

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES

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MADISON WI 53705

Contact Through Relay

<http://dsps.wi.gov/programs/industry-services>

www.wisconsin.gov

Tony Evers, Governor

Dan Hereth, Secretary



NOTICE OF VIOLATIONS AND ORDERS

August 4, 2022

ORDER 0008067

SYDNEY BROOKS AND DANA HOWARD
E4354 STECKS RD
WEYAUWEGA WI 54983

SITE: THE COTTONWOOD
E4354 STECKS RD
TOWN OF LIND
PARCEL # 12 23 43 2

Regulated Objects:

Nature of Complaint Summary: Change of use to building without submitting building plans to the Department.

Object Type: Complaint (21 COM 178)

Last Inspection Date: N/A

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: The Department's investigation found that an agriculture barn was being used as an event center whereby the public was invited to the site and therefore the building has undergone a change of use. The Department has considered Respondent's claim that the building has allegedly been preserved in accordance with the Wisconsin Barn Preservation Program of the University of Wisconsin- Extension working in collaboration with the Wisconsin Historical Society and Wisconsin Trust for Historic Preservation. The Department advises Respondent and/or their hired design professional to consult Wis. Admin. Code § SPS 366.0101(2)(b)2 that discusses historical buildings.

This Order is being entered as compliance has not been gained at this time. The Orders will be removed if and when plans get submitted. The Department has sufficient evidence of violations based on representations made by Respondents to Waupaca County and the Department and a review of Respondent's website for the property..

The following violations were revealed:

1. Violation: Change of use to building without plan submittal and approval.

Wis. Admin. Code § SPS 366.0101(2) Administration

CHANGE OF OCCUPANCY TO A PUBLIC BUILDING OCCUPANCY.

(a) Except as provided in par. (b), where a building or portion of a building that has not been previously occupied or used as a public building or place of employment is to be changed to an occupancy or use that constitutes a public building or place of employment, the building or portion of a building shall comply with the IBC for new construction.

(b)

1. Under par. (a) the IBC rules for new construction do apply to the properties of existing building materials.

2. An alteration or a change of occupancy in a qualified historic building which has not been previously occupied or used as a public building or place of employment may utilize the provisions of the IEBC as modified by this subchapter.

Wis. Admin. Code § SPS 361.03 Application.

(1) Standards.

(a) The design and construction of public buildings and places of employment shall comply with s. SPS 361.05, except as otherwise provided in chs. SPS 361 to 366.

(b) The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

(c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. SPS 362.3600 (2), in lieu of corresponding, otherwise applicable requirements of chs. SPS 361 to 366.

(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 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.

Wis. Admin. Code § SPS 361.31 Plans.

(1) Signing and sealing.

(a) Except as provided in par. (b), construction documents submitted to the department or its authorized representative for review shall be prepared, signed and sealed in accordance with ch. 443, Stats., and s. A-E 2.02.

Suggested Action: Design professional shall submit plans to state for plan approval.

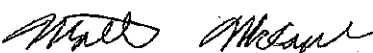
NOTE: It is the Respondent's or design professional's responsibility to inform the Department if the building qualifies for consideration under Wis. Admin. Code § SPS 366.0101(2)(b)2.

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 or Ryan Geiger at 608 235-7405.

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: 4/2022
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	8/4/2022	COMPLIANCE DATE: 10/28/2022

cc: Lucas Dederich

Ryan Geiger

County of Waupaca