

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

October 15, 2019

CUST ID No.: 1488444 TRANSACTION No.: 3273745
Phone: 920.655.2541

WYNNCLIFF INC
ATTN: BOB ATWELL
5800 KEATING AVENUE
CHICAGO IL 60646

Site ID No.: 859837 Wynncliff Resort
SITE ADDRESS: 11801, 11803, 11811 Lake Shore Rd
Manitowoc County, Town of Centerville
Site Contact: Bob Atwell
Contact Phone: (920)655-2541
Contact E-mail: batwell@nicoletbank.com

ORDER 0006478

Regulated Objects:

Nature of Complaint Summary: CHANGE OF USE WITHOUT PLAN SUBMITTAL
Object Type: Complaint Regulated Object ID No.: 1834973 (18 COM 144)
Last Inspection Date: June 13, 2019

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site. These orders apply to all buildings located on parcels 002-011-014-001.00 (11801 Lakeshore Road), 002-011-014-009.00 (11803 Lakeshore Road), and 002-011-014-001.01 (11811 Lakeshore Road) in the Town of Centerville, County of Manitowoc, State of Wisconsin collectively known as the "Retreats at Wynncliff".

The following violations were revealed:

Violation: A previously non-commercial site underwent an alteration and a change of use and is currently being used in a manner that requires it to be in compliance with the Commercial Building Code. The change of use occurred without submitting the required plans for review and approval.

Wis. Admin. Code § SPS 361.03(11): Change of occupancy or use. Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with the requirements of chs. SPS 361 to 366 for the new division or group of occupancies, as these requirements exist on one of the following dates:

- (a) Pursuant to s. SPS 361.30, the date when plans for the change in occupancy or use are approved by the department or authorized representative.
- (b) The date a local building permit is issued, if plan submittal and approval is not required under s. SPS 361.30.
- (c) The date construction is initiated, where pars. (a) and (b) do not apply.
- (d) The date an occupancy permit is issued, where pars. (a) to (c) do not apply.

Wis. Admin. Code § SPS 361.30(1) Plan review and approval. (a) Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.



Suggested Action: Building plans are required to be submitted showing how any all of the structures being used for commercial purposes comply with the current commercial building code or will be modified / altered to bring into compliance with current commercial building codes. Compliance with all codes (Building, HVAC, Plumbing and electrical) is required. Respondent may work with the Department on requesting petitions for variance as allowed by Wis. Admin. Code § SPS 361.22.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. § 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation.

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

ATTORNEY NAME: Matthew McCasland	INVESTIGATION DATE: 06/13/2019
PHONE: 608-266-9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE:  	INVESTIGATION SOURCE: Other
DATE: 10/15/19	COMPLIANCE DATE: 3/1/2020

cc: Brian Noe, Building Inspector, (920) 420-4796, Mon-fri, 7:45 A.M. - 4:30 P.M.