

## NOTICE OF MEETING

### VILLAGE OF FOX POINT PLAN COMMISSION

SCHWEMER HALL - MUNICIPAL BLDG.  
7200 N. SANTA MONICA BLVD  
FOX POINT, WI 53217

**MONDAY**  
Monday, December 4, 2023  
5:45 P.M.

NOTE: THE PLAN COMMISSION WILL BE MEETING IN PERSON AT VILLAGE HALL, WITH A REMOTE ATTENDANCE OPTION, PER THE HYBRID MEETING PROCEDURES FURTHER DESCRIBED IN SECTION 19-32 D. OF THE VILLAGE CODE. THIS MEETING IS OPEN TO ALL CITIZENS IN PERSON AT VILLAGE HALL, OR THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW, SUBJECT TO THE FOLLOWING: NO ASSURANCE IS PROVIDED TO THOSE PLAN COMMISSION MEMBERS AND CITIZENS INTENDING TO ATTEND REMOTELY THAT THE TECHNOLOGY WILL PERFORM SUFFICIENTLY TO ALLOW FOR THEIR PARTICIPATION AND THE MEETING WILL PROCEED REGARDLESS. PUBLIC OFFICIALS AND CITIZENS WISHING TO ENSURE THEY CAN PARTICIPATE ARE ENCOURAGED TO ATTEND IN PERSON. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT [sbotcher@villageoffoxpoint.com](mailto:sbotcher@villageoffoxpoint.com)

Zoom Participant Information  
<https://us02web.zoom.us/j/82060759265>

Dial: (312) 626-6799  
Meeting ID: 820 6075 9265

### AGENDA

1. Roll Call.
2. Approval of the minutes of the October 2, 2023 Plan Commission meeting.
3. Review and Recommendation Re: Conditional Use Permit for 8797 N Port Washington Road – Good Land Fitness, LLC dba CrossFit Good Land  
  
The Plan Commission will discuss and make a recommendation to the Village Board regarding the conditional use permit for Good Land Fitness, LLC dba CrossFit Good Land to conduct fitness classes.
4. Review and Recommendation Re: Conditional Use Permit for 7950 N Santa Monica Blvd. – The Town Club

The Plan Commission will discuss and make a recommendation to the Village Board regarding

the conditional use permit for the Town Club to have Pickle Ball, matches between members, lessons with racket sports professionals, club leagues, and social mixers.

**5. Review and Recommendation RE: Land Combination for The Town Club, 7950 N Santa Monica Blvd., Fox Point.**

Land Combination for The Town Club, 7950 N Santa Monica Blvd., Fox Point. The Plan Commission will discuss, and may make a recommendation to the Village Board concerning a combination of lots at 7950 N Santa Monica Blvd., tax key #092-9991-000 & tax key #092-9980-000.

**6. Adjourn.**

**NEXT PLAN COMMISSION MEETING:**

**Tuesday, January 2, 2023**

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Village Clerk at 351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

**VILLAGE OF FOX POINT**  
**PLAN COMMISSION MEETING MINUTES**  
**October 2, 2023**

A meeting of the Fox Point Plan Commission was held on Monday, October 2, 2023. President Symchych called the meeting to order at 5:45 p.m. and noted there was a quorum of Plan Commission members present.

The Plan Commission roll call was taken by Village Deputy Clerk-Treasurer Nathan Schafer:

|                  |                                                  |
|------------------|--------------------------------------------------|
| Plan Commission: | President Christine Symchych, Chairman (Zoom)    |
|                  | Eric Fonstad, Commissioner                       |
|                  | Robert Smith, Commissioner                       |
|                  | Russ Yale, Commissioner                          |
|                  | Jay Craig, Commissioner                          |
|                  | William Langhoff, Commissioner (Arrived at 5:49) |
|                  | Mark Freedman, Commissioner                      |

Staff present included Village Manager Scott Botcher and Deputy Clerk-Treasurer Nathan Schafer.

Notice of the meeting was provided to the North Shore Now as necessary, and to all others as required by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard, as well as the village website at [www.villageoffoxpoint.com](http://www.villageoffoxpoint.com), as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

**Approval of the Minutes of the September 5th, 2023 Plan Commission Meeting**

*Motion by Commissioner Fonstad, seconded by Commissioner Freedman, and carried with a 6-0 vote, the Commission approved the minutes of the September 5th, 2023 Plan Commission meeting.*

**Consideration by Plan Commission RE: Conditional Use Permit for 8665 N Port Washington Road – Milwaukee Ballet**

*Motion by Commissioner Fonstad, seconded by Commissioner Smith, and carried unanimously by roll call vote 7-0; the Commission recommended the Village Board approve the conditional use permit subject to revisions proposed by Commissioner Fonstad.*

**Consideration by Plan Commission RE: Conditional Use Permit for 8629 N Port Washington Road #8 – Blue Eyed Saturday, LLC dba Bricks & Minifigs**

*Motion by Commissioner Fonstad, seconded by Commissioner Freedman, and carried unanimously by roll call vote 7-0; the Commission recommended the Village Board approve the conditional use permit subject to revisions proposed by Commissioner Fonstad.*

**VILLAGE OF FOX POINT  
PLAN COMMISSION MEETING MINUTES  
October 2, 2023**

**Adjourn**

*On motion of Commissioner Freedman, seconded by Commissioner Fonstad and carried unanimously by roll call vote 7-0, the Plan Commission meeting adjourned at 5:56 PM.*

Respectfully Submitted,

Nathan Schafer  
Deputy Clerk-Treasurer



## VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

### Section 1

|                                                                  |                                       |                                                             |
|------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------|
| Name of Business<br><b>CrossFit Good Land</b>                    | Phone #<br><b>617-792-0320</b>        | Name of former tenant (if known)<br><b>Kang's Taekwondo</b> |
| Fox Point Business Address<br><b>8797 N Port Washington Road</b> |                                       |                                                             |
| Email<br><b>sarah@cfgoodland.com</b>                             | Contact Person<br><b>Sarah O'Shea</b> |                                                             |

*If the business is a corporation, complete the following section. If not, skip to next section.*

### Section 2

|                                                                                |                                                |
|--------------------------------------------------------------------------------|------------------------------------------------|
| Legal name of corporation<br><b>Good Land Fitness, LLC</b>                     | Corporate email<br><b>sarah@cfgoodland.com</b> |
| Corporate headquarters address<br><b>5263 N Idlewild Ave Whitefish Bay, WI</b> | Corporate phone #<br><b>617-792-0320</b>       |
| Name and addresses of all corporate officers<br><b>Sarah O'Shea</b>            |                                                |
| Name of corporate agent                                                        | Address of corporate agent                     |

*If applicant(s) is an individual or partnership, please complete the following section.*

### Section 3

*N/A*

| List the name, home address, business address, and phone numbers of all applicants and owners. |                                              |                                              |                     |
|------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------|---------------------|
| Name                                                                                           | Home address                                 | Business address                             | Phone #             |
| <b>Sarah O'Shea</b>                                                                            | <b>5263 N Idlewild Ave Whitefish Bay, WI</b> | <b>5263 N Idlewild Ave Whitefish Bay, WI</b> | <b>617-792-0320</b> |
|                                                                                                |                                              |                                              |                     |
|                                                                                                |                                              |                                              |                     |
|                                                                                                |                                              |                                              |                     |
|                                                                                                |                                              |                                              |                     |

*All applicants must complete the following section.*

### Section 4

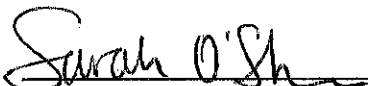
|                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------|
| Applicant's specific interest in site<br><b>This site would be used to operate CrossFit Good Land.</b>                                 |
| Describe in detail the business activity that will take place on site including products & services<br><br><b>Please see attached.</b> |

|                                                                                                                                                                                               |                     |                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------|
| Describe all <b>owned</b> fixtures, furniture, and equipment to be used on site<br>Basic gym equipment including: barbells, dumbbells, free weights, wall balls, stationary bikes and rowers. |                     |                                          |
| Describe all <b>leased</b> fixtures, furniture, and equipment to be used on site<br>None.                                                                                                     |                     |                                          |
| Describe any alterations planned for the site <b>and</b> estimated cost of renovation<br>Removal of drop ceiling and office wall.                                                             |                     |                                          |
| Person responsible for obtaining building permit (if required)<br>Ned Brickman                                                                                                                |                     |                                          |
| Square footage of site<br>2,700                                                                                                                                                               | # of employees<br>3 | # of parking spaces to be used<br>10     |
| Days & hours of operation<br>Please see attached.                                                                                                                                             |                     | Proposed date of occupancy<br>Fall, 2023 |

Attach a site plan to this application (see Directions for Conditional Use Permit). Site plan must include a layout of the inside of the store.

This application must be fully completed to be considered by the Village.

**Fee: \$300.00 (non-refundable)**

  
Business Owner Signature

**Sarah O'Shea**  
Printed Name

11/8/23  
Date

FOR OFFICE USE ONLY

Has sufficient site plan been submitted? (If not, what is needed?) \_\_\_\_\_

What is the category of proposed use? PHYSICAL HEALTH STUDIO MA 11-15-23

Does the parking meet code requirements? Part of an existing facility where  
The parking & lighting requirements have been

Is there proper exterior lighting? Previously addressed. SB 11/14/2023

Are there any existing code violations? N/A MA 11-15-23

Additional Comments? \_\_\_\_\_

Letter of Consent received from owner? YES - Midland Management, LLC  
Comments/Date

Date application/materials received: 11-09-2023

Fee Paid: 11-09-2023 Receipt No. 1.059691

The Plan Commission  
Village of Fox Point  
7200 N Santa Monica Blvd.  
Fox Point, WI 53217

November 8, 2023

Re: Plan of Operation Narrative for Good Land Fitness, LLC, DBA  
CrossFit Good Land

Introduction: Good Land Fitness is a CrossFit Gym owned by Sarah O'Shea that has fully licensed and trained staff who lead fitness classes.

Current Fitness Center Address: 5263 N Idlewild Ave Whitefish Bay, WI 53217

Owner Address: 5263 N Idlewild Ave Whitefish Bay, WI 53217

Plan of Operation: In order to operate CrossFit Good Land, Sarah has between 1 and 4 employees at any given time. The maximum total users of the space at any one time is ~ 15.

Typical Weekly Class Schedule:

Monday - Saturday with times as follows:

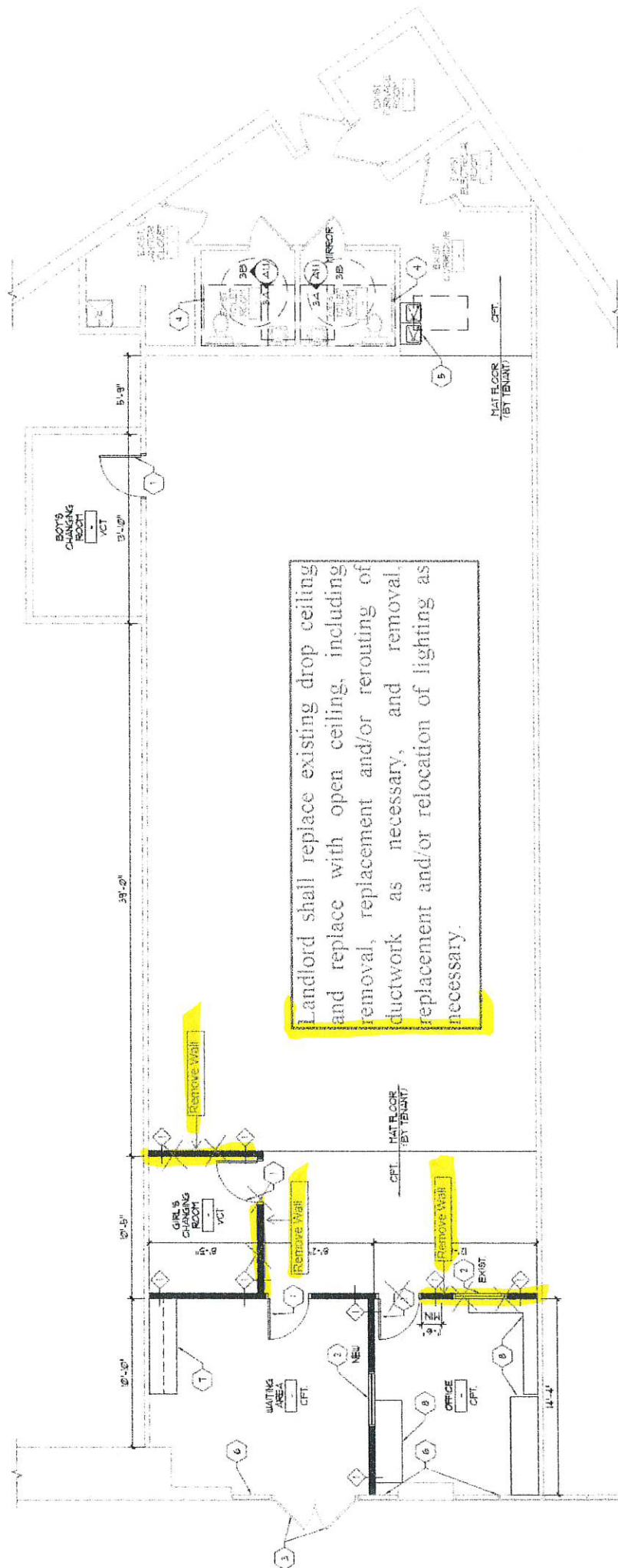
Monday to Friday: 5:00am – 9:30am

Mon/Wed/Thurs: 5:30pm – 6:30pm

Saturday: 7:00am – 9:30am

The business has 24 hour surveillance cameras, on-site First Aid and an AED, and all employees are AED/First Aid/CPR trained. If you have any questions or concerns regarding this proposed development please feel free to contact Sarah O'Shea directly.

Sincerely,  
Sarah O'Shea



### Conditional Use Order

WHEREAS, an application has been filed by **Good Land Fitness, LLC dba CrossFit Good Land** (hereinafter "Applicant"); and

WHEREAS, the Applicant is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance of the Village of Fox Point for land described as **8797 N Port Washington Road, Fox Point, Wisconsin**.

NOW, THEREFORE, the Village of Fox Point Village Board, upon consideration of thoughts expressed by all persons heard at the Village Board meeting in this matter, upon consideration of the recommendation from the Plan Commission, and following all necessary study and investigation, having given the matter due consideration, hereby ORDERS AS FOLLOWS: Commencing upon the date hereof, the Applicant is hereby granted a conditional use permit, subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

1. **Use Restricted.** CrossFit Good Land will conduct fitness classes to the general public. The hours of operation shall be limited to Monday through Friday from 5:00 a.m. until 9:30 a.m., Mondays, Wednesdays, and Thursday from 5:30 p.m. to 6:30 p.m., and Saturdays from 7:00 a.m. to 9:30 a.m. unless additional hours are approved in writing by the Village Manager.
2. **Presentation Compliance.** All of the Applicant's plans, specifications, terms and representations as submitted with the application, or in support thereof, or as represented to the Village Board in the course of the approval process, are specifically incorporated herein and made a part hereof by reference, and the use of the subject property shall be in substantial conformance with the same except as further restricted or modified herein.
3. **Not Transferable.** This conditional use permit is granted to the Applicant and shall not be transferred or assigned without the Village Board's prior written consent, which may only be granted following the Village Board's receipt of a recommendation from the Plan Commission.
4. **Applicant and Owner Agreement.** As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Applicant is required to accept the terms and conditions of the same in its entirety in writing.
5. **Other Uses Prohibited.** Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to whether a use is permitted, the question shall be submitted to the Plan Commission for recommendation to the Village Board, and then to the Village Board for determination.
6. **No Nuisances, and Compliance with Applicable Laws.** No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Milwaukee, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
7. **Subject Property Only.** This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein.
8. **Abandonment.** Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Applicant be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village Board following receipt of a recommendation from the Plan Commission and after the Village Board holds a public hearing in the matter.

9. Amendments. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the Subject Property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
10. Plan Amendments. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended (a) without separate approval in the limited circumstances described in Section 14.19(11) of the Village Code; or (b) by the Village Board upon receipt of a recommendation from the Plan Commission if the Village Board finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Board, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
11. Severability. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
12. Most Restrictive Applies. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
13. Prior Conditional Use Permits Terminated. Unless stated otherwise herein or in the documents incorporated herein, all conditional use permits previously granted for the Subject Property, if any, shall be automatically terminated without further action of the Village Board immediately following full satisfaction of all condition's precedent to this conditional use order taking effect.
14. Payment of fees. Applicant shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this conditional use order including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional use order due to a violation of these conditions.
15. Payment of Taxes and Charges. Any unpaid bills owed to the Village by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees; or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional use order, that is subject to all remedies available to the Village, including possible cause for termination of the conditional use order.
16. Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Village Board in its consideration of the Applicant's application, as noted in the Minutes of the Village Board meeting at which approval was granted, are specifically incorporated herein by reference.
17. The Applicant is obligated to file with the Village Clerk a current mailing address and current phone number at which the Applicant can be reached, which must be continually updated by the Applicant if such contact information should change, for the duration of this conditional use. If the Applicant fails to maintain such current contact information the Applicant thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.

Let copies of this order be filed in the permanent records of the Village Board for the Village of Fox Point, and let copies be sent to the proper Village of Fox Point authorities and the Applicant and Owner.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023, *nunc pro tunc* the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE FOX POINT VILLAGE BOARD:

\_\_\_\_\_  
Christine Symchych, Village President

Attest:

\_\_\_\_\_  
Kelly A. Meyer, CMC/WCMC, Village Clerk/Treasurer

**APPROVAL**

I hereby approve the issuance of this Conditional Use Permit to the Applicant on the terms and conditions described herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SUBJECT PROPERTY OWNER

\_\_\_\_\_  
By: \_\_\_\_\_  
Authorized Signatory

Title: \_\_\_\_\_

**ACCEPTANCE**

I hereby accept the terms and conditions of this Conditional Use in its entirety.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPLICANT:

\_\_\_\_\_  
By: \_\_\_\_\_  
Authorized Signatory

Title: \_\_\_\_\_

# Midland Management, LLC

555 W. Brown Deer Road, Suite 220, Milwaukee, Wisconsin 53217

November 2, 2023

Village Plan Commission  
Village of Fox Point  
7200 N. Santa Monica Boulevard  
Fox Point, WI 53217

Plan Commission Members:

The purpose of this correspondence is to support the Conditional Use Order application of Good Land Fitness, LLC, relative to their anticipated occupancy of space located at 8797 N Port Washington Road in the Riverpoint Village Shopping Center.

It is North Shore Centers Partners' intent to lease space to Good Land Fitness, LLC that has been dark since the previous tenant (Kang's Tae Kwon Do) closed its doors in May 2023.

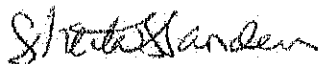
The subject space consists of approximately 2,700 square feet.

Good Land Fitness, LLC services will operate under the Trade Name of CrossFit Good Land and will operate a cross-fit gym providing related services, including the incidental sale of related merchandise.

If there should be any questions regarding this future tenant, please don't hesitate to contact our office at (414) 928-3974.

Thank you in advance for your consideration of and attention to this matter.

Sincerely,



Sheila S. Sanders  
Midland Management, LLC  
Managing Agent to North Shore Centers Partners

## NOTICE

PLEASE BE ADVISED: Chapter 67, Article III of the Village of Fox Point Village Code is attached hereto and incorporated herein. Pursuant to this Ordinance, the Village of Fox Point Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Forester or any other of the Village's professional staff (internal or independently contracted) results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge the property owner for the fees incurred by the Village. Also be advised that pursuant to the Village of Fox Point Municipal Code certain other fees, costs and charges are the responsibility of the property owner making application to the Village.

I, the undersigned, have been advised that, pursuant to the Village Fox Point Village Code, if the Village Attorney, Village Engineer, Village Forester or any other Village professional (internal or independently contracted) provides services to the Village as a result of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. Also I have been advised that pursuant to the Village of Fox Point Village code certain other fees, costs and charges are my responsibility.

Dated this 2 day of November, 2023

Sheila S. Sanders, Agent for Dana  
Signature of Property Owner

Sheila S. Sanders  
Name of Property Owner - PRINTED

Mailing Address of Property Owner:

555 W Brown Ave Rd #220

Milwaukee WI 53217

Tax Key No. of Property:

053-8989-001

Address of Property:

8705 N Port Washington Rd

Fox Point, WI 53217

**For Village Use Only:**

- ☐ Original kept on file with Village Clerk.  
☐ Copy provided to Property Owner.

Signature: \_\_\_\_\_

**OFFICIAL NOTICE  
VILLAGE OF FOX POINT  
NOTICE OF VILLAGE BOARD PUBLIC HEARING ON CONDITIONAL USE PERMIT**

**Good Land Fitness, LLC dba CrossFit Good Land  
8797 N Port Washington Road**

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Fox Point, Milwaukee County, is scheduled to hold a public hearing in the Schwemer Hall Board Room of Village Hall, 7200 N. Santa Monica Blvd, Fox Point, Wisconsin, on Tuesday, December 12, 2023 to receive comments and input regarding a proposed Conditional Use Permit for Good Land Fitness, LLC dba CrossFit Good Land, 8797 N Port Washington Road, Fox Point, for fitness classes, as required per Wis. Stats. Section 62.23(7) (de) (3) and Wis. Stats. 61.35.

**Zoom Participant Information**

<https://us02web.zoom.us/j/82482733021>

Dial: (312) 626-6799

Meeting ID: 824 8273 3021

The Village Board meeting begins at 7:00 p.m. This public hearing is scheduled to take place immediately following Committee Reports. This hearing shall be public and citizens and interested persons shall then be heard.

The specific proposed conditional use permit application and related materials are available for viewing in the office of the Village Clerk Monday through Thursday from 8:00 a.m. - 4:00 p.m. and on Friday from 8:00 a.m. to 12:00 noon. Please feel free to contact the Village Clerk at (414) 351-8900 if you have any questions.

Dated this 13<sup>th</sup> day of November, 2023.

*By order of the Fox Point Village Board*

A handwritten signature in black ink, appearing to read "Kelly A. Meyer". The signature is fluid and cursive, with a large loop at the end.

Kelly A. Meyer, CMC/WCMC  
Village Clerk Treasurer

C2 Published/Posted:      \*November 13, 2023

VILLAGE OF FOX POINT

7200 N. SANTA MONICA BLVD

FOX POINT WI 53217

414-381-8900

Receipt No: 1.059691

Nov 9, 2023

Good Land Fitness-Sarah O'Shea

Previous Balance: .00

LICENSES & PERMITS - CONDITIONAL USE PERMIT 300.00

24-44560 CONDITIONAL USE PERMIT

Total: 300.00

CHECK Check No: 1079 300.00

Payor: Good Land Fitness-Sarah O'Shea

Total Applied: 300.00

Change Tendered: .00

11/09/2023 1:11 PM



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

[www.villageoffoxpoint.com](http://www.villageoffoxpoint.com)

### APPLICATION FOR CONDITIONAL USE PERMIT DIRECTIONS

#### GENERAL INFORMATION:

All new businesses locating in an area zoned D-Business must apply for a Conditional Use Permit under Section 745-18D of the Village Code. Certain exceptions apply, see Section 745-18C of the Village Code ([located on the Village website](#)).

Changes in ownership, changes in use, changes in operations, changes in permitted conditions, alterations, and relocations within the Village to businesses with existing Conditional Use Permits may necessitate obtaining an amended Conditional Use Permit.

#### TO APPLY FOR A PERMIT:

1. Complete all the information on the attached application. Please type or print. Attach additional pages if necessary. **Applications with incomplete information will not be accepted.**
2. All materials must be submitted on 8.5" x 11" paper. If larger scale plans are necessary for clarity, please bring to the Plan Commission meeting. (**Note:** All documents submitted will be in copied in black and white.)
3. A \$300 non-refundable fee must accompany this application.
4. A letter of approval from the owner of the property must accompany this application, unless the applicant is the owner. The letter should be:
  - on the owner's letterhead including the owner's original signature,
  - addressed to the Village, and
  - reference the proposed address and name of the business.

The Village will not entertain any requests without the written consent of the owners.

5. A signed Charge Back Form as described in Chapter 67, Article III of the Village Code must accompany this application.
6. The application and one set of the site plans and all related materials must be submitted by **4:00 pm on the second Wednesday** prior to the Plan Commission meeting.
7. Completed applications will be submitted by staff to the Plan Commission for consideration. The Plan Commission meets on the first Monday of each month at 5:45 p.m. PLEASE NOTE: Applicants are required to attend the Plan Commission meeting to discuss their Application.
8. The Village Board will consider the Plan Commission's recommendation at the Board meeting on the second Tuesday of the month at 7:00 p.m. Applicants should also plan to attend the Village Board meeting.
9. The owner is responsible for obtaining other necessary permits and/or approvals, including but not limited to, the North Shore Fire Department's Plan Review and Submittal Requirements.

**-APPLICATION FOR NEW BUILDING OR BUILDING ADDITION - SEE PAGE 2 OF DIRECTIONS-**

**NOTE:** The following information must be submitted for Village approval when proposing a new building or building addition:

1. Description of the project
2. Landscape plan
3. Plat of survey
4. Parking plan (including parking computations) per Chapter 14 of the Fox Point Village Code
5. Drainage plan (including drainage computations)
6. Lighting plan (including photometrics)
7. Traffic plan
8. Proposed location and connection to the sanitary sewer and water mains
9. All elevations
10. Floor plans
11. Any additional information as determined by Village staff



## VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

### Section 1

|                                                                                   |                                         |                                  |
|-----------------------------------------------------------------------------------|-----------------------------------------|----------------------------------|
| Name of Business<br><b>The Town Club</b>                                          | Phone #<br><b>414-352-6800</b>          | Name of former tenant (if known) |
| Fox Point Business Address<br><b>7950 N Santa Monica Blvd, Fox Point WI 53217</b> |                                         |                                  |
| Email<br><b>abby@thetownclub.com</b>                                              | Contact Person<br><b>Abby Schroeder</b> |                                  |

*If the business is a corporation, complete the following section. If not, skip to next section.*

### Section 2

|                                                                                                                                                                                                                                                                                                               |                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Legal name of corporation<br><b>The Town Club</b>                                                                                                                                                                                                                                                             | Corporate email<br><b>abby@thetownclub.com</b>                                    |
| Corporate headquarters address<br><b>7950 N Santa Monica Blvd, Fox Point WI 53217</b>                                                                                                                                                                                                                         | Corporate phone #<br><b>414-352-6800</b>                                          |
| Name and addresses of all corporate officers<br><b>Ryan Savage; President; 7950 N Santa Monica Blvd, Fox Point WI 53217</b><br><b>Peter Klug; Vice President; 7950 N Santa Monica Blvd, Fox Point WI 53217</b><br><b>Mitchel Cox; Secretary &amp; Treasurer; 7950 N Santa Monica Blvd, Fox Point WI 53217</b> |                                                                                   |
| Name of corporate agent<br><b>Abby Schroeder</b>                                                                                                                                                                                                                                                              | Address of corporate agent<br><b>7950 N Santa Monica Blvd, Fox Point WI 53217</b> |

*If applicant(s) is an individual or partnership, please complete the following section.*

### Section 3

| List the name, home address, business address, and phone numbers of all applicants and owners. |              |                  |         |
|------------------------------------------------------------------------------------------------|--------------|------------------|---------|
| Name                                                                                           | Home address | Business address | Phone # |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |

*All applicants must complete the following section.*

### Section 4

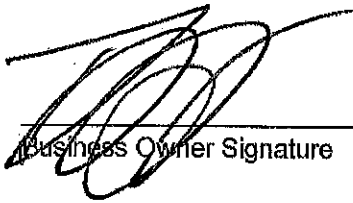
|                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant's specific interest in site<br><b>Owner of site</b>                                                                                                                                                             |
| Describe in detail the business activity that will take place on site including products & services<br><b>Pickle Ball; Matches between members, lessons with racket sports professionals, club leagues, social mixers</b> |

|                                                                                                                                                                                                                                                                                                                 |                            |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------|
| Describe all <b>owned</b> fixtures, furniture, and equipment to be used on site<br>nets, fences, court surface, ball machines                                                                                                                                                                                   |                            |                                             |
| Describe all <b>leased</b> fixtures, furniture, and equipment to be used on site                                                                                                                                                                                                                                |                            |                                             |
| Describe any alterations planned for the site and estimated cost of renovation<br><small>following resurfacing of courts will re-stripe for pickleball, will add fixed pickle ball nets, will add 40" internal fences to separate courts, will run electrical conduit to have outlets for ball machines</small> |                            |                                             |
| Person responsible for obtaining building permit (if required)<br><b>Bob Fetherston</b>                                                                                                                                                                                                                         |                            |                                             |
| Square footage of site<br><b>19,920</b>                                                                                                                                                                                                                                                                         | # of employees<br><b>1</b> | # of parking spaces to be used<br><b>24</b> |
| Days & hours of operation<br><b>Monday-Sunday 8am-dusk</b>                                                                                                                                                                                                                                                      |                            | Proposed date of occupancy                  |

Attach a site plan to this application (see Directions for Conditional Use Permit). Site plan must include a layout of the inside of the store.

This application must be fully completed to be considered by the Village.

**Fee: \$300.00 (non-refundable)**

  
Business Owner Signature

**Ryan Savage**  
Printed Name

**11/20/23**  
Date

FOR OFFICE USE ONLY

Has sufficient site plan been submitted? (If not, what is needed?) \_\_\_\_\_

What is the category of proposed use? CLUB MA 11-22-23

Does the parking meet code requirements? The Town Club has a previous

conditional use permit for tennis at the site & it appears the

Is there proper exterior lighting? parking and lighting have been previously

addressed and approved - SB 11/27/23

Are there any existing code violations? LOT 1 & 2 NEED TO BE COMBINED, MA 11-29-23

Additional Comments? \_\_\_\_\_

Letter of Consent received from owner? \_\_\_\_\_

Comments/Date

Date application/materials received: 11-21-2023

Fee Paid: 11-21-2023 Receipt No. 1.059709

STATE OF WISCONSIN

VILLAGE OF FOX POINT

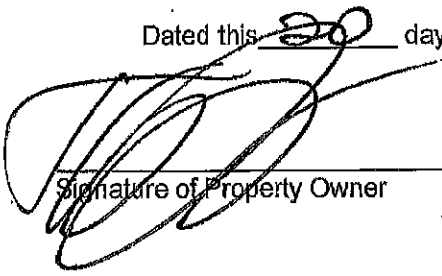
MILWAUKEE COUNTY

## NOTICE

PLEASE BE ADVISED: Chapter 67, Article III of the Village of Fox Point Village Code is attached hereto and incorporated herein. Pursuant to this Ordinance, the Village of Fox Point Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Forester or any other of the Village's professional staff (internal or independently contracted) results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge the property owner for the fees incurred by the Village. Also be advised that pursuant to the Village of Fox Point Municipal Code certain other fees, costs and charges are the responsibility of the property owner making application to the Village.

I, the undersigned, have been advised that, pursuant to the Village Fox Point Village Code, if the Village Attorney, Village Engineer, Village Forester or any other Village professional (internal or independently contracted) provides services to the Village as a result of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. Also I have been advised that pursuant to the Village of Fox Point Village code certain other fees, costs and charges are my responsibility.

Dated this 20 day of November, 2023

  
Signature of Property Owner

Ryan Savage  
Name of Property Owner - PRINTED

Mailing Address of Property Owner:

7950 N. Santa Monica Blvd  
Fox Point WI 53217

Tax Key No. of Property:

Address of Property:

7950 N. Santa Monica Blvd

Fox Point, WI 53217

**For Village Use Only:**

- ☐ Original kept on file with Village Clerk.
- ☐ Copy provided to Property Owner.

Signature: \_\_\_\_\_

## Conditional Use Order

WHEREAS, an application has been filed by **The Town Club** (hereinafter "Applicant"); and

WHEREAS, the Applicant is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance of the Village of Fox Point for land described as **7950 N Santa Monica Blvd., Fox Point, Wisconsin.**

NOW, THEREFORE, the Village of Fox Point Village Board, upon consideration of thoughts expressed by all persons heard at the Village Board meeting in this matter, upon consideration of the recommendation from the Plan Commission, and following all necessary study and investigation, having given the matter due consideration, hereby ORDERS AS FOLLOWS: Commencing upon the date hereof, the Applicant is hereby granted a conditional use permit, subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

1. **Use Restricted.** **The Town Club will provide Pickle Ball; matches between members, lessons with racket sports professionals, club leagues, and social mixers. The hours of operation shall be limited to 8:00 a.m. until dusk, Monday through Sunday, unless additional hours are approved in writing by the Village Manager.**
2. **Presentation Compliance.** All of the Applicant's plans, specifications, terms and representations as submitted with the application, or in support thereof, or as represented to the Village Board in the course of the approval process, are specifically incorporated herein and made a part hereof by reference, and the use of the subject property shall be in substantial conformance with the same except as further restricted or modified herein.
3. **Not Transferable.** This conditional use permit is granted to the Applicant and shall not be transferred or assigned without the Village Board's prior written consent, which may only be granted following the Village Board's receipt of a recommendation from the Plan Commission.
4. **Applicant and Owner Agreement.** As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Applicant is required to accept the terms and conditions of the same in its entirety in writing.
5. **Other Uses Prohibited.** Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to whether a use is permitted, the question shall be submitted to the Plan Commission for recommendation to the Village Board, and then to the Village Board for determination.
6. **No Nuisances, and Compliance with Applicable Laws.** No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Milwaukee, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
7. **Subject Property Only.** This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein.
8. **Abandonment.** Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Applicant be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village Board following receipt of a recommendation from the Plan Commission and after the Village Board holds a public hearing in the matter.
9. **Amendments.** Any change, addition, modification, alteration and/or amendment of any aspect of

this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the Subject Property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

10. Plan Amendments. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended (a) without separate approval in the limited circumstances described in Section 14.19(11) of the Village Code; or (b) by the Village Board upon receipt of a recommendation from the Plan Commission if the Village Board finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Board, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
11. Severability. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
12. Most Restrictive Applies. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
13. Prior Conditional Use Permits Terminated. Unless stated otherwise herein or in the documents incorporated herein, all conditional use permits previously granted for the Subject Property, if any, shall be automatically terminated without further action of the Village Board immediately following full satisfaction of all condition's precedent to this conditional use order taking effect.
14. Payment of fees. Applicant shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this conditional use order including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional use order due to a violation of these conditions.
15. Payment of Taxes and Charges. Any unpaid bills owed to the Village by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees; or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional use order, that is subject to all remedies available to the Village, including possible cause for termination of the conditional use order.
16. Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Village Board in its consideration of the Applicant's application, as noted in the Minutes of the Village Board meeting at which approval was granted, are specifically incorporated herein by reference.
17. The Applicant is obligated to file with the Village Clerk a current mailing address and current phone number at which the Applicant can be reached, which must be continually updated by the Applicant if such contact information should change, for the duration of this conditional use. If the Applicant fails to maintain such current contact information the Applicant thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.

Let copies of this order be filed in the permanent records of the Village Board for the Village of Fox Point, and let copies be sent to the proper Village of Fox Point authorities and the Applicant and Owner.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023, *nunc pro tunc* the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE FOX POINT VILLAGE BOARD:

\_\_\_\_\_  
Christine Symchych, Village President

Attest:

\_\_\_\_\_  
Kelly A. Meyer, CMC/WCMC, Village Clerk/Treasurer

### APPROVAL

I hereby approve the issuance of this Conditional Use Permit to the Applicant on the terms and conditions described herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUBJECT PROPERTY OWNER

By: \_\_\_\_\_  
Authorized Signatory

Title: \_\_\_\_\_

### ACCEPTANCE

I hereby accept the terms and conditions of this Conditional Use in its entirety.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPLICANT:

By: \_\_\_\_\_  
Authorized Signatory

Title: \_\_\_\_\_



**MUNSON, INC.**

[www.munsoninc.com](http://www.munsoninc.com)

Asphalt & Concrete Services  
Chain Link & Ornamental Fence  
Tennis Court Construction

6747 N. SIDNEY PLACE  
GLENDALE, WI 53209

(414) 351-0800  
(800) 236-0340



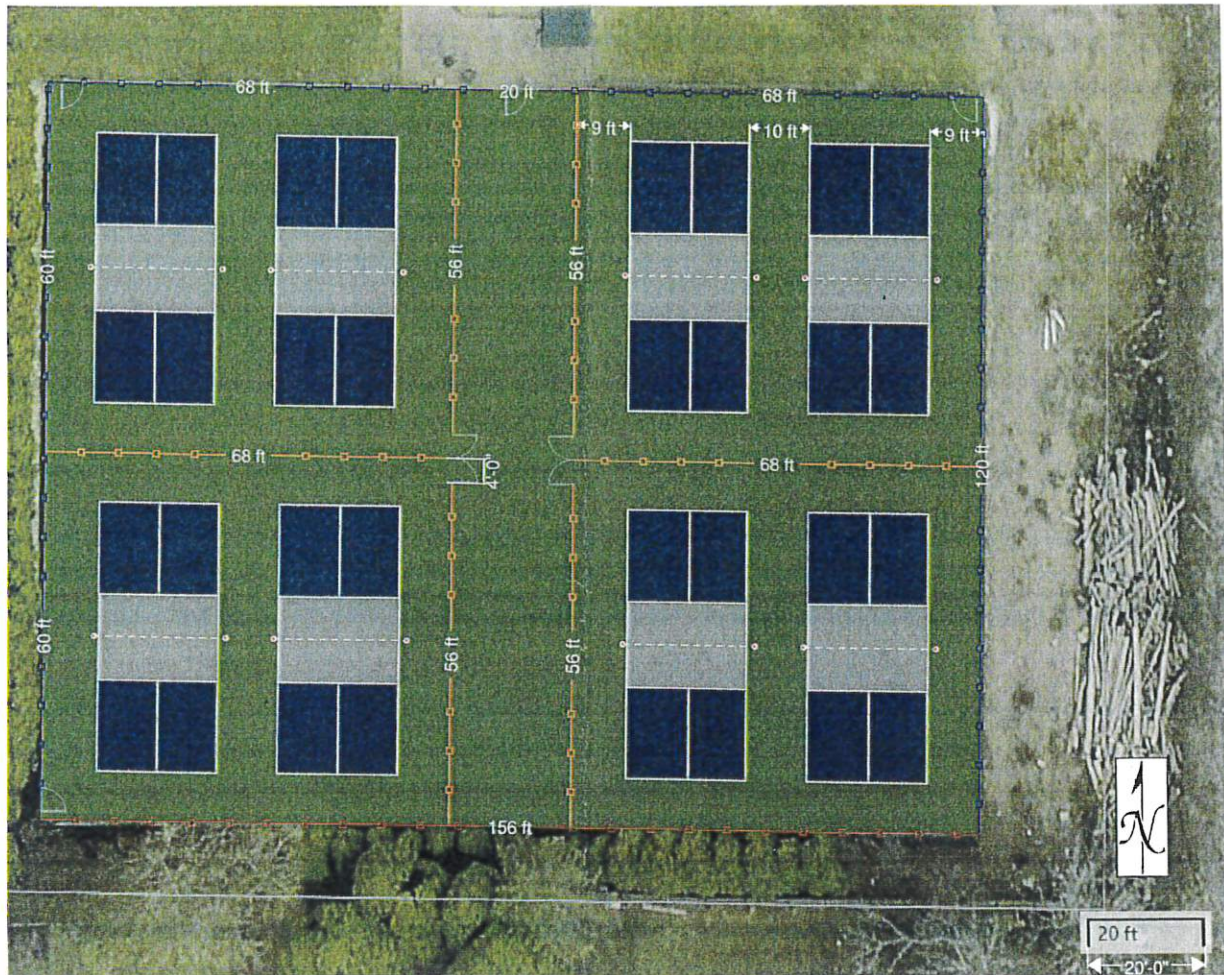
**THE TOWN CLUB**  
7950 N. SANTA MONICA BLVD.  
MILWAUKEE, WI 53217

**PICKLEBALL COURT RECONSTRUCTION**

**COURT  
SITE PLAN**

**Date:** 08/08/2023

**Drawn by:** K. Meerdink



THESE SPECIFICATIONS & DRAWINGS ARE PROPERTY OF MUNSON-ARMSTRONG PAVING DIV. & MAY NOT BE REPRODUCED, COPIED OR USED FOR COMPETITIVE BIDS WITHOUT PRIOR WRITTEN PERMISSION



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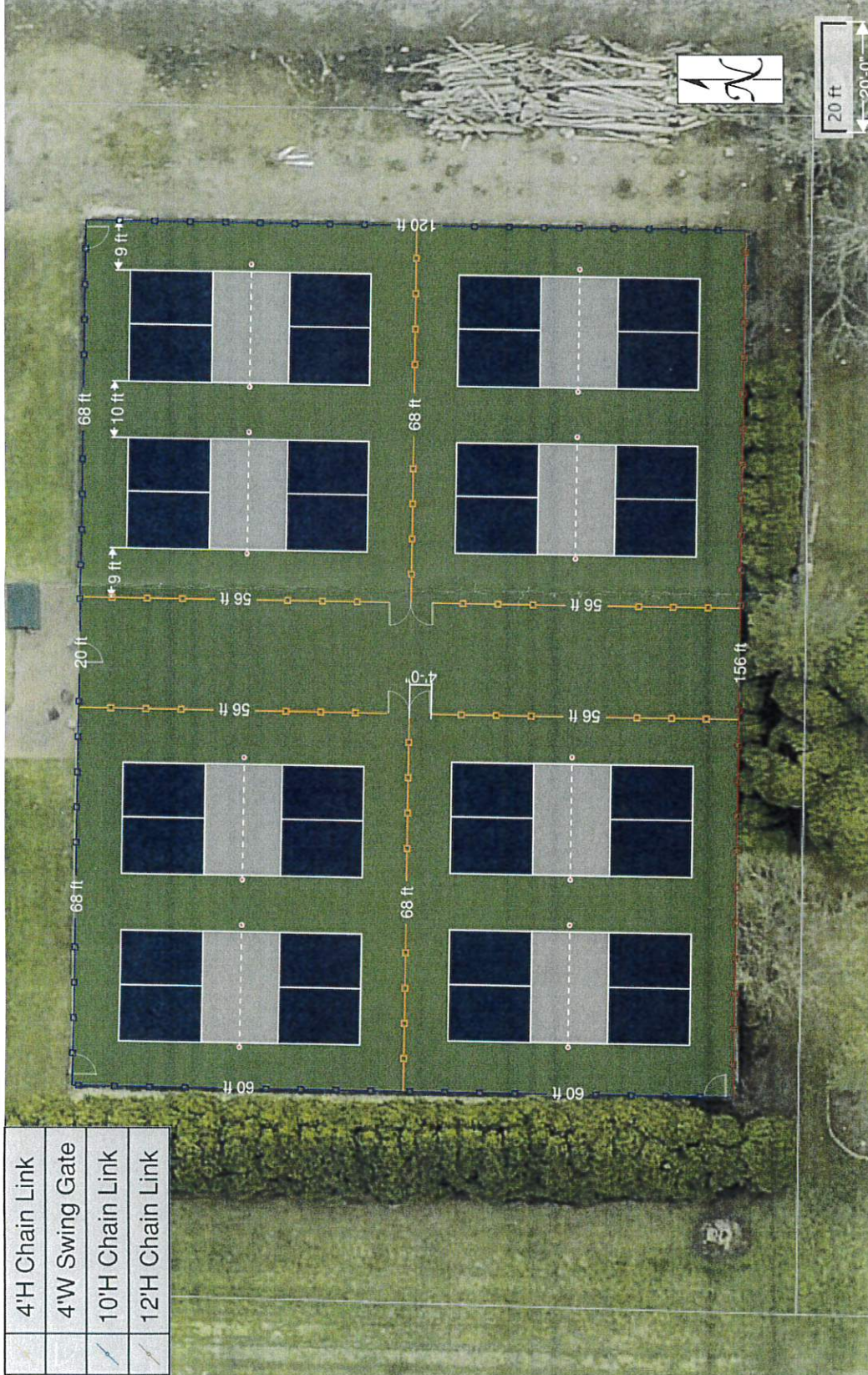


**THE TOWN CLUB**  
7950 N. SANTA MONICA BLVD.  
MILWAUKEE, WI 53217  
*PICKLEBALL COURT RECONSTRUCTION*

**COURT  
SITE PLAN**

Date: 08/08/2023

Drawn by: K. Meerdink



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VILLAGE OF FOX POINT  
7200 N. SANTA MONICA BLVD  
FOX POINT WI 53217

414-351-8900

Receipt No: 1.059709

Nov 21, 2023

7850 N Santa Monica Blvd

|                                             |        |
|---------------------------------------------|--------|
| Previous Balance:                           | .00    |
| LICENSES & PERMITS - CONDITIONAL USE PERMIT | 300.00 |
| 24-44550 CONDITIONAL USE PERMIT             |        |

|        |        |
|--------|--------|
| Total: | 300.00 |
|--------|--------|

|                      |                 |        |
|----------------------|-----------------|--------|
| CHECK                | Check No: 34046 | 300.00 |
| Payor: The Town Club |                 |        |

|                |        |
|----------------|--------|
| Total Applied: | 300.00 |
|----------------|--------|

|                  |     |
|------------------|-----|
| Change Tendered: | .00 |
|------------------|-----|

Duplicate Copy

11/21/2023 12:45 PM



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL  
7200 N. SANTA MONICA BLVD.  
FOX POINT WI 53217-3505  
414-351-8900  
FAX 414-351-8900  
[www.villageoffoxpoint.com](http://www.villageoffoxpoint.com)

### APPLICATION FOR CONDITIONAL USE PERMIT DIRECTIONS

#### GENERAL INFORMATION:

All new businesses locating in an area zoned D-Business must apply for a Conditional Use Permit under Section 745-18D of the Village Code. Certain exceptions apply, see Section 745-18C of the Village Code (located on the Village website).

Changes in ownership, changes in use, changes in operations, changes in permitted conditions, alterations, and relocations within the Village to businesses with existing Conditional Use Permits may necessitate obtaining an amended Conditional Use Permit.

#### TO APPLY FOR A PERMIT:

1. Complete all the information on the attached application. Please type or print. Attach additional pages if necessary. **Applications with incomplete information will not be accepted.**
2. All materials must be submitted on 8.5" x 11" paper. If larger scale plans are necessary for clarity, please bring to the Plan Commission meeting. (Note: All documents submitted will be in copied in black and white.)
3. A \$300 non-refundable fee must accompany this application.
4. A letter of approval from the owner of the property must accompany this application, unless the applicant is the owner. The letter should be:
  - on the owner's letterhead including the owner's original signature,
  - addressed to the Village, and
  - reference the proposed address and name of the business.

The Village will not entertain any requests without the written consent of the owners.

5. A signed Charge Back Form as described in Chapter 67, Article III of the Village Code must accompany this application.
6. The application and one set of the site plans and all related materials must be submitted by **4:00 pm on the second Wednesday** prior to the Plan Commission meeting.
7. Completed applications will be submitted by staff to the Plan Commission for consideration. The Plan Commission meets on the first Monday of each month at 5:45 p.m. PLEASE NOTE: Applicants are required to attend the Plan Commission meeting to discuss their Application.
8. The Village Board will consider the Plan Commission's recommendation at the Board meeting on the second Tuesday of the month at 7:00 p.m. Applicants should also plan to attend the Village Board meeting.
9. The owner is responsible for obtaining other necessary permits and/or approvals, including but not limited to, the North Shore Fire Department's Plan Review and Submittal Requirements.

**-APPLICATION FOR NEW BUILDING OR BUILDING ADDITION - SEE PAGE 2 OF DIRECTIONS-**

**NOTE:** The following information must be submitted for Village approval when proposing a new building or building addition:

1. Description of the project
2. Landscape plan
3. Plat of survey
4. Parking plan (including parking computations) per Chapter 14 of the Fox Point Village Code
5. Drainage plan (including drainage computations)
6. Lighting plan (including photometrics)
7. Traffic plan
8. Proposed location and connection to the sanitary sewer and water mains
9. All elevations
10. Floor plans
11. Any additional information as determined by Village staff

# Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ – 1935-2022  
DONALD S. MOLTER, Jr. - Retired  
JOHN P. MACY  
H. STANLEY RIFFLE - Court Commissioner  
ERIC J. LARSON  
REMZY D. BITAR

730 N. GRAND AVENUE  
WAUKESHA, WISCONSIN 53186  
Telephone (262) 548-1340  
Direct (262) 806-0215  
Facsimile (262) 548-9211  
Email: [elarson@ammr.net](mailto:elarson@ammr.net)

PAUL E. ALEXY  
MATTEO REGINATO  
LUKE A. MARTELL  
SAMANTHA R. SCHMID  
CHRISTOPHER R. SCHULTZ  
LUCAS C. LOGIC  
BENJAMIN T. CROCKETT  
GREGORY M. PROCOPIO  
ADAM J. MEYERS  
-----  
STEPHEN J. CENTINARIO, JR.  
MICHAEL J. MORSE  
JAMES P. WALSH

September 19, 2023

Scott Botcher, Village Manager  
Village of Fox Point  
7200 N Santa Monica Blvd.  
Fox Point, WI 53217

**Re: Merger of Title  
Legal Analysis**

Dear Mr. Botcher:

I understand that a corporate entity located in the Institutional District in the Village for many years has conducted recreational operations on two adjacent parcels, as follows. One of the parcels contains only recreational facilities (tennis courts) with no principal building or use, while the adjacent parcel is improved with a principal building and use. The two adjacent parcels have been used as a single operation for decades. I understand the entity is planning to modify its current use of the recreational use parcel, triggering a review under Section 745-10 of the Village Code. A question has been raised of whether the two parcels should be combined. You asked for my thoughts. I have had an opportunity to carefully consider this matter.

Based upon my review, I recommend that the parcels should be combined. I reach this conclusion as follows:

1. Accessory Use. Section 745-10 D. of the Village Code says the use is *accessory* in the Institutional district where these parcels are located:

*Private commercial facilities. Such facilities may be permitted in an Institutional District as an accessory use, and in a "D" Business or "E" Semi-Business District as a principal or accessory use subject to the procedure hereinafter set forth.*

As an accessory use, it cannot be permitted on the parcel unless the parcel also has a principal use.

2. Past Laws: Merger of Title. Prior to 2017 Wisconsin Act 67, we took the position, as did municipalities throughout the country, that adjacent lots owned in common and used as a single operation "merged" together to form a single lot in many circumstances. Under that interpretation, the two adjacent parcels at issue here would have been owned and regulated as one lot. My office litigated this issue

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Scott Botcher  
September 19, 2023  
Page 2

and received confirmation of the merger of title doctrine from the U.S. Supreme Court, in *Murr v. Wisconsin*, 582 U.S. 383, 137 S.Ct. 1933 (2017).

3. Current Laws: Merger of Title is Prohibited. As a reaction to the *Murr* decision, Wisconsin Act 67 removed the ability of municipalities to treat the adjacent parcels as one lot. The law now says:

*Merging. Notwithstanding the authority granted under ss. 59.69, 60.61, 60.62, 61.35, and 62.23, no political subdivision may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged. (66.10015(4), Wis. Stats.)*

Moreover, even if one of the adjacent parcels is legal nonconforming, municipalities are prohibited from preventing separate conveyance and development of the parcels that had been used together:

*Notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:*

1. *Conveying an ownership interest in a substandard lot.*
  2. *Using a substandard lot as a building site if all of the following apply:*
    - a. *The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.*
    - b. *The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.*
- (66.10015(2)(e), Wis. Stats.)*

4. Conclusion: While formerly the two adjacent parcels at issue here could be regulated as one lot, that is no longer the case. Under current law, they are two separate lots that have not merged. If one of the parcels will have only an accessory use, under current law it must be combined with the adjacent lot that contains the principal use.

If you have any questions or concerns in this regard, please do not hesitate to contact me.  
Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

*Eric J. Larson*

Eric J. Larson

EJL/em

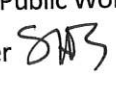
cc: Kelly Meyer, Village Clerk  
Kevin Ausman, Assistant Village Manager



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY  
WISCONSIN

VILLAGE HALL  
7200 N. SANTA MONICA BLVD.  
FOX POINT 53217-3505  
414-351-8900  
FAX 414-351-8909

**To:** Village of Fox Point Plan Commission  
**From:** Scott Brandmeier, Director of Public Works   
**Through:** Scott Botcher, Village Manager   
**Date:** November 30, 2023  
**Re:** Land Combination – 7950 North Santa Monica

---

An application was submitted by the Town Club to combine two parcels at 7950 North Santa Monica Boulevard (Tax Key Numbers 0929991000 and 0929980000) into one parcel. The Applicant is requesting that the two parcels as shown on the Plat of Survey be combined and that one lot be created as shown on the Certified Survey Map (CSM). The Applicant has submitted this application in accordance with Section 738 of the Village Code.

Based upon correspondence from the Village Attorney, it is my understanding that the application requires a filing fee (\$300) and the appropriate CSM but does not require an appraisal, as it is a land combination, nor notice to property owners within 500 feet of the proposed land combination. As the filing fee has been paid and the Plat of Survey and CSM have been submitted depicting the land combination, it appears that the requirements for the land combination have been met and, therefore, is referred to the Plan Commission for action on the matter.



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

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
:SS  
MILWAUKEE COUNTY)

I, DANIEL E. BEDNAR, a professional land surveyor, certify:

THAT I have surveyed, divided and mapped That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Northwest corner of the Northwest 1/4 of said Section 16, thence North 89°31'33" East along the North line of said 1/4 Section 966.14 feet to the point of beginning of the lands to be described; thence North 89°31'33" East continuing along said North line 275.50 feet to a point on the West line of the Chicago and Northwestern Railroad; thence South 00°25'27" East along said West line 1551.56 feet to a point; thence South 89°24'03" West 275.50 feet to a point on the centerline North Santa Monica Boulevard; thence North 00°25'27" West along said centerline 1552.16 feet to the North line of said 1/4 Section and point of beginning.

Said lands as described contains 427,536 square feet or 9.8149 acres.

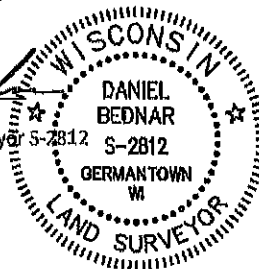
THAT I have made the survey, land division and map by the direction of The Town Club, owner.

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

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the subdivision regulation of the Village of Fox Point in surveying, dividing and mapping the same.

Date: November 2, 2023

  
Daniel E. Bednar  
Professional Land Surveyor S-2812



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

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.

## CORPORATE OWNER'S CERTIFICATE

The Town Club, a Wisconsin Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of the Village of Fox Point Code of Ordinances.

In consideration of the approval of the map by the Village Council of the Village of Fox Point and in accordance with the Village of Fox Point Code, the undersigned agrees:

In Witness Where of, The Town Club, a Wisconsin Corporation, has caused these presents to be signed by \_\_\_\_\_, its \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
In the presence of:

\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
:SS  
\_\_\_\_\_ COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_, to me known as the person who executed the foregoing instrument and acknowledged the same.

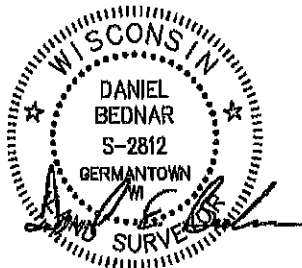
\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission expires: \_\_\_\_\_  
My commission is permanent.

## VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Fox Point on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CHRISTINE SYMCHYCH, PRESIDENT

\_\_\_\_\_  
CATIE ANDERSON, TRUSTEE

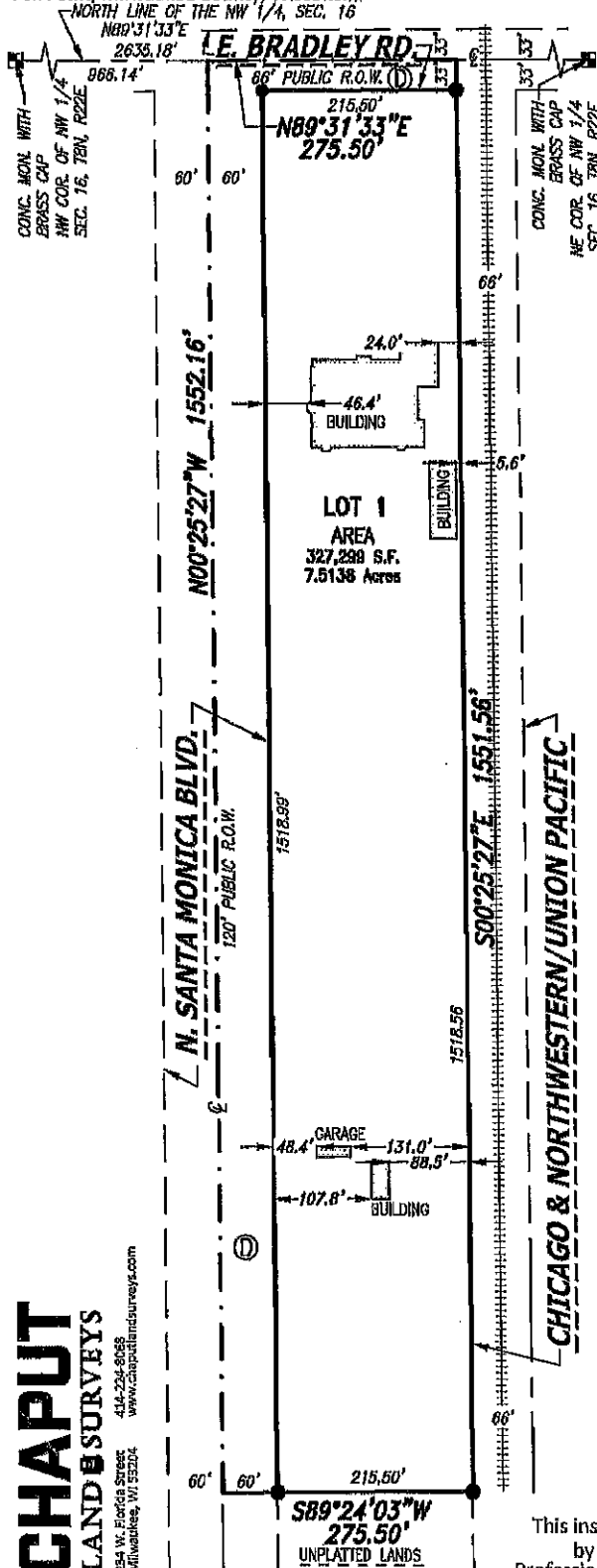


This instrument was drafted by Daniel E. Bednar  
Professional Land Surveyor S-2812

Date: November 2, 2023  
Survey No. 5247-lpm  
Sheet 4 of 4 Sheets

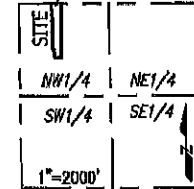
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.



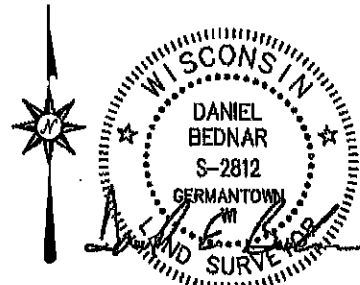
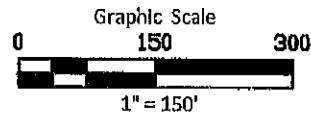
Owner : The Town Club  
7950 N. Santa Monica Blvd.  
Fox Point, WI 53217

## VICINITY MAP



- Indicates found 1" iron pipe.
- Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.
- ⓓ Dedicated to the public for roadway purposes

All bearings are referenced to the Wisconsin State Plane Coordinate System, South-zone (NAD83/2011) in which the North line of the NW 1/4, Sec. 16 bears N89°31'33"E.

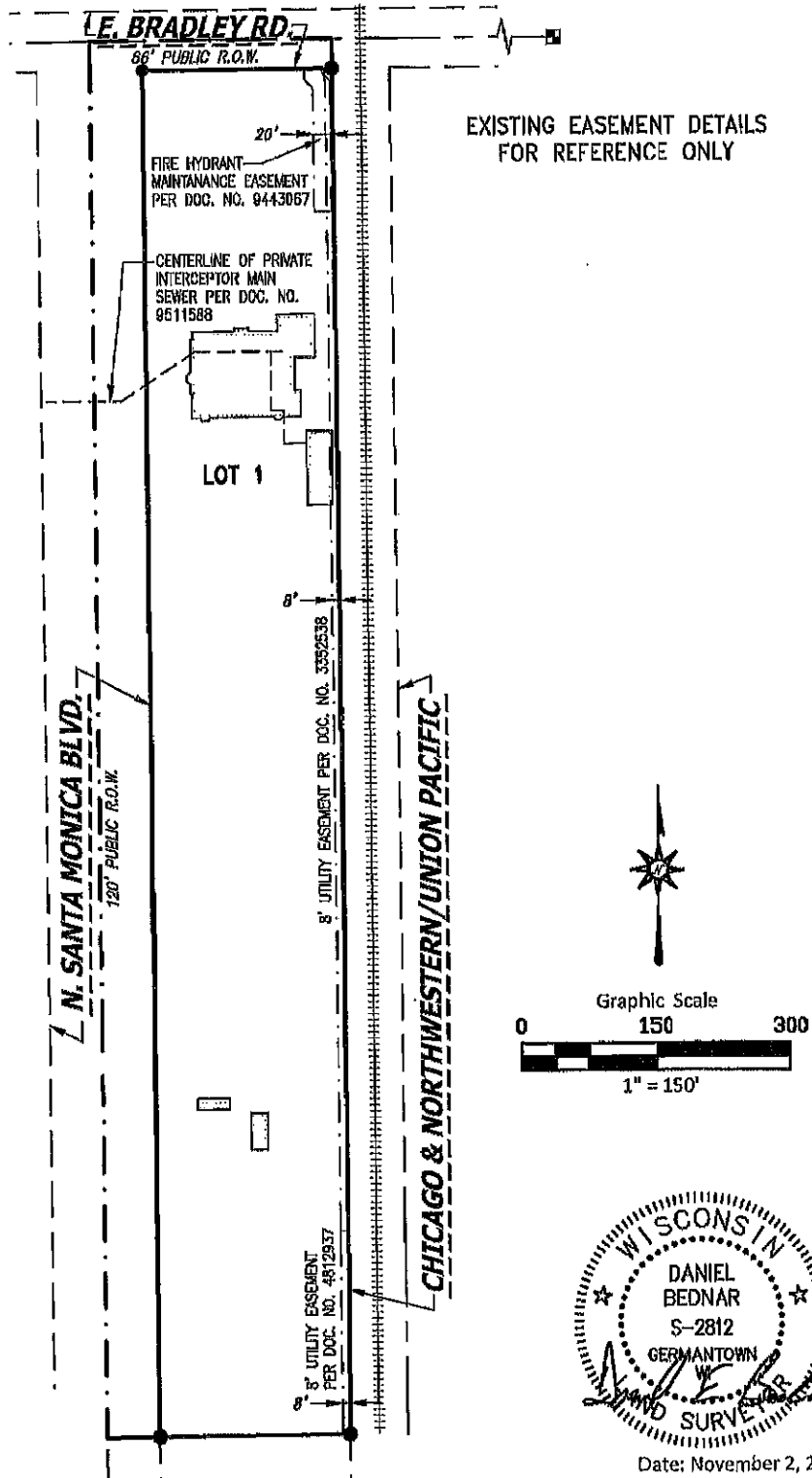


This instrument was drafted by Daniel E. Bednar Professional Land Surveyor S-2812 Date: November 2, 2023 Survey No. 5247-lpm Sheet 1 of 4 Sheets

**CHAPUT**  
LAND SURVEYS  
254 W. Florida Street  
Milwaukee, WI 53204  
414-234-8068  
www.chaputlandsurveys.com

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

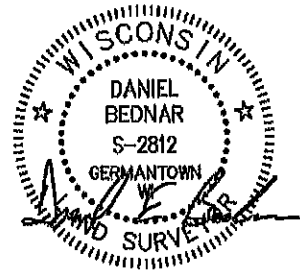
That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.



EXISTING EASEMENT DETAILS  
FOR REFERENCE ONLY

**CHAPUT**  
LAND SURVEYS  
414-274-5053  
www.chaputlandsurveys.com  
284 W. Florida Street  
Milwaukee, WI 53204

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Professional Land Surveyor S-2812



Date: November 2, 2023  
Survey No. 5247-lpm  
Sheet 2 of 4 Sheets