

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES
4822 MADISON YARDS WAY
MADISON WI 53705
Contact Through Relay
<http://dsps.wi.gov/programs/Default.aspx>
www.wisconsin.gov



Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

July 2, 2020

CUST ID No.: 1349167 TRANSACTION No.: 3302734
Phone: 608/632-2454

Site ID No.: 823569 Pork's Hilltop
SITE ADDRESS: 315 Main St
Vernon County, Village of De Soto
Site Contact: Cory Knutson
Contact Phone: 608/632-2454

CORY KNUTSON
315 MAIN ST
DE SOTO WI 54624

ORDER 0006865

Regulated Objects:

Nature of Complaint Summary: BUILDING ADDED WALKING STRUCTURE WITHOUT SUBMITTING PLANS

Object Type: Complaint Regulated Object ID No.: 1847652 (20 COM 005)

Last Inspection Date: March 4, 2020

NOTE: Due to the uncertainty caused by COVID-19 the Department will extend compliance dates so long as work is being made on gaining compliance with orders or if the site is not being used due to restrictions.

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site. DSPS Inspector Bret Radke spoke with Cory Knutson, agent for Pork's Hilltop LLC, who confirmed they had recently added a premade storage shed style building in the rear yard far enough away from the existing building to be considered a separate building. Due to the size of this building no DSPS review or approval would have been required if it existed as a stand-alone building, however, he recently added a raised walk as well as a door out of the main building kitchen which now links the two structures. The raised walk is approximately 8 feet above the ground below.

The following violations were revealed:

Violation: Property owner added a raised walking structure and a door out of an existing building and connected it to a new raised rear building without DSPS plan approval and inspections.

Wis. Admin. Code § 361.03(7) New buildings and structures. All buildings, structures and additions to buildings, structures, and components, to be constructed or erected shall be designed, constructed, and maintained in accordance with the rules of chs. SPS 361 to 366 as the rules exist on one of the following:

- (a) Pursuant to s. SPS 361.30, the date plans for the building, structure or addition are approved by the department or authorized representative.
- (b) The date the local building permit is issued, if plan submission and approval is not required under s. SPS 361.30.
- (c) The date construction is initiated, where pars. (a) and (b) do not apply.

Wis. Admin. Code § SPS 361.30(1) Types of buildings.

- (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.

Wis. Admin. Code § SPS 361.40(1) Supervision (1) General.

- (a) Except as provided in par. (b), the proposed construction of a project within the scope of chs. SPS 361 to 366 shall be supervised by one or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems, and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer, or designer is confronted with a nonconformance with the code during or at the end

of construction, that party, together with the designing architect, engineer, or designer shall effect compliance or shall notify the department of the noncompliance.

(b)

1. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one of the following conditions:

a. The building contains less than 50,000 cubic feet total volume.

b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.

2. For the purposes of this paragraph, the utilization of fire walls to divide up a building does not create separate buildings.

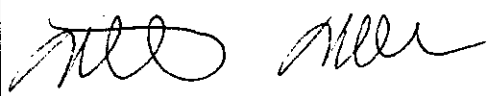
Suggested Action: Property owner shall submit plans for review to the Department if the walking structure is utilized connecting the two buildings. If property owner removes the walking structure and has two separate buildings then no additional actions need to be taken, however the new building shall comply with the commercial building code.

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. Sec. 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: 03/4/2020
PHONE/WORK HOURS: (608)266-9814, Mon-fri, 7:00 a.m. - 3:30 p.m.		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	7/2/20	COMPLIANCE DATE: 10/17/20
		Fee Required: (Invoice will be send Separately)
		PTO Expires:

cc: Bret J Radke, State Building Inspector, (608) 386-1301, Mon-fri, 7:00 A.M. - 3:30 P.M.