



Village of

Germantown
 ...Willkommen

Fee must accompany application

✓ \$1460 Paid chk 1366 Date 1/16/26
 \$1680

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

<p>1 APPLICANT OR AGENT <u>KEVIN H BEHNKE</u> <u>W179 N12536 FOND DU LAC</u> <u>GERMANTOWN, WI 53022</u></p> <p>Phone <u>(262) 677-1000</u> Fax () E-Mail <u>RELAXEDKHB@hotmail.com</u></p>	<p>PROPERTY OWNER <u>KEVIN H BEHNKE</u> <u>W179 N12536 FOND DU LAC</u> <u>GERMANTOWN, WI 53022</u></p> <p>Phone <u>(262) 677-1857</u></p>
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2 **TO WHOM SHOULD THE PERMIT BE ISSUED?**
KEVIN H BEHNKE / APPLIC WORKS WINERY LLC

<p>3 PROPERTY ADDRESS <u>W179 N12536 FOND DU LAC AVE</u></p>	<p>TAX KEY NUMBER <u>6TNU-161-976</u></p>
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4 **DESCRIPTION OF EXISTING OPERATION**
 Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.
SEE ATTACHED

5 **DESCRIPTION OF PROPOSED OPERATION**
 Write the name of the proposed conditional use exactly as it appears in the Municipal Code
CUP #05-22
 Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations
SEE ATTACHED

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

W179 N12536 Fond Du Lac Ave, Germantown, Wisconsin 53022
A 10.81 acre parcel being Lot 4 of Certified Survey Map No. 5843
and being a part of the NW ¼ and SW ¼ of the NE ¼ of Section 16,
Township 9 North, Range 20 East in the Village of Germantown,
Washington County, Wisconsin

7 SUPPORTING DOCUMENTATION:

- Site Plan and elevations for new construction (can be conceptual)
- Photos of existing use and/or proposed use operating elsewhere
- SEE ATTACHED
- _____

8 READ AND INITIAL THE FOLLOWING:

- I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.
- I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.
- I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action being taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and timeframe.

9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature] 1/13/26
Applicant Date

[Signature] 1/13/26
Owner Date

Apple Works Winery at Behnke Estates LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

For your consideration

I am submitting the Conditional Use Permit Application for modifications for your review. We have been open for almost 10 years and we feel we need to make some changes to our current CUP to be more in line with current market changes and needs so we can be more competitive with the current market conditions and trends in the community.

Proposal CUP Modifications.

Cup Item #11 This Conditional Use Permit shall be transferable to an immediate family member only. In the event there is a change in the owner/operator of the winery operation outside the immediate family, this CUP shall become null and void. A new CUP shall be required for a new owner/operator to commence operation of a winery, event venue and/or storage operation from this property.

Removal of this condition completely.

Reason: We feel that this restriction doesn't entertain the true complexity of the operation.

I voiced my concerns with this clause and the Board refused to discuss it.

I have said from the beginning that the operation of a Winery is a generational type business which is a long term operation that could outlive the original owner / founder.

The substantial financial investment and the long term aging required for most of the wines is between 3-5 years.

The operation has invested a substantial amount of cost in permits and improvements over the years and it has literally become part of the community.

How many other businesses with this type of operation have this clause?

Our original Cup #01-13 for the Winery Operation doesn't have this restriction.

Our original Cup #12-02 for the Equipment Storage doesn't have this restriction.

Cup Item #12 There shall be no licensing for the sale or dispensing of hard liquor on site for business purposes. In the event the property owner would like to apply for additional liquor licensing (i.e. hard liquor license), an amendment to this Conditional Use Permit is required to be approved by the Village Plan Commission and Village Board prior to the issuance of said permit.

Removal of this condition completely

The Village via mail, which I received on April 27th 2024, advised us that our licenses with the Village would be void as of May 1st 2024. Which was two months before the actual termination date.

Germantown said that our business information was sent to the State and we would need a state permit and not to contact the Village.

So that is the avenue we took, and the state was very helpful and we were advised that we qualified for a Retail Full Service Liquor License.

We currently hold a Full Service Retail Sales License dated July 30th 2024 to July 31st 2026.

Apple Works Winery at Behnke Estates LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

We have treaded lightly with this permit as not to create any type of issues.
Remember when we first approached Germantown with opening the Winery,
all the liquor licenses had been allocated.
This Full Service Retail Liquor License is a complement to our Event Space
and remember we make and sell wine.
I believe that Old Germantown has a similar type of License.

Cup Item #16 Indoor music is allowed only in the tasting room building and in the renovated barn and shall be permitted between 12:00 pm and 6:00 pm only on Sunday through Thursday and from 12:00 pm until 10:00 pm on Friday and Saturday.

Modification to this restriction

Standardize indoor Music to 10:00 am to 10:00 pm in the Tasting Room and Renovated Barn

Cup Item #17 The hours of operation shall be between 10:00 am and 9:00 pm Sunday through Thursday, and between 10:00 am and 11:00 pm on Fridays and Saturdays. Only cleanup type activities may take place between 10:00 pm and 11:00 pm on Friday and Saturdays.

Modification to this restriction

Standardize hours of operation to 6:00 am to 11:00 pm for the Winery
Operation and Equipment Storage
Cup #12-02 as reference

Cup Item #18 A sound monitoring and notification system shall be installed and operational on the property at all times while the winery is operating from the property.

Removal of this condition completely

We have never had a formal complaint to my knowledge since opening in 2016.

The original Monitor Business has been sold and the system needs to be updated and at this point we just do not see the need to maintain this system.

We can always shop for another system if the need arises.

Is there another business in Germantown with a lot line sound monitor service?

This system was installed to prove a point that the road noise is louder than any noise from the Winery.

New Cup Item

We currently have a Food License from Ozaukee / Washington County.

Over the last 40 years this property has had the following permits for food:

(Apple Sales, Farmers Market, Delicatessen, Bakery, Winery Events)

We want to expand the food offering available to include the following:

Morning Coffee Shop when Winery is not open. 7:00 AM to 11:00 AM

Expand our food offering per our Food License approval during open hours.

Apple Works Winery at Behnke Estates LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

Both the Tasting Room and Event Space kitchens get inspected by
the Germantown Fire Department (6 month) and Ozaukee / Washington
County (Yearly)

We do not desire to become a full restaurant but need some flexibility to make a larger
variety of what we can offer.



Village of



Village of Germantown
Clerk Treasurer
N112W17001 MEQUON ROAD
Germantown, WI 53022
(262)250-4700
Welcome

01/19/2026 08:54AM PRAVINA P
001055-0029
Payment effective date 01/16/2026

MISCELLANEOUS

CONDITIONAL USE PERMITS
(GENCON)

2026 GENCON

1 @ \$1680.00

\$1,680.00

\$1,680.00

Subtotal

\$1,680.00

Total

\$1,680.00

Tenders

CHECK

\$1,680.00

Check Number 1366

Change due

\$0.00

Thank you for your payment

CUSTOMER COPY