

**VILLAGE OF GERMANTOWN  
N112 W17001 MEQUON ROAD  
GERMANTOWN, WI**

**MEETING: BOARD OF ZONING APPEALS**

**DATE AND TIME: WEDNESDAY, April 13, 2022 5:30 p.m.**

**LOCATION: Germantown Village Hall Board Room  
N112 W17001 Mequon Road**

**NOTICE:** Pursuant to the recommendations of the Centers for Disease Control and Prevention concerning the prevention of COVID-19 infections, any member of the body and/or citizen may also attend the meeting virtually through the WebEx platform, Meeting #:2556 574 3451 Password: sBPtyeNq233 which can be accessed by phone at 408-418-9388 or by logging on at <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=me2cfbf73a2ac4902bca2e13fcd26290f> Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to [comments@germantownwi.gov](mailto:comments@germantownwi.gov) by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL:**
- III. **APPROVAL OF MINUTES:** August 11, 2021
- IV. **PUBLIC HEARING, DELIBERATION AND ACTION:**
  - A. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by, Fred and Laura Wells, property owners, who are requesting a variance from Section 17.41(1)(b) of the Village's Zoning Code to exceed the permitted square footage of accessory structures in the Rs-1 Single-family Residential District by 65 square feet in order to construct an 170 square-foot addition to the existing detached accessory building for the property located at W220N10800 Amy Belle Road, Colgate.
- V. **NEXT MEETING DATE AND TIME IF NEEDED:**  
Second Wednesday's of the month at 5:30 p.m.
- VI. **ADJOURNMENT**

**UPON REASONABLE NOTICE**, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

Notice is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

VILLAGE OF GERMANTOWN  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
AUGUST 11, 2021

**CALL TO ORDER:** The meeting was called to order at 5:30 p.m. by Chairman White

**ROLL CALL:** Chairman White, Huber, Knop, Assistant Planner Zandt, Clerk/Treasurer Braunschweig, Deputy Clerk/Deputy Treasurer Rozek.

**APPROVAL OF MINUTES:** June 15, 2021

Huber asked that corrections be made to the spelling of her name throughout the minutes and that a comment made by her be stated correctly on the second page.

Motion (White/Huber) to approve the June 15, 2021 minutes with the corrections. Motion carried unanimously.

**PUBLIC HEARING:**

Chairman White read the public hearing notice. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by Lutheran Church of Living Christ, W156N10660 Pilgrim Road, **Barry Landowski, Property Agent**, who is requesting a variances from: Section 17.46(7)© of the Village's Zoning Code to reduce the minimum property line setback from 5 to 0 feet; from Section 17.46(7)(h)(2) to allow the sign to be located closer than 150 feet to a residential zoning district boundary; from Section 17.46(7)(h)(5) to allow an electronic message center component of a ground sign to exceed 40 percent of the total sign area.

Chairman White described the meeting order and that normally the Village's information is given first, then the review of the Variance is given and then the applicant may give sworn information.

Chairman White swore in Associate Planner Zandt.

Associate Planner Zandt gave background information about the application. On March 30, 2020 a Sign Review Application was submitted for Lutheran Church of Living Christ to add an Electronic Message Board to the existing monument sign on the property located at W156N10660 Pilgrim Rd. On June 5, 2020 Planning and Zoning Staff emailed a letter to the applicant that included Staff Review Comments concerning items that needed to be addressed prior to the sign going before the Plan Commission for review and approval. However, the electronic message board had already been installed in the existing ground/monument sign. Following further communication between the applicant and staff it was determined that variance requests and approvals for several code sections would be required to allow the message board to remain in place. A variance request was submitted to the Office of the Clerk/Treasurer on July 1, 2021.

Applicant is requesting 3 variances which include a variance from Section 17.46(7)(c) of the Zoning Code to reduce the minimum setback from property line from 5 feet to 0 feet for the ground sign. A variance from Section 17.46(7)(h)(2) to allow sign to be closer than 150 feet to a residential district boundary. And a variance from Section 17.46(7)(h)(5) to allow an electronic message center component of a ground sign to exceed 40% of total sign area.

Property location maps were shown for setbacks, street views, sign rendering, and modified sign.

First variance request is from Section 17.46(7)(c) which indicates a minimum setback from property line of 5 feet. No survey provided with application, and by using Washington County GIS and aerial imagery it was shown the sign was nonconforming.

The second variance request is from Section 17.46(7)(h)(2) which indicates an electronic message board shall not be located within 150' of a residential zoning district boundary or be located, designed or operated in a manner that creates a negative visual impact on property used for an existing residential use. Subject property and location of residential areas was shown and reviewed.

The third variance request is from Section 17.46(7)(h)(5) which indicates an electronic message board shall not exceed 40% of the overall size of the sign. Size of cabinet was shown and reviewed.

Staff comments were reviewed.

Discussion was had between Board and Associate Planner Zandt regarding rationale for restrictions on all three codes.

Chairman White swore in property agent Barry Landowski.

He is the current President/Treasurer for Lutheran Church of Living Christ. History was given about the church, when the sign was put in place and the growth of the Village since then. A landscaping plan with pictures was distributed. Review for all three variance requests given. Made known that when electronic sign was delivered, they had nowhere to store it so they placed it in the existing monument. It is not connected and still has plastic on. When contacting an electrician to install, it was made known that they would need a permit. Huber asked Associate Planner Zandt to explain further the other codes and regulations for electronic message boards. Those were reviewed.

Chairman White opened the Public Hearing at 6:10 p.m.

A written letter was submitted, by George and Jeanine Koleas. W156N10640 Cobbler Lane. They were in attendance and Mr. Koleas chose to speak in person. Chairman White swore in Mr. Koleas. He received letter announcing meeting, and after reading looked up the history about what happened with the sign. He stated it appears the sign was put up before any variance was approved. A picture of his house that sits diagonally from the sign was shown. During installation and testing of the sign there were times it was extremely bright and clearly visible through closed bedroom windows. The first request being asked is that the illumination be set at an appropriate level for a residential area, and the second request is that a timer be set for the message board to be turned off at night and he would like that to be 10 pm, coming back on at 8 am. He felt neither of these requests should diminish the effectiveness of the sign.

Chairman White discussed with Associate Planner Zandt the ordinance regarding the sign being on at night. After discussion it was determined that if the variance was approved the Plan Commission has ruling over how bright the sign would be.

Mr. Landowski was asked by Chairman White if the Church wanted the sign to run at night. He responded yes and that having it turn on at 8 am was too late in the morning to convey messages to the community.

Chairman White asked Mr. Koleas if he was against the sign being in place. He responded the only concern was how bright it was going to be and the hours of operation. Not opposed to the more modern sign.

Chairman White asked if anyone else in the audience had anything to say.

Chairman White swore in Jean Tomhom, N108W17053 Ava Circle.

She stated it would be a true hardship to move the sign, they are a small church with not a lot of money and have a lot of older people and trying to keep everything together. She is hoping for it to get passed and would appreciate it.

Huber asked Associate Planner Zandt about the property immediately south of the church that was currently zoned agricultural and if there could be future development. Associate Planner Zandt replied it was a pretty wet area, but it was possible.

Public hearing closed at 6:25 p.m. with no additional comments or questions.

The Findings, Conclusions, Decision and Order were deliberated.

Chairman White concluded that the three requests should be deliberated one at a time. The first to be discussed is the request of a zero-foot setback from the property line as opposed to the required 5' setback. Huber feels it is not contrary to public interest because of the 25' buffer. Chairman White agrees. Knop agreed with both saying the difference is minimal.

For an exceptional, extraordinary, or unusual condition Huber states that the 25' buffer could again be applied. Chairman White also added that the fact the monument is already there makes it unique and doesn't apply everywhere. Knop expressed a few other things that are exceptional about this is the church itself is set well off the road, it's just the monument that is closest to the road. And the backyards on the east and west side of Pilgrim road of the road, it's not the front yards to perhaps see the sign from a window.

Chairman White asked if good signage is a substantial property right, and he was prepared to say it is for a church. Huber agreed but added they already have a sign on the property.

Would 3' closer to the road create a detriment to adjacent property, or be contrary to public safety, Chairman White didn't feel it would impact anyone.

Chairman White feels there is a hardship by the Church not being able to use the monument. The monument has been in place, and it would be a hardship to have it torn down and build something lesser. Knop expressed that a big concern is how does this work its way through the church, when at some point the Village should have been consulted with permits. It seems poor communication within the church, and they created their own hardship.

Chairman White made a motion to grant the first requested variance from section 17.46(7)(c) to reduce the minimum property setback from 5' to 0'. Second by Huber.

Roll Call Vote, all in favor, motion passed.

The second variance request that would allow a sign to be closer than 150' to a residential district boundary was discussed.

Knop expressed spirit of code is to create separation between a lighted sign and residential areas and the reconfiguration of this area still does even though it's not 150'. White agrees that although the boundary of the zoning district is 117' all houses appear to be around 150'. Huber disagrees saying the spirit of the code is to not have electronic signs within 150' of a residential district. With concerns expressed by Mr. Koleas, people do not want light shining in residential areas. So I feel it's very hard to say that granting the variance would be in accord with the spirit of the zoning. Not for us to reinterpret and rewrite the zoning codes.

Chairman White expressed that as with the monument by pure happenstance of the layout of the property, houses are separated. It is unique in that all other houses nearby are farther away. Huber again said it felt like it was rewriting the code. It is 150'. Hearing from Mr. Koleas who lives on the southwest angle, there is also a

house to the northwest angle and the future development in the area I don't see anything exceptional or unique.

Knop felt the church had similar rights to other churches within the Village that had similar signs, and the variance is necessary to preserve the same rights and enjoyment of a sign such as this. Chairman White questioned if it literally meant the same district that the church is in or how the church was zoned as Institutional. Huber disagreed because there could be Institutional properties that are completely surrounded by agricultural so then the ordinance wouldn't apply to them.

When discussing if it would be a detriment to adjacent property Huber stated you could argue that it will be contrary to the public interests due to light pollution being a growing concern and shouldn't be taken lightly when granting variances related to electronic signs. Knop agreed that the variance could create a substantial detriment to the neighbors specifically as described here the people that are at an angle to the sign. It's difficult to determine how bright the sign will be at 117'. Discussion continued and Huber added that Mr. Koleas has been incredibly gracious and trying to work with the church on the brightness and hours it is on, but we haven't heard from the person who's on the northwest angle who may sell their home at some point to another individual who may have a different view of it, and the property to the south may be developed. It also shouldn't fall on a resident to have to go and work with a property owner on how bright their signs are going to be, or the hours it will be on. This is why we have codes to protect our residents from having to get involved in that kind of thing. I just want to be sure we look out for the people who weren't here to speak about it. Chairman White responded that the Plan Commission will be in charge of determining the brightness and if we don't grant any of these variances it would be hard for the church to use the sign unless it is moved. When discussing the hardship Chairman White stated that he goes back to the first variance where the Church would have to move the monument and that is an unnecessary hardship to rebuild it. Huber commented they could go to a non-electric sign. Knop stated again that better planning could have been done to come in compliance before the purchase and install of the sign. Huber agreed saying people have come before the Board with a self-created hardship by doing something without the understanding of rules and regulations.

Motion by Chairman White to grant the variance from section 17.46(7)(h)(2) to allow the sign to be closer than 150' to a residential zoning district boundary. Knop second. Roll Call Vote taken, White/Knop in favor, Huber against. Motion passed.

The third variance request that would allow an electronic message center component of a ground sign to exceed 40% of the total sign area was discussed. Chairman White says he is not entirely clear if we're at 38.5% or 40%. He understands the reason for the requirement so the sign isn't so huge, but the monument is part of the sign and the electronic part doesn't overwhelm the structure. Huber stated that yes if you included the monument base toward calculation the sign would be much smaller. Knop added the larger than allowed electronic section of the sign is minimized by the foundation of the area and the fact that the nearest residential area is across the street so feel that the variance will not be contrary.

Chairman White agreed saying that this falls into the next consideration of exceptional, extraordinary, or unusual conditions affecting this property, which he believes there is. Knop and Huber agreed.

Chairman White continued with the Church sign is important but doesn't have to be big or electronic. Other Churches in the Village have electronic signs. Huber added yes, but they comply with the rules, and this church shouldn't have different rights.

For a detriment Chairman White is relying on Plan Commission to make sure there are no nuisance issues. Just because we may say they can light the sign doesn't mean they don't have to comply with the zoning rules. He added for the hardship they already own the sign and could there be a way to make it a smaller portion

that lights up. Huber thought it could be reworked. Knop added again that by not pre-planning for the installation it is a self-imposed hardship. Chairman White asked Knop if he is against the variance and Knop replied yes.

Chairman White made a motion to grant the variance from Section 17.46(7)(h)(5) to allow the message center to exceed the 40% of the total sign area. Knop second. Roll call vote taken, White/Knop in favor, Huber against. Chairman White address Knop and asked if was in favor now. Knop verified he doesn't think there is a hardship because it was self-imposed, and it would change his vote.

Chairman White asked if this would result in practical difficulty. Knop replied that his feeling is the same that a practical difficulty reworking the sign to make the electronic portion smaller is self-imposed for the same reasons I stated.

Chairman White stated the previous vote would not count due to irregularity in analysis and he will make a new motion to grant the third requested variance from Section 17.46(7)(h)(5) to allow an electronic message center component of a ground sign to exceed 40% of the total sign area. There is no second. Motion failed. The third requested variance is denied.

Therefore, it was explained to Mr. Landowski by Chairman White that the first two are granted, but the third one was denied. That now leaves you, he believes, is to either convince someone that your calculation of the amount area is correct and if you persuade them then you don't need a variance. The other option is to do something with the sign to make it comply with the 40% requirement. The third option is to appeal to the Circuit Court and information would arrive in the mail describing how that process works.

Next meeting date if needed will be set for September 8, 2021 at 5:30 p.m.

Huber motioned to adjourn the meeting at 7:05 p.m. All in favor, motion carried.

*Respectfully Submitted,*

Jennifer Rozek

Deputy Clerk/Deputy Treasurer

NOTICE OF PUBLIC HEARING

VILLAGE OF GERMANTOWN

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Zoning Appeals, Village of Germantown, WI:

Germantown Village Hall Board Room  
N112 W17001 Mequon Road  
Germantown WI 53022

Date and Time: **WEDNESDAY, APRIL 13, 2022 - 5:30 P.M.**

THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by, Fred and Laura Wells, property owners, who are requesting a variance from Section 17.41(1)(b) of the Village's Zoning Code to exceed the permitted square footage of accessory structures in the Rs-1 Single-family Residential District by 65 square feet in order to construct an 170 square-foot addition to the existing detached accessory building for the property located at W220N10800 Amy Belle Road, Colgate.

A copy of the application and supporting documents are on file in the Clerk's office and available for public inspection during the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday and can be viewed on the Village website under Legal Notices of

<http://www.village.germantown.wi.us/>

Citizens wishing to submit any public comments may do so by sending them by email to: [comments@village.germantown.wi.us](mailto:comments@village.germantown.wi.us) no later than 4:00 pm on the meeting date listed above.

Dated this 13th day of March 2022.

Village Clerk

Published: March 23 and March 30

**VILLAGE OF GERMANTOWN  
 BOARD OF ZONING APPEALS  
 NOTICE OF APPEAL OR APPLICATION**

Case No.	
Filing Date	3/2/2022
Fee Paid	\$ 570
Hearing Date	
Notice Mailed	
Notices Published	

To: Board of Zoning Appeals  
 Village of Germantown, Wisconsin

NOTICE IS HEREBY GIVEN that the undersigned hereby (appeals for relief from a decision of an administrative official) (applies for the following described right or privilege):

Appellant's or Applicant's Name: Fred and Laura Wells	
Address: W220 N10800 Amy Belle Road Colgate, 53017	
Phone Number: 414-322-8276	
Appellant's or applicants' interest in property:	
Owner <input checked="" type="checkbox"/>	Tenant <input type="checkbox"/>
Mortgagee <input type="checkbox"/>	Agent <input type="checkbox"/>
Property Owner's Name: Fred and Laura Wells	
Address: W220 N10800 Amy Belle Road Colgate 53017	
Phone Number: 414-322-8276	
Address of Property: W220 N10800 Amy Belle Road Colgate 53017	
Lot: Parcel 1	Block:
Tax Parcel No. GTNV 302990	Zoning District:
Present use of the Property: residence for family	
Proposed use of the Property: residence - want to create addition to garage	
Previous Appeal or Application (if any)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES, list date of hearing:	
Decision of Previous Hearing:	

Identify the **PURPOSE** for this appeal or application. Please mark the appropriate item below and provide the requested information. Attach a separate sheet if necessary.

A <input type="checkbox"/>	Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.
Date of Decision or Order:	
Description of Decision or Order:	
Decision or order is erroneous because:	
B <input checked="" type="checkbox"/>	Request for Variance of Zoning/Building Code
Describe the requested variance and dimension of variance: <p style="text-align: center;">see attached page</p>	
Explain how the variance, IF granted, is consistent with the spirit, purpose and intent of the Code: <p style="text-align: center;">see attached</p>	
Describe the exceptional, extraordinary, or unusual conditions or circumstances that apply specifically to this lot/parcel, use, structure, or intended use that <b>DO NOT</b> apply generally to other properties or uses in the SAME district: <p style="text-align: center;">see attached</p>	
Explain how this variance, IF granted, <b>WILL NOT</b> create substantial detriment to adjacent property, <b>WILL NOT</b> be contrary to the public interest and <b>WILL NOT</b> endanger public safety and interest: <p style="text-align: center;">see attached</p>	

**Describe the requested variance and dimension of variance:**

We are asking for a variance to section 17.41 of village code for an addition to our detached garage. The detached garage is being considered an accessory, and under the code allows a maximum of 864 sq. ft. Our current garage is approx. 759 sq. feet. The addition we propose would add approx. 170 sq. feet to the current sq. footage of the garage. This addition would mean the garage total sq. footage would exceed the code by approximately 65 sq. feet.

The dimension(s) of the variance we are proposing are: to extend the south side of the garage (22'-4" dimension) 10' from the garage at the greenhouse, and also 5' from the current garage wall. Each of these additions account for approximately half of the 22'-4" dimension. The greenhouse and garden would be removed and become part of the new garage sq. footage. We propose extending the gabled roof line eliminating the pitched roof there now.

Please see included drawings and pictures for clarification.

**Explain how the variance, if granted, is consistent with the spirit, purpose and intent of the Code:**

We feel that our proposed addition is a very small percentage of our overall property. When you take into account that our ½ acre lot, parcel 1, is embedded and part of a larger overall area (20 acres all together) it is a small addition. In addition, this new footprint will stay within the raised rock wall garden that is there now – the garden will go away.

The main reasons we are proposing to do this are 1) the current greenhouse is constantly leaking, glass is breaking and the glass panes are special made and hard to find; 2) we are looking ahead for additional car and related storage as our kids approach driving age and more stalls are needed.

The addition will look the same as the rest of the garage, all building materials will be consistent with the current construction. Our garage is not seen from Amy Belle Road. It is only seen from the main private shared drive. We feel the addition will improve the look of the garage, with the additional goals of reducing maintenance issues and providing future covered parking.

Please see included proposed architect drawing.

**Describe the exceptional, extraordinary, or unusual conditions or circumstances that apply specifically to the lot/parcel, use, structure, or intended use that DO NOT apply generally to other properties or uses in the same district:**

Our lot, parcel 1, is part of 20 acres, parcel 4, shared with 1 neighbor whose house is on parcel 3. We split parcel 2 ownership and we share parcel 4 as common land. Our property is secluded, no land or any of the buildings can be seen from Amy Belle Road. Only our shared neighbors see our house/garage as they drive on the shared drive which runs along the south side of the property, which is approx. 50 yards from the garage.

This proposed addition is a very small portion of the overall property and it is not seen from any public roads. It will look better, be in the same style and material(s) of the current garage. As mentioned above, the glass greenhouse leaks, is unsightly and is a maintenance nightmare.

Please see included surveys to better understand the entire layout of the property.

**Explain how this variance, IF granted WILL NOT create substantial detriment to adjacent property, WILL NOT be contrary to the public interest and WILL NOT endanger public safety and interest:**

Only our shared neighbors (Scott and Laura Segrin) can see any of our property or it's buildings. No other "neighbors" can see our property, through a combination of tree or distance.

Our shared neighbors, whose house is on parcel 3, have signed a letter stating that they are in agreement with the proposed addition.

Please see included letter and signatures.

C <input type="checkbox"/>	Request for Interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.
List applicable section(s) of the Zoning Code:	
Describe proposed use/activity/construction:	
Explain reasons supporting requested action:	
Has request been referred to Plan Commission?    Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, give recommendation of Plan Commission:	
D <input type="checkbox"/>	Permission for Temporary Use Permit
Describe use requested:	
Proposed commencement date:	
Proposed termination date:	

E	<input type="checkbox"/>	A determination that an unspecified or unclassified use is permitted in a Zoning District
Describe use requested:		
Attach copy of recommendation of Village Plan Commission		
F	<input type="checkbox"/>	Permission to substitute a MORE restrictive non-conforming use for an existing non-conforming use.
Attach copy of recommendation of Village Plan Commission.		
Attach copy of certification of Zoning Administrator to legality of present non-conforming use.		
Date of commencement of present use:		
Value of improvement on date use became non-conforming (attach documentation supporting value): \$		
Present value of all existing improvements, additions and alterations since date use became non-conforming (attach documentation): \$		


**REQUIRED DOCUMENTATION**

Each appeal or application must be accompanied by:

- A. Current plat or survey of the lot/parcel, with complete details of the site, dimensioned, elevation data, easements, existing and proposed physical features, yards, and setbacks, etc.
- B. Attachments as outlined above.
- C. Filing fee(s)
- D. Copy of decision or order which is the basis of this appeal/application.
- E. Name and Address of counsel IF appellant/applicant elects to be represented by counsel.
- F. Any additional fee of \$ 570 to cover the administrative costs if a contested case is requested.

**I hereby certify that the above application and/or appeal and all attachments hereto are true, correct, and complete to the best of my knowledge and belief.**

Dated: March 2 20 22

  
 Signature of applicant or appellant

17.52 - BOARD OF ZONING APPEALS.

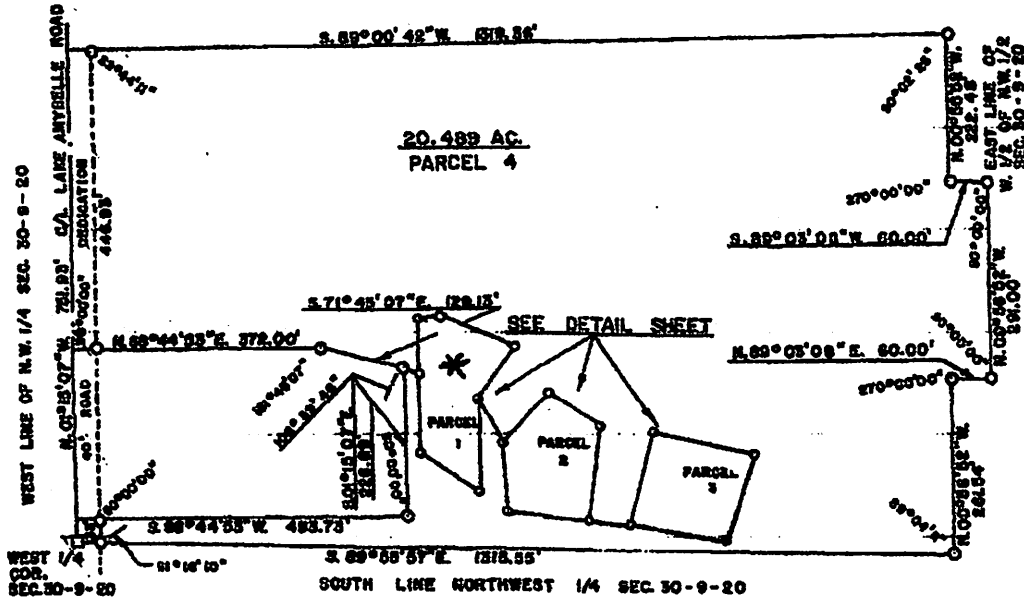
- (1) **MEMBERSHIP.** See section 1.30(1) of this Code.
- (2) **ORGANIZATION.** The Board of Zoning Appeals shall organize and adopt rules and procedure for its own government in accordance with the provisions of this chapter.
  - (a) *Meetings.* Meetings shall be held at the call of the chairman and shall be open, to the public.
  - (b) *Minutes.* Minutes of the proceedings and a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be immediately filed in the office of the Board and shall be a public record.
  - (c) *Concurring Vote.* (Am. Ord. #12-09) The concurring vote of a majority of the quorum of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified or substituted use.
- (3) **POWERS.** The Board of Zoning Appeals shall have the following powers:
  - (a) *Errors.* To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
  - (b) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
  - (c) *Interpretations.* To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
  - (d) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
  - (e) *Permits.* The Board may reverse, affirm wholly or partly modify the requirements appealed from, and may issue or direct the issuance of a permit.
  - (f) *Assistance.* The Board may request assistance from other Village officers, departments, commissions and boards.
  - (g) *Oaths.* The Chairman may administer oaths and compel the attendance of witnesses.
- (4) **APPEALS.** (Rep. & Recr. Ord. #2-94; Am. Ord. #19-96) Appeals of any administrative determination of the Zoning Administrator, the Building Inspector or the Plan Commission concerning the literal enforcement of this chapter and chapters 14 and 18 of this Code may be made by any person aggrieved or by any officer, department or board of the Village. Such appeals shall be filed with the Secretary within 30 days after receiving actual or constructive notice of the administrative decision or order or the granting of a permit by the Zoning Administrator, Building Inspector or Plan Commission. Such appeals and applications shall include the following:
  - (a) Name and address of the applicant.
  - (b) What administrative determination is being appealed and the basis for the appeal.
- (5) **HEARINGS.** The Board shall fix a reasonable time and place for the required public hearing and shall give notice as specified in section 17.53 of this chapter. At the hearing, the appellant or applicant may appear in person or be represented by an agent or attorney.
- (6) **FINDINGS.** No variance to the provisions of this chapter shall be granted by the Board unless it finds, beyond a reasonable doubt, that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- (a) *Preservation of Intent.* No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use or conditional use in that particular district.
  - (b) *Exceptional Circumstances.* There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this chapter should be changed.
  - (c) *Hardships Not Grounds for Variance.* No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
  - (d) *Preservation of Property Rights.* The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
  - (e) *Absence of Detriment.* No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- (7) **DECISION.** The Board shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Administrator and the Plan Commission.
- (a) *Conditions.* Conditions may be placed upon any zoning permit ordered or authorized by the Board.
  - (b) *Variations, Substitutions or Use Permits.* Variations, substitutions or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.
- (8) **REVIEW BY COURT OF RECORD.** Any person aggrieved by any decision of the Board may present to a court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.

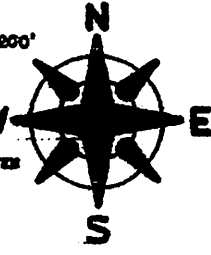
**State law references—**Zoning board of appeals, Wis. Stats. §§ 61.35, 62.23(7)(e).

EXHIBIT A-1

**CERTIFIED SURVEY MAP**  
OF A PART OF THE  
**N.W. 1/4 OF SEC. 30, T. 9 N., R. 20 E.**  
VILLAGE OF GERMANTOWN  
WASHINGTON COUNTY, WISCONSIN



SCALE 1"=200'  
O DENOTES 1"x24" I.R.  
L/3 LB./LIN. FT.  
ALL BEARINGS ARE  
REFERRED TO GRID  
NORTH OF WIS. STATE  
PLANE COORDINATE SYSTEM



Nov 21 3 07 PM '72

337983

VOL. 3 MAP No. 626 page 254

WASHINGTON COUNTY, WISCONSIN

GTNV\_302

Show search results for GTNV\_302



200ft

2,453,600,799,448,276,022 Feet

# PLAT OF SURVEY

PROPERTY DESCRIPTION: (Per Document No.: 1407491)

Parcel 1 of Certified Survey Map No. 626, recorded in the Office of the Register of Deed for Washington County, Wisconsin on November 21, 1972, in Volume 3 of Certified Survey Maps at Page 254, as Document No. 337983, being a part of the Northwest ¼ of Section 30 in Township 9 North, Range 20 East, in the Village of Germantown, together with access across Parcel 4 of said Certified Survey Map for Driveway purposes. Also an undivided ½ interest in Parcels 2 and 4 of Certified Survey Map No. 626, recorded in the Office of the Register of Deed for Washington County, Wisconsin on November 21, 1972, in Volume 3 of Certified Survey Maps at Page 254, as Document No. 337983, being a part of the Northwest ¼ of Section 30 in Township 9 North, Range 20 East, in the Village of Germantown.

**NOTE: Title Policy**

As of the date of this survey, no title policy was provided, therefore this Plat of Survey does not guarantee the existence, size and location of any easements, encumbrances, restrictions or other facts that could otherwise be disclosed in a title search or current Title Policy

For questions regarding underground utilities please contact:



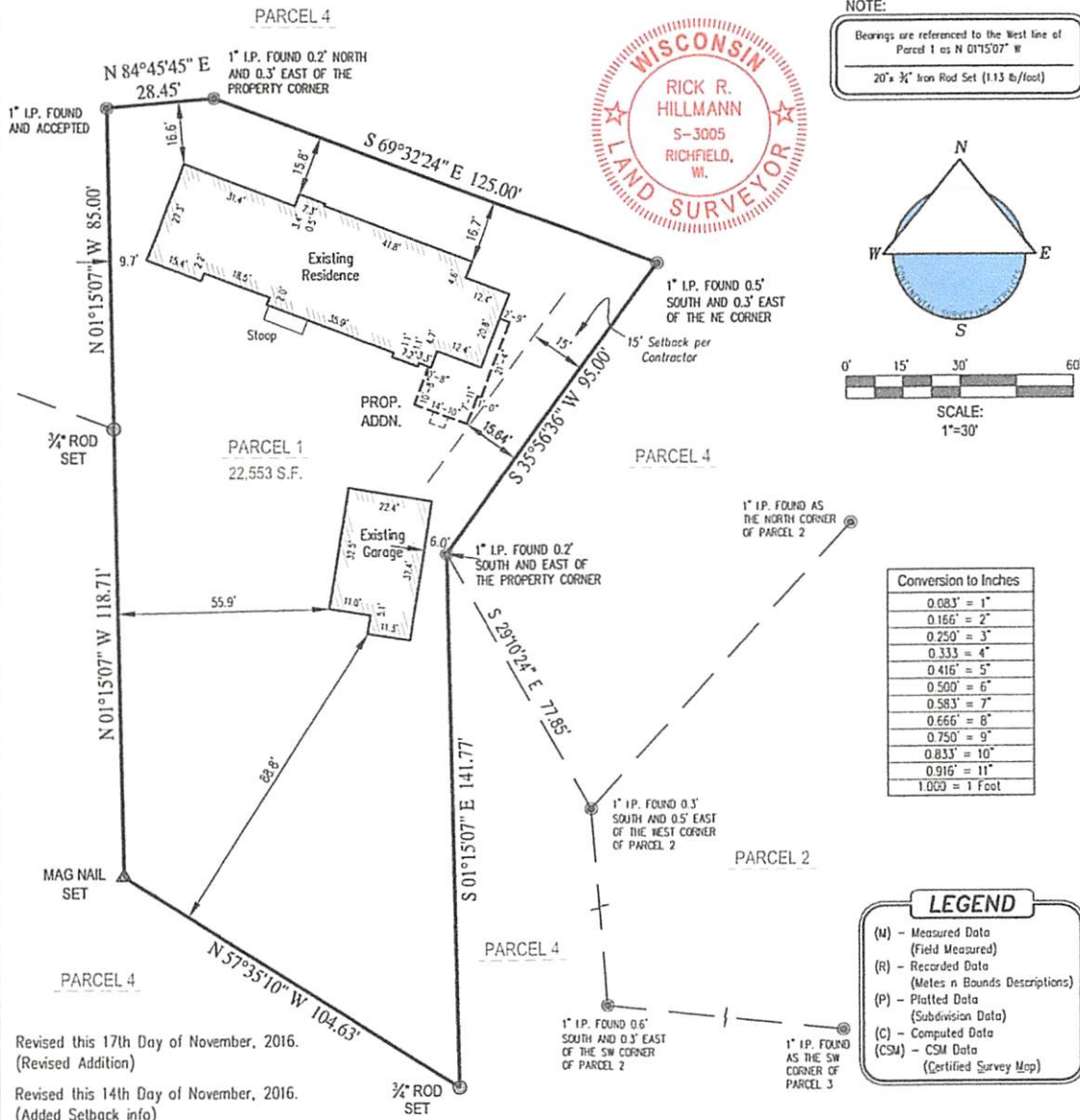
**NOTE: Underground Utilities**

Location of Underground utilities are not part of the agreement made between the Surveyor AND Client named on this map, therefore none are shown.

**NOTE:**

Bearings are referenced to the West line of Parcel 1 as N 01°15'07" W

20" x 3/4" Iron Rod Set (1.13 lb/foot)



Revised this 17th Day of November, 2016.  
(Revised Addition)

Revised this 14th Day of November, 2016.  
(Added Setback info)

**LEGAL NOTICE:** UNAUTHORIZED REVISIONS, MODIFICATIONS, ALTERATIONS, AND OR MAKING CHANGES OF ANY KIND AND THEN USE AND OR DISTRIBUTE THIS MAP, CONTINENTAL SURVEYING SERVICES LLC'S NAME, OR THE SURVEYOR'S NAME NAMED ON THIS MAP WITHOUT CONSENT MAY BE A FEDERAL OFFENSE IN VIOLATION OF COPYRIGHT AND OR PLAGIARISM LAWS WHICH MAY RESULT IN LEGAL ACTION.

**CONTINENTAL SURVEYING SERVICES LLC**  
 Registered Land Surveyors, Surveying Since 1987  
 Focusing on You!  
 Main Office:  
 2059 Hwy 175, Suite "A"  
 Richfield WI, 53076  
 Phone: (262) 389-9200  
 Alt Phone: (262) 628-1409  
 Milwaukee: (414) 425-2060  
 Website: www.cssl-surveys.com  
 Email: survey@cssl-surveys.com

OWNER OR CLIENT:  
 B+E Contractors  
 6001 N Green Bay Road  
 Glendale, WI 53209

PROPERTY ADDRESS:  
 W220 N10800 Army Belle Road  
 Colgate,  
 Wisconsin 53017

PARCEL INFO:  
 TAX KEY NUMBER: 302990  
 PROJECT NO.: 20161102\_MTG0004  
 SERVICE PERFORMED: MTG

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND IN MY PROFESSIONAL OPINION THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, ROADWAYS, THE LOCATION OF ALL WELLS, DRILLINGS AND PERMANENT OUT BUILDINGS WHEN OR NEAR SAID BOUNDARIES, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE HERETO. THIS SURVEY COMPLIES WITH WISCONSIN ADMINISTRATIVE CODE AE-7 EXCEPT FOR THOSE ITEMS WAIVED, IF ANY, AND IS BOUND BY WISCONSIN STATE STATUTE 893.37 THAT DEFINES STATUTE OF LIMITATIONS IN REGARDS TO SURVEYS.

Rick R. Hillmann S-3005

Dated this 9th Day of NOVEMBER, 2016.



By the Graces of God and the talents given to us, we strive to provide the most Honest and Reliable Land Surveying Services

# PLAT OF SURVEY

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For questions regarding underground utilities please contact:



PHONE: Wisconsin 1 Call center 1 (800) 242-8511

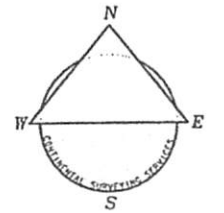
**NOTE: Underground Utilities**

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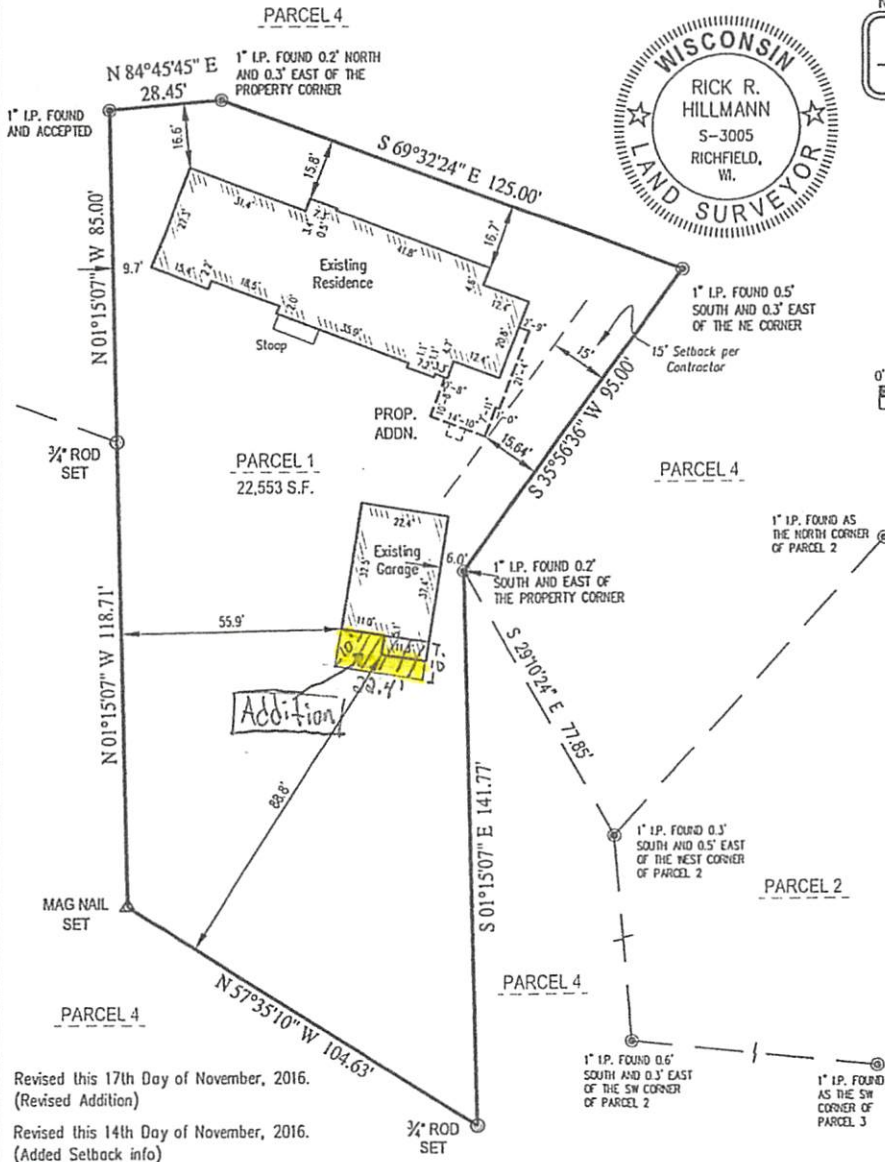
**NOTE:**

Bearings are referenced to the West line of Parcel 1 as N 01°15'07" W

20" x 3/4" Iron Rod Set (1.13 lb./foot)



SCALE:  
1"=30'



Conversion to Inches	
0.083'	= 1"
0.166'	= 2"
0.250'	= 3"
0.333'	= 4"
0.416'	= 5"
0.500'	= 6"
0.583'	= 7"
0.666'	= 8"
0.750'	= 9"
0.833'	= 10"
0.916'	= 11"
1.000'	= 1 Foot

**LEGEND**

- (M) - Measured Data (Field Measured)
- (R) - Recorded Data (Metes & Bounds Descriptions)
- (P) - Platted Data (Subdivision Data)
- (C) - Computed Data
- (CSM) - CSM Data (Certified Survey Map)

Revised this 17th Day of November, 2016.  
(Revised Addition)

Revised this 14th Day of November, 2016.  
(Added Setback info)

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Phone: (262) 389-9200  
Alt Phone: (262) 628-1409  
Milwaukee: (414) 425-2060  
Website: www.ccssurveys.com  
Email: survey@ccssurveys.com

**OWNER OR CLIENT:**  
B+E Contractors  
6001 N Green Bay Road  
Glendale, WI 53209

**PROPERTY ADDRESS:**  
W220 N10800 Amy Belle Road  
Colgate, Wisconsin 53017

**PARCEL INFO:**  
TAX KEY NUMBER: 302990  
PROJECT NO.: 20161102\_MITG0004  
SERVICE PERFORMED: MITG

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND BY MY PROFESSIONAL OPINION THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, ROADWAYS, THE LOCATION OF ALL VISIBLE ENCUMBRANCES AND PERMANENT OUT BUILDINGS WITHIN OR NEAR SAID BOUNDARIES, IF ANY.

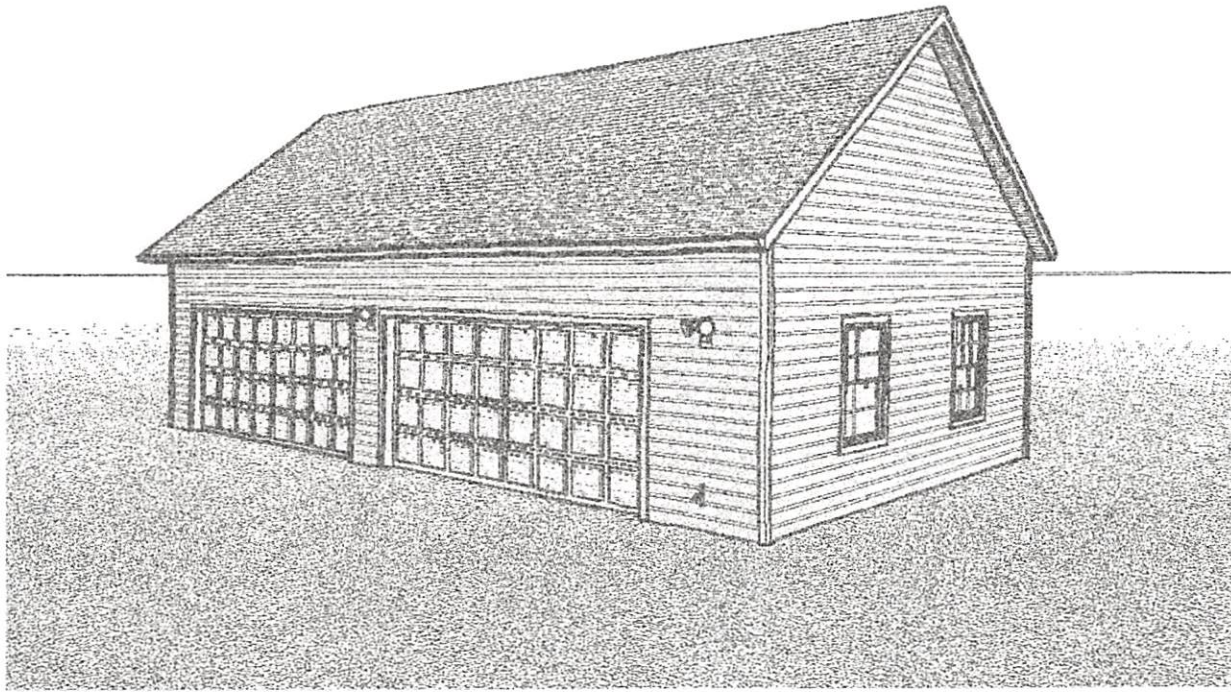
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO. THIS SURVEY COMPLES WITH WISCONSIN ADMINISTRATIVE CODE AC-7 EXCEPT FOR THOSE ITEMS WAIVED, IF ANY, AND IS BOUND BY WISCONSIN STATE STATUTE 893.37 THAT DEFINES STATUTE OF LIMITATIONS IN REGARDS TO SURVEYS.

Rick R. Hillmann S-3005

Dated this 9<sup>th</sup> Day of NOVEMBER, 2016.



By the Graces of God and the talents given to us, we strive to provide the most Honest and Reliable Land Surveying Services



**Laura & Fred Wells**

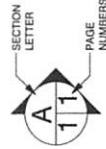
W220 N10800 Amy Bello Rd. PHONE: 414-322-8276  
Colgate FAX:  
WI L622wells@yahoo.com  
53017

DRAWN BY: CH

SCALE: 0.1719" = 1'-0"

DATE: Wednesday, February 23, 2022

PAGE: 1/2

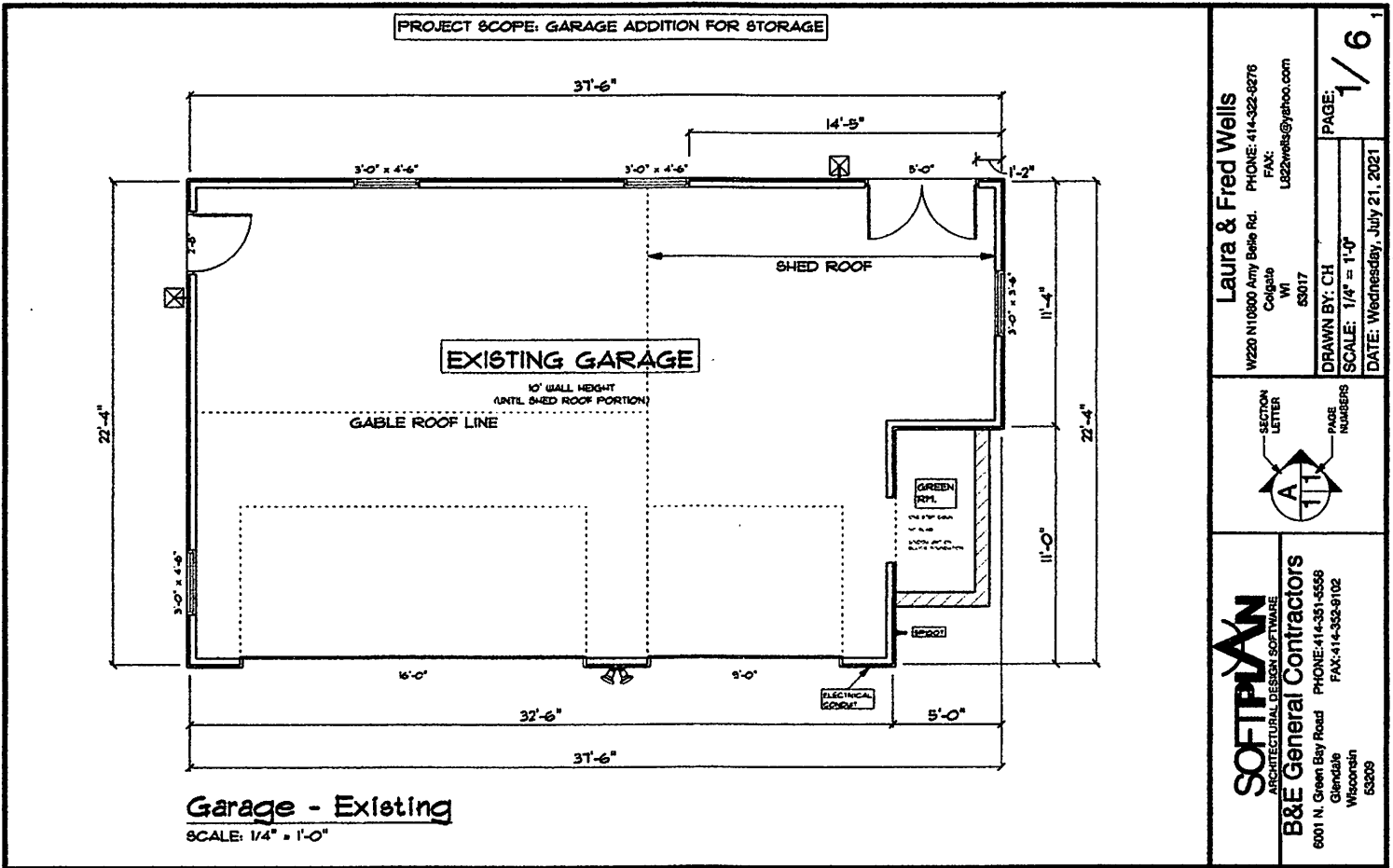


**SOFTPLAN**  
ARCHITECTURAL DESIGN SOFTWARE

**B&E General Contractors**

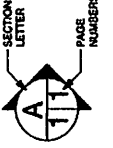
6001 N. Green Bay Road PHONE: 414-351-5558  
Glendale FAX: 414-352-9102  
Wisconsin  
53209

# Current Garage



**Laura & Fred Wells**  
 W220 N10800 Amy Belle Rd. PHONE: 414-322-8276  
 Colgash WI FAX: L822wells@yahoo.com  
 53017

DRAWN BY: CH  
 SCALE: 1/4" = 1'-0"  
 DATE: Wednesday, July 21, 2021



**SOFTPLAN**  
 ARCHITECTURAL DESIGN SOFTWARE  
**B&E General Contractors**  
 6001 N. Green Bay Road PHONE: 414-351-6558  
 Glendale FAX: 414-353-9102  
 Wisconsin  
 53029

PAGE: 1/6





Addition will eliminate  
greenhouse & roughly take it  
to the end of the garden.

Addition to her  
will come to her



Photo taken from Main Drive



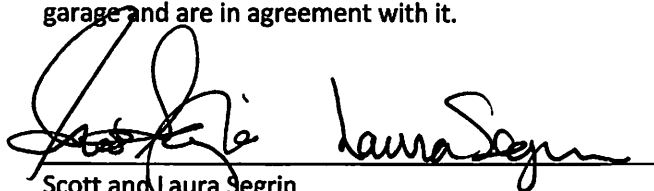
Regarding: Wells Garage Addition  
W220N10800 Amy Belle Road  
Colgate, WI 53017

3/1/22

Attn.: Zoning Board

Scott and Laura Segrin are the property owners of parcel 3 which is the lot on which their house resides. They are also ½ owners of parcel 2 and share parcel 4 with us, Fred and Laura Wells.

The undersigned, Scott and Laura Segrin, are aware of the proposed addition of 10 feet to the current garage and are in agreement with it.

Handwritten signatures of Scott and Laura Segrin in black ink. The signature for Scott is on the left and for Laura is on the right, both written over a horizontal line.

Scott and Laura Segrin  
W220N10804 Amy Belle Road  
Colgate, WI 53017

3/1/22  
Date