

Village of



Germantown

Willkommen

Fee Must Accompany Application

\$1115 Paid 3-10-21

\$200 PC Consultation Only
Paid _____

Date Received by Village:

ZONING CODE TEXT AMENDMENT APPLICATION

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

AGENT: *(if different from Applicant)*

APPLICANT:

Jason R. Boehlke

Address: _____

Address: N120 W13537 Freistadt Road

Germantown, WI

Phone: _____

Phone: 414-305-6773

FAX: _____

FAX: _____

E-Mail: _____

E-Mail: Jason@jrboehlke.com

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

General Zoning Code (Chapter 18) - Chapter 17

Floodplain Zoning Code (Chapter 23)

Shoreland-Wetland Zoning Code (Chapter 24)



Section(s) to be Amended:

Zoning Code Sections 17.15(2) to be amended and creation of 17.15(4).

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

Refer to or Attach Additional Pages as Necessary

Section 17.15(2) Conditional Uses, shall be modified to add the following:

~~(k) Construction Services, Contractor Shops~~

~~(l) Garden Supplies, Horticultural Services~~

Section 17.15(4) shall be added as follows:

~~(4) The Conditional Uses permitted under Section 17.15(2)(k) Construction Services, Contractor Shops, and (l) Garden Supplies, Horticultural Services shall be permitted only where the property meets the following conditions: (a) the property is comprised of 4.0 acres or more; and (b) the property is surrounded on all sides by property zoned A-1 Agricultural District or A-2 Agricultural District.~~

Detailed Explanation and Justification for Proposed Amendment(s):

Refer to or Attach Additional Pages as Necessary

See attached.

Zoning Code Text Amendment Application – Attachment

Applicant: Jason R. Boehlke

Explanation of and justification for proposed amendments.

The current the Rs-2 Zoning District is a residential district intended to provide for single-family residential development in predominantly rural areas not served by municipal sewer and water facilities.

Within the Rs-2 Zoning District are parcels that were previously zoned agricultural as A-1 or A-2 Districts. These parcels often contain accessory farm buildings, including barns, pole barns, metal buildings, and other structures from historical use as farms or other rural businesses. The properties often attract horticultural and other businesses operating out of shops for equipment storage and other uses that complement their business, while performing work off site, such as landscaping, plumbing, and other small contractors.

I own one such property located at N120 W13537 Freistadt Road, Germantown, WI (“Property”) which is a 4.0 acre parcel zoned Rs-2. I bought this Property in 2008. A plat of survey showing the Property and proposed use is enclosed with this Application. My Property has a farm house, a large barn, and two metal pole barns that existed prior to my purchase. Prior to purchasing the Property, I contacted the Zoning Administrator and Planning office to inquire whether anything was needed to run my landscaping business out of the property. I was told by staff that I did not need any additional approvals.

Since 2008 I have been operating a landscaping business out of the Property, which offers landscaping, snow plowing, and pavement maintenance services. No customers come to the Property and all work is performed off site at the customer’s property. There are no signs on the Property for the business. There are limited deliveries of landscape materials that are delivered to the Property. All materials are stored at the rear of the Property adjacent to one of the pole buildings and are not visible from the roadway. All equipment is stored inside or behind the barn and pole barn buildings. Employees arrive in the morning to load the trucks/equipment, and then leave the Property to perform work offsite. At the end of the day employees drop the trucks and equipment back on the Property. My company employs between 12-15 employees, which except for two office staff, perform all work and services off site.

My property is surrounded on all sides by property zoned A-1 or A-2, which are over 35 acres in size. The Property is a rural parcel and not near any residential subdivision.

My Property was previously zoned agricultural, but was subdivided in approximately 2006 to allow for a sale of approximately 36 acres to MMSD, which is part of the Greenseams program and undeveloped wetland or natural grasses. As a result, the remaining parcel does not meet the 10 acre minimum requirement for A-1 or A-2 Districts, and it rezoned to Rs-2. The prior owner of the Property used the accessory building to run a contracting business.

I recently applied for a Conditional Use Permit through the Village, but the Village Zoning Administrator denied the application prior to review by the Plan Commission and hearing by the Village Board. The Zoning Administrator’s basis for denial was interpretation of the Zoning Code that the proposed use does not qualify for a home occupation given its size and characteristics, and the Rs-2 district does not permit any Conditional Uses that would permit my continuation of using the Property for my business.

Given the historical use, pre-existing buildings and characteristics, and rural nature of the Property being surrounded by A-1 and A-2 Agricultural zoned properties, the use of the Property is best suited for small business, such as a contracting business where the property is primarily used for storage of trucks and equipment for use in performing work off site. Such a use provides little impacts that would differ from those allowed or expected through agricultural uses under neighboring zoning of A-1 and A-2, and in particular horticultural services Conditional Uses. Given the similarity of use as the neighboring A-1 and A-2 properties, allowing a horticultural or contracting business to operate out of the property, while permitting the Village



Board to place conditions on such uses to avoid detrimental impacts to surrounding properties, would be a benefit to the Village.

The current Rs-2 zoning prevents the best use of the Property, without providing a meaningful benefit to either the surrounding properties or the community. Accordingly, rather than displacing a successful business that employs Village residents, a revision to the zoning code to permit use of the Property for horticultural and contracting services in a very narrow set of circumstances would be a benefit to all stakeholders.

Accordingly, I am requesting that the Rs-2 section of the Zoning Code, 17.52(2), be revised to permit horticultural and contracting services business as Conditional Uses, provided that a new section 17.52(4) be created to limit such Conditional Uses to those that are surrounded by A-1 and A-2 properties and at least 4.0 acres in size. This would provide a very narrow set of circumstances under which such use would be permitted, thereby providing adequate assurance that the uses of such Rs-2 parcels would not negatively impact or impair the surrounding property uses.

In review of the Germantown Zoning map, only two properties would meet this criteria - my Property at N120 W13537 Freistadt Road and the property located at N124 W14106 Lovers Lane. See enclosed Map identifying the properties.

With the very limited expansion of the Zoning Code to allow this narrow set of circumstances, the Village's interests would be protected, while allowing for limited uses that are consistent with available uses on surrounding properties.

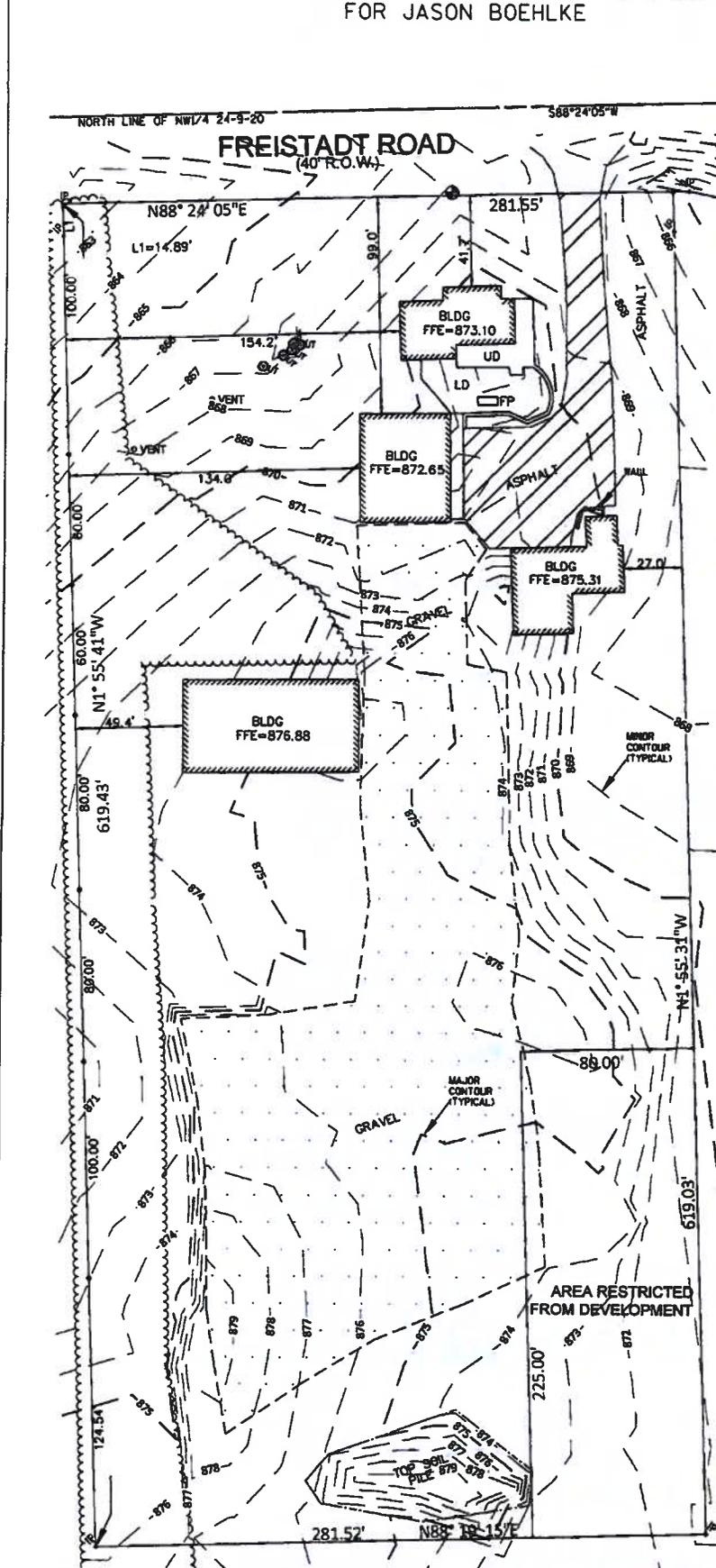
Affect on Other Sections of the Zoning or other Municipal Code provisions.

The changes will have no affect on other sections of the Zoning or other Municipal Code.

PLAT OF SURVEY

FOR JASON BOEHLKE

SHEET 1 OF 2



LEGAL DESCRIPTION:

FROM QUIT CLAIM DEED DOC. #1389004

LOT 1 OF CERTIFIED SURVEY MAP NO. 6112, RECORDED DECEMBER 20, 2006, IN VOLUME 45 OF CERTIFIED SURVEY MAPS ON PAGES 318 TO 321, AS DOCUMENT NO. 1147326, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

PROPERTY ADDRESS N120 W13537 FREISTADT ROAD, WI 53022

TAX KEY NUMBER: GTNA 242989

SAID PARCEL CONTAINS 4.00 AC.

BENCHMARK:

RR SPIKE IN NORTH SIDE POWER POLE ON THE SOUTH SIDE OF FREISTADT ROAD WEST OF THE ASPHALT DRIVEWAY

ELEV 867.12

BEARINGS ARE REFERENCED TO WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD '83 NORTH LINE OF THE NW 1/4 SECTION 24-9-20 RECORDED AS N 88°24'05" E



LEGEND

- SET 3/4" X 18" LONG REBAR WEIGHING 1.502 LB./FT. 1" IRON PIPE FOUND
- VENT SEPTIC VENT
- ⊕ UTILITY MANHOLE
- ⊕ BENCHMARK
- ~ TREELINE
- ▨ GRAVEL
- ▨ ASPHALT
- UD UPPER DECK
- LD LOWER DECK
- FP FIRE PIT

STATE OF WISCONSIN
WASHINGTON COUNTY

I Anthony J. Gramacki Land Surveyor in the State of Wisconsin, do hereby certify that on November 5th, 2020 surveyed the above described property according to official records and the accompanying map is true and correct representation of the exterior boundaries of the land surveyed to the best of my belief and knowledge.



M Squared Engineering, LLC

...where engineering solutions meet water quality...
W62N215 Washington Avenue
Cedarburg, WI 53012
www.msquaredengineering.com
Phone: (262)376-4246

JASON BOEHLKE

PROJECT: BOEHLKE
PROJECT NO.: 20-120-020
DRAWN BY: AJG
DATE: 11/11/2020 REV: 11/11/2020

PLAT OF SURVEY

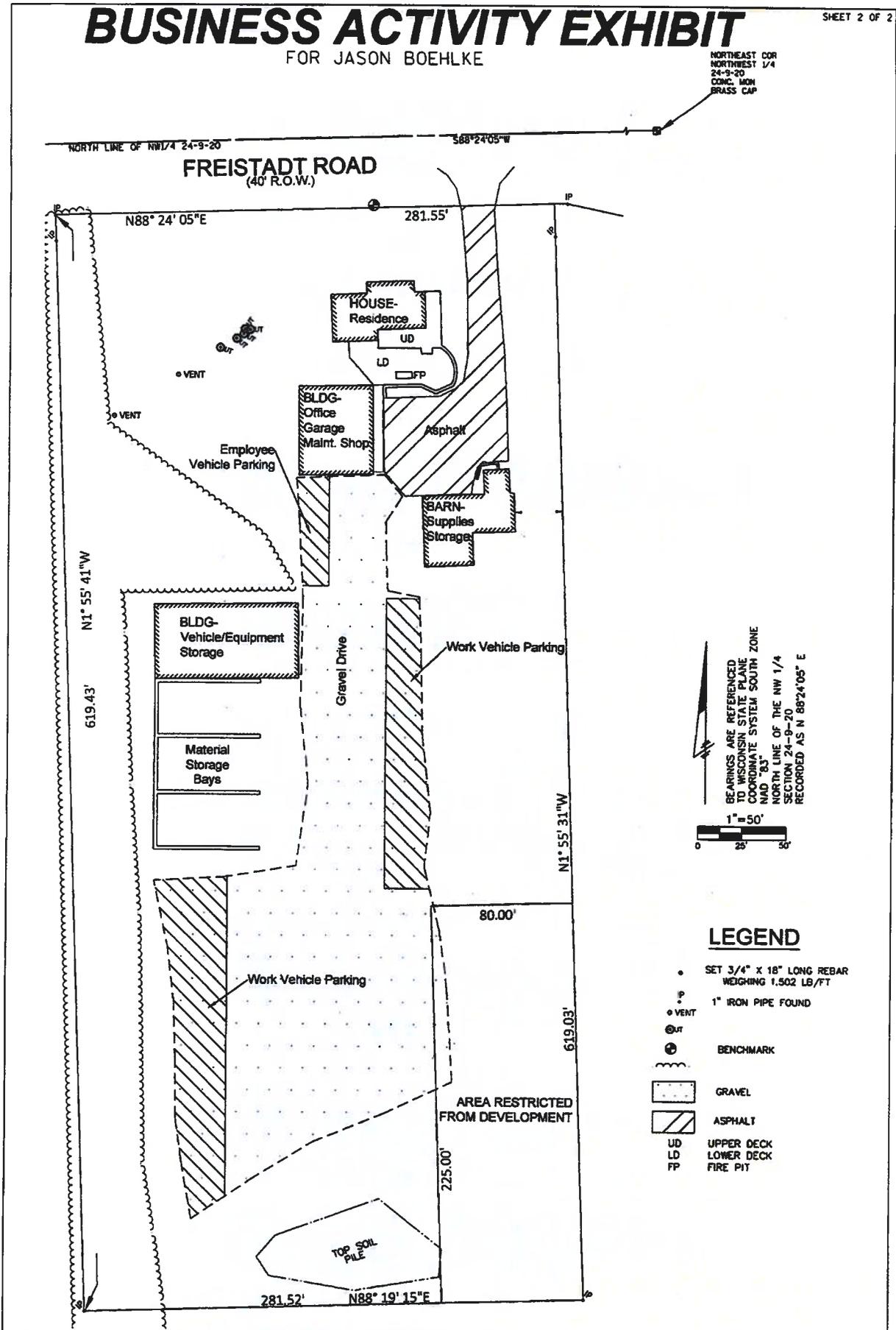
SCALE: 1" = 50'

BUSINESS ACTIVITY EXHIBIT

FOR JASON BOEHLKE

SHEET 2 OF 2

NORTHEAST COR
NORTHWEST 1/4
24-9-20
CONC. MON
BRASS CAP



BEARINGS ARE REFERENCED
TO WISCONSIN STATE PLANE
COORDINATE SYSTEM SOUTH ZONE
NAD 83
NORTH LINE OF THE NW 1/4
SECTION 24-9-20
RECORDED AS N 88°24'05" E

1" = 50'

LEGEND

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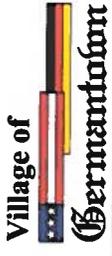
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JASON BOEHLKE

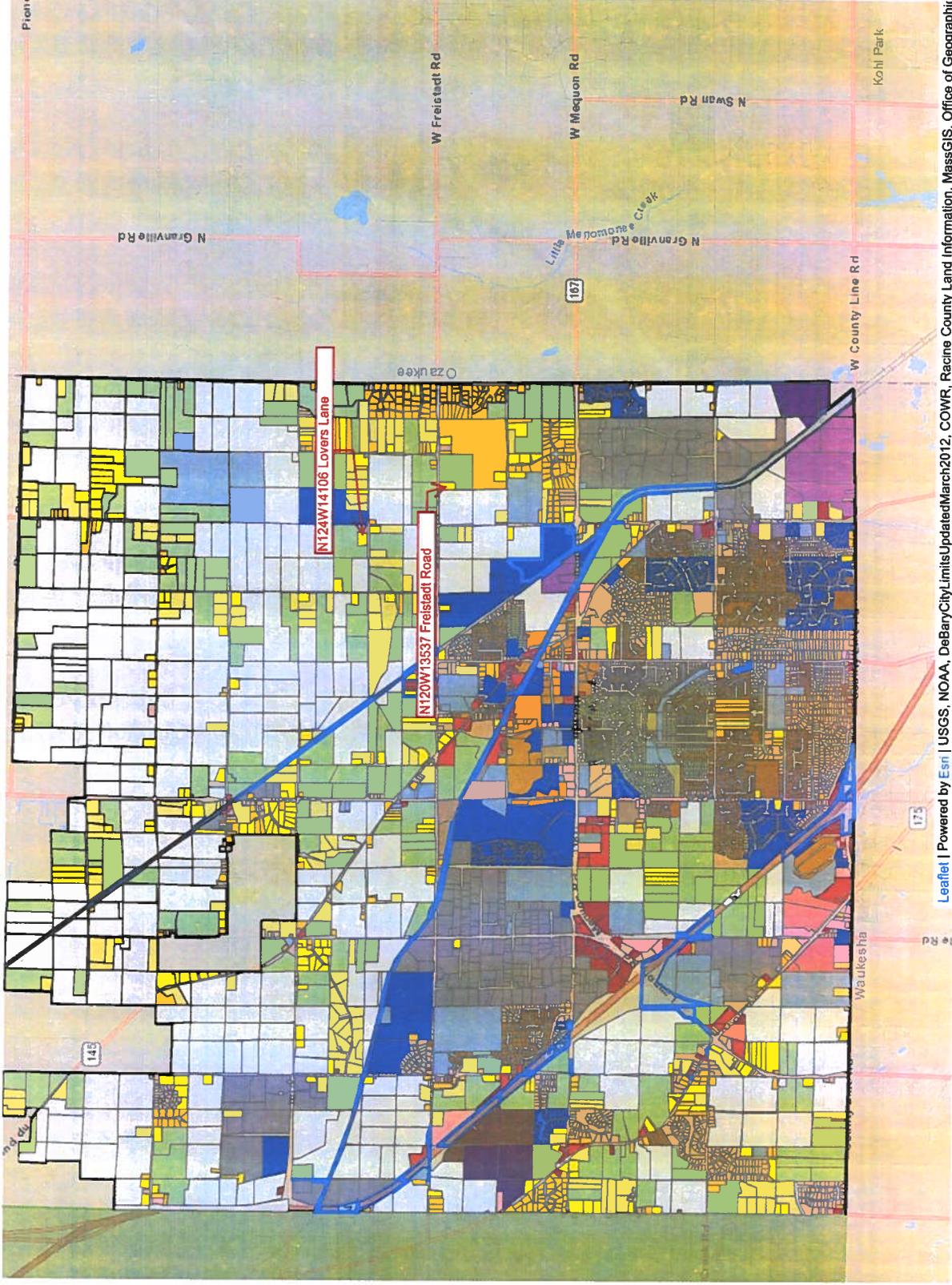
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DATE: 11/11/2020

PLAT OF SURVEY
SCALE: 1" = 50'



Zoning Code | Interactive Map

- Home
- Interactive Map
- Highlights
- Administration
- Tools



Leaflet | Powered by Esri | USGS, NOAA, DeBaryCityLimitsUpdatedMarch2012, COWR, Racine County Land Information, MassGIS, Office of Geographit

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