



**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION AGENDA**

**May 10, 2021 – 5:30 p.m.**

**Meeting will be held at: <https://www.gotomeet.me/wfbvillage/plan-commission>**

**Access Code: 840-873-853**

**Phone Number Log In: +1 (224) 501-3412**

1. Call to Order.
2. Approval of the Minutes of the Regular Meeting of December 28, 2020.
3. PUBLIC HEARINGS
  - a. On Conditional Use Grant Application for Luxe Nails, LLC – 509 E. Silver Spring Drive, Whitefish Bay, WI, 53217.
4. NEW BUSINESS
  - a. Review and action On Conditional Use Grant Application for Luxe Nails, LLC – 509 E. Silver Spring Drive, Whitefish Bay, WI, 53217.
  - b. Review and recommendation to Village Board on Certified Survey Map to combine the Lots 1 and 2 of Certified Survey Map No. 8551 at 5866 N. Shore Drive
  - c. Review and recommendation to Village Board of Ord. No. 1882 to Rezone 816 & 820 E. Glen Ave. from District 2 – Single Family Residence to District 4 – Churches, Public Buildings & Grounds).
5. Adjournment

Due to the COVID-19 pandemic, this meeting is being held via remote conference only. Members of the media and public may attend by logging onto <https://www.gotomeet.me/wfbvillage/plan-commission>. The access code is 840-873-853. The phone number to log in is +1 (224) 501-3412. All public participants will be muted during the meeting except for during the public hearing portion of the meeting..

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Village Board may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website ([www.wfbvillage.org](http://www.wfbvillage.org))

Dated: May 5, 2021 – Tim Blakeslee – Assistant Village Manager

**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION MINUTES**

**December 28, 2020 – 5:30 pm  
Whitefish Bay GoToMeeting**

**1. Call to Order.**

President Siegel called the meeting to order at 5:30 pm.

Present: President Siegel, Commissioners Fuda, Roth, Huber, Koltun, and Sauer

Also Present: Assistant Village Manager Tim Blakeslee, Village Manager Paul Boening Village, Attorney Chris Jaekels

**2. Approval of the Minutes of the Regular Meeting of November 18, 2020.**

Commissioner Sauer moved, seconded by Commissioner Koltun to approve the minutes of the regular meeting of November 18, 2020. Motion Carried, 6-0.

**3. PUBLIC HEARINGS**

**[a] On Conditional Use Grant Application for The Creator Collaborative, LLC – 623 E. Silver Spring Drive, Suite 212, Whitefish Bay, WI, 53217.**

Public hearing opened by President Siegel. No public comments and no written comments. Public hearing was closed by President Siegel at 5:32

**4. NEW BUSINESS**

**[a] Review and action On Conditional Use Grant Application for The Creator Collaborative, LLC – 623 E. Silver Spring Drive, Suite 212, Whitefish Bay, WI, 53217.**

President Siegel asked Attorney Jaekels about what the Village would need to do to allow this type of item to be approved by Village Staff. Attorney Jaekels noted an ordinance change would be required. Jim Feiereisen with The Creator Collaborative provided a summary of his business, the LLC change, and the ownership change. There was discussion about the volume of users, product offering, how well the business was doing in the pandemic.

Commissioner Huber moved, seconded by Commissioner Fuda that the Conditional Use Permit Application for The Creator Collaborative, LLC at 629 E. Silver Spring Dr. Suite 212 be approved by the Plan Commission on all aforementioned conditions outlined in the staff memo, and subject to the following additional condition: Given the close proximity to residential development, deliveries to south side the building shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. Motion carried 6-0.

**5. Adjournment**

Commissioner Fuda moved, seconded by Commissioner Sauer to adjourn the meeting at 5:42 pm. Motion Carried, 6-0.

Respectfully Submitted,  
Tim Blakeslee – Assistant Village Manager



Village of Whitefish Bay  
5300 N. Marlborough Drive  
Whitefish Bay, Wisconsin 53217  
Phone: 414-962-6690  
Fax: 414-962-5651

## Memorandum

To: Whitefish Bay Plan Commission  
cc: Paul Boening, Village Manager  
From: Tim Blakeslee, Assistant Village Manager  
Date: May 6, 2021  
Re: Luxe Nails, LLC – Conditional Use Application

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### Executive Summary

Applicant Ivan Peralta has applied for Conditional Use approval to operate Luxe Nails, LLC at 509 E Silver Spring Drive. This space is currently occupied by Beyond Full Spectrum, who is looking to rent the space to another tenant. See the photo below of the proposed location. The applicant indicated that the business is a nail salon that will provide manicures and pedicures. The proposed business hours are Monday to Friday, from 10:00 a.m. to 7:00 p.m., and Saturday and Sunday, from 10:00 a.m. to 5:00 p.m.. The application notes 3 to 5 employees for the business.



The business will be subject to the applicable laws as dictated by the Zoning Code. The following section will detail some of the requirements needed of the applicant for this business to be compliant with Village laws.

## Requirements

Under the Village Code of Ordinances, the applicant must meet the subsequent legal requirements to operate the proposed business within the Village.

- The applicant must also be compliant with the zoning district laws that fall under Section § 16-16. This includes all subsequent laws including the uses of retail and services in the Silver Spring District, as well as all matters of the Plan Commission's review of the business at the hearing. Based on the business operations described in the application, the business model would be compliant with both the retail and service-based businesses permitted in the Silver Spring Business District.
- The applicant indicated that they would like to receive approval to conduct business Monday to Friday, from 10:00 a.m. to 7:00 p.m., Saturday and Sunday, from 10:00 a.m. to 5:00 p.m. Staff recommends approval of the full range of hours permitted by Village Code (6:00 a.m. to 10:00 p.m. from Monday to Sunday). In the event the applicant wishes to adjust hours in the future, approval by the Plan Commission will be required.
- Signage for the proposed business must meet the standards of § 16-43H and will require a sign permit. Once signs are submitted for the business, they will have to be reviewed and approved by the Building Services Director before being able to be placed on location.
- The applicant plans to make minor changes to renovate the interior of the space to make it suitable for their operations. Proper and permitted ventilation will be required per Village code. An interior layout is included with their application. Occupancy of the tenant space is subject to proper receipt of all necessary permits, approval from the Village Building Inspector, and approval from all applicable outside agencies (i.e. State of Wisconsin, North Shore Fire Dept, North Shore Health Dept). **A pre-development meeting with the Building Services Director is required within 10 business days of Plan Commission approval.**
- While not planned at this time, should any changes to the façade of the building be made the business owner must obtain prior approval from the Community Development Authority (CDA) and Architectural Review Commission (ARC).
- Section § 16-21F(1)(a) dictates that "off-street on-site" parking is required in District 11. Based on the requirements in Section § 6-24C of the Municipal Code, approximately four (4) parking stalls are required based on the code requirement of 4 per 1000 sq ft for personal services. As Commissioners are aware, there are a total of 132 public parking spaces in the two garages behind the Fox Bay Building, public parking lot located directly south of the Winkie's building, as well as street spots available within walking distance of the proposed business. It is

under the discretion of the Plan Commission to bypass the parking requirements based on the availability in the area.

**Recommendation**

Staff recommends approval of the Conditional Use Permit Application for Luxe Nails at 509 E Silver Spring Drive with approval of the Plan Commission on all aforementioned conditions, and subject to the following additional condition:

- Given the close proximity to residential development, deliveries to the south side of the building shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.

**Attachments**

1. Application



Village of Whitefish Bay  
5300 N. Marlborough Dr. ❖ Whitefish Bay, WI 53217  
Phone: (414) 962-6690 ❖ Fax: (414) 962-5651

## CONDITIONAL USE APPLICATION AND REVIEW PROCESS

**Overview:** Applications for conditional use approval will be discussed by the Plan Commission following a public hearing. The Plan Commission meets on the third Tuesday of each month and has the authority to approve or deny the application.

**Application Deadline:** Applications must be received by the close-of-business **at least 21 days prior to the meeting date due to publication requirements**; applications received after this date cannot be heard at the Plan Commission meeting of the following month.

**Submission Requirements:** The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

**Staff Report:** Village staff will prepare a report summarizing the application, reviewing it against Village ordinances and policies, and provide a recommendation for the Plan Commission. A copy of this report, along with the meeting agenda, will be provided to the applicant prior to the public hearing at the Plan Commission meeting.

**Notice of Public Hearing:** Wisconsin State Law requires notice of a public hearing to be published in a specified, legal newspaper a minimum of 7 days prior to a public hearing. Village Ordinance further requires that notices be mailed to property owners within 100 feet of the affected property. These notices are prepared and sent by Village staff.

### Example

**Applications are due at least 21 days prior to the meeting date.**

**The public hearing will be held by the Plan Commission on the third Tuesday of the following month.**

### Timeline

MONTH A application

Su	M	Tu	W	Th	F	Sa

MONTH B action

Su	M	Tu	W	Th	F	Sa

**Plan Commission Meeting:** Applicants are encouraged to attend and participate in the public hearing in order to present the application and respond to questions from the Plan Commission and/or members of the public. The public hearing will be held in the Village Hall Board Room.

- At the Public Hearing: The Plan Commission Chairperson will call the meeting to order at the appointed time, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. Members of the public will then be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Commissioners will discuss the application and make a decision.
- Plan Commission Action: The Plan Commission has the authority to approve or deny an application, no further action is needed.

**Validation and Expiration:** A conditional use approval must be used within 1 year of the date of the approval. A conditional use approval will automatically expire if the approval is not used or if the applicant ceases operation for a continuous period of 1 year or longer.

**Please keep this sheet for your reference after you have submitted the attached application.**



**Village of Whitefish Bay**  
5300 N. Marlborough Dr. ❖ Whitefish Bay, WI 53217  
Phone: (414) 962-6690 ❖ Fax: (414) 962-5651

## CONDITIONAL USE APPLICATION

VILLAGE ORDINANCE SECTION 16  
[www.wfbvillage.org](http://www.wfbvillage.org)

### APPLICATION FEE: \$100

*Application fee should be made payable to Village of Whitefish Bay upon submittal of completed application.*

Please complete the application by typing or printing in ink. Use additional paper if necessary.

#### 1. Property Owner Information:

Company name: Diversery WFB LLC C/O Decker Properties, Inc.

Last name: Decker First name: David

Address: 250 N Sunny Slope Road #290 City/State/Zip: Brookfield, WI 53005

Phone number: 262-785-0840 Email address: dave@davidjdecker.com

#### 2. Applicant Information: (if different from above)

Company name: Luxe Nails LLC

Last name: Peralta First name: Ivan

Address: 4865 N Anita Avenue City/State/Zip: Whitefish Bay, 53217

Phone number: 414-439-7365 Email address: peraltai00162@gmail.com

#### 3. Address(es) of Property Involved: (if different from above)

509 E Silverspring Dr, Whitefish Bay, 53217

#### 4. Zoning Designation: \_\_\_\_\_

#### 5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

Planning to open a nail salon possibly requiring ventilation.

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**6. General Information:**

- **Name of Proposed Business:** Luxe Nails LLC
- **Type of Business:** Nail Salon
- **What other licenses, permits, etc. are required for operation, and have they been obtained?**  
Manicurist certification/ license, establishment license, occupational permit.
- **Anticipated Number of Employees:** 3-5
- **Total Square Feet of Sales Area:** 1000 sq ft
- **Proposed Parking Area for Customers:** Street meter parking
- **Proposed Parking Area for Employees:** possibe rear parking
- **Control of Property (Signed Lease, Owner Occupied, etc.):** signed lease
- **Frequency and Location of Deliveries:** n/a

**7. Additional Required Information:**

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- c. **Exterior/Interior Changes:** A description of any proposed changes to the exterior and/or interior of the subject property. If the application involves an entire building or if any exterior changes are planned, a plat of survey prepared by a registered land surveyor showing all of the information required for a building permit, including landscaping shall be included.
- d. **General Layout:** A plan indicating the location of buildings, rooms, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting. Drawings must be to scale and have the dimensions of all rooms/workspaces.

**8. Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: David J. Decker

Date: 4/19/2021

Applicant: Ivan Peralta

Date: 04/10/2021

**Fee Paid: \$100**      **Date:** \_\_\_\_\_      **Receipt #** \_\_\_\_\_

**Applications for conditional use approval must be received at least 21 days prior to the meeting date; applications received after this date cannot be heard at the Planning Commission meeting the following month.**

Conditional Application part 7

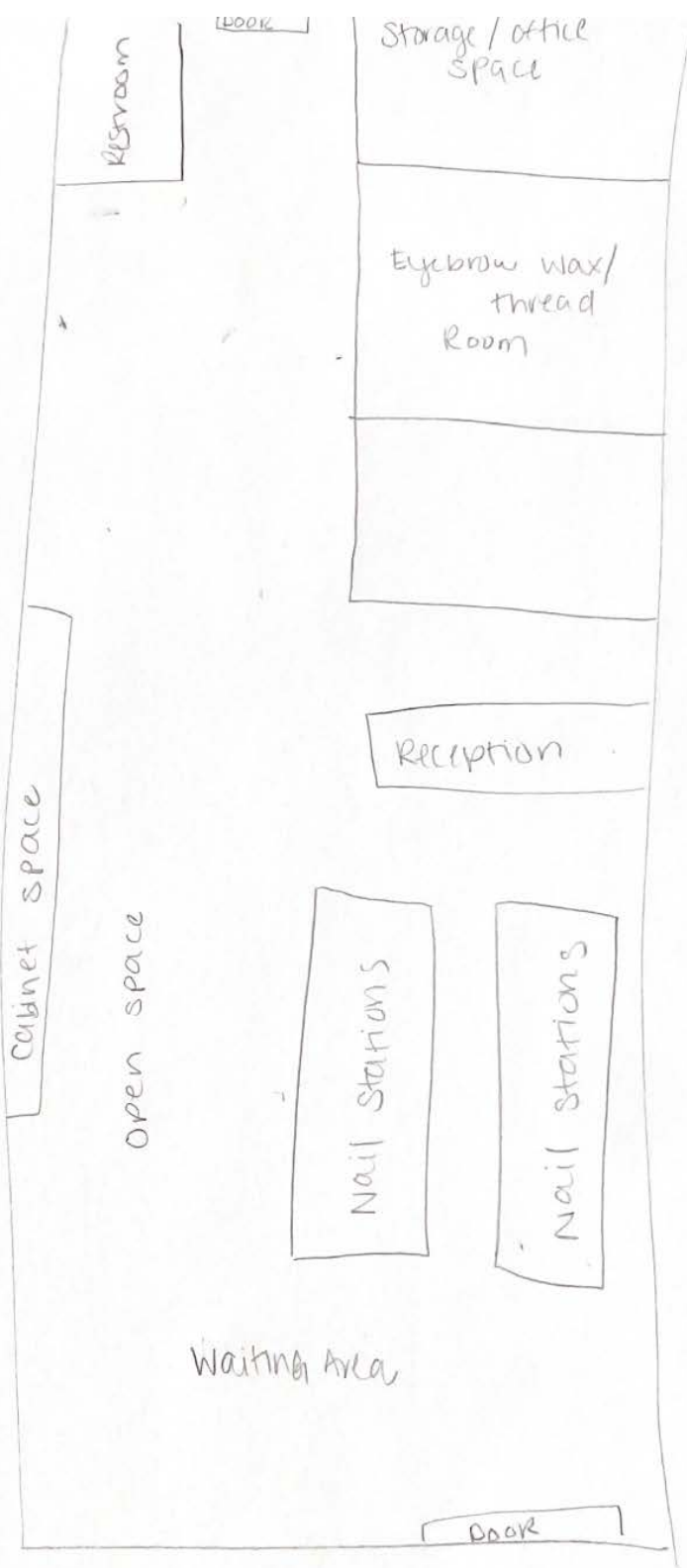
B. Proposed business: Nail salon/ beauty salon

Hours of operation: M-F 10am-7pm Sat-Sun 10am- 5pm

C. Exterior/ interior changes: Possible ventilation system installation, no other changes otherwise.

D. General layout:

504 E. Silver Spring Dr.



Restroom

LOOK

Storage / office space

Eyebrow wax / thread Room

Reception

Nail Stations

Nail Stations

Waiting Area

Door

Cabinet space

Open space

Side Walk

Meter Parking →

**VILLAGE OF WHITEFISH BAY**

Receipt: 167600

04/23/21

5300 NORTH MARLBOROUGH DRIVE  
WHITEFISH BAY, WI  
53217-5399

Cashier: Counter1  
Received Of: Luxe Nails

The sum of: 100.00

DMPST4	Permits - Conditional Use		100.00
		Total	100.00

CHECK 98 100.00

Signed: \_\_\_\_\_



## **VILLAGE OF WHITEFISH BAY PLAN COMMISSION PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Plan Commission of the Village of Whitefish Bay has scheduled a Public Hearing for **Monday, May 10, 2021** at **5:30 P.M.**, to be held via GoToMeeting: <https://www.gotomeet.me/wfbvillage/plan-commission>. You can also dial in using your phone: United States: +1 (224) 501-3412 - Access Code: 840-873-853.

1. Public Hearing on the following Conditional Use application:

*A) Luxe Nails, LLC – 509 E. Silver Spring Drive, Whitefish Bay, WI, 53217.*

ALL INTERESTED PERSONS will be given an opportunity to be heard. If you have any questions, please contact Tim Blakeslee, Assistant Village Manager, 414-962-6690.

A majority of the members of other governmental bodies, including, but not limited to the Village Board may be present to gather information about a subject over which they may have decision making responsibility. The above meeting is therefore hereby also noticed as a meeting of those governmental bodies, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.

VILLAGE OF WHITEFISH BAY

Tim Blakeslee  
Assistant Village Manager

Owner	Owner Address	Owner City and State	Owner Zip Code
Property Owner	5572 N DIVERSEY BLVD	WHITEFISH BAY WI	53217
Property Owner	2228 W APPLE TREE RD	GLENDALE WI	53209
Property Owner	517 E SILVER SPRING DR	WHITEFISH BAY WI	53217
Property Owner	2205 E CAPITOL DR	SHOREWOOD WI	53211
Property Owner	250 N SUNNYSLOPE RD S	BROOKFIELD WI	53005
Property Owner	421 E SILVER SPRING DR S	WHITEFISH BAY WI	53217
Property Owner	5579 N DIVERSEY BLVD	WHITEFISH BAY WI	53217
Property Owner	5578 N DIVERSEY BLVD	WHITEFISH BAY WI	53217
Property Owner	5573 N HOLLYWOOD AVE	WHITEFISH BAY WI	53217
Property Owner	5579 N HOLLYWOOD AVE	WHITEFISH BAY WI	53217
Property Owner	7225 W MARCIA RD	MILWAUKEE WI	53223



Village of Whitefish Bay  
5300 N. Marlborough Drive  
Whitefish Bay, Wisconsin 53217  
Phone: 414-962-6690  
Fax: 414-962-5651

## Memorandum

To: Plan Commission  
From: Tim Blakeslee – Assistant Village Manager  
Date: May 6, 2021  
Re: Review and recommendation to Village Board on Certified Survey Map to combine the Lots 1 and 2 of Certified Survey Map No. 8551 at 5866 N. Shore Drive

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### Executive Summary

In March, the Village was approached by Karl Holtermann on behalf of Rod Brower to combine the existing two lots at 5866 N. Shore Drive. Mr. Holtermann submitted a Certified Survey Map (CSM) to Village Staff requesting to join the lots in early April. This CSM is included as Attachment 1. Tim Barbeau, PE, PLS, with R.A. Smith reviewed a draft of the CSM on behalf of the Village and found that it was technically acceptable subject to conditions outlined in Attachment 2. Mr. Holtermann has updated the CSM subject to conditions outlined in the memo from Mr. Barbeau. Village Staff reviewed and approved the CSM with regards to zoning which is outlined in Attachment 3.

### Recommended Motion

Recommend that the Village Board approve the Certified Survey Map to combine the existing lots at 5866 N. Shore Drive, Whitefish Bay, WI, 53217

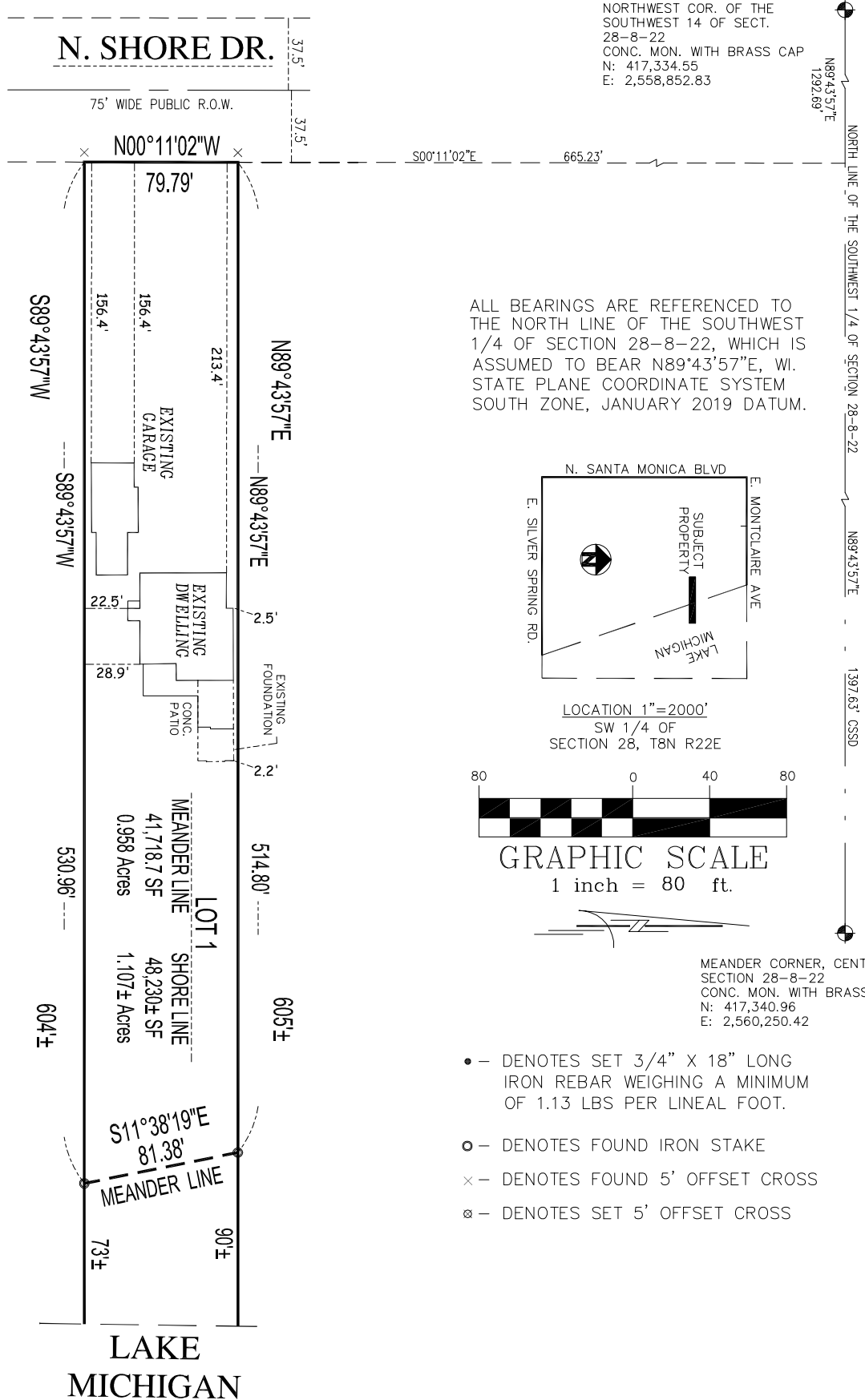
### Attachments

1. CSM to combine the Lots 1 and 2 of Certified Survey Map No. 8551 at 5866 N. Shore Drive.
2. CSM review memo from Tim Barbeau, PE, PLS with R.A. Smith.
3. Village Staff Zoning Review

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

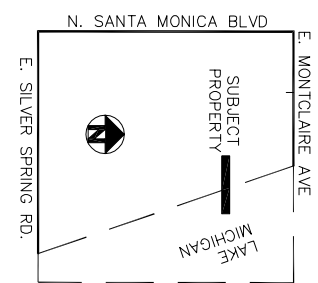
BEING LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8551, RECORDED IN THE OFFICE OF THE MILWAUKEE COUNTY REGISTER OF DEEDS ON SEPTEMBER 21, 2013, AS DOCUMENT NO. 10296150, LOCATED IN THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWN 8 NORTH, RANGE 22 EAST IN THE VILLAGE OF WHITEFISH BAY, MILWAUKEE COUNTY, WISCONSIN.

OWNER:  
 RODERICK M. AND  
 MILENA M. BROWER  
 5866 N. SHORE DR.  
 WHITEFISH BAY, WI 53217

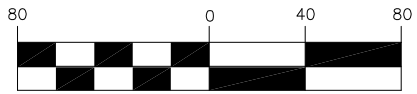


NORTHWEST COR. OF THE SOUTHWEST 1/4 OF SECT. 28-8-22  
 CONC. MON. WITH BRASS CAP  
 N: 417,334.55  
 E: 2,558,852.83

ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 28-8-22, WHICH IS ASSUMED TO BEAR N89°43'57\"/>



LOCATION 1"=2000'  
 SW 1/4 OF SECTION 28, T8N R22E



**GRAPHIC SCALE**  
 1 inch = 80 ft.

MEANDER CORNER, CENTER OF SECTION 28-8-22  
 CONC. MON. WITH BRASS CAP  
 N: 417,340.96  
 E: 2,560,250.42

- - DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING A MINIMUM OF 1.13 LBS PER LINEAL FOOT.
- - DENOTES FOUND IRON STAKE
- × - DENOTES FOUND 5' OFFSET CROSS
- ⊗ - DENOTES SET 5' OFFSET CROSS



sai@wi.rr.com  
 2554 N. 100TH STREET  
 P.O. BOX 26596  
 WAUWATOSA, WISCONSIN 53226  
 (414) 257-2212 FAX: (414) 257-2443



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

**BEING LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8551, RECORDED IN THE OFFICE OF THE MILWAUKEE COUNTY REGISTER OF DEEDS ON SEPTEMBER 21, 2013, AS DOCUMENT NO. 10296150, LOCATED IN THE NORTHEAST ¼ AND THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 28, TOWN 8 NORTH, RANGE 22 EAST IN THE VILLAGE OF WHITEFISH BAY, MILWAUKEE COUNTY, WISCONSIN.**

**SURVEYOR'S CERTIFICATE**  
**STATE OF WISCONSIN)**  
**MILWAUKEE COUNTY )SS**

I, Marc C. Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped Lots 1 and 2 of Certified Survey Map No. 8551, recorded in the Office of the Milwaukee County Register of Deeds on September 21, 2013, as Document No. 10296150, in the Northeast ¼ and the Northwest ¼ of the Southwest ¼ of Section 28, Town 8 North, Range 22 East in the Village of Whitefish Bay, Milwaukee County, Wisconsin, and being more particularly described as follows:

Commencing at the Northwest corner of the Southwest ¼ Fractional Section 28; thence North 89° 43' 57" East along the North line of said ¼ Section 1292.69 feet; thence South 00° 11' 02" East, 665.23 feet to the point of beginning; thence North 89° 43' 57" East parallel to the North line of said ¼ Section, 514.80 feet to a meander corner; thence continue North 89° 43' 57" East, 90 feet more or less to the shore of Lake Michigan; thence Southerly along said shoreline to a point that is North 89° 43' 57" East 73 feet more or less from a meander corner; thence South 89° 43' 57" West, 73 feet more or less to a meander corner that lies South 11° 38' 19" East, 81.38 feet from the last described meander corner; thence South 89° 43' 57" West, 530.96 feet to a point on the East right-of-way line of N. Shore Drive; thence North 00° 11' 02" West along said East line, 79.79 feet to the point of beginning.

Containing 48,230.1 square feet (1.107 acres) more or less of land.

That I have made such survey, land division and map by the direction of the Roderick M Brower and Milena M. Brower, owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the regulations of the Village of Whitefish Bay in surveying, dividing and mapping the same.

Dated this 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Marc C. Passarelli S-2817  
Wisconsin Professional Land Surveyor

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8551, RECORDED IN THE OFFICE OF THE MILWAUKEE COUNTY REGISTER OF DEEDS ON SEPTEMBER 21, 2013, AS DOCUMENT NO. 10296150, LOCATED IN THE NORTHEAST ¼ AND THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 28, TOWN 8 NORTH, RANGE 22 EAST IN THE VILLAGE OF WHITEFISH BAY, MILWAUKEE COUNTY, WISCONSIN.

**OWNERS CERTIFICATE**

Roderick M. Brower and Milena M. Brower, as owners, do hereby certify that they caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of the Village of Whitefish Bay Code of Ordinances.

In Witness whereof, Roderick M. Brower and Milena M. Brower, owners, at \_\_\_\_\_, Wisconsin, on this \_\_\_\_ day of \_\_\_\_\_, 2021.

**Owners:**

\_\_\_\_\_  
Roderick M. Brower

\_\_\_\_\_  
Milena M. Brower

**STATE OF WISCONSIN)  
MILWAUKEE COUNTY)SS**

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, the above named Roderick M. Brower and Milena M. Brower, to me known to be the persons who executed the foregoing instrument.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires \_\_\_\_\_

**CONSENT OF MORTGAGEE:**

Wells Fargo Bank, N.A., duly organized and existing under and by virtue of the laws of the United States, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this Certified Survey Map and does hereby consent to the above certificate of Roderick M. Brower and Milena M. Brower, owners of said land.

In Witness Whereof, the said Wells Fargo Bank, N.A., has caused these presents to be signed by \_\_\_\_\_, its \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Wells Fargo Bank, N.A.

**STATE OF WISCONSIN )  
MILWAUKEE COUNTY)SS**

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, the above named \_\_\_\_\_, of the above named Wells Fargo Bank, N.A., to me known to be the person who executed the foregoing instrument and to me known to be such \_\_\_\_\_ of said bank, and acknowledged that he executed the foregoing instrument as such officer as the deed of said bank, by its authority.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires \_\_\_\_\_

**BEING LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 8551, RECORDED IN THE OFFICE OF THE MILWAUKEE COUNTY REGISTER OF DEEDS ON SEPTEMBER 21, 2013, AS DOCUMENT NO. 10296150, LOCATED IN THE NORTHEAST ¼ AND THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 28, TOWN 8 NORTH, RANGE 22 EAST IN THE VILLAGE OF WHITEFISH BAY, MILWAUKEE COUNTY, WISCONSIN.**

**WHITEFISH BAY VILLAGE BOARD APPROVAL**

Approved by the Whitefish Bay Village Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julie Siegel, Village President

\_\_\_\_\_  
Jennifer Amerell, Secretary

**PLAN COMMISSION APPROVAL**

Approved by the Village of Whitefish Bay Plan Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julie Siegel, Village President, Chairperson

\_\_\_\_\_  
Tim Blakeslee, Secretary



CREATIVITY BEYOND ENGINEERING

**MEMORANDUM**

**DATE:** April 19, 2021

**TO:** Tim Blakeslee, Village of Whitefish Bay (via e-mail)

**CC:** Marc Passarelli, Surveying Associates, Inc. (via e-mail)

**FR:** Tim Barbeau, raSmith *TGB*

**RE:** Brower Certified Survey Map – 5866 N. Shore Drive

I have reviewed the subject Certified Survey Map dated 3/24/21 and have the following review comments and recommendation:

1. The bearing of the line between the Section line and the point of beginning is shown as  $S0^{\circ}11'02''E$  on the map; whereas the legal description describes that line as being,  $S0^{\circ}10'45''E$ .
2. The Owner's Certificate states that the map is in accordance with Chapter 8 of the Village of Whitefish Bay Code of Ordinances. Chapter 8 does not apply to Certified Survey Maps. I suggest that the words "Chapter 8 of" be stricken.
3. If there is a mortgage on the property, a mortgagee's statement is necessary.
4. I suggest that the 100-year floodplain line be shown on the map and a note added stating that any improvements are subject to Village floodplain setback requirements.
5. The CSM meets all closure requirements.

**Recommendation:**

I recommend approval of the CSM subject to satisfaction of the above noted items, and the surveyor and owner affixing proper signatures on the final recordable copy of the map prior to the Village signing the document.

Should you have any questions, please feel free to contact me.

U:\M 210419 Blakeslee Brower CSM Review.docx

**From:** [Oestreich, Joel](#)  
**To:** [Blakeslee, Tim](#)  
**Subject:** RE: North Shore Dr CSM  
**Date:** Wednesday, May 5, 2021 10:38:15 AM

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Tim,

The combination of these lots does not conflict with the regulations set forth in the Whitefish Bay Zoning Code for District 1A.

Joel Oestreich  
Director of Building Services  
Whitefish Bay  
414-962-6690 ext. 130

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**From:** Blakeslee, Tim <T.Blakeslee@wfbvillage.org>  
**Sent:** Wednesday, May 5, 2021 9:59 AM  
**To:** Oestreich, Joel <J.Oestreich@wfbvillage.org>  
**Subject:** FW: North Shore Dr CSM

Joel – Can you please review this CSM with respect to zoning and let me know if it meets code.

Tim Blakeslee  
Assistant Village Manager  
Village of Whitefish Bay  
5300 N Marlborough Drive  
Whitefish Bay, WI 53217  
Office: 414-962-6690  
Direct: 414-755-6539

**From:** Karl Holtermann <[karl@karlholtermann.com](mailto:karl@karlholtermann.com)>  
**Sent:** Monday, April 5, 2021 3:51 PM  
**To:** Blakeslee, Tim <[T.Blakeslee@wfbvillage.org](mailto:T.Blakeslee@wfbvillage.org)>  
**Cc:** Roderick Brower <[rodbrower@me.com](mailto:rodbrower@me.com)>; Milena Brower <[milenabrower@yahoo.com](mailto:milenabrower@yahoo.com)>; Peter Murphy <[peter.fullcircle@gmail.com](mailto:peter.fullcircle@gmail.com)>  
**Subject:** Fwd: North Shore Dr CSM

Tim,

Please find the attached documents as we propose to join lots at 5866 N. Shore Drive.

Thank you, Karl

[Karl@KarlHoltermann.com](mailto:Karl@KarlHoltermann.com)

KARL HOLTERMANN

designer + builder llc

Phone: 262.993.6323



Village of Whitefish Bay  
5300 N. Marlborough Drive  
Whitefish Bay, Wisconsin 53217  
Phone: 414-962-6690  
Fax: 414-962-5651

## Memorandum

To: Whitefish Bay Plan Commission  
From: Paul Boening – Village Manager  
Date: May 6, 2021  
Re: Review and recommendation to Village Board of Ord. No. 1882 to Rezone 816 & 820 E. Glen Ave. from District 2 – Single Family Residence to District 4 – Churches, Public Buildings & Grounds).

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### Background and Request

The United Methodist Church of Whitefish Bay is seeking a recommendation from the Plan Commission to rezone property at 816 & 820 E. Glen Avenue from District 2 Single Family Residence to District 4 Churches, Public Buildings and Grounds.



The Rezoning Petition is attached along with a narrative from the applicant.

### Staff Discussion

The applicant has indicated that a rezone to District 4 would more accurately reflect the actual usage of the properties and give the Church the flexibility to use them as needed for

residential and other Church-related needs while not disrupting the Glen Avenue neighborhood.

Although the Church has also declared that it does not desire or intend to use the subject properties in ways that would disrupt or upset the Glen Avenue neighbors, Plan Commissioners should note that a Rezone to District 4 would enable a future expansion/alteration of the Church use. For example, a District 4 designation would allow for a potential church building addition and/or the construction of a parking lot should the single-family structures be demolished. Any such future use(s) would require compliance with Village Code provisions.

The allowable uses in District 4 are governed by Section 16-12 of the Whitefish Bay Municipal Code:

§ 16-12 District 4 - Churches, Public Buildings and Grounds.  
[Amended by Ord. No. 1574; Ord. No. 1724; Ord. No. 1814]

A. In District 4, except as in this chapter otherwise provided, no building or premises shall be used and no building or structure shall be erected, altered or maintained which is arranged, intended or designed to be used except for:

- (1) Churches, including accessory rectories, auditoriums and convents.
- (2) Public buildings and grounds.
- (3) Private, public and parochial schools including accessory buildings, playgrounds, athletic fields, stadiums, gymnasiums and fieldhouses, provided that such schools have a full time academic curriculum as required by state statutes.
- (4) Sewerage and water pumping stations and water storage tanks.
- (5) Parking of passenger automobiles, motorcycles and bicycles which shall be subject to § 16-17 of this chapter.
- (6) Uses and buildings accessory to those enumerated in Subsection A(1) through (5) of this section, including single-family dwellings and private garages for the sole use of the owner and his or its officers, members of their families and employees, but not including any duplex or double house, store, trade, business or industry.

## **Recommendation**

In accordance with Wisconsin Statutes, the Plan Commission is required to forward a recommendation to the Village Board. The Village Board is scheduled to discuss and take action on Ordinance No. 1882 (attached) on May 17, 2021 after holding a Public Hearing that same evening.

The Plan Commission should determine the merits of recommending a rezoning of 816 & 820 E. Glen Avenue to District 4 based on the rationale provided by the applicant while also considering the potential implications/appropriateness of future use(s) should a rezone occur. If the Plan Commission is concerned about future development potential of the lots, it should discuss such potential with the applicant prior to voting on a recommendation.





## Petition for Rezoning Form

***Return Completed Form along with a \$250 Zoning Amendment Fee.***

United Methodist Church of Whitefish Bay hereby petitions the Village of Whitefish Bay for a change in zoning of the following property:

Address/Parcel No. of Property Involved: 816 & 820 E. Glen Ave., Whitefish Bay  
(Please include an exact legal description of the property with your submittal. In the case of a request that involves only a portion of parcel(s), be sure to include a legal description that denotes exactly which portion of the affected parcel(s) is to be considered for rezoning).

Present Use/Zoning of Property: District 2 – Single Family Residence

Proposed Use/Zoning of Property: District 4 – Churches, Public Buildings & Grounds

Current Owner of Property (Print Name): United Methodist Church of Whitefish Bay

Applicant – Name (Please Print): United Methodist Church of Whitefish Bay

Address: 819 E. Silver Spring Dr., Whitefish Bay, WI

Phone: 414-964-2424

Email: mhadley@umcwfb.org

Signature of Property Owner as listed on this Application:

*Madden Schuster, Chair of Church Board*

**Petition will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Whitefish Bay to process the Rezoning Petition for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this Petition.**

Signature of Applicant (if different than Owner):

\_\_\_\_\_

**\* Application must be submitted 3 weeks prior to the meeting date**

## **United Methodist Church of Whitefish Bay Statement Regarding Petition for Zoning Change for 816 and 820 E. Glen Avenue**

The United Methodist Church of Whitefish Bay is petitioning for a zoning change for both 816 and 820 E. Glen Avenue from District 2 - Single Family Residence to District 4 - Churches, Public Buildings and Grounds. The Church is located at 819 E. Silver Spring Drive and owns 816 and 820 E. Glen Ave. (referred to as 816 and 820). The properties are directly behind and south of the Church. Both properties are currently zoned as District 2 single family residences.

Section 16-12 of the Village Zoning Code provides that District 4 includes:

(1) Churches, including accessory rectories, auditoriums and convents.

(6) Uses and buildings accessory to [such churches], including single-family dwellings and private garages for the sole use of the owner and his or its officers, members of their families or employees, . . .

The Church uses both properties for church and accessory purposes within the meaning of District 4. Currently, the Church's youth pastor and his family reside at 816. The Church's building manager and his son live at 820. Previously, associate pastors have lived at both properties.

The properties are not used solely as residences. The Church Walk - a walkway from Glen Avenue to the back entrance of the Church - runs along the west side of 816. The Church Walk is used by Church members and visitors as a short cut from Glen Avenue to the Church. The playground for the Church daycare and preschool extends into the backyards of both 816 and 820. Youth events are held in the back yard of 816. In the past, when 816 was not used as a residence, it was used as an Annex where Church meetings and events were held. Church equipment has been and is stored on both properties.

The Church does not desire or intend to use 816 or 820 in ways that would disrupt or upset our Glen Avenue neighbors. We have designed our playground to minimize its impact on adjoining properties and supported a variance for another neighbor to build a garage on our lot line. The Church Walk and connecting walkway to Danbury Road along the south side of the Church are used by Glen Avenue residents as a short cut to and from Danbury Road and Silver Spring Drive.

Rezoning the properties as District 4 will more accurately reflect the actual usage of the properties and give the Church the flexibility to use them as needed for residential and other Church-related needs while not disrupting the Glen Avenue neighborhood.

We respectfully ask you to approve our rezoning petition.

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF WHITEFISH BAY

ORDINANCE NO: 1882

An Ordinance to Rezone 816 & 820 E. Glen Avenue to District 4

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The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: The parcels located at 816 & 820 E. Glen Avenue, Tax IDs No. 198-0027 and 198-0028 are hereby rezoned from District 2 – Single Family Residence District to District 4 – Churches, Public Buildings & Grounds District.

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Three: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this \_\_\_\_ day of \_\_\_\_\_, 2021.

VILLAGE OF WHITEFISH BAY

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Julie Siegel, Village President

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Jaimie Krueger, Village Clerk