	Raze detached garage	\$0	11/19/2015

Sales History		
Date	Price	Type

EXHIBIT N

OTHER HOME OCCUPATION VIOLATIONS ISSUED DURING THE APPLICANT'S NON-COMPLIANCE WINDOW



5/18/2021

ID#: RAC-2021-00478

NEIL A. HEINRICH
2408 HEFFRON ST
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
AT 2408 HEFFRON ST**

Dear Neil A. Heinrich,

An inspection of the property located at 2408 HEFFRON ST was made on 05/18/2021. As a result of this inspection, the condition below was observed:

Condition:

- The home occupation at 2408 Heffron Street violates Zoning Code requirements. The commercial use of the property shall cease to exist no later than June 21, 2021. Must be corrected by: 06/21/2021

Ch. 23.02(2)(b)(2)(c) - Home occupations/professional home offices: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property

conditions'.

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **06/21/2021**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Kuhn", written over a horizontal line.

Adam Kuhn
Code Enforcement Official



Thursday, September 2, 2021

ID#: RAC-2021-00994

JENNIFER M. BICKNASE
801 SIXTH AVE
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:
ZONING VIOLATIONS AT 801 SIXTH AVE**

Dear Jennifer M. Bicknase,

An inspection of the property located at 801 SIXTH AVE was made on 09/02/2021. As a result of this inspection, the condition below was observed:

Condition:

- o Lawn care business violates the Zoning Code's definition of a home occupation. Please consult with Community Development staff prior to the compliance date to comply with home occupation standards. Must be corrected by: 09/23/2021

: HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. **Case details may be requested at communitydevelopment@stevenspoint.com.**

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to **09/23/2021**. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit stevenspoint.com/595/Homeowner-Help

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,

A handwritten signature in black ink that reads "Adam Kuhn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam Kuhn
Zoning Administrator/Associate Planner
akuhn@stevenspoint.com
715-346-1567