



VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | vi.williamsbay.wi.gov

Phone: 262-245-2700

NOTICE

PLAN COMMISSION MEETING TUESDAY, MARCH 14, 2023 AT 6:30 PM

AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Minutes**
 - A. Plan Commission Meeting Minutes of 1/10/2023
 - B. Plan Commission Meeting Minutes of 1/18/2023
 - C. Joint Plan Commission and Village Board Meeting Minutes of 1/30/2023
- V. **Recommendation and Possible Action for a Zoning Ordinance Text Amendment**
 - A. Open Public Hearing
 - B. Resolution R-02-23 Regarding Communication Tower Performance Standards Ordinance 2023-02
 - C. Close Public Hearing
 - D. Discussion and Possible Action for the Resolution
- VI. **Recommendation and Possible Action for a Temporary Use Permit**
 - A. APPLICANT: Mike Condron and John Dwyer dba Dip in the Bay
TAX KEY: WOP 00008 AND WWUP 00088
STREET ADDRESS: 105 N. Walworth Street and Lakefront Area, Village of Williams Bay
Applicant is requesting a Temporary Use Permit per Section 390.1208 "Temporary Use Permit" and Section 390.0316.B "Temporary Outdoor Sales" for a food vending cart.
- VII. **Recommendation and Possible Action for a Certificate of Compliance**
 - A. APPLICANT: Hwy 67 Plaza, LLC (Owner), Jay Tonkin (Applicant)
TAX KEY: WOP 00040
STREET ADDRESS: 54 W. Geneva Street, Village of Williams Bay
Applicant is requesting a Certificate of Compliance per Section 390.1211 "Certificate of Compliance" and Section 390.0310.E "Indoor Sales and Service" for an internet sales of automobiles business with indoor storage only.
- VIII. **Recommendation and Possible Action for a Certified Survey Map (Extraterritorial)**
 - A. APPLICANT: Jason Bernard, Bernard Family Trust (Owner)
TAX KEY: FA374600001
STREET ADDRESS: South of Town Line Rd, Town of Delavan

Applicant is requesting approval of a Certified Survey Map per Section 375.0306 "Minor Land Division Procedures" to divide the existing 20.922-acre parcel into two parcels of 10.788 and 10.130 acres each. This includes approval of a variance to Section 375.0706.C which requires that every lot shall front or abut for a distance of at least 40 feet on a public street.

IX. Adjournment

Bill Duncan
Chairman

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.

Posted: 03/06/2023 5:00 PM



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UNOFFICIAL MINUTES PLAN COMMISSION MEETING 1/10/2023 MEETING TUESDAY, JANUARY 10, 2023 AT 6:30 PM

I. Call to Order

William Duncan called the meeting to order at 06:30pm.

II. Roll Call

Present: President Bill Duncan, Commissioner Marianne Klemke, Commissioner Jess Haak, Trustee Lowell Wright, Commissioner Pat Watts, Commissioner Matt Robbins

Also Present: Alternate Commissioner James Killiam, Zoning Administrator Bonnie Schaeffer, Village Engineer Doug Snyder and Clerk Tina Kolls

Excused: Commissioner Maggie Gage

III. Pledge of Allegiance

IV. Minutes

A. Plan Commission Meeting Minutes of 11/15/2022

The motion to Approve the Plan Commission Meeting Minutes of 11/15/2022 was initiated by Marianne Klemke and seconded by Pat Watts. Unanimously carried.

B. Joint Village Board and Plan Commission Meeting Minutes of November 21, 2022

The motion to Approve the Joint Village Board and Plan Commission Meeting Minutes of November 21, 2022 was initiated by Marianne Klemke and seconded by Pat Watts. Unanimously carried.

C. Plan Commission Meeting Minutes of 12/7/2022

The motion to Approve the Plan Commission Meeting Minutes of 12/7/2022 was initiated by Marianne Klemke and seconded by Lowell Wright. Unanimously carried.

V. Recommendation and Possible Action for a Zoning Ordinance Text Amendment

A. Motion to Open Public Hearing - All interested in this matter are invited to attend

President Duncan opened the public hearing at 06:35pm.

B. Resolution R-01-23 Recommending Approval of Ordinance #2023-01

Trustee Robert Umans explained that there are currently cellular antennae on the water towers located at both Olive Street and Potawatomi drive. These antennae have to be removed each time we need to paint the water towers. Umans explained that Verizon has offered to build a tower behind the village hall which would not be a residential location, it would be up high, which would provide an improved cellular signal. Umans explained that the Ordinance would allow the village to use the zone (PNI) in which the proposed location for the tower is located.

Village Engineer Snyder explained that he feels it is in the village's best interest in the future to get the antennae off the water towers and get them on a structure which is owned by the village. Snyder explained that this is all just a preliminary as we have not been provided with a formal offer with terms. Snyder explained that the village currently

has three carriers with Verizon being the potential fourth. Snyder explained that Verizon would pay upfront to build the tower, which would be owned by the village with the condition that they would not have to pay rent for the tower space for several years. Snyder explained that as the carriers come off of their lease we can force them to move off of the water towers and on to the village-owned tower with the hopes that eventually we will have all four carriers on one structure. Snyder also explained that getting these carriers off of the water towers will give the village more options with the water towers, whether to paint them or take them down. Snyder explained that painting the water towers would cost the village between 3 and 5 thousand dollars each. Snyder explained that the current Ordinance states that you can only place a monopole which will hold all the carriers and will not look nice. Snyder explained that he would like a galvanized four-legged structure so that it would be a more robust structure and would allow each carrier to be mounted on a leg of the structure.

President Duncan confirmed that the Ordinance would change for the structure to be able to be zoned Ag and PNI. Commissioner Klemke questioned if there was a reason the original Ordinance was not allowed in the Ag and PNI zones. Snyder explained that these carriers have a right to locate in the village as part of the communication laws and that this ordinance will limit where they can put them as well as bring the village into line with what the laws are.

James Killian (91 Potawatomi) expressed his concerns about opening up PNI stating that so many properties in the village are zoned PNI such as Conference Point Camp, the old elementary land, the current school sight, George Williams College and Yerkes. Kilian stated he is concerned that this would open up the potential for towers in some of these locations. In response, Schaefer explained that paragraph 12 of Ordinance #2023-02 states that a tower may not be built within less than a one mile radius from another tower. Schefer went on to explain that the site we would like to use for the proposed tower is zoned PNI, which leaves us with no choice but to allow a conditional use.

C. Motion to Close Public Hearing

President Duncan closed the public hearing at 6:49 PM.

D. Consideration and possible action on Zoning Ordinance Amendment

The motion to Recommend Village Board Approval of the Zoning Ordinance Amendment was initiated by Lowell Wright and seconded by Jess Haak, Marianne Klemke Nay. Motion carried.

VI. Recommendation and Possible Action for a Zoning Ordinance Text Amendment

A. Motion to Open Public Hearing - All interested in this matter are invited to attend

President Duncan opened the public hearing at 6:51pm.

B. Resolution R-02-23 Recommending Approval of Ordinance #2023-02

Klemke stated that it seemed as though the ordinance was written to cover only village-owned towers as there is no insurance clause. Schaefer explained that the ordinance is open to both village-owned towers and public-owned towers. Schaefer stated that she was unsure why the statement on insurance liability would have been removed by Attorney Schroeder. Klemke stated that she thinks that there needs to be insurance liability listed similar to the previous ordinance to cover privately owned towers as well.

C. Motion to Close Public Hearing

President Duncan closed the public hearing at 6:57pm.

D. Consideration and possible action on Repealing and Recreating a Zoning Ordinance

Lowell Wright motioned to table the resolution for further discussion on insurance liability. The motion was seconded by Marianne Klemke. Unanimously carried.

VII. Adjournment

The motion to adjourn was initiated by Mariann Klemke and seconded by Jess Haak at 6:57pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk



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UNOFFICIAL MINUTES PLAN COMMISSION MEETING 1/18/2023 MEETING WEDNESDAY, JANUARY 18, 2023 AT 4:00 PM

I. Call to Order

William Duncan called the meeting to order at 04:00pm.

II. Roll Call

Present: Bill Duncan, Marianne Klemke, Matt Robbins, Lowell Wright, Pat Watts, James Killian, Maggie Gage

Also Present: Interim Administrator Dave Bretl, Trustee Rob Umans, Clerk Tina Kolls

Excused: Jess Haak

III. Comprehensive Plan Draft #3 Update

A. Review draft #3 of the Comprehensive Plan Update

Draft #3 of the Comprehensive Plan was reviewed to verify all requested changes were made.

IV. Adjournment

The motion to adjourn was initiated by Klemke and seconded by Watts at 05:35pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

These are not official Minutes until approved by the Governing Body.



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OFFICIAL MINUTES JOINT PLAN COMMISSION AND VILLAGE BOARD MEETING 1/30/2023 MEETING MONDAY, JANUARY 30, 2023 AT 6:30 PM

I. Call to Order

William Duncan called the meeting to order at 06:30pm.

II. Roll Call

Present: William Duncan, George Vlach, Robert Umans, Lowell Wright, Jim D'Alessandro, Maggie Gage, Marianne Klemke, James Killian

Also Present: Interim Administrator Bretl, Clerk Kolls, Sonja Kruesel (Vandewalle & Associates, Inc.)

Excused: Matthew Stanek, Adam Jaramillo, Pat Watts, Matt Robbins, Jess Haak

III. Pledge of Allegiance

IV. Comprehensive Plan Draft # 3

A. Review Draft #3 Comprehensive Plan Update

The updated draft #3 of the Comprehensive plan was reviewed and the next steps in the process were discussed.

V. Adjournment

The Plan Commission motion to adjourn was initiated by Marianne Klemke and seconded by Maggie Gage at 7:36pm. Unanimously carried.

The Village Board motion to adjourn was initiated by George Vlach and seconded by Lowell Wright at 7:36pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

These are not official Minutes until approved by the Governing Body.

**NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO ZONING ORDINANCE
OF THE VILLAGE OF WILLIAMS BAY**

PLEASE TAKE NOTICE that a public hearing will be held before the Plan Commission of the Village of Williams Bay on **Tuesday, March 14, 2023 at 6:30 p.m.** at the Village Hall Council Room located at 250 Williams Street, Williams Bay, Wisconsin. The purpose of the public hearing is to take public comment concerning the proposed ordinances amending sections 390-0207C and 390-0223C and repealing and recreating section 390-0811 of the Zoning Ordinance of the Village of Williams Bay, regulating communication towers. Copies of the full proposed ordinances are available for public inspection at the office of the Village Clerk located at the Village Hall.

All interested in the above matter, their attorneys and representatives are invited to attend this public hearing to be heard.

DATED this 15th day of February 2023.

Tina Kolls
Village Clerk

Published February 23 and March 2, 2023 in the Lake Geneva Regional News

DO NOT PRINT THE CONTENTS BELOW THIS LINE

Sent to paper February 15, 2023

ORDINANCE #2023 - 02
REPEALING AND RECREATING SEC. 390-0811 OF THE CODE OF ORDINANCES OF THE
VILLAGE OF WILLIAMS BAY RELATING TO COMMUNICATION TOWERS

WHEREAS, a duly noticed public hearing was held by the Plan Commission regarding repealing and recreating Sec. 390-0811 of the Code of Ordinances to bring same into conformity with the requirements of Wis. Stat. Sec. 66.0404 regarding communication towers; and

WHEREAS, after said public hearing, the Plan Commission having recommended to the Village Board to repeal the current Sec. 390.0811 and adopt the new Sec. 390-0811; and

WHEREAS, the Village Board having determined that it is appropriate to adopt such revisions to the Zoning Code to bring same into conformity with the Wisconsin Statutes regarding communication towers to regulate the siting and application requirements for new tower construction and modification of existing towers;

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

SECTION 1: § 390-0811 of the Code of Ordinances of the Village of Williams Bay is hereby repealed and recreated to read as follows:

§ 480-111. Communication Towers.

A. Purpose. The purpose of this section is to regulate the placement and maintenance of communication towers in order to prevent the creation of nuisances and promote the health, safety and general welfare of the public.

B. Applicability. The requirements of this section apply to all communication towers as described in §390-0311E of this chapter.

C. Definitions.

Antenna shall mean communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Collocation shall mean a Class 1 or Class 2 collocation or both.

Class 1 collocation shall mean the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

Class 2 collocation shall mean the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

Equipment compound shall mean an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

Existing structure shall mean a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.

Mobile service facility shall mean the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

Mobile service provider shall mean a person who provides mobile service.

Mobile service support structure shall mean a freestanding structure that is designed to support a mobile service facility.

Search ring shall mean a shape drawn on a map to indicate the general area which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

Substantial modification shall mean the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- (1) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- (2) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
- (3) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- (4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

Support structure shall mean an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.

D. Review and Approval. Through both the site plan review process (§390-1206) and the conditional use process (§390-1207), the Plan Commission shall be responsible to have authority to hear, review and act upon all proposed new communication towers and all Class 1 collocations.

E. Class 2 Collocation.

- (1) **Application.** If an applicant submits to the Village Clerk an application for a permit to engage in a Class 2 collocation, the application shall contain the following: (1) name and business address of, and the contact individual for, the applicant, (2) the location of the affected support structure, and (3) the location of the proposed mobile service facility. A fee as set by resolution of the Village Board but not to exceed five-hundred dollars (\$500.00) or other monetary amount as set by Sec. 66.0404 (4)(d), Wis. Stats.,

shall also be submitted with the application. After such information is obtained, the application shall be considered complete. If any of the required information is not in the application, the Zoning Administrator shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(2) **Determination.** Within forty-five (45) days of its receipt of a complete application, the Zoning Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Administrator may agree in writing to an extension of the forty-five (45) day period:

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(3) A party who is aggrieved by the final decision of the Zoning Administrator may bring an action in the circuit court of Walworth County.

F. Class 1 Collocation and New Construction.

(1) **Conditional use permit.** A conditional use shall be allowed only after approval by the Plan Commission and issuance of a Conditional Use Permit in accordance with the procedures listed in (2)-(6).

(2) **Application.** An applicant shall submit to the Village Clerk a Conditional Use Permit Application along with the following information:

- a) The name and business address of, and the contact individual for, the applicant.
- b) The location of the proposed or affected support structure.
- c) The location of the proposed mobile service facility.
- d) A plan for Walworth County-wide coverage of the provider's antenna locations for existing and proposed towers, containing all of the following information: (1) tower height and design, including a cross section and elevation, (2) location of tower and support structure(s), equipment buildings, security structures, vegetation, lot lines, access road(s) and other significant features, and (3) height above grade for all potential mounting positions and collocated antennas and minimum separation distances between antennas;
- e) A site plan containing all of the following information: (1) tower capacity, including the number and type of antennas it can accommodate, (2) steps the applicant will take to avoid interference with established public safety telecommunications, (3) proof the proposed tower/antenna complies with the regulations set forth by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), (4) proof provided by a qualified and

licensed professional engineer that the tower/antenna meets all applicable structural and electrical standards and requirements, and (5) engineer's stamp and registration number.

- f) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - g) If the application is to construct a mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure.
 - h) If the application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the mobile service provider.
 - i) An application fee as set by resolution of the Village Board but not to exceed three thousand dollars (\$3,000.00), or other monetary amount as set by s. 66.0404 (4) (d), Wis. Stats.
- 3) **Application Complete.** The Zoning Administrator shall provide written notice to the applicant as to the completeness of the application within ten (10) days of receipt of said application by the Village. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Village.
- 4) **Application Review.**
- a) Upon receipt of the Conditional Use Permit Application from the applicant, the Clerk shall provide notification by postal mail to the parties of interest, and all land owners and the clerk of any local government unit within one thousand (1,000) feet of the lot identified for the conditional use in the application, and shall publish a Class 2 Legal Notice, in accordance with Sec. 985, Wisconsin Statutes, listing the time and place of a public hearing at which the Conditional Use Permit Application will be reviewed by the Plan Commission, and the proposed conditional use and its location, with said postal mail notification post marked fourteen (14) days prior to said hearing.
 - b) The Plan Commission shall review a Conditional Use Permit Application for compliance with this Section, at a public hearing within ninety (90) days of receipt of a complete application in accordance with subsection (3) above, to ensure said application is in accordance with the following requirements:

1. Siting and construction of towers and antennas, and necessary associated buildings, structures, and equipment (hereafter collectively “appurtenances”), shall balance the federal interest (Sec. 704 Telecommunications Act of 1996) regarding telecommunications towers and antennas with the Village interest in regulating land uses within its borders;
2. Siting and construction of towers, antennas, and appurtenances shall be done in a manner so as to protect other uses from the potential adverse impacts of said antennas, towers, and appurtenances, encourage collocation, minimize adverse visual impact through design, landscaping, visual screening and camouflaging techniques, consider the health and safety of antennas, towers, and appurtenances, and avoid potential damage to property or individuals due to tower/antenna mechanical failure;
3. Siting and construction of towers, antennas, and appurtenances shall comply with all applicable Walworth County, state, and federal building codes, as well as applicable standards for towers and antennas published by the Electronic Industries Association;
4. Siting and construction of towers, antennas, and appurtenances shall be in a manner so as to blend in, to the fullest extent possible, with the character of adjacent and proximate lands and not be “readily visible”, except as may be required by the Federal Aeronautics Administration or Federal Communications Commission;
5. Towers shall be monopole design unless recommended otherwise by the Village Engineer. Options for alternate designs shall be reviewed by the planning commission. Towers utilizing guy wires are not allowed;
6. Towers shall be designed structurally, electronically, and in all respects to accommodate the applicant’s antenna and comparable antenna for up to two (2) additional uses, to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;
7. Towers shall not be artificially lighted unless required by the Federal Aeronautics Administration or other applicable authority, and if lighting is required it shall be designed in a manner so as to cause the least amount of disturbance as possible to any affected viewshed or property owners;
8. Towers shall comply with the “Obstruction and Marking” requirements of the Federal Aeronautics Administration in cooperation with the Federal Communications Commission, and if “Dual Lighting Systems” are proposed for use, white strobe lighting only shall be used during daylight hours and red strobe lighting only shall be utilized during night hours;

9. No signs, other than warning or equipment information signs, shall be located on a tower;
10. Towers shall be setback from lot lines, easements, and streets (roads) a minimum of one hundred and five percent (105%) of the towers height, including antennas and lights, except as modified by s. 66.0404(2)(g), Wis. Stats. If any portion of a lot is being leased for the tower, the boundary of the leased area shall be considered the lot line. Appurtenances shall comply with the requirements of the zoning district in which they are located;
11. A tower's minimum and maximum height shall be as follows:
 - Monopole: Two hundred (200) feet or more;
 - Monopole and self-support: Two hundred one (201) feet to three hundred (300) feet;
 - Monopole and guy wire: Three hundred one (301) feet or greater;
12. A tower shall be sited not less than five thousand two hundred and eighty (5,280) feet from another whether located in the Village or an adjacent local government unit, unless for reasons beyond the applicant's control, such as unusual or unique topography, with distances between towers measured by a straight line between the base of the towers;
13. Towers and antennas shall be shielded, filtered, and grounded in a manner consistent with Federal Communications Commission and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally-received transmissions;
14. Appurtenances shall be placed underground if feasible given site conditions and screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the character of the surrounding area. The tower base and appurtenances shall be fenced with materials impervious to sight and secured so as to make the site inaccessible to the general public. Fencing shall not exceed six (6) feet in height and shall be painted or coated in non-reflective material;
15. The applicant shall demonstrate that the equipment planned for the proposed tower cannot be accommodated on an existing tower. The Village may determine that it is necessary to consult with a third party considering the feasibility of accommodating said equipment on an existing tower, with all reasonable costs and expenses associated with such consultation borne by the applicant. The applicant may provide names to the village of qualified third party consultants. The

consultant shall undertake due diligence and provide a report with sufficient data to substantiate all of the following:

- a. No existing towers are located within the geographic region required to meet the applicant's engineering requirements;
- b. Existing towers are not of sufficient height to meet the engineering requirements;
- c. Existing towers do not have the structural capacity to support the applicant's proposed equipment and the existing tower cannot be reinforced, modified, or replaced to accommodate said equipment at a reasonable cost;
- d. Locating new equipment on an existing tower would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing equipment would cause interference with the applicant's proposed equipment and the interference cannot be prevented at a reasonable cost; and
- e. The fees, cost, or contractual provisions required to share an existing tower are cost prohibitive;

16. Antennas mounted on buildings or structures not built specifically for the purpose of mounting said antennas shall meet all of the following:

- a. No antenna, including all mounting structures, lights, and any additional equipment, shall exceed ten (10) feet above the roof surface upon which it is mounted;
- b. No more than four (4) non-reflective panel antennas shall be installed, with the total area of antennas per provider not to exceed one thousand four hundred forty (1,440) square inches, and no single antenna to exceed four hundred eighty (480) square inches;
- c. All antennas and support buildings/structures shall be screened from view and architecturally compatible with the building or structure on which it is mounted; and
- d. All equipment enclosures shall be located underground if site conditions permit, or located within the building/structure on which the antenna is mounted, and said equipment shall be architecturally compatible with the building/structure;

17. The tower owner shall offer space for additional antennas at current market rates, if co-location is undertaken; and

18. The application shall comply with all applicable aspects of the Village's Building Code and Zoning Ordinances.

5) **Recommendation and Action.** After review and public hearing, the Plan Commission shall take action no later than ninety (90) days from the date which the applicant was notified that the application was complete to approve, approve with conditions, or deny with substantial evidence the Conditional Use Permit Application.

6) **Issuance or Denial Notification.**

- a) The applicant shall be notified, in writing of the final decision within ten (10) days of the Plan Commission's action. If the Plan Commission's decision is to disapprove the application, a written notification with substantial evidence which supports such decision shall be sent to the applicant.
- b) If the Conditional Use Permit Application is approved, it shall be subject to all of the following:
 - 1. A performance bond in the amount of twenty thousand dollars (\$20,000.00) to guarantee that the tower/antenna and appurtenances will be removed when no longer in operation. The Village will be named as obligee in the bond and must approve the bonding company; and
 - 2. Stipulation of submittal of a "Tower/Antenna Annual Information Review Report" (hereafter "Report") on a form provided by the Village, on or before January 31 of each year. The purpose of the Report is to provide the Village with accurate current information concerning the tower/antenna owner(s) and provider(s) offering or providing wireless communication services within the Village, and information on the wireless communication tower facilities so operated or utilized, so as to assist the Village in administration and enforcement of this Section and ensuring Village compliance with Village, Walworth County, state and federal standards and requirements. The Report shall include all of the following: (1) tower/antenna owner and operator name(s), address(s), phone number(s), and relevant contact person(s); (2) proof of bond and proof of insurance; and (3) number of collocation positions designated, occupied, or vacant in the Village, and evidence of compliance with this Section.
- c) The Plan Commission may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in subsection F.(2)(h).
- d) A party who is aggrieved by the final decision of the Plan Commission may bring an action in the circuit court of Walworth County.

G. Insurance liability. The owner of any communication tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the communication tower with a single combined limit of not less than \$1,000,000 per occurrence and shall name the Village as an additional insured. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance upon issuance of the initial policy and upon each renewal.

H. Abandonment. Any tower or antenna not in operation for a continuous period of twelve (12) months shall be deemed abandoned. The Village shall provide said tower and antenna owner written notice requiring removal of the tower, antenna, and associated buildings and structures (hereafter collectively "appurtenances") within ninety (90) days of receipt by the owner of said notice. If the owner wishes to resume tower or antenna use

after the tower or antenna has been deemed abandoned, the owner shall apply for a new Conditional Use Permit in accordance with the application process identified in this Section. If a new tower and antenna Conditional Use Permit is denied in accordance with said application process, the tower or antenna owner shall remove the tower, antenna, and appurtenances within ninety (90) days of denial action, with the owner restoring the area on which the tower, antenna, and appurtenances were located to the manner existing prior to installation. If the tower, antenna, and appurtenances are not removed within said ninety (90) day period, they shall be removed by the Village at the owner's expense. If a single tower is utilized by two (2) or more entities, this provision shall not become effective until all said entities cease operation.

- I. **Inspection.** All towers or antennas issued a Conditional Use Permit in accordance with this Section may be inspected annually by the Zoning Administrator to determine compliance with this Section and any other applicable laws or regulations. Deviation from original construction parameters for which the Conditional Use Permit was issued shall constitute a violation.

SECTION 2: This Ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this _____ day of _____, 2023.

VILLAGE OF WILLIAMS BAY

By: _____
William Duncan, President

ATTEST:

Tina Kolls, Clerk

First Reading: _____
Second Reading: _____
Date Adopted: _____
Date Published: _____



VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org
Phone: 262-245-2700

PLAN COMMISSION RESOLUTION R-02-23

RECOMMENDING APPROVAL OF ORDINANCE #2023-02 REPEALING AND RECREATING SECTION 390-0811 OF THE CODE OF ORDINANCES OF THE VILLAGE OF WILLIAMS BAY

WHEREAS, pursuant to the provisions of Section 390-1204D., the zoning administrator having reviewed the proposed ordinance repealing and recreating Section 390-0811 of the Code of Ordinances to determine whether the proposed amendments meet the criteria of Section 390-1204D. of the Code of Ordinances and having notified the plan commission that said proposed ordinance meets the criteria of subpart (2); and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing on the 10th day of January 2023 on the proposed ordinance amending Section 390-1003D. of the Code of Ordinances of the Village Williams Bay concerning communication tower performance standards; and

WHEREAS, following said public hearing the Plan Commission of the Village of Williams Bay having found that the proposed ordinance repealing and recreating Section 390-0811 of the Code of Ordinances does meet the criteria set forth in Section 390-1204D. of the Code of Ordinances and that the public benefits outweigh any potential adverse effects of the proposed ordinance.

NOW, THEREFORE, the Plan Commission of the Village of Williams Bay do hereby resolve to recommend to the Village Board of the Village of Williams Bay the adoption of proposed Ordinance #2023-02 repealing and recreating Section 390-0811 of the Code of Ordinances of the Village of Williams Bay concerning communication tower performance standards, as prepared.

Approved by the Plan Commission of the Village of Williams Bay this 14th day of March 2023.

VILLAGE OF WILLIAMS BAY

By: _____
William Duncan, Chairperson

Attest: _____
Tina Kolls, Clerk



VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report Plan Commission Meeting March 14, 2023

March 3, 2023

APPLICANT: Mike Condron and John Dwyer dba Dip in the Bay

TAX KEY: WOP 00008 and WWUP 00088

STREET ADDRESS: 105 N. Walworth Street and Lakefront Area, Village of Williams Bay

The applicant is requesting approval of a Temporary Use Permit per Section 18.0208, *Temporary Use Permit* and Section 390.0316B *Temporary Outdoor Sales* for a food, souvenir, and sundries vending cart.

Two possible locations are proposed including the Williams Bay beachfront and the Dip in the Bay parking lot.

Per Section 390.0208A(1), Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

Per Section 390.0208E(1), The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the Temporary Use Permit shall be approved, approved with modification, or denied:

- a) All standards of this Chapter and other applicable Village, state, and federal regulations are met.
- b) The public health and safety is not endangered.
- c) Adequate public facilities, utilities, and open space areas are provided.
- d) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
- e) Appropriate traffic control and parking are provided.
- f) Applicable performance standards, per Section 18.0800, are met.

Respectfully submitted,

Bonnie Schaeffer
Zoning Administrator



Planning Request Application Village of Williams Bay

250 Williams Street • PO Box 580 • Williams Bay, WI 53191
Phone: 262-245-2700 • Fax: 262-245-2705

Request:

Please check all that apply.

- ☐ Site Plan [§18.1206] - \$200.00 plus \$.04/sf floor area
- ☐ Conditional Use Permit (CUP) [§18.1207] - \$500.00
- ☐ Certificate of Compliance [§18.1211] - \$200.00
- ☒ Temporary Use Permit [§18.1208] - \$200.00
- ☐ Preliminary Plat - \$200.00 plus \$20.00 per lot
- ☐ Certified Survey Map (CSM) - \$200.00 plus \$20.00 per lot
- ☐ Final Plat - \$100.00 plus \$10.00 per lot
- ☐ Planned Development Overlay (PDO) [§18.0709] - \$500.00
- ☐ Planned Development Amendment - \$500.00
- ☐ Zoning Text or Map Amendment [§18.1204] - \$500.00
- ☐ Project Concept Review - \$200.00
- ☐ Land Use Plan Amendment - \$500.00
- ☐ Interpretation [§18.1216] - \$200.00
- ☐ Appeal [§18.1217] - \$500.00
- ☐ Other: _____ Fee: _____

Date application was received:

Fee Paid:

\$ 260.00

Physical Address of Site: Williams Bay Beach - East Geneva St;
Dip in the Bay - 105 N Walworth Ave, Williams Bay, WI 53191

Tax Parcel Number: Beach - WWWP00088; Dip in the Bay - WOP0008

Project or Development Name: N/A

Applicant

Name: Mike Condron and John Dwyer dba Dip in the Bay
Mailing Address: 105 N Walworth Ave
Williams Bay, WI 53191
eMail: Dubin@Dubindogs.com
Phone: 847-815-8086 (Mike's cell); 262-949-7550 (John's cell)

Owner of Site

Name: Beach - Village of Williams Bay; Dip in the Bay - Mike Condron
Mailing Address: Beach - 250 Williams St. Williams Bay, WI 53191
Dip in the Bay - 105 N Walworth Ave, Williams Bay, WI 53191
eMail: Dubin@Dubindogs.com
Phone: 847-815-8086 (Mike's cell); 262-949-7550 (John's cell)

Legal Representative

Name: N/A
Mailing Address: _____
eMail: _____
Phone: _____

Architect, Engineer, Contractor

Name: N/A
Mailing Address: _____

Application for Village of Williams Bay

eMail: _____
Phone: _____

Legal Description of Site (Attach separate sheet if additional space is needed):

Beach - Outside Beach House entrance on lawn.

Dip in the Bay - parking lot to the South of Dip in the Bay Ice Cream Shop, owned by Dip in the Bay.

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Beach - P&R;

Current Zoning of Site: Dip in the Bay - VC

Current Overlay Districts of Site: N/A

Proposed Zoning of Site: N/A

Proposed type of structure of use: N/A

Proposed use of structure or site: N/A

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc. (Attach separate sheet if additional space is needed):

N/A

Statement showing compatibility of proposed zoning district and/or proposed use to the Village Comprehensive Plan: (Attach separate sheet if additional space is needed)

N/A

Statement showing compatibility of proposed zoning district and/or proposed use with adjacent properties and neighborhoods (Attach separate sheet if additional space is needed):

N/A

Print Applicant's Name: John Dwyer

Signature of Applicant:



Date: 2/8/2023



APPLICATION FOR A TEMPORARY USE PERMIT

(Requirements per Zoning Ordinance Section 18.1208)

Applicant name: Mike Condron and John Dwyer dba 'Dip In the Bay'

Applicant address: 105 N. Walworth Ave, Williams Bay, WI 53191

Applicant phone number: (847) 815-8086 (Mike's cell); 262-949-7550 (John's cell)

Address of subject site: 105 N. Walworth Ave portable to public areas at lakefront

Zoning district of subject site: VC (Village Center); P&R (Parks and Recreation)

Describe proposed temporary use, including activities and/or structures (or attach as a separate sheet):

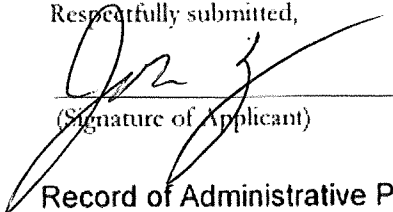
See attached sheet

Requirements

- ☐ Map of the subject property at a scale of not less than 1" equals 800 feet showing:
 - ☐ Current zoning of the subject property and lands within 300 feet of the subject property and the jurisdiction(s) that maintains that control.
 - ☐ All lot dimensions of the subject property.
 - ☐ Graphic scale and a north arrow.
- ☐ The Zoning Administrator may require a site plan of the subject property, in which case see Site Plan application requirements

Dated this 8th day of February, 20 23

Respectfully submitted,


(Signature of Applicant)

Record of Administrative Procedures for Village Use

- | | |
|---|-----------------------|
| ☐ Application form filed with Village Clerk | Date: _____ By: _____ |
| ☐ Application fee of \$_____ received by Village Clerk | Date: _____ By: _____ |
| ☐ Reimbursement of professional consultant costs agreement executed | Date: _____ By: _____ |
| ☐ Certification that application is complete by Zoning Administrator | Date: _____ By: _____ |
| ☐ Evaluation report prepared by Zoning Administrator | Date: _____ By: _____ |
| ☐ Review and recommendation by Village Plan Commission | Date: _____ By: _____ |
| ☐ Review and action by Village Board | Date: _____ By: _____ |

DIP IN THE BAY, LLC

105 Walworth Avenue

PO Box 254

Williams Bay WI 53191

262-607-3032

Dip in the Bay, in conjunction with **Dubin Dogs** Mobile Food Cart is seeking to re-new our temporary use permit to allow us to continue to serve our delicious meals, ice cream, and souvenirs at the Williams Bay Beach during the 2023 season.

We have genuinely enjoyed serving our concessions to beachgoers and park visitors for the last three seasons. We are very appreciative to the Williams Bay Board for granting us permits in the past and would be honored to be back for another year.

We continued to receive a great deal of positive feedback from Williams Bay residents and visitors during our third year at Williams Bay Beach. Many of whom expressed their gratitude that we were back to help make their time at the beach or their stroll in the park a much more enjoyable experience. We hear from so many people that we are a beloved fixture at Williams Bay Beach, and they would love to have us back every year.

Dip in the Bay...which has been in Williams Bay since 2012, delivering fresh, hand dipped ice cream to residents and guests alike...and **Dubin Dogs** are hopeful that we can be back this year to serve our delicious Hot Dogs, Brats and Ice Cream at the Williams Bay Beach.

We also ask to continue the sale of non-food items such as t-shirts, lake/beach souvenirs and various sundries, such as sunscreen and lip balm, that could be helpful to beachgoers and people who are out strolling. Many people were quite pleased that they had the opportunity to purchase t-shirts with the Williams Bay name on it. Or a shirt that helped them show off their accomplishment of 'Conquering the Path'.

Our location in front of the Beach House worked out very well the last three years. It was a convenient spot for the beachgoers and did not hinder anyone from entering or exiting. We are hoping to return to that spot this season, if feasible. We will, again, be sure to not operate at times that would interfere with any municipally sanctioned events that may be happening near the lakefront. We are eager to continue to partner with the Village to offer this amenity while responsibly expanding our brands.

In addition to the beachfront, we ask that the permit to also include the Dip in the Bay location at 105 Walworth Avenue (our parking lot), so that we can operate the cart near our shop for various events.

Thank you for your consideration.

DIP IN THE BAY *airy*

Fresh - Real - Hand Dipped





VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report Plan Commission Meeting March 14, 2023

March 3, 2023

APPLICANT: Jay Tonkin (Lessee)

TAX KEY: WOP 00040

STREET ADDRESS: 54 W. Geneva St, Village of Williams Bay

Applicant is requesting a Certificate of Compliance per Section 390.211.B(2) "New occupancy and use of an existing building when the new use is of a different land use classification".

The previous use of this commercial space was vehicle repair and maintenance classified as Outdoor Sales and Service use. The proposed use is internet automotive sales/inside storage and is classified as Indoor Sales and Service use. The previous use and proposed use have an equivalent need for parking. Approval is recommended conditioned upon no outdoor sales or display.

Respectfully submitted,

Bonnie M. Schaeffer
Zoning Administrator



Planning Request Application Village of Williams Bay

250 Williams Street • PO Box 580 • Williams Bay, WI 53191
Phone: 262-245-2700 • Fax: 262-245-2705

Request:

Please check all that apply.

- ☐ Site Plan [§18.1206] - \$200.00 plus \$.04/sf floor area
- ☐ Conditional Use Permit (CUP) [§18.1207] - \$500.00
- ☒ Certificate of Compliance [§18.1211] - \$200.00
- ☐ Temporary Use Permit [§18.1208] - \$200.00
- ☐ Preliminary Plat - \$200.00 plus \$20.00 per lot
- ☐ Certified Survey Map (CSM) - \$200.00 plus \$20.00 per lot
- ☐ Final Plat - \$100.00 plus \$10.00 per lot
- ☐ Planned Development Overlay (PDO) [§18.0709] - \$500.00
- ☐ Planned Development Amendment - \$500.00
- ☐ Zoning Text or Map Amendment [§18.1204] - \$500.00
- ☐ Project Concept Review - \$200.00
- ☐ Land Use Plan Amendment - \$500.00
- ☐ Interpretation [§18.1216] - \$200.00
- ☐ Appeal [§18.1217] - \$500.00
- ☐ Other: _____ Fee: _____

Date application was received:

Fee Paid:

200.00

Physical Address of Site:

54 W. GENEVA ST WILLIAMS BAY WI 53191

Tax Parcel Number:

WOP 00040

Project or Development Name:

JT Motor Sales

Applicant

Name:

JAY TONKIN

Mailing Address:

PO BOX 560

eMail:

N/A

Phone:

815 405-7524

Owner of Site

Name:

Neal Gill - Hwy 67 PLAZA, LLC

Mailing Address:

66 WILLIAMS BAY WI 53191

eMail:

N/A

Phone:

262-492-8888

Legal Representative

Name:

Mailing Address:

eMail:

Phone:

N/A

Architect, Engineer, Contractor

Name:

Mailing Address:

eMail:

N/A

Phone: _____

Legal Description of Site (Attach separate sheet if additional space is needed):

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Current Zoning of Site: VC Current Overlay Districts of Site: NONE

Proposed Zoning of Site: VC

Proposed type of structure of use: EXISTING BUILDING

Proposed use of structure or site: TO USE AS INSIDE STORAGE
SITE AND INTERNET SALES OF AUTOMOBILES

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc. (Attach separate sheet if additional space is needed):

BUILDING IS NEEDED IN ORDER TO RECEIVE Dealer
LICENSE FROM STATE OF WISCONSIN.

NOT GOING TO SELL CARS OUTSIDE OF BUILDING
- INTERNET SALES + Auction SALES - NO OUTDOOR DISPLAY

Statement showing compatibility of proposed zoning district and/or proposed use to the Village Comprehensive Plan: (Attach separate sheet if additional space is needed)

BUILDING TO BE USED AS HOME OFFICE

Statement showing compatibility of proposed zoning district and/or proposed use with adjacent properties and neighborhoods (Attach separate sheet if additional space is needed):

PROPERTIES TO EAST AND WEST BOTH COMMERCIAL

Print Applicant's Name: JAMES V. TOLKIN

Signature of Applicant: _____

Date: 3/22/23

Indoor sales or service. Land uses that conduct sales or display merchandise or equipment, provide nonpersonal or nonprofessional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. Indoor sales or service land uses shall adhere to the following standards:

- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.



Planning Request Application Village of Williams Bay

250 Williams Street • PO Box 580 • Williams Bay, WI 53191

www.vi.williamsbay.wi.gov

Phone: 262-245-2700

Request:

Please check all that apply.

- ☐ Site Plan [§18.1206] - \$200.00 plus \$.04/sf floor area
- ☐ Conditional Use Permit (CUP) [§18.1207] - \$500.00
- ☐ Certificate of Compliance [§18.1211] - \$200.00
- ☐ Temporary Use Permit [§18.1208] - \$200.00
- ☐ Preliminary Plat - \$200.00 plus \$20.00 per lot
- ☒ Certified Survey Map (CSM) - \$200.00 plus \$20.00 per lot *240
- ☐ Final Plat - \$100.00 plus \$10.00 per lot
- ☐ Planned Development Overlay (PDO) [§18.0709] - \$500.00
- ☐ Planned Development Amendment - \$500.00
- ☐ Zoning Text or Map Amendment [§18.1204] - \$500.00
- ☐ Project Concept Review - \$200.00
- ☐ Land Use Plan Amendment - \$500.00
- ☐ Interpretation [§18.1216] - \$200.00
- ☐ Appeal [§18.1217] - \$500.00
- ☐ Other: _____ Fee: _____

Date application was received:

Fee Paid:

240.00

Physical Address of Site: _____

Tax Parcel Number: _____

FA374600001

Project or Development Name: _____

Applicant

Name: Jason R. Bernard
Mailing Address: 341 Lakewood drive.
WILLIAMS BAY, WI. 53191
eMail: jbernardinc@sbcglobal.net
Phone: 262-215-1129

Owner of Site

Name: SAME
Mailing Address: _____
eMail: _____
Phone: _____

Legal Representative

Name: SAME
Mailing Address: _____
eMail: _____
Phone: _____

Architect, Engineer, Contractor

Name: KRISTIN BELONGIA - RH BATTERMAN
Mailing Address: 1040 N. WISCONSIN ST.
ELKHORN, WI. 53121
262.379.2250

eMail: _____
Phone: _____

Legal Description of Site (Attach separate sheet if additional space is needed):

SEE ATTACHED

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Current Zoning of Site: C2 **Current Overlay Districts of Site:** _____

Proposed Zoning of Site: C2

Proposed type of structure of use: Single Family

Proposed use of structure or site: _____

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc. (Attach separate sheet if additional space is needed):

DIVIDE OUR 20 AC PARCEL INTO (2) 10 AC PARCELS.
BOTH PROPERTIES ACCESSIBLE VIA AN EASEMENT.

Statement showing compatibility of proposed zoning district and/or proposed use to the Village Comprehensive Plan: (Attach separate sheet if additional space is needed)

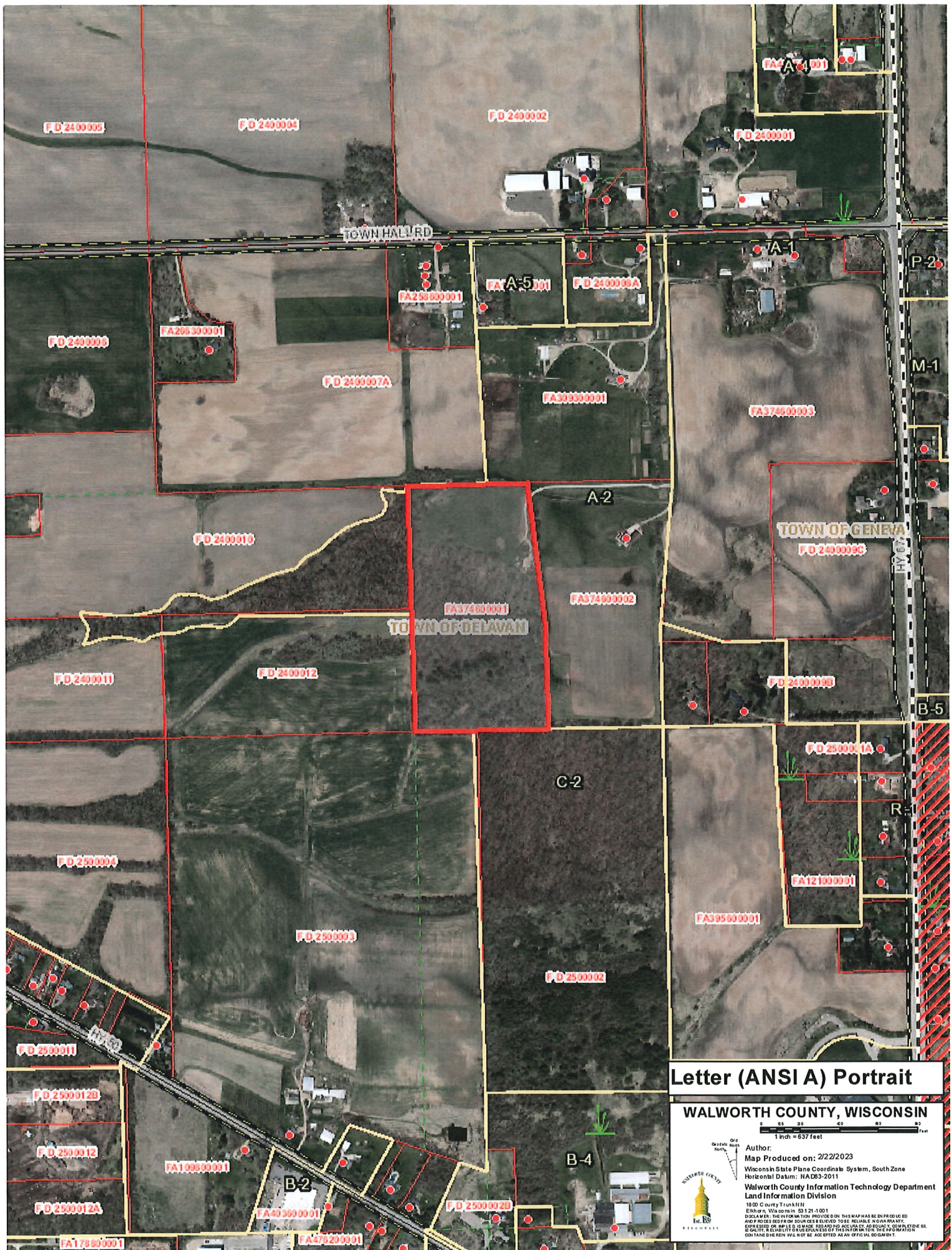
PROPOSED USE CONSISTANT W/ COMP PLAN
SEE ATTACHED.

Statement showing compatibility of proposed zoning district and/or proposed use with adjacent properties and neighborhoods (Attach separate sheet if additional space is needed):

ZONING UNCHANGED - CONSISTANT W/ NEIGHBORHOOD.

Print Applicant's Name: Jason R. Bernard

Signature of Applicant: JB R. Bernard **Date:** 2-22-23



Letter (ANSI A) Portrait

WALWORTH COUNTY, WISCONSIN

1 inch = 637 feet

Author:

Map Produced on: 2/22/2023

Wisconsin State Plane Coordinate System, South Zone

Horizontal Datum: NAD83-2011

Walworth County Information Technology Department

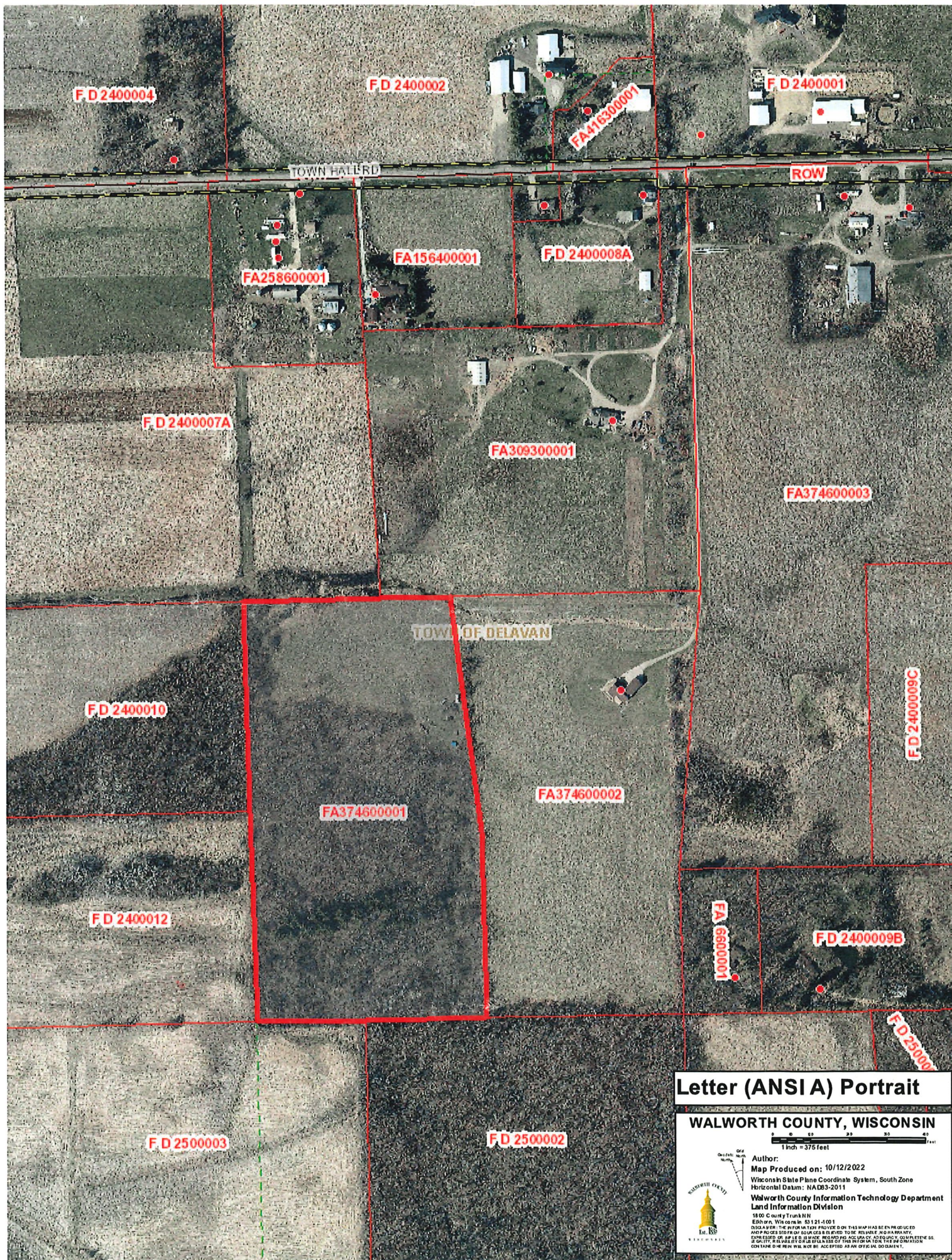
Land Information Division

1800 County Trunk RD

Elkhorn, Wisconsin 53121-1001

DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN PRODUCED AND PUBLISHED BY SOURCES BELIEVED TO BE RELIABLE. HOWEVER, THE INFORMATION CONTAINED HEREIN WAS NOT FIELD VERIFIED BY AN OFFICIAL SURVEYOR.





Letter (ANSI A) Portrait

WALWORTH COUNTY, WISCONSIN

1 inch = 375 feet

Author:
Map Produced on: 10/12/2022
Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD83-2011
Walworth County Information Technology Department
Land Information Division
1800 County Trunk RD
Elkhorn, Wisconsin 53121-4001
THIS AERIAL PHOTOGRAPH PROVIDED ON THIS MAP HAS BEEN PREPARED
AND PUBLISHED BY THE WALWORTH COUNTY LAND INFORMATION DIVISION
FOR THE PURPOSE OF PROVIDING A VISUAL REPRESENTATION OF THE
LAND INFORMATION CONTAINED IN THE WALWORTH COUNTY LAND INFORMATION
DIVISION'S LAND INFORMATION SYSTEM. THIS INFORMATION IS NOT
GUARANTEED TO BE ACCURATE AND SHOULD NOT BE USED AS A SUBSTITUTE
FOR A PROFESSIONAL SURVEY OR AS A SUBSTITUTE FOR A PROFESSIONAL
ENGINEER'S DESIGN. THE WALWORTH COUNTY LAND INFORMATION DIVISION
ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS MAP.



Variance Request – Bernard Family Trust – Tax Parcel FA374600001

A variance to the Town Land Division Ordinance Section 18.09 8)(c) – All lots shall front or abut publicly dedicated street for a distance of at least fifty (50') feet.

Existing Zoning: C-2: minimum lot area of 5 acres – no change.

Principal Uses: Single-family detached dwellings – no change.

This variance request is for a preexisting lot without any publicly dedicated street frontage for the division into two buildable lots.

The lot already has a shared ingress, egress and utility easement to Town Hall Road, serving two existing lots (see enclosed existing map), which will be extended to also serve the additional lot being created with the land division.

There already exists an improved drive serving the lot immediately to the east (being 4991 Town Hall Road).

This private driveway is located on two 50' wide easements and will be amended to include all parties and assign maintenance responsibilities, serving a total of three lots.

All three lots are single-family residential, meaning there will not be an excess of traffic.

The sizes of the lots of the proposed parcel split are in excess of 10 acres, twice the size minimum for the C-2 district, an allowable density for this area.

(1) Exceptional Circumstances: There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirement of this Ordinance would result in severe hardship.

The unique circumstance with this variance request is that the existing lot already does not have frontage to a publicly dedicated road, being a pre-existing condition. A literal interpretation of the Ordinance would result in this existing lot not being allowed or any further divisions that would be allowable in unextraordinary circumstances.

(2) Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

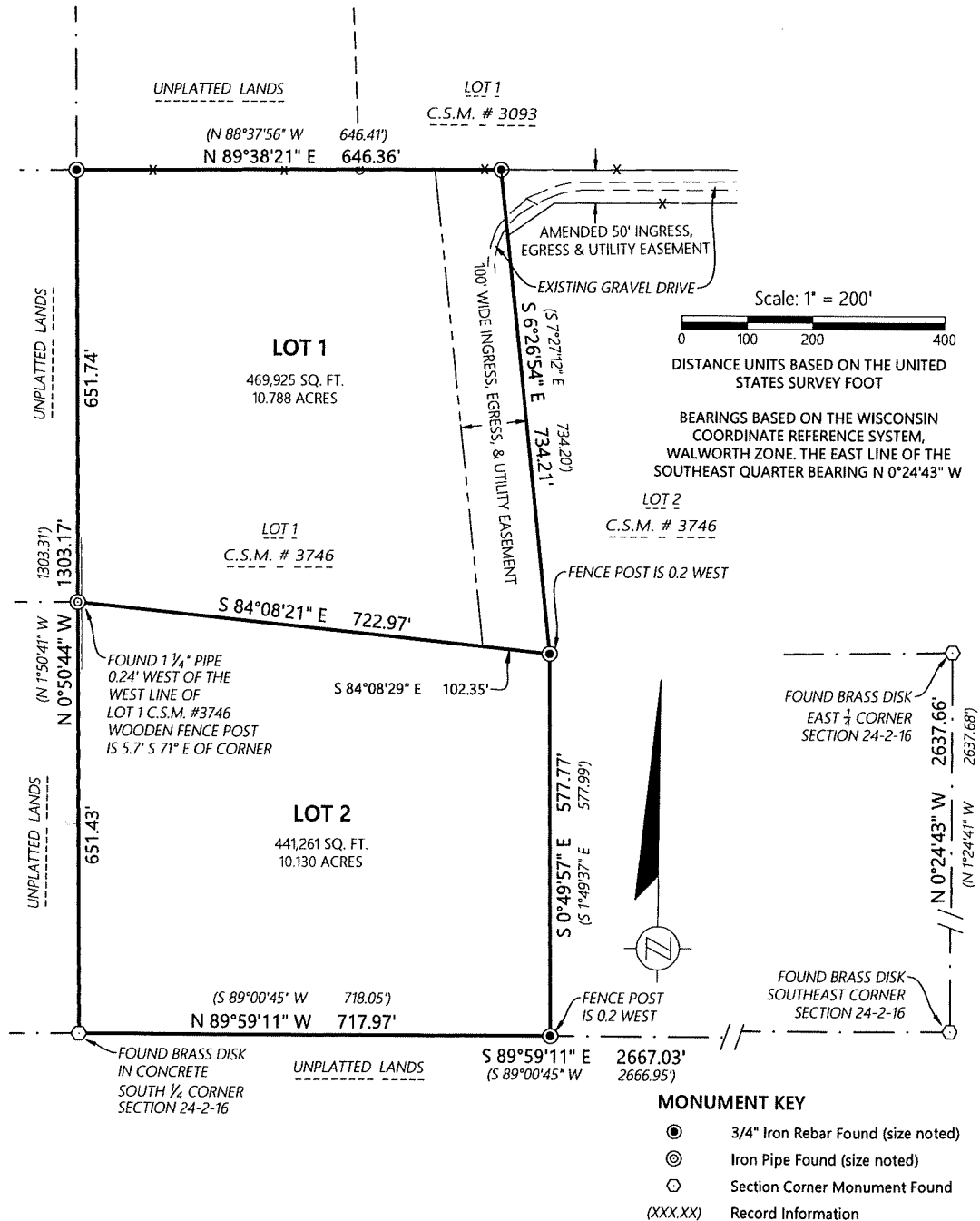
This variance is necessary for the same enjoyment and property rights possessed by other properties in the vicinity, the only different being is that this a lot does not have existing frontage to a publicly dedicated road.

(3) Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

Granting this variance will not adversely affect the adjacent property owners, adjacent property owners sharing the access drive are supportive of the land division, including the adjacent neighbor sharing the drive. The spirit of the ordinance will not be undermined by granting this variance. The intent of the ordinance is to have any new development lots meet the minimum lot frontage. This request to allow for an allowable division of an existing pre-existing substandard lot only.

CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN



ORDER NO: 34381
BOOK: SEE FILE
FIELD CREW: DGM
DRAWN BY: DGM
SHEET 1 OF 4

FOR THE EXCLUSIVE USE OF:
JASON BERNARD
391 LAKEWOOD DRIVE
WILLIAMS BAY, WI 53191

Batterman
engineers surveyors planners
2857 Bartells Drive 1040 N Wisconsin Street
Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121
608.365.4464 262.379.2250



File Name: J:\34300-34399\34381 - Jason Bernard\SURVEY\RH B DRAWING FILES

CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin } ss. I, Kristin J. Belongia, a Professional Land Surveyor, do hereby certify that I have surveyed
County of Walworth } and mapped Lot 1 of Certified Survey Map No. 3746, recorded as Document No.
622356, being part of the Southwest Quarter of the Southeast Quarter of Section 24, T. 2 N., R. 16 E., of the 4th P.M.,
Town of Delavan, Walworth County, Wisconsin.

Containing 20.922 acres more or less.

Subject to any easements, agreements, covenants and restrictions, recorded or unrecorded.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land.
That I have made such survey, division and map by the direction of the Owner(s) of said land, and that I have
complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the
same.

Given under my hand and seal this ____ day of _____, 2022 at Elkhorn, Wisconsin.

Last day of field work August 23, 2022

ORDER NO: 34381 BOOK: SEE FILE FIELD CREW: DGM DRAWN BY: DGM SHEET 2 OF 4	FOR THE EXCLUSIVE USE OF: JASON BERNARD 391 LAKEWOOD DRIVE WILLIAMS BAY, WI 53191	Batterman engineers surveyors planners 2857 Bartells Drive 1040 N Wisconsin Street Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121 608.365.4464 262.379.2250	
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File Name: J:\34300-34399\34381 - Jason Bernard\SURVEY\RH B DRAWING FILES

CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN

OWNER'S CERTIFICATE

I, Jason Bernard, a Personal Representative for Bernard Family Trust, Owner of the land described in the foregoing description, do hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map. I also certify that this map is required by Sections 236.10 and 236.12 of the Wisconsin Statutes to be submitted to the following for approval or objection: Town of Delavan, County of Walworth

State of Wisconsin } Personally came before me, this _____ day of _____, 2022, the
County of _____ } ss. above-named Jason Bernard, to me known to be the person who executed the foregoing certificate and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

CONSENT OF MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Mortgagee of the land described in the foregoing description, does hereby consent to the surveying, dividing, mapping and dedication as described on this map and does hereby consent to the above certificate of Jason Bernard, as Personal Representative for Bernard Family Trust, WITNESS, the hand and seal of

_____, this _____ day of _____, 2022.
(signature) (title)

State of Wisconsin } Personally came before me, this _____ day of _____, 2022,
County of _____ } ss. the above-named _____, to me known to be the persons who
(print name)
executed the foregoing certificate and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

ORDER NO: 34381

BOOK: SEE FILE
FIELD CREW: DGM
DRAWN BY: DGM
SHEET 3 OF 4

FOR THE EXCLUSIVE USE OF:

JASON BERNARD
391 LAKEWOOD DRIVE
WILLIAMS BAY, WI 53191

Batterman
engineers surveyors planners

2857 Bartells Drive 1040 N Wisconsin Street
Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121
608.365.4464 262.379.2250

3

File Name: J:\34300-34399\34381 - Jason Bernard\SURVEY\RIHB DRAWING FILES

CERTIFIED SURVEY MAP NO. _____

*LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN*

WALWORTH COUNTY APPROVAL CERTIFICATE

Approved by Resolution of the Walworth County Zoning Agency this ____ day of _____, 2022.

Ryan Simons, Chairman

TOWN OF DELAVAN APPROVAL CERTIFICATE

Approved by the Planning Commission of the Town of Delavan this ____ day of _____, 2022.

Town Clerk, Michele Starin

Town Board Chairperson, Larry Malsch

ORDER NO: 34381

BOOK: SEE FILE
FIELD CREW: DGM
DRAWN BY: DGM
SHEET 4 OF 4

FOR THE EXCLUSIVE USE OF:

JASON BERNARD
391 LAKEWOOD DRIVE
WILLIAMS BAY, WI 53191

Batterman
engineers surveyors planners

2857 Bartells Drive 1040 N Wisconsin Street
Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121
608.365.4464 262.379.2250

3

File Name: J:\34300-34399\34381 - Jason Bernard\SURVEY\RH8 DRAWING FILES

Page 38 of 50

CERTIFIED SURVEY MAP NO. 3746

LOCATED IN THE NE 1/4, SE 1/4, & SW 1/4
OF THE SE 1/4 OF SECTION 24, TOWN 2 NORTH,
RANGE 16 EAST, WALWORTH COUNTY, WISCONSIN

SURVEY CERTIFICATE

I HEREBY CERTIFY THAT AT THE DIRECTION OF STANLEY C. & MARIA K. ODLING, OWNERS, AND IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF WISCONSIN STATUTES, THE LAND DIVISION ORDINANCE FOR THE TOWN OF DELAVAN, AND THE SUBDIVISION CONTROL ORDINANCE, WALWORTH COUNTY, WISCONSIN, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED LANDS AND THAT THIS PLAT IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE PLAT AND OF THE SUBDIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF:

LOCATED IN PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 16 EAST, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 24 (T2N, R16E); THENCE S 01DEG 24MIN 41SEC E, 1253.45 FEET ALONG THE EAST LINE OF SAID SOUTHEAST 1/4; THENCE S 88DEG 45MIN 54SEC W, 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE, S 88DEG 45MIN 54SEC W, 678.90 FEET TO AN IRON PIPE STAKE; THENCE S 01DEG 10MIN 06SEC E, 935.00 FEET; THENCE S 88DEG 59MIN 58SEC W, 601.70 FEET; THENCE S 01DEG 33MIN 17SEC E, 445.89 FEET; THENCE S 89DEG 00MIN 45SEC W, 1333.47 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE N 01DEG 50MIN 41SEC W, 1303.31 FEET TO AN IRON REBAR STAKE AT THE 1/8 CORNER OF SAID SECTION 24; THENCE N 88DEG 37MIN 56SEC E, 1428.53 FEET TO AN IRON REBAR STAKE AT THE SOUTHEAST CORNER OF CERTIFIED SURVEY MAP NO. 3093; THENCE N 01DEG 38MIN 06SEC W, 1310.28 FEET TO THE CENTERLINE OF TOWN HALL ROAD; THENCE ALONG SAID CENTERLINE, N 88DEG 20MIN 25SEC E, 753.32 FEET; THENCE S 01DEG 39MIN 35SEC E, 33.00 FEET; THENCE S 88DEG 50MIN 33SEC E, 202.23 FEET; THENCE S 00DEG 09MIN 08SEC E, 186.42 FEET; THENCE N 89DEG 21MIN 27SEC E, 212.38 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE TRUNK HIGHWAY 67; THENCE CONTINUE, S 01DEG 24MIN 41SEC E, 100.48 FEET; THENCE CONTINUE, S 04DEG 18MIN 26SEC E, 801.02 FEET; THENCE CONTINUE, S 01DEG 24MIN 41SEC E, 112.29 FEET TO THE POINT OF BEGINNING. CONTAINING 3,718,364 SQUARE FEET (85.36 ACRES) OF LAND, MORE OR LESS.

NOTE: LOT 3 HAS AN EXISTING SANITARY SYSTEM IN PLACE, WHICH APPEARS TO BE FUNCTIONING; NO EVALUATION WAS MADE TO DETERMINE IF SUITABLE SOILS EXIST FOR A REPLACEMENT SYSTEM MEETING THE REQUIREMENTS OF S.COMM-83 OF WISCONSIN ADMINISTRATIVE CODE.

DATED: July 16, 2004

Peter S. Gordon
PETER S. GORDON RLS 2101



TOWN OF DELAVAN APPROVAL

APPROVED THIS 17 DAY OF August, 2004 BY THE TOWN OF DELAVAN, WALWORTH COUNTY, WISCONSIN.

William F. Kuhnke
AUTHORIZED SIGNATURE FOR THE TOWN OF DELAVAN

WALWORTH COUNTY APPROVAL

APPROVED BY RESOLUTION OF THE WALWORTH COUNTY LAND USE & RESOURCE MANAGEMENT DEPARTMENT THIS 8th DAY OF September, 2004.

Richard Kuhnke, Sr.
RICHARD KUHNKE, SR. CHAIRPERSON

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 5010
DATED: 06/09/2004
SHEET 2 OF 3 SHEETS

LINE	BEARING	DISTANCE
L1	N 01°24'41" W	112.29
L2	N 01°24'41" W	100.48
L3	S 89°21'27" W	212.38
L4	N 00°09'08" W	186.42
L5	N 86°50'33" W	202.23
L6	N 01°39'35" W	33.00
L7	S 88°45'54" W	50.00

CERTIFIED SURVEY MAP NO. 3746

LOCATED IN THE NE 1/4, SE 1/4, & SW 1/4
OF THE SE 1/4 OF SECTION 24, TOWN 2 NORTH,
RANGE 16 EAST, WALWORTH COUNTY, WISCONSIN

OWNERS CERTIFICATE

AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED,
DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THE PLAT.

DATED: 11-4-04

Stanley C. Odling
STANLEY C. ODLING

Maria K. Odling
MARIA K. ODLING

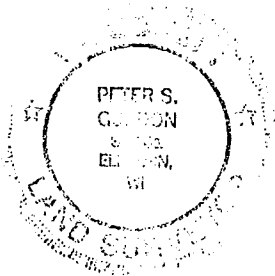
STATE OF WISCONSIN)
COUNTY OF WALWORTH)

PERSONALLY CAME BEFORE ME THIS 4th DAY OF November, 2004, THE ABOVE NAMED STANLEY C.
& MARIA K. ODLING TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED THE SAME.

Kate Strigel

June 1, 2008
MY COMMISSION EXPIRES)

NOTARY PUBLIC Kate Strigel WISCONSIN

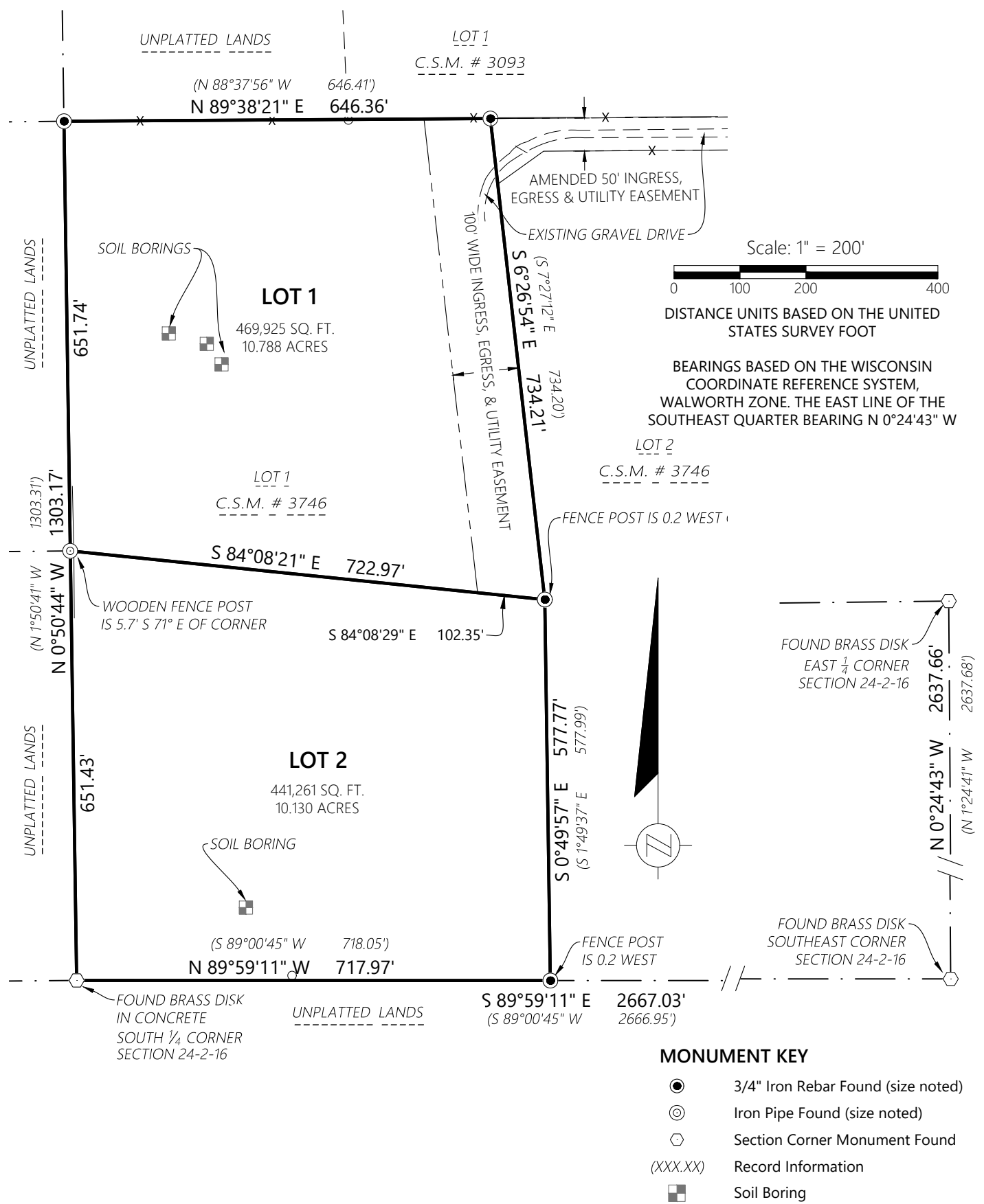


7/10/2004
Peter S. Gordon

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 5010
DATED: 06/09/2004
SHEET 3 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN



ORDER NO: 34381 BOOK: SEE FILE FIELD CREW: DGM DRAWN BY: DGM SHEET 1 OF 4	FOR THE EXCLUSIVE USE OF: JASON BERNARD 391 LAKEWOOD DRIVE WILLIAMS BAY, WI 53191	Batterman engineers surveyors planners 2857 Bartells Drive Beloit, Wisconsin 53511 608.365.4464 1040 N Wisconsin Street Elkhorn, Wisconsin 53121 262.379.2250	
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CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin } ss. I, Kristin J. Belongia, a Professional Land Surveyor, do hereby certify that I have surveyed
County of Walworth } and mapped Lot 1 of Certified Survey Map No. 3746, recorded as Document No. 622356, being part of the Southwest Quarter of the Southeast Quarter of Section 24, T. 2 N., R. 16 E., of the 4th P.M., Town of Delavan, Walworth County, Wisconsin.

Containing 20.922 acres more or less.

Subject to any easements, agreements, covenants and restrictions, recorded or unrecorded.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey, division and map by the direction of the Owner(s) of said land, and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

Given under my hand and seal this ____ day of _____, 2023 at Elkhorn, Wisconsin.

Last day of field work August 23, 2022

ORDER NO: 34381 BOOK: SEE FILE FIELD CREW: DGM DRAWN BY: DGM SHEET 2 OF 4	FOR THE EXCLUSIVE USE OF: JASON BERNARD 391 LAKEWOOD DRIVE WILLIAMS BAY, WI 53191	Batterman engineers surveyors planners 2857 Bartells Drive 1040 N Wisconsin Street Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121 608.365.4464 262.379.2250	
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CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN

OWNER'S CERTIFICATE

I, Jason Bernard, a Personal Representative for Bernard Family Trust, Owner of the land described in the foregoing description, do hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map. I also certify that this map is required to be submitted to the following for approval or objection: Town of Delavan, Village of Williams Bay, and Walworth County.

Jason Bernard, Personal Representative for Bernard Family Trust

State of Wisconsin }
County of _____ } ss. Personally came before me, this _____ day of _____, 2023, the
above-named Jason Bernard, to me known to be the person who executed the
foregoing certificate and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

CONSENT OF MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Mortgagee of the land described in the foregoing description, does hereby consent to the surveying, dividing, mapping and dedication as described on this map and does hereby consent to the above certificate of Jason Bernard, as Personal Representative for Bernard Family Trust, WITNESS, the hand and seal of

_____, this _____ day of _____, 2023.
(signature) (title)

State of Wisconsin }
County of _____ } ss. Personally came before me, this _____ day of _____, 2023,
the above-named _____, to me known to be the persons who
(print name)
executed the foregoing certificate and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

ORDER NO: 34381 BOOK: SEE FILE FIELD CREW: DGM DRAWN BY: DGM SHEET 3 OF 4	FOR THE EXCLUSIVE USE OF: JASON BERNARD 391 LAKEWOOD DRIVE WILLIAMS BAY, WI 53191	Batterman engineers surveyors planners 2857 Bartells Drive 1040 N Wisconsin Street Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121 608.365.4464 262.379.2250	
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CERTIFIED SURVEY MAP NO. _____

LOT 1 OF CERTIFIED SURVEY MAP NO. 3746, BEING PART OF
THE SW 1/4 OF THE SE 1/4 OF SECTION 24, T. 2 N., R. 16 E., OF
THE 4TH P.M., TOWN OF DELAVAN,
WALWORTH COUNTY, WISCONSIN

WALWORTH COUNTY APPROVAL CERTIFICATE

Approved by Resolution of the Walworth County Zoning Agency this ____ day of _____, 2023.

Ryan Simons, Chairman

TOWN OF DELAVAN APPROVAL CERTIFICATE

Approved by the Planning Commission of the Town of Delavan this ____ day of _____, 2023.

Town Clerk, Michele Starin

Town Board Chairperson, Larry Malsch

VILLAGE OF WILLIAMS BAY EXTRATERRITORIAL APPROVAL CERTIFICATE

Approved by the Village Plan Commission of the Village of Williams Bay this ____ day of _____, 2023.

Tina Kolls, Village Clerk

ORDER NO: 34381 BOOK: SEE FILE FIELD CREW: DGM DRAWN BY: DGM SHEET 4 OF 4	FOR THE EXCLUSIVE USE OF: JASON BERNARD 391 LAKEWOOD DRIVE WILLIAMS BAY, WI 53191	Batterman engineers surveyors planners 2857 Bartells Drive 1040 N Wisconsin Street Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121 608.365.4464 262.379.2250	
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5621 Town Hall Road, Delavan, Wisconsin 53115
(262) 728-3471 - FAX (262) 728-3473
Email: clerk@townofdelavan.com
Office Hours: M - F, 8:30 AM - 4:30 PM

MINUTES

Town of Delavan Town Board

November 22, 2022

The Town Board meeting was called to order by Malsch at 6:19PM at Town Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chair Larry Malsch, Supervisor Mary Knipper, Supervisor Bill Thummel, Supervisor Katherine Gaulke, Supervisor Micah Hartlaub

Also present: Town Administrator John Olsen, Police Chief Ray Clark, Public Works Manager Tom Thiele, Treasurer Darlene Stark, Clerk Michele Starin; other interested persons.

DECLARATION OF QUORUM

Chair Malsch declared a Quorum for the meeting.

APPROVAL OF AGENDA

**Motion Gaulke, Second Hartlaub to approve agenda, motion carried 5-0. **

APPROVAL OF THE MINUTES

**Motion Gaulke, Second Hartlaub to approve Minutes with any changes and edits for Special Town Board Meeting of November 14, 2022, Committee of the Whole Meeting of October 10, 2022, Committee of the Whole Meeting of November 14, 2022, and Town Board Meeting of October 18, 2022, motion carried 4-0 and motion carried 5-0 * Gaulke submitted edits, Thummel abstained from all but the Committee of the Whole Meeting of November 14, 2022.*

COMMUNICATIONS

Malsch announced that Bill Thummel accepted the open board position.

Olson mentioned in your packet are communications regarding the liquor license applications and Cattail's

Knipper mentioned the WI Towns Association meeting will be held Thursday December 8th.

Gaulke mentioned the Thanksgiving community meal taking place this Thursday at Waters Edge.

COMMENTS AND SUGGESTIONS OF CITIZENS PRESENT REGARDING ITEMS ON THE AGENDA

Don Clark, 2218 South Shore Dr – spoke out against the Delavan Lakes Subdivision being changed to culverts and ditches.

George Huebner, 4202 Central Blvd – spoke in favor of Delavan Lakes Subdivision being changed to culverts and ditches.

Nancy Jonas, 1712 Dyke Dr. Friendship – spoke that she feels the board has already made their minds up and if there is anything she can do or say to approve Cattail's liquor license. She then read aloud a police report involving Cattail's.

Jake Esek 124 S 5th St – spoke as a bartender at Cattail's stating Mike will no longer have any doings with Cattail's. He stated we can be that chill little bar.

John Mendygral, 2403 North Shore Dr. – spoke that it has been noticeably quieter since the revocation.

Lee Schubert 2428 North Shore Dr. – spoke that this has been going on for 2 years, stated he spoke with Mike Jonas and Mike told him his new role would Beverage Director. He requested to see the bill of sale proving Nancy purchased it.

Joe Acceto, 2409 Rockford Colony – spoke in favor of abiding by the recommendation of the Admin Committee and grant the liquor license to Mama’s. If Mike is still involved, it will continue with the same issues that have been ongoing. Chad Pollard, 617 E. Walworth Ave – spoke in favor of granting Mama’s the liquor license and follow the recommendation of the Admin Committee.

Natalie Chavez, 5574 Hwy 50 - spoke they have been trying to get this liquor license since the beginning. They have been applying since the beginning and feel they deserve this at this point.

Harry Warner, 1425 Jackson – spoke he is on the agenda for a variance request.

Steve Compton, 921 Park Dr. – spoke that he submitted a stipulation stating Mike Jonas will no longer be involved. He believed that if Mike gave up his right to appeal, Nancy Jonas then would have been granted the liquor license. He feels he has been set up and it was not a fair process.

Chris Wasik, 2422 North Shore Dr. – wanted to thank the board, this has been a 4-year journey. The neighbors have worked with the board with the effects that Cattail’s has had. They have submitted a petition with 100 signatures from neighbors that have to live nearby that have been affected.

TREASURERS REPORT

Total General Funds \$2,839,472.54

Total Lake Project Funds \$699,432.94

Total Bond/Loan Balances Remaining \$519,024.24

**Motion Gaulke, Second Knipper to place the Treasurers report on file at the town, motion carried 5-0. **

**Motion Gaulke, Second Knipper to approve the payments in the journal from October 14, 2022, to November 18, 2022, motion carried 5-0. **

COMMITTEE REPORTS

All Committee and Town Reports are on file in the Clerk’s Office

DEHAVAN-DARIEN SCHOOLS REPORT

None

OLD BUSINESS:

None

NEW BUSINESS

“Class B” Liquor License Applications – Cattail’s/Magafriendship, Mama’s Cocina, Delavan Lakefront.

Knipper spoke and stated the Admin committee met and unanimously voted to recommend Mama’s for the available liquor license and recommend that the Town Board approve that license.

Atty Scholze clarified to the board they have 3 applications for a license, it appears all 3 are complete and meet the requirements of the ordinances and statutes. Right before the meeting Steve Compton provided a copy of a lease for the Magafriendship lease of the Cattail’s premises. He also provided some signed statements stating there would be no live music and that Mike Jonas will have no involvement with the operations. The issue you before you is not the prior license the issue is you have 3 applications but only 1 license to issue. The discussion should focus on which if any of those applicants the board feels is appropriate to receive the license.

Gaulke clarified we have 1 license to give with 3 additional reserve licenses.

Knipper stated even though we have this license the town is not obligated to award it now or at any specific time point. Gaulke said as I stated at the COW and I still feel now, is that a process needs to be developed and I think it’s premature to award any licenses without a process being set in stone. As we’ve seen in other communities what they do when they have multiple liquor licenses, they have presentations given from those potential licensees explaining their business plan, what they’re going to do, how they’re going to add value to the community, how they’re going to work with their neighbors. We’ve seen forms that they have all of those applicants fill out, discussing their projected volume, how they’re going to handle parking, communicate those kinds of things. So, I personally don’t feel like I have enough

information from any of these 3 to make an informed decision on which one is more qualified than the next, so I personally would like to see no action on this item tonight.

Thummel asked Knipper how long it would take to come up and finalize a process.

Knipper stated she can only estimate it be 3-4 months.

Thummel asked if they award Mama's the license, and they close what happens to the license.

Scholz answered if they close for more than 90 consecutive days that can be bases for action on the license.

**Motion by Knipper, that the town board award that available "Class B" liquor license to Mama's Cocina, Chair Malsch asked if there is a 2nd, there was no 2nd.*

**Motion by Gaulke, second by Bill Thummel, to table the "Class B" Beer/Liquor License applications for Cattail's/Magafriendship, Mama Cocinas Tacos, Delavan Lakefront until a process has been developed, motion carried 4-1. **

Application by Bernard Family Trust (FA374600001) for a Certified Survey Map to divide 1 lot into 2 and a Variance from Town Ordinance to not require 50' of Public Road frontage or abutment.

**Motion Knipper, Second Gaulke to award the Bernard Family Trust (FA374600001) for a Certified Survey Map to divide 1 lot into 2 and a Variance from Town Ordinance to not require 50' of Public Road frontage or abutment, motion carried 5-0. **

Application by South Shore Storage, LLC, 3714 South Shore Dr., Unit E for a Conditional Use Permit allowing outdoor food & beverage and Public Assembly allowing Live Music up to 6X/year until 10:30pm on the patio of the Lounge at The Shore.

**Motion Knipper, Second Malsch for the South Shore Storage, LLC, 3714 South Shore Dr., Unit E for a Conditional Use Permit allowing outdoor food & beverage and Public Assembly allowing Live Music up to 6X/year until 10:30pm on the patio of the Lounge at The Shore, motion carried 5-0. **

Application by Harry Warnaar, 1425 Jackson Park Dr., for Variances to allow deck construction on the East and South sides of his home.

**Motion Knipper, Second Gaulke for Harry Warnaar, 1425 Jackson Park Dr., for Variances to allow deck construction on the East and South sides of his home, motion carried 5-0. **

Application by Shodeen to change their street design for the Shores of Delavan Lake Subdivision (Mound Rd. & CTH F North) from Urban (Curb/Gutter & Storm Sewer) to Rural (Culverts & Ditches).

**Motion Knipper, Second Hartlaub for Shodeen to change their street design for the Shores of Delavan Lake Subdivision (Mound Rd. & CTH F North) from Urban (Curb/Gutter & Storm Sewer) to Rural (Culverts & Ditches), motion carried 5-0. **

Shoulder Reclaimer - \$13,390

**Motion Knipper, Second Malsch to purchase a shoulder reclaimer not to exceed \$13,390., motion carried 5-0. **

Proposed Intergovernmental Agreement with City of Delavan re: Scan Tool.

**Motion Gaulke, Second Thummel, to authorize Admin Olson to proceed with the Intergovernmental Agreement with City of Delavan for the scan tool equipment for the contract that's laid out in front of us, should the City agree to it, motion carried 5-0. **

Road Functional Classifications – Resolution #11-2022.

**Supervisor Gaulke made a motion to dispense with the first reading of Resolution #11-2022 road classification updates and move onto the second reading with a second by Chair Malsch, motion carried 5-0. Supervisor Gaulke made a motion to dispense with the second reading and adopt Resolution #11-2022 road classification updates with a second by Chair Malsch, motion carried 5-0. **

Code Enforcement Contract Renewal.

**Motion Knipper, Second Malsch to approve the contract to provide Code Enforcement services to the Town of Delavan with addition of the change from \$50 to \$52 an hour for services, motion carried 5-0. **

Gaulke asked Stark to clarify if a budget amendment was needed to reflect that hourly change.

FSA Administration Proposal – Diversified Benefit Services.

**Motion Knipper, Second Malsch, that move to the contract with Diversified Benefit Services for our FSA Administration Proposal, motion carried 5-0. **

Gaulke stated a budget amendment was needed to reflect this change.

Employee Christmas Bonus – Credit Card points.

**Motion Gaulke, Second Malsch, to do the employee Christmas bonus for a \$50 Amazon gift card for all the full-time employees, including Darlene, Michele and John, motion carried 5-0. **

Liquor License Premises Location Restrictions – Ordinance #410.

**Supervisor Gaulke made a motion to dispense with the first reading of Ordinance #410 an ordinance amending section 11.05 1)(b) of the municipal code of the town of Delavan relating to restrictions on the issuance of intoxicating liquor licenses and move onto the second reading with a second by Supervisor Hartlaub motion carried 5-0. Supervisor Gaulke made a motion to dispense with the second reading and adopt Ordinance #410 an ordinance amending section 11.05 1)(b) of the municipal code of the town of Delavan relating to restrictions on the issuance of intoxicating liquor licenses with a second by Supervisor Hartlaub, motion carried 5-0. **

Clean Boats/Clean Waters Grant Application – Resolution #12-2022

**Supervisor Gaulke made a motion to dispense with the first reading of Resolution #12-2022 a resolution authorizing application for a DNR surface water grant and move onto the second reading with a second by Supervisor Hartlaub, motion carried 5-0. Supervisor Gaulke made a motion to dispense with the second reading and adopt Resolution #12-2022 a resolution authorizing application for a DNR surface water grant with a second by Supervisor Hartlaub, motion carried 5-0. **

Radio Purchase Order Authorization – Resolution #13-2022.

**Supervisor Gaulke made a motion to dispense with the first reading of Resolution #13-2022 new radio order authorization and move onto the second reading with a second by Supervisor Knipper, motion carried 5-0. Supervisor Gaulke made a motion to dispense with the second reading and adopt Resolution #13-2022 new radio order authorization with a second by Supervisor Knipper, motion carried 5-0. **

Vehicle-Equipment Order Authorization – Resolution #14-2022.

**Supervisor Gaulke made a motion to dispense with the first reading of Resolution #14-2022 vehicle/equipment order authorization and move onto the second reading with a second by Supervisor Hartlaub, motion carried 5-0. Supervisor Gaulke made a motion to dispense with the second reading and adopt Resolution #14-2022 vehicle/equipment order authorization with a second by Supervisor Hartlaub, motion carried 5-0. **

Accurate Appraisal Contract Amendment for 2022-2024 Property Assessment Services.

**Motion Gaulke, Second Hartlaub, to accept the Accurate Appraisal contract amendment for 2022-2024 Property Assessment Services in the amount not to exceed \$114,000, motion carried 5-0. **

Comments and Suggestions of Citizens Present

Leah Flitcroft, 1410 South Shore – stated she was disappointed in the decision about not granting Mama Cocina the liquor license. She sits on the Admin Committee and wants it known that Mama Cocina applied for their liquor license even before someone else that has been granted a license, she feels that was unfair. Mama's business has and is suffering from this. She is very disappointed in this as this is why you have committees; we have heard all of this and

made a recommendation based on all the information. She feels Mama's may not be able to stay open for the next 4 month why we get this figured out.

DATE AND TIME OF NEXT REGULAR MEETING

December 20, 2022, at 6:00pm

ADJOURNMENT

**Motion Hartlaub, second by Knipper to adjourn at 7:40pm, motion carried 5-0. **

Submitted by Clerk Starin

Recording on file at the Clerk's office

DRAFT



VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report Plan Commission Meeting March 14, 2023

March 3, 2023

APPLICANT: Jason Bernard, Bernard Family Trust (Owner)

TAX KEY: FA374600002

STREET ADDRESS: South of Town Line Rd, Town of Delavan

Applicant is requesting approval of a Certified Survey Map per Section 375.0306 "Minor Land Division Procedures" to divide the existing 20.922-acre parcel into two parcels of 10.788 and 10.130 acres each. This includes approval of a variance to Section 375.0706.C which requires that every lot shall front or abut for a distance of at least 40 feet on a public street.

The Town of Delavan has approved the Certified Survey Map.

Based on the application, the applicant has met all the requirements of Section 375-0306 *Minor Land Division (Certified Survey Map)* and 375.0600 *Certified Survey Map*.

Respectfully submitted,

Bonnie M. Schaeffer
Zoning Administrator