

**RESOLUTION #7-2018**

**A RESOLUTION APPROVING AND AUTHORIZING A VARIANCE FROM  
THE PROVISIONS OF THE TOWN'S PIERHEAD ORDINANCE**

**WHEREAS**, American Marine of Delavan, Inc. and John B. Leek are the owners of a pier permitted by the Wisconsin Department of Natural Resources by permit number 3-SE-89-197 (the "American Marine of Delavan Pier"), which pier is attached to the property commonly known as 4134 Carol Street, Delavan, WI, Tax Key Nos. FRO 00016 and part of FRO 00017 ("Land"); and

**WHEREAS**, the American Marine of Delavan Pier is 237 feet in length and extends beyond the pierhead line established by Town ordinance; and

**WHEREAS**, American Marine of Delavan has petitioned the Town Plan Commission and Town Board for a variance from the provisions of the pierhead limitations pursuant to the provisions of section 19.18 of the Municipal Code of the Town of Delavan; and

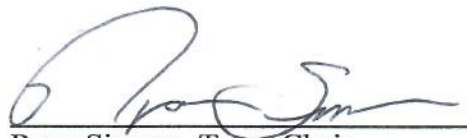
**WHEREAS**, the Plan Commission and Town Board have determined that the requested variance is consistent with the spirit and purpose of the pierhead ordinance and that the public health, safety and welfare will be preserved and substantial justice done if the requested variance is granted.

**WHEREAS**, the Plan Commission and Town Board have further determined that there are exceptional, extraordinary or unusual circumstances or conditions applying to the pier and parcel to which it is attached that do not apply generally to other properties on Delavan Lake, namely that the pier is properly permitted by the DNR and its installation and annual use predate the adoption of the Town's pierhead line; and

**WHEREAS**, the Plan Commission and Town Board have further determined that the granting of the requested variance will not create substantial detriment to adjacent property and will not materially impair the effect of the pierhead ordinance;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board, having determined that the requested variance from the provisions of the Town's pierhead ordinance authorizing the continued placement and use of the 237-foot American Marine of Delavan Pier described in DNR permit No. 3-SE-89-197 will not be contrary to the purpose and spirit of this Ordinance, the same is hereby approved, and such variance approval shall run with the Land and survive any transfer of the Land to all future owners of the Land.

Dated this 12th day of September, 2018.

  
Ryan Simons, Town Chair

Attest:   
Dixie C. Bernstein, Town Clerk