



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED.

TO: Administrative Review Board of Appeals
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: 07/14/2022

RE: 3217 N 5th St
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by Department of Neighborhood Services
(Name of City Department)

Amount of the charges \$ ~~177.80~~ 533.40

Charge relative to: First reinspection / Non-Compliance Order # ORD-22-03779

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

See attached letter

Signature

Robert Thompson
Name (please print)

3223 N 5th St 53212 205-478-2378
Mailing address and zip code Daytime phone number

anthony@anthonycanfixthat.com
E-Mail Address(es)

To Whom it may concern,

This letter is to serve as a statement of facts in regards an appeal of fees associated with DNS(Department of Neighborhood Services) ORD-22-03779

The police were called on numerous occasions for neighbors digging holes and erecting posts on my property. The MPD(Milwaukee Police Department), district 5, CPU(Community Partnership Unit) recommended getting DNS involved. I was told, over the phone, by the CPU officer that DNS could handle it. But, they would call out some issues on my property. I responded "That is fine. As long as it gets this resolved, If im doing something wrong, I will correct it."

DNS inspector Gary Armstrong performed an inspection on April 5th 2022. Order #: ORD-22-03779(Attached) was issued on that day. The order seemed vague and non-specific. I had to log into the LMS(Land Management System) to find pictures Gary had taken(Attached). Some of the items seemed obvious based on the pictures Gary took. On April 12 2022, I called Gary for clarification on the items on the order. He was very rude and very non-specific on the matter of outdoor storage. But, made it clear that the gravel driveway, use of tents, and the parking of my tractor were issues. I requested an extension for time to build a shed and driveway. We spoke again on April 19, I believe, to confirm the extension. I will admit that my property did look a little "junky". But, I have spent countless hours and thousands of dollars cleaning it up.

The following are in reference to numbered items on that order. I have also attached relevant pages from the Milwaukee Code of Ordinances

- 1) I am not operating any sort of storage facility. All of the materials I have at the property are for my or my parents' (tenants in the upper unit) personal use. I did however get rid of, or properly store, any materials that could be misconstrued as used for my business.
- 2) See 1)
- 3) This is the order he is referring to my antique farm tractor. But, I am not operating any sort of contractor's yard. I have a 1953 Ford Golden Jubilee tractor that has never left my property. I do not even have a trailer to haul it on, or a vehicle rated to tow it. I purchased it as a collectors item. But, I have since moved it to a covered area in the rear of my property out of view.
- 4) I have paved a concrete driveway and all vehicles are now parked on concrete.
- 5) I have disassembled and stored the tents
- 6) The vehicle that was under a tent is now on the newly paved driveway.

On June 21st Gary Armstrong came out and took pictures(Attached). These pictures have little to no relation to the order or original pictures. He then issued the First reinspection fee.

On June 23rd I called and spoke to DNS Special Enforcement Supervisor Pete Laritson. He scheduled a meeting to clarify for June 29th. On June 29th Inspectors Matthew Rzepkowski(Matt) and Robert (did not catch last name) came out to my property. Gary

Armstrong was out sick. They were unable to clarify the non compliance and had to reschedule when Gary was back in the office. On July 13th Matt and Robert were back at my property with Gary. Gary was immediately rude and confrontational. When asked to clarify what I wasn't in compliance with, he was vague and non-specific, he only repeated the words "outdoor storage" and pointed out things completely separate from the order. Including but not limited to fencing materials for my current fence project. He informed me that he could not close the order as compliant if i did not let him into my fence gate. Once in my yard Gary and the other inspectors continued to point out things unrelated to the original order that I "could be cited on". Gary was very confrontational the entire time. Ultimately I asked them to leave.

As I was typing this letter, another non-compliance fee has been added to the LMS. I have updated the form accordingly and attached the first and second fee letters.

I believe the Order/before pictures(taken by Gary on april 4th) and the " Not in Compliance"/ after pictures(taken by Gary on June 21st) speak for themselves. I have done everything that was asked of me. I have spent countless hours of my valuable time, and incurred thousands of dollars in debt in the last two months complying with this order. To be fined further with no specific explanation to how to correct the issue, is outrageous.

Thank you for taking the time to read this letter. Please feel free to contact me any time regarding this matter. I can be reached by phone at (205) 478-2378 or by email at anthony@anthonycanfixthat.com.

Sincerely,
Robert Thompson



Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

June 22, 2022
Order #: ORD-22-03779

ROBERT A THOMPSON
3223 N 5TH ST
MILWAUKEE, WI 53212

Re: 3217 N 5TH ST

When a property is reinspected and violations remain uncorrected, the Milwaukee Code of Ordinances provides for these reinspection fees:

First reinspection \$177.80
Second reinspection \$355.60
All subsequent reinspections \$355.60

There is no charge for the reinspection that shows compliance with all violations.

All reinspections which show noncompliance with the order will be charged at the above rate. These fees will be assessed against the property as a special charge and will appear on the tax bill for this property. **On 06/21/2022, we imposed a \$177.80 reinspection fee, which includes a 1.6% training and technology surcharge. Any outstanding fees not paid by August 31, 2022 will automatically be assessed to your 2022 tax bill.**

As you can see, the cost of noncompliance with the code can add up quickly. The Department would prefer to see you put the money into correcting the violations and not into paying reinspection fees. Please contact me as soon as the violations have been corrected. If I do not hear from you, we will continue to reinspect until the property has been brought into compliance with the code. Please do not put us in that situation.

If you wish to appeal this charge you must file that appeal within 30 days of the date of this letter. It must be filed with the: Administrative Review and Appeals Board, Office of the City Clerk, Room 205 City Hall, 200 E Wells Street, Milwaukee Wisconsin 53202, 414-286-2221. Please contact them to obtain the proper application form. There is a \$25 fee required when filing this appeal.

Please be advised that if you have filed for bankruptcy, this letter is for informational purposes and is not intended as to be construed as an attempt to collect a debt during the pendency of your bankruptcy as other conditions may apply.

To discuss the violations, please contact the inspector listed below. Please contact your attorney with any legal questions as this office cannot give legal advice

Please call Inspector Gary Armstrong at 414-286-2549 during the hours of **8:00 a.m. to 10:00 a.m.** Monday through Friday for information on which violations remain uncorrected or if you have any questions. Violations can also be viewed on our website at www.milwaukee.gov/lms.

(ORDER # ORD-22-03779 WAS DUE ON 5/16/2022, AND EXTENDED WITHOUT A RE-INSPECTION UNTIL 6/16/2022. FINAL 2 WEEKS EXTENSION GRANTED TO COMPLY).

Gary Armstrong





Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

June 22, 2022
Order #: ORD-22-03779

Recipients

ROBERT A THOMPSON, 3223 N 5TH ST, MILWAUKEE WI 53212
ROBERT A THOMPSON, 3223 N 5TH ST, MILWAUKEE WI 53212





Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

July 14, 2022
Order #: ORD-22-03779

Department Copy
MILWAUKEE, WI

Re: 3217 N 5TH ST

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Gary Armstrong

Recipients

ROBERT A THOMPSON, 3223 N 5TH ST, MILWAUKEE WI 53212
ROBERT A THOMPSON, 3223 N 5TH ST, MILWAUKEE WI 53212





Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

Inspection Date
04/05/2022
ORD-22-03779

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

Re: 3217 N 5TH ST

Taxkey #: 282-1682-100

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Correct By Date: 05/16/2022

1) 295-503-1.

An Outdoor Storage Facility in a Residential RT4, Zoning District is not a permitted use and requires a variance, which will require approval from the Board of Zoning Appeals.

-YOU MUST APPLY FOR A CERTIFICATE OF OCCUPANCY AT THE PERMIT DESK AND SUBMIT A COMPLETE APPLICATION FOR YOUR VARIANCE TO THE BOARD OF ZONING APPEALS OFFICE OR DISCONTINUE SUCH NON PERMITTED USE.

(AN OUTDOOR STORAGE FACILITY REQUIRES BOZA APPROVAL FOR A VARIANCE AND A CERTIFICATE OF OCCUPANCY. AN OUTDOOR STORAGE FACILITY CONSISTS OF MATERIALS AND GOODS STORED OUTDOORS).

Correct By Date: 05/16/2022

2) 295-503-3.

Accessory uses which are detrimental to the residential character of the neighborhood by reason of the emission of odor, smoke, dust or noise, or the open storage of material or equipment, are not permitted in residentially zoned districts.

-YOU MUST DISCONTINUE THE OUTDOOR STORAGE IMMEDIATELY UPON RECEIPT OF THIS NOTICE. (MATERIALS AND GOODS STORED OUTDOORS).

Correct By Date: 05/16/2022

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

3) 295-503-1.

A Contractor's Yard in a Residential RT4, Zoning District is not a permitted use and requires a variance, which will require approval from the Board of Zoning Appeals.

-YOU MUST APPLY FOR A CERTIFICATE OF OCCUPANCY AT THE PERMIT DESK AND SUBMIT A COMPLETE APPLICATION FOR YOUR VARIANCE TO THE BOARD OF ZONING APPEALS OFFICE OR DISCONTINUE SUCH NON PERMITTED USE.

(A CONTRACTOR'S YARD REQUIRES BOZA APPROVAL FOR A VARIANCE AND A CERTIFICATE OF OCCUPANCY. A CONTRACTOR'S YARD CONSISTS OF STORAGE OF A CONTRACTOR'S VEHICLES, EQUIPMENT OR MATERIALS OUTDOORS).

Correct By Date: 05/16/2022

4) 295-403-3-b.

All areas used for the parking of motor vehicles or trailers shall have paved or approved surfaces, as required in s. 252-74.

252-74-1 PAVEMENT. All parking lots, parking spaces, parking areas and all access roads, drives or lanes leading thereto shall have a surface of concrete, asphalt macadam or tar macadam. Crushed stone, sand, gravel or cinders shall not be used for the surfacing materials.

-YOU ARE THEREFORE ORDERED TO DISCONTINUE PARKING ON UNPAVED OR IMPROPERLY PAVED AREAS.

Correct By Date: 05/16/2022

5) 239-9-3.

Temporary Buildings and Structures.

A trailer, mobile home, motor vehicle, wagon or a portable building cannot be used in place of a permanent building with a foundation for any business, religious, educational, restaurant, commissary, shop, storage, office, laboratory, merchandise display or other similar occupancy.

(DISCONTINUE USE OF TEMPORARY BUILDINGS AND STRUCTURES FOR STORAGE OR OTHER SIMILAR OCCUPANCY).

Correct By Date: 05/16/2022

6) 261-42-3-c.

Tents. OCCUPANCY USE OF TENTS.

Tents erected solely for the private use by the owner or tenants on premises which are exclusively one- to 4-family residential uses shall be erected for a period not exceeding 150 days per calendar year and shall not be used for vehicle storage.

(DISCONTINUE USE OF TENTS FOR VEHICLE STORAGE).

For any additional information, please phone Inspector **Gary Armstrong** at **414-286-2549** or **garmst@milwaukee.gov** between the hours of **8:00 a.m. to 10:00 a.m. Monday through Friday.**

Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -

Gary Armstrong
Inspector

Recipients:

ROBERT A THOMPSON, 3223 N 5TH ST, MILWAUKEE, WI 53212

ROBERT A THOMPSON, 3223 N 5TH ST, MILWAUKEE, WI 53212

FAILURE TO COMPLY

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days not to exceed 30 days. There is a fee for filing this appeal.

Violations (excluding zoning violations - Chapter 295) must be appealed to the Code Appeals Secretary, Municipal Building, 1st Floor, 841 N. Broadway, Milwaukee, Wisconsin 53202, phone 414 286-2543.

Violations of Chapter 295 of the Milwaukee Code of Ordinances must be appealed to the Board of Zoning Appeals, 809 N. Broadway, 1st floor, Milwaukee, Wisconsin 53202, phone 414-286-2501. All appeal applications must include the required information outlined in sec. 295-311-6.

If an appeal is pursued, it is your responsibility, as the recipient of this order, to file with the appropriate department. Please contact the inspector that issued this order if you are unclear on this issue. Filing an appeal with the incorrect department may render your appeal null and void.

TENANT RENT WITHHOLDING

Uncorrected violations on properties may allow tenants to deposit their rent in an escrow account in the Department of Neighborhood Services under Section 200-22. The Commissioner may withdraw monies from such escrow accounts to make repairs to protect the health, safety and welfare of tenants.

REINSPECTION FEES

In accordance with Section 200-33-48, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. **The fee is \$177.80 for the first reinspection, \$355.60 for the second and all subsequent reinspections. These fees include a 1.6% training and technology surcharge. Reinspection fees shall be a lien upon the real estate where the reinspections were made and shall be assessed and collected as a special tax.** If you wish to contest the assessment of a reinspection fee, contact the inspector, and, if necessary, the inspector's supervisor. If no agreement is reached, an appeal form will be mailed to you, which you can complete and send to the City's Administrative Review Appeals Board. Any question regarding the actual appeal process, please contact the Administrative Review Appeals Board at (414) 286-2221. Please be aware that there is a fee required when filing an appeal.

TRADUCCION EN ESPAÑOL

Si Ud, necesite ayuda para la traducción, de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Spcaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414) 384-3700 o Community

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Advocates, 728 N. James Lovell St., Milwaukee WI, 53233, Teléfono: (414) 449-4777

LUS HMOOB

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

SUBCHAPTER 2
DEFINITIONS AND RULES OF MEASUREMENT

295-201. Definitions. In this chapter, unless otherwise defined in a specific subchapter:

1. **ACCESS DRIVE** means a roadway leading from a public right-of-way to a parking area. Such a roadway shall be considered part of the parking area when it is adjacent to one or more parking spaces.
3. **ACCESSORY BUILDING** means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.
7. **ACCESSORY STRUCTURE** means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. An accessory structure does not contain habitable space. Examples of accessory structures include, but are not limited to, garages, sheds, decks, fences, trellises, arbors, pergolas, flagpoles, air conditioners, open pavilions and awnings.
9. **ACCESSORY USE** means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.
11. **ADULT DAY CARE** means an establishment in which the operator is provided with compensation in return for providing adults with care for less than 24 hours at a time. This term does not include a day care center.
13. **ADULT FAMILY HOME** means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.
15. **ADULT RETAIL ESTABLISHMENT** means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.
17. **AIRPORT** means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.
19. **AIRPORT PERIMETER FEATURE** means a fence, lighting system, antennae system, on-premise sign, driveway or access road, other than a taxiway, associated with an airport.
20. **ALCOHOL BEVERAGE PRODUCTION FACILITY, MICRO** means an establishment that produces and packages up to 20,000 barrels of fermented malt beverages, up to 200,000 gallons of vinous spirits or up to 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption.
- 20.5. **ALCOHOL BEVERAGE PRODUCTION FACILITY, LARGE** means an establishment that produces and packages more than 20,000 barrels of fermented malt beverages, more than 200,000 gallons of vinous spirits or more than 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption. This term includes ancillary tasting rooms and facility tours.
21. **ALLEY** means a service way providing a secondary means of public vehicular access to abutting property and not intended for general traffic circulation.
23. **ALTERATION** means any change, addition, modification or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.
25. **AMBULANCE SERVICE** means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.
27. **ANIMAL BOARDING FACILITY** means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping,

121. CONTIGUOUS means land abutting other land which is not separated by streets, ways, pipelines, electric power lines, conduits or rights-of-way owned by other persons.

123. CONTRACTOR'S SHOP means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

125. CONTRACTOR'S YARD means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.

127. CONVENT, RECTORY OR MONASTERY means a building used to house the staff of a church or the members of a religious order.

129. CONVENTION AND EXPOSITION CENTER means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

131. CORRECTIONAL FACILITY means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

133. CULTURAL INSTITUTION means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

135. CURRENCY EXCHANGE means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

137. DAY CARE CENTER means an establishment in which the operator is provided with compensation in return for providing children with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

138. DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

139. DEPARTMENT means the department of city development, unless otherwise specified.

141. DEPTH OF LOT means the distance from the front lot line to the rear lot line, measured in the general direction of the side lines of a lot.

143. DEVELOPMENT means any man-made modification to real estate, including construction or alteration of structures, repair of damaged structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storing, depositing or extracting materials or equipment, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

144. DISABLED PERSON means a person who is or will be housed in a community living arrangement or other group living facility required to be licensed by the state of Wisconsin and who falls into one or more of the following client groups:

- a. Advanced age.
- b. Irreversible dementia/Alzheimer's disease.
- c. Developmental disability.
- d. Emotionally disturbed/mental illness.
- e. Physical disability.
- f. Terminal illness.

295-201-623 Zoning

623. SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, including human male genitals in a discernibly turgid state, even if completely and opaquely covered.

625. SPORTS FACILITY means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

627. STORAGE FACILITY, HAZARDOUS MATERIALS means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

629. STORAGE FACILITY, INDOOR means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a self-service storage facility, a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a moving company which might store personal or household items on a short-term basis, but does not include a business that consists largely of individual storage lockers or is self-service.

631. STORAGE FACILITY, OUTDOOR means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

632. STORAGE FACILITY, SELF-SERVICE means an enclosed storage facility having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of personal or household property, where the storage areas are designed to allow private access to the units and the facility owner or operator has limited access to the units. This term includes a mini-storage facility. This term does not include an indoor storage facility or a wholesale and distribution facility.

633. STORY means that portion of a building included between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a floor area equal to at least two-thirds of the floor area of the floor immediately below it, but not including any basement, mezzanine, balcony, penthouse or attic.

635. STREET means any vehicular way other than an alley which is an existing state, county or municipal roadway or is shown on a plat approved pursuant to law, including the land between the street lines, whether or not improved.

636. STREET-ACTIVATING USE AREA means specific interior rooms and spaces within a use that provides visual activation of the street through windows or other openings. In multi-family residential buildings, examples include lobbies, community rooms, exercise rooms and other similar amenity spaces, but not individual dwelling units. In retail uses, examples include sales areas, break rooms and other active spaces. In office uses, examples include lobbies, conference rooms, amenity spaces and other communal working spaces. In entertainment and accommodation uses, examples include customer seating and waiting areas, and circulation areas. Interior parking areas, storage and locker rooms, restrooms, coat-check areas and other passive spaces not intended to be visually open to the outdoors shall not be considered street-activating uses.

637. STREET, ARTERIAL means a street shown as a principal or minor arterial street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

639. STREET, COLLECTOR means a street shown as a collector street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

640. STREET FRONTAGE, BUILDING means the building façade or elevation most closely parallel to the street property line.

640.5. STREET FRONTAGE ZONE, INTERIOR means the floor area measured perpendicular from the building street frontage, where the depth may vary by district or other requirement. This area is defined for restriction on use of the area.

641. STREET LEVEL AREA means any floor area of a structure located not more than 6 feet above nor more than 6 feet below street grade as measured at principal points of access to the floor area, exclusive of any floor area designed for common use in a multi-tenant building.

643. STREET, LOCAL means a street shown as a local street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

premises license or a temporary public entertainment premises permit, as required by ch. 108.

aa-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted. b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Residential Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

c-8. The home occupation shall not involve explosives, fireworks or repair of motor vehicles including body work.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Roomers. Not more than 2 roomers shall be permitted in any dwelling unit.

f. Electric Vehicle Supply Equipment. The equipment shall meet the standards set forth in s. 295-403-3-f.

295-505. Design Standards. 1. INTRODUCTION. The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in residential districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city' comprehensive plan and maintained on file in the office of the commission and in the legislative

c-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner of neighborhood services a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

d. Exception to Exceed Maximum Number of Off-Street Parking Spaces. d-1. The number of off-street parking spaces provided for a general retail establishment, or for any land use for which the off-street parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner of neighborhood services finds one or more of the following to be true:

d-1-a. The additional spaces will be located in a parking structure.

d-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

d-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

d-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner of neighborhood services, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

d-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner of neighborhood services a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

d-3. If the commissioner of neighborhood services determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

3. STANDARDS OF DESIGN. a. Dimensions. Parking spaces shall contain at least 160 square feet, excluding drives, lanes or aisles, and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner of neighborhood services, except that spaces designated for compact cars shall contain at least 120 square feet.

b. Paving. All areas used for the parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved surfaces, as required in s. 252-74. The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.

c. Illumination. Parking spaces and areas shall comply with the illumination standards of s. 295-409.

d. Landscaping. Parking spaces and areas, and their required setbacks, shall comply with the applicable requirements of s. 295-405.

e. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

f. Electric Vehicle Supply Equipment.

f-1. Electric vehicle supply equipment is permitted in any legally established parking space.

f-2. Unless part of a legally established electric vehicle charging facility, electric vehicle supply equipment in a residential zoning district shall be for the use of owners, residents and tenants of the property, and shall not be retailed directly to the public.

f-3. Electric vehicle supply equipment shall not block any required pedestrian walkways, conflict with adjacent site elements such as bicycle parking, exempt the parking area from any required landscaping, or block vision triangle.

f-4. When outdoor electric vehicle charging equipment requires electrical distribution equipment, the electrical distribution equipment shall meet the applicable screening requirement of s. 295-405-6.

239-7 Accessory Building and Structures

239-7. Buildings and Structures for Animals and Fowl. 1. In addition to the regulations in this section, buildings and structures for the housing of animals and fowl shall comply with the regulations of s. 239-1.

2. Buildings and structures for animals and fowl must comply with ch. 295 and Wisconsin department of agriculture, trade and consumer protection regulations.

3. Buildings and structures for fowl shall comply with the regulations of s. 78-6.5, [s. 78-6.5 will be effective 7/28/2011] and shall not be subject to any of the regulations of subs. 1 and 2 if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height.

239-8. Automobile Parking Lot Shelters. Shelter sheds, used in connection with automobile parking lots, and shelter offices used in connection with sale of automobiles or equipment, shall not exceed an area of 100 square feet and a height of 10 feet.

239-9. Temporary Buildings and Structures.

1. An approved temporary building or structure, counters, platforms and stands used in connection with the sale of flowers, plants and shrubs shall be located on premises at a distance of not less than 10 feet from adjacent buildings and structures of Type VB construction, not less than 5 feet from adjacent buildings and structures of other type of construction, and not less than 6 feet from street lot lines. Only one such building or structure with a roof shall be permitted on any one premises, and shall not exceed an area of 100 square feet and a height of 9 feet. Platforms, stands and sales counters erected on any premises shall not exceed an area of 200 square feet. Permits for such temporary buildings or structures for counters, platforms and stands shall be limited to 90 days.

2. a. Temporary buildings and structures such as reviewing stands or platforms, and other miscellaneous buildings and structures conforming to the regulations of this code, and sheds, canopies, or fences used for the protection of the public around and in conjunction with construction work, may be erected on any premises by special permit from the commissioner of city development for a limited period of time. Such temporary buildings and structures shall be removed upon the expiration of the time limit stated on such

permit. For such buildings and structures erected on any public thoroughfare, permits shall be obtained from the department of public works.

b. The commissioner of city development may require that canopies used for protection purposes around construction work be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner of city development and a separate permit issued for their construction.

3. A trailer, mobile home, motor vehicle, wagon or a portable building cannot be used in place of a permanent building with a foundation for any business, religious, educational, restaurant, commissary, shop, storage, office, laboratory, merchandise display or other similar occupancy.

239-10. Display Garages. Display garages may be erected on a premises as an accessory building for a legally permitted business use for a limited period of time as prescribed by the commissioner.

239-11. Accessory Sheds and Structures.

1. a. In addition to the regulations of this section, accessory sheds shall comply with the regulations of ss. 239-1 and 4 and the applicable provisions of ch. 295.

b. As an alternative to requirements in s. 239-1-4 for footings and foundations, an accessory shed may have an approved hard surface. Approved hard surfaces shall include but not be limited to concrete of at least 3 inches in thickness, 2 inches of macadam laid on 3 inches of gravel, or patio block laid on 3 inches of gravel.

c. When of type VB or petrochemical-based construction, a shed or accessory structure shall not be less than 10 feet from the principal building on the premises, except that the distance may be reduced to not less than 3 feet when the exterior walls of such structure is protected with not less than one-hour fire resistance construction.

2. Accessory sheds shall be anchored to the ground in a manner approved by the department of neighborhood services.

3. All accessory structures larger than accessory sheds shall comply with the regulations for detached private garages in s. 239-1.

CHAPTER 261
SPECIAL OCCUPANCIES

TABLE

261-35	Setbacks on Residential Properties
261-42	Tents
261-97	Outdoor Assembly Facilities
261-98	Beer Gardens
261-101	Toilet Rooms

261-35. Setbacks on Residential Properties. All antenna systems located on residential property shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the topmost point. No wires, cables or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.

261-42. Tents. 1. DEFINITION. In this section "tent" means a portable and temporary shelter, structure or stand, the covering of which in whole or in part is made of pliable material, but not including shelters and tarpaulins used exclusively for construction purposes.

2. NO PERMIT FOR CERTAIN TENTS.

The following tents are exempt from the permit requirements of s. 200-24-1. All other regulations of this chapter apply.

- a. Tents less than 600 square feet in area.
- b. Tents erected solely for the private use by the owner and/or tenants on premises which are exclusively one- to 4-family residential uses.
- c. Tents with 3 or more open sides.

3. OCCUPANCY USE OF TENTS.

a. In addition to all other regulations set forth in this chapter, the use of tents shall be limited to:

- a-1. For circuses, carnivals, religious meetings, civic events or similar assembly purposes.

a-2. For promotional sales when located on the same premises as the principal occupancy use and adequate parking and sanitary facilities are provided.

a-3. For promotional sales on public or private paved lands having an area not less than 10,000 square feet, providing adequate parking and sanitary facilities are provided and the tent area covers 4,000 square feet or more.

b. Tents as regulated in par. a shall be erected for a period not to exceed 15 days.

c. Tents erected solely for the private use by the owner or tenants on premises which are exclusively one- to 4-family residential uses shall be erected for a period not exceeding 150 days per calendar year and shall not be used for vehicle storage.

4. TENTS USED IN CONJUNCTION WITH A LICENSED PREMISES. Tents used in conjunction with premises licensed as a Class "B" establishment under ch. 90 may be erected for a period not exceeding 180 days per calendar year and shall be used only for activities permitted by the license.

5. CAPACITY. The capacity of any tent covered by this section shall not exceed one person for each 6 square feet of tent area.

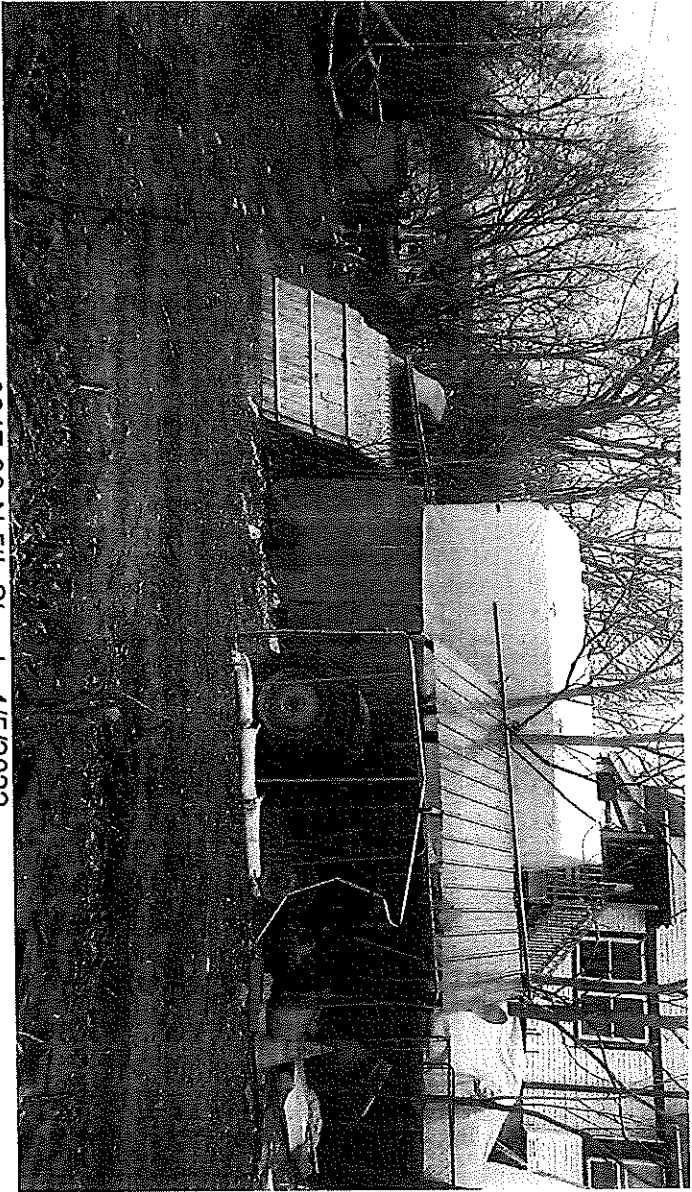
261-97. Outdoor Assembly Facilities.

1. SCOPE. This classification governs the uses of premises for outdoor assembly of more than 100 persons in the open air.

2. CAPACITY. a. The nominal capacity of any open or fenced premises used for outdoor assembly shall be the number of fixed seats plus one person for each 6 square feet of ground area used or intended to be used. A distance of 24 inches along any undivided bench shall constitute one seat in computing the population. The ground area of aisles or passageways used for access or circulation shall not be considered in computing the population and shall not be used for seats or standing room.



3217-23 N 5th Street. 4/5/2022.
(G. Armstrong/ Special Enforcement)



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(G. Armstrong/ Special Enforcement)



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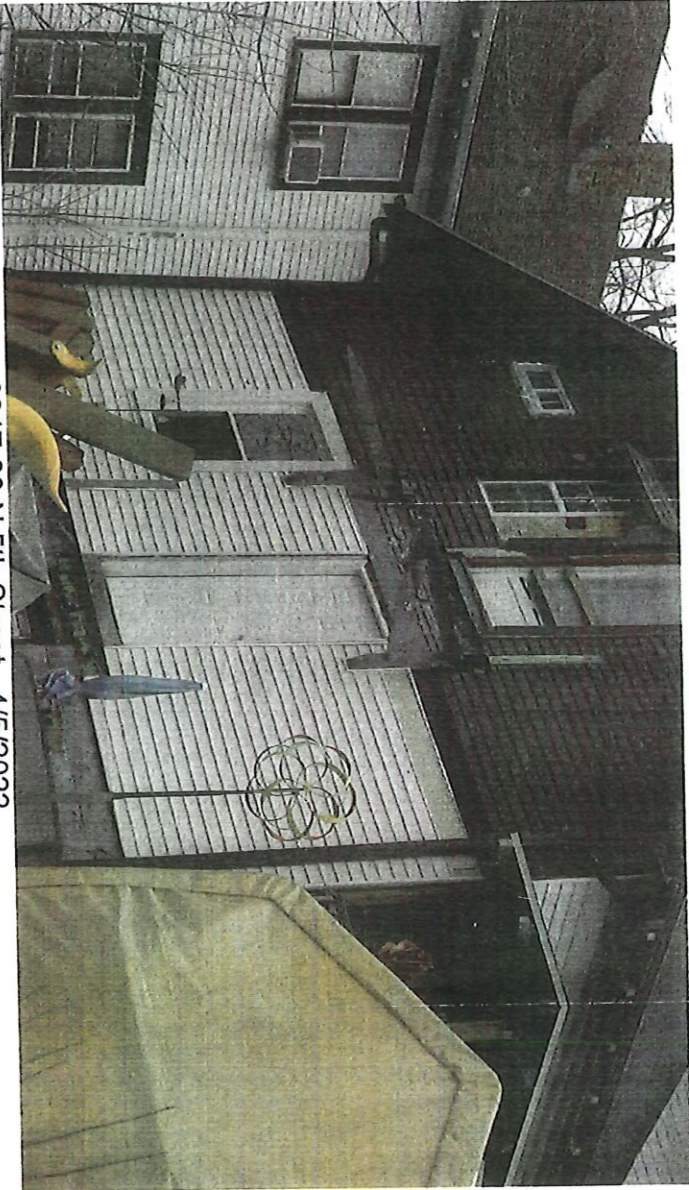
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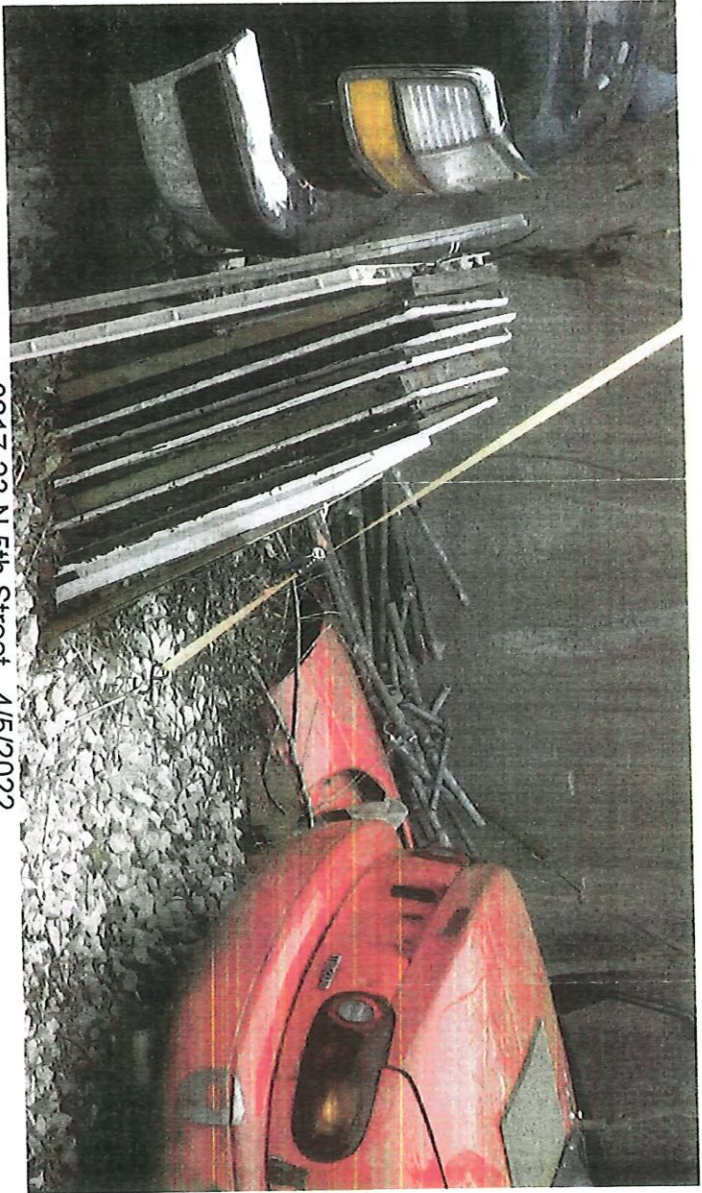
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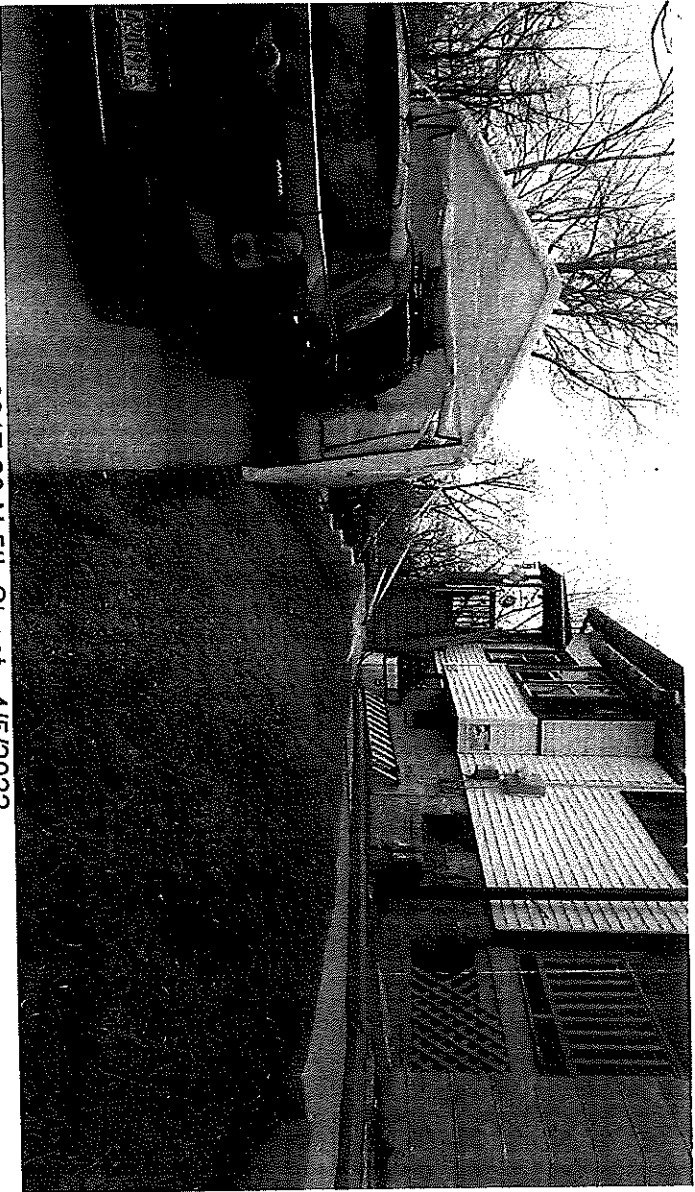
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3217-23 N 5th Street. 4/5/2022.
(G. Armstrong/ Special Enforcement)



3217 N 5th Street. 6/21/2022.
(G. Armstrong/ Special Enforcement)
(ORD-22-03779. Not in compliance)



3217 N 5th Street. 6/21/2022.
(G. Armstrong/ Special Enforcement)
(ORD-22-03779. Not in compliance)



3217 N 5th Street. 6/21/2022.
(G. Armstrong/ Special Enforcement)
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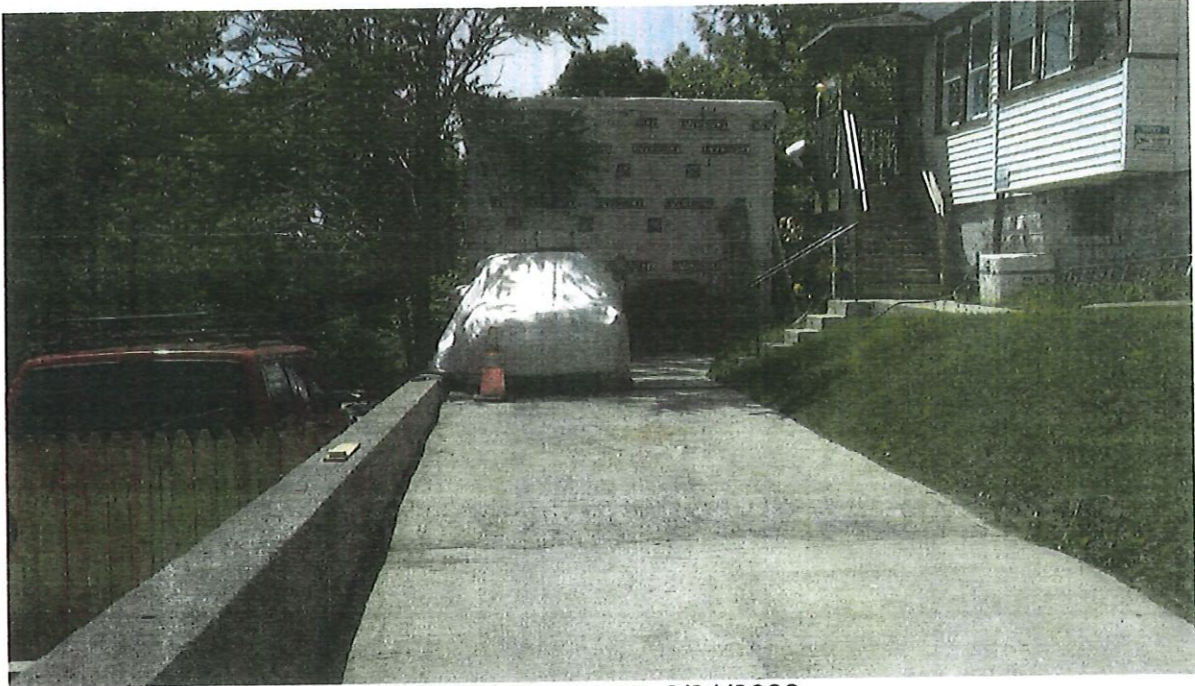
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(ORD-22-03779. Not in compliance)



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(G. Armstrong/ Special Enforcement)
(ORD-22-03779. Not in compliance)



3217 N 5th Street. 6/21/2022.
(G. Armstrong/ Special Enforcement)
(ORD-22-03779. Not in compliance)

Receipt of A.R.B.A. Appeal Fee

Date:	7/15/22
Received Of:	Robert Thompson
Property at:	3217 N. 5 th St.
Received By:	LME
Check # (If Applicable):	185
Amount:	\$25.00