

March 26, 2025

Waukesha County Register of Deeds  
515 W. Moreland Blvd., Room AC110  
Waukesha, WI 53188



**Re: Notice of Approval for Conditional Use Permit Application at 545 Elm Grove Road, Unit 2**

Dear Mr. Behrend,

I am writing to formally request the recording of a Conditional Use Permit against the property located at 545 Elm Grove Rd, Unit 2, Elm Grove, WI 53122. This permit, granted by the Village of Elm Grove on March 25, 2025, allows for the use of the property as a short-term rental pursuant to Chapter 335-86(l) of the Village Code of Ordinances.

Enclosed, please find the Village's approved conditional use permit. Please record this document. If you require any additional information or documentation, please do not hesitate to contact me at [esowl@elmgrovewi.org](mailto:esowl@elmgrovewi.org) or 262-782-6700.

Sincerely,

A handwritten signature in black ink that reads "Ethan Sowl". The signature is fluid and cursive, with the first letters of "E" and "S" being capitalized and prominent.

Ethan Sowl  
Assistant Village Manager / Zoning & Planning Administrator

Enclosure: Conditional Use Permit

Document Number

CONDITIONAL USE PERMIT

Zaha Properties The Groves LLC  
545 Elm Grove Rd  
Apartment 2  
Elm Grove, Wisconsin 53122

**WHEREAS**, Zaha Properties The Groves, LLC (“Applicant”) has applied for a conditional use permit pursuant to Section 335-86(l) of the Village of Elm Grove Code of Ordinances for the operation of a short-term rental that is intended to accommodate tenants for periods between 6 and 180 days within a 365-day period (the “CUP”) located at 545 Elm Grove Rd, Unit #2, Elm Grove, Wisconsin 53122, (the “Property”) more specifically described as:

UNIT 2 BLDG 545 THE GROVES CONDOMINIUM & UNDIV INTEREST IN THE COMMON AREAS CREATED UNDER DECLARATION RECORDED AS DOC #1500049 PT SW1/4 SEC 25 T7N R20E

**WHEREAS**, the Property is located in the RM-1 Multi-Family Residential zoning district; and

**WHEREAS**, Section 335-86(l) of the Village of Elm Grove Code of Ordinances allows for the operation of short-term rental units/areas; and

**WHEREAS**, Applicant has submitted all information as required under Section 335-86(l) of the Village of Elm Grove Code of Ordinances; and

**WHEREAS**, the Village Plan Commission reviewed the CUP application on January 6, 2025 and March 3, 2025 pursuant to Section 335-86C of the Village of Elm Grove Code of Ordinances and recommended approval of the CUP to the Village Board of Trustees; and

**WHEREAS**, the Village Board of Trustees held a public hearing upon the CUP application pursuant to Section 335-86D of the Village of Elm Grove Code of Ordinances on January 6, 2025; and

**WHEREAS**, the Village Board of Trustees has considered the Plan Commission’s recommendations and has determined that the CUP is in accordance with the purpose and intent of the Village Zoning Code and the CUP, with conditions of operation, will not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

Recording Area

Name and Return Address  
Village of Elm Grove  
13600 Juneau Blvd.  
Elm Grove, WI 53122

Parcel Identification Number  
(PIN): 1107994002

**NOW THEREFORE**, the Village Board of Trustees hereby authorizes the Zoning Administrator to issue the CUP to Applicant at the Property, for the operation of a short-term rental, which the CUP shall be subject to the following conditions:

1. Maintenance of Proper Licenses and Permits

Applicant shall maintain all required licenses and permits required to operate a short-term rental unit/area pursuant to Section 335-86(1)(3)(B) of the Village of Elm Grove Code of Ordinances throughout the duration of the CUP, including:

- a. A valid State of Wisconsin tourist rooming house license where operation of the short-term rental unit/area exceeds 10 nights within a consecutive 365-day period; and
- b. A Seller's permit issued by the Wisconsin Department of Revenue;

2. Rental Period Requirements

- a. All short-term rentals should be for a minimum of six consecutive days within a each 365-day year, commencing on the first day of rental of the Property.
- b. The maximum number of days that the Property may be collectively rented shall not exceed 180 days during any consecutive 365-day period.

3. Notification Requirements

- a. Applicant shall notify the Village Clerk and Zoning Administrator in writing not less than 24 hours before the first rental within a 365-day period begins.

4. Activities Restricted

- a. Applicant has represented that the Property shall be operated in a manner consistent with a short-term rental unit/area and to that end it will be ensuring the minimum standards necessary for the health and safety of persons occupying or using the Property.
- b. Vehicular traffic shall not be generated that is greater than normally expected in the residential neighborhood, and provision shall be made for all vehicles associated with any person remaining overnight at the Property to be parked within the Property's designated parking area.
- c. There shall not be excessive noise, fumes, glare, or vibrations generated during the period of the Property's CUP use, including any activity, event or social function held outside the interior of the Property as described and restricted in Section 335I(3)(c)[6] of the Village of Elm Grove Code of Ordinances.
- d. No recreational vehicles (RVs), camper, tent, or other temporary lodging arrangement shall be permitted as a means of providing additional accommodations for persons using the Property.

- e. Any activity, event or social function held outside the interior of Property or opened to the outside by the use of a patio, balcony, back or side yard, veranda or deck shall last no longer than one day occurring between the hours of 9:00 a.m. and 10:00 p.m. No outdoor music shall be allowed between 10:00 p.m. and 9:00 a.m. All activities shall be in compliance with other noise regulations of the Village. Applicant shall comply with all regulations of any applicable room tax.
- f. Applicant and any person renting the Property shall comply with all applicable state, county, federal and Village codes, laws and ordinances.
- g. Applicant shall maintain for two past years the following written records for each rental of the Property: the full name and current address of any person(s) renting the Property, the time period for that rental, cell phone number and e-mail address and the monetary amount or consideration paid for that rental and a description of value

5. Issuance of the CUP

- a) The CUP shall be reviewed on an annual basis by the Village Plan Commission to ensure compliance with all conditional use requirements.
- b) The Property may be inspected by the Police Department, Fire Department, Building Inspector or other authorized personnel of the Village to investigate and determine if any violations exist.
- c) Applicant, in addition to being subject to a forfeiture prosecution for an ordinance violation arising, may have the CUP revoked by the Village Board upon the holding of a hearing and finding of a repeated or substantial violation of any applicable provision of law.
- d) The CUP will not be issued or renewed if the Applicant, or the Property, has any unpaid fees, taxes or forfeitures of any kind owed to any governmental unit.
- e) The CUP may be revoked by the Village Board for any of the following reasons:
  - a. Failure to make payment for any unpaid fees, taxes or forfeitures of any kind owed to any governmental unit;
  - b. Three or more calls for police service, building inspection or the Health Department for nuisance activities or other law violations at the Property in a consecutive twelve-month period;
  - c. Failure to satisfy any required Village, county, and state licensing requirements;
  - d. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the Village;
  - e. Failure by Applicant to properly dispose of trash upon the departure of a short-term renter, and in all cases to arrange for trash removal not less

than once a week in addition to collecting on a daily basis all trash on outside of the Property not in trash containers.

6. Room Tax

- a. Applicant is responsible for collection of a room tax pursuant to Section 3351(6) of the Village of Elm Grove Code of Ordinances.

7. Enactment of Other Laws

- a. In the event that any legislation should be enacted, in the course of the duration of the CUP that is intended to regulate short-term rental spaces, the provisions of the CUP shall control notwithstanding such legislation where they do not conflict with specific provisions of such subsequent enacted legislation.

8. Termination and Reservation of Right to Amend CUP

The CUP will terminate upon the following:

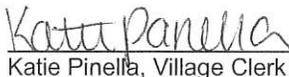
- a. Upon Applicant failing to conduct business at the Property in substantial conformity with the CUP;
- b. Upon the dissolution of Applicant;
- c. Upon Applicant ceasing operations at the Property;
- d. Upon the change in ownership of the Property; or
- e. Upon the cessation of the operations permitted under the CUP.

At any point during the duration of the CUP, the Village of Elm Grove expressly reserves the right to amend the CUP in its sole discretion.

This conditional use permit is hereby issued this 25<sup>th</sup> day of March, 2025 subject to the conditions provided herein.



Jim Koleski, Village President



Katie Pinella, Village Clerk

