

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/industry-services>
www.wisconsin.gov



Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

January 21, 2021

Viaene Property Management
Two LLC
W9859 School Rd
PO Box 353
Hortonville WI 54944

SITE:
1113 Geneva Road
Menasha, WI 54952

ORDER 0007175

Regulated Objects:

Nature of Complaint Summary: Foundational disrepair. East foundation wall is bowing in significantly and cracked at each corner, allowing the foundation to push into the basement.

Object Type: Complaint (20 COM 57)

Last Inspection Date: August 24, 2020

INVESTIGATION NOTES:

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.

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site, 1113 Geneva Road Menasha, WI 54952.

The following violations were revealed:

Violation: East foundation wall is bowing in significantly and cracked at each corner, allowing the foundation to push into the basement. The roof was leaking and a portion of the ceiling finish was falling off due to water damage. Water and mold in the basement coming from the roof leak and failing foundation.

The foundation failure is required to be repaired in conformance with SPS 361 to 366 requirements and since this is a structural repair, plans for the proposed repair are required to be prepared and submitted by a licensed design professional.

Wis. Admin. Code § SPS 361.03 (13) EXISTING BUILDINGS AND STRUCTURES. (a) Unless otherwise specifically stated in chs. SPS 361 to 366, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the Wisconsin administrative building code

provisions that applied when the building, structure, element, system, or component was constructed, or altered except when required by subsequent editions of the building code.

Wis. Admin. Code § SPS 366.0101 (4)(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IEBC chapter 14 shall be considered in compliance with the provisions of chs. SPS 361 to 366.

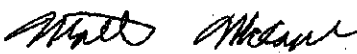
Wis. Admin. Code § SPS 361.30 Plan review and approval. (1) TYPES OF BUILDINGS. (a) Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been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

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 or Brian Noe.

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: 8/2020
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	1/21/2021	COMPLIANCE DATE: 4/26/20

cc: Brian Noe