

OFFICIAL PROCEEDINGS
VILLAGE OF DARIEN PLAN COMMISSION MEETING
Thursday, June 15, 2023 – 6:00 PM
Darien Village Hall
24 N. Wisconsin St., Darien, WI 53114

1. **Call to Order.** Village President and Plan Commission Chairperson Jane Stiles called the meeting to order at 6:01p.m. at Darien Village Hall and via Zoom teleconference.
2. **Roll Call.** Chairperson Stiles, Trustees Ken Truckey and Kevin Atkinson, and citizen members Dean Logterman, Jim Stirmel and Tom Carney were present. Citizen member Steve Kastning was absent. Administrator/Clerk Treasurer Lindsey Peterson and Village Engineer Jason Feucht (via Zoom) were also present.
3. **Approval of minutes from the April 26, 2023 Plan Commission Meeting.** Trustee Truckey made a motion to approve the minutes from the April 26th Plan Commission meeting. Trustee Atkinson seconded, and the motion carried 6-0.
4. **Discussion and possible recommendation to the Village Board relating to a one-lot Certified Survey Map in the Village's extraterritorial jurisdiction for parcel number BD3400009 in the Town of Darien (CSM-2023-01).** Ms. Peterson presented the memo for the one-lot Certified Survey Map at N2690 Wise Road in the Town of Darien. She stated the map was reviewed by the Village's engineer and there were just a few minor comments returned, so any approval should include conditions stating these comments should be addressed. She stated the proposed map is also consistent with the Village's Comprehensive Plan, Future Land Use Map. Mr. Carney made a motion to recommend the Village Board approve the one-lot Certified Survey Map for parcel number BD3400009 in the Town of Darien with the 3 conditions noted in the staff memo:
 1. The applicant shall resubmit the proposed CSM for review by staff with the following changes:
 - a. Because of the road dedication for Wise Road, if there is a mortgage, the CSM must contain a mortgagee's certificate.
 - b. A draft version of the separate document restricting the remaining property (sheet 3) be provided and the legal description verified.
 - c. The label "unplatted lands/owned by Platter/Zoned A-1" should also be placed on the North side, on the opposite side of the East-West ¼ line.
 2. The applicant shall obtain all other approvals necessary (Town, County, State), and upon such approvals, shall record this CSM with the Walworth County Register of Deeds; and
 3. The applicant shall provide one copy of the recorded document to the Village within 10 days of being recorded.

Trustee Truckey seconded, and the motion carried 6-0.

5. **Resolution No. PC 2023-03 – A Resolution approving a two-lot Certified Survey Map for the properties located at 455 W Madison Street, 461 W Madison Street, and 201 Badger Parkway (Parcel Numbers QA435500002, QA488200001, and QA488200002) (CSM-2023-02).** Ms. Peterson stated a memo regarding the two-lot CSM was included in the packet. Mr. Carney from Royal Basket Trucks gave an overview of the CSM stating that he is planning to purchase a small portion of land from his neighbor, CHS, so he will be able to add-on to his current building. Chairperson Stiles asked when the cross-access easement between his two buildings was for. Mr. Carney stated he would

check with his architect to determine. Mr. Feucht stated currently you could not build on the cross-access easement, but if the easement was released by any party involved, then it is possible you could build in the area where the easement currently sits. Mr. Carney stated again that he would look into this. Mr. Feucht pointed out one other issue, that there was a 60' no build restriction on the CSM, but the area noted was not 60 feet. He stated he had spoken to Mr. Warren Hansen about it earlier in the day and he believes it will be corrected and re-submitted. Ms. Peterson stated that the memo included in the packet lists conditions for approval of the CSM, including addressing the 60 foot not build restriction issue. Mr. Logterman made a motion to recommend the Village Board approve the two-lot certified survey map for the properties located at 455 W Madison St, 461 W Madison St, and 201 Badger Parkway with the conditions included in the staff memo:

1. The applicant shall resubmit the proposed CSM for review by staff with the following changes:
 - a) Per 236.20 (2)(c) - Easements not parallel to a boundary or lot line shall be shown by center line distance, bearing, and width or by easement boundary bearings and distances. Easements 1, 2 & 3 must be dimensioned.
 - b) The width of Easements shown on Sheet 2 must be added.
 - c) Rationale of 60' NO-Build Restriction when easement width varies from 30.93' to 34.50' in width
 - d) Per 236.20 (2)(h) the centerlines of N. Badger Parkway must be shown.
 - e) Add roadway widths from centerline to right of way lines
 - f) Regarding the Surveyors Certificate, a metes and bounds description of the exterior must be included in order to comply with 236.21(1)(b)(1). Referencing exceptions to a recorded plat or CSM will require a metes and bounds description.
 - g) In regards to notes A, B & C at the bottom of sheet 2, Wisc Ad Code A-E 7.03 states the Surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners. If in the opinion of the Surveyor the positional tolerance of found monuments cannot be accepted, monuments must be set at the corners.
 - h) Near the SE corner of Lot 2, there is an erroneous label for "POND", that needs to be addressed.
1. The applicant shall obtain all other approvals necessary (Town, County, State), and upon such approvals, shall record this CSM with the Walworth County Register of Deeds; and
2. The applicant shall provide one copy of the recorded document to the Village within 10 days of being recorded.

Trustee Atkinson seconded, and the motion carried 5-0 (Mr. Carney did not vote on the item, as it is related to the business he owns).

6. Set next meeting date, if necessary. Ms. Peterson stated she would e-mail the Commission members when a meeting date needed to be set.

7. Adjournment. At 6:23 p.m., Chairperson Stiles made a motion to adjourn the meeting. Trustee Truckey seconded, and the motion carried 6-0.

Respectfully Submitted,
Lindsey Peterson
Village Administrator/Clerk-Treasurer

Approved by Plan Commission:



VILLAGE OF DARIEN

Shannon Markley, Zoning Administrator

Village Hall • 24 N. Wisconsin St. • www.darienwi.com

Mailing Address: P.O. Box 97, Darien, WI 53114 • (262) 882-5055 • FAX (262) 882-5282 • codeenforcement@darienvillagewi.gov

CONDITIONAL USE PERMIT REVIEW AND RECOMMENDATION

DATE: August 16, 2023

APPLICANT: Eduardo Venegas

PROPERTY LOCATION: 39, 41 & 43 N.
Wisconsin Street

ZONING DISTRICT: CC – Central Commercial

TAX KEY NUMBERS: QOP00035 &
QOP00036

REQUESTED CONDITIONAL USE: Four (4) residential
rental units at street-level

BACKGROUND:

The applicant proposes to construct four (4) residential rental units on the street level of the two buildings he owns located at 39, 41, and 43 N. Wisconsin Street in what was previously used as a restaurant, in the Village of Darien.

As stated in Section 17.48.020(C) of the Village of Darien Municipal Code, Conditional Use Permits are required for apartments to be on street-level as the primary use of a building in the Central Commercial Zoning District.

Please note that commercial apartments (apartments above the ground floor of a building that is used for commercial land use) are allowed and do not need a Conditional Use Permit.

REVIEW:

Applicant, Eduardo Venegas, has paid the \$300 application fee and has fully filled out the Conditional Use Permit packet. The upper floor of these buildings each have one apartment in which one is currently vacant and the other is occupied. According to the application, there are six parking stalls for tenant use.

The property located at 14 N. Wisconsin Street in the Central Commercial District was recently approved for a rear street-level apartment. The Village approval still required the front of the building to be an office or retail space.

Another property in the Central Commercial District with a street-level apartment in the front of the building is located at 10 N. Wisconsin Street. However, this street-level apartment has been vacant since 2011.

RECOMMENDATION:

Pending comments from citizens and members of the Plan Commission, I recommend that this request for a Conditional Use Permit to have street-level apartments should only be approved for the rear section of the first floor. According to Section 17.48, the Central Commercial District is intended to permit both large and small scale downtown commercial development. It is not intended for residential development. The code states “No development within this district shall take direct access to a local residential street”. This district is only located in downtown Darien and the intent is long-term viability of the downtown district.

Other recommendations:

- 1) This Conditional Use Permit authorizes two residential dwelling units to be located at the property of 39, 41 & 43 N. Wisconsin Street in the rear of the building, leaving commercial frontage.
- 2) A minimum square footage for the storefront areas at the front of the building should be set, and must be used for land uses permitted by right in the Central Commercial Zoning District as outlined in Section 17.48.020.A. of the Village’s Zoning Code. Staff should work with the applicant to set this minimum.
- 3) No more than two individuals may reside in each of the two residential dwelling units in the rear of the building, at least one of whom must be the operator of the storefront.
- 4) Permits will be required, and work must meet all state and local codes for:
 - a. Building and construction
 - b. Occupancy
 - c. Signage
 - d. Parking – my recommendation is two off-street stalls for each unit
- 5) Refuse pickup for the buildings shall occur at least once a week
- 6) The applicant/owner shall keep the exterior and common area condition of the premises in good repair and neat and orderly
- 7) Any major changes to the proposed conditions or use of the property shall be approved by the Plan Commission and Village Board by amending this Conditional Use Permit. The Zoning Administrator may approve minor changes administratively.

receipt#
PA # 300.00 012701
JUL 17 2023 cash
KR



Village of Darien
Conditional Use Permit Application

INSPECTIONS REQUIRED

To schedule an inspection, please call the City of Delavan
Building Department at (262) 728-5582 Ext. 136

Please be ready to provide the following information:

- MUNICIPALITY: City of Davien
- INSPECTION ADDRESS: 39 Wisconsin St Davien
- INSPECTION TYPE: _____
- PERMIT NUMBER: _____
- DATE AND TIME READY FOR INSPECTION: _____
- OWNER'S NAME: Eduardo Venegas
- CONTRACTOR: _____
- CONTACT PHONE NUMBER: _____

PLEASE NOTE:

Your inspection cannot be scheduled without this information. Please provide lock box information to the Building Inspector if needed.



PLAN OF OPERATIONS

Property Information		Tenant Information	
Property Tax Key #:		Previous Business Name:	
Address: 39 Wisconsin St Darien, WI 53114 United States		Years in Operation:	
Property Owner: Eduardo Venegas		New Business Name:	
Owner Mailing Address: EduardoVenegas18@yahoo.com		Name of Operator:	
City: Darien State: Wisconsin		Operator Mailing Address:	
Zip: WI 53114 773-899-9923 Edward (son)		City: State: Zip:	
Owner Phone #: 773 858 0021		Operator Phone #:	
Owner Fax #:			
New Business Use/Operation Information			
Description of Business Use or Operations: 4 apartments on first floor			
Previous use of Space:		Hours of operation (Weekday):	Hours of operation (Weekend):
Total area of Space (SQF):	# toilet fixtures:	# full time employees:	# Part Time Employees:
Customer Seating: Yes <input type="checkbox"/> No <input type="checkbox"/>	Seating Capacity:	Total Employee Hours Per Year (include yourself if self-employed):	
Sprinkler System: Yes <input type="checkbox"/> No <input type="checkbox"/>		Hazardous/flammable chemicals used or stored on site: Yes (must attach MSDS) <input type="checkbox"/> No <input type="checkbox"/>	

PROPERTY USES

Please check all that apply:

<input type="checkbox"/> Two Family Dwelling	<input type="checkbox"/> Restaurant
<input checked="" type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Shopping Center
Mobile Home	<input type="checkbox"/> Veterinary Clinic
<input type="checkbox"/> Manufactured home	<input type="checkbox"/> Kennel
<input type="checkbox"/> Multi-family housing for the elderly	<input type="checkbox"/> Hotel
<input type="checkbox"/> Bed and Breakfast	<input type="checkbox"/> Motel
<input type="checkbox"/> Community living arrangement	<input type="checkbox"/> Health clinic/office
<input type="checkbox"/> Family daycare for 8 or less children	<input type="checkbox"/> Office and professional services
<input type="checkbox"/> Dwelling units above a business on a non-ground level	<input type="checkbox"/> Construction services
<input type="checkbox"/> Foster family home	<input type="checkbox"/> Manufacturing
<input type="checkbox"/> Day care center, adult day care center and similar care services	<input type="checkbox"/> Extractive industry
<input type="checkbox"/> Zero lot line development	<input type="checkbox"/> Research and development
<input type="checkbox"/> Clubs, fraternities, lodges, and noncommercial meeting place	<input type="checkbox"/> Warehouse distribution and wholesale
<input type="checkbox"/> Indoor civic, cultural or institutional use	<input type="checkbox"/> Mini-warehouse
<input type="checkbox"/> Adult use	<input type="checkbox"/> Crematory service
<input type="checkbox"/> Automobile, aircraft, farm implement or marine craft sales (new/used)	<input type="checkbox"/> Transmitting towers, receiving towers, relay/microwave towers without broadcast facilities or studios
<input type="checkbox"/> Automobile and truck rental services	<input type="checkbox"/> Residential quarters for staff or caretaker
<input type="checkbox"/> Automobile repair	<input type="checkbox"/> Service buildings and facilities normally accessory to the permitted uses
<input type="checkbox"/> Transportation facilities	<input type="checkbox"/> Planned unit development
<input type="checkbox"/> Garages for storage of vehicles	<input type="checkbox"/> Drive-in or drive-thru accessory to permitted use
<input type="checkbox"/> Private garages and carports	<input type="checkbox"/> Sheds and other accessory structures
<input type="checkbox"/> Home occupations	<input type="checkbox"/> Off-street parking
<input type="checkbox"/> Bank, credit union or savings and loan association	<input type="checkbox"/> Off street parking facility on a separate zoning lot from the associated use
<input type="checkbox"/> Car wash	Outdoor Uses
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Active outdoor recreation and open space
<input type="checkbox"/> Gas Station	<input type="checkbox"/> Fairgrounds
<input type="checkbox"/> Grocery/food sales	<input type="checkbox"/> Outdoor entertainment
<input type="checkbox"/> Indoor business sales and service	<input type="checkbox"/> Outdoor sales
<input type="checkbox"/> Indoor retail sales of goods (other than groceries)	<input type="checkbox"/> Outdoor seating associated with a permitted restaurant
<input type="checkbox"/> Liquor store	<input type="checkbox"/> Outdoor storage
<input type="checkbox"/> Liquor sales	<input type="checkbox"/> Composting site
<input type="checkbox"/> Utilities	<input type="checkbox"/> Airports, airstrips and landing fields
<input type="checkbox"/> Other	

Outdoor Lighting

Type:

Location:

Utilities

Will you be connection to Village: Water Sewer Electric

Is there a private well on-site? Yes No

Date of approval by the Department of Natural Resources of well for the proposed use:

Date of approval by the County Health Department for existing septic system:

What types of sanitary facilities are to be installed for the proposed operation?

Type of refuse disposal: Municipal Private

Surface water drainage facilities (describe or include site plan):

Licenses/Permits

Is a highway access permit needed from the State, County, or Local Municipality?

Yes No

Is a liquor license or any other special license required? Yes No

If yes, what licenses are you applying for?

Did Wisconsin State Department of Industry, Labor and Human Relations approve building plans? Yes No

Specified Use of Property and Buildings

Building A: plan is to make apartments/studios 39st Wisconsin
if possible one in front side/other in back

Building B: same building on other side. Also plan to make Apartment/Studio; Front and back

Building C:

Do you feel there will be any problems resulting from this operation-such as:

Odors Smoke Noise Light Vibrations

Parking

Dimensions of parking lot:

Number of spaces available: 6

Parking lot construction: Paved Gravel Grass

Is employee parking included in "number of spaces available?" Yes No

Type of screening: Fencing Plantings

Signage

Type: Free Standing Attached to Building
 Lighted Mobile
 Single-faced Double-faced

Size: _____

Location: _____

Is there any type of music in the proposal? Yes No

If yes, what kind? Juke box Live

If **Jukebox**, when will this be available to customers? M T W Th F Sat Sun

Time(s) this will be offered: _____

If **Live**, when will this be offered to customers? M T W Th F Sat Sun

Time(s) this will be offered: _____

24 N Wisconsin

Signatures				
<p>By signing below, I certify that the above information is a true and accurate account of what has been requested for my business site and its operation and use. Should an inspection be required, I agree to allow the Inspector(s) reasonable access to the space to verify compliance with the Municipality's Ordinance. In addition, I fully understand that completion of this form, or its approval does not preclude me from complying with all applicable State Statutes or Municipal Ordinances regarding my business and its lawful operation.</p>				
Applicant's Signature:		Inspector's Signature:		
Date:		Date:		
Village Use Only Below This Line				
BUILDING INSPECTOR		ZONING DEPARTMENT		
Date Received:	Reviewed by:	Date Received:	Reviewed by:	
Occupation Classification:	Occupancy Classification Surrounding Units:	Zoning of Property:	Use Permitted	By Right By CUG PC Approval Req.
Approved/Denied	Date:	Approved/Denied	Date:	
PUBLIC WORKS		VILLAGE ENGINEER		
Date Received:	Reviewed by:	Date Received:	Reviewed by:	
Approved/Denied	Date:	Approved/Denied	Date:	
POLICE DEPARTMENT		FIRE DEPARTMENT		
Date Received:	Reviewed by:	Date Received:	Reviewed by:	
Approved/Denied	Date:	Approved/Denied	Date:	

Affidavit of Printing State of Wisconsin

County of Walworth

City/Village of Delavan

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Delavan Enterprise; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 2 time(s) for 2 consecutive weeks(s); That the first publication was on the 10th day of August, 2023; The last publication was on the 17th day of August, 2023.

Signed Amy Naber

By Amy Naber, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

17 day of August 2023.

Karen Whittington
Notary Public, State of Wisconsin

My commission expires 1/20/26



PUBLIC NOTICE

The Village of Darien Plan Commission will hold a public hearing on **Tuesday, August 29, 2023, at 6:00 p.m.**, or as soon thereafter as the matter can be heard, to review and make a recommendation to the Village Board on a request for a Conditional Use Permit for the properties located at **39 N. Wisconsin Street and 41 & 43 N. Wisconsin Street in the Village of Darien**. The conditional use has been requested to allow four residential apartments on the first floors in the CC, Central Commercial Zoning District, on the subject properties.

The Plan Commission and the Village Board are seeking the public's input. The public hearing will take place in the Board Room at Darien Village Hall, 24 N. Wisconsin Street, Darien, WI 53114, and via Zoom teleconference application.

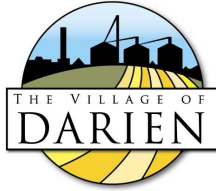
Zoom Meeting Details:

Meeting Link:
<https://us02web.zoom.us/j/83930283704?pwd=NET-FZURRakRKUnBBelcxRHlrd-E9Ydz09>
Meeting ID: 839 3028 3704
Passcode: PC829
Phone Dial-In: +1 312 626 6799
Passcode: 740161

You may also submit a letter or email expressing your thoughts to the Village Administrator at P.O. Box 97, Darien, WI 53114 or lpeterson@darienvillagewi.gov. The Village Board may review and take action on this Conditional Use Permit at its next regularly scheduled meeting on **Monday, September 18, 2023 at 7:00 p.m.**

/s/ Lindsey Peterson
Village Administrator/
Clerk-Treasurer

(Published in
Delavan Enterprise
Aug. 10 & 17, 2023
WNAXLP - 441988)



VILLAGE OF DARIEN

Lindsey Peterson, Village Administrator/Clerk-Treasurer

Village Hall • 24 N. Wisconsin St. • www.darienvillagewi.gov

Mailing Address: P.O. Box 97, Darien, WI 53114 • (262) 882-5055 • FAX (262) 882-5282 • lpeterson@darienvillagewi.gov

August 2, 2023

NOTICE TO THE PUBLIC

The Village of Darien Plan Commission will hold a public hearing on **Tuesday, August 29, 2023, at 6:00 p.m.**, or as soon thereafter as the matter can be heard, to review and make a recommendation to the Village Board on a request for a Conditional Use Permit for the properties located at **39 N. Wisconsin Street and 41 & 43 N. Wisconsin Street in the Village of Darien**. The conditional use has been requested to allow four residential apartments on the first floors in the CC, Central Commercial Zoning District, on the subject properties. The Plan Commission meeting will take place in the Board Room at Darien Village Hall, 24 N. Wisconsin Street, Darien, WI 53114 and via Zoom teleconference application.

The subject property contains an existing two-story building connected by an enclosed stairway entrance. The applicant and owner, Eduardo Venegas, would like to convert the downstairs commercial space into four residential apartments for rent.

The Plan Commission and the Village Board are seeking the public's input. You may attend the public hearing in person or via Zoom, or submit a letter or email expressing your thoughts to the Village Administrator at P.O. Box 97, Darien, WI 53114 or lpeterson@darienvillagewi.gov. The Village Board may review and take action on this Conditional Use Permit at the regular meeting on **Monday, September 18, 2023 at 7:00 p.m.** at Darien Village Hall.

Zoom Meeting Details:

Meeting Link:

<https://us02web.zoom.us/j/83930283704?pwd=NEtFZURRakRKUnBBelcxRHlrdE9Ydz09>

Meeting ID: 839 3028 3704

Passcode: PC829

Phone Dial-In: +1 312 626 6799

Passcode: 740161

Lindsey Peterson

Village Administrator/Clerk-Treasurer

DARIEN HOLDINGS II LLC
PO BOX 628
DARIEN, WI 53114-1400

COMMUNITY DEVELOPMENT AUTHORITY
PO BOX 97
DARIEN, WI 53114-1400

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PO BOX 97
DARIEN, WI 53114-1400

VILLAGE OF DARIEN
PO BOX 97
DARIEN, WI 53114

COMMUNITY DEVELOPMENT AUTHORITY
PO BOX 97
DARIEN, WI 53114-1400

CANOE CABIN LLC
N4147 DAM RD
DELAVAN, WI 53115-1500

CANOE CABIN LLC
N4147 DAM RD
DELAVAN, WI 53115-1500

DARIEN HOLDINGS II LLC
PO BOX 628
DARIEN, WI 53114-1400

JEFF W WOLSKI
72 STAM ST
WILLIAMS BAY, WI 53191

MATTHEW B MARZAHN
20 N FIRST ST
DARIEN, WI 53114-1400

MATTHEW B MARZAHN
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JOSEPH L BRICKNER
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YBADD INC
PO BOX 716
DARIEN, WI 53114

YBADD INC
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EDUARDO VENEGAS
1451 W 18TH ST
CHICAGO, IL 60608-0800

EDUARDO VENEGAS
1451 W 18TH ST
CHICAGO, IL 60608-0800

RONALD G BIGELOW
4275 SCHNEIDER DR
OREGON, WI 53575-7500

MARTIN V ANDERSON
PO BOX 469
DARIEN, WI 53114

GENERAL TELEPHONE CO OF WISCONSII
C/O FRONTIER COMMUNICATION
401 MERRITT 7
TAX DEPARTMENT
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JOSEPH L BRICKNER JR
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MICHAEL W HOLMES
VILLAGE OF DARIEN, et al.
W903 PELL LAKE DR
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