

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, September 11, 2023 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

NOTICE: Any member of the body and/or citizen may also attend the meeting virtually through the WebEx platform, Meeting #: **2553 216 2843** Password: **qRNIkJrY345** 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=mc9dce1f069066f4f2d3614fe9ee4ae0f> Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to 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. Previously recorded meeting videos can be viewed at: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ.

AGENDA

- 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. **CITIZEN INPUT:** *Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.*
- IV. **APPROVAL OF MINUTES:**
 - A. August 14, 2023
- V. **NEW BUSINESS:**
 - A. Preferred Concepts LLC, Agent for the Buzdum Trust, Property Owner of W188 N10515 Maple Road. Site Plan Review for a 935 sqft patio addition to Buzdum's Bar and Grill **(ACTION; continued from 2-13-23)**
 - B. Wendy Danielak, Property Owner of W168 N10765 Juniper Drive. Zoning Permit to install a 4-foot fence within an existing drainage easement. **(ACTION)**
 - C. Stephen and Danielle Cholewa, Property Owners of W166 N10577 Surrey Drive. Zoning Permit to install a 6-foot fence in a front yard and drainage easement. **(ACTION)**
 - D. Daniel S. Wells, Agent for Robert and Cecelia Wells, Property Owners of N108 W17143 Hawthorne Drive. Zoning Permit to install a 6-foot fence in a drainage easement. **(ACTION)**
 - E. Joseph Schuster - W156 N10081 Pilgrim Road. Zoning Code Text Amendment Consultation; proposed changes to the accessory building regulations under Chapter 17.41(1)(a) of the Municipal Code. **(CONSULTATION)**
 - F. Michaels Signs Inc, Agent for TI Investors of Germantown V LLC, Property Owner and Zilber Property Group - W210 N12995 Gateway Crossing. Sign Review Application for Zilber 6 **(ACTION)**

- G. Fastsigns, Agent for JHS4 LLC/DHP4 LLP, Property Owner and the Victory Companies - N118 W18531 Bunsen Drive. Sign Review Application **(ACTION)**

VI. ANNOUNCEMENTS:

VII. 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)250-4745 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 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.

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, August 14, 2023 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- 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.*

Planning Assistant Lori Johnson called the meeting to order at 6:30 pm.

II. **ROLL CALL:**

Trustee Representative David Baum, Commissioners Tony Laszewski, Peter Nilles, Bob Williams, Josh Tarantino and Bill Shadid (via WebEx). Chairman Dean Wolter was absent and excused. Also in attendance were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.

MOTION Laszewski second Nilles to appoint Trustee David Baum as Chairman Pro Tem.

MOTION carried unanimously.

III. **APPROVAL OF MINUTES:**

A. July 24, 2023

MOTION Shadid second Tarantino to approve the minutes from July 24, 2023.

MOTION carried unanimously.

- IV. **CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

The following residents spoke during public comment:

Mary Schulteis, W140 N10337 Fond du Lac Ave.

Melanie Smythe, N140 W17938 Cedar Lane

Trustee Jan Miller, W151 N10297 Windsong Circle West

Katie Figie, W140 N10323 Fond du Lac Ave. (comments read into the record)

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

V. NEW BUSINESS:

- A. Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. Applications to (1) Create an Rs-2:Single-Family Residential Planned Development District (Rs-2/PDD) pursuant to Sections 17.15 and 17.27 of the Zoning Code; and, (2) Rezone from the M-4:Mineral Extraction, A-2:Agricultural, and Rs-2:Single-Family Zoning Districts into the newly created Rs-2/PDD Zoning District; and (3) Certified Survey Map (CSM) to combine six parcels for purposes of restoring and redeveloping the former gravel mining property into a 126.5-acre, 15-unit residential condominium and conservation development. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal. Hans Dawson, Lannon Stone Products, provided information on the development and said he considers fixing the site as an amenity to the Village in exchange for creating the PDD. He said he was open to making a donation to the park system instead of creating a public open space on the property so there is less trespassing.

Public hearing opened at 7:03 pm.

-Eric Roberts, TR Capital, W219 N11588 Appleton Avenue said he supported the development (comments were read into the record)

-Ray & Leslie Bencivenga, W218 N11495 Appleton Avenue, disappointed to have this development across the street, enjoy the quiet neighborhood, don't want a lot of truck traffic (comments read into the record).

-Laura Steinman, W210 N11190 Mountbrooke Drive, said dump trucks on Mequon Road have already trashed the road,

-Gene Wisch, N113 W21692 Bark Lake Road, would like more clarification, what are cluster houses, concerned there is an entrance across from Bark Lake Road

-Tony Gindt, W218 N11431 Appleton Avenue, in favor of the single family homes but concerned with the debris on the roads, his yard and driveway is horrible,

-Scott Hefle, N10514 Old Farm Road, in favor of the development, the reclamation for this site is going to be millions of dollars, they will put plantings in and make it a conservancy.

-Richard Ehrlich, W216 N11718 Appleton Avenue, in favor of the development, it needs something, he has trespassers across his property, can see people fishing, if done with nature it will be a benefit for everyone.

-Scott Stevlinson, N97 W14997 Burning Bush Court, confirmed the water would have no public access.

Public Hearing closed at 7:15 pm.

Discussion followed.

MOTION Laszewski second Tarantino to Approve the Certified Survey Map (CSM) to combine six (6) parcels owned by Moraine Development LLC totaling 126.5 acres subject to the following conditions:

1. The CSM shall be revised to reflect the technical corrections noted in the Village Surveyor comments contained in the August 10, 2023, review memo prior to recording the CSM.
2. The Developer shall contact WisDOT to determine additional right-of-way needs for Appleton Avenue/STH175 and dedicate any required right-of-way as part of a revised CSM prior to recording.

3. The CSM shall be revised to reflect the additional right-of-way requirement for Meeker Hill Lane review memo prior to recording the CSM.

Discussion continued.

MOTION carried unanimously.

MOTION Shadid second Laszewski to Approve creating a Rs-2/PDD for the 126-acre Moraine Development LLC property as proposed subject to the following requirements and conditions:

1. The Rs-2: Single-Family Zoning District regulations shall constitute the underlying conditions and restrictions for the PDD subject to the Developer proposed modifications and Village staff provisions summarized herein. A complete “conditions & restrictions” resolution establishing all use and development allowances, requirements, and restrictions shall be drafted for review and approval by the Village Board concurrent with review and approval of an ordinance creating the Moraine Development Planned Development District (PDD);
2. The conditions & restrictions resolution shall include the following provisions:
 - a. Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - b. Provision to waive the public sanitary sewer and water system requirements under Section 18.08(7) & (8) of the Subdivision Code;
 - c. Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - d. Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - e. Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - f. Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - g. Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - h. Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.
 - i. Requirement that a “dry hydrant” connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8. The location and design

shall be determined in cooperation with the Village Fire Department.

3. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9) of the Subdivision Code.

4. The Development Master Plan dated June 9, 2023 and any subsequent revisions necessary as a result of satisfying Village approval shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;

5. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

Director Retzlaff asked for a recommendation or guidance related to the dedication of a future park site or open space in Condition #3. Commissioner Laszewski said it would be cool to add a walking path or trail but that might create a nuisance down the road with people wanting to go near the water to fish and swim. Given the nature of the restoration of the site that will bring more wildlife and waterfowl that will contribute to the eco-system and given the nature of the investment, by itself, he would be in favor of that. Director Retzlaff said a sidewalk could provide a public benefit that is non-intrusive to the development, but neither the Village or the County have a bike or trail plan shown for Appleton Avenue. Commissioner Williams commented that he would like to see some benefit for the Village. Mr. Dawson said he doesn't want to have to call the cops every day because of people trespassing and indicated he would rather invest in the park system. Trustee Baum said there are some significant needs in the parks system and he should talk to the Parks Department to see which of their needs he'd like to gift to.

MOTION to Amend Baum second Laszewski to add to Condition #3 that the Developer should discuss with the Parks Department dedicating some land or hear some other needs that the parks have for other parks that we do have that need some assistance. The dollar value shall be discussed between the Village Planner, Parks Director and the Developer to agree what in kind contribution or other alternative contribution to the parks system can be made.

Discussion continued.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

B. Carter Schmitz Training Systems, LLC, Agent for Ozaukee Development Corporation, Property Owner - W188 N11770 Maple Road Unit 5. Conditional Use Permit (CUP) application for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal. Carter Schmitz, Training Systems LLC, spoke on his business.

Public hearing opened: 7:48 pm.

-Scott Hefle, W159 N10514 Old Farm Road, said he was 100 percent in support of this business.

Public hearing closed: 7:51 pm.

MOTION Laszewski second Shadid to Approve a conditional use permit for the

operation of an indoor health, fitness and performance training facility in the existing building located at W188 N11770 Maple Road in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated April 27, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
 3. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
 5. The owner/operator shall coordinate with the Fire Department to determine maximum occupancy for the tenant space. If the maximum capacity is exceeded on a regular basis as determined by the Fire Department, the owner/operator will be required to re-classify the occupancy type from "business" to "assembly" and, as a result, install any additional, necessary fire-safety measures required by the Fire Department, or discontinue operation.
 6. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
 7. All exterior signage, including temporary signs, require a permit from the Village.
- Discussion followed.

MOTION carried unanimously.

- C. Greg Kamyszek for BioRESEARCH Associates, Inc., Agent for Gerald M. Grosenick Trust, Property Owner - W157 N11593 Fond du Lac Avenue. Conditional Use Permit (CUP) application to allow circuit board assembly and testing as a component of the proposed business pursuant to Section 17.30(3)(ii) of the Village Zoning Code. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal.

Public hearing opened: 7:58 pm.

Public hearing closed: 7:59 pm.

MOTION Nilles second Shadid to Approve a conditional use permit to allow circuit board assembly and testing as a component of the BioResearch operation from the existing office building located at W157 N11593 Fond du Lac Avenue subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated June 8, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
 3. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
 5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
 6. All exterior signage, including temporary signs, require a permit from the Village.
- Discussion followed.

MOTION carried unanimously.

- D. Virtus Development LLC, Agent for District One LLC and the Robert & Mary Hacker Trust, Property Owners - W140 N10363 Fond du Lac Avenue and Parcel Tax Key GTNV 351-984 for applications to (1) Rezone Parcel 1 from the B-1: General Business District and Parcel 2 from the Rs-6: Single-family Residential Zoning District to the B-3/PDD "Kuhburg District" Planned Development District and (2) Amend the General Development Plan for the "Kuhberg District" PDD, Resolution #16-2018 to include the expansion of the business parking and a multi-family development and (3) Site Plan Review for a 4-unit multi-family townhouse. (ACTION)

Director Retzlaff summarized the revised plan that has a 33 stall parking lot and a 4 unit townhouse style residential development. David Koziol, Virtus Development said the townhomes were not part of the original development but thought it would be a beneficial for the Village to transition from business to residential. He said they originally had 6 units and repositioned the buildings and added more parking. They

wouldn't have come in the plan if they knew it was not going to be approved. Michelle Sopa, Virtus, said they did take the public comments into consideration and reduced the number of units from 6 to 4. They are hearing the neighbors want something more modest and they feel this is a modest 4 family unit that will be a buffer from the residential to the north and block noise and light. They feel like they've met the criteria that has been asked of them and that the parking will be needed for the restaurant. They hope to build the restaurant and 4 family concurrently in spring.

Discussion followed. Trustee Baum questioned Director Retzlaff's suggestion to move the property line on the north side of the townhouses further north 10-15 feet by eliminating the southern 7 parking stalls. But he asked if there would be enough parking. Trustee Baum said the concerns he's heard from the residents is regarding the 3 stories and asked if they can raise the grades up around the front and sides so it's a 2-story building. Mr. Koziol said they could look at that. Trustee Baum asked for clarification on the type of hedges to be planted south of the driveway. He said the little beak above the windows wasn't doing anything for him. Director Retzlaff said the building is still too close to the south property line at 5 feet. Trustee Baum said another concern is the driveway needs to be right in right out. Commissioner Nilles agreed because there is nowhere to turn around. Trustee Baum said he agrees with moving the building further north but is concerned the parking is needed.

MOTION Shadid second Williams to Approve amending and expanding the "Kuhburg Planned Development District" to include two additional parcels totaling approximately 1.1 acres located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection subject to the following requirements and conditions:

1. The following sections of conditions & restrictions for the Kuhburg PDD as set forth in Resolution No. 16-2018 shall be revised as follows:

SECTION 1. PURPOSE AND INTENT. The Kuhburg District PDD is intended to provide for the orderly and attractive re-development and operation of commercial retail uses, as well as multi-family dwelling uses, where such activities are conducted within the two existing buildings located at the Donges Bay Road @ Fond du Lac Ave/STH145 intersection, including a vacant schoolhouse and 2-story tavern, and a 4-unit multi-family townhouse. The Kuhburg District PDD will be comprised of a 1-story coffee shop building and a 2-story restaurant building connected by a covered/screened portico providing seasonal seating for patrons of the coffee shop and restaurant operations . and a 4-unit multi-family townhouse.

The re-development is intended to be compatible with adjacent and surrounding residential development and enhance the economic stability and quality of life in the Village of Germantown. These projects are aligned with the vision for the Victory Center Corridor and in particular with regard to the proposed 2050 Comprehensive Plan which allows for multi-family residential development in a traditional design pattern in densities up to 10.0 DU/acre (which is in keeping with what is proposed (6.0 DU on a .74 ac parcel).

SECTION 2. GENERAL DEVELOPMENT PLAN (GDP). The General Development Plan (Sheet C1.02 dated July 20, 2023) (Exhibit B on Sheet GD100 dated February 23, 2018) establishes the basic parameters for development within the Kuhburg District PDD and all additional parcels now in the development for including the

approximate size and orientation of buildings, density of development, setbacks, location of access roadways and driveways, and the general location and extent of landscaping and buffering. While all re-development within the PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Proposed modifications and/or revisions to the GDP shall be reviewed consistent with Section 17.27(9) of the Zoning Code.

SECTION 3. PERMITTED LAND USES. Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the Kuhburg District PDD shall be as set forth in Section 17.22(1)(a) and 17.30 of the Zoning Code.

SECTION 7. SITE DEVELOPMENT AND BUILDING REQUIREMENTS.

Unless otherwise set forth below, all site development and building associated with the two commercial buildings shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying B-3: General Business Zoning District and other applicable Zoning Code regulations.

c. LOT AND BUILDING REQUIREMENTS

- i. Lot Area (minimum) 0 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 0 feet
- iii. Parking Setbacks (minimum)
 - 1. Front/Street yard 0 feet
 - 2. Side yard 0 feet
 - 3. Rear yard 0 feet

Unless otherwise set forth below, all site development and building associated with the residential townhouse development shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rm-1: Multi-Family Zoning District (Section 17.22) and other applicable Zoning Code regulations

d. LOT AND BUILDING REQUIREMENTS

- i. Lot Area (minimum) 0.5 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 27 feet
 - 2. Side yard 5 feet
 - 3. Rear yard 35 feet
- e. Notwithstanding the above, the minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;
- f. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

2. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

3. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) be completed and approved to combine the parcel with the two retail buildings to the parcel with the proposed parking lot prior to issuance of any

construction permit(s) required for the parking lot. And right-of-way dedication requirement for Fond du Lac Avenue shall be reflected in the CSM.

Discussion followed. Commissioner Nilles asked what additional benefit the Village was gaining from approving the PDD. Director Retzlaff stated the redevelopment of an eyesore and restoration of a historic structure along with additional landscaping and parking. Mr. Koziol said another locally owned restaurant with a connection to the Kaffeehaus adding it will be a great place for residents to hang out. The townhomes will create a buffer between the residential, the restaurant and coffee house. Michelle Sopa said they would also provide housing for young professionals that is in demand. Director Retzlaff asked if there was a thought the development may qualify for the Washington County Next Generation Housing Program that provides for sale housing for young professionals that is affordable. Commissioner Williams asked if the restaurant will still move forward if the townhomes do not get approved. Mr. Koziol said he could not speak for Greg Nagel regarding the restaurant. Director Retzlaff said the townhomes were not part of the original project. He said the original plan had stormwater management and parking stalls as part of the redevelopment of the restaurant and kaffeehaus and was concerned that may not happen. Ms. Sopa, Virtus Dev. said they will need to re-engineer the stormwater management and could not speak to the restaurant being completed.

MOTION carried 5-1 (Baum abstained)

MOTION Laszewski second Shadid to Approve the site development & building plans for the commercial parking lot and 4-unit multi-family townhouse development proposed by Victory Center LLC subject to the following conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. Architectural plans dated July 20, 2023;
 - b. Civil Engineering plans July 20, 2023;
 - c. Lighting plans (photometric plan) dated July 18, 2023;
 - d. Storm Water Management Report dated July 21, 2023

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

2. Site Plan approval is subject to creation of the "Kuhberg District" Planned Development District as proposed by Victory Center LLC.

3. The Developer shall reduce the size of the commercial parking lot by eliminating or reconfiguring stalls along the south side (closest to the townhouse building) in order to reconfigure the size of the two parcels to allow the townhouse building to be shifted up to 15 feet north. The goal is to create more building and driveway setback (and in turn more landscaping buffer and/or fencing) between the townhouse and the single-family property to the south meeting the following minimum requirement:
 - a. The minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;

b. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

4. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.

5. All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding “early start” site clearing and footing/foundation work approved by the Village and/or WI DSPS):

a. July 31, 2023, memo from Brad Seubert, Harwood Engineering

6. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

7. Dumpster enclosures shall be designed to meet the Village’s dumpster enclosure guidelines. The Developer shall provide dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the townhouse building.

8. A complete landscape plan for both the commercial parking lot and townhouse development shall be reviewed and approved by the Village Forester and Plan Commission prior to final site grading or issuance of an occupancy permit for the townhouse building. Said plan shall include a tree survey as required under Section 17.43(5) of the Zoning Code and a complete landscaping plan that indicates the proposed species, quantities, and planting sizes. The plan should include the Village’s street tree requirements for both the commercial parking lot and the townhouse development.

9. Right-of-way permits are required for any/all construction conducted in the Donges Bay, Wasaukee Road and Town 9 Parkway rights-of-way. Contact the Public Works Department/Highway Superintendent for permit submittal requirements.

10. The Developer shall install a privacy fence along the west property line adjacent to the commercial parking lot and connect to the existing privacy fence to the north.

MOTION to Amend Shadid to eliminate Condition #3 - MOTION fails no second.

MOTION to Approve carried 5-1 (Baum abstained)

E. The Dickman Company, Agent for RA Steinman Legacy LLC and Holy Hill Self Storage LLC, Property Owners & Truck Country - N128 W21795 Holy Hill Road. Site Plan Review Consultation (CONSULTATION)

Director Retzlaff reviewed the Truck Country proposal seeking feedback on a potential 15.7-acre, 30,000 sqft truck and semi-trailer sales and service facility located in the southeast corner of the Holy Hill Road @ I-41 interchange in the Holy Hill Gateway District. Dan Armstrong, representing Truck Country, presented an overview of the business and said they are looking to grow the business in size and employees and saw an opportunity to be a part of the Village. Director Retzlaff explained that while no formal action is required, the property owner and Staff are looking for feedback on any/all aspects of the proposed development, particularly whether the Plan Commission would prefer to wait until the Holy Hill Gateway master plan has been completed or move forward with this proposal.

Plan Commission members had the following comments and concerns:

- how many trailers or vans would be on site
- will you provide showers or lounge as part of this location
- will this business affect the utility extension
- is this the type of business we want at this location
- this site has been underutilized for years, still want to go through the planning process to see what else surfaces to maintain continuity, this use isn't what he had in mind, site would be attractive to a lot of different uses maybe apartments or retail/service
- this site could have a hotel or small restaurant, use not ruled out but need to go through the master plan process
- who will improve the access driveway, truck turning movements needed on the north side
- where would we put residential in this area, this use makes sense at the interchange.
- i don't see residential in this area, this seems like a good application
- this business seems right for this location, but is it right for what the Village wants or needs
- the railroad crossing is a process to go through and if its not approved will change the dynamic of the land use if it doesn't go through, we need to go forward with the Freistadt District master planning effort and to do that with the knowledge whether we are or are not going to get the railroad crossing approved by the DOT>
- aesthetics not exactly beautiful for the Gateway to the Village having a lot of trucks, will set the tone for that district

Jim Barry, part of the ownership group that owns the property, thinks this is the perfect buyer, and marketing shows there is no market for residential right now and site could sit for a very long time if we lose this opportunity. David Buckley, Barry Company, has been marketing this company, said they have adjusted their marketing to fit the 2050 Plan and go after retail like a Culvers type market but have had no action.

This item was for discussion only. No action was taken.

F. Village of Germantown 2050 Comprehensive Plan Implementation: Holy Hill Gateway District & Freistadt District Master Plans - Preliminary Review of Consultant Proposals. (DISCUSSION & ACTION)

Director Retzlaff explained as was discussed at the last meeting, Plan Commission members were asked to take some time and discuss the proposals and make decisions with regard to moving forward with interviews, deciding which of the consultants we are going to interview and discuss any questions that need to be passed along to the consultants. He stated there have been conversations with the County Executive and representatives from Washington County regarding the Next Generation Housing Program and the Village wanting to be a partner with them. He indicated that because the Village is interested in the program, money has been earmarked to use for Next Generation Housing purposes. He explained Hartford had used some of their money to conduct a residential market analysis. Germantown also needs a market analysis. He further explained one of the policies in the 2050 Plan is to conduct a residential market analysis. He said the County is willing to let us use some of the money earmarked for us to conduct a residential market analysis and there is a proposal that is going to the Village Committees for discussion and consideration. The study would address questions we have related to housing. So that component of the Master Plan proposals that we asked for may not need to be done by the consultant we select and the scope of the proposals may need to be modified. He said we also received an opinion from a financial advisor that indicated the Village can utilize TID funds for infrastructure, environmental and land use planning purposes for areas within the TID's and/or within a half mile. So we may be able to utilize TID funds to pay a portion of the Master Plans for the Holy Hill Gateway and Freistadt Districts, meaning that we may be able to get more work done without having to spend more general fund dollars to get that accomplished and we may be able to get a start on the Village Center Master Plan. If that happens, we may need to re-issue the RFP. Discussion continued.

Director Retzlaff said the railroad crossing is another issue and will take a concerted effort to provide the information necessary to justify getting the crossing. The railroad crossing is also called for in the proposals. He said there is a meeting tomorrow with an engineering firm to discuss the issue that may help us decide whether or not we need to restructure our Master Plan and RFP and pull some pieces out that will be satisfied elsewhere and give those consultants that didn't submit because of the budget an opportunity. Discussion continued.

Plan Commission members recommended interviewing Graef, MSA Professional Services and include Neighborhood Planners-ra/Smith if the railroad crossing item is removed. Director Retzlaff questioned if we should reject all the proposals and reissue them when we've made some decisions and we know if the Village Board will authorize acceptance of County funds for the Next Generation residential market analysis and when we know what the timeframe will be for the railroad crossing application and analysis. He added it may be better to defer the process until we have an answer. Discussion continued. Trustee Baum stated a plan is still needed for the area north of the railroad and he still wants input for that area. Director Retzlaff explained if the railroad crossing issue can be handled separately, he will go back to the firms to revise their proposals.

VI. ANNOUNCEMENTS:

None

VII. ADJOURNMENT:

The meeting was adjourned at 10:05 pm.

SITE PLAN APPLICATION

9/11/23 Plan Commission Meeting

Buzdum's Pub & Grill / Buzdum Trust

Staff Report & Recommendation

Germantown, Wisconsin

Summary

Peter Lalonde, Preferred Concepts LLC, agent for the Buzdum Trust, property owner, is requesting Site Plan approval for a 935 sqft enclosed patio expansion to the Buzdum's Pub & Grill building located at W188 N10515 Fawn Lane.

TABLED FROM FEBRUARY 13, 2023

Property Location: W188 N10505 Fawn Lane (near US41 @ Maple Road overpass)

Agent/

Property Owner:

Peter Lalonde
Preferred Concepts LLC
231 Scenic Road
Colgate, WI

Boro Buzdum
Buzdum Trust
316 Kames Court
Slinger, WI

Current Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Institutional/Agricultural	I/A-1
South	Residential	Rs-3
East	Business/Commercial	B-5
West	Institutional/Industrial	I/M-1



Background

At the December 12, 2002 meeting the Plan Commission discussed the proposal to expand the rear patio. Commissioners asked for clarification on what is proposed and how the changes relate to the separate mini-storage proposal that was also being discussed. Peter Lalonde, agent for the Buzdum Trust, explained that six (6) feet would be added to the covered patio area along with an enclosed smoking area and separate cooler equipment area. Trustee Baum commented the architectural appearance and esthetics of the building is not improving at all. He added it would make sense to look at both projects together along with a color elevation of the patio expansion proposal.

Consequently, further action was tabled and the PC requested that the applicant show a complete plan with both projects, the drive lane to the proposed storage facility, the storage buildings, color renderings, a landscape plan and photographs of the existing building.

At the February 13, 2023 meeting, both the rear patio proposal AND the mini-storage proposal were discussed together. First, the PC discussed the 100-unit mini-storage proposal that was proposed for the back part of the 4.9-ac parcel and reviewed the 2-lot CSM (that would divide the mini-storage area from the existing bar), the 25' wetland setback encroachment CUP (that would allow portions of the storm basins to encroach into a wetland setback), and detailed Site Plans for the 4-building, 100-unit self-storage facility. The PC did not comment favorably on the proposal, commenting that it was too dense, shouldn't encroach into the wetland area, and questioned whether or not mini-storage is the best use of the property. The PC TABLED further discussion and action on the mini-storage proposal.

With respect to the rear patio and façade enhancement for the existing bar, the PC also TABLED action commenting that the patio and facade enhancements were too many, too different, and not enough to improve the aesthetics of the building. Members of the PC suggested that a full face-lift of the building is necessary. *[NOTE: the February 13, 2023 meeting minutes are attached for reference].*

At this time, the mini-storage proposal (including the 2-lot land division to split off the bar from the back part of the parcel) has been withdrawn and is no longer being considered by the owner. Also, the rear patio and façade enhancements have been scaled-back by the owner due to cost.

The following information is repeated from the February 13, 2023 Staff Report & Recommendation with changes highlighted and underlined if new and ~~stricken if deleted~~.

Proposal

Peter Lalonde, Preferred Concepts LLC, agent for the Buzdum Trust, property owner, is requesting Site Plan approval for a 935 4,055 sqft enclosed patio expansion to the Buzdum's Pub & Grill building located at W188 N10515 Fawn Lane.

As presented in the site development and building plans, the proposed patio expansion includes the following features:

- ~~935~~ 1,055 sqft concrete pavement addition (west/rear elevation)
 - o ~~120 sqft~~ ~~smoker lounge~~
 - o 487 sqft covered seating
 - o 242 sqft cooler equipment area
 - o 208 sqft uncovered patio
- ~~Smoker lounge &~~ covered patio to be enclosed w/ vertical corrugated metal wall panels (brown) three (3) aluminum-framed glass panel overhead garage style doors, and metal roofing (brown)
- 60" wide asphalt sidewalk (along south side of building)

Specifications for the garage doors and color chips for the metal wall panels are provided.

Landscaping & Lighting

No changes to the existing landscape are proposed. No exterior lighting will be installed.

Parking, Access & traffic Circulation

Access is provided to/from Fawn Lane that abuts the existing paved parking lot on the east side of the building with space for approximately 35 vehicles (poorly marked). No additional parking stalls are proposed at this time.

Storm Water Management

~~Between the proposed building and parking lot expansion~~ impervious area will increase by ~~935~~ 1,055 sqft. While no calculations are provided for the overall 4.97 acre parcel, a majority of the site is undeveloped and open space. The additional pavement does not meet storm water management requirements; however, the Village Engineer is requiring that a post-construction grading plan be provided to ensure positive drainage is achieved.

Utilities

The site is served by a private well and 6,000 gal sanitary holding tank. The Washington County Land Resources Division that oversees permitting for all on-site sanitary systems in Germantown has indicated that the existing holding tank is sufficient but suggests that further evaluation may be necessary depending on additional seating capacity provided by the patio expansion.

Staff Comment

Planning & Zoning

This 4.97-acre parcel is located in a B-3: General Business District. The B-3 District was assigned to already developed commercial properties that didn't/couldn't meet the other B-1 or B-2 Business District regulations at the time the current Zoning Code was initially adopted (1981). Arguably, the B-3 District was created to accommodate pre-existing properties that would have otherwise become "non-conforming" if assigned to another business district. For this reason, the B-3 District has very liberal use restrictions and

bulk requirements, e.g. setbacks, so that the pre-existing uses and structures could continue to be used and expanded without the restrictions of being a “non-conforming” property. This property was developed prior to 1963 with some type of commercial retail or office use as far back as the 1970’s and before the Maple Road/US41 overpass was constructed. The building has been used as a bar/restaurant (1st floor) and office space (2nd floor) for the last 15+ years under various operators.

This property was classified in the former 2020 Land Use Plan as “Commercial”; more so out of recognition of the pre-existing business use than in anticipation of it being redeveloped as part of a larger commercial area or corridor as is the case along Mequon and County Line Road. Under the new 2050 Plan, this property lies within the new “Schoen Laufen-Menomonee River District”. Under the 2050 Plan, the existing business use of the property would be allowed to continue with expansion considered on a case-by-case basis.

Work on the patio expansion was started and completed in 2022 this past summer with the concrete already poured and refrigerator equipment area roof already installed. The existing covered patio shown on Sheet A1.0 was also installed without permits or approvals. Enforcement of this code violation was deferred pending the outcome of the Site Plan application. Going forward, For these reasons, staff is recommending a triple fee penalty for beginning construction without permits or approvals be assessed and paid prior to issuance of any building permits (the penalty for beginning work prior to obtaining permits and approvals was increased by the Village Board as of January 1, 2023). Review of the adequacy of the existing patio enclosure for commercial building code compliance will be conducted as part of the commercial plan review required.

~~As a result of a separate development proposal for the rear yard of the property (to be split off as a separate 4.19-acre parcel) for a 100-unit commercial self-storage facility, a detailed site plan has been prepared by Parish Survey & Engineering for the entire property. The site plan (dated February 7, 2023) indicates various landscaping improvements in the parking lot east of the building. A landscape buffer 8’ wide will be created abutting the Fawn Lane right-of-way by saw-cutting the existing pavement and planting the area with a mix of deciduous and evergreen shrubs.~~

~~The site plan also indicates the area west and south of the building is covered in gravel and is intended to serve as an expanded parking area. As such, the Zoning Code requires all off-street parking areas be paved with a bituminous asphalt or concrete surface. As a condition of any approval, the Owner shall be required to pave the area shown on the site plan with a pavement that meets the Village’s general specifications for asphalt parking areas for uses of this type or as recommended by the Village Engineer.~~

Because of the min-storage proposal being withdrawn, many of the site improvements that were included in that proposal that actually improved the area around the existing building are no longer proposed. These improvements included:

1. Constructing an expanded asphalt parking lot on the south side of the building (where the previous lawn was removed in 2022 and replaced with asphalt millings without site plan approval);
2. Installation of 8' wide landscaped buffer/green space around the existing parking lot (including the saw-cutting and removal of asphalt);
3. Relocation and replacement of the existing septic tank serving the building;
4. Construction of storm water management basins that would have served both the existing bar site and proposed mini-storage area (where no storm water management facilities currently exist);
5. Landscaping along US41

As mentioned above, in addition to most of the proposed building improvements that were already completed without Plan Commission approval or building permits, expansion of the parking lot with asphalt millings south of the building without the approvals or permits required under the Zoning Code constitute a code violation. Enforcement of these code violations was deferred with the understanding that the Site Plan applications that were submitted (albeit after-the-fact) for the patio expansion, building façade enhancements, and mini-storage facility would address or otherwise remedy these violations. Now that the mini-storage proposal has been withdrawn and the plans scaled back by the owner, the issue of code enforcement needs to be addressed.

To that end, Staff recommends that whatever (if any) of the patio expansion and façade enhancements are approved by the Plan Commission, the owner is required to do the following:

1. pay the required fee penalties (triple fees for all permits);
2. complete the parking lot expansion south of the building with asphalt, parking stall striping, etc. as required under the Zoning Code (see Sheet C1.04);
3. complete the proposed parking lot perimeter buffer/landscaping improvements (see sheet C1.07)

Fire Department/Police Department

The Fire Department is requiring a pre-occupancy inspection and will need to establish a maximum seating capacity (if applicable).

Utilities

The Washington County Land Resources Division that is responsible for on-site sanitary system permitting indicates in a December 1, 2022 permit review report that the existing holding tank size appears to be sufficient but suggests that further evaluation may be necessary depending on additional seating capacity provided by the patio expansion.

Building Inspection Services

Building Inspection services has indicated that commercial plan approval of detailed construction plans will be required prior to issuing a building permit along with the required occupancy bond (that may be reduced from \$20,000 to \$5,000 due to the minor addition proposed).

Public Works Department/Village Engineer/Village Surveyor

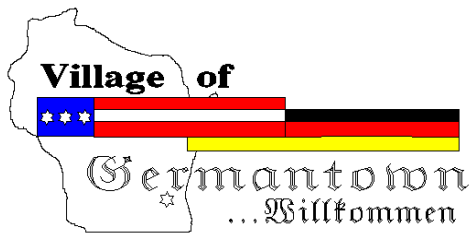
The Public Works Department has recommended a few minor plan revisions set forth in an October 20, 2022 review memo from the Director of Public Works (copy attached), including a post-construction grading plan be provided to ensure positive drainage is achieved. These plan corrections will need to be addressed in a revised plan set or supplemental information submitted for review and approval prior to issuance of a building permit.

VILLAGE STAFF RECOMMENDATION

APPROVE the site development & building plans for a 935 sqft enclosed patio expansion to the Buzdum's Pub & Grill building located at W188 N10515 Fawn Lane subject to the following (5) conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:
 - a. Architectural plan set revised May 17, 2023 ~~November 29, 2022~~
 - b. ~~Color rendering dated September 1, 2022~~
 - c. Civil Site Plan dated February 7, 2023 (as it relates to the existing building and surrounding paved parking areas; see set Sheets C1.02, C1.03, C1.04 & C1.07)
 - d. ~~Storm water management plan dated February 7, 2023~~
2. All plan corrections required by the Public Works Director in the October 20, 2022 review memo shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by the Village Engineer prior to issuance of a building permit.
3. Commercial building plan approval and submittal of a \$5,000 occupancy bond are required by Inspection Services prior to the issuance of building and occupancy permits. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

-
4. All site plan approval and building permit fees shall be ~~double~~ triple the normal amount and paid in advance of issuing any building permits.
 5. A pre-occupancy inspection of the enclosed patio area shall be conducted by the Fire Department in cooperation with the final inspection required by Inspection Services. A maximum building capacity shall be determined by the Fire Department if not already determined through the commercial plan review approval.
 6. The Owner shall install the parking lot perimeter landscape features indicated on the site plan (see sheets dated February 7, 2023) that include a landscape buffer 8' wide will be created abutting the Fawn Lane right-of-way by saw-cutting the existing pavement and planting the area with a mix of deciduous and evergreen shrubs.
 7. the Owner shall be required to pave the area shown on the site plan south of the building (that is currently covered in asphalt millings) with a pavement that meets the Village's Zoning Code requirements and general specifications for asphalt parking areas for uses of this type or as recommended by the Village Engineer.



Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Planning Director/Zoning Administrator
From : Lawrence Ratayczak, P.E., Director of Public Works
Date : October 20, 2022
Re : Buzdum Restaurant – Site Plan Review

Items Reviewed:

1. Site Plan Dated: 09-01-22

General Comments:

1. Please respond to each item below. **A written response addressing each item shall be included in your submittal.**
2. The submitted plans have been reviewed for general conformance with State and Village design guidelines. Additional comments could arise as a result of the plan completion and modifications. The items listed below will need to be fully resolved before the Engineering Dept. can recommend a formal approval of the plans and permit for construction.
3. As-builts prepared to Village standards shall be prepared and provided to the Village post-construction (for all applicable items).
4. A professional engineer's original seal is to be affixed, signed and dated on the final set of construction plans.
5. As a guide to the review response: Items in *italics* are resolved or acknowledged, items in regular font are to be addressed yet, items in **Bold** are additional feedback to remaining original comment.
6. Provide a site survey with topography prepared by a licensed land surveyor.
7. Provide a dimensioned site and grading plan prepared by a licensed professional engineer.
8. It appears the septic system for the building will be located on Lot 2. Provide information on how sewage for lot 1 will be managed.
9. It appears the parking lot may have to be reconfigured for the access to the storage buildings. Provide a dimensioned site plan showing how the parking lot will be configured.

conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

- 3. This CUP shall constitute a restriction/allowance of use on the property and shall run in perpetuity.**

MOTION carried unanimously.

Parish Survey & Engineering, Agent for Boro Buzdum, Property Owner – W188 N10515 Maple Road.

The request is for approval of a 2-lot Certified Survey Map, a Conditional Use Permit for a commercial indoor self-storage facility and to allow encroachment into a 25' wetland setback and Site Plan Review for a 4 building, 100-unit self-storage facility on the property. Director Retzlaff summarized the proposal. Evan Nicodem, Parish Survey & Engineering, agreed to update the landscape plan and understood the need to do something to enhance the buildings architecture.

Public Hearing opened: 7:55 pm.

Public Hearing closed: 7:57 pm.

Discussion followed. Commissioner Laszewski couldn't get on board with putting a self-storage facility next to an entertainment/office. Trustee Baum agreed and did not agree with filling in the 25-foot wetland setback just to get bigger buildings. He questioned if there was a better use for this area. Director Retzlaff said the property was used as recreational in the past and is adjacent to an environmental corridor abutting land owned by the Village. He stated it would be a perfect location for a park with trails which is consistent with the Schoen Laufen Menomonee District in the 2050 Plan.

MOTION Baum second Williams to Approve the 2-Lot Certified Survey Map (CSM) for the 4.9-acre Buzdum Trust property subject to the following conditions:

- 1. The CSM shall be revised to reflect the Village Surveyor comments contained in the January 6, 2023 review memo prior to recording the CSM.***

(This Motion was withdrawn).

Trustee Baum said he would have a hard time with this plan going forward because it is too dense and would require wetlands to be filled. He would not approve a separation of the property without a master plan. Mr. Nicodem stated the Village is doing the very same thing with the DPW project and he modeled this plan the same way. He could make a couple units smaller but there are no utilities there, no septic and it would be difficult for any additional uses and that is why they are looking at dry storage. Discussion continued.

Mr. Nicodem asked to at least move forward with the CSM to provide the owner an opportunity to do something with the property if this use is not right. Chairman Wolter agreed. Director Retzlaff believed the special circumstances that support the division of a separate parcel and redevelopment of it for mini

storage is consistent with the 2050 Plan if the whole package is improved and enhanced including the existing bar and restaurant.

MOTION Baum second Tarantino to Table the Motion to Approve the 2-Lot Certified Survey Map and go to Item E.

MOTION carried unanimously.

Preferred Concepts LLC, Agent for Boro Buzdum, Property Owner – W188 N10515 Maple Road. Site Plan review for a 1,055 sqft enclosed patio expansion to the Buzdum's Pub & Grill building (Tabled from December 12, 2022). Director Retzlaff summarized the proposal. Dan Glazewski, Custom House, explained the proposed renovations to the building and parking lot. Discussion followed.

Trustee Baum said the problem is that the owner is trying to improve the business but not substantially changing the building to bring new clientele into it. He said adding a couple amenities are marginal at best but not of any substantial quality. And to try and improve the business he would like to see a full facelift of the building. Chairman Wolter commented that nothing matches. Commissioner Laszewski said the renderings look fairly clean but the pictures show a lot of extra stuff and the building won't end up looking the renderings. Trustee Baum said the cooler should be hidden. He sees a lot of things stored outside and on the parking lot from what looks like from other businesses and all that will still be there.

Commissioner Tarantino said both proposals seem to correlate and questioned if we split the parcel do we lose the ability to leverage this building being updated. Trustee Baum doesn't see either proposal getting approval tonight adding he thinks this is a challenging building because of the location. Things are being added but the aesthetics of the building are not changing. Chairman Wolter commented it all doesn't correlate and you can tell what year each piece was added on. Evan Nicodem asked what is needed to get this proposal approved. Chairman Wolter explained put some walls around the cooler mentioning the Blackstone Creek clubhouse as an example, bring the aesthetics of the building to be more cohesive. The building has the appearance of age and then new age and maybe use color to join things together rather than things coming off of it. He said the building could be considered an entrance to Germantown from the west and is seen from the freeway. He asked to make the building look more desirable and get closer to how the rendering look and tie the colors together. Trustee Baum asked to unify the building saying there is a hodge podge bunch of elements and the images are not truly portraying what we will end up with. The appendages and units should be shown on the building. There are too many materials on the building including stone, block, wood trim and too many kinds of doors and windows. Simplifying the materials would help and bring unity to tie into each other. The new shed roof doesn't tie into the flat roof and is problematic. Chairman Wolter said he applauds what they are trying to do to the back of the building with the outside seating area and garage door options. But it needs to be tied together.

MOTION Baum second Laszewski to Postpone to a later date.

MOTION carried unanimously.

MOTION Baum second Laszewski take Item D off the Table.

MOTION carried unanimously.

MOTION Baum second Laszewski to Withdraw the Motion to Approve the 2-Lot Certified Survey Map so the whole thing is looked at as one development.

Discussion continued on the existing dumpster enclosure and a requirement for it to be enclosed. Trustee Baum explained he could not move forward with approving the Conditional Use Permit because he would like to see a reduced scale plan that does not require intrusion into the 25-foot wetland setback and be less dense.

MOTION Baum second Laszewski to Postpone further discussion until something is brought forward that is more acceptable to the zoning for this area.

Trustee Baum stated he doesn't think a storage facility fits with the 2050 Plan because this area is an environmental area. He could accept expanding the restaurant because its an existing use, but the storage unit proposal is not an appropriate use of the zoning. He could agree to dividing the property if a cohesive plan is brought forward.

MOTION carried unanimously.

MOTION Baum second Tarantino to call a 5-minute recess 9:05 pm.

MOTION carried unanimously.

Meeting reconvened 9:10 pm.

F Street Germantown, LLC, Applicant for the Village of Germantown, Property Owner – N104 W12667 Donges Bay Road. Site Plan Review for a 374,950 sqft industrial/warehouse/distribution facility in the Town 9 Business Park. Director Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the F Street Group site development and building plans for a 374,950 sqft industrial/warehouse/distribution facility located on a 37.7-acre parcel on Donges Bay Road in the Town 9 Business Park (TID#9) subject to the following conditions:

- 1. This approval is for Phase 1 development only and subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Architectural plans dated January 3, 2023;***
 - b. Civil Engineering plans dated October 3, 2022;***
 - c. Landscaping plans dated October 3, 2022;***
 - d. Lighting plans (photometric plan) dated October 3, 2022;***
 - e. Storm Water Management Report dated January 5, 2023***

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

- 2. Separate site development and building plans for any future Phase 2 development will require Plan Commission review and approval.***



Fee must accompany application

- ☒ \$700 Minor Addition
☐ \$1,240 Construction <10,000 SF
☐ \$2,095 Construction 10,000 SF to 50,000
☐ \$3,460 Industrial Construction >50,000 SF
☐ \$3,460 Commercial Construction >50,000
☐ \$200 Plan Commission Consultation
☐ \$125 Fire Department Plan Review

PAID H.

DATE 9/20/22

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT <u>Preferred Concepts LLC</u> <u>231 Scenic Road</u> <u>Colgore, WI 53017</u> Phone (414) <u>208-7380</u> E-Mail <u>peter@preferredconcepts.net</u>	PROPERTY OWNER <u>Boro Buzdum</u> <u>1188 N10515 Maple Road</u> <u>Germantown, WI 53022</u> Phone (262) <u>844-9429</u> E-Mail <u>BoroBuzdum@gmail.com</u>
--	--

2 Peter
PROPERTY ADDRESS

1188 N10515 Maple Road
Germantown WI 53022

3 **NEIGHBORING USES** - Specify name and type of use, e.g. Enviro Tech - Industrial, Smith - Residential, etc.

North	South	East	West
-------	-------	------	------

4 **READ AND INITIAL THE FOLLOWING:**

[Signature] I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.

[Signature] I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.

[Signature] I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

5 **SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!**

<u>Preferred Concepts LLC</u>	<u>[Signature]</u>	<u>9-21-2022</u>
Applicant	Owner	Date

Lori Johnson

From: peter@preferredconcepts.net
Sent: Monday, June 19, 2023 7:26 AM
To: Lori Johnson
Cc: borobuzdum@gmail.com
Subject: Buzdums

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Lori,

We are scaling back/revising the project for Buzdums Bar and Grill by removing the Smoking Room and Upper Facade on the building. We also plan on cleaning up the building by changing the doors and windows to match. These changes and scaling back are for economic reasons.

Regards,

Peter LaLonde
Preferred Concepts LLC
231 Scenic Road
Colgate, WI. 53017
414-708-7380
peter@preferredconcepts.net



Virus-free. www.avg.com

THE
CUSTOM
HOUSE LLC

ARCHITECTURE UNLIMITED

RESIDENTIAL
COMMERCIAL

1506 S. 58th STREET
WEST ALLIS, WI 53214
PHONE (414) 617-0352

Buzdums
Pub and Grill
W188 N10515 Maple Road
Germantown, WI 53022

All Rights Reserved

OWNERSHIP OF DOCUMENTS

This document, and the ideas and design incorporated herein, as an instrument of professional service, is the sole property of The Custom House LLC, and is not to be used in whole or in part for any other project or purpose without the expressed written authorization of The Custom House LLC.

COPYRIGHT 2022

Sheet Contents

ELEVATIONS

..
..
..

Issued For:

Prelim 1
Construction
Construction Rev
Rev 2

Date:

13 Sept, 2022
19 Sept, 2022
29 NOV, 2022
17 May, 2023

Drawn By:

DG

Checked By:

DG

Date:

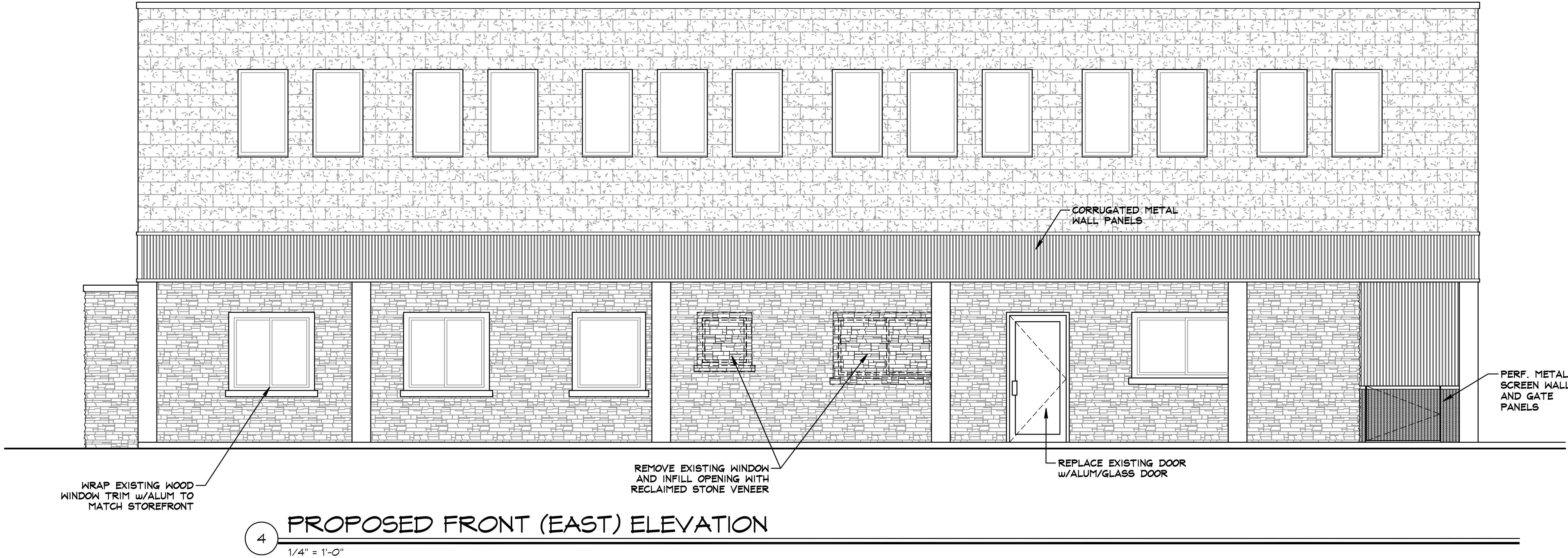
01 Sept, 2022

Job Number:

22.034

Sheet Number

A 2.1



PROPOSED FRONT (EAST) ELEVATION

1/4" = 1'-0"

THE
CUSTOM
HOUSE LLC

ARCHITECTURE UNLIMITED

RESIDENTIAL
COMMERCIAL

1506 S. 58th STREET
WEST ALLIS, WI 53214
PHONE (414) 617-0352

Buzdums
Pub and Grill
W188 N10515 Maple Road
Germantown, WI 53022

All Rights Reserved

OWNERSHIP OF DOCUMENTS

This document, and the ideas and design incorporated herein, as an instrument of professional service, is the sole property of The Custom House LLC, and is not to be used in whole or in part for any other project or purpose without the expressed written authorization of The Custom House LLC.

COPYRIGHT 2022

Sheet Contents

ELEVATIONS

..
..
..

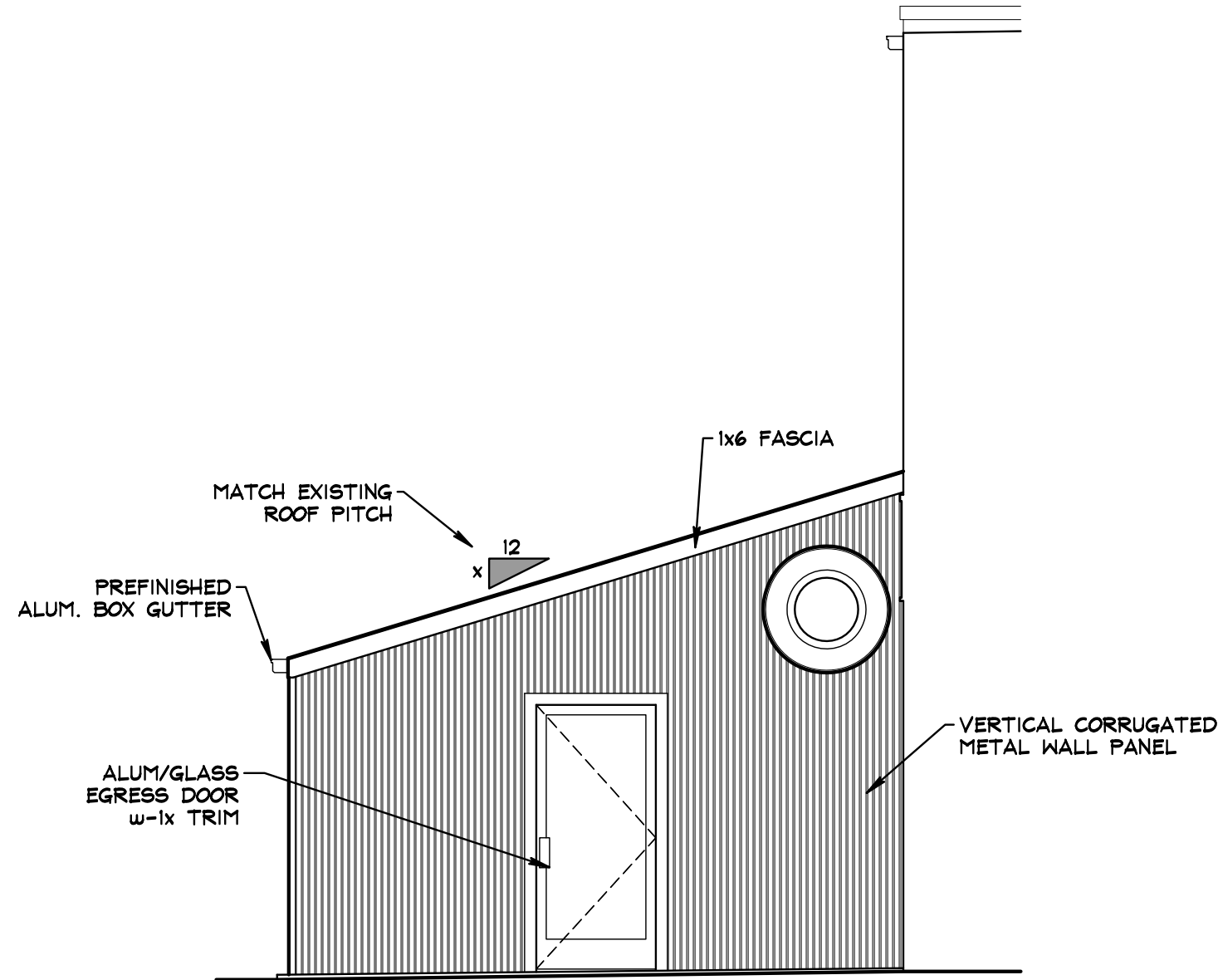
Issued For:	Date:
Prelim 1	13 Sept, 2022
Construction	19 Sept, 2022
Construction Rev	29 Nov, 2022
Rev 2	17 May, 2023

Drawn By:	DG
Checked By:	DG

Date:	01 Sept, 2022
Job Number:	22.094

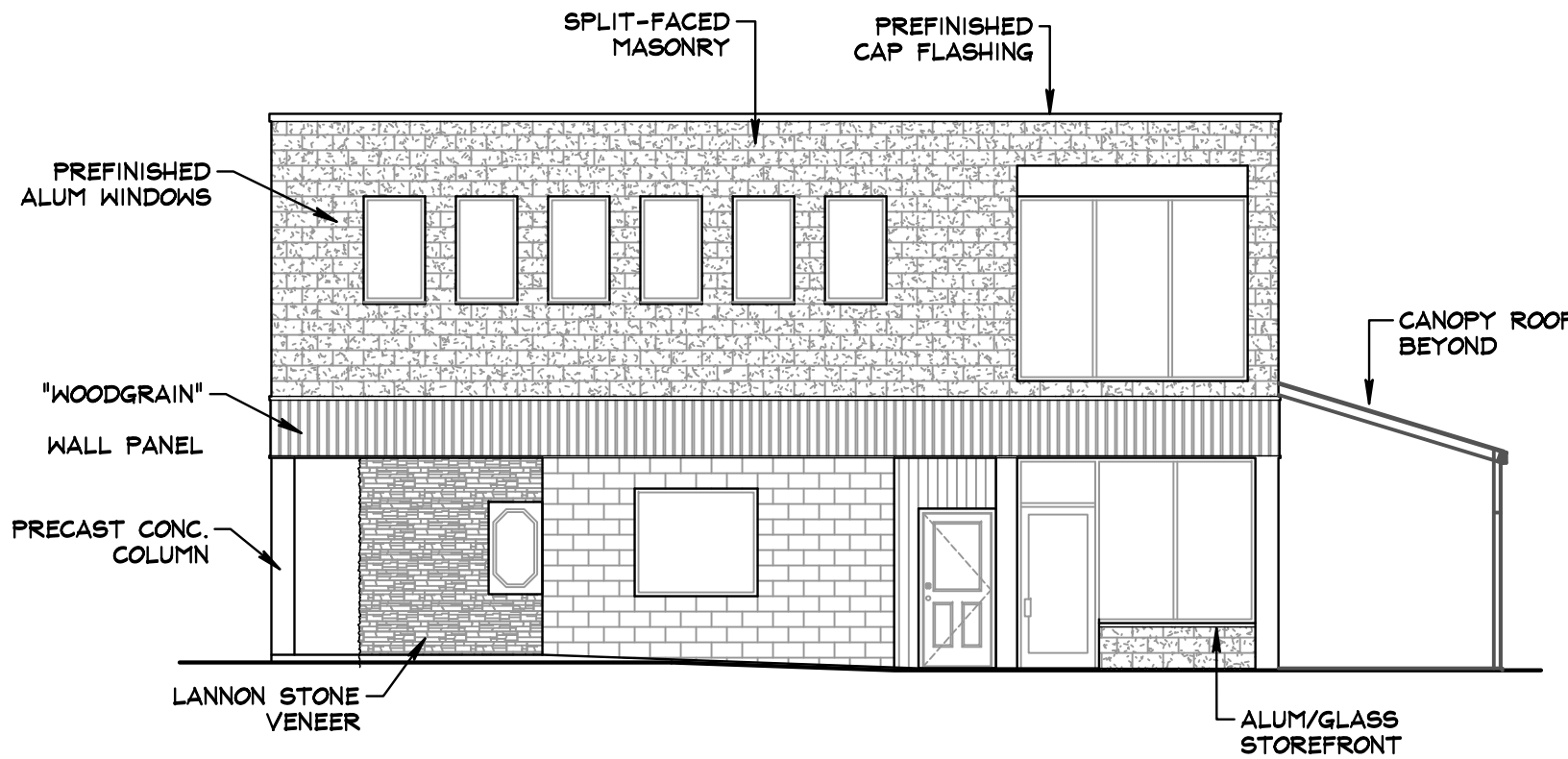
Sheet Number

A 2.0



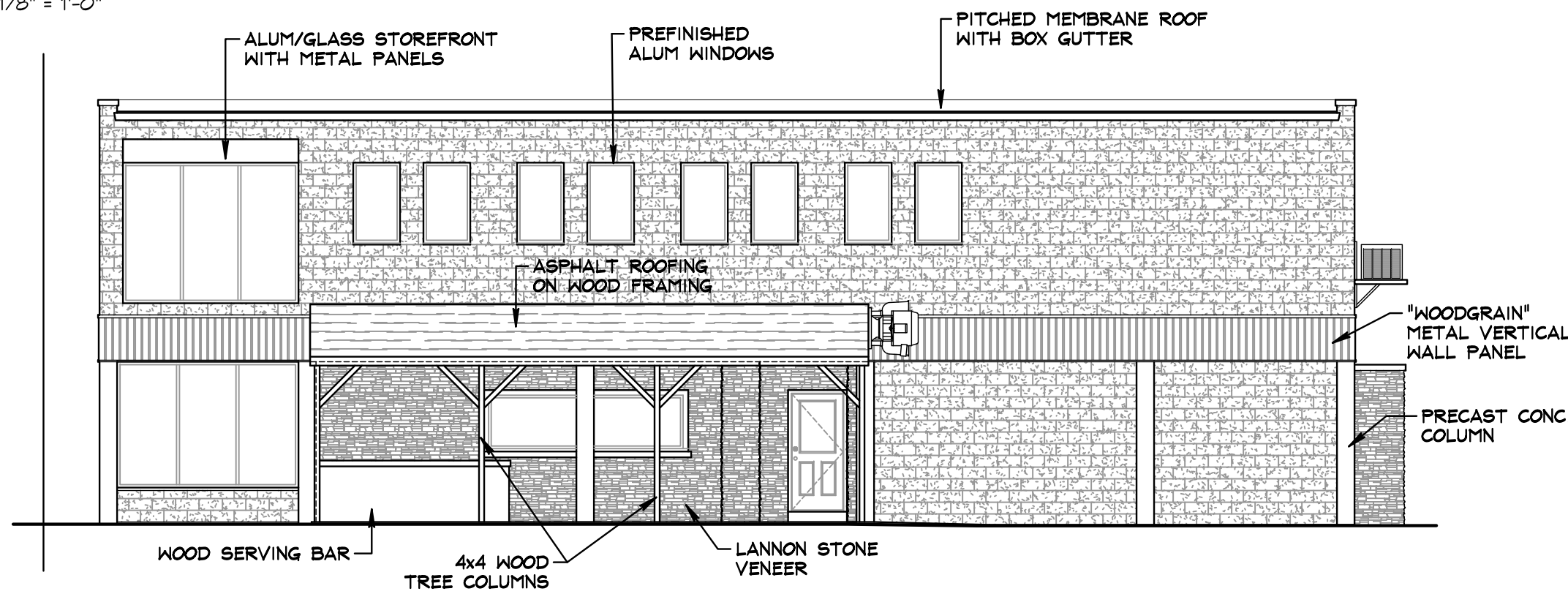
PROPOSED INSET ELEVATION

1/4" = 1'-0"



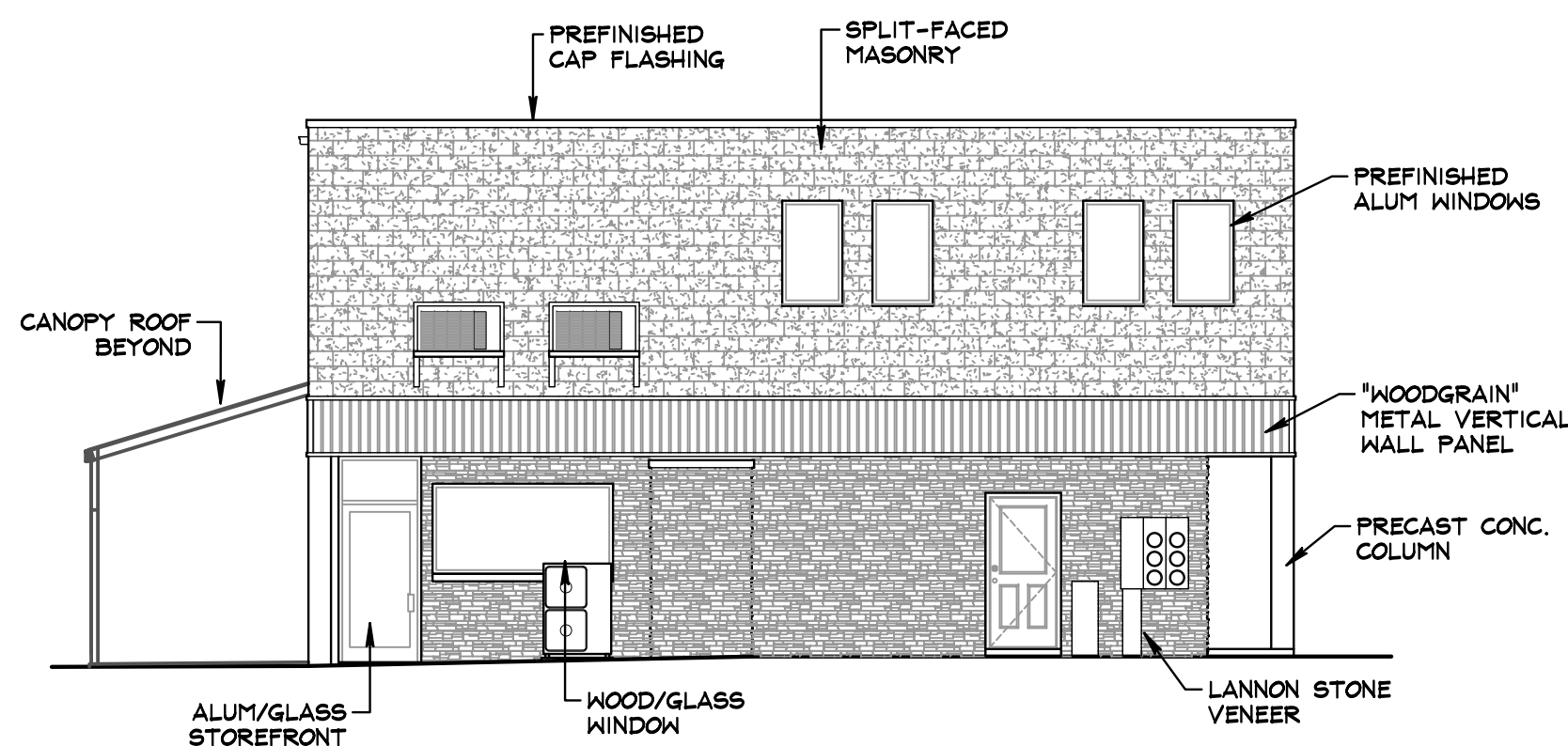
EXISTING RIGHT SIDE (NORTH) ELEVATION

1/8" = 1'-0"



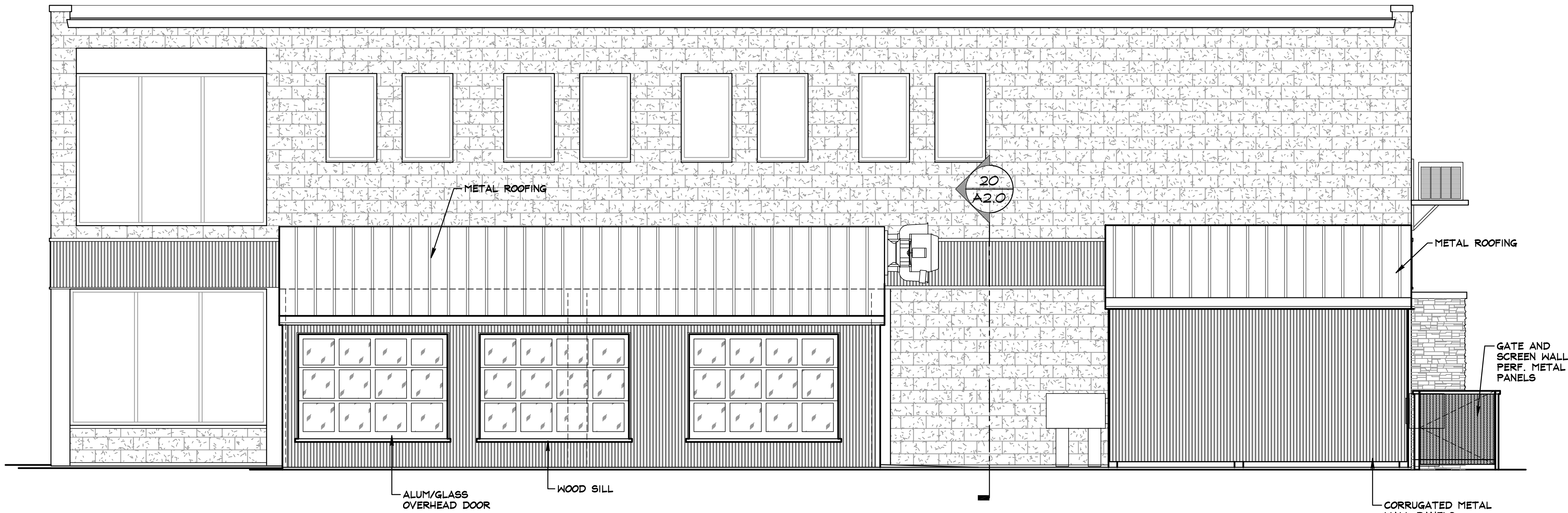
EXISTING REAR (WEST) ELEVATION

1/8" = 1'-0"



EXISTING LEFT SIDE (SOUTH) ELEVATION

1/8" = 1'-0"



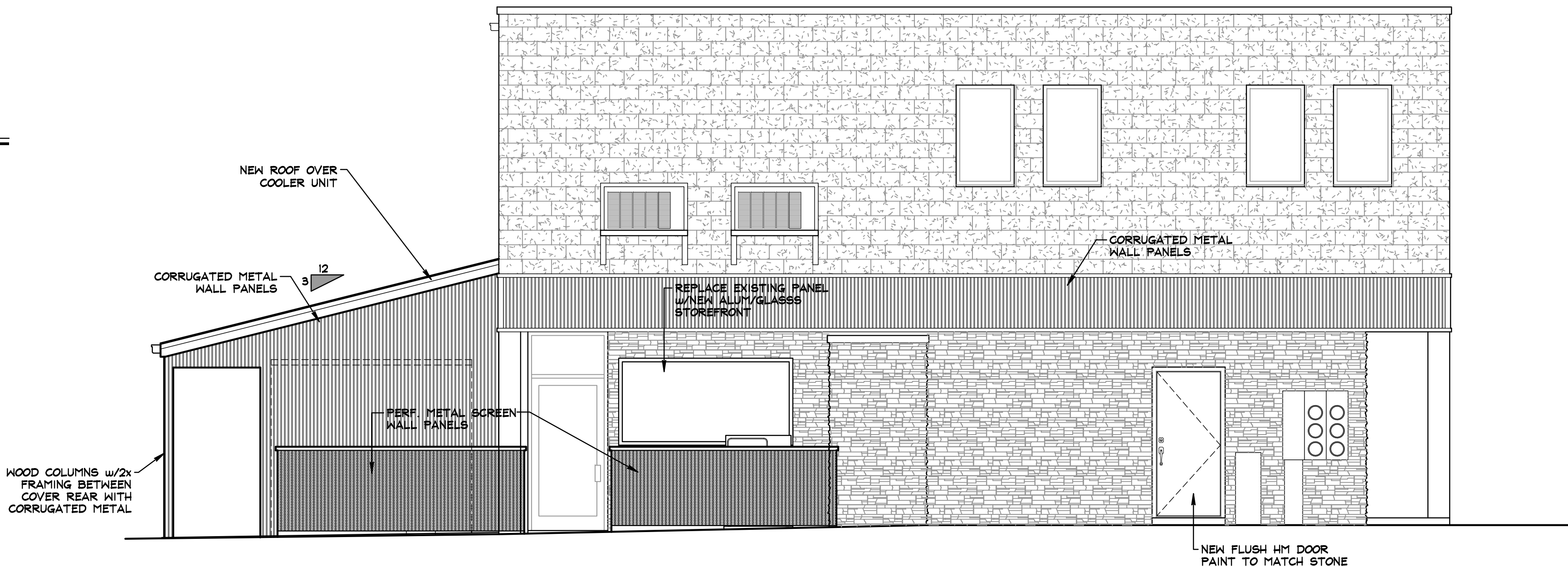
PROPOSED REAR (WEST) ELEVATION

1/4" = 1'-0"



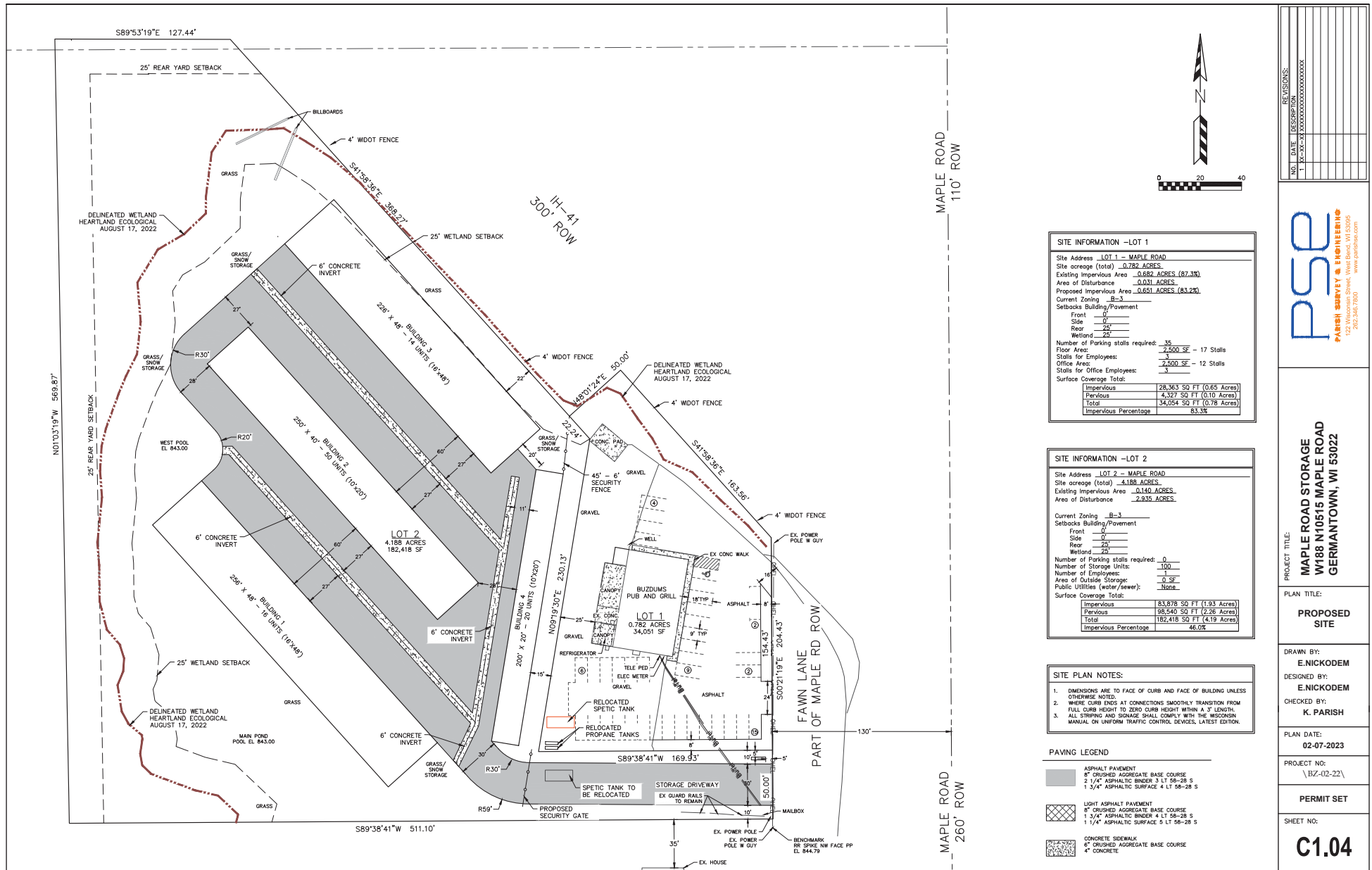
PROPOSED RIGHT SIDE (NORTH) ELEVATION

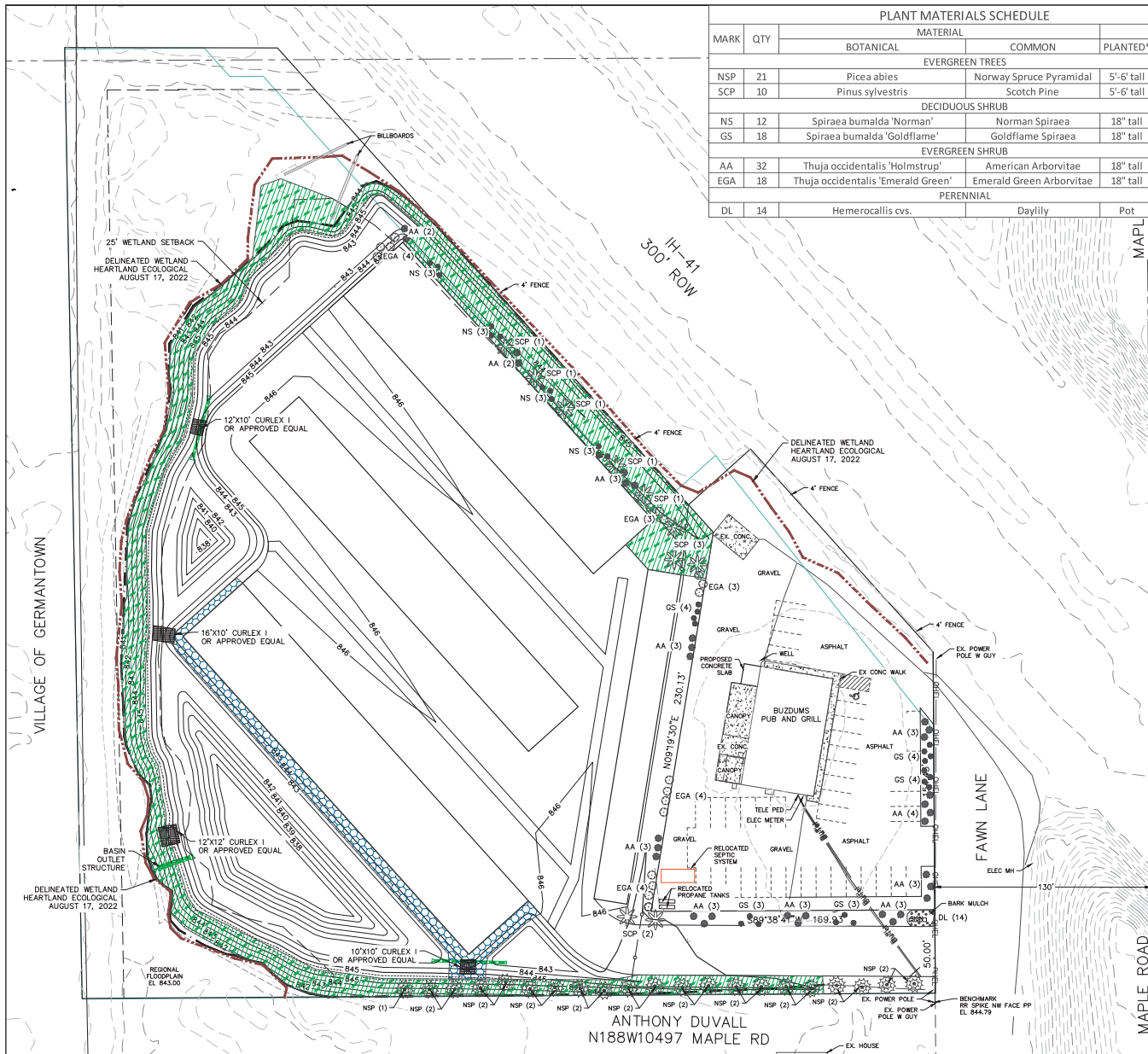
1/4" = 1'-0"



PROPOSED LEFT SIDE (SOUTH) ELEVATION

1/4" = 1'-0"





PLANT MATERIALS SCHEDULE					
MARK	QTY	MATERIAL		SIZE	
		BOTANICAL	COMMON	PLANTED*	MATURE
EVERGREEN TREES					
NSP	21	Picea abies	Norway Spruce Pyramidal	5'-6' tall	40'-60'
SCP	10	Pinus sylvestris	Scotch Pine	5'-6' tall	30'-60'
DECIDUOUS SHRUB					
NS	12	Spiraea bumalda 'Norman'	Norman Spiraea	18" tall	2'-3' H, 2'-3' W
GS	18	Spiraea bumalda 'Goldflame'	Goldflame Spiraea	18" tall	2'-3' H, 2'-3' W
EVERGREEN SHRUB					
AA	32	Thuja occidentalis 'Holmstrup'	American Arborvitae	18" tall	8' high 2-4' W
EGA	18	Thuja occidentalis 'Emerald Green'	Emerald Green Arborvitae	18" tall	15' high 4' W
PERENNIAL					
DL	14	Hemerocallis cvs.	Daylily	Pot	12"-36" H

LEGEND:

- 936 --- EXISTING MINOR CONTOUR
- 935 --- EXISTING MAJOR CONTOUR
- 936 --- PROPOSED MINOR CONTOUR
- 935 --- PROPOSED MAJOR CONTOUR
- NATIVE SEED RESTORATION
- VEGETATIVE BUFFER
- EROSION MAT
- EMERALD GREEN ARBORVITAE
- AMERICAN ARBORVITAE
- GOLDFLAME/NORMAN SPIRAEA
- SCOTCH PINE
- NORWAY SPRUCE

LANDSCAPE NOTES

- CONTRACTOR SHALL CONTACT DIGGERS HOTLINE (800-242-8511) TO HAVE SITE MARKED PRIOR TO EXCAVATION AND PLANTING.
- REMOVE/KILL UNWANTED VEGETATION AT SEEDED AREAS PRIOR TO SEEDING.
- PREPARE TOPSOIL AND SEED BED BY REMOVING ALL SURFACE STONES 1" OR LARGER. APPLY 20-10-5 STARTER FERTILIZER AND SPECIFIED SEED UNIFORMLY AT THE SPECIFIED RATE. PROVIDE MULCH COVERING SUITABLE TO GERMINATE AND ESTABLISH TURF. SUBMIT SEED AND FERTILIZER SPECIFICATIONS TO OWNER PRIOR TO INSTALLATION.
- NATIVE SEED SHALL BE PRAIRIE SEED FARMS PSF#CP33-01-W OR APPROVED EQUAL.
- VEGETATIVE BUFFER AND SEEDING AROUND THE STORMWATER BASINS SHALL BE WDOT SEED MIXTURE NO. 75 (630.21.5.1.2) OR APPROVED EQUAL.
- AN ACCEPTABLE QUALITY SEED INSTALLATION IS DEFINED AS HAVING:
 - 6.1. NO BARE SPOTS LARGER THAN 1 SQ.FT.
 - 6.2. NO MORE THAN 10% OF THE TOTAL AREA WITH BARE AREAS LARGER THAN 1 SQ.FT.
 - 6.3. UNIFORM COVERAGE THROUGH ALL TURF AREAS
- PLANTINGS SHALL COMPLY WITH STANDARDS AS DESCRIBED IN AMERICAN STANDARD OF NURSERY STOCK - Z60.1 ANSI (LATEST VERSION). NO SUB-STANDARD "B GRADE" OR "PARK GRADE" PLANT MATERIALS WILL BE ACCEPTED. PLANT MATERIALS SHALL ORIGINATE FROM NURSERY(IES) WITH A SIMILAR CLIMATE AS THE PLANTING SITE.
- PLANTING SUBSTITUTIONS MUST BE APPROVED BY THE ENGINEER. ALL PLANTS MUST BE INSTALLED AS PER SIZES INDICATED ON PLANT MATERIALS SCHEDULE UNLESS APPROVED BY THE ENGINEER. ANY CHANGES IN SIZES SHOWN ON PLAN MUST BE APPROVED BY OWNER IN WRITING PRIOR TO INSTALLATION.
- PLANT ALL TREES SLIGHTLY HIGHER THAN FINISHED GRADE AT THE ROOT FLARE. REMOVE EXCESS SOIL FROM TOP OF ROOT BALL, IF NEEDED. REMOVE AND DISCARD NON-BIODEGRADABLE BALL WRAPPING AND SUPPORT WIRE. REMOVE BIODEGRADABLE BURLAP AND WIRE CAGE FROM THE TOP THIRD OF THE ROOT BALL AND CAREFULLY BEND REMAINING WIRE DOWN TO BOTTOM OF THE HOLE. WHEN TREE HAS BEEN PLACED AND WILL NO LONGER BE MOVED, SCORE REMAINING TWO-THIRDS OF BURLAP AND REMOVE TWINE. PROVIDE ONE SLOW-RELEASE FERTILIZER PACKET PER 1" CALIPER OF EACH TREE PLANTED.
- BACKFILL TREE PLANTING HOLES WITH 80% EXISTING SOILS REMOVED FROM EXCAVATION AND 20% SOIL AMENDMENTS (SEE SPECIFICATION BELOW). AVOID AIR POCKETS. DO NOT TAMP SOIL. DISCARD ANY GRAVEL, ROCKS, HEAVY CLAY OR CONCRETE. WATER TREE THOROUGHLY WHEN HOLE IS TWO-THIRDS FULL. ALLOW WATER TO TO SOAK IN BEFORE FILLING REMAINDER OF HOLE. WATER AGAIN TO FULLY SOAK THE NEW PLANTING. EACH TREE SHALL RECEIVE A 3" DEEP 4-5" DIAMETER SHREDED HARDWOOD BARK MULCH RING/SAUCER. DO NOT BUILD UP MULCH ONTO TRUNK OF ANY TREE. INCORRECTLY INSTALLED TREES SHALL BE REPLACED AT THE EXPENSE OF THE LANDSCAPE CONTRACTOR.
- ALL TREE RINGS SHALL RECEIVE A 3" DEEP LAYER OF HIGH-QUALITY UN-PIGMENTED SHREDED HARDWOOD BARK MULCH. ALL SHRUB AND PERENNIAL PLANTING BED AREAS SHALL RECEIVE A 2-3" LAYER OF DECORATIVE STONE BEDDING. DO NOT ALLOW STONE TO CONTACT PLANT STEMS AND TREE TRUNKS.
- REMOVE/KILL UNWANTED VEGETATION AT SEEDED AREAS PRIOR TO SEEDING.
- PREPARE TOPSOIL AND SEED BED BY REMOVING ALL SURFACE STONES 1" OR LARGER. APPLY 20-10-5 STARTER FERTILIZER AND SPECIFIED SEED UNIFORMLY AT THE SPECIFIED RATE. PROVIDE MULCH COVERING SUITABLE TO GERMINATE AND ESTABLISH TURF. SUBMIT SEED AND FERTILIZER SPECIFICATIONS TO OWNER PRIOR TO INSTALLATION.
- EROSION CONTROL MEASURES SHALL BE USED IN SWALES AND ON SLOPES STEEPER THAN 1:3 WHERE APPLICABLE. METHODS OF INSTALLATION MAY VARY AT THE DISCRETION OF THE LANDSCAPE CONTRACTOR TO ESTABLISH AND GUARANTEE A SMOOTH, UNIFORM, QUALITY TURF. A MINIMUM OF 2" OF BLENDED, PREPARED AND NON-COMPACTED TOPSOIL IS REQUIRED FOR ALL LAWN AREAS. IF STRAW MULCH IS USED AS A COVERING, A TACKIFIER SHALL BE USED TO PREVENT WIND DISPERSAL OF MULCH COVERING. MARSH HAY CONTAINING REED CANARY GRASS IS NOT AN ACCEPTABLE MULCH COVERING.
- AN ACCEPTABLE QUALITY SEED INSTALLATION IS DEFINED AS HAVING:
 - 15.1. NO BARE SPOTS LARGER THAN 1 SQ.FT.
 - 15.2. NO MORE THAN 10% OF THE TOTAL AREA WITH BARE AREAS LARGER THAN 1 SQ.FT.
 - 15.3. UNIFORM COVERAGE THROUGH ALL TURF AREAS
- ALL PLANTINGS SHALL BE WATERED THOROUGHLY AT THE TIME OF PLANTING, THROUGH CONSTRUCTION AND UPON COMPLETION OF THE PROJECT AS NEEDED. TREES, EVERGREENS AND SHRUBS (DECIDUOUS AND EVERGREEN) SHALL BE GUARANTEED (100% REPLACEMENT) FOR A MINIMUM OF ONE YEAR FROM THE DATE OF PROJECT COMPLETION. WATERING AND ONGOING MAINTENANCE INSTRUCTIONS ARE TO BE SUPPLIED TO THE OWNER BY THE LANDSCAPE CONTRACTOR UPON COMPLETION OF THE PROJECT.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR WATERING AND MAINTENANCE OF ALL LANDSCAPE AREAS FOR A PERIOD OF 45 DAYS AFTER SUBstantial COMPLETION OF THE LANDSCAPE INSTALLATION. THIS SHALL INCLUDE ALL TREES, SHRUBS, EVERGREENS, PERENNIALS, ORNAMENTAL GRASSES, TURF GRASS, NO-MOW GRASS AND NATIVE PRAIRIE SEED MIX / STORMWATER SEED MIX. WORK ALSO INCLUDES WEEDING, EDGING, MULCHING, FERTILIZING, TRIMMING, REMOVAL OF GRASS CLIPPINGS, PRUNING AND DEAD-HEADING.
- LANDSCAPE CONTRACTOR SHALL CONDUCT A FINAL REVIEW OF THE PROJECT WITH THE OWNER AND GENERAL CONTRACTOR TO ANSWER QUESTIONS, PROVIDE WRITTEN CARE INSTRUCTIONS AND INSURE THAT ALL SPECIFICATIONS HAVE BEEN MET.

NO.	DATE	DESCRIPTION
1	XX-XX-XX	XXXXXXXXXXXXXXXXXXXX

PSE
PARISH SURVEY & ENGINEERING
122 Wisconsin Street, West Barab, WI 53095
262.346.7000
www.parishsurveys.com

PROJECT TITLE:
MAPLE ROAD STORAGE
W188 N10515 MAPLE ROAD
GERMANTOWN, WI 53022

PLAN TITLE:
LANDSCAPE

DRAWN BY:
E.NICKODEM
DESIGNED BY:
E.NICKODEM
CHECKED BY:
K. PARISH

PLAN DATE:
02-07-2023

PROJECT NO.:
18Z-02-22

PERMIT SETS

SHEET NO.:
C1.07

ZONING PERMIT REVIEW

9/11/23 Plan Commission Meeting

Wendy Danielak

Planning & Zoning Report

Germantown, Wisconsin

Summary

Wendy Danielak, property owner, is seeking approval to install a 4' cyclone fence within an existing storm drainage easement on the residential property located at W168 N10765 Juniper Drive in the Cedar Hills Subdivision.

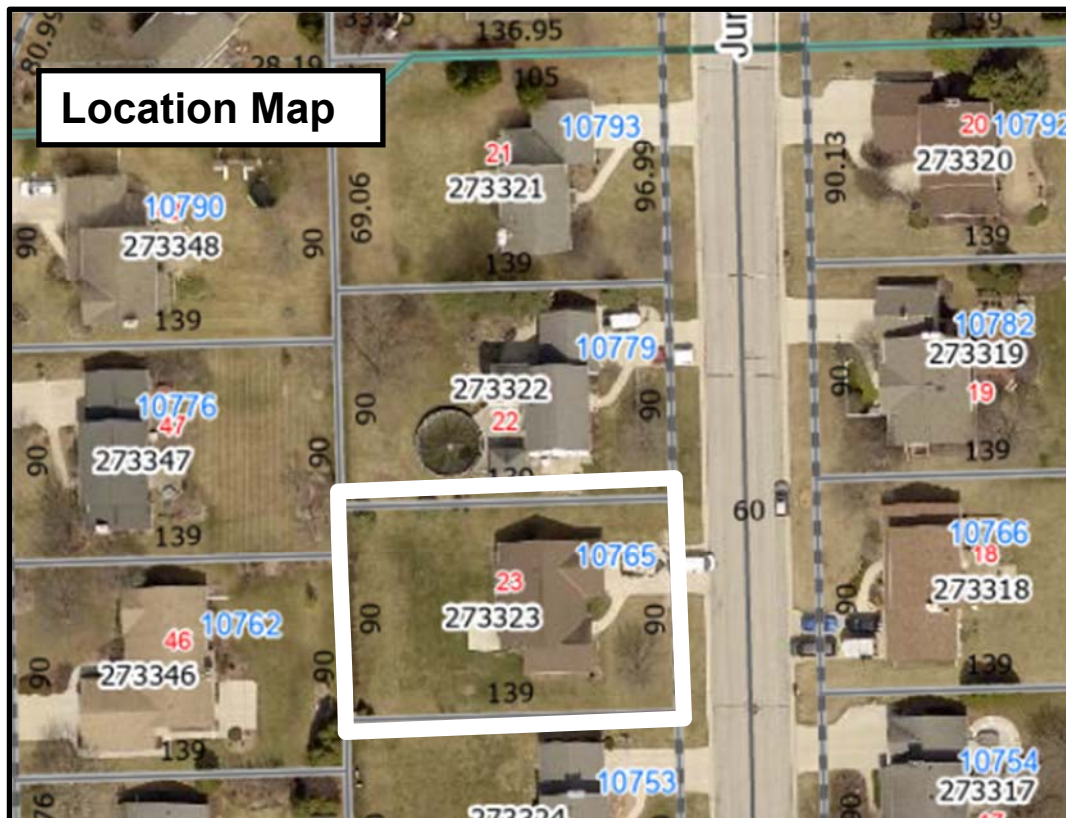
Location: W168 N10765 Juniper Drive

Agent/

Property Owners: Wendy Danielak
W168 N10765 Juniper Drive
Germantown, WI

Zoning: Rs-5 Single-Family Residential

Adjacent Land Uses		Zoning
North	Single-Family Residential	Rs-5
South	Single-family Residential	Rs-5
East	Single-family Residential	Rs-6
West	Single-family Residential	Rs-5



Background/Proposal

Wendy Danielak, property owner, is seeking approval to install a 4' cyclone fence within an existing storm drainage easement on the residential property located at W168 N10765 Juniper Drive in the Cedar Hills Subdivision

As indicated in their supporting information, the applicant would like to install a 4' high wire-woven "cyclone" fence (to be silver vs. black shown in photo) to enclose their side and back yards (see attached).

The fence would be located along the north property line (side yard), along the west property line (rear yard), and along the south (side yard) property line. The fence would encroach up to 15' into the public drainage easement on the west side of the property that runs parallel to the rear lot line. The public drainage easement (west side) is a total of 20' wide, with 15' on the Danielak property and the other 5' on the abutting property to the west.

Staff Comments

As indicated below, Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in any easement, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. *All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.*
2. *Fences in rear or side yards may be up to 6 feet in height.*
3. *Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.*
4. *No fence shall be closer than 2 feet to a public right-of-way.*
5. *Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.*
6. *Fences and easements.*
 - (i) *Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.*
 - (ii) *If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) *If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

As indicated above, the Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

1. considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and
2. in the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item #1, drainage flow interference, the open-style wire-woven cyclone fence would sit approximately 2 inches above grade and would not restrict or divert any water flow.

Regarding Item #2, there is no active Homeowner's Association for the Cedar Hills Subdivision. We have received a written comment from one adjacent property owner who has expressed their support for the proposed fence.

According to the Superintendent of Highways, Parks, Buildings & Grounds, there is no storm sewer infrastructure located in the drainage easement. The Superintendent recommends that the applicant be required to move the fence outside of the easement to eliminate any potential conflicts if access or work in the easement is required in the future. As an alternative, a recommended condition of approval should be to require the property owner to be responsible (and NOT the Village) for any costs associated with any work conducted within the drainage easement that impacts the fence or requires the fence to be removed and/or replaced.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 4' high cyclone fence within an existing storm drainage easement on the residential property located at W168 N10765 Juniper Drive subject to the following conditions:

1. It shall be the responsibility of the homeowner to always maintain a free flow of water within the drainage easement.
2. If the fence needs to be removed to make improvements and/or conduct maintenance within the drainage easement, the property owner shall be responsible for removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be responsible for any/all costs associated with any damage, removal, or re-installation of said fence.
3. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.



ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 6/29/23

Fee Received By: J.

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: Wendy Danielak
Address: W168N10765 Juniper Dr.
City/State/Zip: Germantown, WI 53022
Phone: (262) 623-0549
E-Mail: wdanielak@yahoo.com

PROPERTY or Business OWNER:

Name: Wendy Danielak
Address: W168N10765 Juniper Dr.
City/State/Zip: Germantown, WI 53022
Phone: (262) 623-0549
E-Mail: wdanielak@yahoo.com

PROPERTY ADDRESS OR Tax Parcel ID#:

GTNV-273323

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

Wendy Danielak, property owner, is seeking approval to install a 4' high chain link fence within an existing drainage easement on the residential lot located at W168N10765 Juniper Drive in the Cedar Hills Subdivision.

*See attached for additional details. HOA approval not applicable.

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☒ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☒ \$175 Application Fee
- ☒ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

[Signature]
Applicant

6-28-23
Date

Property Owner

Date

VILLAGE USE ONLY

June 28, 2023

Dear Planning Commission,

I respectfully submit to you a request for a permit and easement waiver for the construction of a black, 4' tall, chain link fence for my backyard, up to the property line, including the landscape and private drainage easement.

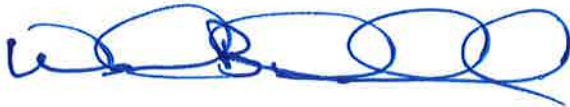
The primary reason for building this fence is to create a safe space for my small (10 lb.) toy poodle mix to exercise off leash, safe from predators and other large neighborhood dogs. Additionally, this fence will provide an added layer of protection for myself when letting her out in the middle of the night. Without an easement waiver, I would need to erect a fence approximately 8.5' from my property line due to existing landscaping, losing a significant amount of yard space outside of the fenced in area. If granted an easement waiver, I would be able to fully encapsulate the existing shrubbery, protect claim to my full property, and maximize the play area for my dog.

A-1 fencing provided the included quote for cost of materials and installation for this fence, approximately 8.5' from my property line. Without commission approval, he would traditionally erect the fence 5' from the property line, but with my existing landscape, this leads to a fence 8.5' from the property line. The company representative would not provide me with an updated quote of fence installation up to the property line until my request was reviewed by your committee.

Installation of the fencing in the drainage easement will not create any issues or impediments to drainage due to the style and makeup of the proposed fence, as it will readily allow passage of water drainage.

I appreciate your time and consideration of this application. I look forward to your approval, so I may work to install this fence as soon as possible, and allow my little Cali to run free.

Thank you,



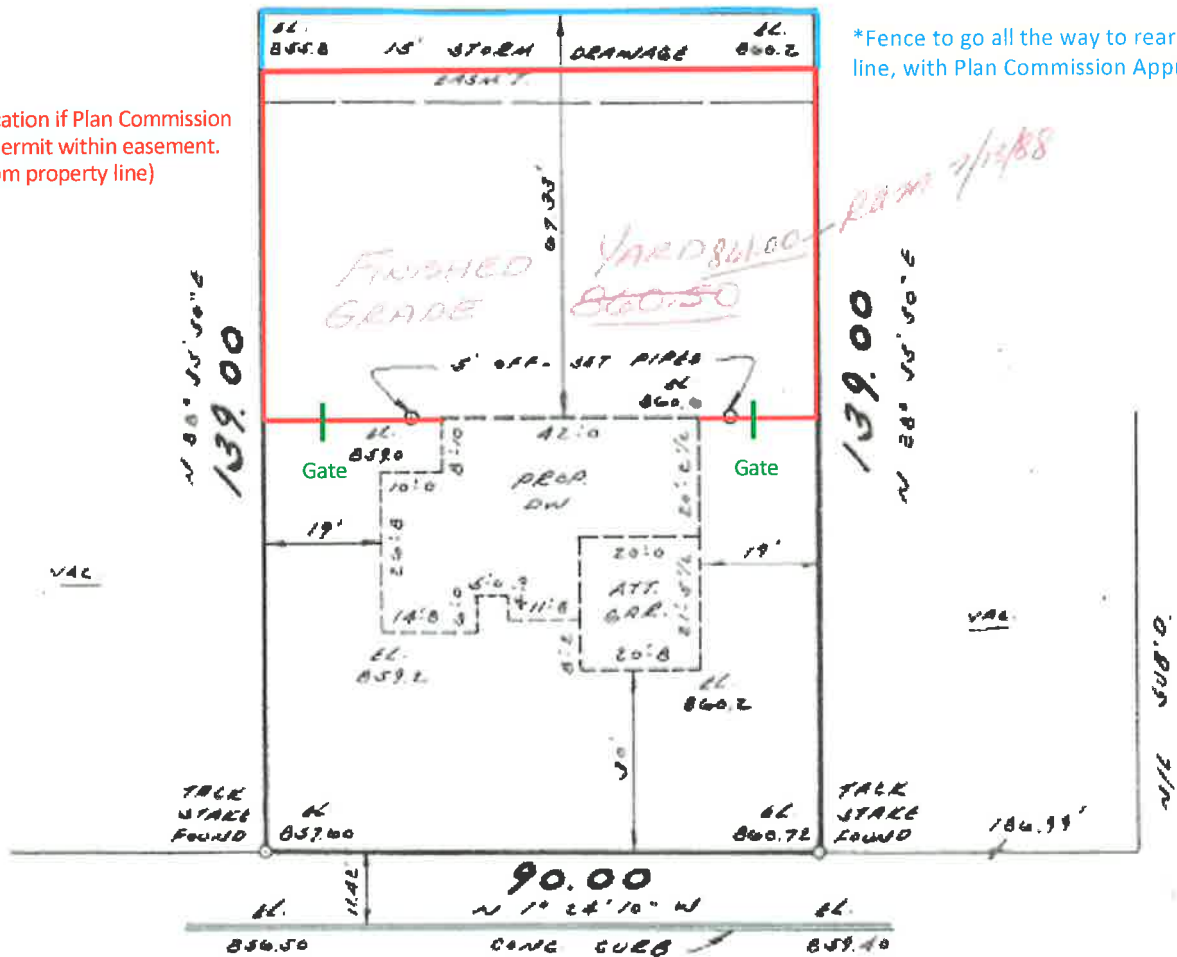
Wendy Danielak
(262) 623-0549



N 1° 24' 10" W
90.00

*Fence location if Plan Commission does not permit within easement. (~8.5 ft from property line)

*Fence to go all the way to rear lot line, with Plan Commission Approval.



JUNIPER DR.
(60' R.O.W.)



METROPOLITAN SURVEY SERVICE, INC.
REGISTERED LAND SURVEYORS

115 W. FOREST HOME AVE., SUITE 107 HALES CORNERS, WI 53130
529-6380

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

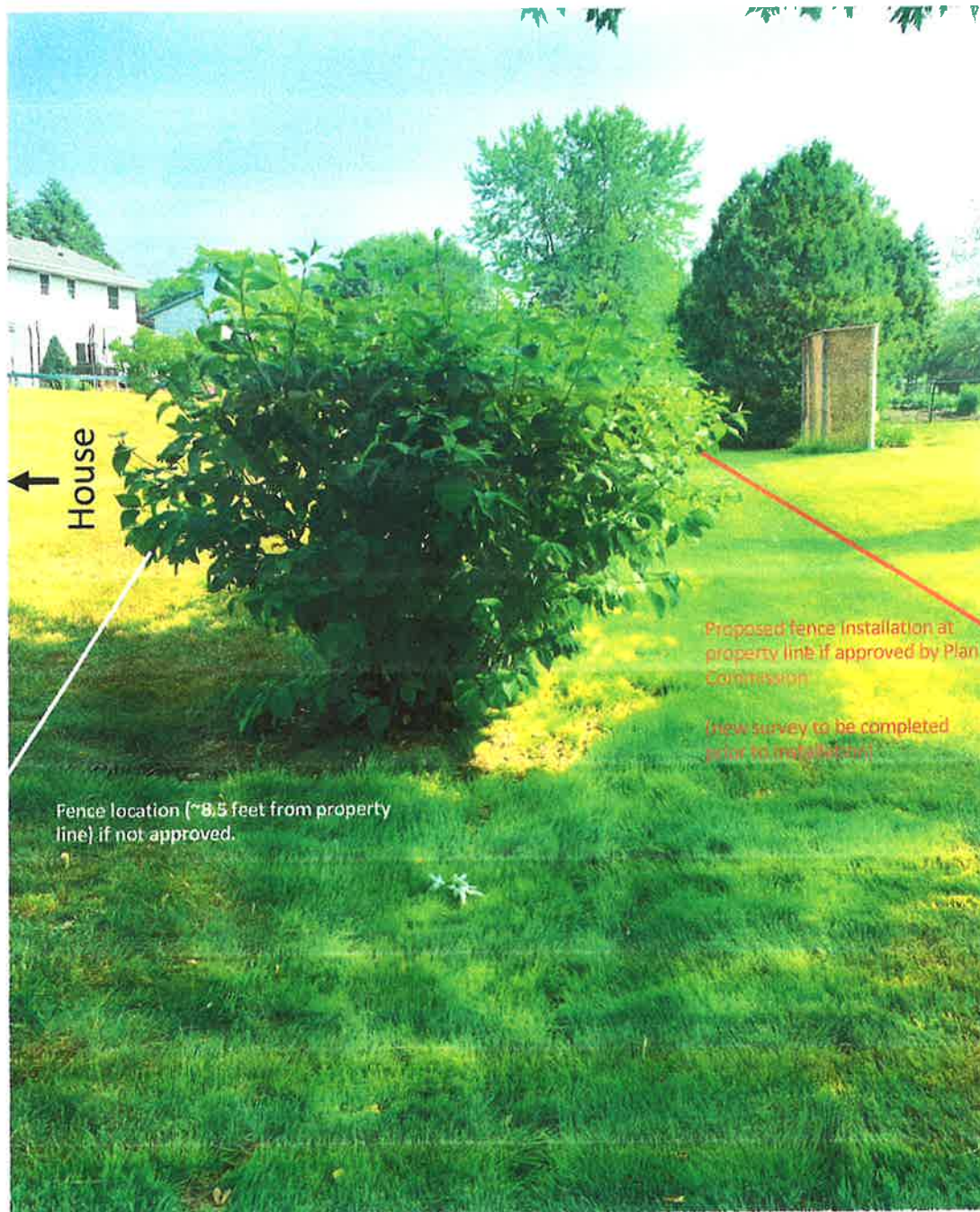
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREIN WITHIN ONE (1) YEAR FROM DATE HEREOF.

Wayne D. Mickelson Page 40 of 164

**Proposed fence:
4' high chain link fence**



Backyard Photos



Backyard Photos



A-1 FENCE CO., INC.

740 N. Dekora Woods Boulevard, Saukville WI 53080
262-251-6766 • FAX 262-268-8024 • www.a1-fence.com

Proposal No. _____

Date: 5.9.23

We propose to provide all necessary materials and labor to construct a fence according to the sketch, specifications and guarantee presented below, on the purchaser's property located at.

Address: W168N 10765 Dunbar Dr

Name: Wendy Danielak

City: Greenfield

Telephone: 2) 623-0549

RESPONSIBILITY OF THE CUSTOMER

1. Obtain permits.
2. Provide a survey of the property.
3. Provide a place for the dirt from post holes dug.
4. If there is an existing fence to be taken down, the CUSTOMER must make arrangements for its disposal.
5. 10% deposit with signature. Non refundable after 3 days.
6. Full payment is due upon completion of work.

CUSTOMER'S RIGHT TO CANCEL

You may cancel this agreement in person or in writing, by notifying the seller by 5 PM of the third business day after you signed this proposal. And, if you wish, you may write "I hereby cancel" across the face of this page as written notice.

GUARANTEE

Seller agrees to correct any defect in workmanship or materials at no cost to the buyer for the following period of time:

Installed Fencing: 5yrs

Installed Gate: 4yrs

UNDERGROUND CABLES:

Telephone Electric

A-1 Fence Co. assumes no responsibility for damage to any buried electric or plumbing service not installed by a public utility.

Salesman: [Signature]

"The sting of poor quality outlives the joy of low price."

A-1 Fence Co is not liable for disturbance or necessary changes of landscaping, nor are they liable for damage to existing surfaces such as concrete, brick, etc. due to installation or work performed. Checking of post are not warranted as that is the nature of the wood. Painting any part of the fence will void warranty.

PURCHASER AGREES TO PAY BALANCE DUE UPON COMPLETION OF WORK

Style of Fence <u>1 inch / 2 inch</u> <u>18 inch x 4 inch</u>

Accepted by: _____

Date signed: _____

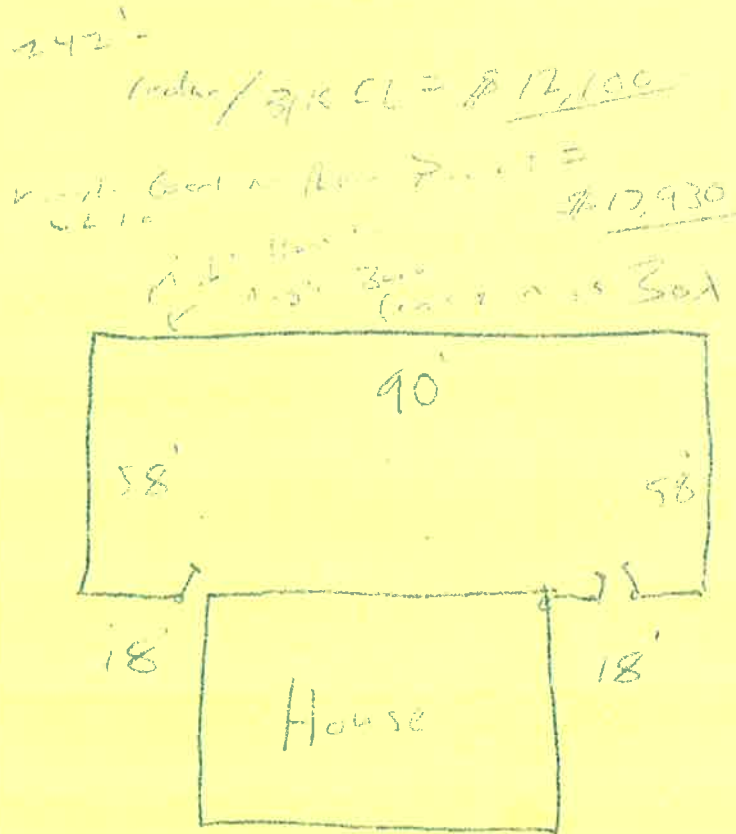
Total footage: _____

TOTAL PRICE: _____

Credit Card Payment will be subject to a 5.0% surcharge.

Fence Height <u>4'</u>	Gate Style A) Arch up B) Arch Down C) Straight	Post Style Diamond Arrowhead Dado  
Post Size <u>4x4</u>	Gate Post Size <u>4x4</u>	

SKETCH



Installation Notes

From: Kathryn Kreitzer <kreitzer.kathryn@gmail.com>
Sent: Thursday, September 7, 2023 6:07 PM
To: Jeff Retzlaff <jretzlaff@germantownwi.gov>
Cc: Kenny Kreitzer <kenny.kreitzer@gmail.com>
Subject: Wendy Danielak Fencing Approval

Good Evening Jeff,

We are neighbors (south border on Juniper) of Wendy Danielak. We understand you are looking for neighbor approval to her adding a fence in her backyard. From our standpoint (Kenny and Kathryn Kreitzer) we approve.

Kind Regards,
Kenny & Kathryn Kreitzer
W168N10753 Juniper Dr
Germantown, WI 53022
262-825-6537 / 262-825-2954

re: Yard Fence on Juniper Drive

September 8, 2023

To: Whom it may concern

My neighbor just south of me, Wendy Danielak, W168 N10765 Juniper Drive has expressed a desire to put a fence around her yard. As her next door neighbor, I have no objections to Wendy putting up a fence.

If you have any questions or concerns, please don't hesitate to contact me.

Kindly,

A handwritten signature in cursive script that reads "Mark Manian". The signature is written in dark ink and is positioned above the printed contact information.

Mark Manian
W168 N10779 Juniper Drive
Germantown, WI 53022
(262) 525-8417
markmmanian@gmail.com

ZONING PERMIT REVIEW

9/11/23 Plan Commission Meeting

Stephan & Danielle Cholewa

Planning & Zoning Report

Germantown, Wisconsin

Summary

Stephan & Danielle Cholewa, property owners, are seeking approval to construct a 6' high wood privacy fence within a front yard and in a public utility and drainage easement on their residential property located at W166 N10577 Surrey Drive in the Old Farm at Germantown Subdivision.

Property Location: W166 N10577 Surrey Drive

Applicant/

Property Owners: Stephan & Danielle Cholewa
W166 N10577 Surrey Drive
Germantown, WI

Current Zoning: Rs-5: Single-family Residential

Adjacent Land Uses		Zoning
North	Residential	Rs-5
South	Residential	Rs-5
East	Residential	Rs-6
West	Residential	Rs-5



Proposal

Stephan & Danielle Cholewa, property owners, are seeking approval to construct a 6' high wood privacy fence within a front yard and in a public utility and drainage easement on their residential property located at W166 N10577 Surrey Drive in the Old Farm at Germantown Subdivision.

As indicated in the supporting information, the applicant would like to install a 6' high, wood privacy fence to enclose most of the yard area behind and along the side of the dwelling.

Staff Comments

Because the parcel is a "corner lot", by Zoning Code definition the parcel has two (2) front/street yards, along Old Farm Road and Surrey Drive. Because the front entrance into the house is on or faces Surrey Drive (to which the address was assigned), the Old Farm Road yard area of the parcel is considered a front yard. Consequently, that portion of the fence proposed along Old Farm Road is in the front/street yard and, therefore, not allowed by Code to exceed a height of 4 feet (the maximum fence height in the side and rear yards is 6 feet).

Also, as shown on the plat of survey in the application materials, there is a 12' wide "public utility & drainage easement" along a portion of the Old Farm Road right-of-way (southwest corner) and across the Cholewa parcel where a small section of the fence is proposed.

As indicated below, Section 17.50(2)(f)3. of the Zoning Code prohibits fences over 4' in height in a front yard unless approved by the Plan Commission.

In addition, Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in any easement, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.
2. Fences in rear or side yards may be up to 6 feet in height.
3. Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.
4. No fence shall be closer than 2 feet to a public right-of-way.
5. Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.
6. Fences and easements.
 - (i) Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials

of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.

- (ii) If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
- 7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
 - 8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

As indicated above, the Planning Commission may authorize the installation of a residential fence up to 6' in height after considering such things as visibility, privacy, and access. The proposed fence will be located approximately 2' from the Old Farm Road right-of-way line and approximately 15' from the edge of the road and approximately 35' from the intersection.

With respect to the drainage easement issue, the Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

- 1. considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and
- 2. in the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item #1, drainage flow interference, the closed style "box" fence would sit approximately 2 inches above grade and would not restrict or divert any water flow.

Regarding Item #2, there is no active Homeowner's Association. There is one abutting neighbor to the south along Old Farm Road that shares the drainage easement along their common property line. At this time, we have not received any comments from the abutting neighbor.

According to the Superintendent of Highways, Parks, Buildings & Grounds, there is no storm sewer located underground in this easement except for a catch basin behind the curb to capture surface drainage. The Superintendent recommends that the applicant be required to move the fence outside of the easement to eliminate any potential conflicts if access or work in the easement is required in the future. As an alternative, a condition requiring the property owner be responsible (and NOT the Village) for any costs associated with any work conducted within the drainage easement that impacts the fence or requires the fence to be removed and/or replaced.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 6' wood privacy fence in the Old Farm Road front/street yard and in the 12' wide public drainage easement along the southwest property line of the Cholewa property located at W166 N10577 Surrey Drive subject to the following conditions:

1. The fence shall be setback a minimum of two (2) feet from the property line along Old Farm Road
2. It shall be the responsibility of the homeowner to always maintain a free flow of water within the private drainage easement.
3. If the fence needs to be removed to make improvements and/or conduct maintenance within the drainage easement, the property owner shall be responsible for removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be responsible for any/all costs associated with any damage, removal, or re-installation of said fence.
4. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.



Village of



ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 8/1/23

Fee Received By: [Signature]

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: Stephen & Danielle Cholewa

Address: W166N10577 Surrey Dr

City/State/Zip: Germantown WI 53022

Phone: 847 224 0495

E-Mail: Stephen.Cholewa48@gmail.com

PROPERTY or Business OWNER:

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

E-Mail: _____

PROPERTY ADDRESS OR Tax Parcel ID#:

W166N10577 Surrey Dr Germantown WI 53022

DESCRIPTION OF PROPOSED USE

(Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

6' privacy fence in back yard to protect children and large breed dog.

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☒ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☒ \$175 Application Fee
- ☐ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

[Signature]
Applicant

8/1/23
Date

Property Owner

Date

VILLAGE USE ONLY

To Whom it May Concern,

My name is Stephen Cholewa, my wife and I live at W166N10577 Surrey Drive in Germantown. Our first child will be born this August, and we will be taking our Labrador Retriever puppy home for the first time this month.

We submitted a permit application to install a 6' fence behind our house to contain our large breed dog and child. Labrador Retrievers can jump up to 5 feet high and could easily clear a 4' fence. This dog comes from a hunting legacy and will be trained to hunt birds. The temptation to chase wildlife could encourage the dog to jump a 4' fence.

Additionally, the corner of our lot, Old Farm and Surrey serves as a school bus stop, which requires students to gather on our lawn, where there are no sidewalks to help distinguish private property from public, and we want to ensure that the children are not able to reach over a short 4' fence and contact our dog, that they could potentially see every weekday.

We also have a need to protect our family's privacy. My wife works as a Radiologist at Froedtert Hospital, and her patients can be trauma victims from gang violence. We know other Froedtert employees who have been followed leaving work.

Another consideration is that our next-door neighbor has dogs, and a pool, with no fence.

Our permit was granted contingent approval based upon shortening the fence height to 4' on the entire path nearest to and running parallel to Old Farm Road, as well as the 26' feet of fence/gate that runs parallel to Surrey Drive which is about 70' away from the road. I've included a map where I circled the 3 corner houses down the street from ours, that have 6' fences on their "front" and "side" yards, that we referenced prior to drawing our plans. The location of our fence will not impact the visibility of traffic.







Lori Johnson

Subject: FW: Zoning Permit for a 6 Foot Fence Front Yard

From: Stephen <stephen.cholewa48@gmail.com>
Sent: Tuesday, August 1, 2023 2:55 PM
To: Lori Johnson <ljohnson@germantownwi.gov>
Subject: RE: Zoning Permit for a 6 Foot Fence Front Yard

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Lori,
Please add this example to my file. Fence will be built with pressure treated pine dog eared pickets, in a shadowbox configuration as shown in example below.



Thank you,
Stephen Cholewa
847-224-0495
Sent from [Mail](#) for Windows

GTAV 273 089

5127-9-20

SURVEYING

MEMBER

ASSOCIATES, INC.

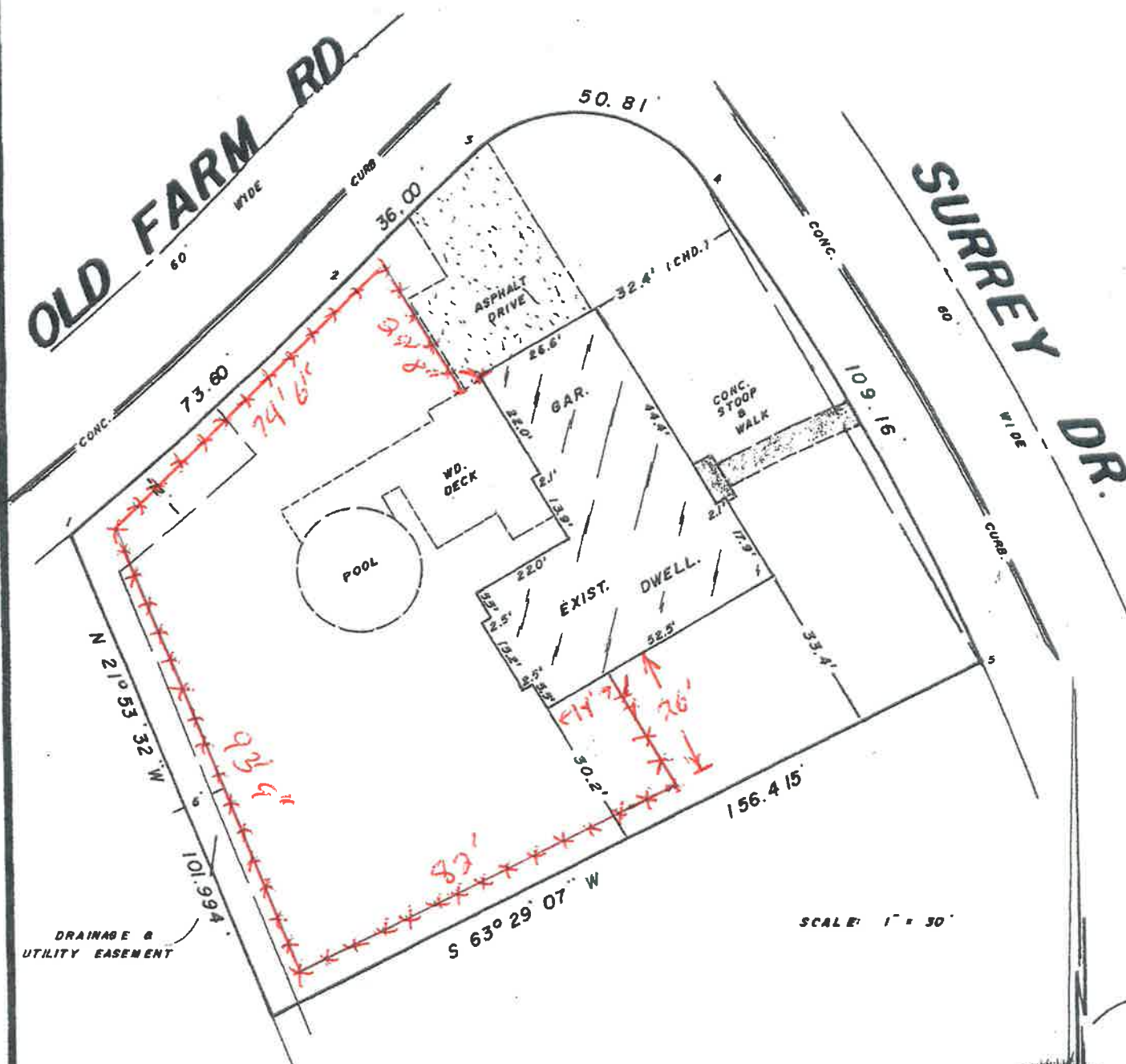
2554 N. 100th STREET
WAUWATOSA, WISCONSIN 53226

FREDERICK W. SHIBILSKI RLS
(414) 257-2212

PLAT OF SURVEY
-of-

LOT 19, BLOCK 5, in OLD FARM AT GERMANTOWN, being a Subdivision of part of the Northeast 1/4; Southeast 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 27, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

Survey location: W166 N10577 Surrey Drive
Buyer: James A. & Brigitte Wagner



— CURVE DATA —

1-2 R - 650.00'	2-3 R - 520.00'	3-4 R - 30.00'	4-5 R - 551.87'
Δ - 6° 29' 18"	Δ - 5° 58' 00"	Δ - 97° 02' 00"	Δ - 11° 20' 00"
CH - 73.96'	CH - 35.99'	CH - 44.98'	CH - 108.96'
CH BRNG - N 47° 08' 34" E	CH BRNG - N 45° 52' 58" E	CH BRNG - S 83° 37' 04" E	CH BRNG - S 29° 26' 04" E

Surveyed for: FAMILY FINANCIAL SAVINGS ASSOC.

"I hereby certify that I have surveyed the above described property and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any.

"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."

MONUMENTATION BY WRITTEN AGREEMENT WITH THE ABOVE NAMED CLIENT (HAS BEEN WAIVED IN ACCORDANCE WITH A-E 8.01 (1) (b) OF THE WISCONSIN ADMINISTRATIVE CODE



"THIS IS NOT AN ORIGINAL SURVEY UNLESS THIS SEAL IS RED."

Robert J. Wetzel
WISCONSIN REGISTERED LAND SURVEYOR

FEB. 2, 1987
DATE

prs bgr
FIELD WORK BY

mdn kik
DRAWN BY

15826
JOB NUMBER

ZONING PERMIT REVIEW

9/11/23 Plan Commission Meeting

Daniel Wells

Planning & Zoning Report

Germantown, Wisconsin

Summary

Daniel Wells, agent for Robert Wells, property owner, is seeking approval to install a 6' wood privacy fence within an existing drainage easement on the residential property located at N108 W17143 Hawthorne Drive in the Cedar Hills II Subdivision.

Location: N108 W17143 Hawthorne Drive

Agent/

Property Owners: Daniel Wells Robert Wells
N108 W17143 Hawthorne Drive 3429 W Picardy Ct
Germantown, WI Mequon, WI

Zoning: Rs-6 Single-Family Residential

Adjacent Land Uses		Zoning
North	Single-Family Residential	Rs-6
South	Single-family Residential	Rs-6
East	Single-family Residential	Rs-6
West	Single-family Residential	Rs-6



Background/Proposal

Daniel Wells, agent for Robert Wells, property owner, is seeking approval to install a 6' wood privacy fence within an existing drainage easement on the residential property located at N108 W17143 Hawthorne Drive in the Cedar Hills II Subdivision.

As indicated in the supporting information, Wells would like to install a 6' high wood privacy fence to enclose their side and back yards (see attached photos, survey, and site plan). The fence would be located along the east (side yard) property line, along and setback 12-13 feet from the south (rear yard) property line and connect to the existing privacy fence on the west (side yard) property line. The fence would encroach 7'-8' into the 20' wide drainage easement on the south side of the property that runs parallel to the rear lot line (there is an existing section of privacy fence that was installed by a previous owner in the drainage easement that the new fence would connect to complete a continuous privacy fence along the south property line). Gates are proposed at three points, including in the fence section in the drainage easement to provide access.

A "Fence Agreement" between Wells and the abutting neighbor to the west (Pierce) has been recorded that will allow the Wells fence to attach to the Pierce fence (copy attached). The agreement addresses ongoing maintenance and other responsibilities.

Staff Comments

As indicated below, Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in any easement, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.
2. Fences in rear or side yards may be up to 6 feet in height.
3. Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.
4. No fence shall be closer than 2 feet to a public right-of-way.
5. Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.
6. Fences and easements.
 - (i) Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.
 - (ii) If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.
 - (iii) If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.

7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

As indicated above, the Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

1. considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and
2. in the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item #1, drainage flow interference, Wells has provided an extensive volumetric analysis of water flow and rain event totals that would be required to impact the fence (see attached). Wells has also indicated that the bottom of the fence in the drainage easement will sit approximately 2 inches above grade and would not restrict or divert any water flow underneath the fence.

Regarding Item #2, there is no active Homeowner's Association for the Cedar Hills II Subdivision. Written comments have been received by some of the adjacent neighbors who have expressed their support for the fence proposal.

According to the Superintendent of Highways, Parks, Buildings & Grounds, there is no storm sewer located in the 20' drainage easement. The Superintendent recommends that the applicant be required to move the fence outside of the easement to eliminate any potential conflicts if access or work in the easement is required in the future. As an alternative, a recommended condition of approval should require the property owner to be responsible (and NOT the Village) for any costs associated with any work conducted within the drainage easement that impacts the fence or requires the fence to be removed and/or replaced.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 6' high wood privacy within an existing drainage easement on the residential property located at N108 W17143 Hawthorne Drive subject to the following conditions:

1. It shall be the responsibility of the homeowner to always maintain a free flow of water within the drainage easement.
2. If the fence needs to be removed to make improvements and/or conduct maintenance within the drainage easement, the property owner shall be responsible for removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be responsible for any/all costs associated with any damage, removal, or re-installation of said fence.
3. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.



ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 6/19/23

Fee Received By: [Signature]

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: Daniel Stephen Wells

Address: N108 W17143 Hawthorne Drive

City/State/Zip: Germantown, WI 53022

Phone: (262)-352-8599

E-Mail: dan.s.wells25@gmail.com

PROPERTY or Business OWNER:

Name: Robert Loyal Wells

Address: 3429 West Picardy Court

City/State/Zip: Mequon, WI 53092

Phone: (262)-302-4208

E-Mail: rwinvscans@yahoo.com

PROPERTY ADDRESS OR Tax Parcel ID#:

N108 W17143 Hawthorne Drive Germantown, WI 53022

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

Request for approval to place a 6' tall wooden fence privacy fence to be placed on portions of our side yards and backyard as well as in the drainage easement on the property at N108 W17143 Hawthorne Drive Germantown, WI 53022. The proposal includes erecting the fence along the eastern lot line and 12-13' from the rear lot line, which would be 7-8' onto the rear 20' drainage easement. The proposal also includes abutting the privacy fence in a perpendicular fashion within 1-3" of an existing fence N108 W17167 Hawthorne Dr. The owner of this existing fence has signed an agreement with the agent for the proposed fence allowing this arrangement (See attached). The owners of abutting lots have been informed of our plan to erect a privacy fence and do not have any objections. We are not part of any HOA or neighborhood organization.

*See attached for further details

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☒ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☒ \$175 Application Fee
- ☒ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

Daniel S. Wells
Applicant
Robert L. Wells
Property Owner

6/18/23
Date
6/28/23
Date

VILLAGE USE ONLY

Fence Agreement

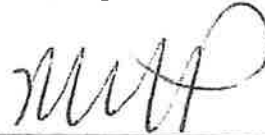
This Fence Agreement, dated as of June ~~08~~, 2023 (this “**Agreement**”), between Daniel S. Wells, as agent for and on behalf of Robert L. and Cecelia A. Wells (“**Wells**”), and Michael P. Pierce (“**Pierce**”, each a “**Party**” and together the “**Parties**”), sets forth the agreement of the Parties for a fence to be constructed on the Wells property that will adjoin with the existing Pierce fence on the Eastern border of the Pierce property (the “**Pierce Fence**”) in two places in a manner such that the Pierce Fence will serve as a shared fence and will constitute the Western boundary of the security fence for the Wells property. In the event the placement of the Pierce Fence is not precisely on the Pierce property line, both Parties hereby agree that (i) the Pierce Fence is the personal property of Pierce, (ii) Pierce shall not be required to move the Pierce Fence, and (iii) neither Party shall seek to claim ownership of any land that may be on such Party’s side of the Pierce Fence that, pursuant to legal description and/or tax key number of the Village of Germantown, belongs to the other Party.

The Wells fence shall be constructed in such manner to have independent support of its own and not rely on the Pierce Fence to maintain stability or be attached directly to the Pierce Fence. Wells shall not decorate, paint, stain, put in nails or screws, hang anything on, or attach anything to, the Pierce Fence, and shall maintain the Wells side of the Pierce Fence in its current condition notwithstanding reasonable wear and tear. Wells agrees to maintain any landscaping along the Wells side of the Pierce Fence, including, but not limited to, trimming

grass around fence posts and under the fence line and ensuring branches of any shrubbery and/or trees are trimmed away from touching the Pierce Fence providing reasonable access for maintenance purposes. Wells shall give notice to Pierce within 48 hours after the occurrence of any damage to the Wells side of the Pierce Fence regardless of the cause of such damage and shall be responsible for the repair of any damage to the Pierce Fence caused by Wells. Pierce agrees to maintain the Pierce Fence in good structural condition and shall be diligent with routine maintenance and with any repairs either caused by Pierce or by acts of God.

Effective as of the date of this Agreement, Wells hereby grants permission to Pierce to enter the Wells property, on any day, to access the Wells side of the Pierce Fence for the sole purpose of conducting structural maintenance, including any painting or staining, to the Wells side of the Pierce Fence; *provided, however*, that Pierce shall give Wells 12 hours advance notice before entering the Wells property.

IN WITNESS WHEREOF, the undersigned have executed this Agreement effective as of the date first written above.



Michael P. Pierce



Daniel S. Wells

Dear Planning Commission:

Complete Privacy Fence Proposal

My name is Daniel Wells and I am renting a property at N108W17143 Hawthorne Drive Germantown, WI 53022 from my parents, Robert and Cecelia Wells. I am writing this proposal with their explicit permission. I would like to make a 6' tall wooden privacy fence. I wish to connect this larger privacy fence to the existing approximately 24' long privacy fence on the southern portion of this property along its east-west line.

Reason for Proposal

I am seeking to contain the southern, eastern, and northern sides of this property with a 6' tall wooden fence to protect my twin infant daughters from the following risks:

- 1). To prevent them from being hit by cars if they run onto the streets near this house. Division Road is very busy, especially during rush hour, and lies less than 200 feet west of the associated driveway.



2). Being abducted and or otherwise injured or molested by criminals and or sex offenders in the area. A convicted pedophile lives just a 3-minute walk away from the property (on Lilac lane). His offense was: "Use of a Computer to Facilitate a Child Sex Crime."

[Return to Search Results](#) [Submit a Tip](#) [Printer Friendly](#)

MILLER, ADAM C

[Main](#) [Vehicle Information](#)

DOC #: 00531017
Gender: Male
Race: White
Age: 39
Ethnicity: NO DATA

Height: 6' 4"
Weight: 225 lbs.
Eye Color: Brown
Hair Color: Brown



Photo taken on: 10/05/2017
 (Click on photo to view larger version)

Aliases: MILLER, ADAM C
 MILLER, ADAM C

Registration Begin: 10/03/2007 **Registration End:** 06/09/2028
Compliance Status: COMPLIANT

Incarceration/Supervision Status: Off DOC/Division of Community Corrections Supervision

Note: Compliance indicates that an offender is meeting registration requirements with the Sex Offender Registry Program. When indicated, some or all offense information may be unavailable from the court of jurisdiction.

Residence: N108W17342 LILAC LN
 GERMANTOWN, WI 53022-3821
 WASHINGTON COUNTY

Report Date: 12/21/2008
Verified Date: 11/07/2022

Registrant Responded to latest USPS mail:
 Yes

[View Map](#)

Offenses:

For additional Criminal History go to [Wisconsin Circuit Court Access Web site \(CCAP\)](#).

Conviction Date	Conviction County	Conviction State	Case #	Offense Code	Offense
10/03/2007	Waukesha	WI	2006CF582	948.075	Use of a Computer to Facilitate a Child Sex Crime

NOTE: Click on Case # link to view case details from Wisconsin Circuit Court Access Web site (CCAP).

If this is an emergency, contact your local law enforcement agency. If you have concerns, corrections or questions about the registrant information on this page, please contact an appropriate authority listed below.

Sex Offender Registry Program: DOC SORP ADMINISTRATION
 3099 E WASHINGTON AVENUE
 MADISON, WI 53704
 (608)240-5830
[Sex Offender Registry Office](#)

THE INFORMATION PROVIDED ON THIS SITE IS INTENDED FOR COMMUNITY SAFETY PURPOSES ONLY AND SHOULD NOT BE USED TO THREATEN, INTIMIDATE,



N108W17143 Hawthorne Drive



N108W17342 Lilac Lane



1 min



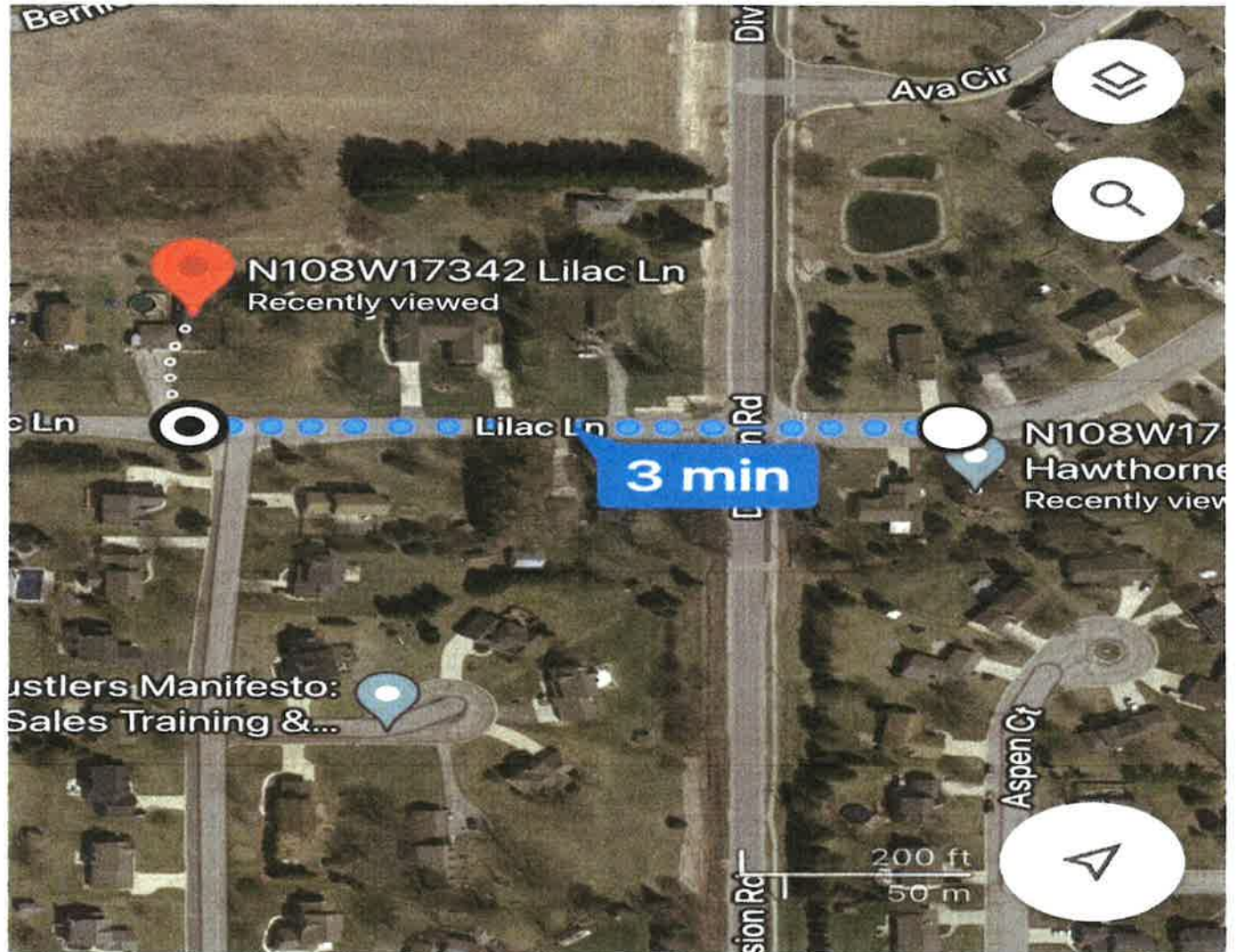
3 min



1 min



1 m



3 min (0.1 mi) Mostly flat

via Hawthorne Dr and Lilac Ln

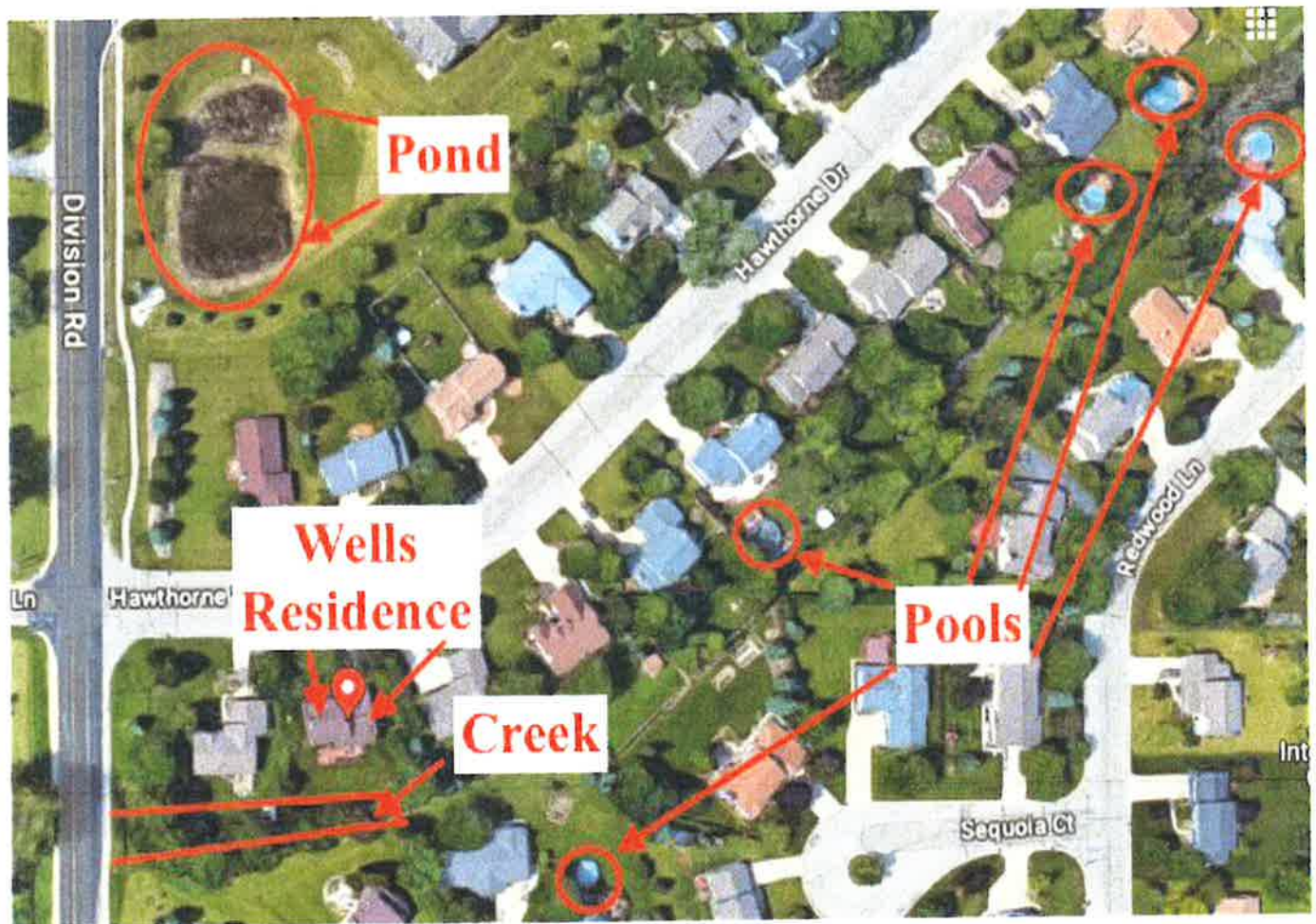


Steps

Preview



3). Drowning in the creek behind the house and or the numerous natural and artificial bodies of water (creeks, ponds, and pools) in this neighborhood. The risk of drowning is one of the more statically likely risks for children as over 400 children under the age of 15 die from drowning each year in the U.S. $\frac{3}{4}$ of those deaths occur in children under the age of 5 (Rodriguez, 2023). My twin girls are less than 6 months old, so this is a very legitimate concern for them in the future.



As a father, I consider it my duty to protect my children in every way shape, or form possible.

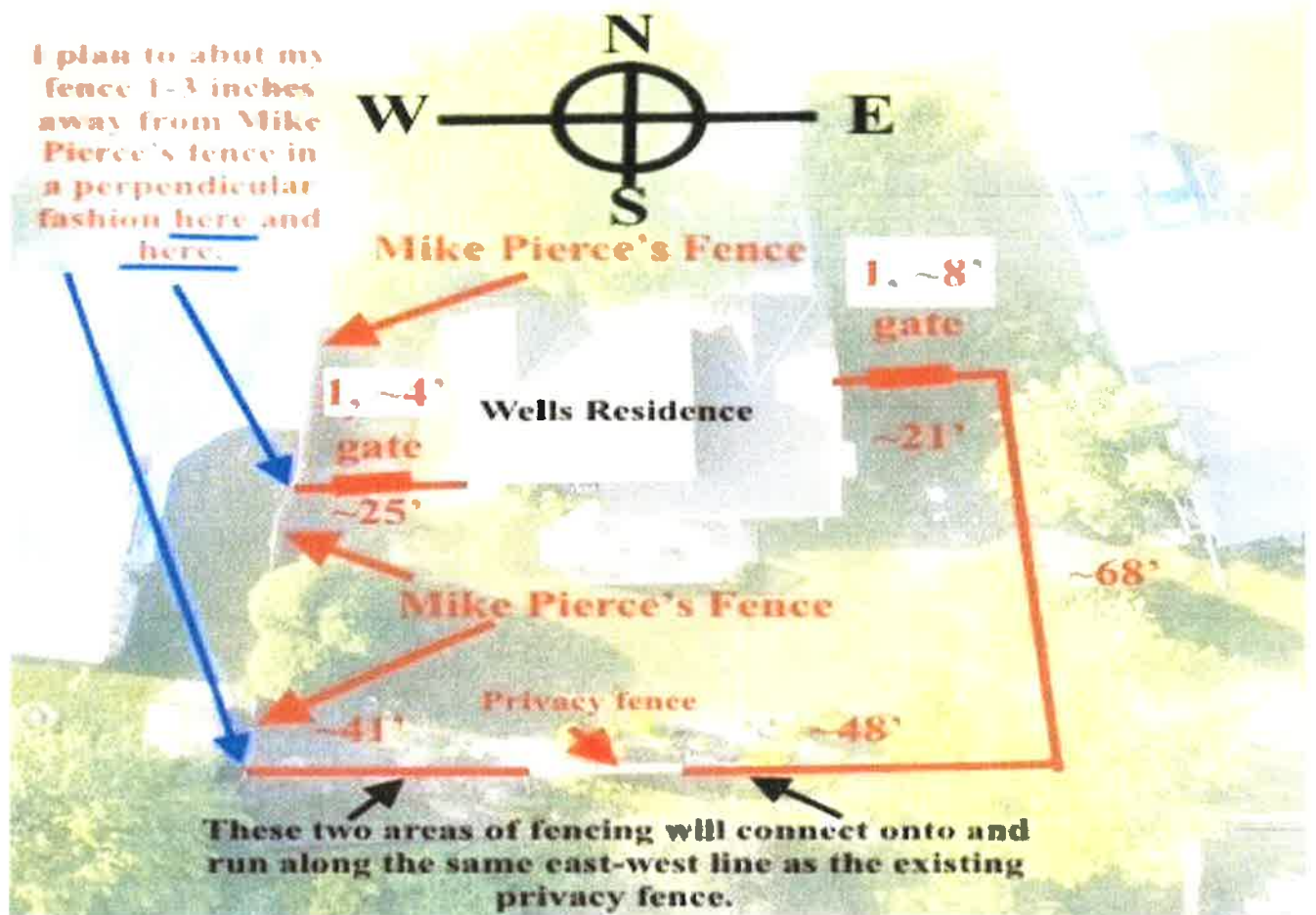
Abutting the fence onto my neighbor's existing fence

As luck would have it, my western neighbor, Mike Pierce, at N108W17167 Hawthorne Dr., agreed to let me connect to his fence which runs along the western boundary of the property. As such, I drafted a letter between Mike Pierce (N108W17167 Hawthorne Dr.) and myself indicating my fence can abut his fence perpendicularly in two locations. This agreement, signed by both parties, allows me to use his existing fence as a common fence that contains the western boundary of the yard. The agreement was signed on June 8th, 2023, and I have copies of this agreement that I will give to the Village of Germantown and if needed, Washington County.

Design and Layout of Future Fence

As previously stated, my proposed fence will be for a 6' tall privacy fence, made from treated wood, and will include 2 gates: One that is about 8' in length along the Northeastern boundary of the fence and another that is about 4' in length along the Northwestern boundary of the fence. I plan on using the dog ear fence design and painting it so it closely matches the style of Mike Pierce's existing and previously mentioned fence at N108W17167 Hawthorne Dr. Germantown, WI 53022.





The Northwestern portion of Proposed Fence

The northwestern portion of this fence will connect onto the southwestern corner of the associated house running westerly for about 21' with a ~4' gate until ending at a point that is 1-3 inches perpendicular to Mike Pierce's eastern fence.

**This is the Northwestern
portion of my proposed fence
on the western side of my
house.**

Mike Pierce's Fence

**~4'
gate**

~25'

**The fence will end 1-3 inches
east of Mike Pierce's fence in a
perpendicular orientation.**

**This is the Northwestern
portion of my proposed fence
on the western side of my
house.**

Privacy Fence

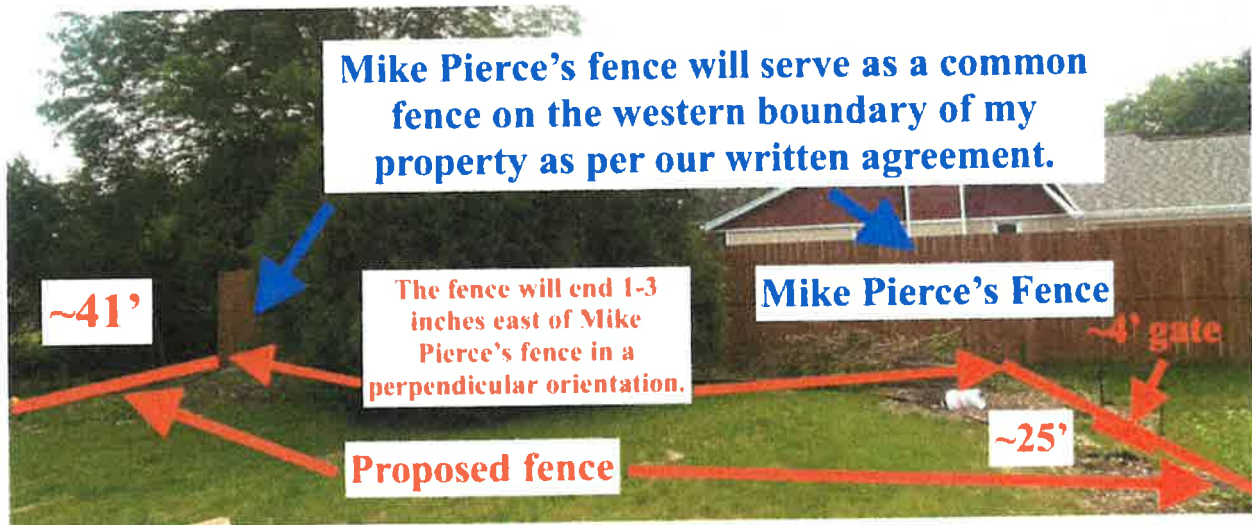
Mike Pierce's Fence

**~4'
gate**

~25'

**The fence will end 1-3
inches east of Mike
Pierce's fence in a
perpendicular orientation.**

There will be no westerly portion of this fence as Mike Pierce's fence will serve that purpose as per our written agreement.



The southern boundary of my fence will be located about 7-8' (from the northerly direction) into the 20' drainage easement at the southern boundary of this property. This part of the fence will be split into two sections that connect onto the same east-west line of the existing privacy fence which also sits about 7-8' into the 20' drainage easement from the northerly direction.

The Southwestern portion of the Proposed Fence

The southwestern portion of the fence will run westward on one side of the privacy fence for about 41' before ending at a point that is 1-3 inches perpendicular to Mike Pierce's eastern fence.

**This is the Southwestern
portion of my proposed fence
on the Southwestern boundary
of my property.**

**143.25" from the
beginning of the
20' drainage
easement.**

Mike Pierce's Fence

~41'

**The fence will end 1-3
inches east of Mike
Pierce's fence in a
perpendicular
orientation.**

This is the Southwestern portion of my proposed fence on the Southwestern boundary of my property.

The fence will end 1-3 inches east of Mike Pierce's fence in a perpendicular orientation.

Privacy Fence

143.25" from the beginning of the 20' drainage easement.

~41'

Mike
Pierce's
Fence

**This is the Southwestern portion of my
proposed fence on the Southwestern
boundary of my property.**

Privacy Fence

**143.25" from the beginning
of the 20' drainage
easement.**

~41'



This is the Southwestern portion of my proposed fence on the Southwestern boundary of my property.

Privacy Fence

143.25" from the beginning of the 20' drainage easement.

The fence will end 1-3 inches east of Mike Pierce's fence in a perpendicular orientation.

Mike Pierce's Fence

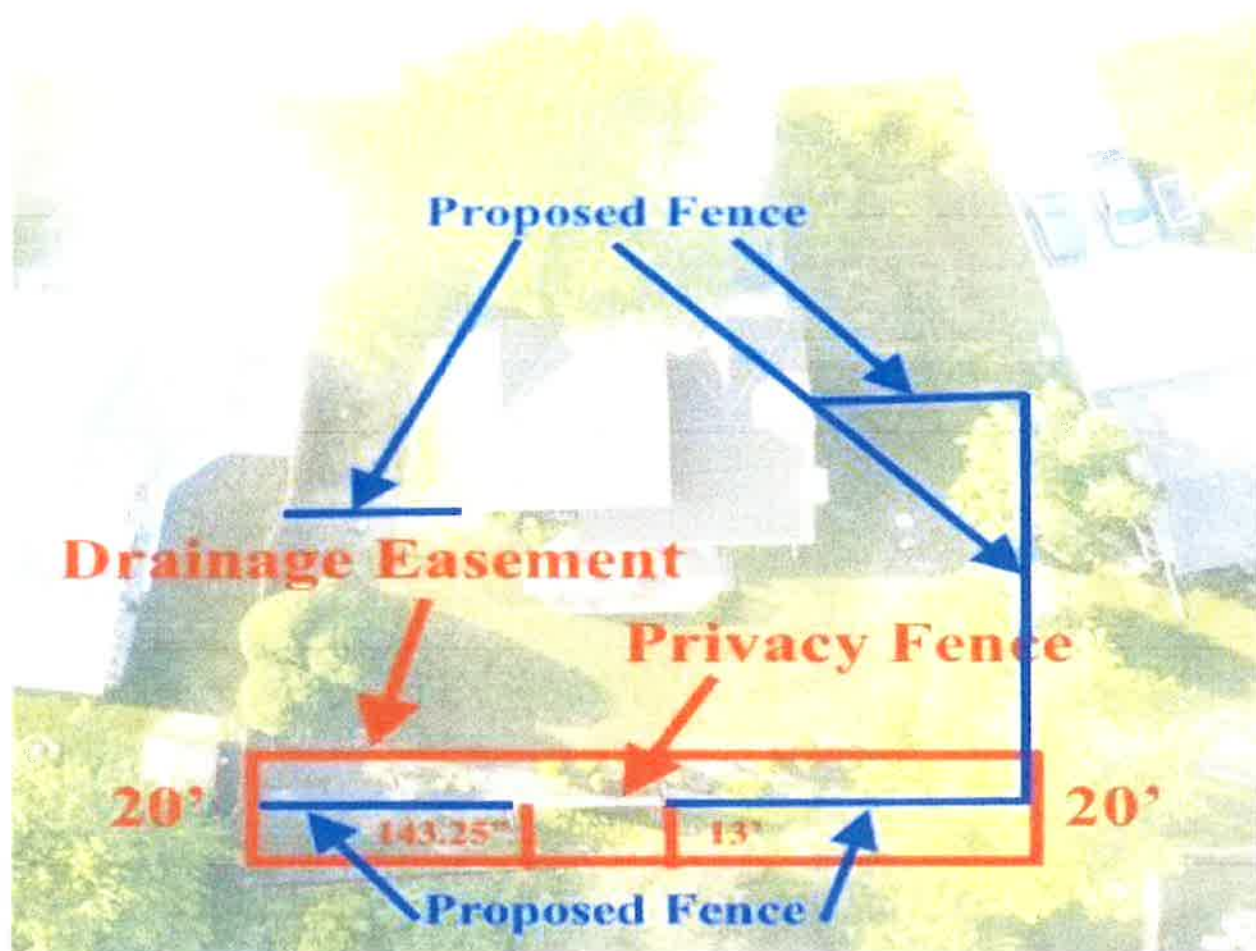
~41'



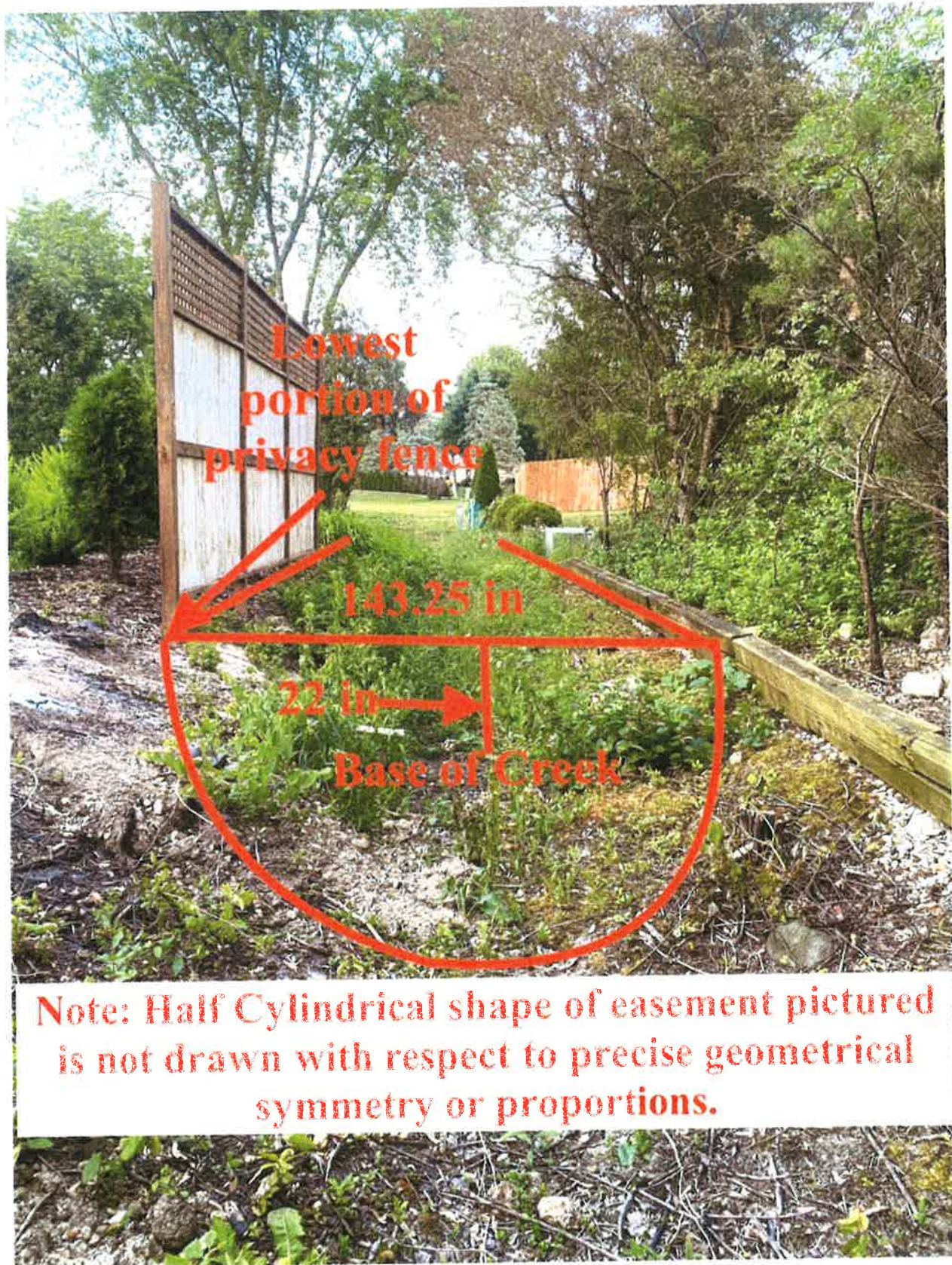
The privacy fence would not occlude runoff within the drainage easement

First, let's look at the drainage easement. This 20-foot drainage easement was established by the Village of Germantown to allow water and runoff from storms through my neighborhood. If any structure (my privacy fence) were to impede that flow, flooding would occur to surrounding properties.

However, I would like to prove to you with mathematics how there would need to be nearly 163.5 times as much rain in one day than Wisconsin has ever received for water to inundate this privacy fence and therefore cause it to impede water flow through the neighborhood.



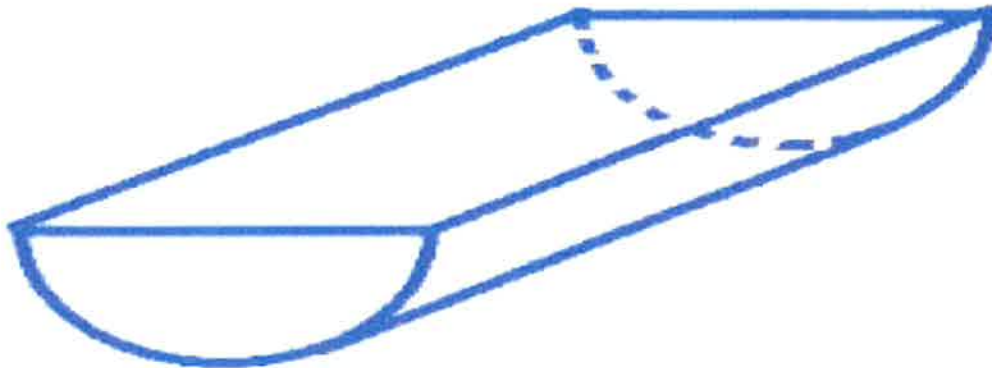
So, the Creek/Easement is basically a half cylinder.



For the sake of ease, we will convert all distances from inches into centimeters.

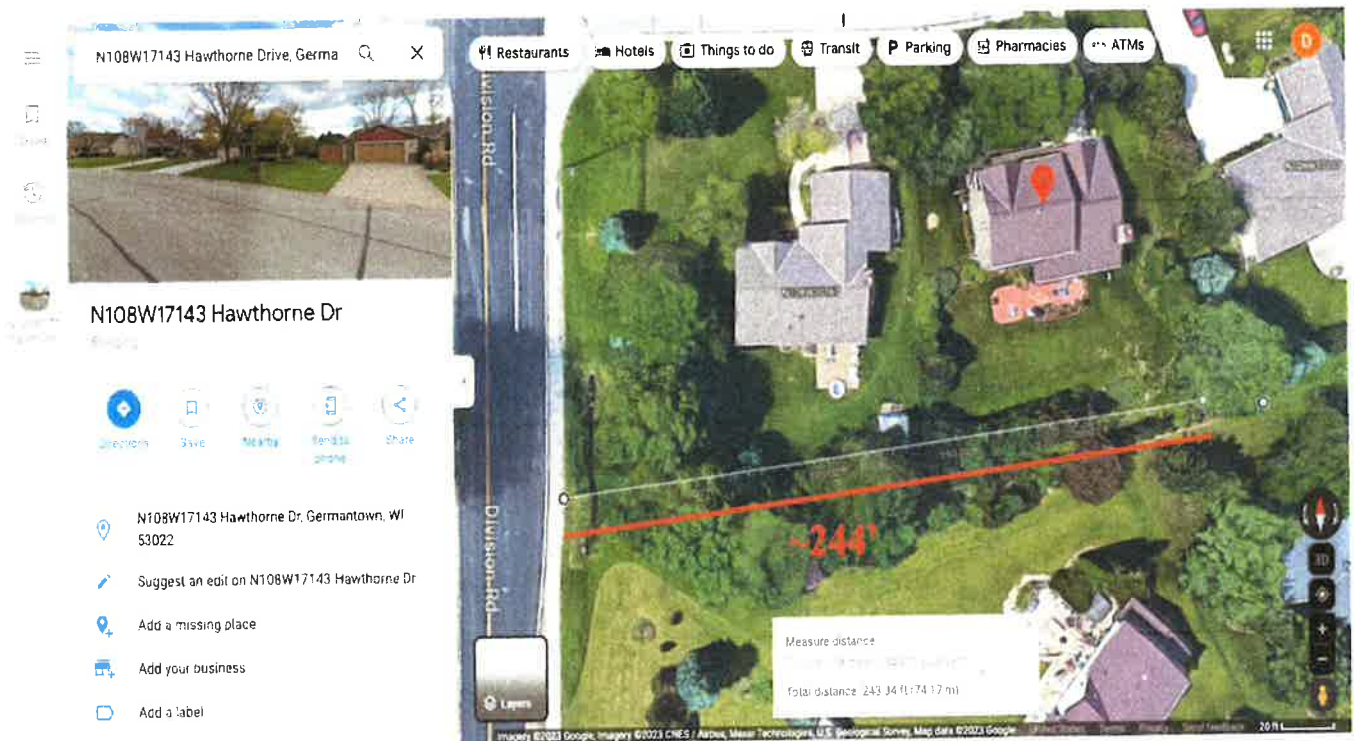
The formula for the volume of a half cylinder is:

$$(1/2)\pi r^2 h$$



In this equation, the height (h) will be the entire length of the creek.

The length of the easement/creek is about 244 feet.



That's 74.3712 meters

Translating to 7437.12 centimeters.

The radius of the creek for it to inundate the privacy fence would be at least 22 inches vertically from the lowest point of the creek to the lowest point of the privacy fence.

22 inches is 55.88 cm

So $(1/2) \pi (55.88)^2$

$(55.88)^2 = 3,122.5744 \text{ cm}$

$3122.5744 \text{ times Pi} = 9,809.85679533 \text{ cm}$

$9809.85679533 \times 1/2 = 4,904.92839766 \text{ cm}^3$

The volume is about $4,905 \text{ cm}^3$

Since 1 cm is equal to 1 mL of water that's 4,905 mL of rainfall needed to fill up the creek to touch my privacy fence.

You would need 4.905 L of rainwater to inundate my fence.

The most rainfall that Wisconsin has ever received in one day was 11.72" on June 24, 1946 (Burt, 2019).

That's 29.7688 cm. So roughly 30 cm of rain which is 30mL.

As such you would need $4,905/30 = 163.5$:

A rainfall total that is roughly 163.5 times heavier than the most Wisconsin has ever received in one day to inundate my privacy fence and therefore cause the privacy fence to impede water flow in the drainage easement.

Thus, there is no concern that the privacy fence will ever impede runoff or storm drainage in the drainage easement.

The South/Southeastern portion of the Proposed fence

The other part of this southern portion of the fence will run eastward, connecting to the opposite side of the existing privacy fence for about 48' before turning 90 degrees northbound along the eastern boundary of this property.

This is the South/Southeastern
portion of my proposed fence on the
South/Southeastern boundary of my
property.

Privacy Fence



~48'

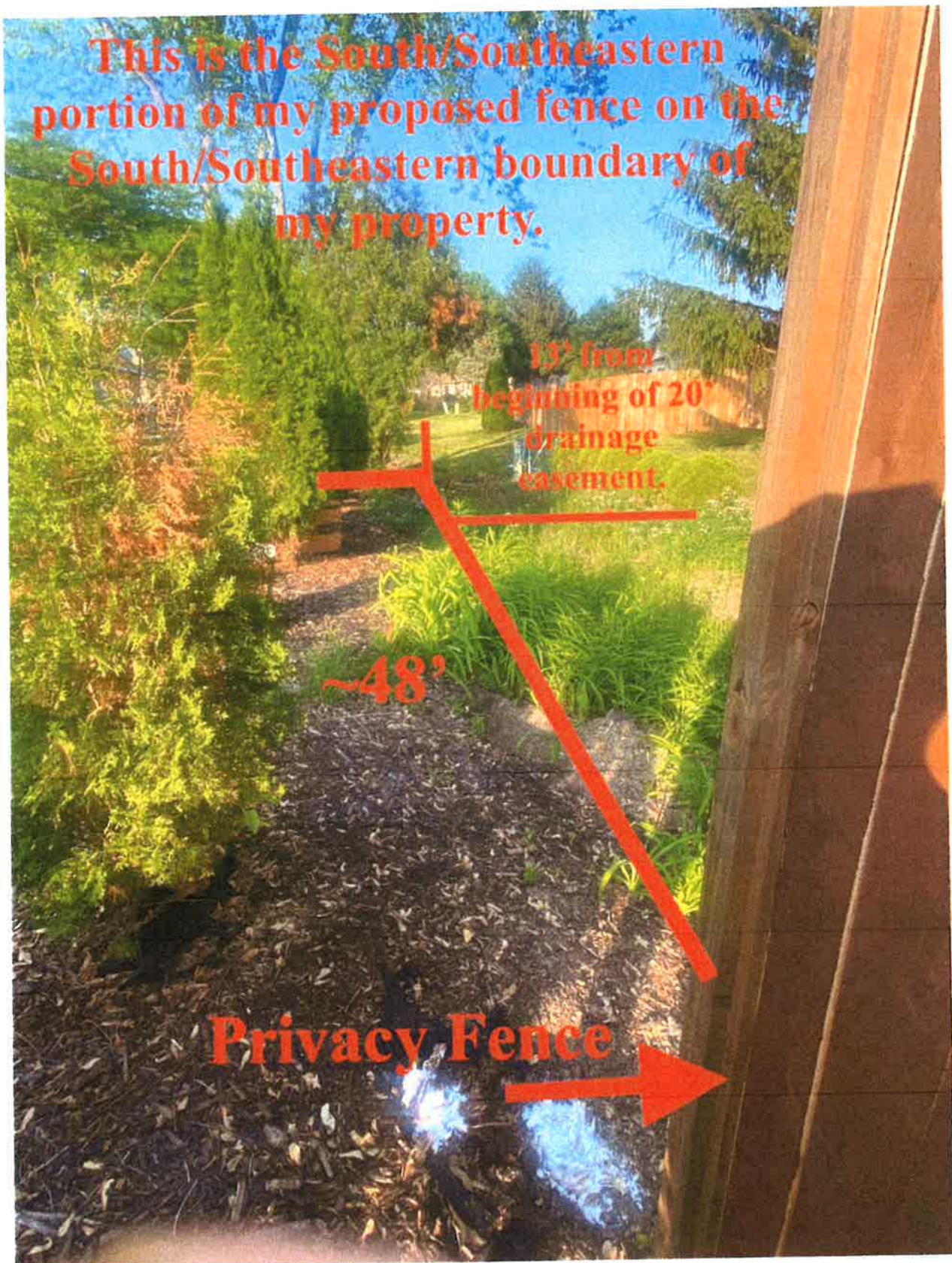
13' from
beginning of 20'
drainage
easement.

This is the South/Southeastern portion of my proposed fence on the South/Southeastern boundary of my property.

13' from beginning of 20' drainage easement.

~48'

Privacy Fence



**This is the Southeastern portion of my
proposed fence on the Southeastern
boundary of my property.**

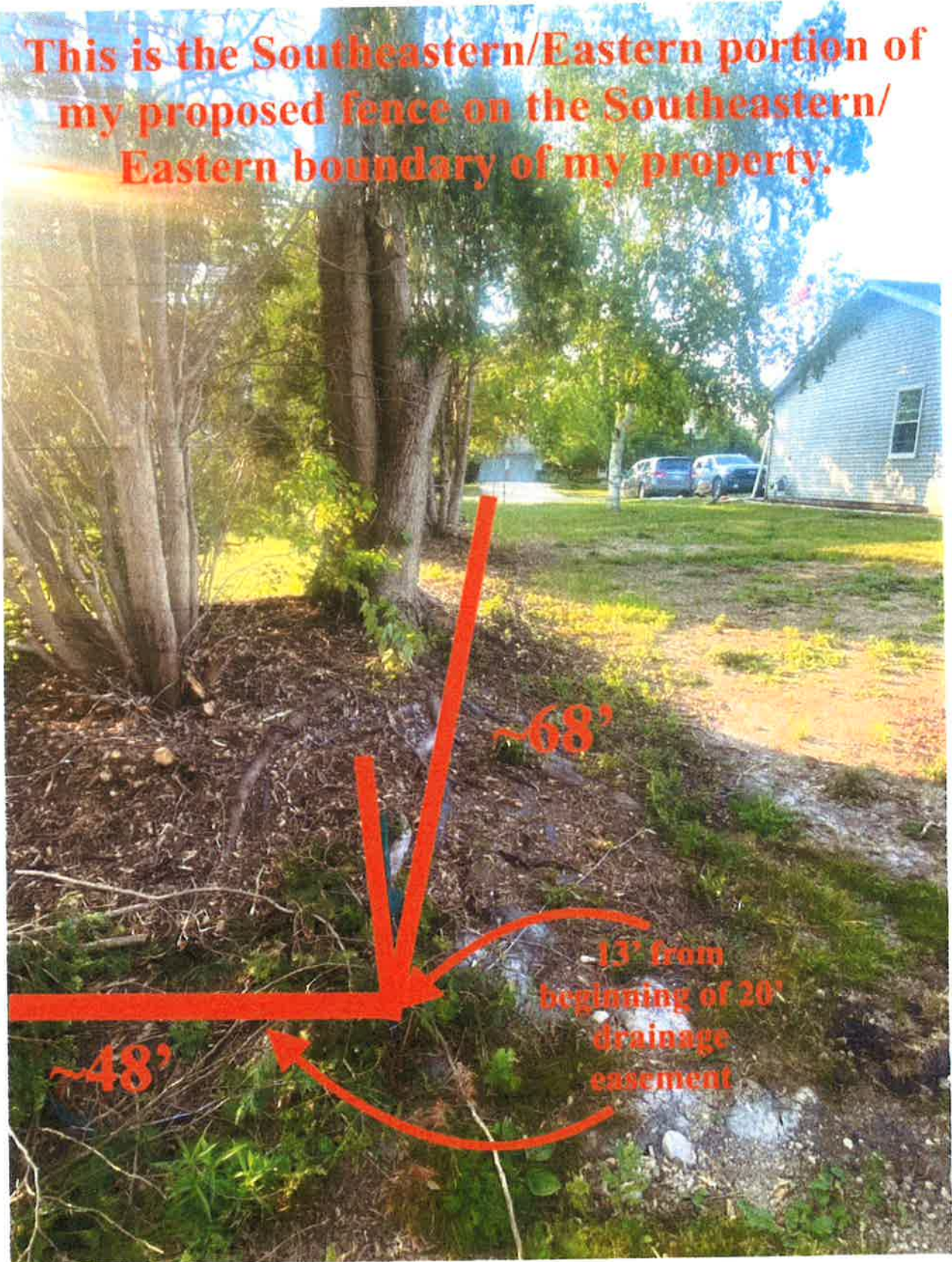
**13' from
beginning of
20' drainage
easement.**

~48'

~68'



**This is the Southeastern/Eastern portion of
my proposed fence on the Southeastern/
Eastern boundary of my property.**



The Eastern portion of the Proposed fence

The eastern portion of my fence shall start from the southeastern portion of this property running about 68' northbound along the eastern boundary before stopping at a point that is two feet north of a lantern on the eastern portion of the garage.

**This is the Eastern portion of my proposed
fence on the Eastern boundary of my
property.**





The Northeastern portion of the Proposed fence

From that point, the fence will turn 90 degrees to the west and run about 21' with an ~8' gate that connects onto the eastern portion of my garage, 2' north of a lantern.



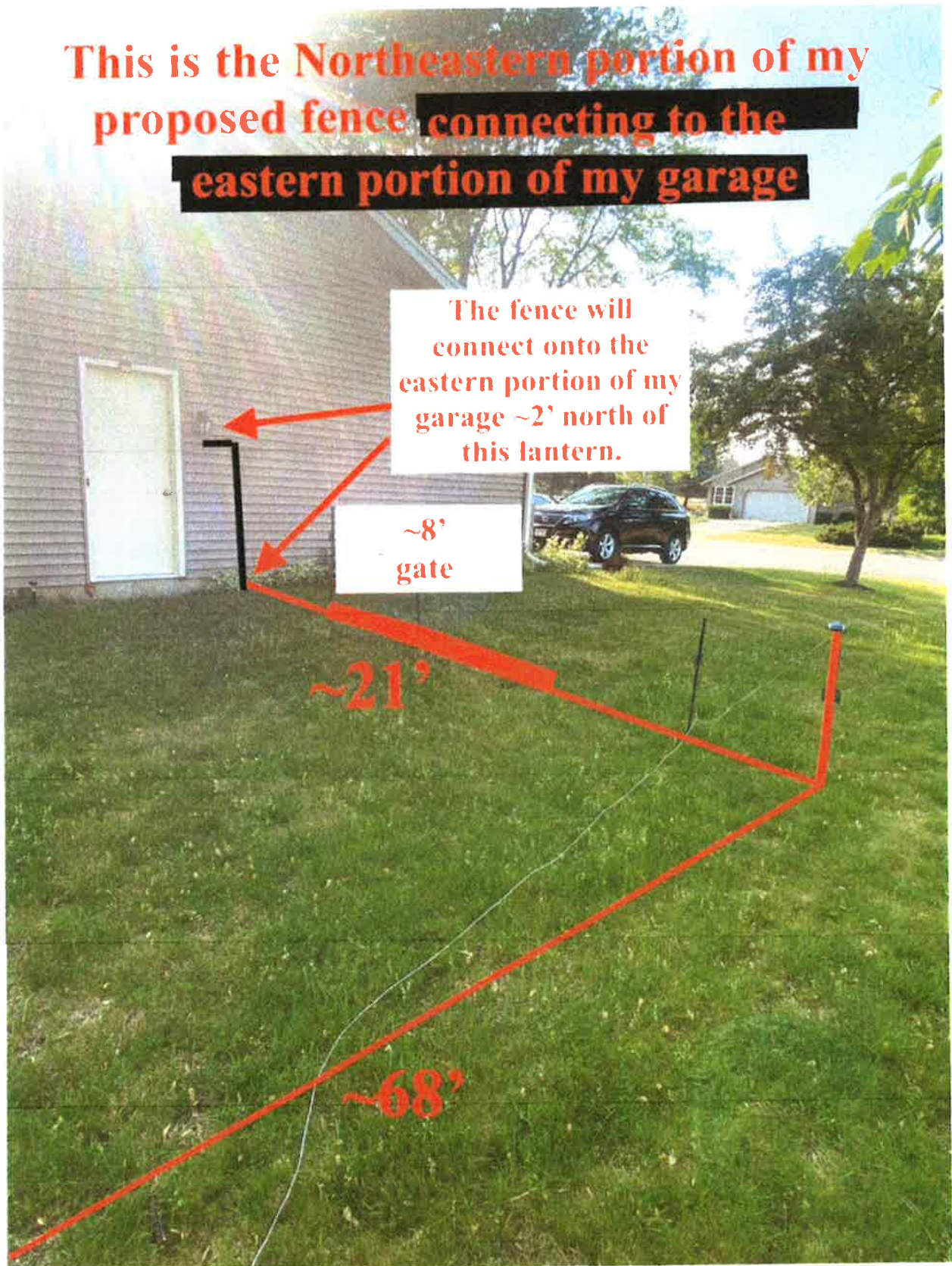
**This is the Northeastern portion of my
proposed fence connecting to the
eastern portion of my garage**

The fence will
connect onto the
eastern portion of my
garage ~2' north of
this lantern.

~8'
gate

~21'

~68'



This is the Northeastern portion of my proposed fence connecting to the eastern portion of my garage.

The fence will connect onto the eastern portion of my garage ~2' north of this lantern.



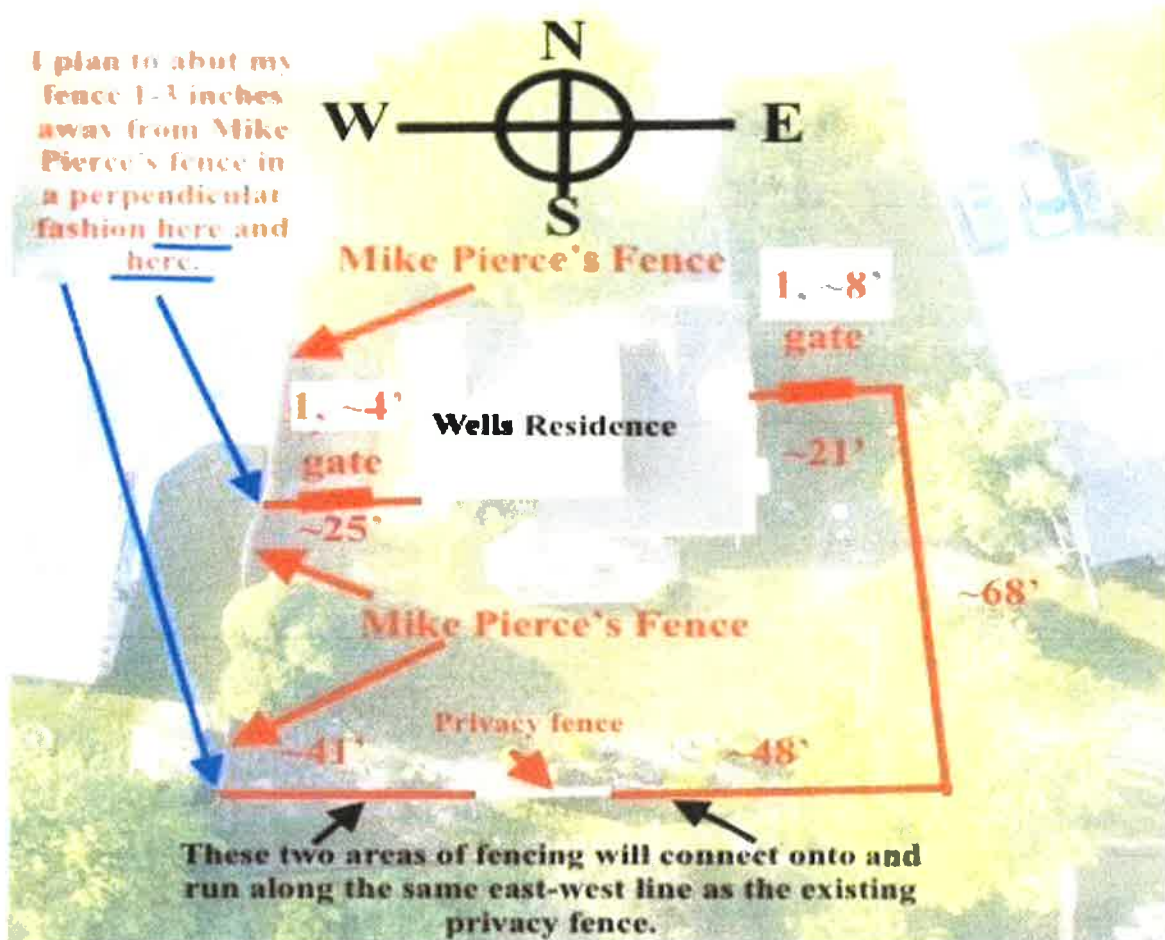
This is the Northeastern portion of my proposed fence connecting to the Eastern portion of my garage.

The fence will connect onto the eastern portion of my garage ~2' north of this lantern.

Gate: ~8'

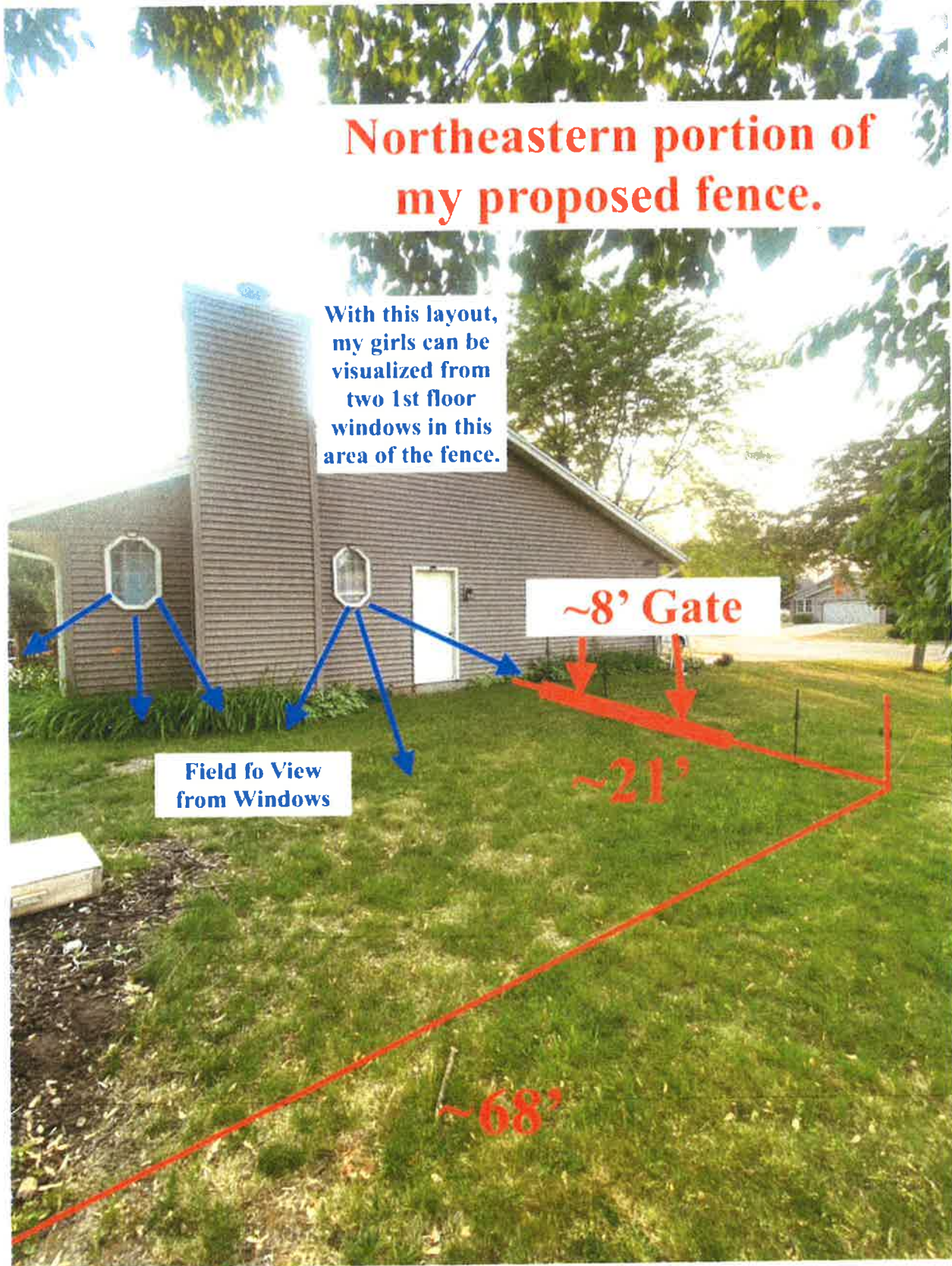
~21'

~68'



Reasoning behind borders of fence

Since this fence is intended to protect and confine my infant twin girls, I designed its boundaries so that my girls could be easily visualized from the windows on the 1st floor of my house should they be outside playing alone while their mother and I are in the house.







**This is the
Western portion
of my property
directly west of
my house.**

**As you can see, there are no 1st floor
windows on this portion of my house that
would enable 1st floor visualization of
the girls if they were in this area.**

Logistics of making the fence

I will construct the fence myself possibly with the help of a family member or friend. I have constructed 2 previous privacy fences of this type and am familiar with the processes of measuring, marking, and setting the posts properly in the concrete, etc.

The total length will be about 203 feet. I will use 8-foot-long fence sections except for the 4-foot-long gate on the Northwestern portion of the fence.

203 total feet / 8-foot sections of fence = ~25 sections of 8-foot-long fence panels.

MENARDS Departments Project Center Weekly Ad All Departments Enter SKU, Model # or Keyword Sign In

Home Building Materials Fencing **Wood Fencing**

6 x 8 Pressure Treated Dog Ear Fence Panel
(Nominal Size: 72"H x 96"W)
Model Number: 1731145 Menards * SKU: 1731145



EVERYDAY LOW PRICE ~~\$74.97~~
~~11% MAIL-IN REBATE~~ Good Through 5/25/23 ~~\$8.28~~
FINAL PRICE **\$66.72** each

You Save \$8.25 with Mail-In Rebate

- 5/8" x 6" pickets nailed to three 2 x 3 x 8' back rails
- Pressure treated with MCA (Micronized Copper Azole) to protect against termite infestation, rot, and decay
- Prebuilt panel for faster, easier installation
- Great DIY project
- Measure panels before installing posts to ensure proper fit

[View More Information](#)

Qty: 1 **ADD TO CART**

Additional Packaging/Handling Charges May Apply.

25 x \$66.72 = \$1,668.00 in fence panels

There should be 1 post for each panel of fencing. So, there should be between 25 and 30 total posts.

MENARDS Departments Project Center Weekly Ad All Departments Enter SKU, MPN or Part Number

AC2® 4 x 4 x 10' #2 Ground Contact Green Pressure-Treated Timber
(Actual Size: 3-1/2" x 3-1/2" x 10')
Model Number: 1112227 Menards® SKU: 1112227

EVERYDAY LOW PRICE \$17.98
11% MAIL-IN REBATE ~~\$1.98~~
FINAL PRICE \$16.00 each

You Save \$1.98 with Mail-In Rebate ⓘ

- Lighter, more natural wood appearance for improved staining capability
- Safe for use around pets, playsets and vegetable gardens
- Kiln-dried and heat-treated prior to pressure treatment
- Approved for ground contact
- MicroPro®/AC2® treated wood is NAHB Research Center Green Approved and a certified Environmentally Preferable Product (EPP)

[View More Information >](#)

Length: 10

Qty **ADD TO CART**

Additional Packaging/Handling Charges May Apply.

[Compare](#) [Add to Lists](#) [Add to Gift Registry](#) [Share](#)

$25 \times 16.00 = \$400$ in fence posts.

Each fence post will need at least 2, 50-lb bags of concrete.

$25\text{-}30 \text{ posts} \times 2 \text{ bags of concrete each} = 50\text{-}60 \text{ bags of concrete.}$

MENARDS Departments Project Center Weekly Ad All Departments Enter SKU, Model # or Keyword Sign In

Home Building Materials Concrete, Cement & Masonry Bagged Concrete, Cement & Mortar

Instant Post Concrete Mix - 50 lbs
Model Number: 1894027 | Menards' SKU: 1894027



EVERYDAY LOW PRICE ~~\$7.99~~
~~\$0.88~~
FINAL PRICE \$7.11 each

[View More Information >](#)

- Just add water
- No mixing needed
- Fast setting (sets in 10 minutes)
- Walk on in 8 hours
- Screened and washed

[View More Information >](#)

Unfortunately, the vendor is unable to supply this item at this time. Please check back again in the future.

Increments of 50 are required. Please enter multiples of 50.

☐ Compare ☐ Add to Lists ☐ Add to Gift Registry ☐

Not sure what to buy?
Check out our Buying Guides! [View Now](#)

Make Your Dream A Reality. With Menards' Design & Build.

\$7.11 per 50-lbs bag of concrete mix x 50 bags = \$355.50. For 60 bags this would be \$426.60 in concrete mix costs. So there will be between \$355.50 and \$426.60 in concrete costs.

I already have screws to adhere the fence panels to the posts, so this won't be a cost consideration.

At a minimum, constructing this fence will cost:

\$1,668.00 in fence panels + \$400 in fence posts \$355.50 in concrete mix costs = \$2,423.50

The ultimate cost will likely be more, but it will cost at least \$2,423.50

Steps taken prior to this proposal

Before making this proposal, I did the following things to ensure that my fence will be compliant and will not interfere with existing regulations or create land disputes with neighbors:

- 1). I drafted up and signed a legal agreement with my western neighbor, Mike Pierce, to confirm that I could abut my fence onto his in two locations and neither claim nor allow any adverse possession of either of our properties. I will call them again prior to the construction of the fence within the allotted time period between their inspection and its construction.

- 2). I had Digger's hotline mark all areas of water, gas, electrical lines, etc. In the area so that I could avoid them when making the fence. I will call them again prior to the construction of the fence within the allotted time between their inspection and its construction.



operations@diggershotline.com <operations@diggershotline.com>
to DANIEL WELLS25@GMAIL.COM

Thu, Apr 27, 6:42 AM ☆ ↩ ⋮

DIGGERS HOTLINE POSITIVE RESPONSE

This is an automated notice from Diggers Hotline. Positive Response provides the status of the locate markings at your work site. Scroll down for a full explanation of the status options.

You are receiving this notification for one, of two, reasons:

1. Either all utilities listed on your ticket have responded to the Diggers Hotline Positive Response system, or
2. Your legal start date and time has been reached.

If a company below has a status of "Not Participating" or "No Response" they STILL MUST MARK their underground lines. Any utility that has underground lines in your work location has to locate those lines by your Start Date & Time.

A comprehensive explanation of Positive Response, including documentation and instructional videos, can be found at:

<https://www.diggershotline.com/positive-response-info>

Ticket Information

Ticket Number:	20231626996	Ticket Type:	Standard
Processed:	04/22/23 2:52 PM	Start Date/Time:	04/27/23 06:00 AM
Excavator:	DANIEL WELLS	Type of Work:	FENCE INSTALLATION
County:	WASHINGTON	Place:	GERMANTOWN VILLAGE
Address:	N108W17143 HAWTHORNE DR	Intersection 1:	DIVISION RD

3). I confirmed property lines by finding the survey stakes on the Southwestern, Southeastern, and Northeastern boundaries of this property and marked them.

4). I met with my eastern neighbor, Mike Blue, and confirmed where I planned on placing the fence so as not to interfere with his property line.

5). I met with a lawyer to resolve a property dispute with my southeastern neighbor, Diane Fenske. My lawyer sent Diane a cease-and-desist letter as she had encroached onto my land, the details of such a dispute and letter were sent by me to both the Village of Germantown and Germantown Police Department for their records.

6). I have measured all lines and have taken numerous photographs of all areas where I plan on building my fence.

7). I have contacted Lori Johnson at the Village of Germantown and indicated my willingness to get approval for this fence.

9). I cut down and cleared dozens of noxious buckthorn and honeysuckle bushes to make way for my fence.

10). I have researched the cost of materials for this fence to get an estimate of the total costs.

References

Burt, C. (2019, October 22). A summary of U.S. state historical precipitation extremes. Weather Underground. <https://www.wunderground.com/cat6/Summary-US-State-Historical-Precipitation-Extremes>

Rodriguez, A. (2023, May 5). Drownings peak in the summer. what experts say about pool safety – and how to keep your child safe. USA Today. <https://www.usatoday.com/story/news/health/2023/05/02/child-drowning-deaths-pool-safety-tips/70169113007/>

Lori Johnson

From: Daniel Wells <dan.s.wells25@gmail.com>
Sent: Saturday, July 1, 2023 9:16 AM
To: Lori Johnson
Subject: Fwd: I approve of your proposed privacy fence

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Proof of approval from Guolin Xu.

----- Forwarded message -----

From: **Xu Guolin** <xuguolin@hotmail.com>
Date: Sat, Jul 1, 2023 at 9:15 AM
Subject: I approve of your proposed privacy fence
To: dan.s.wells25@gmail.com <dan.s.wells25@gmail.com>

Hi Dan,

This is Guolin. Thanks a lot for letting me know your proposal on your privacy fence. Just saw your notice this morning. I am absolutely OK for your plan. Thanks.

Regards,

Guolin

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

563Even during record rainstorms

On August 14th, 2023, the Southeastern Wisconsin area experienced more rainfall in one day than any previous day in all of 2023. Some areas saw 6 inches of rain (Manges, 2023).

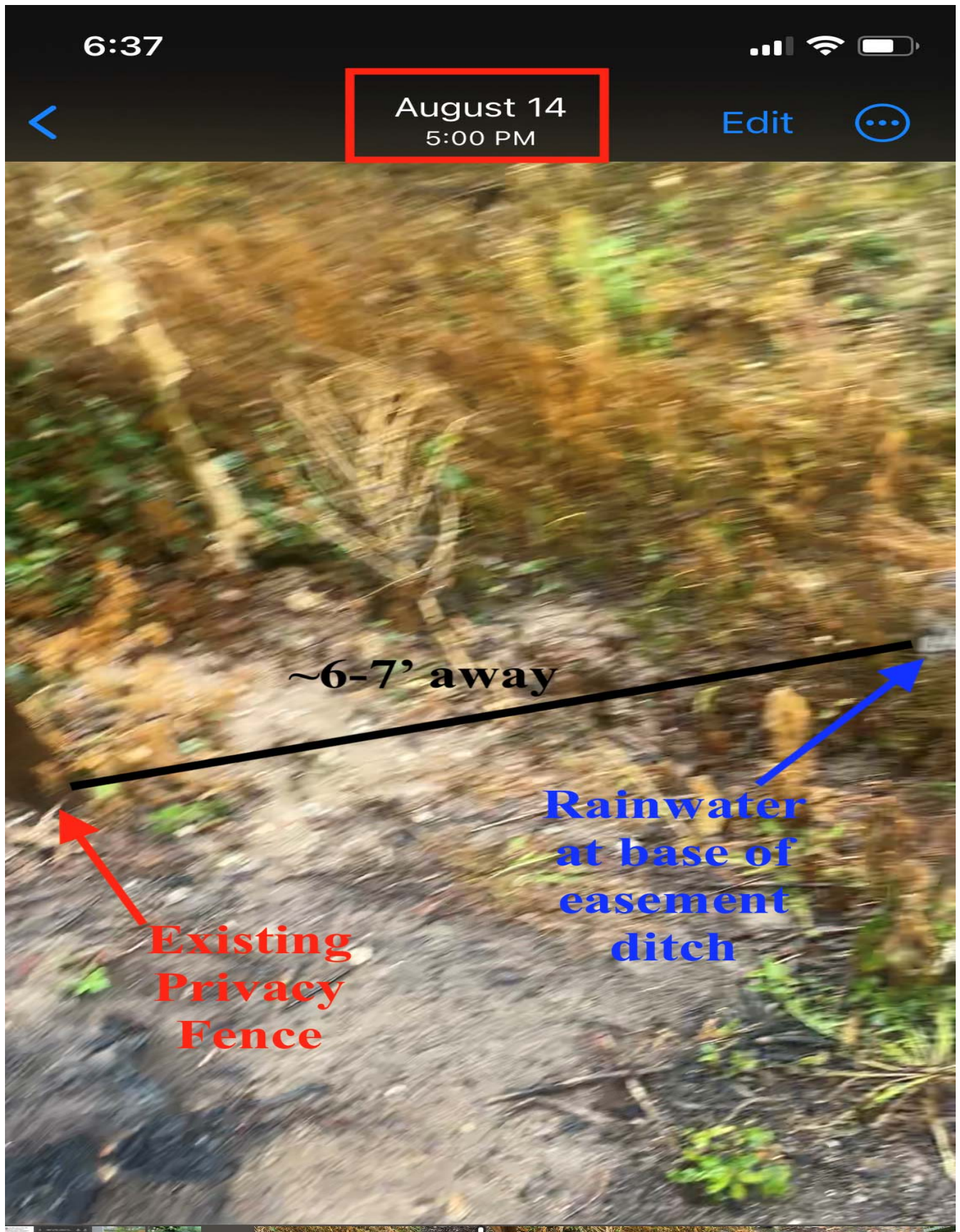
I took a video of the existing Privacy Fence in my drainage easement (the existing fence which my proposed fence will connect onto and run continuously with) at 5:00 PM on August 14th, 2023, to prove that even during record rainstorms, there will not be enough rain to rise to the level of the fence and therefore make the fence an impediment to water flow through the drainage easement.

If there was ever going to be a day this year that the existing Privacy Fence would be inundated with flood water and therefore become an impediment to flow through the drainage easement, it would have been August 14th.

Please look at the following screen grabs below from the video.







References

Manges, E. (2023, August 15). Milwaukee rain totals since August 14 this decade. Fox6Now.
<https://www.fox6now.com/weather/milwaukee-rain-totals-august-14-decade>

A Prior, Current and Future Steward of the Drainage Easement

Many of the fence proposals for a fence to be placed in a drainage easement approved by the Planning Commission come with the following stipulation:

“It shall be the responsibility of the homeowner to maintain a free flow of water within the drainage easement at all times.” – Germantown Planning Commission

From day 3 of living at N108 W17143 Hawthorne Drive until now, I have been cutting down and killing residual stumps or uprooting huge, established Buckthorn and Honey Suckle trees that could and would have created potential damming within the drainage easement. After seeing what I was doing, the neighbors on both sides of this easement both approved of and assisted me in cutting, removing root systems, and disposing of the massive amount of overgrown vegetation contained within the flow area of the drainage easement both on my property and all parts lying west.

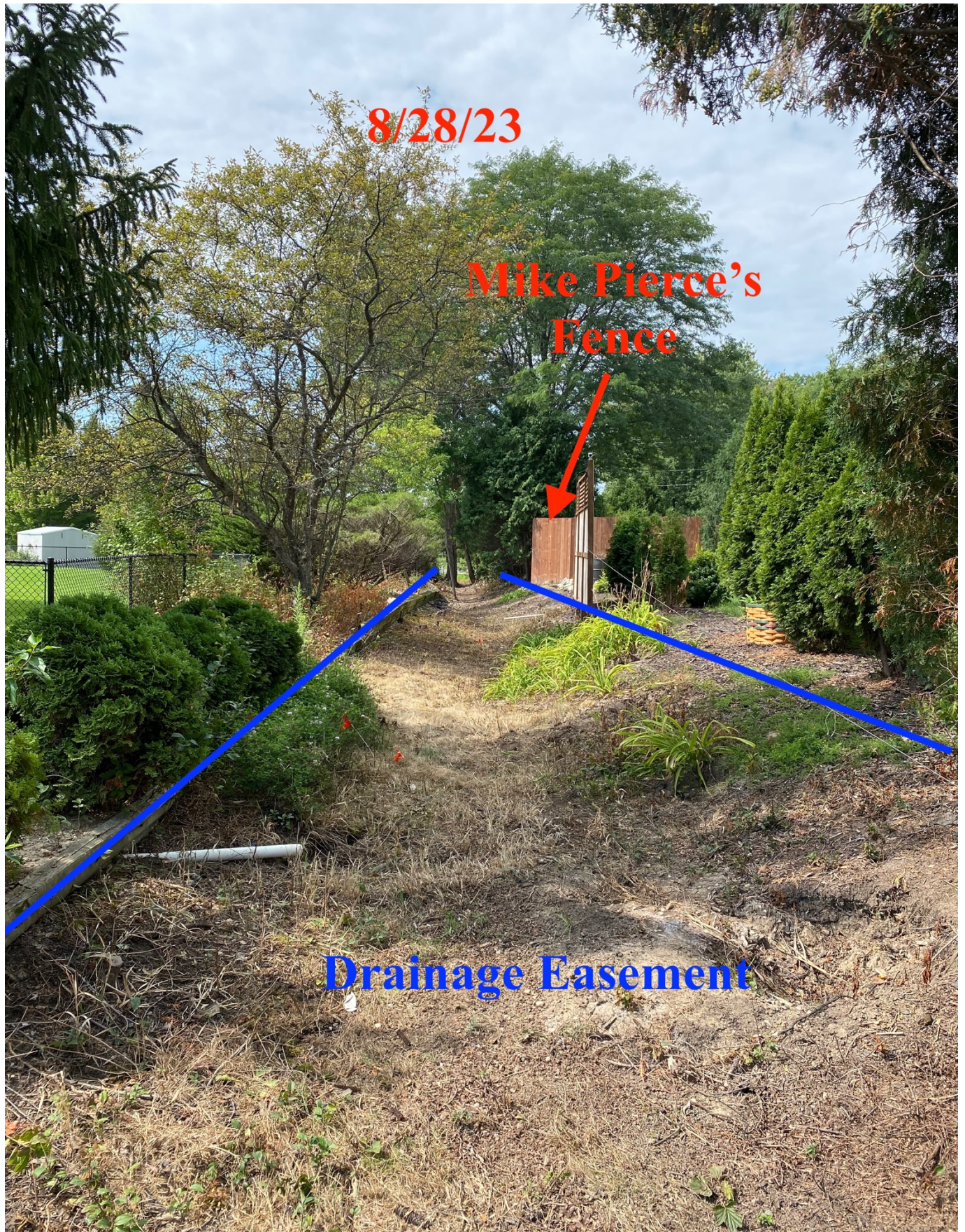
Together, we have removed hundreds of invasive Buckthorn and Honey Suckle bushes and other noxious trees from the easement and surrounding areas. If leaves being added to the drainage easement or the inability to have free flowage of water flow through the easement, were ever a concern, that concern has now been largely mitigated.

By doing this, we were also able to quarantine our section of neighborhood from Buckthorn. All that remain are tiny sapling that we are in the process of destroying completely.

By looking at the following photos, you will see that I have proven myself an excellent steward of the drainage easement and that keeping it clear of obstructions is a goal that we both share.

You will also notice that I was able to provide a very large clearance for utility workers to access 3 utility boxes located within the drainage easement that were otherwise completely inundated by large Buckthorn bushes.







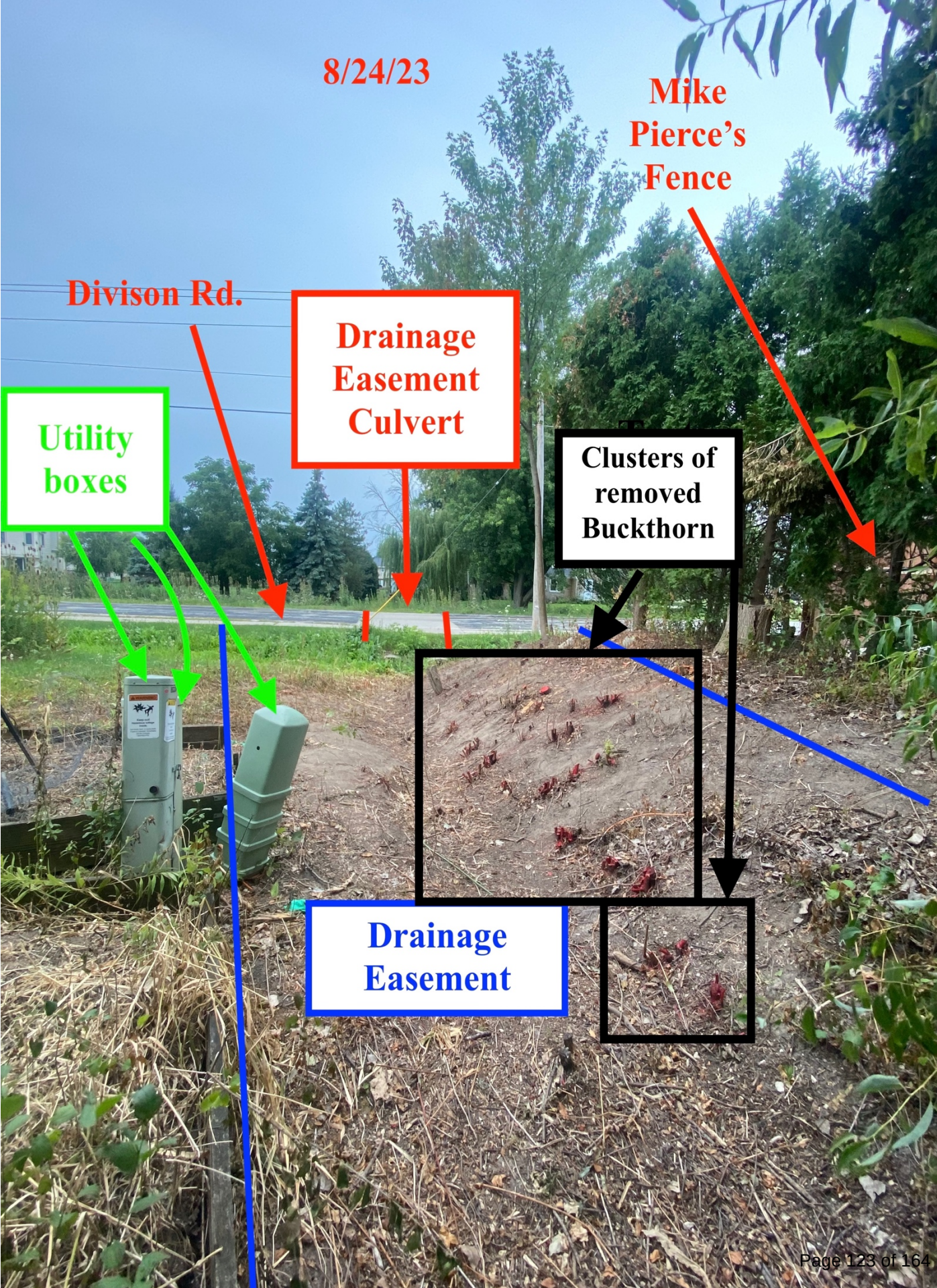
8/28/23

Mike Pierce's
Fence

Drainage Easement







8/24/23

Mike
Pierce's
Fence

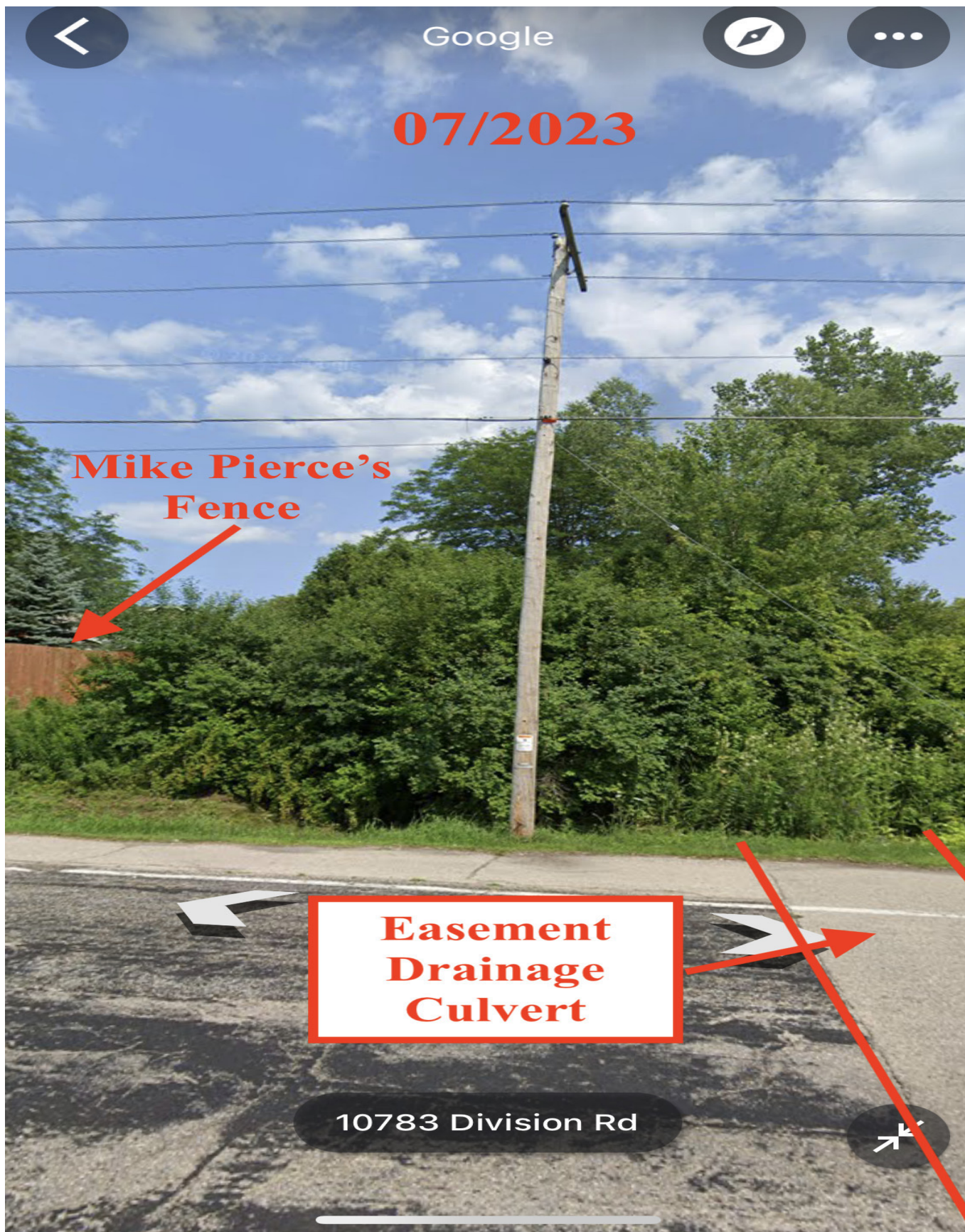
Divison Rd.

Drainage
Easement
Culvert

Utility
boxes

Clusters of
removed
Buckthorn

Drainage
Easement



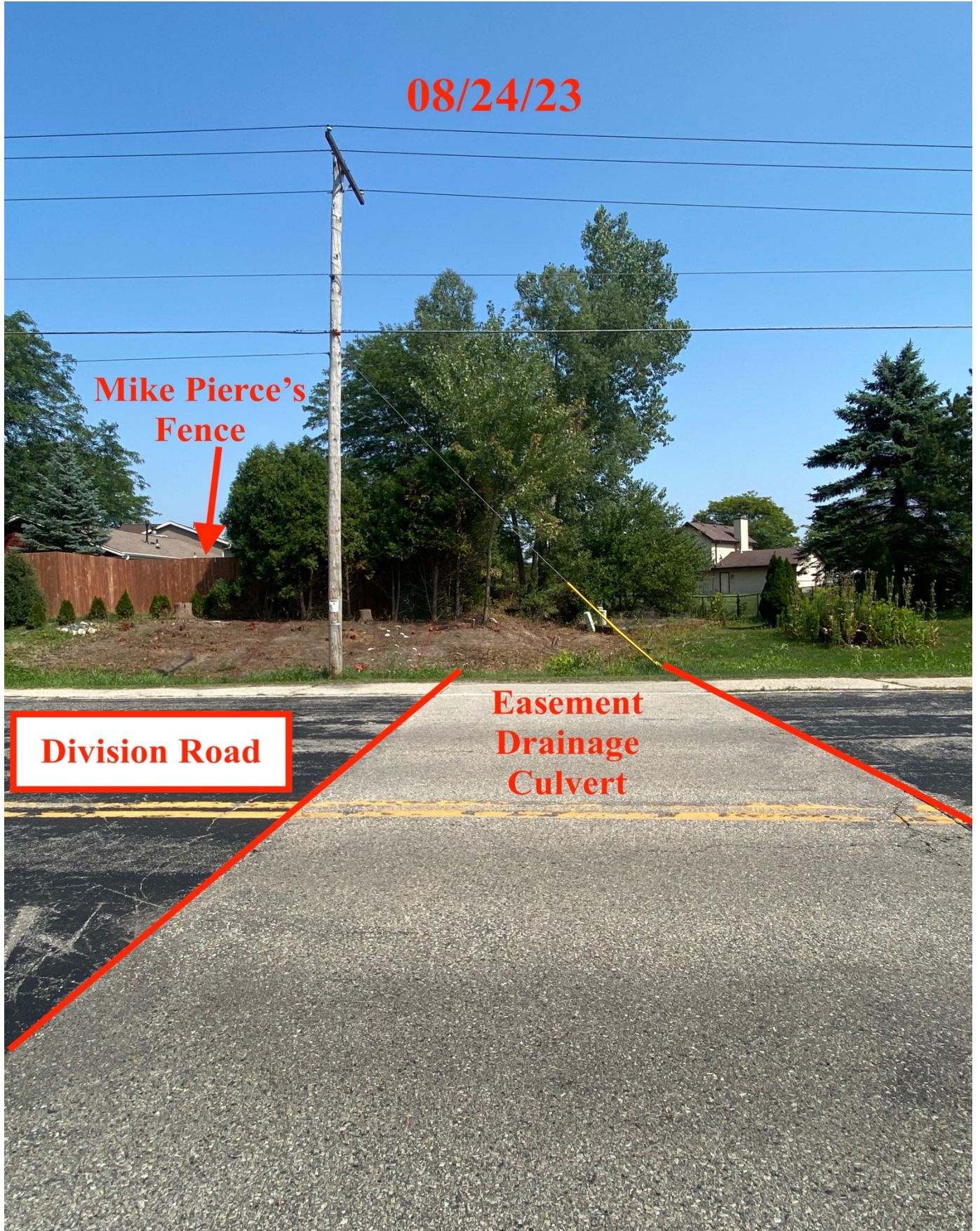
08/24/23

**Mike Pierce's
Fence**



Division Road

**Easement
Drainage
Culvert**





Google

07/2023

Mike
Pierce's
Fence

Easement
Drainage
Culvert

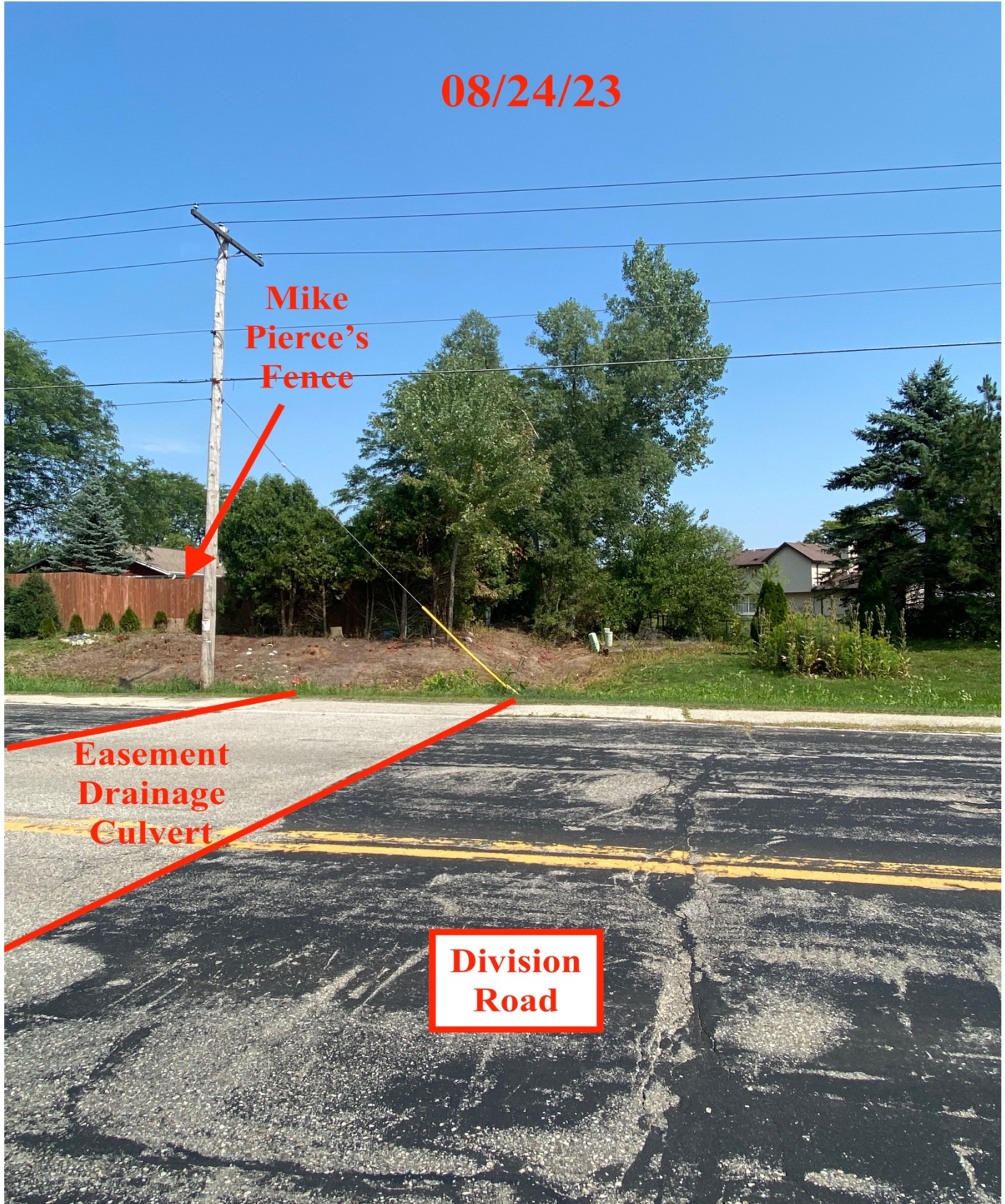
Division Rd

08/24/23

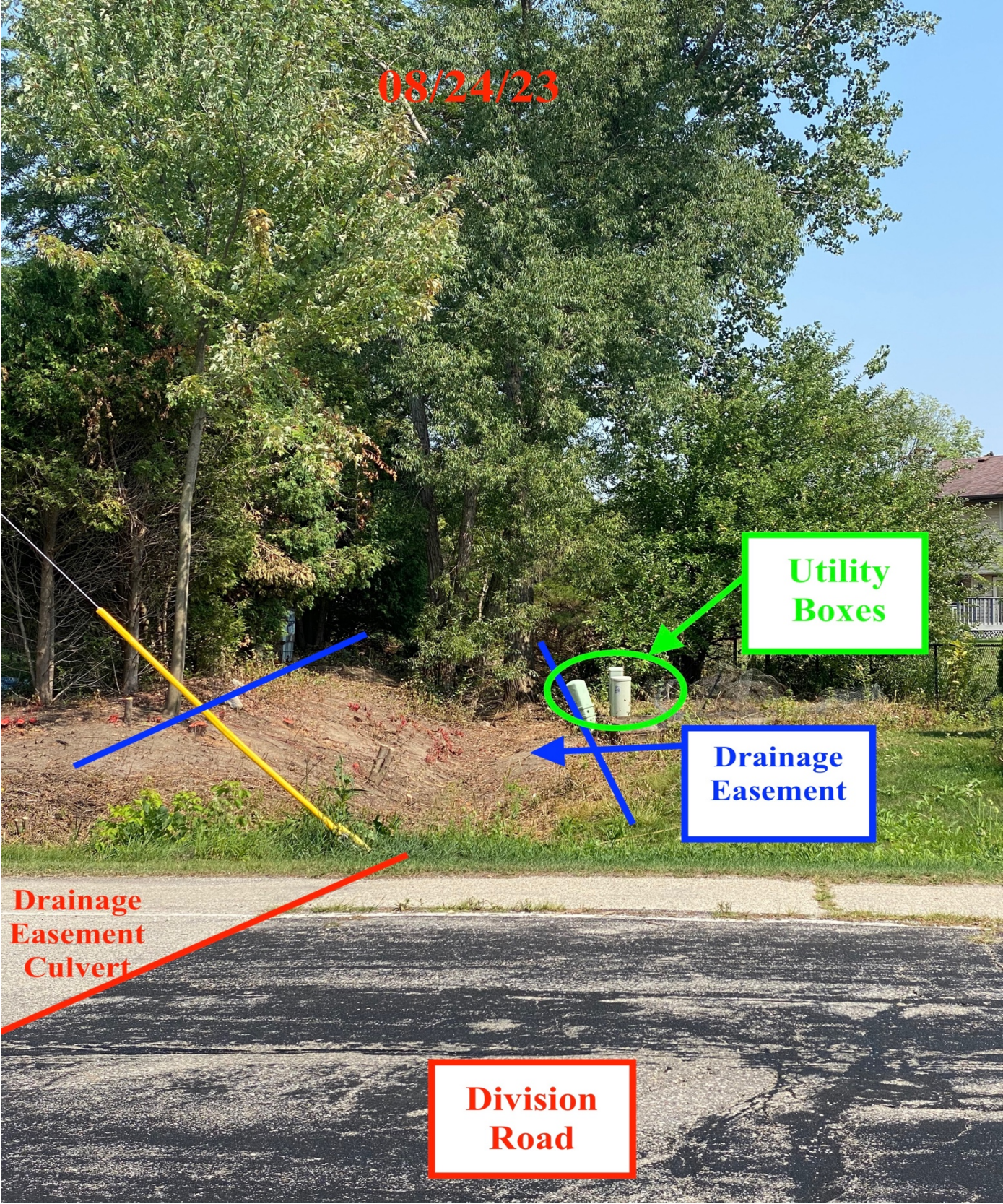
**Mike
Pierce's
Fence**

**Easement
Drainage
Culvert**

**Division
Road**







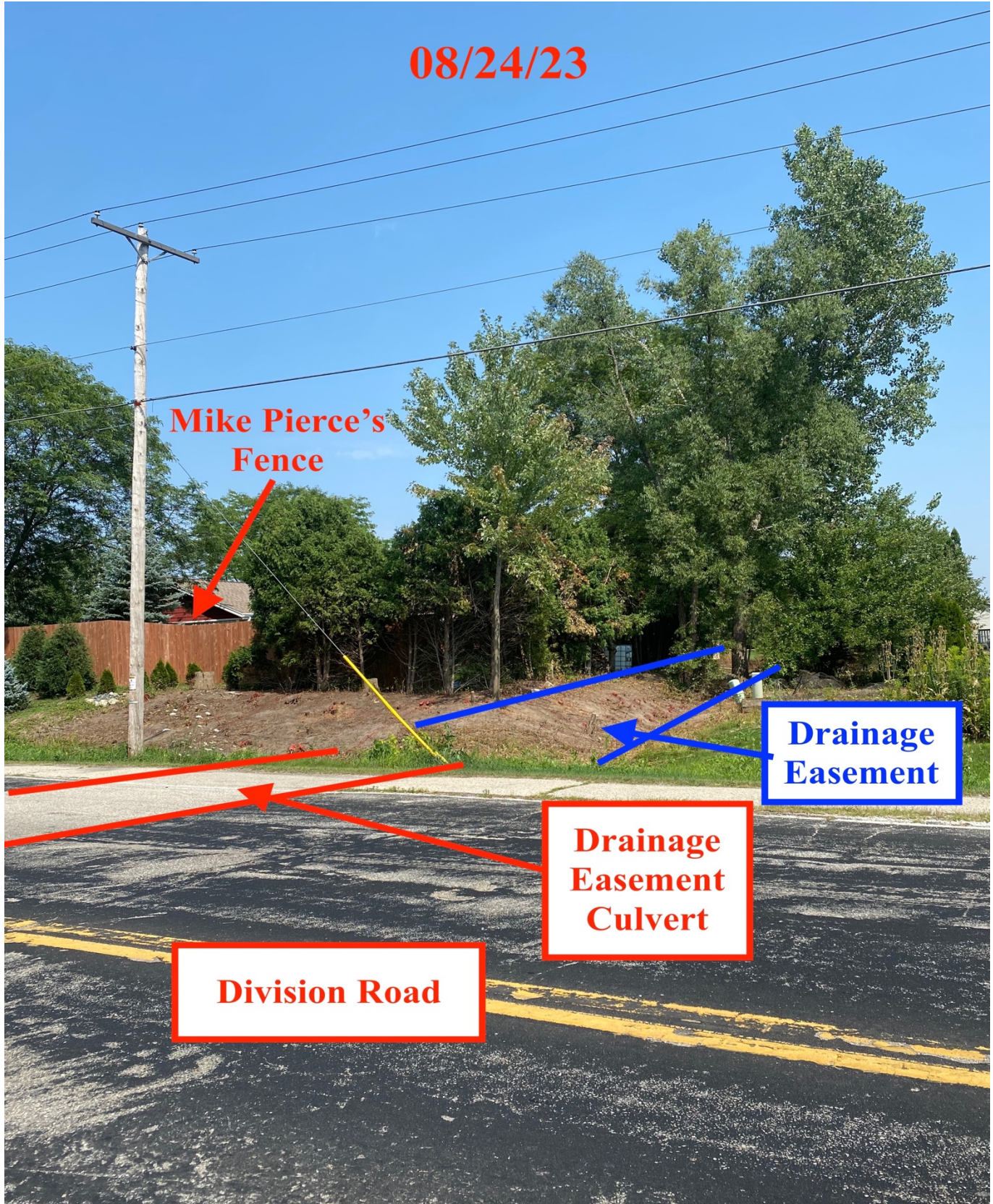
08/24/23

Mike Pierce's
Fence

Drainage
Easement

Drainage
Easement
Culvert

Division Road

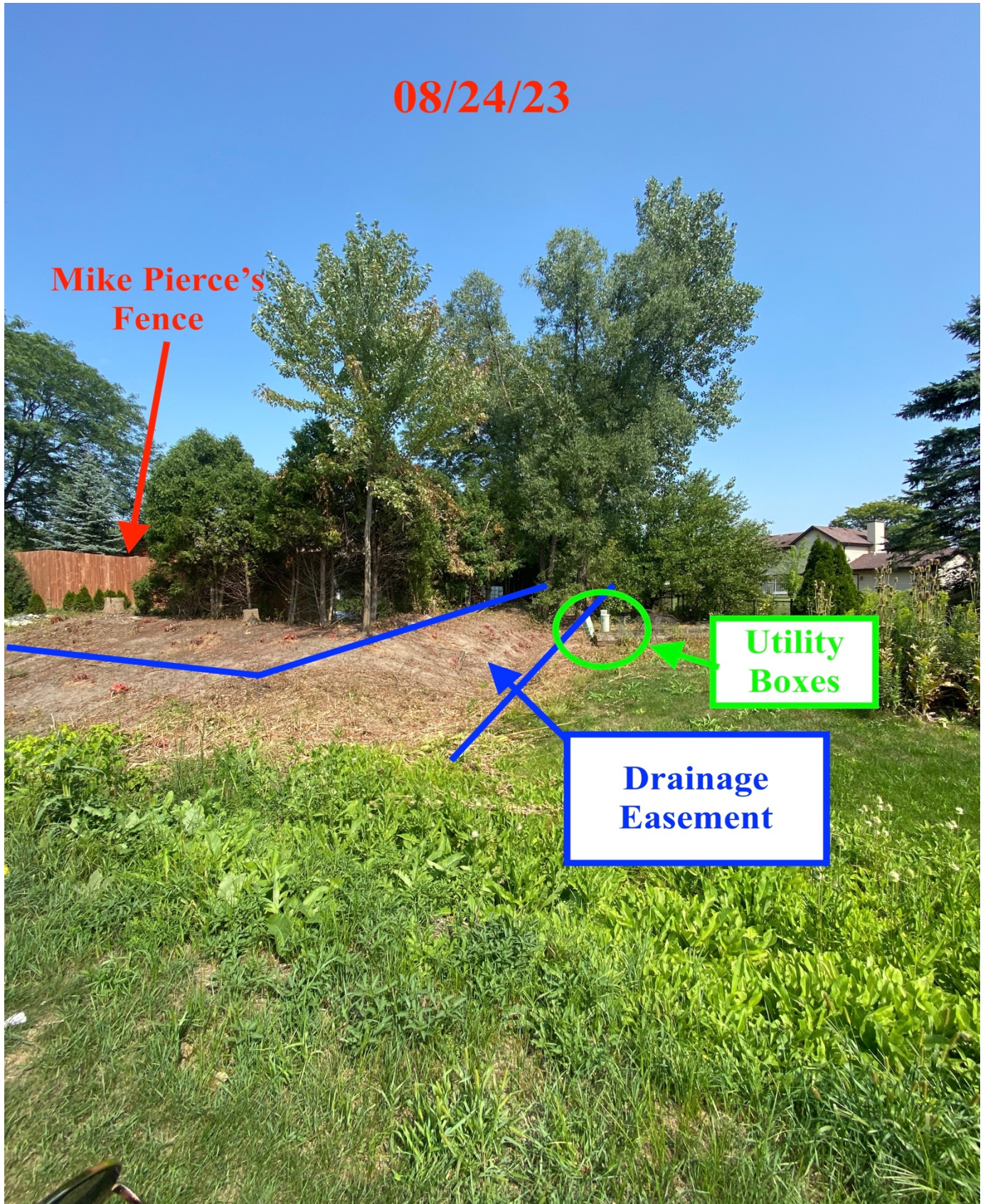


08/24/23

Mike Pierce's
Fence

Utility
Boxes

Drainage
Easement



ZONING CODE AMENDMENT CONSULTATION

9/11/23 Plan Commission Meeting

Joseph Schuster

Staff Report & Recommendation

Germantown, Wisconsin

Summary

Joseph Schuster, Germantown resident and property owner, is requesting feedback on a proposal to make a series of text changes to Section 17.41 of the Zoning Code that would add a new category and increase the number of detached accessory buildings a property can have on residential property in the Rs-3, Rs-4, Rs-5, Rs-6, and Rs-7 Single-Family Residential Districts.

Background

Schuster is the owner of a .95-ac parcel located at W156 N10081 Pilgrim Road located in an Rs-4: Single-Family District. The dwelling on Schuster's property was built in 1860 and made mostly from pioneer logs. The dwelling does not have an attached garage, but the property does (did) have two detached buildings used for vehicle storage and personal items. The Schuster property recently received the "Historic Property" designation under the Village's Historic Preservation Code.

A storm in 2021 destroyed the 24' x 24' detached building used as a garage on the property. When Schuster approached the Village about obtaining permits to construct a larger 24' x 36' detached building as a replacement, he was advised that the property was non-conforming with the current Zoning Code in terms of the number of detached accessory buildings on the property (two buildings with a total of 976 sqft of building area). Schuster's property was deemed non-conforming because the Rs-4 District allows only one (1) detached accessory building with a total building area equal to 1 percent of the total parcel area or 864 sqft, whichever is larger (864 sqft in Schuster's case with a .95-ac parcel).

However, because the 24' x 24' detached garage was destroyed by natural causes, the non-conforming structure provisions in the Zoning Code [under Section 17.48(c)(3)] worked in his favor; allowing Schuster the opportunity to construct a new detached garage but only in the same 24' x 24' footprint (and not the larger 24' x 36' building he desired).

At this point, Schuster's alternatives included: (1) re-building a new garage in the same 2' x 24' footprint; (2) constructing an attached garage to the dwelling (there is no size limit for an attached garage); or (3) appeal to the Board of Appeals for a variance (to allow the larger 24' x 36' detached garage). Schuster opted to appeal for a variance and was denied on the grounds that there was no hardship that prohibited him from constructing a replacement garage of the same size while also being able to keep the other existing 20'x 20' detached building that contributed to his property being non-conforming.

Schuster indicates in his explanation that, while preparing his variance appeal, his research into the Village's current and former code provisions for accessory buildings, as well as other community code provisions, has led him to conclude Germantown's

current provisions under Table 1 of Section 17.41 are inequitable and penalize property owners located in the Rs-3 through Rs-7 smaller parcel residential districts AND property owners who do not have attached garages because:

1. Property in the Rs-3 through Rs-7 Districts are only allowed one (1) detached accessory building vs. property in the Rs-1 and Rs-2 Districts that are allowed two (2) detached buildings;
2. The maximum size of a detached accessory building allowed in the Rs-1 District (2.0 percent of the parcel size) and in the Rs-2 District (1.75 percent of the parcel size) is much greater than the maximum detached accessory building size allowed in the Rs-3 District (1.5 percent) and the other Rs-4, Rs-5, Rs-6, and Rs-7 Districts (1 percent of the parcel size);
3. Regardless of residential zoning district, property with a dwelling with an attached garage can have more accessory building area overall because there is no size limit on an attached garage but there is a size limit on a detached building (where the size limit is a function of the parcel size as shown in Table 1).

Important Notes

Before going forward, it is important to understand the following terms used in the Zoning Code and throughout this discussion:

1. The term “detached accessory building” is defined and used in the Zoning Code to include garages, sheds, and all other enclosed buildings used for the storage of vehicles, trailers, garden & landscape maintenance equipment, recreational items, and other items typically and customarily kept in a residential garage or storage shed. A 24' x 24' building used for the storage of personal vehicles is included in this same category as a 10' x 12' garden shed used to store a lawnmower and yard toys;
2. The minimum parcel size requirements for each of the single-family residential zoning districts in the Village Zoning Code are as follows:
 - a. Rs-1 5.0 acres
 - b. Rs-2 2.0 acres
 - c. Rs-3 1.0 acres
 - d. Rs-4 20,000 sqft
 - e. Rs-5 15,000 sqft
 - f. Rs-6 12,500 sqft
 - g. Rs-7 10,000 sqft
3. The current accessory building provisions in Table 1 under Section 17.41 were adopted in 2008 (and amended twice since then) with the following intentions:
 - a. Use a sliding scale (based on percentage of parcel size) to allow more accessory buildings and more accessory building area for larger vs. smaller parcels;

-
- b. Replace the previous set of accessory building provisions that only allowed a “one size fits all” maximum accessory building size for all parcels regardless if the size was ¼ acre or 5 acres or if the dwelling had an attached or detached garage);
 - c. Encourage dwellings to have attached garages to reduce the potential negative appearance of parcels having multiple detached buildings and sheds that are constructed of lesser exterior materials different from the dwelling;
4. The most recent amendments to 17.41 adopted in 2018 included allowances for a second attached garage in the Rs-1 & Rs-2 Districts, and, increased the maximum building size percentages to allow larger accessory buildings in all the residential districts

Proposal

To remedy the inequities presented in his explanation, Schuster proposes amendments to Section 17.41(1)(a) and to Table 1 under 17.41(1)(b). The proposed amendments to Table 1 and explanatory notes at the bottom of Table 1 are presented under three (3) different sets of amendments with the net effect of allowing more accessory buildings and more total area that currently allowed:

- 1. Proposed Change 1
 - a. Creates a new “Accessory Building” category with the same allowances for building number and total area that apply equally in each single-family district regardless if a dwelling has an attached or detached garage (far right two columns in Table 1);
 - b. Leaves the “Attached Garage” provisions in Table 1 (left two columns) the same (no changes proposed);
 - c. Changes the allowances for the number and total area of accessory buildings by residential zoning district where the maximum total area allowed has no limit.
- 2. Proposed Change 2
 - a. Creates a new “Accessory Building” category with the same allowances for building number and total area that apply equally in each single-family district regardless if a dwelling has an attached or detached garage (far right two columns in Table 1);
 - b. Leaves the “Attached Garage” provisions in Table 1 (left two columns) the same (no changes proposed);
 - c. Changes the allowances for the number and total area of accessory buildings by residential zoning district where the maximum total area allowed is equal to a specified parcel size percentage or a maximum of 1,152 sqft, whichever is greater;

3. Proposed Change 3

- Creates a new “Accessory Building” category with the same allowances for building number and total area that apply equally in each single-family district regardless if a dwelling has an attached or detached garage (far right two columns in Table 1);
- Leaves the “Attached Garage” provisions in Table 1 (left two columns) the same (no changes proposed);
- Changes the allowances for the number and total area of accessory buildings by residential zoning district where the maximum total area allowed is equal to 75 percent of the dwelling size

Staff Comments

Schuster’s intent is to amend the size and number provisions under 17.41(1) to give residential property owners (like himself) who have dwellings without attached garages the same allowances for accessory buildings as dwellings with attached garages, it takes a lot of deep wading into the weeds to understand the net effect of the three different sets of proposed amendments. Clearly, each of the three sets of proposed amendments to Table 1 result in a greater number and larger amount of total accessory building area compared to the current allowance. Using an example parcel size of .95 acres in an Rs-4 District, the table below shows what each proposed set of amendments would yield in terms of the number of accessory buildings and total accessory building area for an example parcel in the Rs-4 District with a dwelling size of 1,800 sqft:

Proposed Changes to Table 1 in Section 17.41(1)								
Rs-4 Example: .95 Ac Parcel 1,800 sqft House	Current Code		Proposed Change #1		Proposed Change #2		Proposed Change #3	
		Max. Total ⁽¹⁾		Max. Total ⁽¹⁾		Max. Total ⁽¹⁾		Max. Total ⁽¹⁾
	#	Area (sqft)	#	Area (sqft)	#	Area (sqft)	#	Area (sqft)
Attached Garage	1	10,350	1	10,350	1	10,350	1	10,350
Detached Garage	1	864	1	10,350	1	1,152	1	1,350
Accessory Building	n/a	n/a	1	414	1	414	1	414

NOTES: 1. "Total Area" has no size limit up to maximum 25% lot coverage restriction

If staff has interpreted the proposed changes correctly, the “bottom line” difference between the current code provisions and the proposed changes are highlighted the table above (see yellow box). All three of Schuster’s proposed changes result in the following:

- An increase in the size of the one (1) detached accessory building allowed between 56% to 1,110% more than the current code allows; and
- An allowance for one (1) extra “accessory building” of a smaller size based on 1% of the parcel size

As indicated above, the current accessory building provisions in Table 1 Section 17.41 that were adopted in 2008 (and amended twice since then) ARE intended to encourage and favor dwellings with attached garages AND allow more accessory buildings and more total accessory building area for larger vs. smaller parcels. These changes were made at that time because the (then) current “one size fits all” accessory building allowance resulted in an increasing number of complaints about, and variance appeals for larger attached and detached garages for relatively larger residential lots. One common barometer for determining when it’s time to re-evaluate a particular zoning code provision is when and how often property owners apply for variances from those provisions (or lodge complaints).

Although the provisions under 17.41 have been amended twice since 2008, those amendments were relatively minor and did not alter the basic structure or overall impact on the number and total accessory building area... unlike Schuster proposals. Very few variance appeals from the provisions in Table 1 have been filed over the years since 2008. While Schuster implies that his proposed amendments are part of his “fighting for himself and other detached garage owners”, the lack of complaints received by or variance appeals submitted to the Community Development Department does not support an argument that there are a lot of property owners demanding changes to the accessory building provisions.

That’s not to say that the provisions under 17.41 can’t or shouldn’t be re-evaluated from time to time to keep up with new trends, technologies or changing socio-economic conditions affecting the overall community. In fact, just last month the PC recommended approval and the Village Board adopted a minor amendment to 17.41 addressing the increasing use of residential “outdoor activity accessory structures” such as gazebos, pergolas, outdoor kitchens, etc. This amendment made clear that these accessory structures are NOT included in the maximum number and total area of accessory buildings regulated under 17.41.

Staff does not believe Table 1 under Section 17.41(1) needs to be amended at this time. However, the Plan Commission should consider Schuster’s proposal and determine if it warrants further action. If so, the Plan Commission should provide specific direction to staff including a statement indicating the relative importance and priority of this matter and what, if any, amendment(s) proposed by Schuster should be brought to the Plan Commission (or Board of Zoning Appeals) and when for further consideration and public hearing.

This item is for discussion purposes only; no formal action is required.

Village of



Germantown

Willkommen

Fee Must Accompany Application

☐ \$1115 Paid _____

☒ \$200

PC Consultation Only

Paid \$ 2/13/23

Date Received by Village:

ZONING CODE TEXT AMENDMENT APPLICATION

Please read and complete this application carefully. All applications must be signed and dated. Attach additional sheets and/or include supplemental information in support of your application.

AGENT: (if different from Applicant)

Address:

Phone:

FAX:

E-Mail:

APPLICANT:

Joseph P. Schuster

Address:

W 156 N 10081
Pilgrim Rd. Germantown

Phone:

262-227-9266

FAX:

E-Mail:

rigid75shovel @
yahoo.com

Zoning Code(s) to be Amended: (Check all that apply)

- ☐ General Zoning Code (Chapter ¹⁷18)
- ☐ Floodplain Zoning Code (Chapter 23)
- ☐ Shoreland-Wetland Zoning Code (Chapter 24)

Section(s) to be Amended:

17.41 #1 (a)
17.41 Table 1
17.41 Notes

Zoning Code Text Amendment Application
Page 2 of 3

Proposed Text Amendment(s): (list text amendments using **STRIKEOUT** and **UNDERLINE** format)

Refer to or Attach Additional Pages as Necessary

Refer To ATTACHED paperwork

Detailed Explanation and Justification for Proposed Amendment(s):

Refer to or Attach Additional Pages as Necessary

Refer To Cover Letter

APPLICATION SUBMITTAL REQUIREMENTS (to be submitted at time of application):

All Amendment Applications:

- ☒ 1. Complete Application Form (Affidavit of Understanding and signatures required)
- ☒ 2. Application Fee
- ☒ 3. Detailed explanation of and justification for proposed amendment(s)
- ☒ 4. Detailed explanation of if and how the proposed amendment(s) will affect other sections of the Zoning or other Municipal Code provisions
- ☒ 5. Specific amendment language proposed that is presented in a **strike out** (text to be deleted) and **underline** (text to be added) format.
- ☒ 6. Electronic/Digital file containing in all information required under #3, #4 and #5 above. Acceptable formats include word processor, e.g. Microsoft Word (.doc or .docx) or plain text (.txt). File can be submitted via email attachment or flash drive.

AFFIDAVIT OF UNDERSTANDING

Please read and indicate that you understand and agree to the following (initials in box):



I understand that Village Staff, the Plan Commission and/or the Village Board may request additional information to properly evaluate this application and failure to provide such information may be sufficient justification to deny this application;



I understand that, regardless of the justification and/or information provided in support of my application, the Village is not obligated to approve my application nor amend the Zoning Code as requested;

ALL APPLICATIONS MUST BE SIGNED BY THE AGENT & APPLICANT

Agent

Date

Joe R. Schuch
Applicant

2-13-23
Date

Agent

Date

Applicant

Date

To the village of Germantown Plan Commission

My name is Joseph Schuster and I bring forward to you an appeal to change 17.41 (residential accessory buildings and structure restrictions) section 1 (a), table 1 and also key notes below table 1. What has started out as my own personal dealings with the village due to a storm in August of 2021 that had left my 24x24 garage crushed by a tree and condemned unrepairable by the insurance company, has now brought me here fighting for myself and the other detached garage owners in the RS-3 – RS-7 districts but have also included RS-1 RS 2 and RD 2 districts for some kind of equality and property owner rights.

As of today, the village code states that in the RS 3-RS 7 district a person is only allowed 1 detached building on their property, whether it be a detached garage or a shed you can only have one or the other. And the size of a detached garage does not even come close to the size of what an attached garage owner can have, plus the attached garage owner can still have a shed. The equality balance is way far off here.

As I tried to rebuild my personal garage, I had to apply for a variance to make it 12 feet longer but the commission turned it down. So, as I dug deeper into this and was reading old codes, I had noticed many things. The first is that in 2008 is where it went wrong. The village combined detached garages into one lump sum with accessory buildings and then allowed only one. Looking back at the 1993 and 1996 codes you will see that even though any building unattached to the principal dwelling is called an accessory building they still have different allowances for a detached garage and shed. And furthermore, no matter if you garage was attached or detached, they both had the same size allowed.

I have been in contact and reviewed 6 other municipalities that boarder our village and all of them separate detached garage from accessory buildings *And allow both on every property*

I have included old codes and 2 different revision that may or may not work. I did the best I could writing these and also took in consideration of protecting the village and keeping loop holes from happening, but I'm not perfect.

I hoping with can work together to rectify these problem because the village still homes plenty of detached garage owners, and I never asked for this but weather got the best of my property and it can happen to any one that is in this same situation. We all want to progress ourselves, our properties and our village.

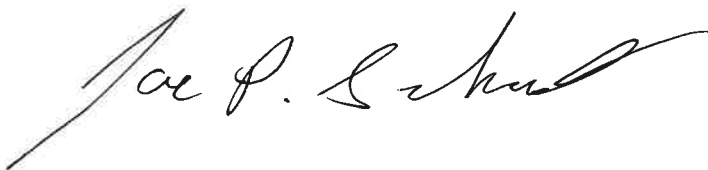


Table Of Contents

Page 1:	Intent
Page 2:	Current Codes
Page 3:	Current Codes
Page 4:	Current Codes
Page 5:	Current Code Examples For Attached Garage Owners
Page 6:	Current Code Examples For Detached Garage Owners
Page 7:	17.41 (1) (a) Stricken words And Explanations
Page 8:	Proposed Change 1
Page 9:	Proposed Change 1
Page 10:	Proposed Change 2
Page 11:	Proposed Change 2
Page 12:	Proposed Change 3
Page 13:	Proposed Change 3
Page 14:	Conclusion



Joseph P. Schuster
W156 N10081 Pilgrim Rd.
Germantown, WI. 53022
rigid75shovel@yahoo.com

INTENT

The intent for this is to apply to make amendments to code 17.41 (Residential Accessory, Building And Structure Restrictions) in section 1 (a) and to table 1.

The proposed changes and explanations are listed in the following pages.

In current code 17.41 for the village of Germantown using zones 3-7 as examples but really applies to all zones, a attached garage owner is allowed to build a attached garage with NO size limit and also have a accessory building (shed), but yet a home owner that has or prefers to have a detached garage is only allowed to build it at a maximum size of 864 sqft and only allowed to have the 1 detached garage and No other building (Shed). So in these proposed changes that I have submitted what is trying to be accomplished is that there will be 3 different listings, one for attached garges, one for detached garages, and one for accessory building (sheds), and also increse the size of a detached garage. In doing so this will create more equality between the attached garage owner and the detached garage owner.

17.41 - RESIDENTIAL ACCESSORY USE, BUILDING AND STRUCTURE RESTRICTIONS.

(1) **SIZE AND NUMBER LIMITATIONS.** (Rep. & Recr. Ord. #19-93; Rep. & Recr. Ord. #8-96; Am. Ord. #12-08; Am. Ord. #22-12)

- (a) In the single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), each residential dwelling shall be constructed to include an attached garage and/or a detached garage (i.e. detached accessory building). Where a dwelling contains a single attached garage, subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no specific size (area) limit for an attached garage. A dwelling within the Rs-1 or Rs-2 District may include a second attached garage provided that such garage complies with the area standards in (b). (Am. Ord. #02-18)
- (b) The maximum size of a second attached garage and the maximum size and number of detached accessory buildings allowed per lot or parcel in each residential zoning district shall be as set forth in Table 1 below.

TABLE 1

EXPAND

Zoning District	Attached Garages		Detached Accessory Building		
	Max. Number	Max. Floor Area ⁽⁵⁾ (sqft)	Max. Number	Maximum Floor Area ⁽⁵⁾ (sqft) (cumulative total for all accessory buildings)	
				Attached Garage Included	Attached Garage NOT Included
Rs-1	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 2% of lot area or 192 sqft ⁽¹⁾ ⁽²⁾	2; except that only one is allowed if there is more than one attached garage	2% of lot area or 192 sqft ⁽²⁾	2% of lot area or 864 sqft ⁽⁴⁾

Current Code

Zoning District	Attached Garages		Detached Accessory Building		
	Max. Number	Max. Floor Area ⁽⁶⁾ (sqft)	Max. Number	Maximum Floor Area ⁽⁵⁾ (sqft) (cumulative total for all accessory buildings)	
				Attached Garage Included	Attached Garage NOT Included
Rs-2	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 1.75% of lot area or 192 sqft ⁽¹⁾ ⁽²⁾	2; except that only one is allowed if there is more than one attached garage	1.75% of lot area or 192 sqft ⁽²⁾	1.75% of lot area or 864 sqft ⁽⁴⁾
Rs-3	1	No limit ⁽¹⁾	1	1.5% of lot area or 192 sqft ⁽²⁾	1.5% of lot area or 864 sqft ⁽⁴⁾
Rs-4	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-5	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-6	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-7	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rd-2	2	No limit ⁽¹⁾	2	1% of lot area or 192 sqft ⁽²⁾⁽³⁾	1% of lot area or 864 sqft ⁽⁴⁾

Current Code

Notes:

1. Subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no maximum size (area) for an attached garage.
2. If an existing dwelling unit includes an attached garage, then the maximum floor area allowed for all detached accessory buildings (cumulative total per lot or parcel) up to the percentage noted of the net lot or parcel area (in square feet) or 192 square feet, whichever is greater. (Am. Ord. #02-18)
3. The 1 percent maximum floor area allowance applies to each dwelling unit on a lot or parcel in the Rd-2 2-family zoning district.
4. Many residential lots in the older established areas of the Village do not have (or may not be capable of having) an attached garage due to lot width, building setback, septic system location, or other limitations associated with substandard lots. In these cases, the maximum floor area allowed for all detached accessory buildings (cumulative total per lot or parcel) is 1% of the net lot or parcel area (in square feet) or 864 square feet, whichever is greater.
5. The calculation of "maximum floor area" for detached accessory building shall include:
 - a. All floor area (including second or higher floors) where the ceiling height above the floor is 6 feet or higher; and
 - b. If in the Rs-1 or Rs-2 District, any additional area under cover by an overhang that is greater than 2 feet from the exterior wall on three sides of a building, plus the area under cover by an overhang that is greater than 6 feet on the remaining side(s).

Current code examples for attached garage owners using a 25% lot coverage and a 1800sqft house.

1 acre allows for a 10,890sqft lot coverage. With a 1800sqft house you are allowed to have a 9090sqft attached garage, or a 8654.4 sqft attached garage with a 435.6sqft shed.

.75 acre allows for a 8,167.5sqft lot coverage. With a 1800sqft house you are allowed to have a 6367.5sqft attached garage, or a 6040.8sqft attached garage with a 326.7sqft shed.

.50 acre allows for a 5,445sqft lot coverage. With a 1800sqft house you are allowed to have a 3645sqft attached garage, or a 3427.2sqft attached garage with a 217.8sqft shed.

.25 acre allows for a 2722.5sqft lot coverage. With a 1800sqft house you are allowed to have a 922.5sqft attached garage, or a 730.5sqft attached garage with a 192sqft shed.

Current code examples for detached accessory building (i.e. garage, shed) owners using a 25% lot coverage and a 1800sqft house.

1 acre allows for a 10,890sqft lot coverage. With a 1800sqft house you are allowed to have only one 864sqft detached accessory building.

.75 acre allows for a 8167.5sqft lot coverage. With a 1800sqft house you are allowed to have only one 864sqft detached accessory building.

.50 acre allows for a 5445sqft lot coverage. With a 1800sqft house you are allowed to have only one 864sqft detached accessory building.

.25 acre allows for a 2722.5sqft lot coverage. With a 1800sqft house you are allowed to have only one 864sqft detached accessory building.

As you can see in the current code examples for detached accessory buildings no matter what size of house and lot you have the final results are the same, you are allowed to build one building and you may call it what you want.

17.41 RESIDENTIAL ACCESSORY USE, BUILDING AND STRUCTURE RESTRICTIONS.

(1) SIZE AND NUMBER LIMITATIONS. (Rep. & Recr. Ord. #19-93; Rep. & Recr. Ord. #8-96; Am. Ord. #12-08; Am. Ord. #22-12)

(a) In the single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), each residential dwelling shall be constructed to include an attached garage ~~and/or~~ a detached garage ~~(i.e. detached accessory building)~~. Where a dwelling contains a single attached garage, subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no specific size (area) limit for an attached garage. A dwelling within the Rs-1 or Rs-2 District may include a second attached garage provided that such garage complies with the area standards in (b). (Am. Ord. #02-18)

(b) The maximum size of a second attached garage and the maximum size and number of detached accessory buildings allowed per lot or parcel in each residential zoning district shall be as set forth in Table 1 below.

"EXPLANATION"

The word "AND" has been stricken so people don't think they can build both types of garages.

The words "I.E. DETACHED ACCESSORY BUILDING" has been stricken due to the fact of the new proposals a detached garage will have it's own category and no longer fall under "ACCESSORY BUILDING"

Proposed Change 1

Zoning District	Attached Garages		Detached Garages		Accessory Building	
	Max. Number	Max. Floor Area ⁽⁵⁾ (sqft)	Max. Number	Maximum Floor Area ⁽⁵⁾ sqft	Max Number	Maximum Floor Area (sqft) ⁽⁵⁾ (cumulative total for all accessory buildings)
Rs-1	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 2% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Second requires zoning permit approval	No limit on first; second may not exceed 2% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	2; except that only one is allowed if there is more than one attached/detached garage	2% of lot area or 192 sqft ⁽⁴⁾
Rs-2	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 1.75% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Second requires zoning permit approval	No limit on first; second may not exceed 1.75% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	2; except that only one is allowed if there is more than one attached/detached garage	1.75% of lot area or 192 sqft ⁽⁴⁾
Rs-3	1	No limit ⁽¹⁾⁽²⁾	1	No limit ⁽¹⁾⁽²⁾	1	1.5% of lot area or 192 sqft ⁽⁴⁾
Rs-4	1	No limit ⁽¹⁾⁽²⁾	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-5	1	No limit ⁽¹⁾⁽²⁾	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-6	1	No limit ⁽¹⁾⁽²⁾	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-7	1	No limit ⁽¹⁾⁽²⁾	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rd-2	2	No limit ⁽¹⁾⁽²⁾	2	No limit ⁽¹⁾⁽²⁾	2	1% of lot area or 192 sqft ⁽⁴⁾

Proposed code change #1 examples which separates detached garages from accessory buildings and gives both a separate set of rules. Using a 25% lot coverage and a 1800sqft house

1 acre allows for a 10,890sqft lot coverage. With a 1800sqft house you are allowed to have a 9090sqft detached garage, or a 8654.4sqft sqft detached garage with a 435.6sqft shed.

.75 acre allows for a 8,167.5sqft lot coverage. With a 1800sqft house you are allowed to have a 6367.5sqft detached garage, or a 6040.8sqft detached garage with a 326.7sqft shed.

.50 acre allows for a 5445sqft lot coverage. With a 1800sqft house you are allowed to have a 3645sqft detached garage, or a 3427.2sqft detached garage with a 217.8sqft shed.

.25 acre allows for a 2722.5sqft lot coverage. With a 1800sqft house you are allowed to have a 922.5sqft detached garage, or a 730.5sqft detached garage with a 192sqft shed.

This proposed change gives the detached and attached garage owners the same equal rights.

Proposed Change 2

Zoning District	Attached Garages		Detached Garages		Accessory Building	
	Max. Number	Max. Floor Area ⁽⁵⁾ (sqft)	Max. Number	Maximum Floor Area sqft ⁽⁵⁾	Max Number	Maximum Floor Area (sqft) ⁽⁵⁾ (cumulative total for all accessory buildings)
Rs-1	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 2% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Second requires zoning permit approval	2% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	2; except that only one is allowed if there is more than one attached/detached garage	2% of lot area or 192 sqft ⁽⁴⁾
Rs-2	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 1.75% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Second requires zoning permit approval	1.75% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	2; except that only one is allowed if there is more than one attached/detached garage	1.75% of lot area or 192 sqft ⁽⁴⁾
Rs-3	1	No limit ⁽¹⁾⁽²⁾	1	1.5% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	1	1.5% of lot area or 192 sqft ⁽⁴⁾
Rs-4	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-5	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-6	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-7	1	No limit ⁽¹⁾⁽²⁾	1	1% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rd-2	2	No limit ⁽¹⁾⁽²⁾	2	1% of lot area or 1152 sqft ⁽¹⁾⁽²⁾	2	1% of lot area or 192 sqft ⁽⁴⁾

Proposed code change #2 which separates detached garages from accessory buildings and gives both a separate set of rules.

For the detached garage section using the 1% of lot size and raising the maximum size to 1152sqft from 864sqft the homeowner may use whichever is greater.

For the accessory building section using the 1% of lot size or 192sqft whichever is greater.

The only difference in this proposed change from the current code is the separation of detached garage from accessory building, and the square footage increase for the detached garage from 864 sqft to 1152sqft.

.

.

"

.

Proposed change 3

Zoning District	Attached Garages		Detached Garages		Accessory Building	
	Max. Number	Max. Floor Area ⁽⁵⁾ (sqft)	Max. Number	Maximum Floor Area ⁽⁵⁾ sqft	Max Number	Maximum Floor Area (sqft) ⁽⁵⁾ (cumulative total for all accessory buildings)
Rs-1	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 2% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Second requires zoning permit approval	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	2: except that only one is allowed if there is more than one attached/detached garage	2% of lot area or 192 sqft ⁽⁴⁾
Rs-2	2; Second requires Zoning Permit approval	No limit on first; second may not exceed 1.75% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Second requires zoning permit approval	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	2: except that only one is allowed if there is more than one attached/detached garage	1.75% of lot area or 192 sqft ⁽⁴⁾
Rs-3	1	No limit ⁽¹⁾⁽²⁾	1	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	1	1.5% of lot area of 192 sqft ⁽⁴⁾
Rs-4	1	No limit ⁽¹⁾⁽²⁾	1	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-5	1	No limit ⁽¹⁾⁽²⁾	1	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	1	1% of lot area of 192 sqft ⁽⁴⁾
Rs-6	1	No limit ⁽¹⁾⁽²⁾	1	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rs-7	1	No limit ⁽¹⁾⁽²⁾	1	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	1	1% of lot area or 192 sqft ⁽⁴⁾
Rd-2	2	No limit ⁽¹⁾⁽²⁾	2	75% of the sq footage of the residential dwelling ⁽¹⁾⁽²⁾	2	1% of lot area or 192sqft ⁽⁴⁾

Proposed code change #3 which separates detached garages from accessory buildings and gives both a separate set of rules. Using 75% of the square footage of the residential dwelling to obtain maximum size for a detached garage and using 1% of lot size or 192sqft whichever is bigger for accessory building size.

A 800sqft house @ 75% would be a 600sqft detached garage
1% of 1 acre is 435.6 sqft *Shed*

A 1000sqft house @ 75% would be a 750sqft detached garage
1% of .75 acre is 326.7sqft *Shed*

A 1200sqft house @ 75% would be a 900sqft detached garage
1% of .50 acre is 217.8sqft *Shed*

A 1500sqft house @ 75% would be a 1,125sqft detached garage
1% of .25 acre is 108.9 sqft *Shed*

A 1800sqft house @ 75% would be a 1,350sqft detached garage

A 2000sqft house @ 75% would be a 1,500sqft detached garage

This proposed change separates detached garage from accessory building and uses a percentage to determine detached garage size. This will also keep the detached garage in perspective so a detached garage is not bigger than the home.

CONCLUSION

In conclusion the goal here is to create some type of equality between the attached garage owner and the detached garage owner. Whether a owner has a attached or detached garage doesn't change it's intent...it is made to house our vehicles from wheather and to add security to our expensive investments. And both types of garages are "Accessory Use" whether attached or detached. The village allows attached garage owners to build these massive " No Size Limit" garages and yet also have a accessory building (shed) to house their yard equipment but the detached garage owner is not. The village is penalizing the detached garage owner by chosing a detached garage by not allowing them to build another accessory building (shed) for their yard equipment. When a attached garage owner of .25 acres and a 1800sqft house can have a garage size of 730sqft and also a shed of 192sqft but yet a detached garage owner of 1 acre with a 1800sqft house can only have a 864sqft accessory build (garage) and NO shed that is where there is a hugh difference in equality.

Joseph P Schuster

SIGN REVIEW
9/11/23 Plan Commission Meeting

Michaels Signs Inc / ZPG Development LLC

Planning & Zoning Report

Germantown, Wisconsin

Summary

Michaels Signs Inc, agent for ZPG Development LLC, property owner, is requesting approval for a new ground sign for the multi-tenant industrial building located at W210 N12995 Gateway Crossing (Zilber 6).

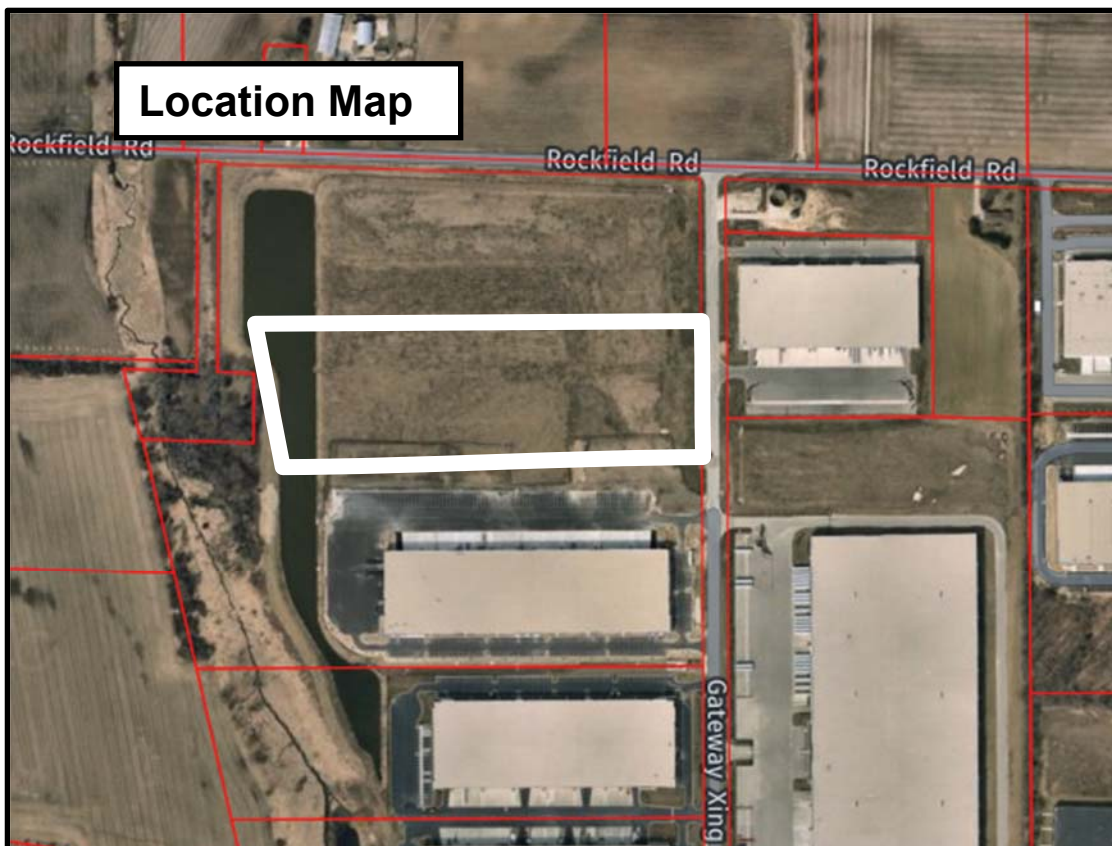
Location: W210 N12975 Gateway Crossing

Agent/

Property Owners:	Michaels Signs Inc.	ZPG Development LLC
	3914 S. Memorial Drive	710 N. Plankinton Avenue
	Racine, WI 53403	Milwaukee, WI 53203

Zoning: M-1 PDD: Germantown Gateway Corporate Park District

Adjacent Land Uses		Zoning
North	Industrial	M-1 PDD
South	Industrial	M-1 PDD
East	Industrial	M-1
West	Agricultural	A-1



Background/Proposal

Michaels Signs Inc, agent for ZPG Development LLC, property owner, is requesting approval for a new ground sign for the multi-tenant industrial building located at W210 N12995 Gateway Crossing (Zilber 6). The new sign will be located in the northeast corner of the site near the north driveway on Gateway Crossing.

Ground Sign

- 3'8" x 9' (33 square feet per side), double-sided aluminum cabinet with removable aluminum panels on a concrete base. The proposed sign will not be illuminated.

Staff Comments

All requirements of the Village Sign Code have been met.

The proposed ground sign is complementary to and very similar to the other monuments signs previously approved for Zilber 2, 3, 4 and 5.

Village Staff Recommendation

APPROVE the ground sign for the Zilber 6 industrial building located at N210 N12995 Gateway Crossing as proposed subject to the following conditions:

1. Building and electrical permits are required. Contact Safebuilt staff in Inspection Services for information.



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid h Date 8/20/23

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

Michaels Signs Inc.

3914 S. Memorial Dr.

Racine, WI 53403

Phone (262) 554-6066

Fax (262) 554-0574

E-Mail rosie@michaelsigns.com

PROPERTY OWNER

ZILBER PROPERTY GROUP

710 N. Plankinton Ave.

Milwaukee, WI 53203

Phone (414) 234-1100

2 PROPERTY ADDRESS OR GENERAL LOCATION

W210 N12995 GATEWAY CROSSING

3 SIGN INFORMATION

Sign Dimensions 9' height x 3' 8" width Single/Multi Tenant (circle one)
Number of Sides 2 Building Frontage SF 10,643
Total Square Footage of Sign (include all sides) 66
Total height of the Sign 9'
Is the Sign to be illuminated _____ yes X no
Type of Sign Construction Materials ALUMINUM SIGN BODY AND LETTERS ON CONCRETE BASE
Distance to Closest Property Line 5'

Are there any existing signs on the property no
If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Rosie Oue 8.15.23
Applicant Date

[Signature] 8/14/23
Owner Date

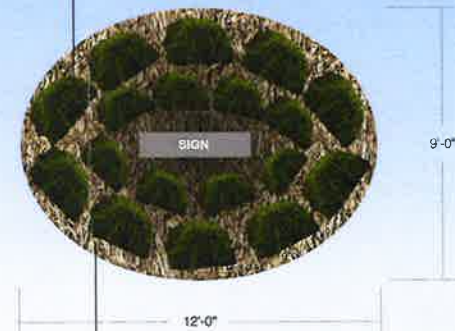
MONUMENT SIGN



Groupings of Compact Andorra Juniper plants



Compact Andorra Juniper
 Mature Height: 2.0 ft
 Mature Width: 5.0 ft
 Growth rate: average
 Hardiness Zones: 3-8
 Sun Exposure: sun
 Soil Preference: average, well drained soils
 Foliage: Low growing, spreading evergreen.
 Green summer foliage turns reddish purple in fall and winter. It will grow well in any soil unless it is constantly wet.



Planting Bed: Oval bark mulched planting bed with a 12 inch rise, 12 feet long by 9 feet wide

ALL PLANTS SPACED NOT MORE THAN 3' APART FROM ONE ANOTHER

ZILBER / MONUMENT SIGN

ONE (1) DOUBLE SIDED, NON-ILLUMINATED MONUMENT SIGN
 CUSTOM FABRICATED ALUMINUM SIGN BODY W/ MAP PAINTED FINISHES
 DIMENSIONAL 1/4" ALUMINUM LETTERS STOOD OFF SIGN FACE 1/2" W/ 1/4" STUDS
 "TENANTS" - REMOVABLE ALUMINUM PANELS W/ 3M VINYL LETTERING
 "ADDRESS INFORMATION & ZILBER LOGO" - 3M VINYL LETTERING (3M BLACK, 3M DARK GRAY, & 3M APPLE GREEN)
 1/8" ALUMINUM ADDRESS PANEL PAINTED TO MATCH CONCRETE BASE
 CONCRETE BASE BY MICHAEL'S SIGNS

SIGN AREA: 66 SQ. FT.

Michael's Signs <i>"We Perfect Your Image"</i> PH: (262) 554-0066 TOLL FREE: (800) 554-0110	Client: ZILBER PROPERTY GROUP Address: W210 N12995 GATEWAY CROSSING City, State: RICHFIELD, WI 53076 Sales Rep: STEPHEN PROCHASKA	Date: 7-14-23 Drawing #: 1(0) Sheet: 1 of 1 Scale: 1/2"=1' Designer: KD	REVISION <table border="1"> <tr> <td>△</td> <td>△</td> </tr> <tr> <td>△</td> <td>△</td> </tr> <tr> <td>△</td> <td>△</td> </tr> <tr> <td>△</td> <td>△</td> </tr> </table>	△	△	△	△	△	△	△	△	Illumination: ☒ NO ☐ YES TYPE Electrical Requirements: ☐ 120 ☐ 277 Sign Specifications: NOTED ABOVE	Paint Colors (AkzoNobel): ☐ MAP BRUSHED ALUMINUM ☐ SW7015 REPOSE GRAY ☐ MAP BLACK ☐ SW 7046 ANONYMOUS ☐ PANTONE 355C ☐ PMS 534C	Vinyl Film Colors (3M Scotchcal): ☐ 3M BLACK ☐ 3M APPLE GREEN ☐ 3M DARK GRAY ☐ ☐ ☐ ☐	Client Signature: Signature _____ Date _____ NOTICE: Michael's Signs, Inc. does NOT provide primary electrical to sign location - RESPONSIBILITY OF OTHERS The ideas and designs contained in this original and unpublished drawing are the sole property of Michael's Signs, Inc. and MAY NOT BE USED OR REPRODUCED in whole or in part without written permission.
	△	△													
	△	△													
	△	△													
△	△														
NOTE: DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK INVOLVED IN THIS PRINTING PROCESS, THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH TO THE ACTUAL FINISHED PAINTED PRODUCT.															

SIGN REVIEW
9/11/23 Plan Commission Meeting

FastSigns / Victory Companies

Planning & Zoning Report

Germantown, Wisconsin

Summary

FastSigns, agent for JHS4 LLC, property owner and the Victory Companies, is requesting approval for a wall sign for the industrial building tenant space located at N118 W18531 Bunsen Drive in the Germantown Industrial Park.

Location: N118 W18531 Bunsen Drive

Agent/

Property Owners:	FastSigns	Victory Companies
	W173N9170 St Francis	N118 W18531 Bunsen Dr
	Menomonee Falls, WI	Germantown, WI

Zoning: M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Industrial	M-1
East	Industrial	M-1
West	Industrial	M-1



Background/Proposal

FastSigns, agent for JHS4 LLC, property owner and the Victory Companies, is requesting approval for a wall sign for the industrial building tenant space located at N118 W18531 Bunsen Drive in the Germantown Industrial Park.

Wall Sign

- 3'10" x 7'10" (30 square feet), single-sided aluminum plate with vinyl graphics mounted above the entry. The proposed sign will not be illuminated.

Staff Comments

All requirements of the Village Sign Code have been met.

Village Staff Recommendation

APPROVE the proposed wall sign for the Victory Companies facility located at N118 W18531 Bunsen Drive as proposed.



Village of



Germantown

Willkommen

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid 4 Date 8/25/23

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1

APPLICANT OR AGENT

FASTSIGNS Menomonee Falls

W173 N9170 St. Francis Dr. Suite 1
Menomonee Falls, WI 53051

Phone () 262-253-0799

Fax () _____

E-Mail danielle.spitza@fastsigns.com

PROPERTY OWNER

Victory Companies

N118W18531 Bunsen Dr
Germantown, WI 53022

Phone () 262-252-7100

phil.morgan@vci-wi.com

2

PROPERTY ADDRESS OR GENERAL LOCATION

N118W18531 Bunsen Dr
Germantown, WI 53022

3

SIGN INFORMATION

Sign Dimensions 46" height x 94" width

Number of Sides 1

Total Square Footage of Sign (include all sides) 30.03

Total height of the Sign 46"

Is the Sign to be illuminated yes x no

Type of Sign Construction Materials Aluminum and PVC

Distance to Closest Property Line n/a

Single/Multi Tenant (circle one)

Building Frontage SF approx. 1,700 sq. ft.

Are there any existing signs on the property no

If yes, what is the total Square Footage of existing signs n/a

What are the intentions for the existing signs: Take down _____ Remain _____

4

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Danielle Spitza 8-17-23
Applicant Date

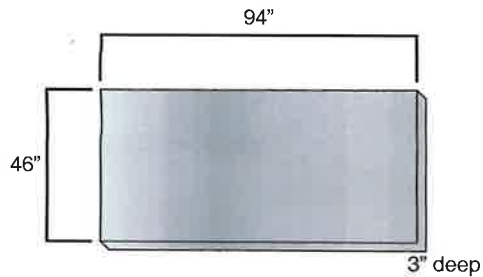
Bruce P Morgan
Owner Date

Signature: Bruce P Morgan
Bruce P Morgan (Aug 18, 2023 15:11 CDT)

Email: phil.morgan@vci-wi.com

Victory Companies Sign Proposal

N118W18531 Bunsen Dr Germantown, WI, 53022



FRONT VIEW



Opening is 8' wide x 4' x 2" deep tall
Sign will leave 1" border and is 3" deep



SIGN SPECS:

1/8" Raw Aluminum Pan Face

Size: 46" tall x 94" wide x 3" deep

6mm & 12mm PVC graphics
all painted with matching Pantone colors

VC circle portion gets a
printed/laminated vinyl graphic

Colors:

-  Raw Aluminum Metal
-  Pantone 140 C
-  Pantone 7707 C