

AGENDA – FINAL
WAUKESHA COUNTY BOARD OF ADJUSTMENT

March 13, 2024, 6:00 p.m.

Waukesha County Administration Center, Room AC 255/259
515 W. Moreland Blvd., Waukesha, WI 53188

CALL TO ORDER

ROLL CALL

NOTE: THE AGENDA ITEMS MAY **NOT** NECESSARILY BE TAKEN UP IN THE ORDER LISTED BELOW.

REQUEST: **BA184: RANDY AND SUSAN VEENHUIS (OWNERS), DAVID F. MOORE (APPLICANT)**
Town of Merton
(Shore setback)

BA183: TIM KNEPPERATH (OWNER)
Town of Oconomowoc
(Non-conformance to offset)

BA172: RYAN LEWIS (OWNER)
Town of Ottawa
(Offset) (Wetland setback) (Environmental Corridor disturbance)

SUMMARY OF MEETING:

Approval of the Summary of Meeting of January 10, 2024.

OTHER ITEMS REQUIRING BOARD ACTION: None

Following each public hearing portion of the meeting, the WAUKESHA COUNTY BOARD OF ADJUSTMENT will deliberate and make recommendations or decisions on the variances/special exceptions presented. Following the public hearing portion request of BA184, the Town of Merton Board of Adjustment will also deliberate and make recommendations on the variances/special exceptions presented, which may continue in a separate room open to the public. The chairman shall announce to those present the recommendations or decisions made.

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
 APPEAL FOR VARIANCE
 STAFF REPORT**

DATE: March 13, 2024

FILE NO.: BA184

OWNERS: Randy and Susan Veenhuis
 N2407 Kunz Road
 Fort Atkinson, WI 53538

APPLICANT: David F. Moore
 W193 N10975 Kleinmann Drive
 Germantown, WI 53022

TAX KEY NO.: MRTT 0395.979.002

LOCATION:
 The subject property is described as Lot 1, Certified Survey Map No. 12395, part of the SW ¼ of Section 27, T8N, R18E, Town of Merton. More specifically, the property is located at N57 W30678 County Road K with frontage on Beaver Lake.

REQUEST:
 Variance from **Section 3(h)2 Shore Setback** provisions of the Waukesha County Shoreland Protection Ordinance to reconstruct and reconfigure retaining walls on the subject property.

ZONING CLASSIFICATION: R-1 Residential District

LOT CONFIGURATION: The existing and required average lot width, average lot depth and lot size, riparian frontage and road frontage are shown in the following table.

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (private easement)	Riparian Frontage (Beaver Lake)
Existing	101 ft. +/-	291 ft. +/-	27,329	n/a	100 +/- ft.
Required	150 ft. min.	n/a	43,560 (1 acre) (unsewered)	n/a (private easement)	100 ft. min.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:
 None.

PENDING ACTIONS:
 The petitioners have applied for a Conditional Use Permit to authorize the land altering activities necessitated by the site proposal.

PROPOSAL AND STAFF ANALYSIS:

The property is located north of C.T.H. K on the south shore of Beaver Lake. Access to the property is via a private easement that extends north from C.T.H. K. The subject lot and adjacent lot to the west were created via Certified Survey Map in 2022. There is a non-conforming one story boathouse at the shore that previously contained a 2nd-story residence. All other structures previously on the property have been razed. An 18 ft. easement on the south portion of the property provides access to the lot to the west. The septic field is located south of the existing driveway and the property will be served by private well. The subject property contains variable topography. The property rises in elevation from C.T.H. K and has a very steep slope down to Beaver Lake. There is a naturally occurring kame on the east side of the property, which is a steep sided mound of sand and gravel deposited by a glacier. The kame creates a side slope condition with the highest elevations near the east property line. The property to the east also contains a portion of the kame. The kame is between 13-15 ft. tall and contains a large retaining wall series. The existing wall series is constructed of field stone material, with evergreen shrubs and trees that provide some screening. Historic aerial photographs show the kame has been disturbed with retaining walls and a patio since at least the 1960s. There are many large mature trees on the kame, most of which are proposed to remain. There is also a retaining wall series east of the existing boathouse on the lake side slope and close to the shore. Both retaining walls on the kame and near the shore appear to be failing based on a county site visit.

The petitioners are proposing to construct a single-family residence with an attached garage and other appurtenances. The proposed residence does not require variances. However, as part of the site redevelopment, the petitioner is proposing to replace the retaining walls near the shore and on the kame with natural stone outcroppings. The Ordinance permits existing retaining walls within 75 ft. of the Ordinary High Water Mark to be replaced in-kind but does not allow for new or modified walls within the shore setback area. The petitioner has submitted a conceptual landscape plan that shows the proposed walls with landscaping (Exhibit A). The walls near the shore will be replaced virtually in-kind but may be modified slightly to remove curves that had originally accommodated a tree that is no longer there. The walls on the kame will be curved to accommodate the natural shape of the kame. The petitioner has applied for a Conditional Use Permit for land altering activities. If approved, fill would be brought in at the base of the kame that would reduce the number of replacement walls needed. The proposed wall series would consist of one 3-ft. wall and two 2-ft. walls. Significant landscaping is proposed above, below and within the walls to screen the visibility of the stone. The petitioner has indicated (Exhibit D) that the walls are necessary to prevent mass erosion issues that may impact the integrity of the kame. An existing site plan showing the current retaining wall system is attached as Exhibit B. A proposed site plan with the proposed residence and retaining walls, per a surveyor, is attached as Exhibit C.

The proposed retaining wall construction requires a variance from the Shore Setback provisions of the Waukesha County Shoreland Protection Ordinance as summarized in the following table.

PROVISION	SFPO	EXISTING	NON-CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
SHORE SETBACK	3 (h) (2)	3 ft. +/- (shore) 35 ft. (kame)	Y	3 ft. +/- (shore) 34 ft. +/- (kame)	75 ft. min.	Y

PETITIONERS’ COMMENTS:

The petitioners’ comments are attached as Exhibit D.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **approval** of the request for a variance from the Shore Setback requirements of the Waukesha County Shoreland Protection Ordinance to reconstruct and reconfigure retaining walls on the subject property. This recommendation is based upon the analysis of the below tests for a variance, as described below. We recommend that this approval be subject to the following conditions:

CONDITIONS:

1. This approval allows for the replacement retaining walls to be substandard to the shore setback requirement, substantially consistent with the wall locations as shown on Exhibit A (concept landscape plan) and Exhibit C (proposed Plat of Survey). The final wall configuration proposed on the east side of the property (the kame), in concert with the proposed grading, shall be approved by the Waukesha County Park and Planning Commission via a Conditional Use for Land Altering Activities.
2. A final landscaping and wall plan shall be prepared by a registered landscape architect and submitted to Waukesha County Planning and Zoning Division for review and approval. The final plan shall include the landscaping themes depicted on Exhibit A, such as a curved wall system around the kame and native plantings that provide adequate screening for both retaining walls systems. Top and bottom wall elevations shall be noted on the final plan.
3. The replacement east-west retaining wall system near the shore shall be substantially consistent with the size and location of the existing retaining wall series near the shore, which is approximately 3 ft. from the shore as shown on the existing Plat of Survey (Exhibit B).
4. The final landscaping plan, or a supplemental plan, shall include a final tree inventory and a tree removal and replacement plan in accordance with the Shoreland Protection Ordinance. Native tree removal within the retaining wall system(s) shall be limited to the greatest extent practicable. A Vegetation Removal Permit shall be issued prior to any tree removal. The landscaping shall be completed within two years from the date of the zoning permit issuance, unless extended by the Planning and Zoning Division for just cause.
5. If retaining walls exceed 4 ft. in height, a Licensed Landscape Architect or Professional Engineer shall certify that the walls will be constructed in a manner to withstand the pressure from the soil, groundwater and surface water runoff. Cross sections of the wall(s) shall be submitted to the Planning & Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit.

AREA VARIANCE TEST CRITERIA ANALYSIS

State law, case law, and County ordinances require that the petitioner demonstrate that their request meet the following tests for a variance. The below Staff analysis assesses the merits of the subject application relative to the tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not**

created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.

The property is unique in that it contains a naturally occurring kame. The kame on the subject property has been disturbed with a significant amount of retaining walls and a patio since at least the 1960s. Strict compliance with the Ordinance would require that any retaining walls within 75 feet of the lake to be rebuilt exactly in the same location and configuration as the existing wall system. Given the irregular configuration of the failing field stone walls and given the necessity to abate slope erosion, it would be unnecessarily burdensome to not allow the petitioners some flexibility to engineer new walls consistent with today’s construction standards.

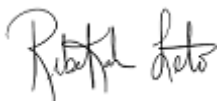
The slopes at the shore are very steep and are already disturbed with walls. The replacement walls, which meet the spirit of an in-kind replacement, are necessary to maintain access to that portion of the property and the east side of the boathouse. The minor changes necessary to properly replace the retaining wall series at the shore will also allow for a more practical wall series, rather than accommodating for trees that are no longer there.

2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.

The reconstruction of the retaining walls on the property will enhance and protect the kame and steep slopes at the shore using modern construction methods for retaining walls. The curvature of the walls will allow the property owner to save a Basswood and Red Oak on the kame, both of which are species identified as Priority Trees in the Ordinance and should be protected to the greatest extent practicable. In addition, the redevelopment of the site requires fewer retaining walls on the kame than what exists today due to the fill brought on to the west portion of the property. As conditioned, the walls will be screened from the lake and from the neighbor to the west with native vegetation. Per the petitioner, the neighbor to the east will see no visual or structural change to the kame. Therefore, it does not appear that the reconstruction of the retaining walls on the property in relatively the same location(s) will negatively impact the natural resources or adjacent property owners.

Respectfully submitted,

Reviewed and approved by:



Rebekah Leto
Senior Planner
Phone: 262-548-7790

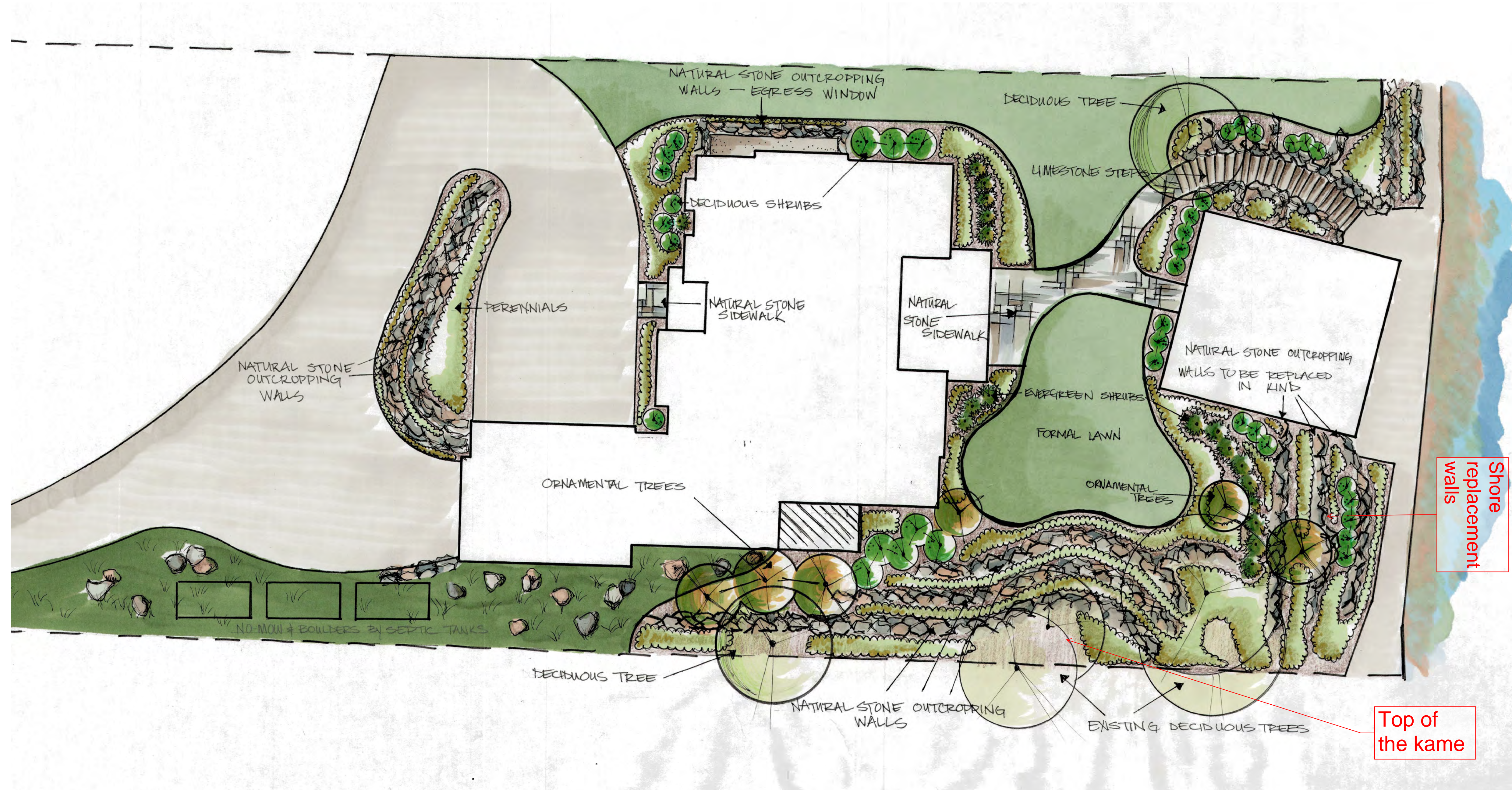
Ben Greenberg
Senior Planner

- Exhibits: Exhibit A – Plat of Survey
- Exhibit B – Building Plans
- Exhibit C – Conceptual Landscape Plan
- Exhibit D - Petitioner Comments

RECEIVED

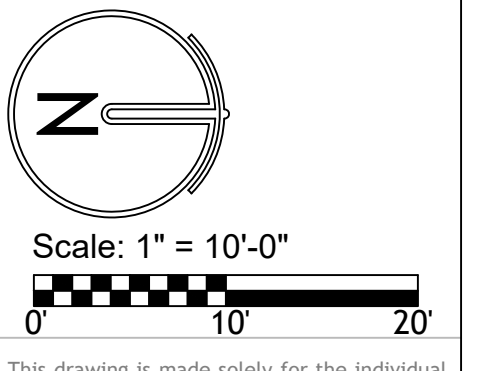
Waukesha County Dept Parks
and Land Use
02/16/2024

EXHIBIT A



Veenhuis Residence
N57W30678 Cty Rd. K
Merton, WI

Conceptual Landscape Plan
Steve Kehl, PLA & Amy Scheper
Revisions:
Sheet Number: 1 / 1
Date: 2.15.24



This drawing is made solely for the individual named herein and is the property of LandWorks, Inc. Any unauthorized use or duplication is in violation of the copyright laws & subject to prosecution.

PLAT OF SURVEY

LOT 1 AND LOT 2 OF CSM 12395 BEING PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

BEAVER LAKE

APPROX. O.H.W.M.
ELEV: 909.48
07/29/2022

Existing kame with retaining walls and patio

RECEIVED 12/05/2023
DEPT PARKS & LAND USE

EXHIBIT B

EXISTING IMPERVIOUS SURFACE LOT 2
DWELLING = 3,182*
DECK(S) = 895
PATIO(S) = 128
STEPS = 26
RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 237
DRIVEWAYS = 3,451
SIDEWALKS = 231
CONC = 100

TOTAL IMPERVIOUS SURFACE AREA = 8,250
LOT SIZE = 22,883
TOTAL PERCENT IMPERVIOUS SURFACE = 36.1%
*INCLUDES ROOF OVERHANG

LOT 1
TO O.H.W.M.
27,329 S.F.
0.627 ACRES
TO MEANDER
25,256 S.F.
0.580 ACRES

LOT 2
TO O.H.W.M.
22,883 S.F.
0.525 ACRES
TO MEANDER
21,349 S.F.
0.490 ACRES

EXISTING IMPERVIOUS SURFACE LOT 1
DWELLING = 620
GARAGE = 876
BOATHOUSE = 1951
PATIO EAST = 708
PATIO LAKE = 399
STEPS = 196
RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 685
DRIVEWAY = 5,892
SIDEWALK = 1237
BRICK PAVERS = 130
HOUSE STOOP = 19

TOTAL IMPERVIOUS SURFACE AREA = 12,713
LOT SIZE = 27,239
TOTAL PERCENT IMPERVIOUS SURFACE = 46.5%

this number is based on a plat of survey that is inaccurate. the home and detached garage were removed per CSM requirements.

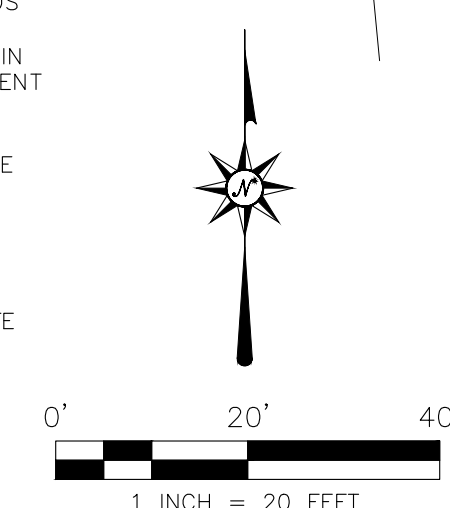
NOTES:

- TITLE COMMITMENT PROVIDED PREPARED BY KNIGHT BARRY TITLE GROUP DATED JULY 22, 2022, FILE No. 2157715 WITH THE FOLLOWING EASEMENTS THAT MAY AFFECT THE SUBJECT PARCEL:
- EXCEPTION 11.: EASEMENT FOR INGRESS AND EGRESS AND OTHER MATTERS CONTAINED IN THE DEED RECORDED JULY 24, 1957 AS DOCUMENT NO. 462864, AND VARIOUS OTHER DEEDS RECORDED THERETO. (AS SHOWN)
- EXCEPTION 12.: EASEMENT AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED NOVEMBER 27, 1984 AS DOCUMENT NO. 1279025. (PLUMBING SYSTEMS AND ENFORCEMENT EASEMENT)
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0176H, MAP REVISED NOVEMBER 5, 2014, ZONE X.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR.
- THE APPROXIMATE 75' O.H.W.M. SETBACK MAY NEED TO BE VERIFIED BY WAUKESHA COUNTY PRIOR TO CONSTRUCTION.
- BOTH LOT 1 AND LOT 2 ARE WITHIN THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE JURISDICTIONAL LIMITS.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR S-2771



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WSCORS 2018) AND REFERENCED TO THE SOUTH LINE OF THE SW 1/4 OF SEC. 27-8-18 MEASURED AS N88°47'24"W. VERTICAL DATUM IS NAVD 88 (GEOID 12A).

CURVE TABLE

CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING
C1	91.00'	72°16'40"	114.80'	107.33'	N 34°32'06" W
C2	109.00'	72°16'40"	137.50'	128.56'	S 34°32'06" E

LEGEND

- SECTION CORNER MONUMENT
- FOUND 1" IRON PIPE OR NOTED
- MANHOLE
- WELL
- SEPTIC VENT
- SEPTIC CLEANOUT
- EXISTING SPOT GRADE
- EXISTING CONTOUR
- RECORD DIMENSION
- MANHOLE
- UTILITY PED
- TV PED
- ELECTRIC PED
- UTILITY POLE
- SOIL BORE
- UNDERGROUND ELEC.
- UNDERGROUND GAS
- FLOOR ELEVATION
- DECID. TREE WITH TRUNK DIA.
- CON. TREE WITH TRUNK DIA.
- AIR CONDITIONER

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 67°32'16" W	19.26'
L2	N 01°36'14" E	12.01'
L3	N 70°40'26" W	20.15'
L4	N 01°35'17" E	18.90'
L5	S 70°40'26" E	25.90'
L6	S 01°36'14" W	18.87'

SW CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.
N 88°47'24" W 2640.97'
S. LINE OF THE SW 1/4 OF SEC 27-8-18
C.T.H.K
66' WIDE R.O.W.
1780.35'
860.62'
SOUTH 1/4 CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

SHEET 1 OF 1	CLIENT MOORE DESIGNS	LOCATION N57W30678 & N57W30688 COUNTY ROAD K HARTLAND, WI. 53029	REV.	
	PROJECT VEEHNUIS		REV.	
	LAYOUT EXISTING CONDITIONS		REV.	
	DRAWING 22213_SURVEY.DWG		REV.	
DATE 11/22/2023	DRAWN BY LJS	CHECKED BY MTD	REV.	LAND SURVEYING & LAND PLANNING 111 W. 2ND STREET OCONOMOWOC, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599

RECEIVED

Waukesha County Dept Parks
and Land Use
02/16/2024

PLAT OF SURVEY
LOT 1 OF CSM 12395 BEING PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWN 8 NORTH,
RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

EXHIBIT C

NOTES:

- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0176H, MAP REVISED NOVEMBER 5, 2014, ZONE X.
- THIS PARCEL IS ALSO SUBJECT TO ALL OTHER EASEMENTS, INCLUDING UTILITY EASEMENTS AND RESTRICTIONS, EITHER RECORDED OR UNRECORDED, IF ANY.
- ENTIRE PARCEL IS WITHIN THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE JURISDICTIONAL LIMITS.
- THE EXCAVATOR AND MASON MUST VERIFY AT LEAST 2 BENCHMARKS SHOWN ABOVE.
- PROPOSED ELEVATIONS AS SHOWN ON THIS DRAWING IS A SUGGESTED GRADE AND SHOULD BE VERIFIED BY THE OWNER AND/OR THE BUILDER AND APPROVED BY THE BUILDING INSPECTOR.
- EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE BUILDER AND/OR BUILDING INSPECTOR BASED ON SITE CONDITIONS.

CURVE TABLE

CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING
C1	91.00'	72°16'40"	114.80'	107.33'	N 34°32'06" W
C2	109.00'	72°16'40"	137.50'	128.56'	S 34°32'06" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 67°32'16" W	19.26'
L2	N 01°36'14" E	12.01'
L3	N 70°40'26" W	20.15'
L4	N 01°35'17" E	18.90'
L5	S 70°40'26" E	25.90'
L6	S 01°36'14" W	18.87'

EXISTING IMPERVIOUS SURFACE

DWELLING = 620
GARAGE = 876
BOATHOUSE = 1951
PATIO EAST = 708
PATIO LAKE = 399
STEPS = 196

RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 685

TOTAL IMPERVIOUS SURFACE AREA = 12,713
LOT SIZE = 27,239
TOTAL PERCENT IMPERVIOUS SURFACE = 46.5%

PROPOSED IMPERVIOUS SURFACE

DWELLING = 3,866
DECK = 109
BOATHOUSE (INCLUDES OVERHANGS) = 1035
STEPS = 154
DRIVEWAYS = 4,836
SIDEWALKS = 406
LAKESIDE PATIO = 399
RETAINING WALLS = 626

TOTAL IMPERVIOUS SURFACE AREA = 11,431
LOT SIZE = 27,329
TOTAL PERCENT IMPERVIOUS SURFACE = 41.8%

PROPOSED BUILDING FOOTPRINT RATIO

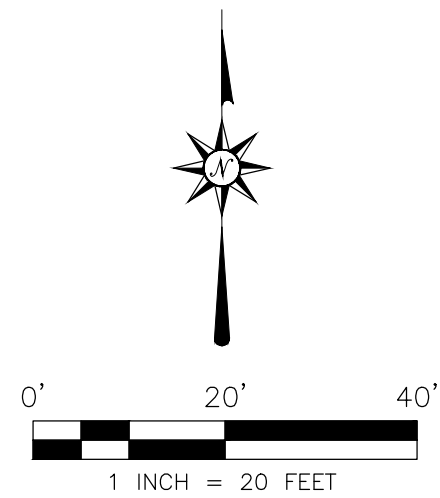
DWELLING = 3,866
BOATHOUSE FOUNDATION FOOTPRINT = 917
TOTAL FOOTPRINT AREA = 4,783
LOT SIZE = 27,329
TOTAL PERCENT IMPERVIOUS SURFACE = 17.5%

LEGEND

- SECTION CORNER MONUMENT FOUND 1" IRON PIPE OR NOTED SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.
- MANHOLE
- PROPOSED WELL
- SEPTIC VENT
- SEPTIC CLEANOUT
- EXISTING SPOT GRADE
- EXISTING CONTOUR
- RECORD DIMENSION
- MANHOLE
- UTILITY PED
- TV PED
- ELECTRIC PED
- UTILITY POLE
- SOIL BORE
- FLOOR ELEVATION
- PROPOSED SILT FENCE
- PROPOSED ELEVATION
- PROPOSED CONTOUR
- PROPOSED FLOW DIRECTION
- CON. TREE WITH TRUNK DIA.
- DECID. TREE WITH TRUNK DIA.
- *RED LABELED TO BE REMOVED*

TREE SPECIES LEGEND

DESIGNATOR	TREE SPECIES
BE	BEECH
CW	WHITE CEDAR
EXSP	EXOTIC SPECIES
OR	RED OAK
TA	BASSWOOD



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONSIN 2018) AND REFERENCED TO THE SOUTH LINE OF THE SW 1/4 OF SEC. 27-8-18 MEASURED AS N88°47'24"W.

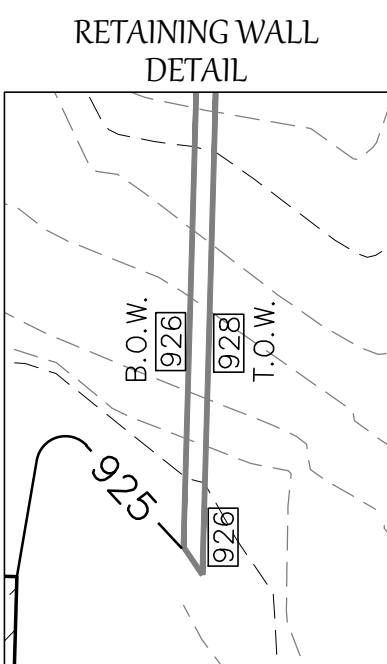
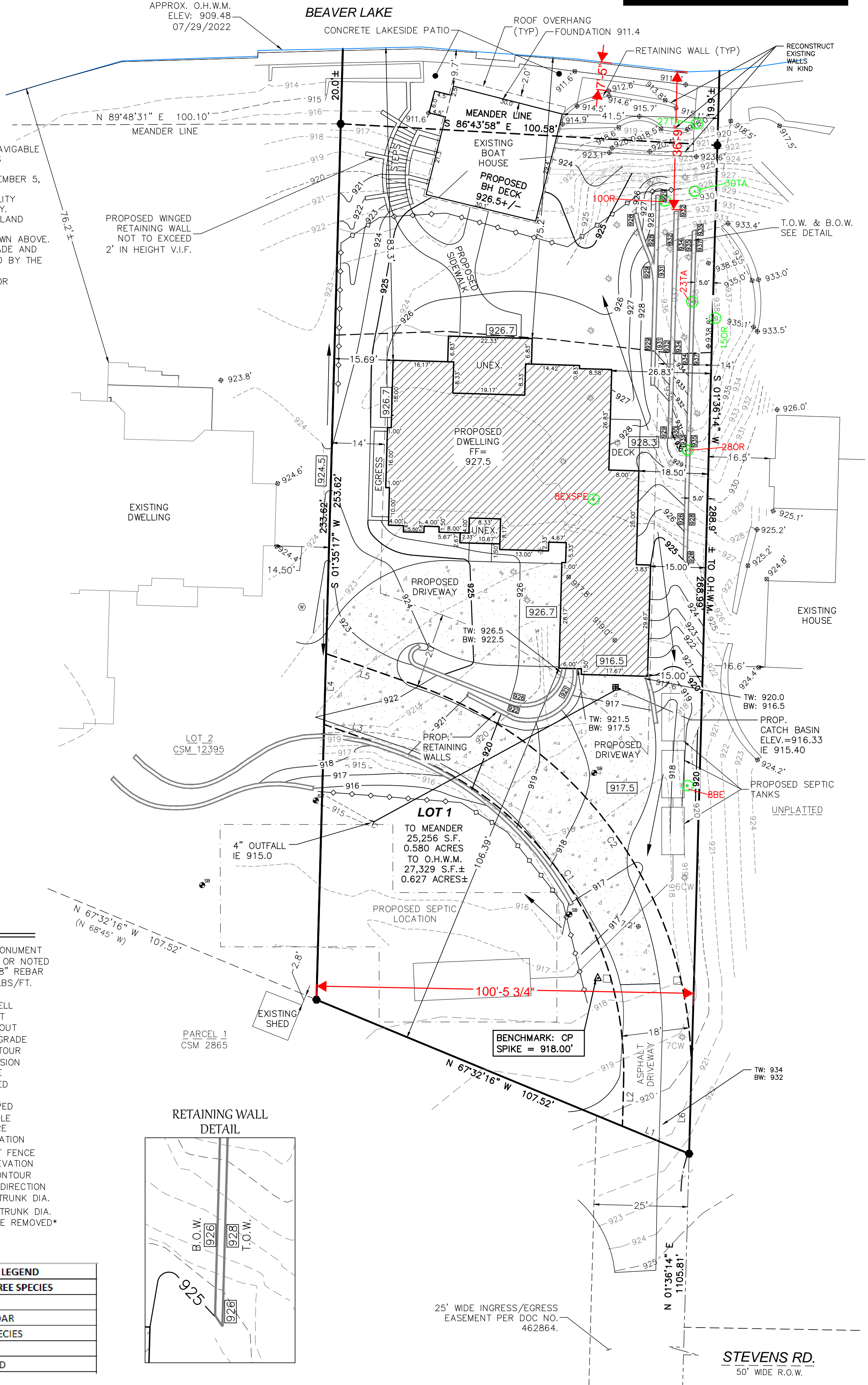
VERTICAL DATUM IS NAVD 88 (GEOID 12A).



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR S-2771



SW CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

N 88°47'24" W 2640.97'
S. LINE OF THE SW 1/4 OF SEC 27-8-18

C.T.H. K
66" WIDE R.O.W.

SOUTH 1/4 CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

SHEET 1 OF 1	CLIENT	MOORE-DESIGNS	LOCATION	N57W30678 & N57W30688 COUNTY ROAD K HARTLAND, WI. 53029		REV. COUNTY REQUESTED REVISIONS (12/20/2023) JBK	REV. TREE UPDATES 1/4/2024 (MO)	REV. BH UPDATES 2/13/2024 (MO)	REV.
	DATE	1/27/2023		DRAWN BY	LJS				
JOB NO.	23217	PROJECT	VEENHUIS			REV. LAND SURVEYING & LAND PLANNING 111 W. 2ND STREET OCCONOMO, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599			
DRAWING	23217_SURVEY.DWG	LAYOUT	PERMIT SURVEY						

(Reasons)

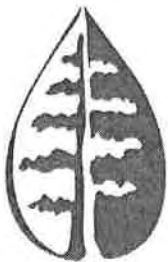
Veenhuis Narrative Re: N57W30678 County Rd. K Merton, WI

1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. Unnecessary hardship is proven by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a Variance. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

1. Unique to this property is the existence of a naturally occurring land feature called a kame – a steep sided mound (in this case 13'-15' tall) of sand and gravel deposited by a glacier. This kame currently has structurally unsound retaining walls built by the previous landowner. It is assumed that these walls were built to prevent the erosion of the kame and to hold both plant material and mature trees, which also aids in the prevention of erosion. Not being able to replace these failing features would cause mass erosion issues and start undermining this site feature for the new homeowner and neighboring property. The proper installation of these retaining walls not only allows the new homeowner to construct a home but more importantly ensures the integrity of the kame; providing stability for all parties neighboring it.

2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.

2. The new walls will be installed using scale appropriate limestone outcropping; locally sourced with native shrubs, perennials, and grasses planted above, below, and within the walls to screen the visibility of these new stone features. Currently there is minimal screening of the failing walls that are visible to the neighbor and from the lake. These walls are failing due to minimal stone backfill which allows for proper drainage. In addition, the size of the stones is not properly scaled to suit the site feature they are intended to protect. The neighbor to the east will see no visual or structural change to the kame. We will be adding significant native plant material to this site specifically suited to handle steep slopes and the unique soil situation. In addition, the new wall layout will follow the natural contours enabling us to save a *Tilia americana* (Basswood) & *Quercus rubra* (Red Oak) both native Wisconsin trees within the 75' setback.

**Steve Kehl**

Landscape Architect
LandWorks, LLC.
N69 W25195 Indian Grass Lane
Sussex, WI 53089
Cell: (262) 229-1104
Phone: (262) 820-2501

**Amy Scheper**

Landscape Designer/Horticulturalist
LandWorks, LLC.
N69 W25195 Indian Grass Lane
Sussex, WI 53089
Cell: (414) 349-0393
Phone: (262) 820-2501

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
 APPEAL FOR VARIANCE
 STAFF REPORT**

DATE: March 13, 2024

FILE NO.: BA183

OWNER: Tim Kneprath
 N59 W34920 Lake Drive
 Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0530.051

LOCATION:

The subject property is described as Lot 24, Map of Shorewood, Section 25, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the Lake Drive address cited above with frontage on Okauchee Lake.

REQUEST:

Variance from **Section 3(o) Non-Conforming to the Offset** provisions of the Waukesha County Shoreland Protection Ordinance (“Ordinance”) to construct a roofed structure (covered porch) over an existing deck.

ZONING CLASSIFICATION: R-3 Residential District

LOT CONFIGURATION: The existing and required average lot width, average lot depth and lot size, riparian frontage and road frontage are shown in the following table.

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (Lake Drive)	Riparian Frontage (Okauchee Lake)
Existing	56 ft. +/-	645 ft. +/-	33,564	100 ft.	18 ft.
Required	120 ft. min.	n/a	20,000 (unsewered)	30 ft. min	100 ft. min.

*Excluding the established 33 ft. wide road right-of-way of Lake Drive.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

BA66:018. A prior property owner obtained a variance to construct a 10 ft. x 20 ft. lakeside addition to the existing home with the condition that the addition be no closer to the east lot line than the existing residence (4.1 ft). A subsequent Plat of Survey indicated a portion of the residence is 2.2 – 2.4 ft. to the property line.

BA76:054. A prior property owner was denied a variance to divide the parcel into two lots.

BA99:055. The current property owner obtained a variance to remodel the existing non-conforming structure in excess of 50% of its Fair Market Value, which permitted the petitioner to remodel their residence and construct a second story addition and attached garage. A reconsideration of the variance was heard by the Board of Adjustment when it was found that the entire first floor had been removed and rebuilt during construction, rather than a remodel as originally proposed. The Board found that the construction activities were within the scope of the variance.

PENDING ACTIONS:

None.

PROPOSAL AND STAFF ANALYSIS:

The property is located on Lake Drive on the west side of Okauchee Lake on Stumpy Bay. The properties on this section of the bay are all long and pie-shaped and narrow significantly at the shore. The property shares a driveway with two other single-family residences to the west. The parking area for the subject property appears to also be used by the adjacent neighbor and is how the neighbor enters their side-entry garage. The subject property is served by private on-site septic system and a private well. Improvements on the property include a nonconforming single-family residence with an attached garage, a lakeside deck and a detached garage. The principal residence has had multiple additions over time, including a rebuild of the first floor, a second floor addition and an attached garage addition.

The existing residence is severely nonconforming to the east property line (2.4 ft.), which would prohibit any expansion of the residence outside of its’ 3-dimensional envelope unless a variance is obtained. The petitioners are proposing a 12.2 ft. x 12 ft. covered porch addition over a portion of the existing deck footprint, which is considered a lateral addition to the principal structure. According to previous variance reports, the deck was constructed in 1996 and has a smaller upper area with a larger lower deck, separated by two stairs. The overall size of the deck is approximately 530 sq. ft. The proposed plat of survey (Exhibit A) and building plans (Exhibit B) would appear to indicate that the deck is being elevated to eliminate one step and expand the upper portion of the deck to the size of the proposed covered porch. The petitioner indicated no portion of the deck would need to be rebuilt and only the deck boards would be replaced. If constructed as intended, a small portion (approximately 20 sq. ft.) of the covered porch would extend over the existing deck into the yard. The covered porch would be no closer to the east property line than the existing residence. It should be noted that, if approved, the Ordinance would permit the covered porch area to be enclosed in the future without a variance.

The table below summarizes the existing and proposed improvements.

	1 st Floor (sq. ft.)	2 nd Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths	Deck (sq. ft.)
Existing	1,053	1,000	520	587	3	2.5	530+/-
Proposed	1,199 (+146)	No change	No Change	No Change	No change	No change	No Change

The proposed covered porch addition requires a variance from the Nonconforming to the Offset provisions of the Waukesha County Shoreland Protection Ordinance as summarized in the following table.

PROVISION	SPO	EXISTING	NON-CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
ROAD SETBACK	3 (h) (1) (C)	325 ft.	N	403 ft. (cov'd porch)	50 ft. min.	N
OFFSET (E)	3 (h) (3) (A)	2.4 (res.) 3.5 (deck)	Y	2.4 ft. (cov'd porch)	10 ft. (res.) 5 ft. (deck) (min.)	Y
OFFSET (W)	3 (h) (3) (A)	11.7 ft. (res.) 7.2 ft. (deck)	N	22.1 ft. (cov'd porch)	10 ft. (res.) 5 ft. (deck) (min.)	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	2,160 sq. ft. (6.4%)	N	2,306 sq. ft. (6.8%)	5,873.7 sq. ft. (17.5% max)	N
ACCESSORY FOOTPRINT	3 (j) 4	586.88 sq. ft.	N	No Change	750 sq. ft. max.	N
MINIMUM FLOOR AREA	3 (j) (1)	1,053 sq. ft. (first floor) 2,053 sq. ft. (overall)	N	No Change	850 sq. ft. (first floor) 1,100 sq. ft. (overall)	N
BLDG HEIGHT	3 (i)	24 ft. 7 in.	N	13.95 ft.	35 ft. max.	N
SHORE SETBACK	3 (h) (2)	191 ft. (res.) 171 ft. (deck)	N	179 ft. (cov'd structure)	75 ft. min.	N
IMPERVIOUS SURFACE	3 (t)	8,200 +/- sq. ft. 24.4%	N	8,222 +/- sq. ft. 24.4%	10,069 sq. ft. 30% max.	N

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit C.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **denial** of the request for a variance from the Nonconforming to the Offset provisions of the Waukesha County Shoreland Protection Ordinance to construct a covered porch addition over an existing deck. This recommendation is based upon the analysis of the below tests for a variance, as described below.

AREA VARIANCE TEST CRITERIA ANALYSIS

State law, case law, and County ordinances require that the petitioner demonstrate that their request meet the following tests for a variance. The below Staff analysis assesses the merits of the subject application relative to the tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.**

There is no hardship present that prevents the property owner from using the property for a permitted purpose or render conformity with the Ordinance unnecessarily burdensome. The property contains a 2,000 sq. ft. 2-story residence with an attached garage and a large lakeside deck. The Ordinance requires a minimum 850 sq. ft. of living space on the first floor and an overall 1,100 sq. ft. of living space. The existing residence well exceeds these minimum standards.

The property contains an existing deck that provides reasonable outdoor space for a lakeside property. If the petitioners desire covered outdoor space, the Ordinance provides multiple by-right options. The petitioners could construct a covered pergola, which would provide some shade, over the west portion of their existing deck that is a maximum of 163 sq. ft. and 10 ft. from the side lot line. They could also remove the existing deck and rebuild a conforming deck that is 5 ft. off the east and west property lines with a pergola that is 10 ft. from the side lot lines. Lastly, they could construct a gazebo type accessory structure of similar size to the proposed porch, which would provide both lake views and full shade. Therefore, there is no hardship present that prevents the property owner from using the property for a permitted purpose or render conformity with the Ordinance unnecessarily burdensome.


- 2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.**

The proposed structure is over 170 ft. setback from Okauchee Lake and most of the proposed covered porch is over existing impervious surfaces. The petitioner submitted an exhibit (Exhibit C) showing the neighbors' view corridors. Neither property appears to be affected by the proposal. The neighbor to the west reconstructed their residence in 2007 with a side entry garage that abuts the shared parking area and driveway with the subject property. Therefore, a redevelopment of this lot would likely result in a residence being constructed in the same location as to not block the neighbor's access to their residence and property. A redevelopment would also require the new residence to meet the 10 ft. offset requirement, which would likely obstruct views from the adjacent property. While the granting of the variance to construct a covered porch would not appear to adversely affect the general public,

an unnecessary hardship has not been demonstrated and the granting of a variance requires that the petitioner meet both tests.

Respectfully submitted,

Reviewed and approved by:



Rebekah Leto
Senior Planner
Phone: 262-548-7790

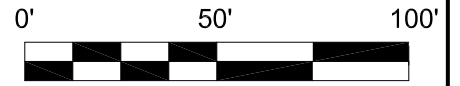


Ben Greenberg
Senior Planner

Exhibits: Exhibit A: Plat of Survey
 Exhibit B: Building Plan
 Exhibit C: Petitioner Comments

Plat of Survey

RECEIVED 01/09/2024
DEPT PARKS & LAND USE



Property Description: Document No. 2014646
Lot 24 of Shorewood, A Subdivision of Lots 17, 18, 19 and
part Lot 16 in Okauchee Plat No. 1, of Lots 1 and 2, Section
25, Township 8 North, Range 17 East, in the Town of
Oconomowoc, Waukesha County, Wisconsin.

EXHIBIT A

PREPARED FOR:
Tim Kneprath
N59W34920 Lake Dr.
Oconomowoc, WI 53066

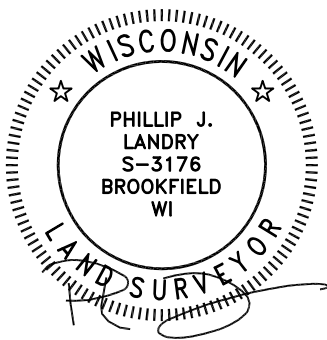
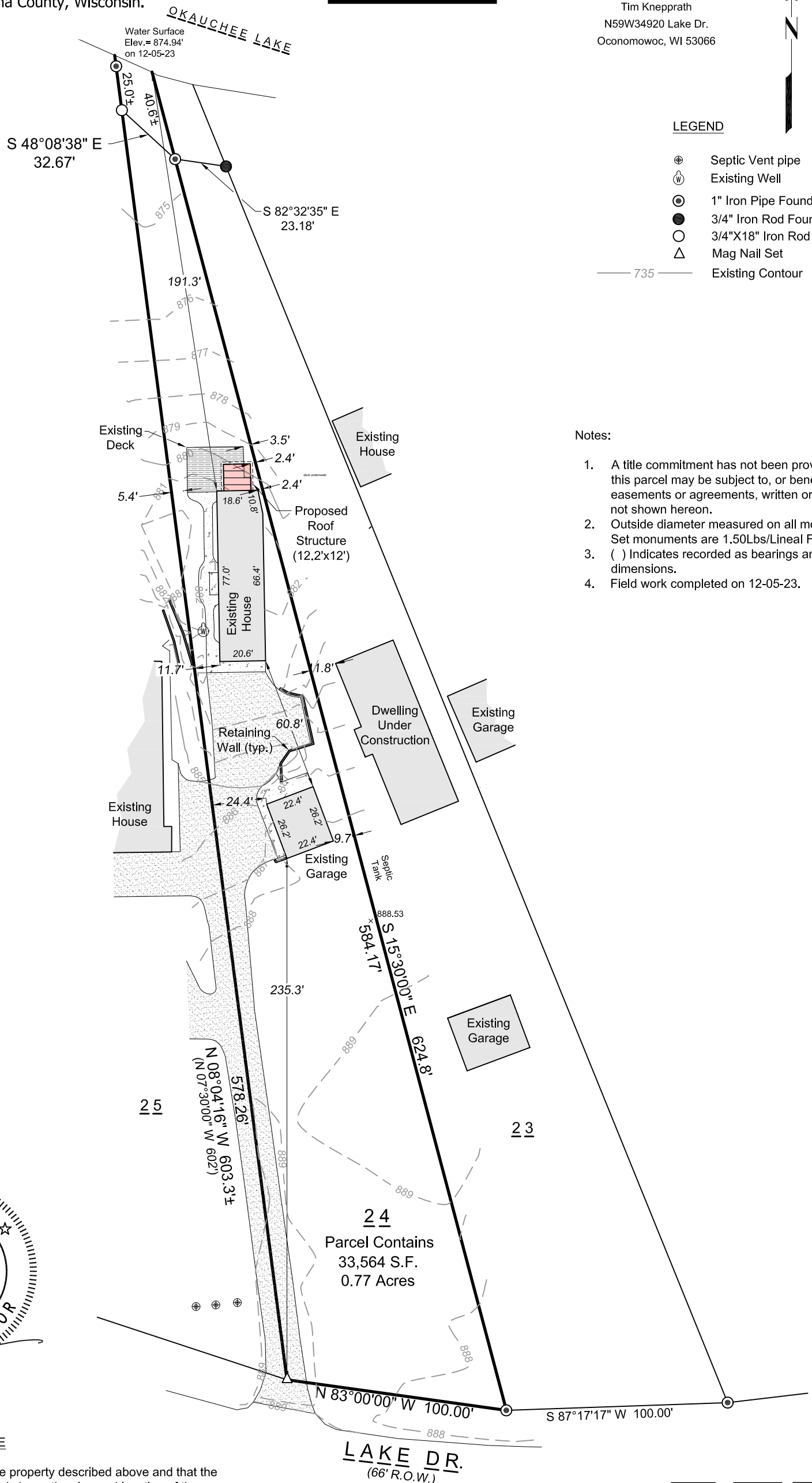
BEARINGS ARE REFERENCED TO
SHOREWOOD SOUTH LINE
LOT 24 BEARS N 83°00'00" W

LEGEND

- ⊕ Septic Vent pipe
- ⊙ Existing Well
- ⊙ 1" Iron Pipe Found
- 3/4" Iron Rod Found
- 3/4"X18" Iron Rod Set
- △ Mag Nail Set
- 735 — Existing Contour

Notes:

1. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
2. Outside diameter measured on all monuments. Set monuments are 1.50lbs/Lineal Foot.
3. () Indicates recorded as bearings and dimensions.
4. Field work completed on 12-05-23.



SURVEYOR'S CERTIFICATE

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 5th Day of January, 2024; Phillip J. Landry S-3176

Revised 01-08-24 to adjust proposed roof structure

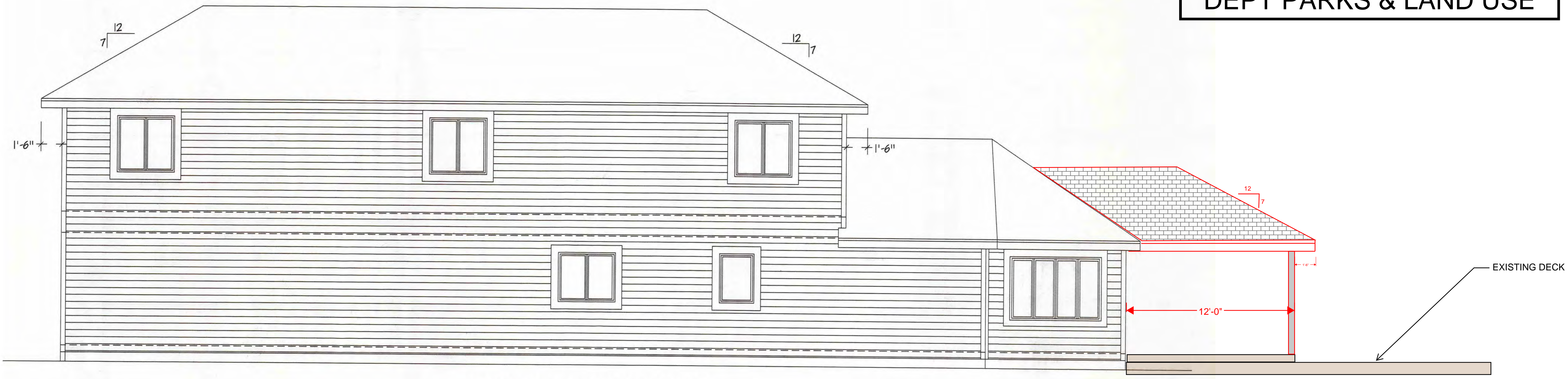


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www.c3egeomatics.com

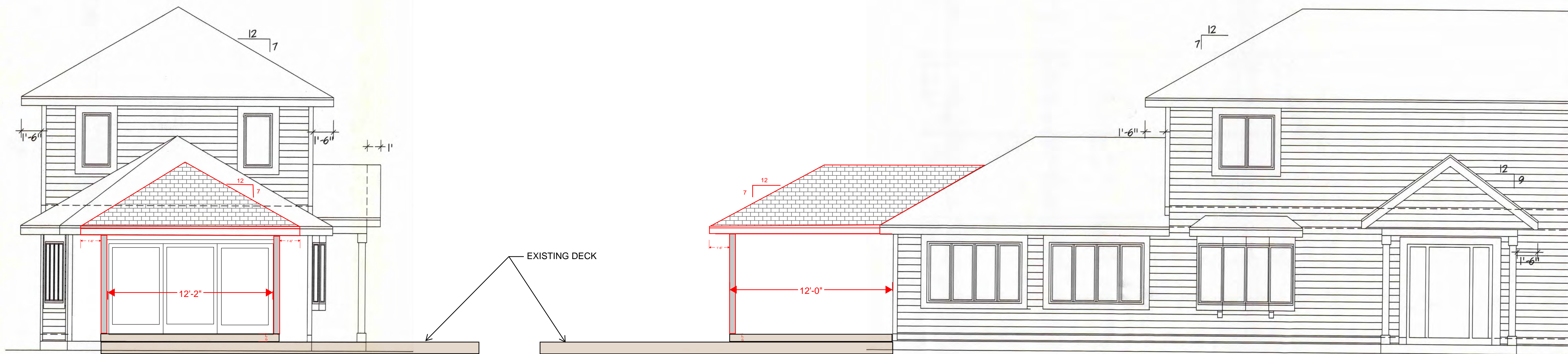
Job# 23380

EXHIBIT B

RECEIVED 01/09/2024
DEPT PARKS & LAND USE



LEFT SIDE ELEVATION



FRONT ELEVATION (LAKE SIDE)

RIGHT SIDE ELEVATION

ELEVATIONS

ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
IN PREPARING THESE PLANS AND CHECKING FOR ACCURACY, THE ARCHITECT AND SUBCONTRACTORS MUST CHECK ALL PERMITS AND DIMENSIONS OF THE TRACT AND BE RESPONSIBLE FOR THE SAME.

SCALE: 1/4" = 1'-0"
1/8/2024

KNEPRATH RESIDENCE
N59 W34920 LAKE DR. OCONOMOWOC, WI 53066

EXHIBIT C

RECEIVED 01/09/2024
DEPT PARKS & LAND USE

1/8/2024

Knepprath Deck Cover

N59W34920 Lake Dr.

Oconomowoc, WI 53066

Exhibit A - Knepprath Variance Request

Hardship

One of the best parts of living on the lake is the lake views. There is something very relaxing about the water. To fully enjoy our property for its intended use, we propose to construct a cover over a portion of our existing deck. This roof cover will allow us to enjoy the lake view on the hottest summer days and on cool rainy Wisconsin days as well.

To construct an aesthetically pleasing roof structure that matches the current architecture of our home will require a dimensional variance from the current building setbacks.

The need for this variance was created by our properties unique boundary that narrow as it approaches the lake.

The narrow property caused the existing home to be constructed closer to the property line than current building setbacks allow.

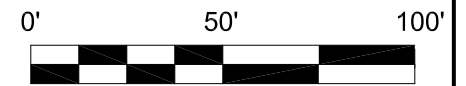
Detriment avoidance to neighboring properties

Avoiding the enjoyment of the lake by our neighbors was one of our top priorities. The proposed roof structure will not be closer to the property line than the existing home. It will not block the lake view of our neighbors to the east and to the west side of our home. See Exhibit B for our Neighbor's Vision Toward the Lake.

We also designed the roof structure to remain further from the lake than our neighbors one lot to the east.

Plat of Survey

EXHIBIT B NEIGHBORS VISION TOWARD THE LAKE



Property Description: Document No. 2014646
 Lot 24 of Shorewood, A Subdivision of Lots 17, 18, 19 and
 part Lot 16 in Okauchee Plat No. 1, of Lots 1 and 2, Section
 25, Township 8 North, Range 17 East, in the Town of
 Oconomowoc, Waukesha County, Wisconsin.

PREPARED FOR:
 Tim Knepprath
 N59W34920 Lake Dr.
 Oconomowoc, WI 53066

BEARINGS ARE REFERENCED TO
 SHOREWOOD SOUTH LINE
 LOT 24 BEARS N 83°00'00" W

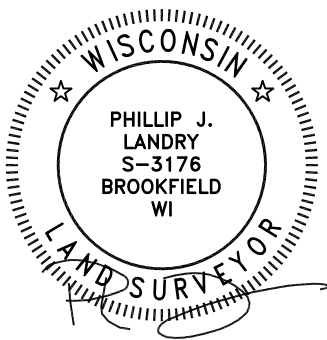
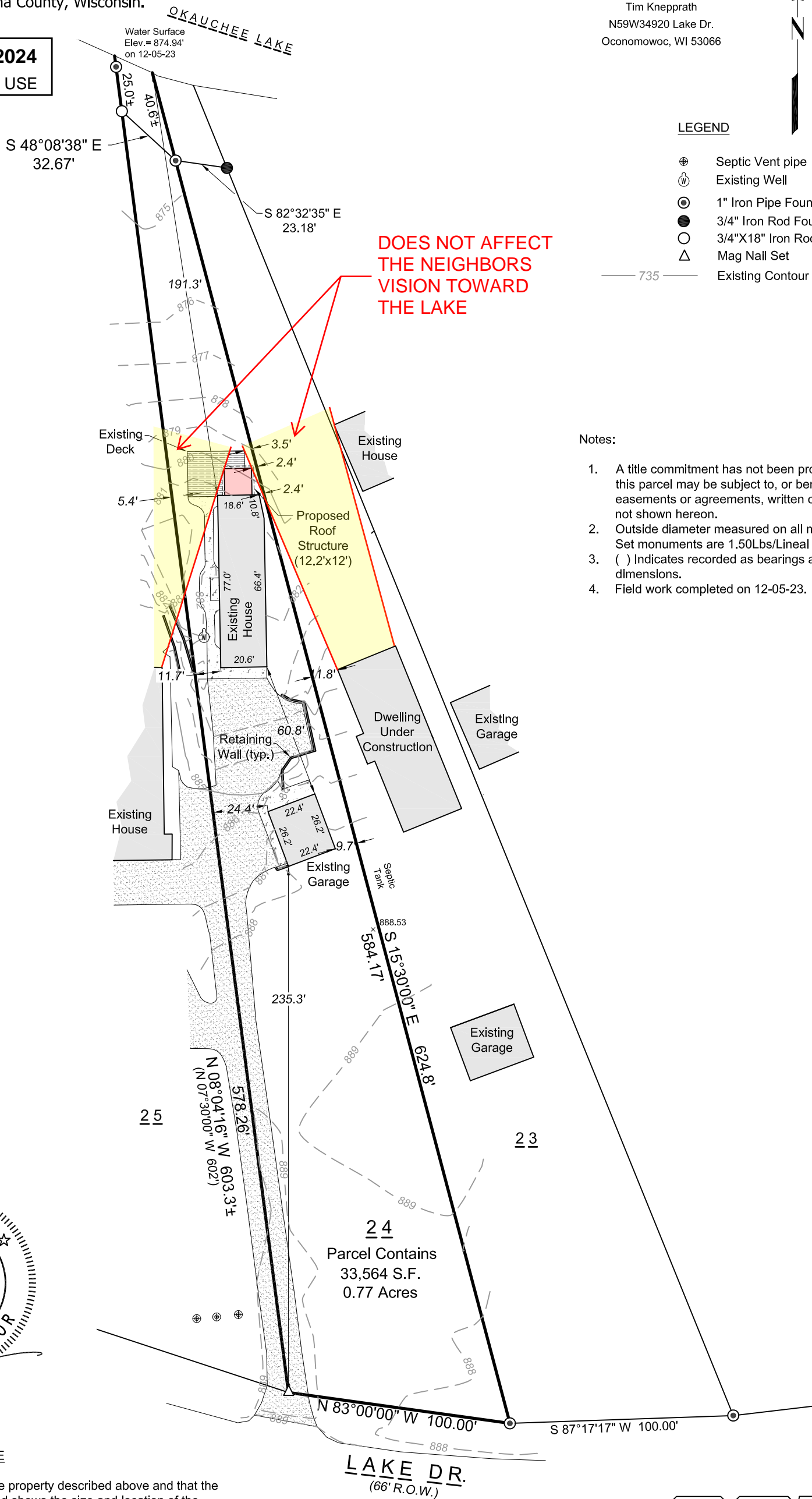
RECEIVED 01/09/2024
 DEPT PARKS & LAND USE

LEGEND

- ⊕ Septic Vent pipe
- ⊗ Existing Well
- ⊙ 1" Iron Pipe Found
- 3/4" Iron Rod Found
- 3/4"X18" Iron Rod Set
- △ Mag Nail Set
- 735 —— Existing Contour

Notes:

1. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
2. Outside diameter measured on all monuments. Set monuments are 1.50lbs/Lineal Foot.
3. () Indicates recorded as bearings and dimensions.
4. Field work completed on 12-05-23.



SURVEYOR'S CERTIFICATE

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 5th Day of January, 2024: Phillip J. Landry S-3176

Revised 01-08-24 to adjust proposed roof structure



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Job# 23380

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
 APPEAL FOR VARIANCE
 STAFF REPORT**

DATE: March 13, 2024

FILE NO.: BA172

OWNER: Ryan Lewis
 W370 S1519 Utica Road
 Dousman, WI 53118

TAX KEY NO.: OTWT 1597.998

LOCATION:
 The subject property is described as Certified Survey Map No. 519, part of the NE ¼ of Section 4, T6N, R17E, Town of Ottawa. More specifically, the property is located at W370 S1519 Utica Road with frontage on Utica Lake.

REQUEST:
 Variance from **Section 3(h)(3)(A) Offset, Section 3(h)2 Wetland Setback and Section 9(e)3 Environmental Corridor Disturbance** provisions of the Waukesha County Shoreland Protection Ordinance to permit the construction of an accessory structure for personal storage.

ZONING CLASSIFICATION: C-1 Conservancy Overlay, EC Environmental Corridor Overlay, R-3 Residential and HG High Groundwater Districts.

LOT CONFIGURATION: The existing and required average lot width, average lot depth and lot size, riparian frontage and road frontage are shown in the following table.

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (Utica Road)	Riparian Frontage (Utica Lake)
Existing	268 ft. +/-	673 ft. +/-	128,502 sq. ft. (2.95 acres)	148 ft.	292 +/-ft.
Required	120 ft. min. (R-3)	n/a	2 acres (PEC)	30 ft. min	100 ft. min.

*Excluding the established 33 ft. wide road right-of-way of Utica Drive.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:
 None.

PENDING ACTIONS:

VL412. In September of 2022, County staff conducted a site visit to determine if the subject property was in violation of county ordinances for interior remodeling and vegetation removal activities, without the benefit of permits. It was determined no permits were required for the work that had been conducted. However, staff found an unpermitted accessory building on the property that appeared to be nonconforming to the wetland setback. In addition, it was noted that a large portion of the wetland had been filled south of the unpermitted accessory building. A subsequent wetland delineation was completed by SEWRPC in 2023 to determine the wetland boundary prior to any fill activities. Planning and Zoning Division staff have approved a wetland restoration plan which is planned to start in June of 2024. County staff is in the process of establishing deadlines to remove the unpermitted accessory building which is expected to occur in conjunction with the fill removal. It should be noted that the existing accessory building is not part of this request.

PROPOSAL AND STAFF ANALYSIS:

The subject property is approximately 2.95 acres with frontage on the east shore of Utica Lake in the Town of Ottawa. The property contains a single family, tri-level residence, attached garage and a deck and is served by a private on-site sewerage system and a private well. Almost the entire property is identified as Primary Environmental Corridor (PEC) and there are significant areas of wetland on the south and west portions of the property, along the lake. The Southeastern Regional Planning Commission (SEWRPC) has identified the wetland complex as a high quality wetland with a Critical Species Habitat in their Regional Plans. Willow Springs, a subdivision with half acre lots to the south, includes a 60 ft. wide public access to Utica Lake that directly abuts the subject property. To the north, lots are of similar size as the subject property and also contain wetlands and other environmentally sensitive areas.

SEWRPC conducted a delineation of the PEC and wetland on the property in April of 2023. SEWRPC also identified a PEC disturbance area that contains the principal residence with a lakeside deck, a looped driveway, the existing garage that is to be removed and yard area near the lake. These disturbed PEC areas are identified on the Plat of Survey (Exhibit A) as “non-resource PEC.”

The petitioner has indicated his desire for additional storage space and noted to staff that the 20 ft. x 20 ft. attached garage contains mechanical equipment and a staircase to the second floor. For reference, a standard parking stall is 9 ft. wide x 18-20 ft. deep. The petitioner is proposing a new accessory building on the north side of the property. The proposed accessory building is 30 ft. deep x 80 ft. wide x 18 ft. tall (2,400 sq. ft.) with 2 ft. overhangs. The proposed accessory building would be 10 ft. from the north property line and would sit over the north portion of the existing looped gravel driveway as shown on Exhibit A. The petitioner indicated to staff during the site visit that the remaining part of the north section of the driveway will be removed and restored. Because the property is zoned Primary Environmental Corridor Overlay District, the required offset to the side property lines is 35 ft. and not 20 ft. as required in the underlying base zoning district of R-3 Residential. Portions of the building and associated site grading are proposed within the PEC. The Primary Environmental Corridor Overlay District establishes preservation of green space standards. Pursuant to Section 9(e)3 of the Ordinance, properties with PEC zoning are limited to a disturbance area not to exceed 15% of the lot size outside of the required setbacks and offsets. This equates to 19,275 sq. ft. of allowable PEC disturbance. The area of disturbance identified by SEWRPC and shown on the Plat of Survey (Exhibit A) is approximately 24,500 sq. ft., which exceeds the permitted disturbance threshold. The proposed building location would require an additional 1,213 sq. ft. of PEC disturbance.

The table below summarizes the existing and proposed improvements. A site plan showing existing and proposed improvements is attached as Exhibit A. Building plans showing the proposed improvements are attached as Exhibit B.

	1 st Floor (sq. ft.)	2 nd Floor (sq. ft.)	Att. Garage (sq. ft.)	Basement (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	1,044	400	400	1,044 sq. ft.	723.5 (to be removed)	4	3
Proposed	No change	No change	No Change	No Change	2,400	No change	No change

The proposed accessory building requires variances from the Wetland Setback and Offset provisions and the Environmental Corridor disturbance requirements of the Waukesha County Shoreland Protection Ordinance as summarized in the following table.

PROVISION	SPO	EXISTING	NON- CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
ROAD SETBACK	3 (h) (1) (C)	na	na	83 ft. 7 in.	50 ft. min.	N
OFFSET (N)	3 (h) (3) (A)	na	na	10 ft.	35 ft. min.	Y (area variance)
OFFSET (S)	3 (h) (3) (A)	na	na	209 ft. 9 in.	35 ft. min.	N
OFFSET - BUILDING SEPARATION	3 (h) (3) (A)	na	N	42 ft.	10 ft. min.	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,444 sq. ft. (1.1%)	N	3,844 sq. ft. (2.99%)	22,488 sq. ft. (17.5% max.)	N
ACCESSORY FOOTPRINT	3 (j) 4	723.5 sq. ft. (to be removed)	N	2,400 sq. ft.	2,570 sq. ft. (2% max.)	N
BLDG HEIGHT	3 (i)	na	N	18 ft.	18 ft. max.	N
SHORE SETBACK	3 (h) (2)	na	N	250 ft.	75 ft. min.	N
WETLAND SETBACK	3 (h) (2)	na	N	47 ft.	75 ft. min.	Y
IMPERVIOUS SURFACE	3 (t)	10,124 sq. ft. +/-	N	11,764 sq. ft. +/-	38,550 sq. ft. (30%) max.	N
ENVIRONMENTAL CORRIDOR DISTURBANCE	9(e)3	24,500 sq. ft. +/-	N	25,713 sq. ft. +/- (+1,213 sq. ft.)	19,275 sq. ft. (15% max)	Y (use variance)

PETITIONERS’ COMMENTS:

The petitioners’ comments are attached as Exhibit C.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **denial** of the request for a use variance from the EC Environmental Corridor Overlay District green space preservation requirements and **conditional approval** of the request for a variance from the offset and wetland setback requirements of the Waukesha County Shoreland Protection Ordinance to permit the construction of an accessory building. This recommendation is based upon the analysis of the below tests for a variance, as described below. We recommend that this approval be subject to the following conditions:

CONDITIONS:

1. The accessory building is limited to a maximum of 600 sq. ft. with overhangs no greater than 2 ft. maximum width.
2. The accessory building and any associated site grading shall be located outside of the Primary Environmental Corridor. No trees shall be removed.
3. As proposed, the existing upper-level driveway shall be removed and restored with topsoil and grass prior to the occupancy of the accessory building or by October 1, 2024, whichever is sooner. The gravel removal shall be substantially compliant with the area shown on Exhibit D.
4. In order to further mitigate impacts to the high-quality wetland, prior to a Zoning Permit being issued, a Declaration of Restrictions shall be recorded that states no additional impervious surfaces are permitted on the property unless the impervious surfaces can be treated by a Stormwater Best Management Practice approved via a Stormwater Permit from the Waukesha County Land Resources Division.
5. Prior to the issuance of a Zoning Permit, a complete set of plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
6. Prior to the issuance of a Zoning Permit, a revised Plat of Survey showing the staked-out location of the accessory building and the final impervious surfaces to remain on the property shall be prepared by a professional land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
7. A revised Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Waukesha County Department of Parks and Land Use - Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. The Grading and Drainage Plan may be combined with the Plat of Survey required in Condition No. 6.
8. If land disturbance exceeds 3,000 sq. ft. to construct the accessory building and remove and restore the driveway, a Stormwater Permit for Erosion Control from the Land Resources Division is required prior to the issuance of a Zoning Permit.

9. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a Sanitary Permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.

AREA VARIANCE TEST CRITERIA ANALYSIS

State law, case law, and County ordinances require that the petitioner demonstrate that their request meet the following tests for a variance. The below Staff analysis assesses the merits of the subject application relative to the tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.**

Though wetlands conditions are not uncommon on many lots in the area, the subject lot is unique with respect to the size and extent of onsite wetlands, which encompass approximately two acres of the three-acre property. When the seventy-five (75) foot wetland setback is applied, only 10,000+/- sq. ft. of the three-acre lot is located outside of a wetland or wetland setback area and a significant portion of that lands is within the required thirty-five (35) foot side yard offset and/or is within the PEC. In addition, the Ordinance would not provide an opportunity for the property owner to add a garage addition to the principal residence, as the existing residence is nonconforming to the wetland setback requirements. If the property were to be redeveloped, an oddly shaped building envelope of approximately 975 sq. ft. would be available to construct a residence that conforms to all Ordinance requirements (see green building envelope on Exhibit D). While a conforming building envelope exists for an accessory structure (see orange building envelope on Exhibit D), it is oddly shaped, sits on top of the existing well and could practically fit no more than a 200 sq. ft. shed located directly in front of the existing residence. Strict conformance with the Ordinance requirements would not allow this property to be reasonably redeveloped without variances or administrative relief as the wetland setback and more restrictive PEC Overlay District offset often overlap within the disturbance envelope. Therefore, a hardship is present from the wetland setback and offset provisions.

This proposal is seeking relief to allow a 2,400 (2%) accessory building footprint, the largest accessory building footprint available on a three (3) acre lot in any residential zoning district. However, variances are not intended to provide highest/best use, but rather the minimum amount of relief necessary to address the demonstrated hardship. In addition, the petitioner has not demonstrated that a 2,400 sq. ft. accessory building is necessary to use the property for a permitted purpose. As conditioned, the petitioner would be able to construct a 600 sq. ft. accessory building, which is a typical 2.5 car garage, that will allow for storage of personal materials in an enclosed structure and, in conjunction with the existing attached garage, provide a reasonable amount of storage to store vehicles and equipment needed to maintain the property.

- 2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.**

The property contains a high quality wetland with a known Critical Species Habitat. The petitioner stated that the upper-level gravel driveway would be removed and restored. This is a reduction of approximately 1,500 sq. ft. of impervious surface where the runoff goes directly into the wetland (see Exhibit D). As conditioned, a deed restriction restricting additional impervious surfaces from being added to the property without being treated for stormwater management offsets any potential impacts to the wetland. Finally, the accessory building will not be located within the Primary Environmental Corridor and should not impact adjacent neighbors.

The Ordinance provides 600 sq. ft. as the minimum square footage available for an accessory building on properties where a “percent of lot” scheme would not allow for an accessory building larger than a garden shed. Therefore, a 600 sq. ft. accessory building is consistent with accessory building allowances throughout the county’s jurisdiction and will provide the owner with reasonable use of the property.

USE VARIANCE TEST CRITERIA ANALYSIS

State law, case law, and County ordinances require that the petitioner demonstrate that their request meet the following tests for a variance. The below Staff analysis assesses the merits of the subject application relative to the tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. Unnecessary hardship is proven by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a Variance. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.**

It has not been demonstrated that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property. The PEC green space preservation requirements are based on the size of the lot, meaning that lots of a similar size are subject to the same preservation standards as the subject property. It should also be noted that the property has an existing disturbance envelope that currently exceeds the allowable 15% disturbance by over 5,000 square feet. The disturbance area includes the residence, driveway, septic system and yard. The relief granted from the wetland setback and offset, in addition to a smaller building as conditioned, provides a building site outside of the PEC. Therefore, no hardship is present.

- 2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.**

The accessory building proposed by the applicant would have required the removal of additional trees (Jack Pines) located within the Primary Environmental Corridor. Regional and county land use plans recommend the preservation of Primary Environmental Corridors to preserve wildlife habitat and scenic beauty. Further encroachment into the Primary Environmental Corridor would negatively impact existing vegetation. As discussed above, the property has exceeded its maximum disturbance envelope within the Primary Environmental Corridor. As conditioned, a smaller accessory building can reasonably be located without impacting additional trees and/or vegetation on the property.

Respectfully submitted,

Reviewed and approved by:



Rebekah Leto
Senior Planner
Phone: 262-548-7790



Ben Greenberg
Senior Planner

Exhibits: Exhibit A – Plat of Survey
Exhibit B – Building Plans
Exhibit C – Petitioner Comments
Exhibit D – Conforming Building Envelopes

PLAT OF SURVEY

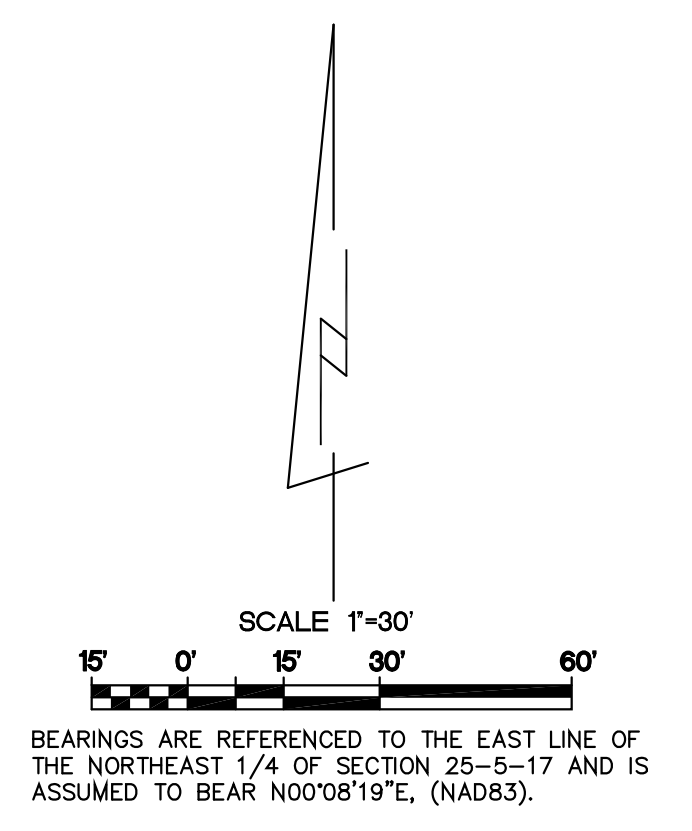
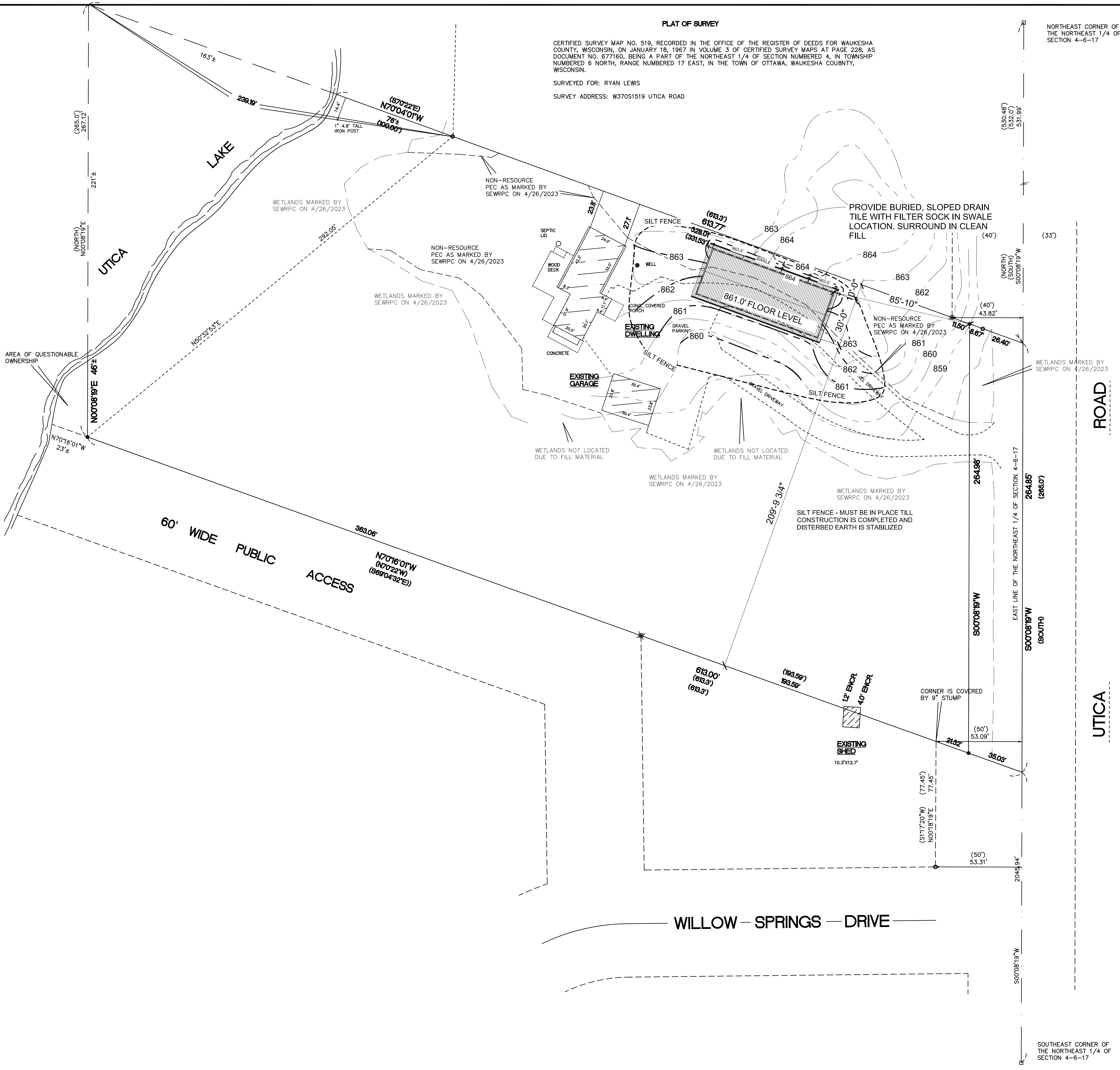
CERTIFIED SURVEY MAP NO. 519, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY, WISCONSIN, ON JANUARY 18, 1967 IN VOLUME 3 OF CERTIFIED SURVEY MAPS AT PAGE 228, AS DOCUMENT NO. 677160, BEING A PART OF THE NORTHEAST 1/4 OF SECTION NUMBERED 4, IN TOWNSHIP NUMBERED 6 NORTH, RANGE NUMBERED 17 EAST, IN THE TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN.

SURVEYED FOR: RYAN LEWIS
SURVEY ADDRESS: W370S1519 UTICA ROAD

NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 4-6-17

EXHIBIT A

Date Received 01/16/2024
By Waukesha County
Planning and Zoning



- FOUND 2 1/4" O.D. IRON PIPE
- ✱ FOUND 2" O.D. IRON PIPE
- FOUND 1 1/4" O.D. IRON PIPE
- SET 1 1/4" O.D. IRON PIPE
- - - NON-RESOURCE PEC LOCATED BY SEWRPC ON 4/26/2023
- WETLANDS LOCATED BY SEWRPC ON 4/26/2023
- () RECORDED AS DIMENSIONS

3.15± ACRES TO CENTERLINE
2.96± ACRES EXCL. 33' UTICA ROAD R/W
AREAS ARE TO THE LAKE LINE

"I hereby certify that I have surveyed the above property and that the above map is a true representation thereof and shows the size and location of the property exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments if any."
"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof."

Kettle Moraine Surveying Inc.
P.O. BOX 357
Eagle WI. 53119
(262)594-3484

THIS IS NOT AN ORIGINAL SURVEY UNLESS THE SEAL IS RED.

REV. 1/10/2023	TEP	TEP	23026
DATE	FIELD WORK BY	DRAWN BY	JOB NUMBER

Complete this Section for **AREA VARIANCE** requests only.

An **Area Variance** is a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure. The request must be justified by the applicant using **ALL** of the following criteria in accordance with *Section 59.694, Wis. Stats.*, and the Waukesha County Shoreland & Floodland Protection Ordinance/Zoning Code. The applicant is responsible for justifying each variance type requested (i.e. offset and shore setback). **Attach additional sheets if necessary.**

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.

This property is zoned R-3 with C-1 Conservancy Overlay. An accessory structure for storage is otherwise allowed in this zone. The parcel is unique given its relatively narrow developable area as it runs north to south. A significant percentage of the square footage of this lot is delineated wetlands, which poses a unique challenge and condition to siting structures otherwise allowed. These wetlands and Primary Environmental Corridor, only recently fully delineated, add unique conditions which greatly limit the available area for construction of an accessory structure, and limit the available developable area on the parcel overall. The parcel also serves as a drainage point for the existing subdivision to the east across Utica Road. The drainage pattern from that subdivision, both man-made and naturally occurring, has greatly exacerbated the size of the visible wetlands during the course of the applicant's ownership. If the wetland setback was to be enforced as-is, the applicant would be unable to construct an accessory structure in any reasonable location on the property, or would otherwise have to construct this use in an undesirable/absurd location as other road/structure/property line setbacks and offsets apply. Enforcement of the 20 ft side property line offset would also necessarily push the structure back toward the wetlands when the applicant has been working with the County to remediate wetland impact imposed by current structures. Enforcement of the setback requirements as-is unnecessarily burdens the applicant by effectively preventing an otherwise allowable accessory storage use on a residential lot. The burden is unnecessary given the minimal impact this passive storage structure would have on either the wetlands or the surrounding property.

- 2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area.** Lack of local opposition does not mean a variance will not harm the public interest.

The purpose of the ordinance is to protect and limit impact on wetlands and surrounding property owners. The proposed structure's location, use, and design is intended to offer minimal impact. The structure does not encroach on the delineated wetlands. The proposed location maximizes the distance from delineated wetlands as much as possible, which necessarily decreases the offset to the side property line. However, the applicant believes this approach is superior and will still not adversely affect the neighboring property owner. The structure is not habitable and generates a passive storage type use. The neighboring property to the north is heavily wooded, and screened by pine trees along the north elevation of the proposed structure. The types of materials stored in the structure will not have any impact on the delineated wetlands, in terms of runoff or other direct contamination. Storing personal property indoors, away from the view of surrounding property owners adds an aesthetic benefit.

Complete this Section for **USE VARIANCE** requests only.

An **Use Variance** is the authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. The request must be justified by the applicant using **ALL** of the following criteria in accordance with *Section 59.694, Wis. Stats.*, and the Waukesha County Shoreland & Floodland Protection Ordinance/Zoning Code. **Attach additional sheets if necessary.**

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a Variance. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

County staff advises that a request for variance regarding environmental corridor disturbance in excess of the code allowance is treated as a use variance, not an area variance. Applicant's proposal would disturb an area of environmental corridor in excess of 15 percent of total lot size. This situation is unique, in that the proposed use "accessory storage" is otherwise allowed; the "use" being prohibited is really disturbance of the EC area. The standard for showing unnecessary hardship for a use variance is admittedly greater, in that the applicant must show that compliance with the zoning code would leave the applicant with no reasonable use of the property absent a variance. In the context of this property, that is clearly the case. As shown above, this property is uniquely burdened, in that its large overall size allows for the construction an accessory storage structure with the proposed square footage, but the property is also burdened by extensive wetlands comprising the vast majority of the parcel's square footage. Its proximity to the lake also implicates shoreland setbacks for proposed development in that direction. The total buildable space is then squeezed into a disproportionately small area, which, to add further burden, also includes mapped Environmental Corridor. Reducing the size of the proposed structure artificially constrains the applicant, and negates his ability to replace storage lost elsewhere on the parcel due to required wetland restoration. Moving the proposed structure farther away from the EC area only further encroaches on the wetland setbacks. Thus, the applicant is caught in a "catch-22." None of this is the applicant's doing. The applicant owns a large parcel that contains substantial natural resources, which naturally incurs burdensome zoning regulations otherwise limiting the applicant's ability to use their land for a permitted purpose. Without relief allowing some additional EC disturbance, the applicant has no reasonable ability to conduct a sufficient accessory storage use in support of a parcel of this size. There are no alternatives available which allow the applicant to utilize the square footage footprint available to him under the Code, while at the same time comply with all implicated Shoreland Zoning requirements. * Revised 2/13/2024

2. **The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area.** Lack of local opposition does not mean a variance will not harm the public interest.

The purpose of the EC disturbance limitation is for preservation of green space and protected vegetation. The only vegetation proposed to be removed as part of this proposal are thirteen (13) jack pines and buckthorn groundcover. This removal, relative to the remaining resources on the lot at large, and the restoration of other areas of the property which are being undertaken by applicant, should have minimal impact on the parcel's overall green space and resources. Of course, the applicant is open to discussing further mitigation strategies the Board or staff may suggest. From a use perspective, this is, again, a passive type, residential storage use. The types of stored materials will not have impact on the delineated wetlands. Finally, this location's intent is to maximize the distance from the wetlands on the property. The applicant has carefully weighed the impacts on environmental corridor versus the impact on wetlands, and has determined that a minimal disturbance of EC area is superior to further encroachment toward the wetlands for this project. *Revised 2/13/2024

Complete this Section for **SPECIAL EXCEPTION** requests only.

A **Special Exception** is a minor adjustment to the requirements of the Ordinance, where specifically authorized, and is justified by special conditions of the property. A request must be justified by the applicant using the following criteria. **Attach additional sheets if necessary.**

1. **The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area.** Lack of local opposition does not mean a special exception will not harm the public interest. When reviewing a special exception request from the minimum floor area provisions, the proposed building shall not be of such character or quality as to depreciate the property values of the surrounding area.

ITEMS THAT MUST ACCOMPANY ALL VARIANCES AND SPECIAL EXCEPTIONS:

1. One electronic copy of an **accurate** site plan/map (a plat of survey is preferred) **drawn to scale** showing the following:
 - A. The boundaries and dimensions of the subject property.
 - B. The location and dimensions of **all** existing **and** proposed structures **and** buildings on the property.
 - C. The location and dimensions of **all** buildings **and** structures on adjacent properties.
 - D. The location and centerline of **all** abutting streets.
 - E. The 100-year floodplain, wetland boundary, **and** the ordinary high water mark of any water body which the lot abuts.

NOTE: Maps, plans and surveys shall **not** be reduced, enlarged, or faxed as these functions alter the scale. The scale of the map shall **not** be altered.
 2. A zoning permit, impervious surface worksheet, nonconforming use and structure value worksheet, building plans, grading plan and/or Environmental Health approval may also be required.
 3. The required filing fee, payable to the Waukesha County Department of Parks and Land Use. Once the public notice has been sent, this fee is nonrefundable.
- Application must be **complete** upon submittal. Once the public notice has been sent, **no changes to the request may be made**. If any changes or deviations from the original application are desired after the public notice has been sent, a new application will be required.
 - Variances from multiple ordinance provisions may be requested as part of a single application, but only one proposal may be made per application. Each alternative proposal will be considered a separate request and require a separate application packet and fee.

PLAT OF SURVEY

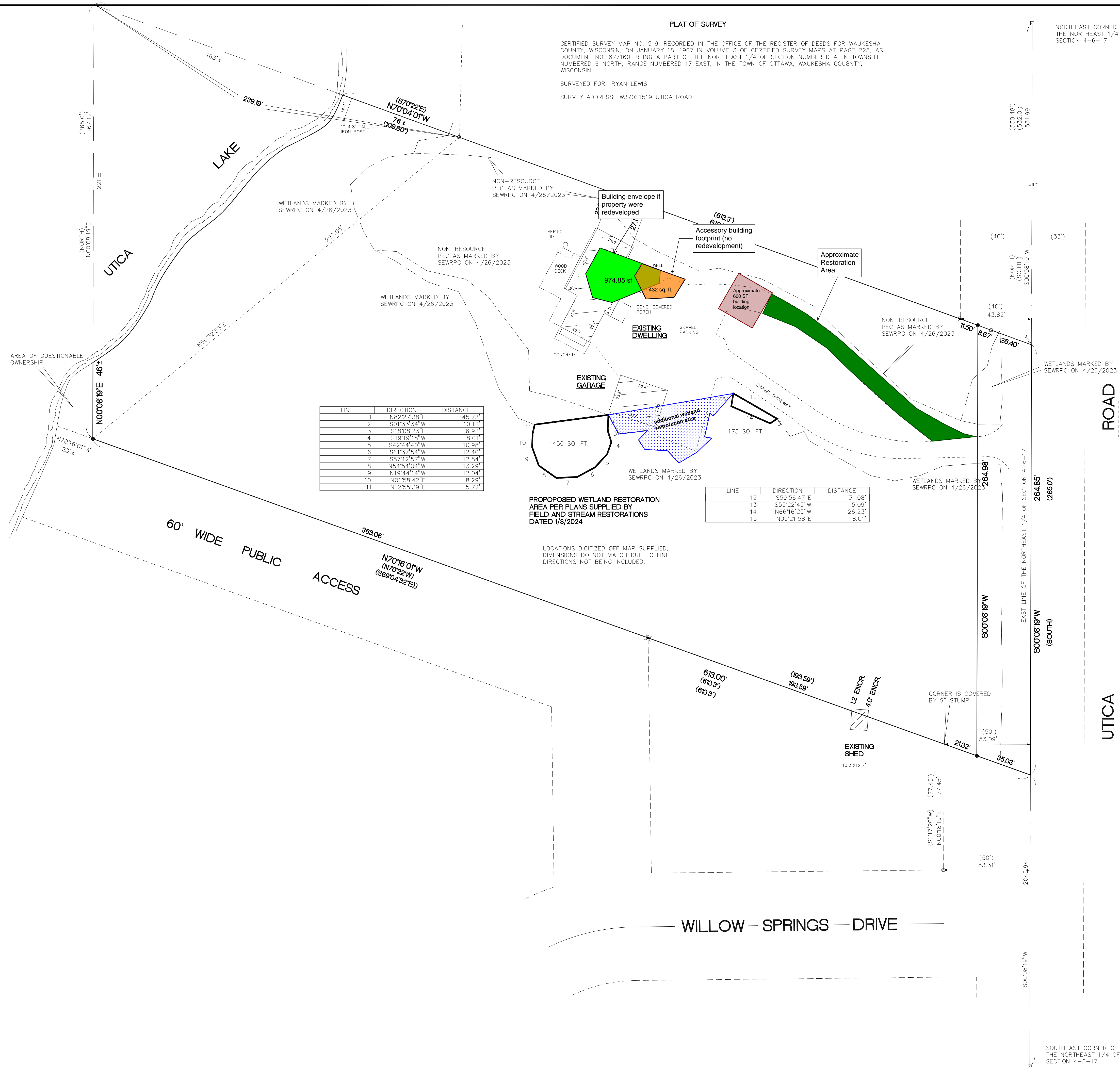
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SURVEYED FOR: RYAN LEWIS
 SURVEY ADDRESS: W370S1519 UTICA ROAD

NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 4-6-17

EXHIBIT D

Date Received 01/18/2024
 By Waukesha County
 Planning and Zoning

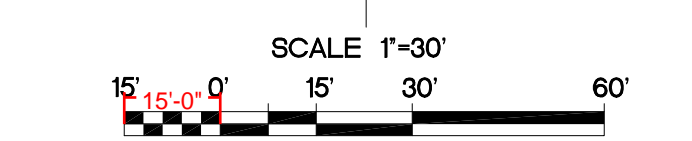


LINE	DIRECTION	DISTANCE
1	N82°27'38"E	45.73
2	S01°33'34"W	10.12
3	S18°08'23"E	6.92
4	S19°19'18"W	8.01
5	S42°44'40"W	10.98
6	S61°37'54"W	12.40
7	S87°12'57"W	12.84
8	N54°54'04"W	13.29
9	N19°44'14"W	12.04
10	N01°58'42"E	8.29
11	N12°55'39"E	5.72

LINE	DIRECTION	DISTANCE
12	S59°56'47"E	31.08
13	S55°22'45"W	5.09
14	N66°16'25"W	26.23
15	N09°21'58"E	8.01

PROPOSED WETLAND RESTORATION AREA PER PLANS SUPPLIED BY FIELD AND STREAM RESTORATIONS DATED 1/8/2024

LOCATIONS DIGITIZED OFF MAP SUPPLIED. DIMENSIONS DO NOT MATCH DUE TO LINE DIRECTIONS NOT BEING INCLUDED.



BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 25-5-17 AND IS ASSUMED TO BEAR N00°08'19"E, (NAD83).

- FOUND 2 1/4" O.D. IRON PIPE
- FOUND 2" O.D. IRON PIPE
- FOUND 1 1/4" O.D. IRON PIPE
- SET 1 1/4" O.D. IRON PIPE
- NON-RESOURCE PEC LOCATED BY SEWRPC ON 4/26/2023
- WETLANDS LOCATED BY SEWRPC ON 4/26/2023
- () RECORDED AS DIMENSIONS

3.15± ACRES TO CENTERLINE
 2.95± ACRES EXCL. 33' UTICA ROAD R/W
 AREAS ARE TO THE LAKE LINE

I hereby certify that I have surveyed the above property and that the above map is a true representation thereof and shows the size and location of the property exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments if any.

This survey is made for the use of the present owners of the property, and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof.

REV. 1/18/2023
 REV. 1/20/2023
 DATE

TERRANCE E. EAGLE
 S-1930
 WISCONSIN
 LAND SURVEYOR

Kettle Moraine Surveying Inc.
 P.O. BOX 357
 Eagle WI, 53119
 (262)594-3484

THIS IS NOT AN ORIGINAL SURVEY UNLESS THE SEAL IS RED.

REV. 1/18/2023
 REV. 1/20/2023
 DATE

FIELD WORK BY: TEP
 DRAWN BY: TEP
 23026
 JOB NUMBER