VILLAGE OF THIENSVILLE
Plan Commission
AGENDA

DATE: Tuesday, October 11, 2022

LOCATION: 250 Elm Street, Thiensville, WI

TIME: 6:00 PM

I. CALL TO ORDER

II. ROLL CALL

CHAIRMAN:	VAN MOBLEY
COMMISSIONERS:	DOUGLAS CHIMENTI MIKE DYER RICK GATTONI CAROL GENGLER JEFF HERSHBERGER KEN KUCHARSKI
PLANNER:	JON CENSKY
DIRECTOR OF COMMUNITY SERVICES/PUBLIC WORKS:	ANDY LAFOND

III. CITIZENS TO BE HEARD

A. Open to any resident or taxpayer on items not subject to a public hearing: Please be advised per §19.84(2), information will be received from the public. Village policy limits a three (3) minute time period per person, with time extension by the presiding official's discretion or a vote of 2/3 of the Board or Committee; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. Written comments on agenda items are encouraged to be sent and addressed to the intended body by noon on the day of the meeting. Comments received timely will be forwarded to all members of the body. If you wish to speak, you must pre-register by emailing the Village Clerk at alanglois@village.thiensville.wi.us by 4:00 PM on the day of the meeting or by signing in immediately prior to the meeting.

IV. BUSINESS

A. Approval of Minutes

1. September 13, 2022 (att)

B. Review and action regarding Request from Daily Taco + Cantina, Jesse Daily, 105 West Freistadt Road, for Extension of October 31, 2022 Deadline to Remove Temporary Tent until May, 2023 (att)

C. Review and action regarding In-ground Pool, Discussion and Possible Action Regarding Fence Requirement Modification, Dale Borowiak, 400 Susan Lane (att)

V. STAFF REPORT

A. Staff Report (att)

VI. ADJOURNMENT

Amy L. Langlois, Village Clerk

October 7, 2022

Please advise the Thiensville Municipal Hall, 250 Elm Street (242-3720) at least 24 hours prior to the start of this meeting if you have disabilities and desire special accommodations.

Notice is hereby given that a quorum of the Village Board and/or Village Committees may be in attendance at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take any formal action thereto at this meeting.

VILLAGE OF THIENSVILLE
Plan Commission
MINUTES

DATE: Tuesday, September 13, 2022

LOCATION: 250 Elm Street, Thiensville, WI

TIME: 6:00 PM

I. CALL TO ORDER

Chairman Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

CHAIRMAN:	VAN MOBLEY
COMMISSIONERS:	DOUGLAS CHIMENTI MIKE DYER RICK GATTONI CAROL GENGLER JEFF HERSHBERGER KEN KUCHARSKI
PLANNER:	JON CENSKY
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Kristina Eckert, owner of glaze, 149 Green Bay Road, noted that the business displays a feather banner that costs approximately $75 to $100. The feather banner is put out when the business opens, is taken inside at the end of every day and is replaced every six to eight months due to fading. The 11-foot by 3-foot ice cream flag has had a positive impact

on sales. Ms. Eckert is not in favor of the added expense of adding her logo because the flag is clearly for the business it is placed in front of. Ms. Eckert believes flags also should not be banned in the historic district because there are many vital businesses in the district, nor should a sandwich board sign be prohibited if there is a flag. Ms. Eckert discussed the matter with other members of the Thiensville Business Association who agree with these views.

Jesse Daily, owner of the cheel and the baaree at 105 South Main Street and Daily Taco + Cantina at 105 West Freistadt Road, noted feather flags draw attention to businesses that are set back from the road. Mr. Daily agreed with the proposal to bring the flags in at night and ensuring that they are not worn or faded.

IV. BUSINESS

A. Approval of Minutes

1. August 9, 2022 (att)

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Chimenti to approve the August 9, 2022, Minutes. **MOTION CARRIED UNANIMOUSLY**.

B. Review and action regarding Sign Code Waiver and Sign Plan, Boz's Clozet, Jill Goldberg/Lance McTrusty, 229 South Main Street, Relocated from 105 West Freistadt Road (att)

Jill Goldberg was present. Boz's Clozet has relocated to 229 South Main Street from 105 West Freistadt Road. Ms. Goldberg has requested moving the sign to the new location.

Planner Censky noted that the existing sign was previously approved. The Sign Code has changed; the sign meets size requirements but does not meet the requirements for interior lighting. The current Code requires that signs have a dark background where the light shines through the letters. The Plan Commission can consider a waiver.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Chimenti to approve Sign Code Waiver and Sign Plan, Boz's Clozet, Jill Goldberg/Lance McTrusty, 229 South Main Street, Relocated from 105 West Freistadt Road, Sign Was Previously Approved by the Plan Commission.

Ayes: Commissioners Chimenti, Gengler, Hershberger, Kucharski and Chairman Mobley
Naes: Commissioner Dyer
Abstain: Commissioner Gattoni
MOTION CARRIED.

C. Review and action regarding Free-Standing Monument Sign, Curated Home Decor,

Melanie Devorkin, 193 Green Bay Road (att)

Stephanie Lawhorn from Signarama was present. Ms. Devorkin is opening a home decor shop and is requesting a free-standing monument sign for that business and a tenant at 193 Green Bay Road. The sign will be externally illuminated.

Planner Censky noted the sign is attractive and meets all setback and size requirements. Director LaFond requested that any motion be contingent on approval by the Historic Preservation Commission at their next meeting scheduled for October 4, 2022.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve Free-Standing Monument Sign, Curated Home Decor, Melanie Devorkin, 193 Green Bay Road, Contingent on Approval by the Historic Preservation Commission on October 4, 2022. **MOTION CARRIED UNANIMOUSLY**.

D. Review and action regarding Free-Standing Monument Sign, Thiensville Professional Park, Sydney Koritzinsky, 210-216 Green Bay Road (att)

Stephanie Lawhorn from Signarama was present. Mr. Koritzinsky's current sign for the Thiensville Professional Park is approximately 20 years old. The proposed sign is similar.

Planner Censky noted the sign fully complies with Village Code.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to approve Free-Standing Monument Sign, Thiensville Professional Park, Sydney Koritzinsky, 210-216 Green Bay Road. **MOTION CARRIED UNANIMOUSLY.**

E. Review and action regarding New Single-Family Home, Lot 2, 104 North Orchard Street (att)

Fred Bersch of Bonnilake Real Estate LLC presented plans for Lot 2 at 104 North Orchard Street. Lot 2 is adjacent to the church building and will be a model home. The home will have two bedrooms on the first floor. The home on Lot 2 is a bit wider than the home on Lot 3 because the lot is 6 feet wider at the front. It is anticipated that the homes on Lots 2 and 3 will be built at the same time.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Chimenti, to approve New Single-Family Home, Lot 2, 104 North Orchard Street. **MOTION CARRIED UNANIMOUSLY.**

F. Review and action regarding New Single-Family Home, Lot 3, 106 North Orchard Street (att)

Fred Bersch of Bonnilake Realty LLC presented plans for Lot 3 at 106 North Orchard Street. Lot 3 will have three bedrooms on the first floor with an exposed lower level. Commissioner Kucharski inquired about the timeline to complete the homes. Mr. Bersch replied that each home would take about seven months to build. Commissioner Gengler

inquired about water runoff from the lots. Director LaFond noted the design intends that no water leaves the site and flows into storm drainage.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Chimenti to approve New Single-Family Home, Lot 3, 106 North Orchard Street. **MOTION CARRIED UNANIMOUSLY**.

G. Discussion and consultation regarding Razing House/Garage and Rebuilding, Michael Koepke, 127 South Main Street (att)

Michael Koepke was present and is seeking feedback from the Plan Commission about what would be permitted if he were to raze his house and garage at 127 South Main Street and rebuild. Mr. Koepke inquired what building code requirements must be followed because the building is partially a business.

Director LaFond noted this is a consultation prior to an architect developing plans. The building code provisions would be up to the architect to propose to the building inspector and the code reviewer. The property is in the B-1 Central Business District. The code recently was amended to require that 30% of first-floor space must be business; the previous requirement was 100%. All of the frontage must be business.

Planner Censky added the property is in the Historic District, which is critical to the Village. If this is approved, the new building should have some historic flavor. Director LaFond noted that the Historic Preservation Commission must issue a raze permit and Certificate of Appropriateness and approve a new design.

Mr. Koepke is considering a two-story farmhouse-style house. The existing garage would be demolished. The footprint of the new structure would be similar. Mr. Koepke wants to demolish the building because of the layout and the cost of remodeling would be more than new construction.

Commissioner Chimenti noted the new building would maintain the historic feel of the district in a new, energy efficient building. Commissioner Hershberger noted that it makes more sense to do what Mr. Koepke is proposing than to keep an old building that cannot be utilized in the way the owner wants. Commissioner Kucharski shared support of Mr. Koepke's plans, provided that the Historic Preservation Commission approves them. Chairman Mobley agreed that the plans first must be considered by the Historic Preservation Commission.

H. Review and recommendation to the Village Board to Amend the Sign Code to Regulate Feather and Flag Banners (att)

Director LaFond provided a fourth version of potential regulations of feather banners based on discussion at the previous Plan Commission meeting. This version adds feather banners to the list of prohibited signs. Feather banners would be allowed at special events and festivals without a permit and would be allowed from the start of an event and must be removed at the end of the last day of the event. Any action by the Plan Commission would be a recommendation to the Village Board.

Commissioner Gengler appreciated the remarks at the outset of the meeting from two business owners and inquired which version should be considered if the Commission wants to accommodate those requests. Director LaFond noted Version 1 treats feather banners in a similar manner to sandwich boards and would be allowed if the business has a permanent sign, receives a permit, the banners are brought in every night and are under the maximum size. There are other places in the Village Code that restrict banners to a certain number of days in a year.

Commissioner Gattoni favors the fourth version that prohibits feather banners except for special events. Commissioner Kucharski noted that Ms. Eckert made a good presentation regarding the ice cream sign attracting customers to glaze. Commissioner Kucharski prefers Version 4. Commissioner Chimenti has mixed feelings after hearing Ms. Eckert and Mr. Daily speak about how flag banners benefit their businesses. Commissioner Hershberger favored Version 1 which would permit feather banners. There are restrictions, such as having to take the banners in every night, that require a commitment from the business owner. Commissioner Gattoni noted allowing feather banners would place enforcement responsibility on the Village.

This item was tabled to be considered at the next meeting in October.

V. STAFF REPORT

A. Staff Report (att)

Director LaFond reported there were staff-approved fences at 217 Bel Aire Court and 513 Heidel Road. A non-complaint shed at 202 Woodside Lane will be considered by the Zoning Board of Appeals. Planner Censky noted the homeowners will have to prove a hardship in order to keep the shed in the existing location. Police handled complaints regarding long grass at 136 North Orchard Street and 214 Heidel Road, signs in the right-of-way at Main Street and Freistadt Road and the 100 block of West Freistadt Road and contacted a resident at 521 Laurel Drive regarding a boat stored on grass.

VI. ADJOURNMENT

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Kucharski to adjourn the meeting at 7:06 PM. **MOTION CARRIED UNANIMOUSLY**.

Submitted by,

Gary Achterberg
Administrative Assistant

Signed by,

Amy L. Langlois
Village Clerk/Deputy Treasurer

Village of Thiensville

Plan Commission Application

Property Address: 105 W. FRIESTADT RD., Thiensville WI 53092

Tax Key #

Current Zoning

Property Owner

J. DAILY

Name

Address

414-241-0013

Phone

JESSE@CORE-USA.COM

Email address

Applicant ☐ Same as owner

Name

Address

Phone

Email address

Project description

Please describe your project in detail. Include details about height and dimensions, color, materials used and setbacks from the street and property lines. Provide any information that you believe will assist staff in reviewing and approving your request.

FOR CHEEZ POP UPS

Applicant's Signature

9/9/21

Date

A complete application along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule to the Village Clerk In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. The applicant is responsible to pay planner charges after a first half hour of planner time. Owner, architect, builder or owner's representative must attend the Plan Commission meeting for action to be taken. Work cannot begin until Plan Commission approval and paid and approved building permit.

Planner Fee Schedule: The Village provides the first half hour of the Village Planner's services. Anny additional plan review time is billed at $50.00/hr

Application Checklist: *Two Paper Copies and an electronic copy with files in PDF format (plan size 11X17) must be submitted for all applicable items below for planner review and the Plan Commission packet.*

☐ Submit scaled site plan with proposed location and setbacks with accurate dimensions indicating the property size, its relationship to surrounding properties, existing topography, key natural features and show the location of all existing and proposed:

A. Structures, showing all entrances	K. Dumpster location and screening
B. Driveways & street access	L. Location, color, message, dimensions and materials of all signs
C. Parking areas	M. Location, size and character of dedicated or private open space
D. Walkways	N. Location of sanitary sewer, storm sewer, water mains and services and storm water detention facilities
E. Existing landscaping	O. Floor plan of building or addition
F. Abutting public and private streets	
G. Public easements	
H. Surrounding land uses and zoning	
I. Retaining walls	
J. Decorative accessories	

☐ Storm water management plan.

☐ Completed building permit application (including two full size plan sets with state stamp for commercial and multi-family).

☐ Grading plan showing existing and finished grades.

☐ Professionally prepared landscape plan.

☐ Lighting plan; photometric plan, type of fixtures, wattage and location and height of lighting structures.

☐ Topographic data or pertinent grade elevations, if necessary, for proper remodeling of existing buildings showing finished exterior treatment.

☐ Colored elevations of proposed buildings, structures and fencing, or of proposed remodeling of existing buildings, showing finished exterior treatment and a listing of building materials.

Is property in Thiensville's Historic District? ☐ Yes ☑ No

If yes, you must apply for a Certificate of Appropriateness with the Historic Preservation Commission. Complete the COA application. Attendance at HPC meeting is required

*All Commercial and Multi-Family projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Thiensville Fire Department for review, approval, and inspections.

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VILLAGE STAFF REVIEW

☑ Application Complete. Items needed: _____

Submitted to Village Planner on 9/16/22 Planner Staff Report Completed on —

Plan Commission Meeting Date 10/11/22

☑ Historic Preservation Approval (if needed) on n/a

ADDITIONAL REMARKS/CONDITIONS:

_____

_____

_____

D. Langlois	Village Clerk	10/6/22
Village Staff	Title	Date

Village of Thiensville
250 Elm Street
Thiensville, WI 53092-1602

TEMPORARY TENT APPLICATION

APPLICANT INFORMATION:

Name: JESSE DAILY

Address: 105 W. FRIESTADT RD. **Phone #:** 414-241-1013

TENT INFORMATION:

Address where tent will be placed: DAILY TACO

Date to be installed: NOW **Date to be removed:** APRIL/MAY 2023

Size: 20 x 20 **Total Square Feet:** 400

Will the tent have any advertising – specify: NO

Where on building of site will it be installed: NORTH-WEST

Details of Tent Installation and Owner: (Use reverse side if necessary)

FOR CHEER POP-UPS BEFORE WE OPEN

Signature of Applicant 9/9/22 **Date**

VILLAGE USE ONLY

Application approved_____, **denied**_____

Comments:_____

Village Administrator **Date**

Police Department Notification Date:_____

VILLAGE OF THIENSVILLE
Plan Commission
MINUTES

DATE: Tuesday, March 8, 2022

LOCATION: 250 Elm Street, Thiensville, WI

TIME: 6:00 PM

I. CALL TO ORDER

Chair Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

CHAIRMAN:	VAN MOBLEY
COMMISSIONERS:	DOUGLAS CHIMENTI CAROL GENGLER JEFF HERSHBERGER MIKE DYER KEN KUCHARSKI RICK GATTONI
PLANNER:	JON CENSKY
DIRECTOR OF COMMUNITY SERVICES/PUBLIC WORKS:	ANDY LAFOND

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There were no citizens present to be heard or correspondence received.

IV. BUSINESS (ALL APPLICANTS OR THEIR CONTRACTORS MUST BE PRESENT FOR

ANY ACTION TO BE TAKEN)

A. Approval of Minutes

1. February 8, 2022 (att)

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Gattoni to approve the February 8, 2022, Minutes. **MOTION CARRIED UNANIMOUSLY**.

B. Review and action regarding New Sign, A Floral Affair, 184 South Main Street, Joe Couto (att)

Joe Cuoto, owner of A Floral Affair, recently moved from 125 Green Bay Road to 184 South Main Street. The application is for a hanging sign and was granted a Certificate of Appropriateness from the Historic Preservation Commission. Director LaFond noted the Historic Preservation Commission commended the applicant on the design.

Planner Censky verified with the applicant that the sign meets the Code requirement that it be at least 8 feet above the sidewalk.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve New Sign, A Floral Affair, 184 South Main Street, Joe Couto. **MOTION CARRIED UNANIMOUSLY**.

C. Review and action regarding Sign Plan Approval for New Monument Sign, Thiensville Commons, and Monument Sign Setback Waiver, and New Wall Sign, LUX Dental, SCT Properties, LLC, Suzanne Tack, 108 East Freistadt Road (att)

Suzanne Tack of LUX Dental was present. The applicant proposed removing the pole sign and replacing it with a monument sign that will take up one spot in the parking lot at 108 East Freistadt Road. The sign will be surrounded by a curb and landscaping. In addition to Dr. Tack's dental practice, the sign will include Edward Jones and a future tenant (LCA will leave in May). The building includes approximately 5,000 square feet of space. The dental practice will occupy the space previously occupied by the scuba shop, the dry cleaner and Edward Jones; Edward Jones is moving one space to the west leaving about 750 square feet available.

Planner Censky noted that Village Code requires the monument sign be set back 4 feet from the public right of way. The plans submitted indicate that the sign is closer than 4 feet so a waiver is required. Dr. Tack noted that the site of the pole that is being removed will be used to support the new monument sign.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Kucharski to approve Sign Plan for New Monument Sign, Thiensville Commons, and Monument Sign Setback

Waiver and New Wall Sign, LUX Dental, SCT Properties, LLC, Suzanne Tack, 108 East Freistadt Road. **MOTION CARRIED UNANIMOUSLY**.

D. Review and action regarding Request from Daily Taco + Cantina, Jesse Daily, 105 West Freistadt Road for Extension to March 20, 2022 Deadline to Remove Temporary Tent (att)

Jesse Daily, Daily Taco, 105 West Freistadt, addressed the Commission noting the tent has been beneficial over the winter months and through COVID. The cheel pop-up event at Daily Taco attracted 400 customers over two nights. The landlord has been reluctant to allow construction of an addition. There is seating for 35 to 40 customers inside the restaurant. The tent is necessary for the pop-up events and other times when there are more customers than can be seated inside. The current space is not large enough for the current volume of business.

Chair Mobley asked about the timetable for the cheel rebuild. Mr.Daily is hoping to begin work on the foundation within a few weeks. Mr. Daily added it is not yet possible to give a firm estimate of when the cheel will open due to construction scheduling and availability of materials. The baaree beer garden will be open for business this summer with construction taking place nearby.

Bill Conley addressed the Plan Commission and urged Commissioners to focus on the vitality that Daily Taco brings to the Village and supports extending permission to use the tent.

Anna Bakalinsky, representing owner Mila Kaufman, spoke and noted that her mother supports allowing the tent to remain. There is ample parking in front of Daily Taco, and the tent is well-maintained.

Commissioner Dyer noted that tents are temporary structures that should be down for a substantial part of the year. This tent has become more of a permanent structure. Mr. Daily is doing a nice job, but the tent sets a precedent. Mr. Daily noted the area will soon be a construction zone. There have been discussions with Ms. Bakalinsky and her family about a possible expansion of the building and making it more useful for the growth of Daily Taco.

Commissioner Kucharski noted that Mr. Daily is trying to do a balancing act between the two businesses. There are a lot of customers who want to patronize the cheel and Daily Taco. This business needs the space to stay relevant, stay busy and keep employees busy. If this is approved, the Commission needs to consider an end date.

Commissioner Chimenti noted the Daily Taco tent initially was approved due to COVID and now the request is based on density. Chair Mobley agreed with Commissioner Kucharski's remarks that there is a need to keep customers engaged and is happy to approve this request through the summer.

Mr. Daily shared that the tent has been very helpful and anticipates there will have been enough progress with the cheel building by this coming fall and winter that there is an end in sight. This has not been an ideal situation, but the tent afforded an opportunity to have events Mr. Daily otherwise would not have been able to host.

Commissioner Gengler agrees with Commissioner Kucharski. Commissioner Hershberger noted that the tent is well-maintained and has been beneficial to Daily Taco, but tents must come down at some point. Commissioner Chimenti recommended that the Plan Commission request the Village Board develop language pertaining to dates for the use of temporary tents by businesses. Chair Mobley agreed that the Village Board should discuss this issue.

MOTION by Commissioner Chimenti, **SECONDED** by Commissioner Gengler to approve Request from Daily Taco + Cantina, Jesse Daily, 105 West Freistadt Road, for Extension of Initial Deadline to Remove Temporary Tent by March 20, 2022 Until October 31, 2022. **MOTION CARRIED UNANIMOUSLY**.

V. STAFF REPORT

A. Staff Report (att)

Director LaFond noted there were no staff-approved projects in February. Work continues on a code-enforcement issue regarding a carport at 130 Green Bay Road that was put up without a permit. The owner has not responded. Police officers removed campaign signs in the public right-of-way on North Main Street. Officers also handled a complaint about too many vehicles parked on the road in the 300 block of Madero Drive.

VI. ADJOURNMENT

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to adjourn the meeting at 6:47 PM. **MOTION CARRIED UNANIMOUSLY**.

Submitted by,
Gary Achterberg
Administrative Assistant

Signed by,
Amy L. Langlois,
Village Clerk/Deputy Treasurer

Greetings Villagers!

First, I wanted to thank you for your continued support in our efforts to keep Daily Taco alive and thriving! Having the tent available during the winter has allowed us to weather the storm with respect to COVID and our very limited seating indoors, thus allowing us to have a larger customer-base available along with being able to host pop-up events, etc. throughout the winter months. As we near the end of our conditional approval, we are again coming to you to ask for an extension for the tent space. Many of our "cheel" customers have requested that we do several more pop-ups in our space at Daily Taco leading up to the reopening of cheel – and with the unpredictable weather patterns, limited indoor seating, etc. – we really can't support doing these events without assurance we'll have space for 60+ (inside and out, inside only really seats 35 or so...) people and risk weather nuances that could hinder our ability to proceed with these events. As we near the start of construction of the new cheel, we know how important it is for us to "stay relevant" in our community – to keep the brand, concept, etc. in front of our loyal customer-base and keep them eager to visit us once the construction is finalized.

While we understand that not everyone is keen on having "tents" in our community, specifically in the historical district – we understand that there is a level of "community feel" that everyone wants to maintain, but also keep in mind that this whole district will be turning into a giant construction zone – and the tent will be the smallest of eyesores in our community even though we feel it adds to the appeal of the space. We purchased the tent and have ownership of it – and the flexibility it provides us is paramount to both Taco and cheel success and we hope that you'll consider an extension for us.

If approved, we'll plan to remove the hay bales and surround the tent with beautiful flowers, potters, etc. – you are all aware of the level of care and beautification that our family has provided for this community – and I hope that you'll take that into consideration for our extension.

In addition, we are talking with the owners of the Daily Taco building about possibly adding to the building a small event/dining space similar to the tent concept size that could house 30-40 people, but those discussions are just starting to happen – and we are unsure if our landlords will be willing to make that investment in their property. We are also exploring other areas of our community wherein we can get a larger customer base inside and will be looking to present a proposal for the TIF district across the street as well.

With Much Respect,

Jesse & Barkha Daily
Owner(s), the cheel
414.241.1013 I info@thecheel.com I www.thecheel.com
105 S. Main St. Thiensville, WI 53092

BOROWIAK – 400 SUSAN LANE - POOL

To: Village of Thiensville, Plan Commission **Prepared by:** Jon Censky, Village Planner

Date: October 11, 2022

General Information

Applicant:	Dale Borowiak
Status of Applicant:	Owner
Requested Action:	Backyard Pool
Zoning	R-1 Single Family Residential District
Proposed Zoning:	No Change
Location:	400 Susan Lane
Land Use Plan Designation:	Residential
Existing Land Use:	Single Family

Report:
The applicant is requesting approval of a backyard pool to be located north and east of their back patio. This Derby City pool measures 15.5' X 30' which will be placed at an angle to match the angle of the existing patio. The north edge of the pool will be 13' from their north property line and the east edge will be 18' from the east property line. The applicant's back yard appears very secluded with a retaining wall along the north property line along which is a coniferous hedge.

Staff notes that private pools are governed by **Section 14.443** of the Building Code which requires that the following rules be met:

- Either poured concrete or masonry material approved by the Building Inspector be use.
- A satisfactory recirculation and purification system shall be installed.
- A fence surrounding the area of not less than four feet nor more than six be installed.
- A suitable drainage system shall be provided, and such drainage shall not be directed to the public sanitary sewer system, nor shall it adversely affect adjacent properties.
- The Plan Commission may modify such things as fence height, location, walls, gates, latches or the necessity thereof, on a case-by-case basis, provided safety is not sacrificed.
- All equipment shall be reasonably sound proofed, if necessary.
- Setbacks for the concrete slab and equipment shall be a minimum of 10.

With this request the applicant is asking Commissioners to consider approving his pool with a pool cover instead of a fence as there is the adjacent retaining wall. As noted above, the Plan Commission has the authority to modify the requirements of fencing as noted above, if you feel safety is maintained. Accordingly, the applicant feels that with the adjacent retaining wall, a fence is unnecessary and that the pool cover will provide sufficient safety.

Staff Comments:
Staff's review indicates full compliance with the R-1 dimensional requirements:

- The Village Building Inspector reviewing the plans for compliance with the Building Code.
- The applicant securing a building permit prior to construction.
- The concrete slab for the pool shall be at least 10' from any property line.

Village of Thiensville

Plan Commission Application

RECEIVED
SEP 16 2022
BY: .....

Property Address: 400 Susan Lane, Thiensville WI 53092

12-055-11-05-000
Tax Key #

Residential
Current Zoning

Property Owner

Dale Borowiak
Name

400 Susan Ln
Address

262 665 7043
Phone

dborowidk@att.net
Email address

Applicant ☒ Same as owner

Name

Address

Phone

Email address

Project description

Please describe your project in detail. Include details about height and dimensions, color, materials used and setbacks from the street and property lines. Provide any information that you believe will assist staff in reviewing and approving your request.

Please see attached

Dale Borowiak
Applicant's Signature

9/16/2022
Date

A complete application along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule to the Village Clerk In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. The applicant is responsible to pay planner charges after a first half hour of planner time. Owner, architect, builder or owner's representative must attend the Plan Commission meeting for action to be taken. Work cannot begin until Plan Commission approval and paid and approved building permit.

Planner Fee Schedule: The Village provides the first half hour of the Village Planner's services. Any additional plan review time is billed at $50.00/hr

Application Checklist: *Two Paper Copies and an electronic copy with files in PDF format (plan size 11X17) must be submitted for all applicable items below for planner review and the Plan Commission packet.*

☐ Submit scaled site plan with proposed location and setbacks with accurate dimensions indicating the property size, its relationship to surrounding properties, existing topography, key natural features and show the location of all existing and proposed:

A. Structures, showing all entrances	K. Dumpster location and screening
B. Driveways & street access	L. Location, color, message, dimensions and materials of all signs
C. Parking areas	M. Location, size and character of dedicated or private open space
D. Walkways	N. Location of sanitary sewer, storm sewer, water mains and services and storm water detention facilities
E. Existing landscaping	O. Floor plan of building or addition
F. Abutting public and private streets	
G. Public easements	
H. Surrounding land uses and zoning	
I. Retaining walls	
J. Decorative accessories	

☐ Storm water management plan.

☒ Completed building permit application (including two full size plan sets with state stamp for commercial and multi-family).

☐ Grading plan showing existing and finished grades.

☐ Professionally prepared landscape plan.

☐ Lighting plan; photometric plan, type of fixtures, wattage and location and height of lighting structures.

☐ Topographic data or pertinent grade elevations, if necessary, for proper remodeling of existing buildings showing finished exterior treatment.

☐ Colored elevations of proposed buildings, structures and fencing, or of proposed remodeling of existing buildings, showing finished exterior treatment and a listing of building materials.

Is property in Thiensville's Historic District? ☐ Yes ☒ No

If yes, you must apply for a Certificate of Appropriateness with the Historic Preservation Commission. Complete the COA application. Attendance at HPC meeting is required

*All Commercial and Multi-Family projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Thiensville Fire Department for review, approval, and inspections.

VILLAGE STAFF REVIEW

☑ Application Complete. Items needed: _____

Submitted to Village Planner on 9/20/22 Planner Staff Report Completed on 10/6/22

Plan Commission Meeting Date 10/11/22

☐ Historic Preservation Approval (if needed) on N/A

ADDITIONAL REMARKS/CONDITIONS:

_____

_____

_____

A. Langlois	Village Clerk	10/6/22
Village Staff	Title	Date

WATER CITY
— Pool & Spa —

Water City Pool & Spa
1951 S. Washburn St.
Oshkosh, WI 54904
Phone: 920-479-6506 Phone: 920-479-6508
Email: jeff@watercitypools.com
Web: www.watercitypools.com

Quote

Salesperson 1: Jeffrey

Sales Type: Fiberglass Pool Contract
Revenue Center: ING Pool Sales

Created: 8/4/2022 3:12:30 PM
Completed: 8/4/2022 3:59:34 PM
Register: ...Jeff

Customer Id: 6090

Invoice 49654

LISA BOROWIAK
400 SUSAN LANE
THIENSVILLE, WI 53092

H: 2624199602
Email: lisa.borowiak@abbott.com

Qty	Description	Price	Amount
1	On Site Inspection	0.00	.00
1	15.5' X 30' Imagine Illusion Fiberglass Pool Skimmer - Main Drains, Inlets Maintence Kit Chemical Package Prices subject to change as we are expecting continuing steel/ fiberglass price increases, which affect pool and equipment, along with expected increase in gas and shipping costs.Pricing will be re-evaluated every 30 days.	62,601.00	62,601.00
1	Pentair Superflo VST 1.5HP Pump Energy Efficient Pump	0.00	.00
1	Cmp Widemouth Vinyl Builder Pack (White)	0.00	.00
1	Filter Sd 80 Clearpro Tech Pentiar 2" Head	0.00	.00
1	Pentair Mastertemp 175 Natural Heater	3,061.00	3,061.00
1	12-14V 300W Transformer Pool Lights	192.00	192.00
2	Pentair 12V 100' 1.5" Color Microbrite Led Light	630.00	1,260.00
1	Color Sync Controller Pentair Light Controller and App	498.00	498.00
1	Custom Apc 365 Automatic Pool Cover	14,840.00	14,840.00
1	(2) 4" Bronze Ladder/Rail Cup Set On 8" Channel	0.00	.00
1	Bronze Basketball Anchor/Jig	0.00	.00
2	Pentair 2 Way Pvc Valve 2" To 2.5" Slip	0.00	.00
3	Pentair 3 Way Valve Pvc 2" To 2.5" Slip	0.00	.00
20	2" Pvc 20' Bell End Misc Pvc Fittings	0.00	.00
1	Water Bonding Fitting	0.00	.00
9	25# Grade-1 Fine Activate Glass Filter Media	0.00	.00
2	25# Grade-2 Coarse Activate Glass Filter Media	0.00	.00
2	E Light ® Pad 48X48X3	0.00	.00
1	Installation Of Inground Pool-Labor Theinsville Install	0.00	.00

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BY:

1	Excavate Ig/ Fg Pool Setting & Back Fill Theinsville Excavation	*	0.00	.00
1	Job/Labor		0.00	.00
1	Equipment Rental		1,500.00	1,500.00
1	Purchase Order Freight		3,000.00	3,000.00
2	Delivery Of 6000 Gallons Of Water	*	450.00	900.00
1	Hauling Excavate Material From Jobsite Dumpsite TBD- Budget	*	0.00	.00
1	Prep- Material & Pour Of Concrete Area Approx. 0Sq Ft		0.00	.00
1	Electrical Hook-Up Budget- TBD		0.00	.00
1	Gas/ Propane Hookup Budget- TBD		0.00	.00
1	3% Discount For Cash Or Check Payment		0.00	.00
	* Non-Taxable Items			

Sub Total	**$87,852.00**
State Tax	**$0.00**
City/County Tax	**$0.00**
Total	**$87,852.00**
Amount Paid	**$0.00**
Balance	**$87,852.00**

AGREEMENT OF SALE:

We are not responsible for any unknown drainage or piping damaged during excavation or pool installation process. Our price does not include any underground drainage (buried downspout drains, French drains, etc.) removal, or installatrion unless specific on the sales order.

With current market and supply chain demands, material prices are changing frequently. All increases that we incur will be applied to your invoice. Pricing will be re-evaluated every 30 days.

Initials_____

PAYMENT SCHEDULE: Prompt payments are to be made in the following order. 1) Down payment, 2) To order the pool, 3) Prior to excavation, 4) Prior to the pool structure being installed, 5) Prior to concrete, 6) Prior to water delivery, 7) Change order, and 8) Upon walk-through. Lateness or lack of payment will result in the delay of order or installation. Please consult us for clarification of the payment schedule if needed.

SPECIFIC EXCLUSIONS: this proposal specification shall be binding, and no additional work is to be performed without written authorization signed by Owner and Contractor shall not (unless with nominal fee attached):
1. Provide landscaping (rough grade only) ?
2. Provide seeding
3. Provide electrical work
4. Provide fencing
E. Provide decking work
F. Provide backfill

Water City Pool & Spa, LLC does not apply or obtain the permit(s) for the said working location.

Owner warrants that she/he is the fee simple owner of the property upon which the work is to be performed.

Backfill removal ?

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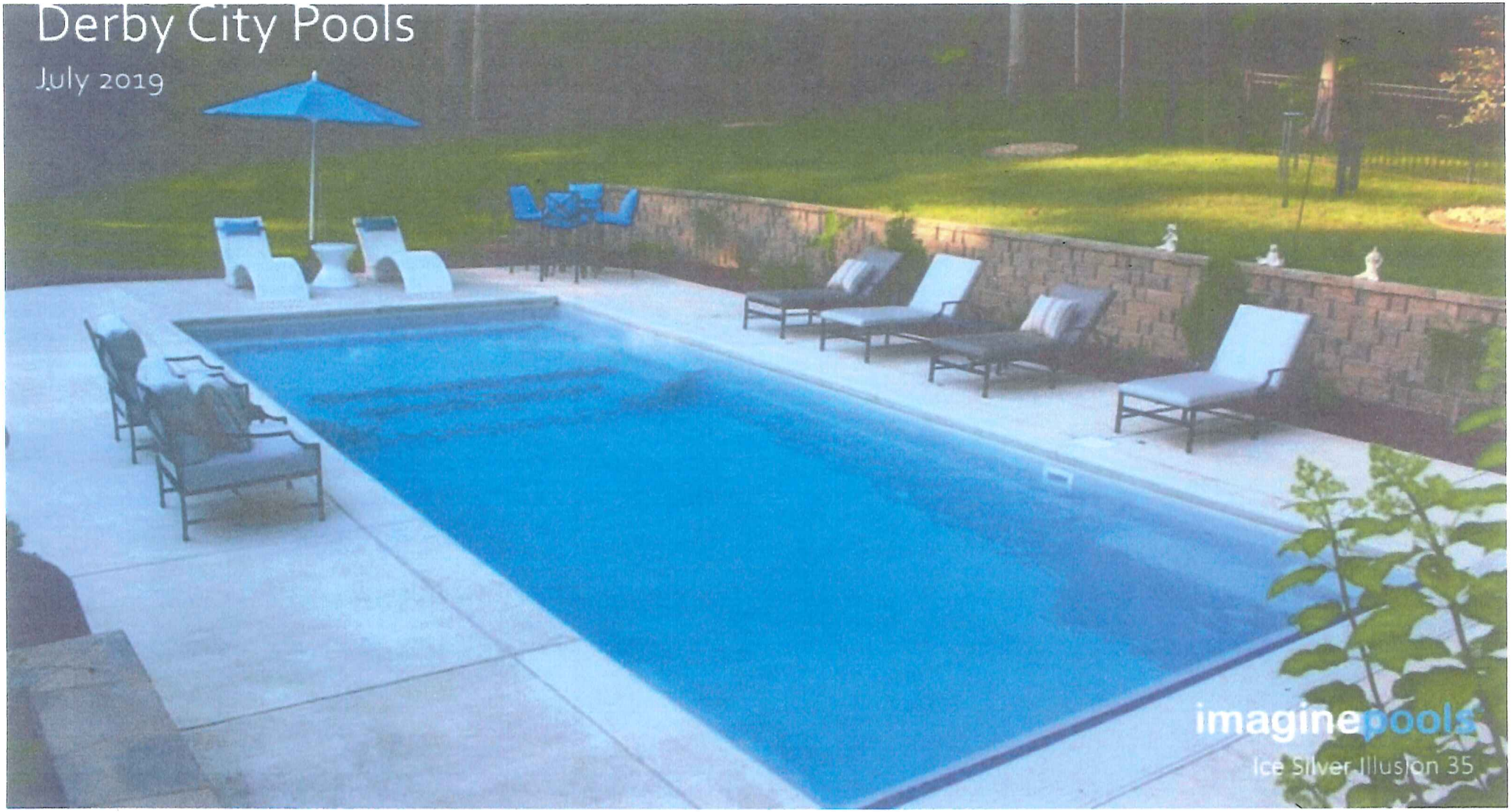
Derby City Pools

July 2019



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BY: .....

Pool previously on property

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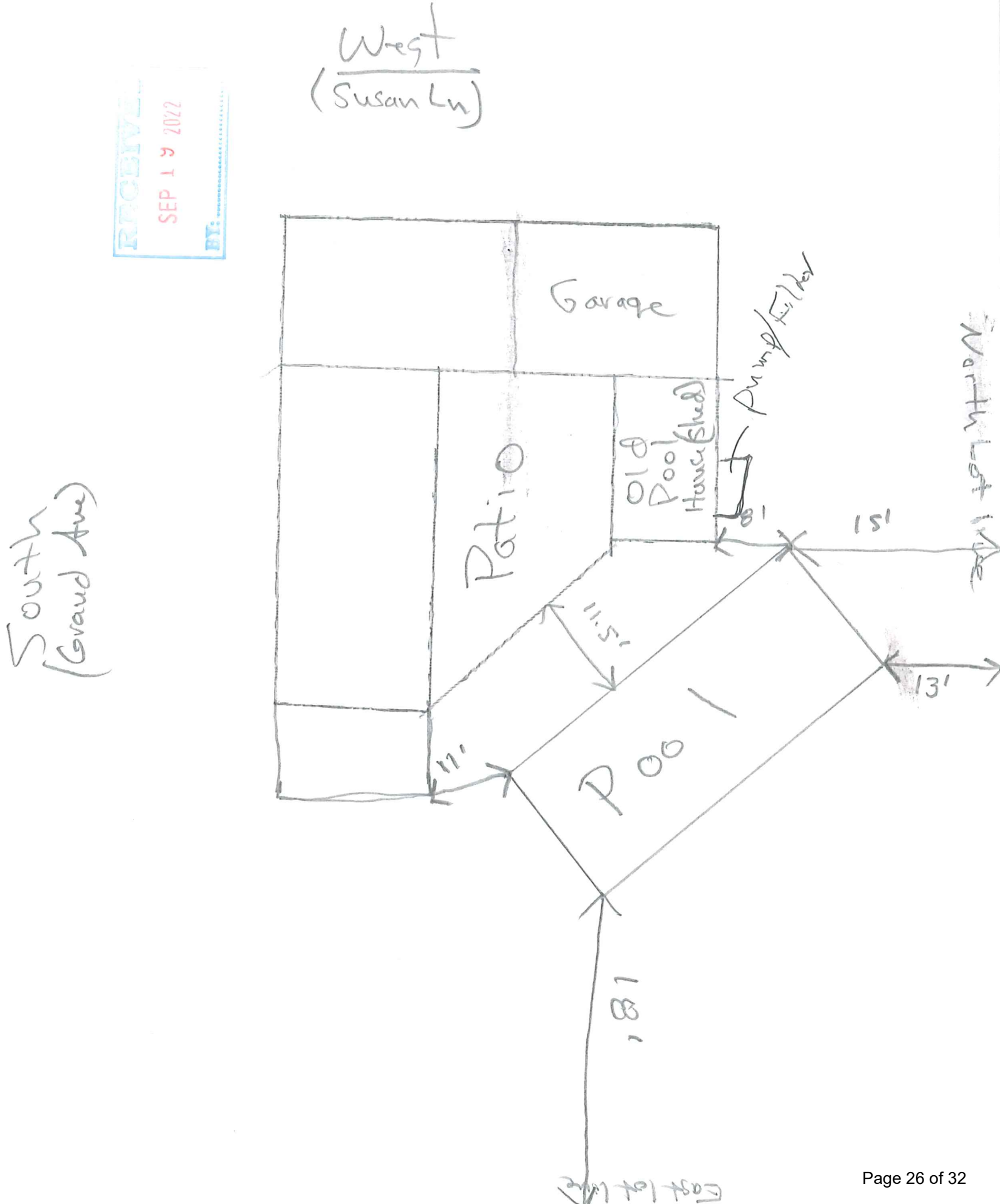
SEP 19 2022
BY:



Mary Lane
105.00
411
130.00
156.05
12-055-11-07-000
12-055-11-06-000
142.00
720
130'
72.78'
68.32'
138.23
12-055-11-05-000
12-055-11-04-000
406
95.57'
400
110'
Grand Avenue
711
106.88
713
111'
24.64
105.60
409
92.23'
100'
3.16'
159.18'
146.84'
12-055-10-06-000

SEP 19 2022

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BY:.....

Thiensville Village Board,

We are planning on installing a pool on our property at 400 Susan Ln. The pool will be installed in the backyard.

The previous owners had a pool on the property, but removed. We would like a variance to the fence mandate.

The pool in question will be approximately, 30 ft. long, by 15 ft. wide. It will be placed at an angle in the backyard.

With the improved technology and safety of automatic pool covers, we feel there is no need for additional fencing. Our yard still has a small

section of fence in the NE corner protecting it from the neighbors. There is a large line of cedars that runs along the entire

length of the north property line. We have also installed several large white pines along the east property line. To the south is Grand Avenue,

and to the west is Susan Ln. The pool cover that is part of our purchase, is considered a safety cover. It can be walked on. When the

pool is not in use, the cover will be closed. This cover is $15,000.00. I would like to alleviate the extra cost of a fence.

If you have additional questions, please feel free to reach out.

Thanks,

Dale and Lisa Borowiak

Industry-leading turnaround times! Our dealers currently enjoy a 4-5 day turn time on new system orders.

- Builder Resources
- Contact
- FAQ
- Careers
- Newsroom
- Partner Login

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BY:

Automatic Pool Covers, Inc.™

- Contact
- About Us
- Our Products
- Why APC?
- Careers
- For Partners
- For Homeowners

FAQ

Below you'll find some frequently asked questions we receive from automatic pool cover owners and partners. If you have additional questions, please don't hesitate to contact us for more information.

Q: Can I walk on the cover?

Yes, but we recommend only in an emergency.

Q: Is the cover too big?

The fabric is manufactured to include extra material for winterization. Initially, the fabric could appear wrinkled or oversized but these wrinkles are normal and may smooth out.

Q: Can the cover be opened/closed manually?

Yes, it can. Please contact your service representative for instructions.

Q: If I drain my pool or if the water leaks out, should I close my cover?

Closing the cover when the water level is any more than six (6) inches below the skimmer could cause damage to the system. Fill the pool to a level where the water supports the system, or call for service.

Q: The cover is opening/closing crooked. What should I do?

VILLAGE OF THIENSVILLE

250 Elm Street
Thiensville, WI 53092-1602

Phone (262) 242-3720
Fax (262) 242-4743

September 12, 2022

COPY

Dale Borowiak
400 Susan Lane
Thiensville, WI 53092

Dear Mr. Borowiak,

Thank you for stopping in Village Hall on September 6 to discuss your plans to build a pool. After speaking with Andy LaFond, the Village's Director of Community Services, and Jon Censky, the Village Planner, I thought it was best to reply with a letter so I can outline your potential next steps.

Section 14-433(3) of Village Code requires that "each outdoor private swimming pool shall be completely surrounded by a fence or wall of not less than four feet in height but not to exceed six feet in height." I've attached the full text of the Ordinance.

You must submit your plans for the pool for consideration by the Village Plan Commission. I have attached the Plan Commission application, a building permit application and a schedule of submission deadlines for upcoming meetings. I also have included an aerial view of your property that you can use to show the location and setbacks from property lines and other structures. Your application should include details of the proposed pool and its location. The Plan Commission can consider a modification of the fence requirement. Please provide details of your justification for that waiver in your application.

If you have questions, please contact me.

Sincerely,

Gary Achterberg
Administrative Assistant

cc Andy LaFond, Director of Community Services
Jon Censky, Village Planner
Property File

All new electrical services and upgrades shall be done underground per Ordinance 1995-07

262-420-4732
SAFEbuilt.

WI UNIFORM PERMIT APPLICATION

Wlinspections@safebuilt.com
Inspections need to be called in by 4 pm for next business day inspections.

PERMIT NO.

TAXKEY# 12-055-11-05-000

Village of THIENSVILLE

☐ TOWN ☑ VILLAGE ☐ CITY
OF Thiensville
COUNTY: Ozaukee

PROJECT LOCATION (Building Address): 400 Susan Ln

PROJECT DESCRIPTION: In-ground pool

☐ COMMERCIAL ☒ ONE & TWO FAMILY

	Mailing Address - Include City & Zip	Telephone - Include Area Code
Owner's Name: Dale Borowiak	400 Susan Ln Thiensville 53092	262 665 7043
Construction Contractor (DC Lic No.): Water City Pool & Spa	1951 S. Washburn Oshkosh 54904	920 479 6506
Dwelling Contractor Qualifier (DCQ Lic No.)	Dwelling Contractor Qualifier shall be an owner, CEO, COB, or employee of Dwelling Contractor	Telephone - Include Area Code
Plumbing Contractor (Lic No.)	Mailing Address - Include City & Zip	Telephone - Include Area Code
Electrical Contractor (Lic No.): Northshore Electric	8860 N. Mohawk Rd Bayside 53217	414 324 0082
HVAC Contractor (Lic No.)	Mailing Address - Include City & Zip	Telephone - Include Area Code

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BY:

PROJECT INFORMATION

Subdivision Name | Lot No. | Block No.

Zoning District	Lot Area Sq. Ft.	N.S.E.W. Setbacks	Front Ft.	Rear Ft.	Left Ft.	Right Ft.

1a. PROJECT
☐ New ☐ Addition ☐ Raze ☐ Alteration ☐ Repair ☐ Move ☒ Other Pool

1b. GARAGE
☐ Attached ☐ Detached

2. AREA
Basement ____ Sq. Ft.
Living Area ____ Sq. Ft.
Garage ____ Sq. Ft.
Other 450 Sq. Ft.
TOTAL (30 x 15) Size of pool

3. TYPE
☑ Single Family ☐ Two Family ☐ Multi ☐ Commercial

4. CONST. TYPE
☐ Site Constructed ☐ Mfd. UDC ☐ Mfd. HUD

5. ELECTRICAL
Entrance Panel
Size: ____ amp
Service: ☐ New ☐ Rewire
____ Phase ____ Volts
☐ Underground ☐ Overhead
Power Company:

6. STORIES
☑ 1-Story ☐ 2-Story ☐ Other

7. FOUNDATION
☐ Concrete ☐ Masonry ☐ Treated Wood ☐ ICF ☐ Other

8. USE
☐ Seasonal ☐ Permanent ☐ Other

9. HVAC EQUIPMENT
☐ Forced Air Furnace ☐ Radiant Baseboard or Panel ☐ Heat Pump ☐ Boiler ☐ Central Air Conditioning ☐ Other

10. PLUMBING
Sewer
☐ Municipal ☐ Septic No.

11. WATER
☐ Municipal Utility ☐ Private On-Site Well

12. ENERGY SOURCE

Fuel	Nat. Gas	L.P.	Oil	Elec.*	Solid	Solar
Space Htg	☐	☐	☐	☐	☐	☐
Water Htg	☐	☐	☐	☐	☐	☐

*☐ Dwelling unit will have 3 kilowatt or more installed electric space heater equipment capacity.

13. HEAT LOSS (Calculated)
Total ____ BTU//HR

14. ESTIMATED COST
$ 86,000.00

I understand that I: am subject to all applicable codes, laws, statutes and ordinances, including those described on the Notice to Permit Applicants form; am subject to any conditions of this permit; understand that the issuance of this permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If one acre or more of soil will be disturbed, I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and the owner shall sign the statement on the Notice to Permit Applicants form. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

☑ I vouch that I am or will be an owner-occupant of this dwelling for which I am applying for an erosion control or construction permit without a Dwelling Contractor Certification and have read the cautionary statement regarding contractor responsibility on the Notice to Permit Applicants form.

APPLICANT (PRINT): Dale Borowiak SIGN: Dale Borowiak DATE: 9/16/22

APPROVAL CONDITIONS This permit is issued pursuant to the attached conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. Owner/Builder solely responsible for compliance with all applicable State & Local Building and Zoning codes.

INSPECTIONS NEEDED Building ☐ Footing ☐ Foundation ☐ Rough ☐ Insulation ☐ Bsmt. Fl. ☐ Final
Electric ☐ Rough ☐ Service ☐ Final Plumbing ☐ Rough ☐ Underfloor ☐ Final HVAC ☐ Rough ☐ Final

FEES:	PERMIT(S) ISSUED	SEAL NO.	Municipality No.

Building Fee	Zoning Fee	WI Seal	Electric Fee	Plumbing Fee	HVAC Fee	Adm. Fee	Other	Total
								$0.00

Bldg. # At top of form
Zoning # ____
Elec. # ____
Plmb. # ____
HVAC # ____

RECEIPT
CK# ____
Amount $ ____
Date ____
From ____
Rec By. ____

PERMIT EXPIRATION: Permit expires two years from date issued unless municipal ordinance is more restrictive.

PERMIT ISSUED BY MUNICIPAL AGENT:
Name ____
Date ____
Certification No. ____

Thiensville Plan Commission Staff Report - October 2022

Staff Approved Projects September 2022

Date	Address	Applicant	Project	Staff Approval	ZBOA	Approved	Denied
9/26/2022	217 Vernon Avenue	Jeri Hauser	New rear deck, modified front deck	9/26/2022		xx	

Code Compliance September 2022

Community Services

Address	Owner	Complaint	Action
327 Washington Court	Constance Fetzer	Berm restricting water flow	Follow-up on 3/31/21 contact with resident

Police Department September 2022

Date	Location	Complaint	Action
9/8/2022	301 Washington Court	Grass too long	Lawn cut
9/8/2022	212 Vernon Avenue	Abandoned vehicles	
9/8/2022	120 S. Orchard Street	Grass too long	Lawn cut
9/18/2022	227 S. Main Street	Unregistered vehicle at business	