City of Lake Geneva, 626 Geneva St, Lake Geneva, WI 53147- 262.248.3673- www.cityoflakegeneva.gov

PLAN COMMISSION
MONDAY, DECEMBER 16, 2024 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL

Members:
Chair: Mayor Todd Krause, Alderperson Peg Esposito, Commissioners: John Gibbs, Doug Skates, Jeremy Nafziger, and Kyle Cary

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AGENDA

1. Meeting called to order by Mayor Todd Krause
2. Roll Call.
3. Approve Minutes of the November 18, 2024, Plan Commission meeting as distributed.
4. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to five (5) minutes.
5. Acknowledgment of Correspondence.
6. Public Hearing and Recommendation for a Conditional Use Permit (CUP) application filed by Cabot and Asia Ashwill, at 930 Bayview Drive, Lake Geneva, on a request for a second-story addition and fence replacement in the Estate Residential (ER-1) zoning district for the property located at 930 Bayview Drive, Parcel No. ZGB00026
7. Public Hearing and Recommendation for a Conditional Use Permit (CUP) Amendment application filed by Maxwell Mansion, LLC, at 304 S. Wells St, Lake Geneva, on a request to expand the Outdoor Commercial Entertainment land use and remove the Limited Conditional Use status in the General Business (GB) zoning district for the property located at 304 S. Wells St and 421 Baker St, Parcel No. ZA452900001
8. Adjournment.

QUORUM OF CITY COUNCIL MEMBERS MAY BE PRESENT
Requests from persons with disabilities, who need assistance in order to participate in this meeting, should be made to the City Clerk's office, in order for appropriate Accommodations.

STAFF REPORT
To Lake Geneva Plan Commission
Meeting Date: December 16, 2024

Agenda Item #6

Applicant:
Cabot and Asia Ashwill
930 Bayview Drive
Lake Geneva, WI 53147

Request:
304 S Wells Street
Conditional Use Permit Amendment for construction of a second-story addition and replacement of fencing

Description:
The applicant is requesting an amendment to their Conditional Use Permit (CUP) to construct a second-story addition over their existing garage and one-story section of their home. The amendment would also allow for the replacement of a portion of the existing chain-link fence with a wooden split-rail fence that surrounds a tennis court. The tennis court is located partially on the subject property and partially on the neighboring property to the east. The applicant proposes only to replace the portion of the fence located on their property. The wire fence surrounding the tennis court on the adjoining property will remain in place.

The property is located in the Estate Residential ER-1 zoning district, and the existing home utilizes certain SR-4 zoning standards, per Section 98-407(3). All surrounding properties are also zoned ER-1. No changes to the building footprint are proposed.

Staff Review:

The replacement wooden open/split rail fence will be three feet in height, which is shorter than the existing five-foot tall chain-link fence. The proposed fence complies with zoning code requirements, and Staff feels that the proposed fence uses higher quality material and will be more attractive as viewed from the street.

The existing home utilizes SR-4 zoning district standards. As no changes are proposed to the building footprint, no additional use of SR-4 requirements has been requested. The proposed second-story addition meets the maximum height requirements in the ER-1 district. Overall, the proposed project complies with all applicable requirements of Section 98-206(1) pertaining to Residential land uses, Table 98-402: Residential Bulk Standards, and the requirements of Section 98-407(3) pertaining to the use of SR-4 Zoning Standards in the ER-1 Zoning District.

Action by the Plan Commission:

As part of the consideration of the requested CUP, the Plan Commission is required to:

- Provide the Common Council with a *recommendation* regarding the proposed CUP;
- Include *findings* required by the Zoning Ordinance for CUPs; and,
- Provide specific suggested *requirements/conditions* to modify the project as submitted.

Required Plan Commission Findings on the CUP for Recommendation to the Common Council:

A proposed CUP must be reviewed by the standards, below:

A. If, after the public hearing, the Commission wishes to recommend *approval*, then the appropriate fact finding would be all of the following:

1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
3. The proposed conditional use in its proposed location, and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on any improvements, facilities, utilities or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

B. If, after the public hearing, the Commission wishes to recommend *denial*, then the appropriate fact finding would be in disagreement with at least one of Factors 1-6 listed above.

Staff Recommendation:

1. Staff recommends that the Plan Commission recommend approval of the proposed conditional use as submitted.

2. Staff recommends the Plan Commission adopt the *affirmative set of findings* provided under A.1-6., above.
3. Staff recommends the following *additional condition of approval* be attached:

    a. None

Suggested Motions:

- *Approve*: I recommend approval of the proposed *Conditional Use Permit Amendment for Cabot and Asia Ashwill, at 930 Bayview Drive, Lake Geneva, on a request for a second-story addition and fence replacement in the Estate Residential (ER-1) zoning district for the property located at 930 Bayview Drive, Parcel No. ZGB00026,* including the affirmative set of findings, and any additional conditions of approval recommended by staff.
- *Deny*: I recommend denial of the proposed *Conditional Use Permit Amendment for Cabot and Asia Ashwill, at 930 Bayview Drive, Lake Geneva, on a request for a second-story addition and fence replacement in the Estate Residential (ER-1) zoning district for the property located at 930 Bayview Drive, Parcel No. ZGB00026,* including the dissenting set of findings, and any additional conditions of recommended by staff, because *[provide rationale for denial, based on substantial evidence]*.

Jackie Mich, AICP
City Planning Consultant
Vandewalle & Associates

KELLY C FRAZIER DESIGN, LLC

December 2, 2024

Ms. Jackie Mich
Vandewalle & Associates
City of Lake Geneva
626 Geneva Street
Lake Geneva, WI 53147

RE: APPLICATION FOR CONDITIONAL USE IN ER-1 DISTRICT
NEW SECOND STORY ADDITION TO EXISTING FOOTPRINT
NEW FENCE TO REPLACE EXISTING FENCE
FOR
MR. and MRS. Cabot and Asia Ashwill
930 Bayview Drive, Geneva Bay Estates
LAKE GENEVA, WISCONSIN 53147

Dear Jackie, City Staff and Members of the Plan Commission:

Cabot and Asia Ashwill at **930 Bayview Drive** in the **Geneva Bay Estates Subdivision** in the **City of Lake Geneva** wish to add a second-story addition over existing garage and existing one-story section of house, thus extending the existing second story of home. They are also requesting to replace an existing 5' high wire fence at existing tennis court adjacent to street with a 3' high white composite wood open rail fence and extend around corner of tennis court where existing wired fence was removed due to collapse. The new fence will have low-growing shrubs and plantings in landscape bed on the street side of the fence with the closest point of fence 6.1' from street property line. The proposed second floor addition will be built over the existing footprint of the home, therefore, no greater encroachment into required setbacks than what currently exists is requested. The new fence will be replacing an existing fence that is currently in disrepair which will enhance the property and neighborhood.

The ***Property*** is **PT of Lot 26 TRACT 1 Geneva Bay Estates located in the City of Lake Geneva. Also Com in N LN Bayview Dr where the lot LN between Lots 26 & 27 inter SD Drive, NWLY 165.66' to WLY COR SD Lot 27, NELY 45.825', SELY to PT IN N LN SD Drive which is 60.06' in NELY Direction from POB, SWLY 60.06' to POB, City of Lake Geneva** and is designated as **Tax Key # ZGB 00026**

Under the Lake Geneva Zoning Ordinance, the property is zoned ER-1, Estate Residential District. This lot is legally substandard under the bulk requirements of the ER-1 District in that the lot area is 25,179.56 square feet (0.57 acres). *The existing home is considered legally non-conforming since it does not meet the setback requirements of the ER-1 Zoning District or the SR-4 setbacks which requires 25' at street and 75' to navigable creek on the southwest property line. The existing lot and home's location is "grandfathered" as it was built prior to adoption of the current zoning designation and will be an amendment to a previous conditional use issued approximately April 2017.*

141 N WATER ST #33, MILWAUKEE, WI 53202 • KELLY@KCFDESIGNLLC.COM • PH (262) 215-0586

Under the Zoning Ordinance 98.407(3)(a), Existing Single Family Residences on legal substandard lots within the ER-1 Zoning District can be added/remodeled upon approval of a Conditional Use per all the zoning requirements of the SR-4 Zoning District, EXCEPT Landscape Surface Ratio (LSR) minimum, which shall remain 60% per ER-1 requirement.

Per Interim Zoning administrator/consultant, Jackie Mich's preliminary review, since the proposed addition and fence replacement does not reduce the amount of greenspace that currently exists, existing impervious lot/building coverage is allowed to remain (LSR 54.1% is less the 60% minimum required), and a storm water management plan is not required per Section* 98.407(3)(b) *but may still be reviewed by city engineer.

For the proposed conditional use as described above, submittal includes the following:

- ***Development Review Committee Application (DRC)***
- ***Application for Conditional Use*** and required fee $100.00 per 98-408er Section 98-408(3)(a)
- ***Agreement for Services***, signed by the Owner.

A. ***Lake Geneva Zoning Map showing location of Subject Property for Conditional Use*** with zoning district enlarged map of subdivision and map of properties within 300' of subject property (Walworth County Property Map)

B. ***Existing Plat of Survey of Subject Property and proposed Plat of Survey (certified)*** showing existing buildings, driveway, lot dimensions, graphic scale, and north arrow and proposed fence and landscaping.

C. ***Proposed Architectural Site Plan of Subject Property with designation of the area of second floor addition over existing footprint and location of fence with landscaping*** with all lot dimensions, existing and proposed landscape/hardscape plan
Proposed Plans and Elevations for Second Floor Addition

D. **Written Justification** of the proposed **Conditional Use (Application Section III)**

Thank you for your consideration of our project. Please let me know if you need additional information or have any questions.

Sincerely,

Kelly C. Frazier

Kelly C. Frazier
Kelly C. Frazier Design, LLC

Development Review Committee (DRC) Application

Complete as much detailed information as possible to allow for a comprehensive departmental review prior to a Development Review Committee meeting. This application must be returned to the Building Inspector, with all conceptual plans, designs and other information prior to the scheduling a DRC meeting.

Applicant Information

Property Address 930 Bayview Drive, Geneva Bay Estates, Lake Geneva, WI 53147
Applicant name Cabot & Asia Ashwill
Applicant email cabot@lifespringefc.org Phone Number (224) 436-2309

Architect/Contractor/Designer Name Kelly C Frazier Design, LLC, Kelly Frazier, Cardinal Survey/Engineer
Architect/Contractor/Designer Email kelly@kcfdesignllc.com Phone Number Kelly 262-215-0586
brad@cardinalengineeringwi.com Cardinal: 262-757-8778
Type of Construction: New _____ Addition x Remodel x (yard -fence replacement)
Type of Development: Single-family _____ Multi-family _____ Commercial _____ Industrial _____
Type of Business n/a

Engineering

Site Plans should include the following: Project title and owner's/developer's name and address noted, architect's and/or engineer's name and address noted, property boundaries and dimensions, abutting property zoning classifications, general description of building materials, façade and roof detail, setback lines indicated, easements for access, if any, 100-year floodplain identification, existing and proposed topography shown at a contour interval of one foot, indicating proposed grade and location of improvements, signage and outdoor lighting, number of parking spaces provided, type, size and location of all structures with all building dimensions shown, location of existing and general location of proposed sanitary sewers, storm sewers, water-mains, and any proposed stormwater management facilities, location, extent and type of proposed landscaping and landscaping plantings and buffers to adjacent property, including fencing or other screening, location of pedestrian sidewalks and walkways, graphic outline of any development staging that is planned, driveway locations and sizes, handicap accessibility, environmental concerns (odor, smoke, noise, graphic scale and north arrow.

- Storm water management provisions provided? YES / NO — Not requested due to no change to building coverage or reduction to existing LSR of 54.1%
  - As-built/certification notification
- Erosion control plan provided? YES / NO — To provide if requested for permitting
- Wetlands, floodplains, environmental corridors, groundwater Identified. YES / NO
- Utility Plans Provided
  - Watermain
  - Sanitary Sewer
  - Storm Water
- Is a Land Division required? YES / NO
- Access points and dimensions shown? YES / NO
  - WISDOT Right-of-way?
  - County Right-of-way?
- Estimated Traffic impacts
  - Traffic Study Required YES/NO
  - Traffic Control Plan Required YES/NO
  - Will construction affect street parking or intersections? YES / NO

- Paving Materials, Typical Sections? YES / NO
- WDNR Notice of Intent required? (Land disturbance more than 1 acre)? YES / NO
- Watermain extension required? YES / NO
- Sanitary sewer extension required? YES / NO
- SEWRPC Service Area Amendment needed? YES / NO
- Is a Chapter 30 Permit (wetland/waterway) required? YES / NO
- Proposed building/expansion dimensions Addition does not expand current footprint or LSR
- Will there be signage? YES / NO type (mounted, freestanding) _____
- Exterior lighting plans? YES / NO
- What kind of noise or level of noise will the business have? n/a
- Detailed property Site Plan? YES / NO Date of Plan: Existing plat of survey 9/24/24 & Proposed site plan 11/07/24
- Green Space Calculations (Existing vs. Proposed) YES / NO No change to green space/LSR
- Are landscape plans provided? YES / NO new plantings/shrubs shown on proposed site plan
- Is a Land Division required? YES / NO

Water/Sewer Utilities

If an existing structure please circle the following:

- Will existing sewer & water connections be used? YES / NO
- Will your project require the installation of a grease interceptor? YES / NO

If the development is Commercial or Industrial, please provide the following: N/A

- Water service size requirement_____
- Estimated daily water usage in gallons per day_____
- Estimated maximum water flow in gallons per minute_____
- Number of bathrooms_____
- Brief description of process (if Industrial)_____

If the development is a multi-family dwelling, please provide the following: N/A

- Number of units_____
- Number of bedrooms in each unit_____
- Water service size requirement_____

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):

930 Bayview Drive, Tax Id: ZGB 00026 Legal description: PT. Lot 26 TRACT 1 Geneva Bay Estates located in the City of Lake Geneva. Also Com in N LN Bayview Dr where the lot LN between Lots 26 & 27 inter SD Drive, NWLY 165.66' to WLY COR SD Lot 27, NELY 45.825', SELY to PT IN N LN SD Drive which is 60.06' in NELY Direction from POB, SWLY 60.06' to POB, City of Lake Geneva

Name and Address of Current Owner:

Cabot Ashwill & Joanna (Asia) Ashwill; ETAL 3161 Cameron Park Dr, Cameron Park, CA 95682

Telephone No. with area code & Email of Current Owner: Cabot & Asia Ashwill (224) 436-2309

Email: Cabot Ashwill cabot@lifespringefc.org or asiaashwill@gmail.com

Owner Signature: x SEE ATTACHED OWNER SIGNATURE PAGE

Name and Address of Applicant:

Cabot Ashwill & Joanna Ashwill; ETAL 3161 Cameron Park Dr 205, Cameron Park, CA 95682

Kelly C Frazier Design LLC, 141 N. Water St Unit 33, Milwaukee, WI 53202

Telephone No. with area code & Email of Applicant: Cabot & Asia Ashwill, See above

Kelly Frazier, ph: 262-215-0586, email: kelly@kcfdesignllc.com

Proposed Conditional Use: Property is located in the ER-1 zoning district but is considered a legal substandard property, therefore, per Section 98-407(3)(a), any additions, structures, or paved areas allows permission to use setbacks, bldg coverage, and height provisions of the SR-4 zoning & LSR of 60% per the ER-1 district with a review and approval conditional use permit. Existing home is a legally non-conforming structure that is allowed to remain as long as additions will not make the encroachment into setback worse.

Zoning District in which land is located: ER-1 Estate Residential

Names and Addresses of architect, professional engineer and contractor of project:

Kelly Frazier, Kelly C Frazier Design, LLC, 141 N. Water St. Unit 33, Milwaukee, WI 53202
Cardinal Survey/Engineer, 526 S. Wells St, Lake Geneva, WI 53147

Short statement describing activities to take place on site:

New second story addition proposed to be built over the existing one-story portion of existing home (over 2-stall garage and portion of 1st floor primary bedroom) which extend the existing second story of home. Addition will not make footprint of home any larger than the existing footprint or home.

New 3' high open rail metal fence at streetside perimeter of the tennis court to replace the 5' high (approx) wire fence in disrepair. Fence to be extended where fence existed previously but removed due to collapse. Low growing shrubs & planting beds will be built adjacent to fence for screening at street side

Conditional Use Fee payable upon filing application: $400.00 [$100.00 for Application Under Sec. 98-407(3)]

11/07/24 — Date

X SEE ATTACHED OWNER SIGNATURE PAGE — Signature of Applicant

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):

930 Bayview Drive, Tax Id: ZGB 00026 Legal description: PT. Lot 26 TRACT 1 Geneva Bay Estates located in the City of Lake Geneva. Also Com in N LN Bayview Dr where the lot LN between Lots 26 & 27 inter SD Drive, NWLY 165.66' to WLY COR SD Lot 27, NELY 45.825', SELY to PT IN N LN SD Drive which is 60.06' in NELY Direction from POB, SWLY 60.06' to POB, City of Lake Geneva

Name and Address of Current Owner:

Cabot Ashwill & Joanna Ashwill; ETAL 3161 Cameron Park Dr, Cameron Park, CA 95682

Telephone No. with area code & Email of Current Owner: Cabot & Asia Ashwill (224) 436-2309

Email: Cabot Ashwill cabot@lifespringefc.org or asiaashwill@gmail.com

Owner Signature:

Name and Address of Applicant:

Cabot Ashwill & Joanna Ashwill; ETAL 3161 Cameron Park Dr 205, Cameron Park, CA 95682

Kelly C Frazier Design LLC, 141 N. Water St Unit 33, Milwaukee, WI 53202

Telephone No. with area code & Email of Applicant: Cabot & Asia Ashwill, See above

Kelly Frazier, ph: 262-215-0586, email: kelly@kcfdesignllc.com

Proposed Conditional Use: Property is located in the ER-1 zoning district but is considered a legal substandard property, therefore, per Section 98-407(3)(a), any additions, structures, or paved areas allows permission to use setbacks, bldg coverage, and height provisions of the SR-4 zoning & LSR of 60% per the ER-1 district with a review and approval conditional use permit. Existing home is a legally non-conforming structure that is allowed to remain as long as additions will not make the encroachment into setback worse.

Zoning District in which land is located: ER-1 Estate Residential

Names and Addresses of architect, professional engineer and contractor of project:

Kelly Frazier, Kelly C Frazier Design, LLC, 141 N. Water St. Unit 33, Milwaukee, WI 53202
Cardinal Survey/Engineer, 526 S. Wells St, Lake Geneva, WI 53147

Short statement describing activities to take place on site:

New second story addition proposed to be built over the existing one-story portion of existing home (over 2-stall garage and portion of 1st floor primary bedroom) which extend the existing second story of home. Addition will not make footprint of home any larger than the existing footprint or home.

New 3' high open rail metal fence at streetside perimeter of the tennis court to replace the 5' high (approx) wire fence in disrepair. Fence to be extended where fence existed previously but removed due to collapse. Low growing shrubs & planting beds will be built adjacent to fence for screening at street side

Conditional Use Fee payable upon filing application: $400.00 [$100.00 for Application Under Sec. 98-407(3)]

11/7/24
Date

X
Signature of Applicant

_____ _____ Cost Recovery # _____

Petitioner Name Project Address

OFFICE USE ONLY Description of Request _____

Agreement for Services

REIMBURSABLE BY THE PETITIONER / APPLICANT. The city may retain the services of the professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposals coming before the Plan commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any financing charges that may accrue. The City applies the charges for these services to the Petitioner. The City Administrator at any time may require an applicant to submit an advance deposit **of $500 to $5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** Surplus deposits shall be returned to the Applicant at the conclusion of the project.

Cabot Ashwill, as applicant/petitioner for

Project: Ashwill Residence

Project Address: 930 Bayview Drive, Lake Geneva, WI 53147

Parcel No. ZGB 00026

Name: Cabot & Asia Ashwill

Address: 3161 Cameron Park Dr, Cameron Park, CA 95682

Cell Phone: (224) - 436 - 2309 Phone: (___) - _____ - _____

Email: cabot@lifespringefc.org or asiaashwill@gmail.com

Dated this 07 Day of 11, 20 24

X CABOT ASHWILL (owner)

Printed Name of Applicant / Petitioner

X SEE ATTACHED OWNER SIGNATURE PAGE

Signature of Applicant/Petitioner

_____ _____ Cost Recovery # _____

Petitioner Name Project Address

OFFICE USE ONLY Description of Request _____

Agreement for Services

REIMBURSABLE BY THE PETITIONER / APPLICANT. The city may retain the services of the professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposals coming before the Plan commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any financing charges that may accrue. The City applies the charges for these services to the Petitioner. The City Administrator at any time may require an applicant to submit an advance deposit **of $500 to $5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** Surplus deposits shall be returned to the Applicant at the conclusion of the project.

Cabot Ashwill, as applicant/petitioner for

Project: Aswill Residence

Project Address: 930 Bayview Drive, Lake Geneva, WI 53147

Parcel No. ZGB 00026

Name: Cabot & Asia Ashwill & Joanna Ashwill; ETAL

Address: 3161 Cameron Park Dr, Cameron Park, CA 95682

Cell Phone: (224) - 436 - 2309 Phone: (___) - _____ - _____

Email: cabot@lifespringefc.org or asiaashwill@gmail.com

Dated this 7 Day of November, 20 24

X Cabot N Ashwill

Printed Name of Applicant / Petitioner

X

Signature of Applicant/Petitioner

Applicant/Petitioner agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof

Section 98-935 Fees:

(1) Fees for Procedures or Permits Requested by a Private Party: The fees for the procedures and permits established by this Chapter shall be established by resolution of the Common Council of the City of Lake Geneva

(2) Fees for Procedures Requested by the City of Lake Geneva: There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency, or official of the City of Lake Geneva.

(3) Payment of Fees: Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.

(4) Professional Consultant Review Services: The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission. The City may apply the charges for these services to the Petitioner. The City will require the Petitioner to sign a professional consultant review services form. The City Administrator at any time may require an applicant to submit an advance deposit **of $500 to $5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Petitioner. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property.

CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR: CONDITIONAL USE REVIEW AND APPROVAL (Requirements per Section 98-905)

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

____ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

____ **Application fee of $ ____ received by Zoning Administrator:** **Date:** _____ **by:** _____

____ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 8 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 1 initial draft application packet and 1 digital copy for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (1 Copy and 1 Digital Copy to Zoning Administrator) *Date:* _____ *by:* _____

⇓ *Draft Final Packet (8 Copies and 1 Digital Copy to Zoning Administrator)* *Date:* _____ *by:* _____

⇓

____ ____ (a) **A map of the proposed conditional use:**

- ____ Showing all lands for which the conditional use is proposed;
- ____ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
- ____ Map and all its parts are clearly reproducible with a photocopier;
- ____ Map size of 11" by 17" and map scale not less than one inch equals 800 ft:
- ____ All lot dimensions of the subject property provided;
- ____ Graphic scale and north arrow provided.

____ ____ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:**

____ ____ (c) **A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;**

____ ____ (d) **A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.**

____ ____ (e) **Written justification for the proposed conditional use:**

____ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. *(See below)*

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

   See attached submittal packet

2. How is the proposed conditional use, in its specific location, in harmony with the purposed, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

   See attached submittal packet

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

   See attached submittal packet

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

   See attached submittal packet

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

See attached submittal packet

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

See attached submittal packet

IV. FINAL APPLICATION PACKET INFORMATION

____ **Receipt of 1 full scale copy in blueline or blackline of complete Final Application Packet by Zoning Administrator:** **Date:** _____ **by:** _____

____ **Receipt of 8 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:** **Date:** _____ **by:** _____

____ **A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline.** **Date:** _____ **by:** _____

____ **Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:** **Date:** _____ **by:** _____

____ **Class 2 Legal Notice sent to official newspaper by City Clerk:** **Date:** _____ **by:** _____

____ **Class 2 Legal Notice published on** _____ **and** _____ **by:** _____

____ **Conditional Use recorded with the County Register of Deeds Office:** **Date:** _____ **by:** _____

CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR: SITE PLAN REVIEW AND APPROVAL (Requirements per Section 98-908)

This form should be used by the Applicant as a guide to submitting a complete application for a site plan review and by the City to process said application. Part II should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

____ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

____ **Application fee of $ ____ received by Zoning Administrator:** **Date:** _____ **by:** _____

____ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 8 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 1 initial draft application packet and 1 digital copy for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (1 Copy and 1 Digital Copy to Zoning Administrator) *Date:* _____ *by:* _____

⇓ *Draft Final Packet (8 Copies and 1 Digital Copy to Zoning Administrator)* *Date:* _____ *by:* _____

⇓

____ ____ (a) **A <u>written description</u> of the intended use describing in reasonable detail the:**

- ____ Existing zoning district(s) (and proposed zoning district(s) if different);
- ____ Land use plan map designation(s);
- ____ Current land uses present on the subject property;
- ____ Proposed land uses for the subject property (per Section 98-206);
- ____ Projected number of residents, employees, and daily customers;
- ____ Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
- ____ Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;

____ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;

____ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII.";

____ Exterior building and fencing materials (Sections 98-718 and 98-720);

____ Possible future expansion and related implications for points above;

____ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

____ ____ (b) **A <u>Small Location Map</u>** at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

____ ____ (c) **A <u>Property Site Plan</u> drawing which includes:**

____ A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;

____ The date of the original plan and the latest date of revision to the plan;

____ A north arrow and a graphic scale (not smaller than one inch equals 100 feet);

____ A reduction of the drawing at 11" x 17";

____ A legal description of the subject property;

____ All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;

____ All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

____ All required building setback lines;

____ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

____ The location and dimension (cross-section and entry throat) of all access points onto public streets;

____ The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance;

____ The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;

____ The location of all outdoor storage areas and the design of all screening devices;

____ The location, type, height, size and lighting of all signage on the subject property to include a photometric plan;

____ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;

____ All engineering requirements for utilities, site designs, etc;

____ The location and type of any permanently protected green space areas;

____ The location of existing and proposed drainage facilities for storm water;

____ In the legend, data for the subject property on:
- ____ Lot Area;
- ____ Floor Area;
- ____ Floor Area Ratio (b/a);
- ____ Impervious Surface Area;
- ____ Impervious Surface Ratio (d/a);
- ____ Building Height.

____ ____ (d) **A <u>Detailed Landscaping Plan</u> of the subject property:**
- ____ Scale same as main plan (> or equal to 1" equals 100')
- ____ Map reduction at 11" x 17"
- ____ Showing the location of all required buffer yard and landscaping areas
- ____ Showing existing and proposed Landscape Point fencing
- ____ Showing berm options for meeting said requirements
- ____ Demonstrating complete compliance with the requirements of Article VI
- ____ Providing individual plant locations and species, fencing types and heights, and berm heights;

____ ____ (e) **A <u>Grading and Erosion Control Plan</u>:**
- ____ Same scale as the main plan (> or equal to 1" equals 100')
- ____ Map reduction at 11" x 17")
- ____ Showing existing and proposed grades including retention walls and related devices, and erosion control measures.

____ ____ (f) **<u>Elevation Drawings</u> of proposed buildings or remodeling of existing buildings:**
- ____ Showing finished exterior treatment;
- ____ With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance;
- ____ Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

III.FINAL APPLICATION PACKET INFORMATION

____ **Receipt of 1 full scale copy in blueline or blackline of complete Final Application Packet by Zoning Administrator:** **Date: _____ by: _____**

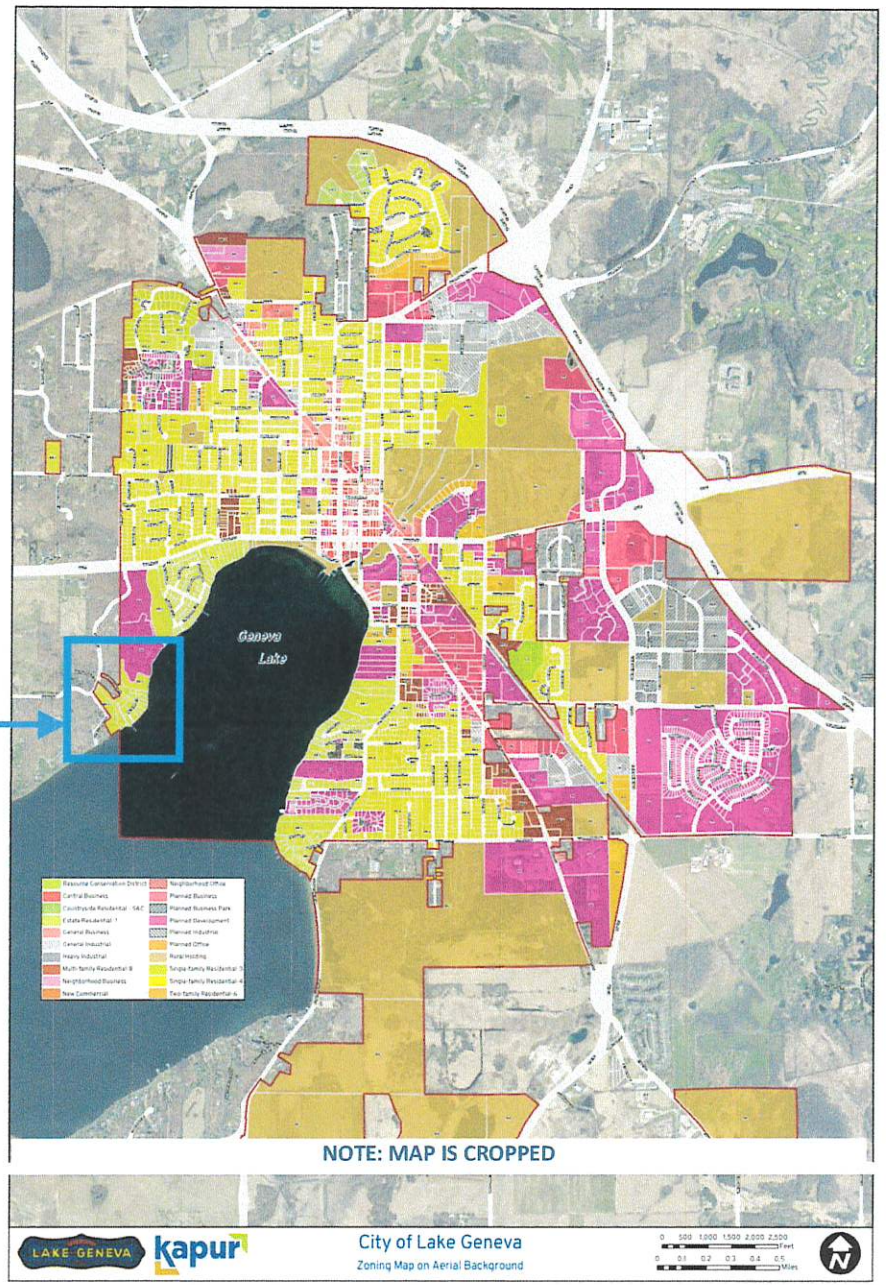
____ **Receipt of 8 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:** **Date: _____ by: _____**

____ **A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline.** **Date: _____ by: _____**

A. MAPS OF PROPOSED CONDITIONAL USE
(LAND USE MAP OF CITY OF LAKE GENEVA)
(ENLARGED LAND USE MAP)
(WALWORTH COUNTY PROPERTY MAP)

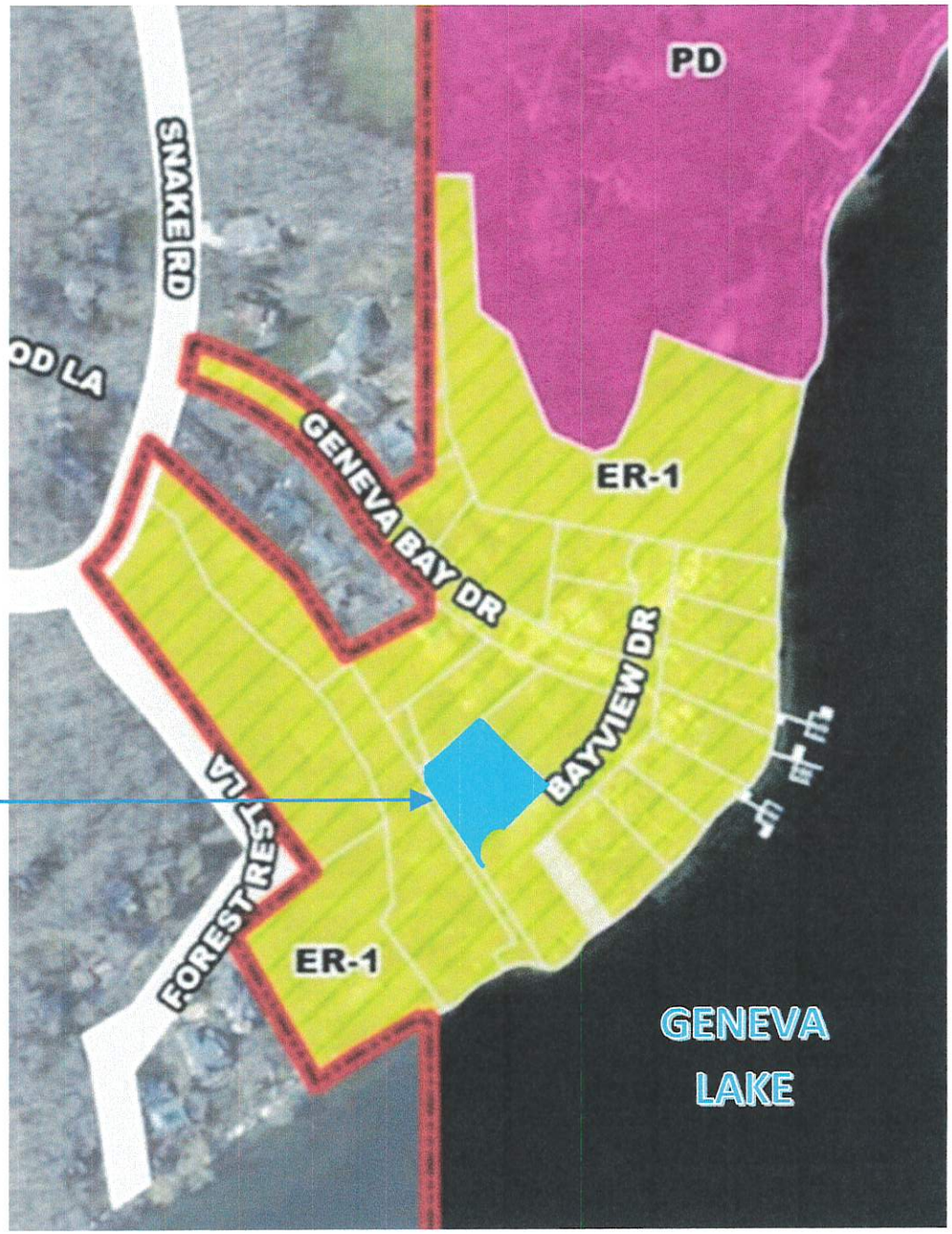
Lake Geneva Zoning Map

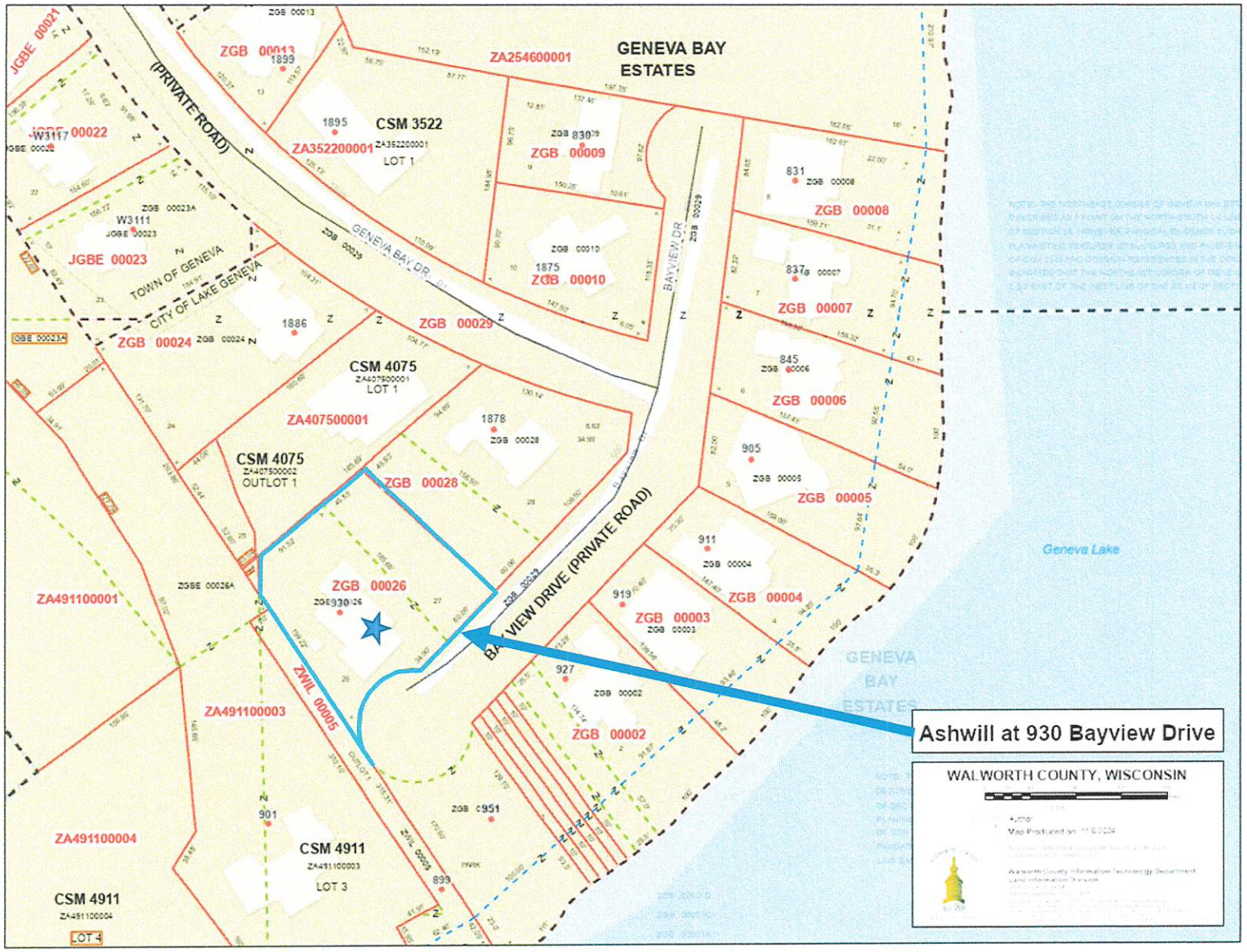
Ashwill Residence
930 Bayview Drive
Geneva Bay Estates



Enlargement

Ashwill Residence
930 Bayview Drive
Geneva Bay Estates

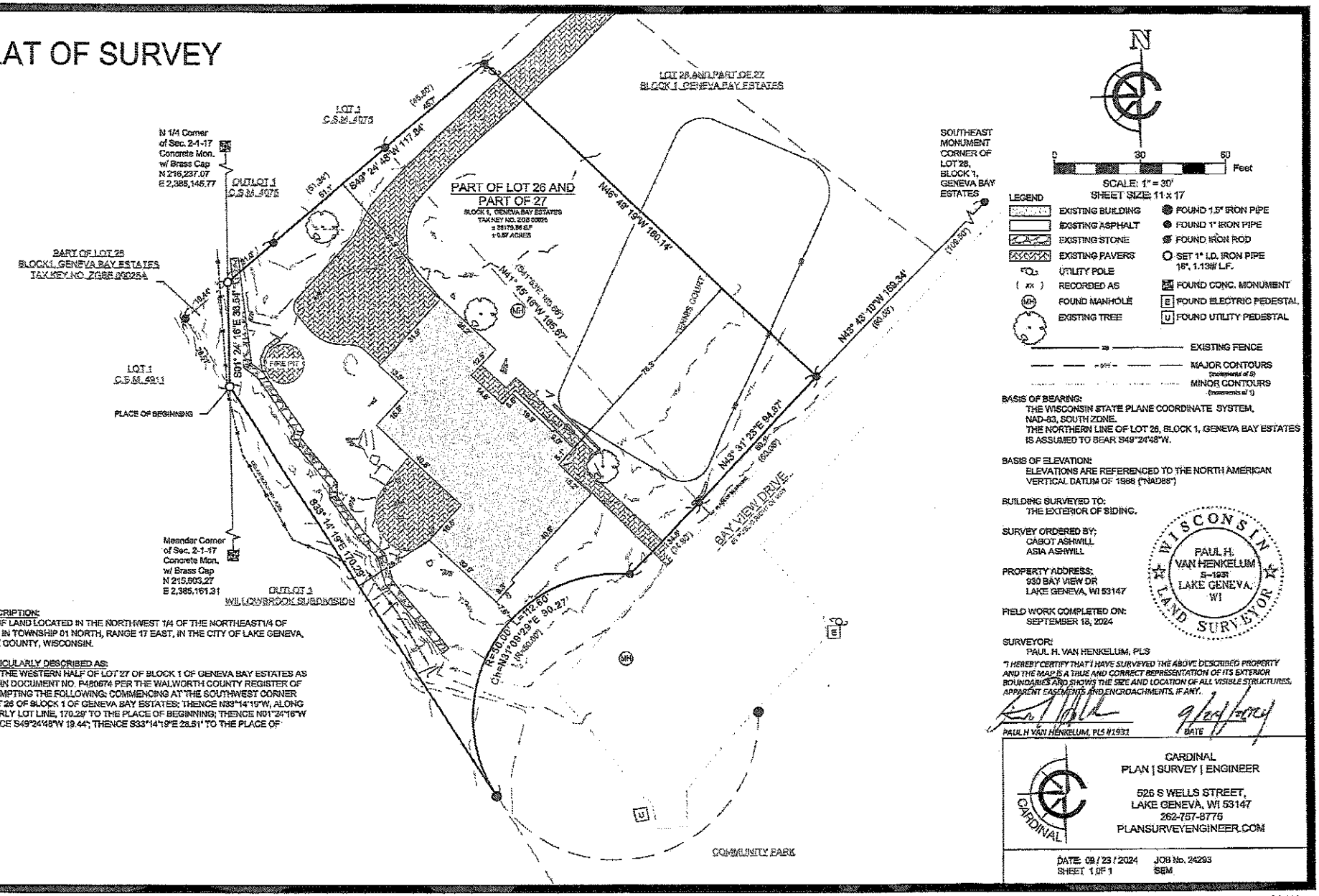




WALWORTH COUNTY PROPERTY MAP

B. EXISTING PLAT OF SURVEY OF SUBJECT SITE
&
PROPOSED PLAT OF SURVEY OF SUBJECT SITE

PLAT OF SURVEY



LEGAL DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST1/4 OF SECTION 02 IN TOWNSHIP 01 NORTH, RANGE 17 EAST, IN THE CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN.

MORE PARTICULARLY DESCRIBED AS:
LOT 26 AND THE WESTERN HALF OF LOT 27 OF BLOCK 1 OF GENEVA BAY ESTATES AS RECORDED IN DOCUMENT NO. P480674 PER THE WALWORTH COUNTY REGISTER OF DEEDS. EXEMPTING THE FOLLOWING: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 26 OF BLOCK 1 OF GENEVA BAY ESTATES; THENCE N39°14'19"W, ALONG THE WESTERLY LOT LINE, 170.29' TO THE PLACE OF BEGINNING; THENCE N01°24'16"W 36.54'; THENCE S49°24'48"W 19.44'; THENCE S33°14'19"E 28.51' TO THE PLACE OF BEGINNING.

BASIS OF BEARING:
THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD-83, SOUTH ZONE.
THE NORTHERN LINE OF LOT 26, BLOCK 1, GENEVA BAY ESTATES IS ASSUMED TO BEAR S49°24'48"W.

BASIS OF ELEVATION:
ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 ("NAD88")

BUILDING SURVEYED TO:
THE EXTERIOR OF SIDING.

SURVEY ORDERED BY:
CABOT ASHWILL
ASIA ASHWILL

PROPERTY ADDRESS:
930 BAY VIEW DR
LAKE GENEVA, WI 53147

FIELD WORK COMPLETED ON:
SEPTEMBER 18, 2024

SURVEYOR:
PAUL H. VAN HENKELUM, PLS

"I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE MAP IS A TRUE AND CORRECT REPRESENTATION OF ITS EXTERIOR BOUNDARIES AND SHOWS THE SIZE AND LOCATION OF ALL VISIBLE STRUCTURES, APPARENT EASEMENTS AND ENCROACHMENTS, IF ANY."

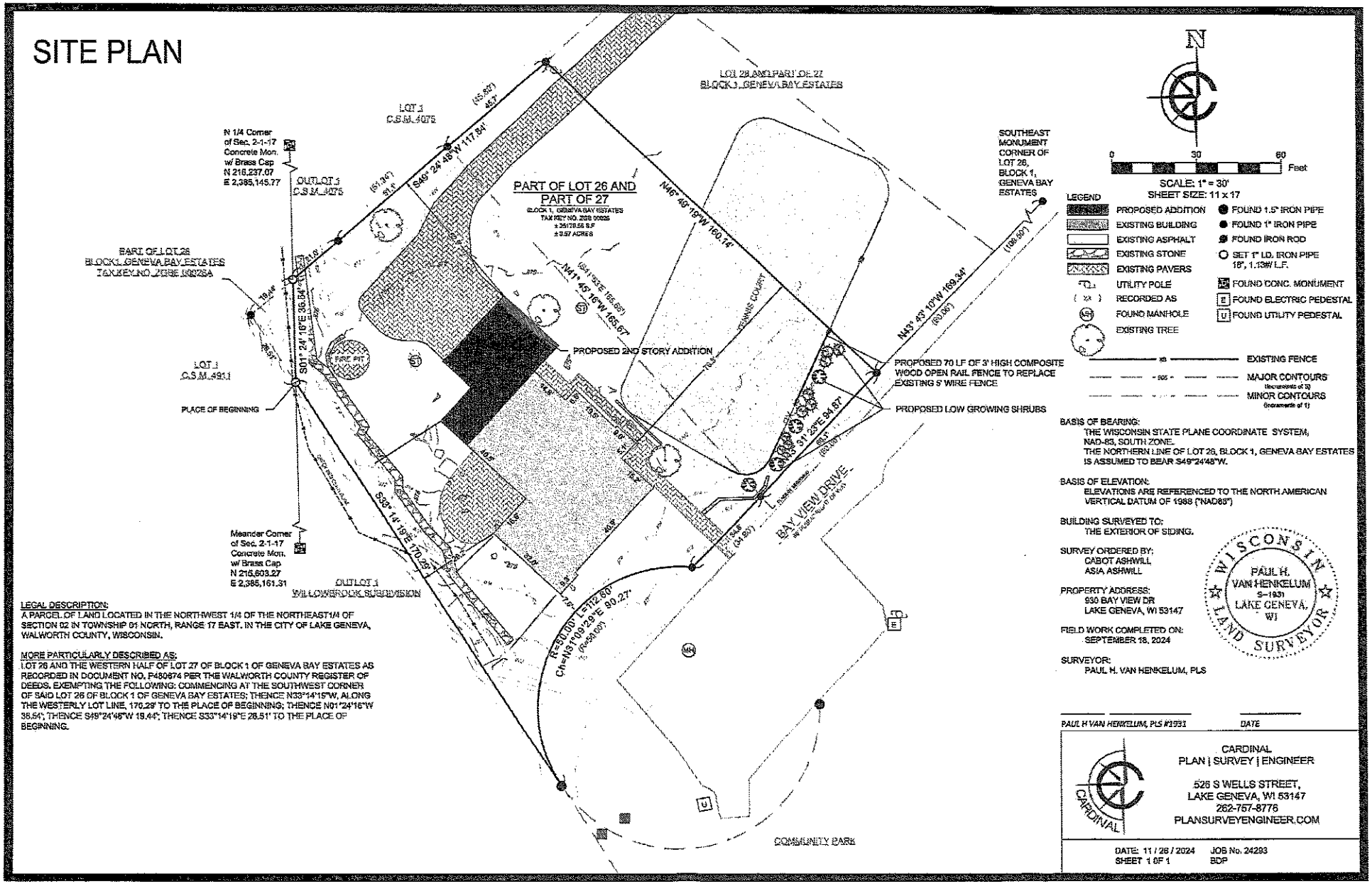
WISCONSIN
PAUL H. VAN HENKELUM
S-1931
LAKE GENEVA, WI
LAND SURVEYOR

PAUL H VAN HENKELUM, PLS #1931 — DATE

CARDINAL
PLAN | SURVEY | ENGINEER
526 S WELLS STREET,
LAKE GENEVA, WI 53147
262-757-8776
PLANSURVEYENGINEER.COM

DATE: 09 / 23 / 2024 JOB No. 24293
SHEET 1 OF 1 SEM

SITE PLAN



LEGAL DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST1/4 OF SECTION 02 IN TOWNSHIP 01 NORTH, RANGE 17 EAST, IN THE CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN.

MORE PARTICULARLY DESCRIBED AS:
LOT 26 AND THE WESTERN HALF OF LOT 27 OF BLOCK 1 OF GENEVA BAY ESTATES AS RECORDED IN DOCUMENT NO. P480974 PER THE WALWORTH COUNTY REGISTER OF DEEDS. EXEMPTING THE FOLLOWING: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 26 OF BLOCK 1 OF GENEVA BAY ESTATES; THENCE N33°14'15"W, ALONG THE WESTERLY LOT LINE, 170.29' TO THE PLACE OF BEGINNING; THENCE N01°24'16"W 36.54'; THENCE S49°24'48"W 19.44'; THENCE S33°14'19"E 26.51' TO THE PLACE OF BEGINNING.

BASIS OF BEARING:
THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD-83, SOUTH ZONE.
THE NORTHERN LINE OF LOT 26, BLOCK 1, GENEVA BAY ESTATES IS ASSUMED TO BEAR S49°24'48"W.

BASIS OF ELEVATION:
ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 ("NAD88")

BUILDING SURVEYED TO:
THE EXTERIOR OF SIDING.

SURVEY ORDERED BY:
CABOT ASHWILL
ASIA ASHWILL

PROPERTY ADDRESS:
930 BAY VIEW DR
LAKE GENEVA, WI 53147

FIELD WORK COMPLETED ON:
SEPTEMBER 18, 2024

SURVEYOR:
PAUL H. VAN HENKELUM, PLS

WISCONSIN
PAUL H.
VAN HENKELUM
S-1931
LAKE GENEVA,
WI
LAND SURVEYOR

PAUL H VAN HENKELUM, PLS #1931 — DATE

CARDINAL
PLAN | SURVEY | ENGINEER
525 S WELLS STREET,
LAKE GENEVA, WI 53147
262-757-8776
PLANSURVEYENGINEER.COM

DATE: 11 / 26 / 2024 JOB No. 24293
SHEET 1 OF 1 BDP

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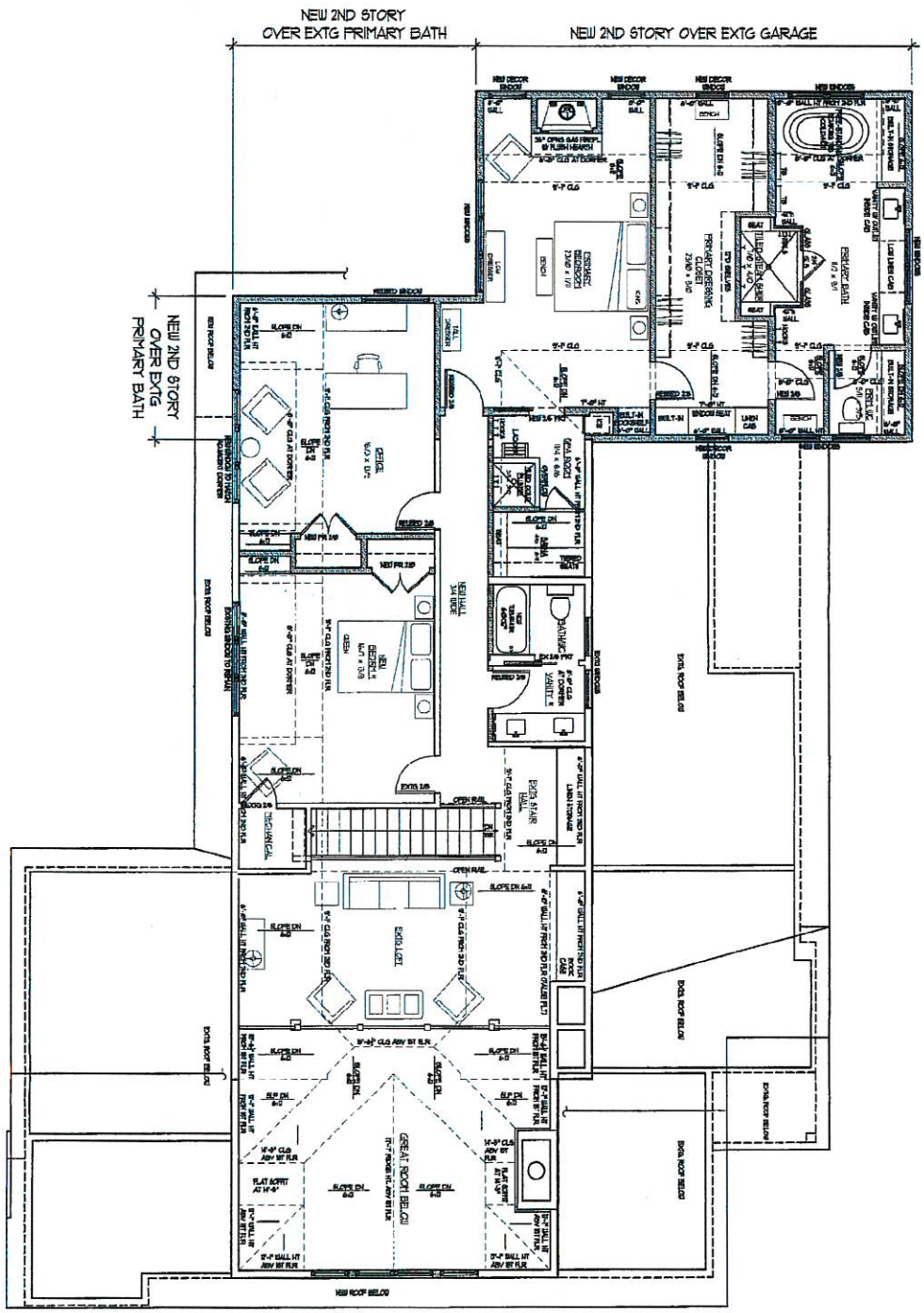
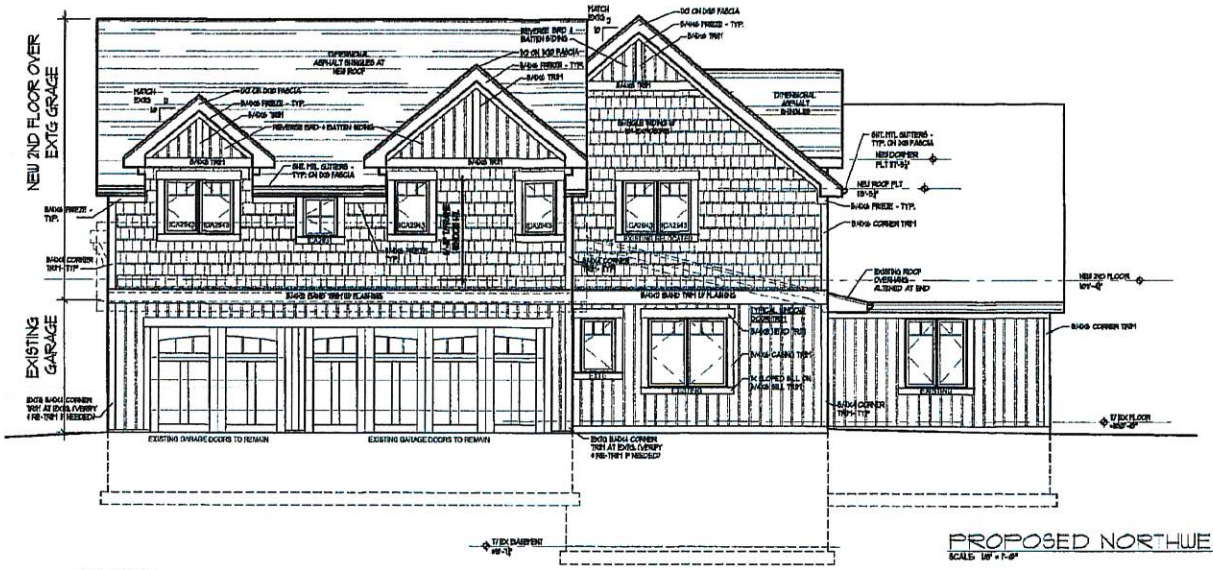
C. ARCHITECTURAL SITE PLAN, WITH PROPOSED SECOND-STORY ADDITION, FENCE REPLACEMENT WITH LANDSCAPING, AND PROPOSED PLAN & ELEVATIONS FOR 2nd FLOOR ADDITION



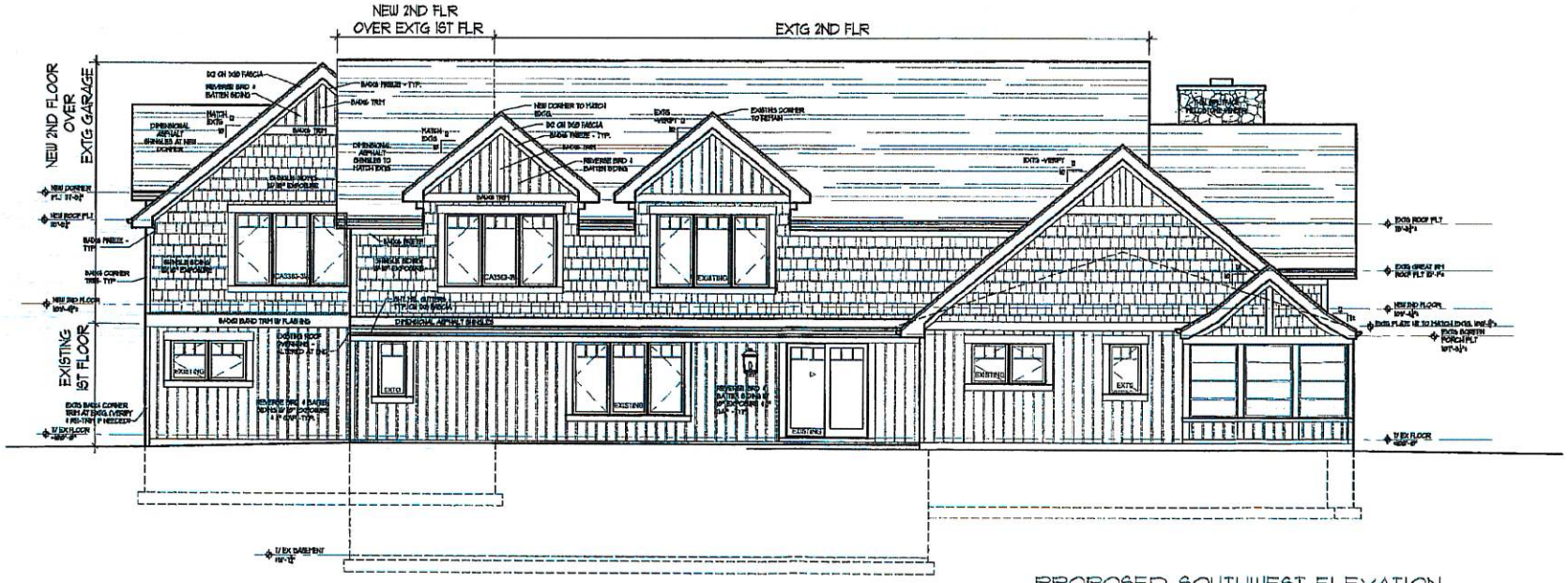
PROPOSED SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

SECOND STORY ADDITION **CABOT & ASIA ASHWILL** 930 BAYVIEW DRIVE LOT 26 BAYVIEW ESTATES LAKE GENEVA, WISCONSIN IN WALWORTH COUNTY	PROJECT NO. 2024.07	REVISIONS	■ PRELIMINARY □ SCHEMATICAL □ PERMIT □ CONSTRUCTION
KELLY C FRAZIER DESIGN, LLC 141 N. WATER ST UNIT #33 MILWAUKEE, WI 53202 PH: 262.215.0596 CLIFTON HOME DESIGN PLANNING			DATE 11/01/24 SHEET A2



PROPOSED NORTHWEST ELEVATION



PROPOSED SOUTHWEST ELEVATION

KELLY C FRAZIER DESIGN, LLC
141 N. WATER ST
UNIT #33
MILWAUKEE, WI
53202
PH: 262.210.0000
KELLY@KFDESIGNLLC.COM

CUSTOM HOME DESIGN & PLANNING

© KELLY C FRAZIER DESIGN, LLC

SECOND STORY ADDITION
CABOT & ASIA ASHWILL
930 BAYVIEW DRIVE
LOT 26 BAYVIEW ESTATES
LAKE GENEVA, WISCONSIN IN WALWORTH COUNTY

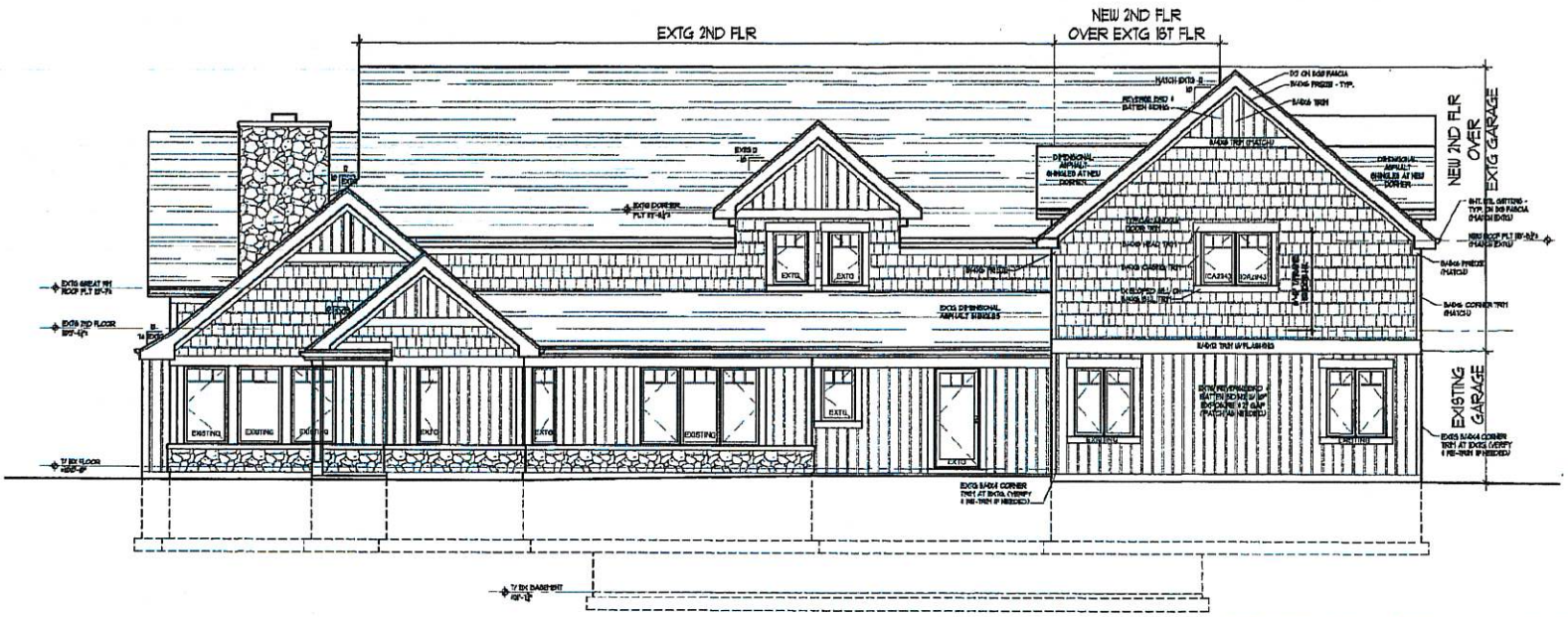
PROJECT NO.
2024.07

REVISIONS

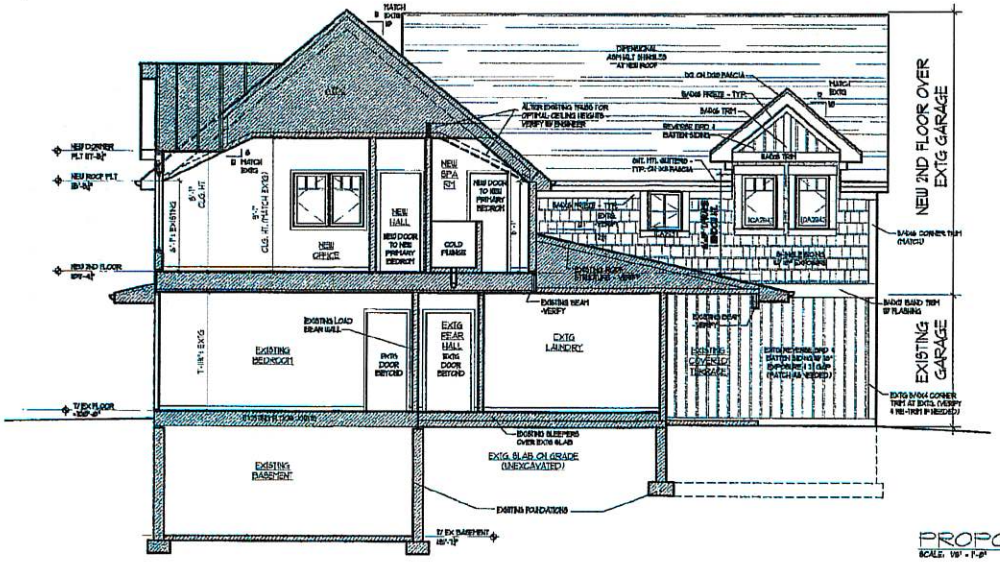
- PRELIMINARY
- BID/APPROVAL
- PERMIT
- CONSTRUCTION

DATE
11/01/24

SHEET
A4



PROPOSED NORTHEAST ELEVATION



PROPOSED SOUTHEAST ELEVATION /SECTION

KELLY G FRAZIER DESIGN, LLC
141 N. WATER ST
UNIT #23
MILWAUKEE, WI
53202
PH: 262.315.0586
KELLYGFDESIGN.LLC.COM

CUSTOM HOME DESIGN & PLANNING

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SECOND STORY ADDITION
CABOT & ASIA ASHWILL
930 BAYVIEW DRIVE
LOT 26 BAYVIEW ESTATES
LAKE GENEVA, WISCONSIN IN WALWORTH COUNTY

PROJECT NO.
2024.07

REVISIONS

- PRELIMINARY
- REGIONAL
- PERMIT
- CONSTRUCTION

DATE
11/07/24

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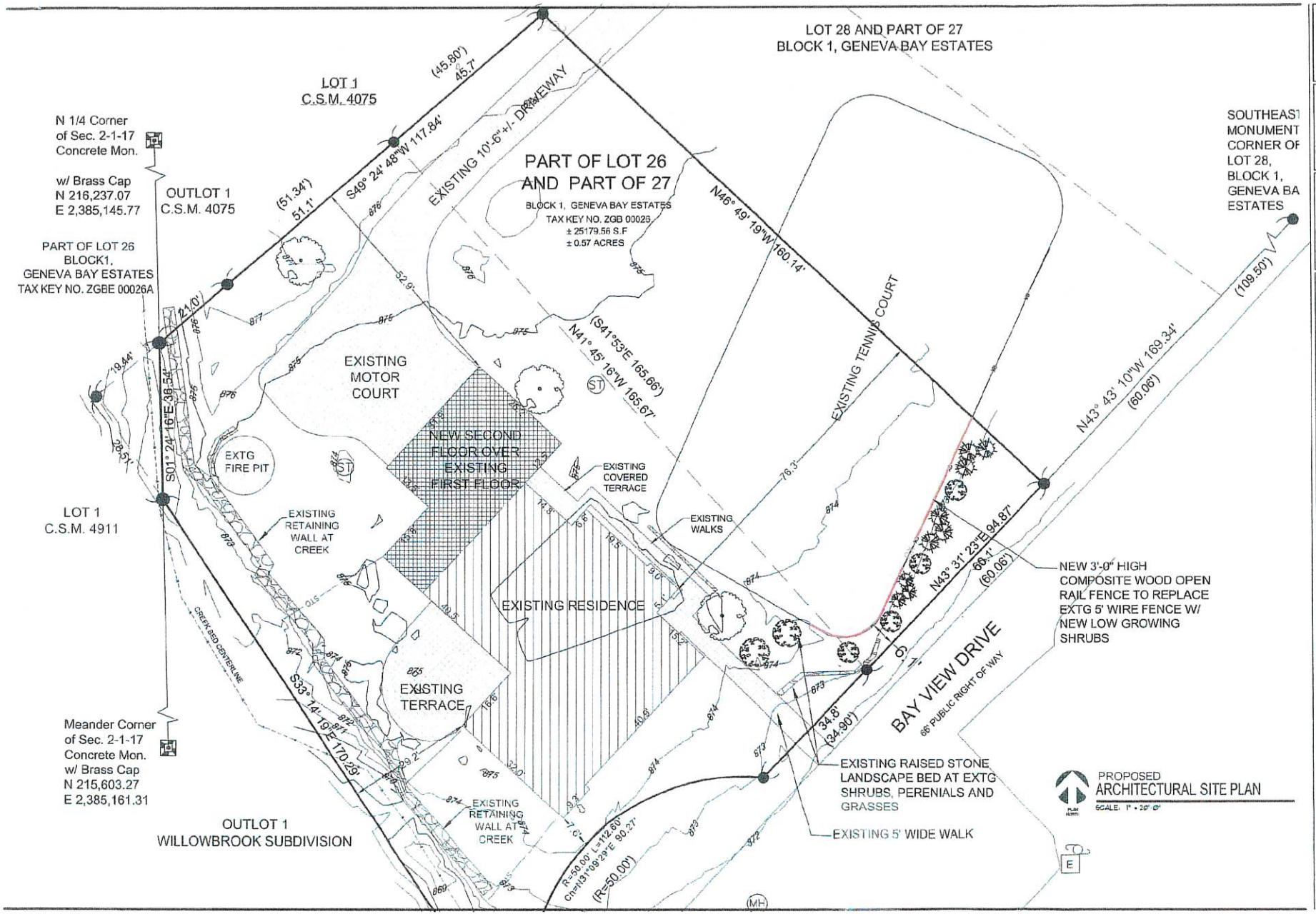

KELLY C FRAZIER DESIGN, LLC
141 N. WATER ST
UNIT 939
MILWAUKEE, WI
53202
PH: 262.215.0808
ARCHITECTURE & INTERIOR DESIGN & PLANNING

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SECOND STORY ADDITION
CABOT & ASIA ASHWILL
930 BAYVIEW DRIVE
LOT 26 BAYVIEW ESTATES
LAKE GENEVA, WISCONSIN IN WALWORTH COUNTY

PROJECT NO.
2024.07

REVISIONS

- PRELIMINARY
- BID/APPROVAL
- PERMIT
- CONSTRUCTION

DATE
1/01/24

SHEET
AS-1

D. PROPOSED FENCE STYLE (Example)

3'-0" high white composite wood open rail fence (or similar)

E. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

(Conditional Use Application Section III)

PROPOSED SECOND STORY ADDITION W/ FENCE & LANDSCAPING TO EXISTING RESIDENCE
for
MR. and MRS. CABOT & ASIA ASHWILL
930 BAYVIEW DRIVE
GENEVA BAY ESTATES
LAKE GENEVA, WISCONSIN 53147

1. **The proposed conditional use requests of the subject property in Geneva Bay Estates Subdivision** will still maintain the residential use and allowable provisions for a fence typical to residential use for which it was intended. We believe this is in keeping with the harmony of the Lake Geneva Comprehensive Plan, zoning ordinance adopted with all amendments.

2. **The Subject Property is zoned ER-1 located in Geneva Bay Estates Subdivision.** Since the creation of these lots were subdivided prior to the ER-1 designation, many of the existing lots do not meet the current ER-1 Residential Bulk Requirements. ***Therefore, per Zoning Ordinance 98.407 Substandard Lot Regulations were adopted to allow special considerations for the lots that do not meet the ER-1 Residential Bulk Requirements.*** **Under the Zoning Ordinance Section 98.407(3)(a) & (b), existing Single Family Residences on legal substandard lots within the ER-1 Zoning District can be added/remodeled upon review and approval of a Conditional Use per all the zoning requirements of the SR-4 Zoning District, EXCEPT Landscape Surface Ratio (LSR) minimum, which shall remain 60% per ER-1 requirement.**

   The SR-4 Zoning District allows for a minimum Lot Area of 9,000 square feet, a minimum lot width of 75', a minimum street frontage of 50', street setback of 25', rear setback of 30', and side lot line setback of 6' minimum with a total combined side yard setback of 15', maximum building coverage of 40% and maximum building height of 35'. The existing home is considered legally non-conforming since it does not meet the setback requirements of the ER-1 Zoning District or the SR-4 setbacks which requires 25' setback at street and 75' to navigable creek on the southwest property line. The existing lot and home's location is "grandfathered" as it was built prior to adoption of the current zoning designation and will be an amendment to a previous conditional use approved approximately April 2017. *Since the proposed second floor addition will be built over the existing footprint of the home, no greater encroachment into required setbacks than what currently exists is requested. The composite wood open rail fence will only be 3' high which replaces an existing wire fence that is approximately 5' tall and in a state of disrepair. Replacement of this fence will serve the tennis court use and will surely be an improvement to the property and neighborhood to what is currently there now.*

   Per the plans and area calculation of the existing residence and impervious surfaces as shown on the existing plat of survey, the existing LSR is 54.1% which is less the 60% min. required but allowed to remain per previous conditional use. The LSR remains the same since no additional impervious surface is being added and the addition will be over the existing footprint of the house. Therefore, no storm water management was deemed necessary.

   As described above and depicted in the plan submittal, the proposed conditional use request does not change existing conditions that have been allowed to exist. The special consideration for the subject property, therefore, *is in harmony with the purposes, goals, objectives, policies, and standards of the City of Lake Geneva.*

3. The granting of approval of this proposed Conditional Use would *not* be a substantial detriment to the adjacent properties because the proposed second floor addition will be built over existing footprint of home thus not making any encroachment more than what currently exists and will not exceed any height limitations required for SR-4. Current impervious surfaces remain the same therefore does not change any drainage patterns as what exists currently. Also, the new fence proposed will be 3' tall which is lower than what currently exists and allowed in the street yard. ***Therefore, we do not feel that this request will not adversely affect the health, safety or general welfare of the public, or the provisions of the Zoning Ordinance or Comprehensive Master Plan.***

4. The proposed **Conditional Use** would be following the long-range plans of the **City of Lake Geneva** in that it would maintain this property as a high-quality single family residential use. Homes have been built in this area in recent years and others have been remodeled and upgraded. ***All proposed changes to home and property are in keeping and maintaining quality single family residences at the current density was the original intention in the creation of the ER-1 District in these lake access areas.***

5. The **Subject Property** is currently served by City sanitary sewer and water, electric and gas. The proposed additions and fence replacement with landscape beds do not impact any changes to these facilities that currently are utilized. ***Since impervious surfaces and building area will not change from what exists currently, we feel this project would not impose an undue burden on any improvements, utilities or services provided by public agencies serving the subject property.***

6. **Single Family Residences** are a permitted use within the **ER-1 Estate Residential District** and are in keeping with the intent of the **Master Plan of the City of Lake Geneva.** This lot, like many of the properties in Geneva Bay Estates subdivision, does not currently meet the **Bulk Residential** Requirements of the ER-1 District. *Therefore, per Zoning Ordinance 98.407 Substandard Lot Regulations were adopted to allow special considerations for the lots that do not meet the ER-1 Residential Bulk Requirements but require review and approval of* Conditional Use for any improvements. ***The proposed construction of second-story addition to the existing footprint of the home and proposed fence replacement with landscaping meet and is allowed per the zoning requirements per Section 98-407(3)(a)&(b) we believe that approval of this Conditional Use would have little or minimal impact to the public benefits or adverse impact since it is not a change from what is currently allowed.***

STAFF REPORT
To Lake Geneva Plan Commission
Meeting Date: December 16, 2024

Agenda Item #7

Applicant:
Maxwell Mansion, LLC
304 S. Wells Street
Lake Geneva, WI 53147

Request:
304 S Wells Street
Conditional Use Permit Amendment
Outdoor Commercial Entertainment

Description:
The applicant is seeking to amend the Conditional Use Permit (CUP) on the property at 304 S. Wells Street. This property is known as the Maxwell Mansion and is a hotel and event venue.

The current CUP, approved in 2021, prohibits amplified music or use of public announcement system in the front or street-side yards of the property, closest to Baker Street. The proposed CUP amendment would allow for amplified sound to be used in these areas. It would also remove the "Limited" status of the CUP, meaning that the CUP would be permanent and not subject to annual review by the City.

The Limited CUP issued in 2021 included the following conditions of approval:

- *Amplification of sound is permitted only in "B" areas, as depicted on the site plan.*
- *Only acoustic music permitted in "A" areas, as depicted on the site plan.*
- *Use shall comply with Municipal Code 46-4 Loud and unnecessary noises.*
- *Use shall comply with Zoning Ordinance 98-709 Noise Standards.*
- *Review of the Limited Conditional Use Permit 1 year after issuance.*

The applicant is not proposing any changes to the buildings or site – including parking, traffic circulation, architectural design, landscaping, or lighting.

The property is zoned General Business (GB). Properties to the east and southwest are zoned Multi-Family Residential – 8 (MR-8). Properties to the north across Cass Street are zoned GB. Properties to the south across Baker Street are zoned MR-8 and Planned Development.

Justification for CUP Amendment
The applicant has provided a written justification for the expansion of amplified sound in the front lawn. As the Maxwell Mansion is used primarily for weddings and receptions, the applicant states that amplified music is a common request by event organizers. The applicant notes that noise generated from events is "generally short-lived" and is anticipated to be no louder than the music coming from Flat Iron Park during concerts or that residential neighbors play outside during warmer months.

Justification for the removal of the "Limited" status of the CUP was included as well. The Limited CUP status was part of the original approval in 2021. The Limited CUP was utilized because the City wished to approve the use on a trial basis without approving it permanently. The 2021 CUP required that the Limited CUP be reviewed one year after issuance. This would allow the City to consider whether the benefits of the use outweighed any negative impacts. Staff does not know whether this annual review has occurred. The applicant feels that the past four years of operation have been a successful trial and that the "Limited" status should be removed and replaced with a permanent CUP. The applicant states that while they are not looking to sell the business or property, the "Limited" status impacts appraisals and various financial needs.

Staff Review:

The submitted site plan is consistent with the site plan approved as part of the 2021 CUP. The site plan includes the main Mansion building, two lodging buildings, parking areas, and designated "general use" areas. The site plan labels these general use areas as "A" for the front/street-side yards near Baker Street and "B" for the rear and interior yards. As stated above, amplification of sound is currently permitted only in "B" areas, and it is not permitted "A" areas. The applicant is now proposing to allow for amplified sound in the "A" areas, in addition to in the "B" areas where it is already permitted. Acoustic (i.e., not amplified) sound is currently permitted in both "A" and "B" areas.

Allowing amplified music in the "A" areas will primarily affect the condominiums to immediately to the west and the properties to the south across Baker Street. These properties are partially screened by tall vegetation on the west and south sides of the Maxwell Mansion property. All sound in the City – amplified or otherwise – is subject to the Noise Standards in Section 98-709. This means that sound generated on the property cannot exceed 5 decibels over ambient noise levels. For example, if ambient noise in the area is 40 decibels (common for a residential area at night), then the amplified sound must not exceed 45 decibels.

Staff contacted the Lake Geneva Police Department to determine if there have been any noise complaints or nuisance calls since the use has begun. Based on the logs provided by the LGPD, none of the calls to 304 S. Wells Street have been regarding any sort of nuisance – noise or otherwise.

Staff feels that due to the small size of the "A" areas for which amplified music is proposed, the lack of police activity, and the anticipated short timeframe of the amplified sounds, amplified sounds in area "A" could be acceptable without creating a sustained nuisance for the surrounding area. However, public testimony at the public hearing may shed light on additional issues not known to Staff. If such issues arise during the public hearing, the Plan Commission could consider adding conditions of approval to the CUP. Conditions of approval could pertain to limiting the duration of the amplified sound (e.g., no more than 30 minutes per day), allowable days of the week (e.g., weekends only), hours (e.g., no later than 10 p.m.), etc.

Action by the Plan Commission:

As part of the consideration of the requested CUP, the Plan Commission is required to:

- Provide the Common Council with a *recommendation* regarding the proposed CUP;
- Include *findings* required by the Zoning Ordinance for CUP; and,
- Provide specific suggested *requirements/conditions* to modify the project as submitted.

Required Plan Commission Findings on the CUP for Recommendation to the Common Council:

A proposed CUP must be reviewed by the standards, below:

A. If, after the public hearing, the Commission wishes to recommend *approval*, then the appropriate fact finding would be all of the following:

1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
3. The proposed conditional use in its proposed location, and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on any improvements, facilities, utilities or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

B. If, after the public hearing, the Commission wishes to recommend *denial*, then the appropriate fact finding would be in disagreement with at least one of Factors 1-6 listed above.

Staff Recommendation:

1. Staff recommends that the Plan Commission recommend approval of the proposed conditional use as submitted.
2. Staff recommends the Plan Commission adopt the *affirmative set of findings* provided under A.1-6., above.
3. Staff recommends the following *additional conditions of approval* be attached:
    a. None

Suggested Motions:

- *Approve*: I recommend approval of the proposed *Conditional Use Permit Amendment for Maxwell Mansion, LLC, at 304 S. Wells St, Lake Geneva, on a request to expand the Outdoor Commercial*

Entertainment land use and remove the Limited Conditional Use status in the General Business (GB) zoning district for the property located at 304 S. Wells Street, Parcel No. ZA45290000, including the affirmative set of findings, and any additional conditions of approval recommended by staff.

- *Deny*: I recommend denial of the proposed *Conditional Use Permit Amendment for Maxwell Mansion, LLC, at 304 S. Wells St, Lake Geneva, on a request to expand the Outdoor Commercial Entertainment land use and remove the Limited Conditional Use status in the General Business (GB) zoning district for the property located at 304 S. Wells Street, Parcel No. ZA45290000,* including the dissenting set of findings, and any additional conditions of recommended by staff, because *[provide rationale for denial, based on substantial evidence]*.

Jackie Mich, AICP
City Planning Consultant
Vandewalle & Associates

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):
304 S Wells St and 421 Baker St - See Exhibit A attached for full legal description and parcel number.

Name and Address of Current Owner: LuMoBay Max, LLC
304 S Wells St. Lake Geneva, WI 53147

Telephone No. with area code & Email of Current Owner:
262-755-3654 luke@adventurehospitality.com

Owner Signature:

Name and Address of Applicant:
Maxwell Mansion, LLC
304 S Wells St. Lake Geneva, WI 53147

Telephone No. with area code & Email of Applicant:
262-755-3654 luke@adventurehospitality.com

Proposed Conditional Use: Amendment to Existing Outdoor Commercial Entertainment and
Removing the Limited Conditional Use Restriction

Zoning District in which land is located: General Business

Names and Addresses of architect, professional engineer and contractor of project:
n/a

Short statement describing activities to take place on site:
Amending the existing conditional use as follows:
1) Removing the limited designation from the conditional use permit (CUP) and making it permanent.
2) Allow amplified sound in the front lawn.

Conditional Use Fee payable upon filing application: $400.00 [$100.00 for Application Under Sec. 98-407(3)]

October 2, 2024
Date

Signature of Applicant

_____ _____ Cost Recovery # _____

Petitioner Name Project Address

OFFICE USE ONLY Description of Request _____

Agreement for Services

REIMBURSABLE BY THE PETITIONER / APPLICANT. The city may retain the services of the professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposals coming before the Plan commission and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal including any financing charges that may accrue. The City applies the charges for these services to the Petitioner. The City Administrator at any time may require an applicant to submit an advance deposit **of $500 to $5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** Surplus deposits shall be returned to the Applicant at the conclusion of the project.

Luke Pfeifer as Authorized Agent of Maxwell Mansion, LLC, as applicant/petitioner for

Project: Maxwell Mansion

Project Address: 304 S Wells St / 421 Baker St

Parcel No. Z452900001

Name: Maxwell Mansion, LLC

Address: 304 S Wells St

Lake Geneva, WI 53147

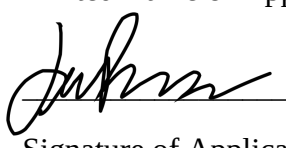
Cell Phone: (920) - 889 - 0615 Phone: (262) - 248 - 9711

Email: luke@adventurehospitality.com

Dated this 2 Day of October, 2024

Luke Pfeifer as Authorized Agent of Maxwell Mansion, LLC

Printed Name of Applicant / Petitioner



Signature of Applicant/Petitioner

Applicant/Petitioner agrees that in addition to those normal costs payable by an applicant/petitioner (e.g., filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Lake Geneva, in the judgment of its staff, to obtain additional professional service(s), (e.g., engineering, surveying, planning, legal) than would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof

Section 98-935 Fees:

(1) Fees for Procedures or Permits Requested by a Private Party: The fees for the procedures and permits established by this Chapter shall be established by resolution of the Common Council of the City of Lake Geneva

(2) Fees for Procedures Requested by the City of Lake Geneva: There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency, or official of the City of Lake Geneva.

(3) Payment of Fees: Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.

(4) Professional Consultant Review Services: The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission. The City may apply the charges for these services to the Petitioner. The City will require the Petitioner to sign a professional consultant review services form. The City Administrator at any time may require an applicant to submit an advance deposit **of $500 to $5,000 depending on the complexity and anticipated involvement of the City's consultants** or continuing advance deposits against future billings by the City for recovery of costs provide by this ordinance 98-935(4). **An advanced deposit shall be required for the application related to Extraterritorial matters.** The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Petitioner. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property.

CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
CONDITIONAL USE REVIEW AND APPROVAL (Requirements per Section 98-905)

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

____ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

____ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

____ **Application fee of $ ____ received by Zoning Administrator:** **Date:** _____ **by:** _____

____ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator) *Date:* _____ *by:* _____
⇓ *Draft Final Packet (1 Copy to Zoning Administrator)* *Date:* _____ *by:* _____
⇓

X ____ (a) **A map of the proposed conditional use:**

- x ____ Showing all lands for which the conditional use is proposed;
- x ____ Showing all other lands within 300 feet of the boundaries of the subject property;
- x ____ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
- x ____ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
- x ____ Map and all its parts are clearly reproducible with a photocopier;
- x ____ Map size of 11" by 17" and map scale not less than one inch equals 800 ft:
- x ____ All lot dimensions of the subject property provided;
- x ____ Graphic scale and north arrow provided.

X ____ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:**

X ____ (c) **A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;**

X ____ (d) **A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.**

X ____ (e) **Written justification for the proposed conditional use:**

x Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. *(See below)*

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

   See attached Exhibit A

2. How is the proposed conditional use, in its specific location, in harmony with the purposed, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

   See attached Exhibit A

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

   See attached Exhibit A

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

   See attached Exhibit B

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

See attached Exhibit A

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

See attached Exhibit A

IV. FINAL APPLICATION PACKET INFORMATION

____ **Receipt of 5 full scale copies in blueline or blackline of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____**

____ **Receipt of 20 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____**

____ **A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline. Date: _____ by: _____**

____ **Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____**

____ **Class 2 Legal Notice sent to official newspaper by City Clerk: Date: _____ by: _____**

____ **Class 2 Legal Notice published on _____ and _____ by: _____**

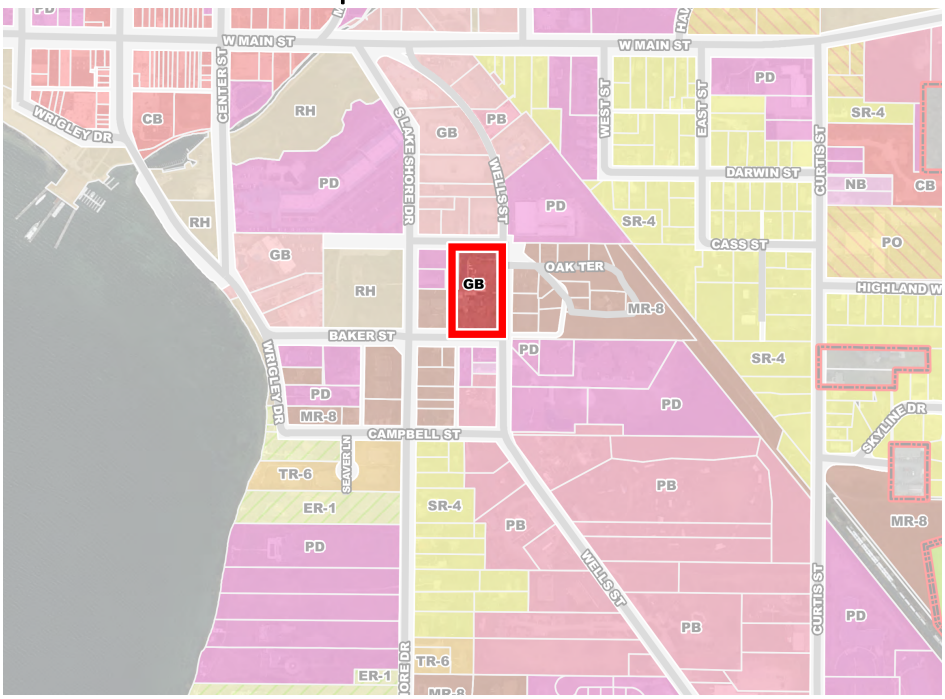
____ **Conditional Use recorded with the County Register of Deeds Office: Date: _____ by: _____**

EXHIBIT A – ADDITIONAL INFORMATION – MAXWELL MANSION

(a) A map of the proposed conditional uses

- See Figure 1

(b) Area Land Use Map



(c) Written description of proposed condition use

Amendment of existing Outdoor Commercial Entertainment at 421 Baker St/304 S Wells St as follows:

1. Removing the limited designation from the conditional use permit (CUP) and making it permanent.
    a. When our original conditional use was approved in 2021 for outdoor entertainment, it was limited to conditional use as we were new to the area. At that time, the plan commission said it would review the limited portion of conditional use in a year. This is also documented in the council minutes when the conditional use was approved.
    b. As we have shown almost 4 years of success with our operation of the property and events, we are asking to remove the limited portion of the conditional use. While we do not intend to sell and fully intend to own and operate Maxwell for years to come, the limited designation impacts appraisals and various financing needs we may have.

2. Allow amplified sound on the front lawn, as the current restrictions prohibit weddings/events from having music played during a reception on the front lawn indicated as area A on the Site Plan (Figure 2) on the attached page. Examples of such use include:
    a. Ceremonies
    b. Dinners
    c. Receptions
    d. Events

(d) Site Plan

See Figure 2. For the parking plan submitted as a part of the existing Conditional Use see, Figure 3.

(e) Written Justification

1. **How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies, and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?**

   Lake Geneva is known not only as a tourist destination but also as a wedding and meeting destination. Hundreds of couples celebrate with family and friends and book weddings across the Lake Geneva area every year. Maxwell Mansion and previously Golden Oaks Mansion have been known as a popular upscale and unique wedding venue for decades. These weddings have occurred on the back terrace and the Mansion's front lawn. We remain focused on weddings and groups of under 100 total guests; many want the Mansion's historical front to be the backdrop of their special day or event.

   This December, we will celebrate our fourth anniversary of owning Maxwell Mansion. During these four years, we have held well over 100 events. Our events not only focus on tourists but also offer a great venue and space for locals to enjoy. While weddings have been popular at Maxwell for decades, we have significantly grown Maxwell as a venue for corporate groups over the past four years.

   The Lake Geneva Comprehensive Plan adopted in March 2020 has numerous recommendations that align well with the continued tradition of outdoor events at Maxwell Mansion. Chapter 9 Section K of the plan identifies the economic development goal as: "Attract and retain businesses that enhance the City's character and appearance and strengthen and diversify the non-residential tax base and employment opportunities."

   The events at Maxwell attract tourism to the city and downtown corridor and enhance the community character while providing additional recreational and entertainment options for the residents of Lake Geneva.

   Tourism is the heart of Lake Geneva, and our visitors' positive reviews and word of mouth fuel that. Regardless of the circumstances or perceived responsibility, all of us in Lake Geneva, including businesses and residents, must work together to ensure our guests' experiences are positive and uplifting to the area.

2. **How is the proposed conditional use, in its specific location, in harmony with the purposed, goals, objectives, policies, and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?**

   Maxwell Mansion has a long and storied history in the Lake Geneva community. The Mansion was built in 1856 by one of the founders of Lake Geneva, Dr. Philip Maxwell. The property has tremendous character for locals and visitors to enjoy. Maxwell exists in its current state because of the revenue it generates as a boutique hotel, upscale craft cocktail bar, and event venue.

The Lake Geneva Comprehensive Plan, updated in March 2020, identified the Cultural Resource Goal in Chapter 4 Section E as: "Preserve and enhance the City's historic small-town character, identity, and rich culture." Holding events such as weddings allows those to be wed and families to celebrate in our community and at one of the community's most prized historical assets. This all while generating revenue to support the history of the Mansion and bring in a positive economic impact to the area.

For the last 20+ years, holding events outdoors has allowed the business to grow while maximizing the property's green and open space. This is congruent with the Foster "Green" Business Growth section of Chapter 9 of the comprehensive plan.

Maxwell Mansion is one of the true gems in Lake Geneva, filled with character and surrounded by opportunity. We are proud to own this unique property, and we continue to focus not only on our family and businesses but also on being good stewards, working together to enhance the vibrant local economy. Events and entertainment are crucial to the property's revenue, allowing us to preserve the Mansion's rich history and contribute to the area's cultural heritage.

3. **Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?**

   The proposed amendment to our existing conditional use has no impact on traffic, parking, public property, rights of way, or other matters impacting the public compared to our existing condition use. The parking plan submitted as a part of our existing Limited Conditional Use, including written approval from the YMCA for overflow parking, remains intact. Noise generated from these events is generally short-lived in time. It is no louder than the music our neighborhood hears from Flat Iron Park during concerts or from neighbors outside playing music and enjoying the beauty of Lake Geneva.

4. **How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?**

   Outdoor commercial entertainment is permitted in General Business zoned properties with a conditional use permit. The use of the property as described in this conditional use is congruent with the land use based on the property's zoning.

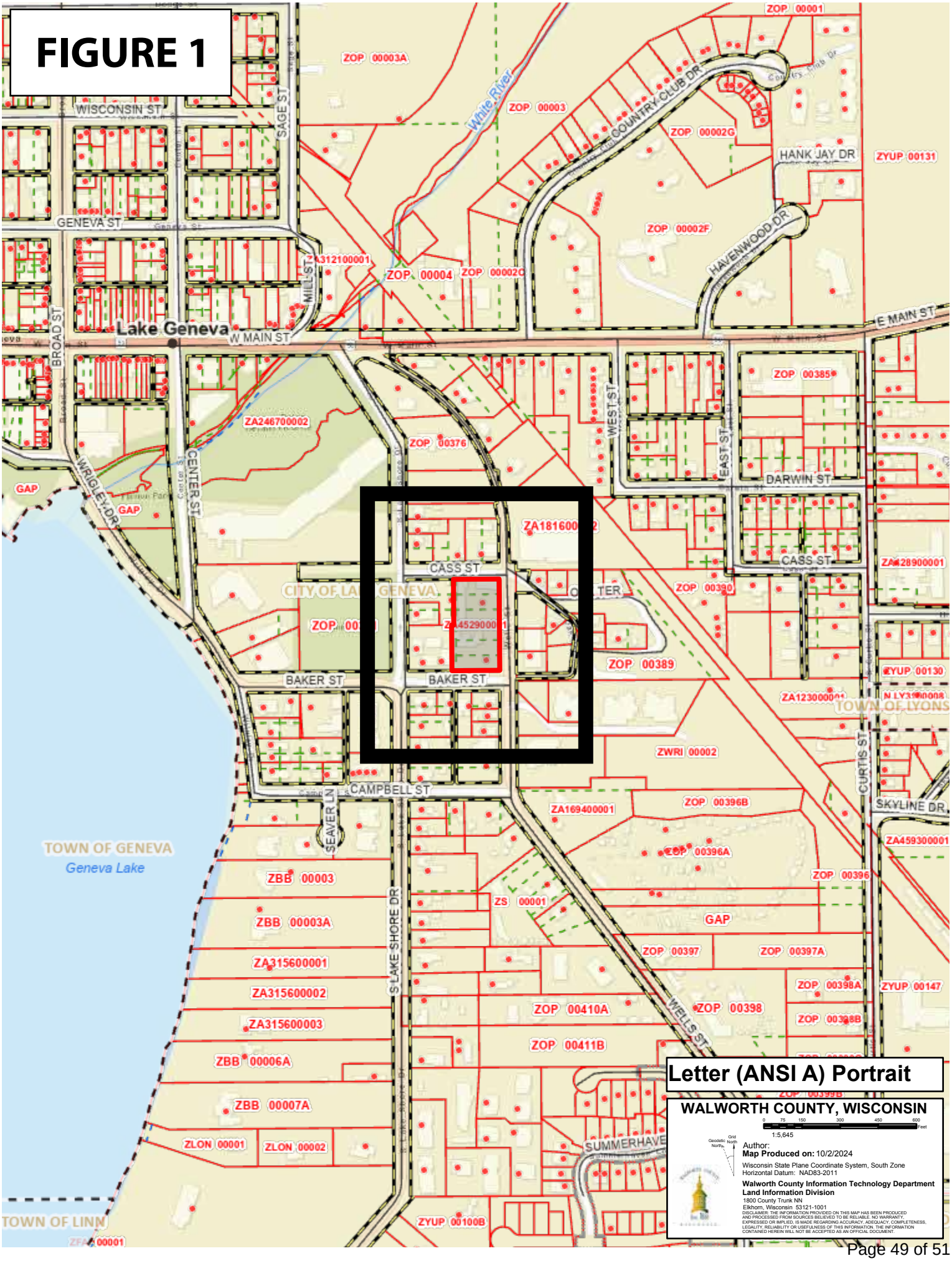
5. **Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?**

   The amendment use does not place any additional burden on any improvements, facilities, utilities, or services provided by public agencies serving the property.

6. **Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?**

   The proposed amendment outweighs all potential adverse impacts of the proposed conditional use. Tourism and related businesses, including restaurants, retail, and services, are core to Lake Geneva. The amendment does not create an adverse impact more significant than those activities that already take place in Lake Geneva, such as concerts at Flat Iron Park, street sweepers keeping our streets clean, and kids playing outside and enjoying life as kids.

FIGURE 1



Letter (ANSI A) Portrait

WALWORTH COUNTY, WISCONSIN

0 75 150 300 450 600 Feet

1:5,645

Author:

Map Produced on: 10/2/2024

Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD83-2011

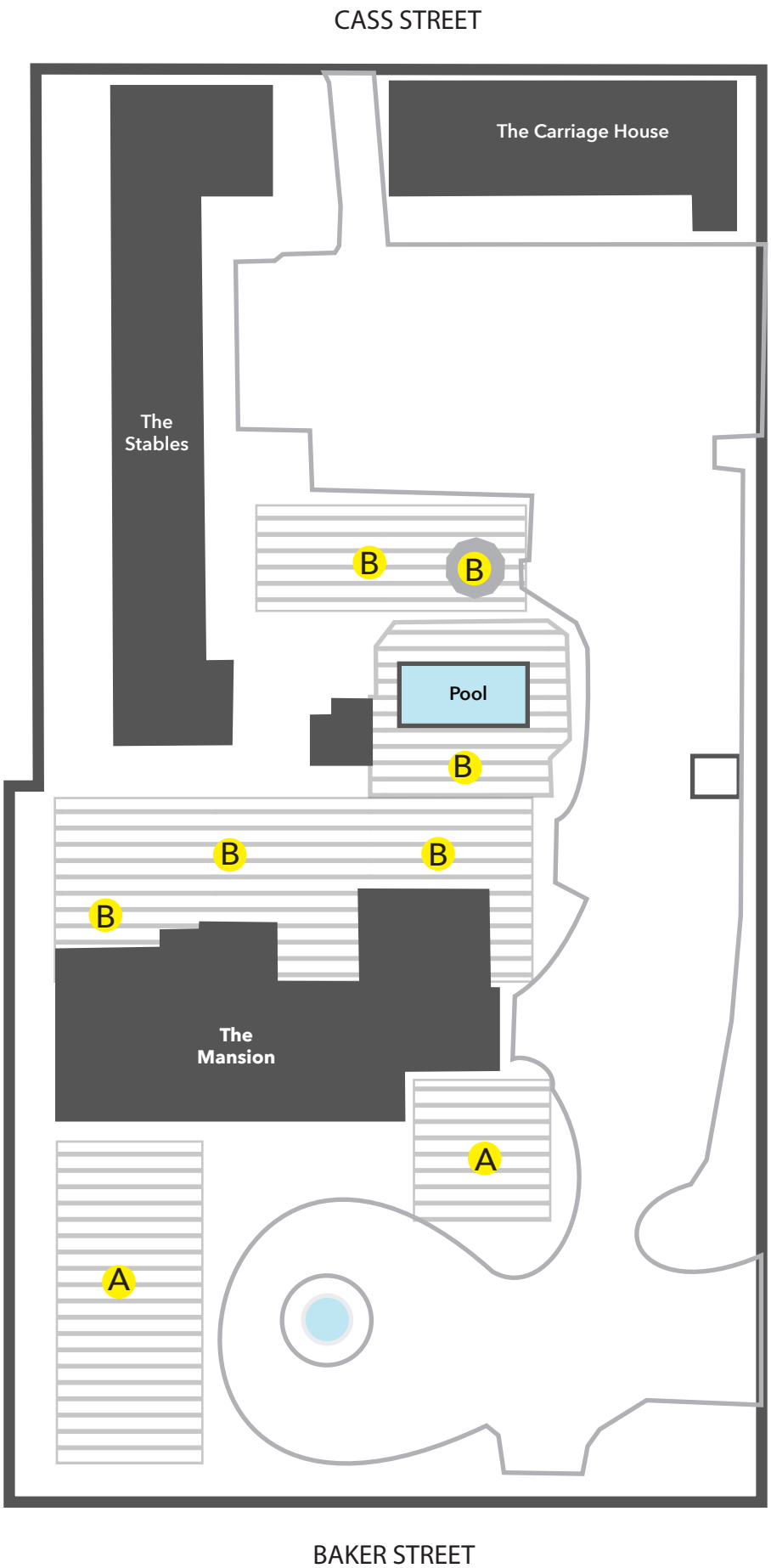
Walworth County Information Technology Department
Land Information Division
1800 County Trunk NN
Elkhorn, Wisconsin 53121-1001

DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN PRODUCED AND PROCESSED FROM SOURCES BELIEVED TO BE RELIABLE. NO WARRANTY, EXPRESSED OR IMPLIED, IS MADE REGARDING ACCURACY, ADEQUACY, COMPLETENESS, LEGALITY, RELIABILITY OR USEFULNESS OF THIS INFORMATION. THE INFORMATION CONTAINED HEREIN WILL NOT BE ACCEPTED AS AN OFFICIAL DOCUMENT.

FIGURE 2 - Maxwell Mansion Site Plan

Conditional Use Application: Outdoor Commercial Entertainment

Updated March 2, 2021



N

A Outdoor Event and Public Socialization Space

B Outdoor Event, Entertainment, and Public Socialization Space

General use areas have a striped background

WELLS STREET

FIGURE 3

Maxwell Mansion Parking
Outdoor Entertainment

48 Available Spaces

98-206(4)(k)3
Commercial Indoor Lodging
Parking Regulations: One space per bedroom, plus one space for each employee on the largest work shift.
28 Rooms + 7 Employees/Owners = 35 Spaces

98-206(4)(i)3
Outdoor Commercial Entertainment
Parking Regulations: One space for every three patron seats at the maximum capacity of the establishment.
Max Event Size 150
Of the 150 - 56 are included in the lodging calculation above. 94 non-hotel patrons.
94 / 3 = 32 Spaces

Total Required Spaces 67
Total Available Spaces on Property 48
Extra Spaces Required at Max 19

Letter (ANSI A) Portrait

WALWORTH COUNTY, WISCONSIN

1:573

Author:
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Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD83-2011

Walworth County Information Technology Department
Land Information Division
1800 County Trunk NN
Elkhorn, Wisconsin 53121-1001

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