

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI**

MEETING: BOARD OF ZONING APPEALS

DATE AND TIME: WEDNESDAY, NOVEMBER 9, 2022 5:30 p.m.

**LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road**

NOTICE: Pursuant to the recommendations of the Centers for Disease Control and Prevention concerning the prevention of COVID-19 infections, any member of the body and/or citizen may also attend the meeting virtually through the WebEx platform, Meeting #:2552 249 3514 Password: fTdpMrKb836 which can be accessed by phone at 408-418-9388 or by logging on at <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=mf0473b3e9bd2e37bc11a7e77566e0072> Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL:**
- III. **APPROVAL OF MINUTES:** September 14, 2022
- IV. **PUBLIC HEARING, DELIBERATION AND ACTION:**
 - A. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by Rebecca Kirst, Allan Builders, LLC, Agent for Maxwell and Dawn Rivera, property owners, who is requesting a variance from the Village's Zoning Code (Section 17) to reduce the front/street yard building setback from 112' to 58.3' for the property located at W129N11638 Hazel Heights (Lot 5 of the Harvest Hills Subdivision).
- V. **NEXT MEETING DATE AND TIME IF NEEDED:**
Second Wednesday's of the month at 5:30 p.m.
- VI. **ADJOURNMENT**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

Notice is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI
September 14, 2022**

CALL TO ORDER: This meeting was called to order at 5:31 p.m. by Chairman White.

ROLL CALL: Chairman White, Members Knop, Huber, Edwards, Planning/Zoning Administrator Retzlaff, Associate Planner/Zoning Administrator Zandt and Deputy Clerk/Deputy Treasurer Rettler, and Clerk / Treasurer Braunschweig.

APPROVAL OF MINUTES: June 8, 2022

Motion to approve (Huber/Edwards)

Motion Carried unanimously.

PUBLIC HEARING

Chairman White read the public hearing notice. Hearing is to hear any and all parties, their attorneys or agents, for or against the VARIANCE APPEAL filed by Joseph Schuster, property owner of W156N10081 Pilgrim Road, Germantown, who is requesting a variance from Section 17.48 (3)(c) Restoration of Certain Nonconforming Structures of the Village's Zoning Code to allow the replacement of a previously existing 24' x 24' (576 sq ft) nonconforming accessory building (detached garage) with a 24' x 36' (864 sq ft) accessory building (detached garage).

Chairman White described the meeting order and that normally the Village's information is given first then the review of the Variance is given then the applicant may give sworn information.

Chairman White swore in Planning/Zoning Administrator Retzlaff.

Retzlaff gave history and background information of the variance appeal. He explained that the structure in question for rebuild may only be rebuilt in the same size, location, and for the same purpose per municipal code Section 17.48 (3)(c).

Chairman White swore in Joseph Schuster, of W156 N10081 Pilgrim Road, Germantown. Mr. Schuster explained his need to extend the size of the garage that was damaged by storms in August and needs to extend beyond the limits of the current zoning code Section 17.48 (3)(c). He would like to build back at 24' x 36' allowing for additional parking.

Chair White questioned other option such as removing another shed on the property or changing the footprint in order to extend longer and cut sides shorter in order to fit a long vehicle.

Mr. Schuster explained his need for having both out building on the property. Other options were discussed as to possible solutions. Discussion ensued with Director Retzlaff pertaining to what qualifies as an attached garage and interpreting the code of changing the footprint.

Public hearing opened at 6:57 p.m.

Bruce Hawley Sr. W156 N111 Pilgrim Rd, neighbor directly across the street from Mr. Schuster, explained his approval of Mr. Schuster's request. He explained Mr. Schuster's property is well-manicured and clean and a respectful neighbor.

Chair White read a letter signed by Stephen Rueven in favor of Mr. Schuster's variance.

Chair White read a letter signed by Doris Osterhaus, Office Manager of Crossway Church, in favor of Mr. Schuster's variance.

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Chair White read a letter signed by Joseph B. Sonnemann, W156N10093 Pilgrim Rd, in favor of Mr. Schuster's variance.

Chair White read a letter signed by Steve and Karen Thoms, W156N10098 Pilgrim Rd, in favor of Mr. Schuster's variance.

Chair White read a letter signed by Bruce and Doreen Hawley, W156N10092 Pilgrim Rd, in favor of Mr. Schuster's variance.

Chair White read a letter signed by Billy Bruggink, W156N10024 Pilgrim Rd, in favor of Mr. Schuster's variance.

Chair White read a letter signed by Brian C. of W156N10004 Pilgrim Rd, in favor of Mr. Schuster's variance.

Chair White read a letter signed by Dale and Laurel Poppy, W156N9999 Pilgrim Rd, in favor of Mr. Schuster's variance.

Additional questions were asked for clarification from Mr. Retzlaff. Mr. Schuster ended the public hearing by stating his reasons for the variance to the board.

Chair White closed the hearing at 6:13 p.m.

Chair White explained that the Board will deliberate the findings. The discussion included whether the size increase is for exceptional or extraordinary circumstances.

Motion (White/Huber) to grant the variance. Motion failed. Roll call vote: Jeffrey Knop- nay, Kristine Huber- yay, Tim Edwards- nay, Barry White- nay.

Chairman White read the public hearing notice. Hearing is to hear any and all parties, their attorneys or agents, for or against the VARIANCE APPEAL filed by Zane Nichols, agent for St. John's Church, property owner of N104W14181 Donges Bay Road, Germantown, who is requesting a variance from Section 17.46 (7)(h)(2) to reduce the minimum setback of an electronic message board from a residential district from 150' to 120'.

Chairman White described the meeting order and that normally the Village's information is given first and review of the Variance is given first and then the applicant may give sworn information.

Chairman White swore in Emily Zandt.

Emily Zandt gave history and background of the Variance appeal.

Chairman White swore in Zane Nichols, applicant/agent for St. John United Church of Christ (UCC) Mr. Nichols explained his need for requesting a variance. He is seeking a variance from Section 17.46 (7)(h)(2) of the Zoning Code to reduce the minimum required setback from a residential district from 150 to 120 feet.

Chairman White swore in a church representative Mary Johnson, N108W16429 Scarlett Drive, Germantown. She did not have any input on any neighbor's opinion on the variance.

Chairman White swore in Zach Wanger, 4085 N 128th Street, Brookfield discussed the direct effect this would have on the neighboring addresses.

Mrs. Zandt explained the process.

Discussion ensued on previous, similar situations 08/11/2021 and how the board ruled then.

Public Hearing opened at 6:50 p.m.

Public Hearing Closed at 6:52 p.m.

Motion (White/Knop) to grant the variance. Motion failed. Roll call vote: Jeffrey Knop- yay, Kristine Huber- nay, Tim Edwards- nay, Barry White- nay.

NEXT MEETING DATE AND TIME IF NEEDED:

Second Wednesdays of the month at 5:30 p.m.

ADJOURNMENT

Motion (Huber/White) to adjourn at 7:10 p.m.

Motion Carried unanimously.

REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

Notice is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

NOTICE OF PUBLIC HEARING

VILLAGE OF GERMANTOWN

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Zoning Appeals, Village of Germantown, WI:

Germantown Village Hall Board Room
N112 W17001 Mequon Road
Germantown WI 53022

Date and Time: **WEDNESDAY, November 9, 2022 - 5:30 P.M.**

THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by Rebecca Kirst, Allan Builders, LLC, Agent for Maxwell and Dawn Rivera, property owners, who is requesting a variance from the Village's Zoning Code (Section 17) to reduce the front/street yard building setback from 112' to 58.3' for the property located at W129N11638 Hazel Heights (Lot 5 of the Harvest Hills Subdivision).

A copy of the application and supporting documents are on file in the Clerk's office and available for public inspection during the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday and can be viewed on the Village website under Legal Notices at

<https://www.germantownwi.gov/>

Citizens wishing to submit any public comments may do so by sending them by email to: comments@germantownwi.gov no later than 4:00 pm on the meeting date listed above.

Dated this 12th day of October 2022.

Village Clerk

Published: October 19 and October 26



MEMORANDUM

TO: Board of Zoning Appeals (BOZA) Members

FROM: Jeff Retzlaff, Zoning Administrator

DATE: November 9, 2022

RE: Variance Appeal; W129 N11638 Hazel Heights (Lot 5 of Harvest Hills Subdivision)
Max & Dawn Rivera, Owner
Rebecca Kirst, Allan Builders LLC, Applicant

Background

In September 2022, Inspection Services of the Community Development Department advised the applicant that a variance would be required to reduce the front/street yard setback for building closer to the street on Lot 5 than required on the subdivision plat for Harvest Hills.

Appeal/Request

The applicant is seeking a variance to reduce the front/street building setback from 112 to 58 feet. As explained in the supporting documents, the Applicant indicates that the pre-approved location for the on-site sanitary sewer system on Lot 5, positioned between the building envelop and the street, doesn't allow for a driveway and creates a drastic slope that would direct run-off toward the house.

Staff Comments

The final plat of the Harvest Hills subdivision shows a 112' setback from the front property line for Lot 5 because the lot is located at the end of the cul-de-sac and is "pie-shaped". Pie-shaped lots in the Rs-3 Zoning District often have deeper front/street yard setback requirements because the setback line is set at a point where the lot width is at least 150 feet wide/across (vs. the "standard" street/front yard setback of 45 feet). In the case of Lot 5. The amount of street frontage is only 60 feet. Therefore, the point at which the minimum width reaches 150 feet across is 112 feet into the lot. Other lots along the same cul-de-sac also have deeper-than-minimum setbacks, including Lot 4 (98' setback), Lot 3 (68' setback), and Lot 7 (118' setback).

NOTE: The variance application includes a request to change the yard grade elevations for the building envelop from 915.5/910.5 feet to 923.5/915.5 feet. This request assumes the setback variance will be granted and the building envelop moved forward on the lot. Yard grade adjustments are NOT items that the Board of Zoning Appeals has jurisdiction (because it's not a Zoning Code regulation). If the setback variance is granted, any yard grade adjustment needed/proposed would be reviewed/approved by the Village Engineer.

**VILLAGE OF GERMANTOWN
OFFICE OF THE VILLAGE CLERK
N112 W17001 MEOUON ROAD/ P. O. BOX 337
GERMANTOWN WI 53022-0337**

HOW TO APPEAL TO THE ZONING BOARD OF APPEALS

- [] Fill out an application form available from the Village Clerk and attach supporting documents. (Survey of property showing location of structures, rendering of buildings, renderings of signs, etc.)
- [] File your appeal within 30 days after the date of written notice of order or decision from which the appeal/application is taken.
- [] Submit an application fee of \$560. This fee is used to pay costs of notice publication, mailings and other administrative costs.
- [] Allow a minimum of three weeks for your hearing date to be set. The Board of Zoning Appeals has set monthly meetings. If your application falls within the required time frame for notice, your appeal will be heard at the next meeting. If not, your application will be held over to the next meeting. This is due to State Law requiring two publications of the public hearing in the official paper. The last date for publication cannot be less than 7 days prior to the hearing. The official paper is published on Wednesday.
- [] You will receive from the Board Secretary a notice of public hearing, indicating the date, time and place of your hearing.
- [] Appear, at the hearing to explain the application and to answer any questions. You may appear personally or by an agent, and/or with an attorney.
- [] You will receive an official notice of decision of your appeal by "certified mail" within five (5) days following the meeting. The notice will show the date of filing in the Board's office should you wish to appeal the decision to Washington County Circuit Court.
- [] If your appeal is granted, substantial work must commence within six (6) months of the filing of the decision, or the variance will expire.
- [] If your appeal is denied, you may commence action in circuit court within 30 days of date of filing or file a revised permit application in accordance with the building and/or zoning requirements with the Zoning Administrator or Building Inspector.

VILLAGE OF GERMANTOWN
OFFICE OF THE VILLAGE CLERK
N112 W17001 MEOUON ROAD/P. O. BOX 337
GERMANTOWN WI 53022-0337

BOARD OF ZONING APPEALS
NOTICE OF APPEAL OR APPLICATION

Case No. _____
Filing Date 9/29/2022
Fee Paid \$ 560.00
Hearing Date: 11-9-2022
Notice Mailed: 10-30-2022
Notices Published: 10/14 / 10/26

To: Board of Zoning Appeals
Village of Germantown, Wisconsin

NOTICE IS HEREBY GIVEN that the undersigned hereby (appeals for relief from a decision of an administrative official) (applies for the following described right or privilege) :

1. Appellant's or Applicant's Name: Rebecca Kirst
Address: _____
N118W18531 Bunsen Drive, Germantown, WI 53022
Phone No. : 262-252-7100
2. Appellant's or applicants' interest in property:
() Owner; () Tenant; () Mortgagee; (X) Agent.
3. Property Owner's Name: Maxwell and Dawn Rivera
Address: 8282 North 51st Street, Brown Deer, WI 53223
Phone No.: 414-241-6595
4. Address of property: W129N11638 Hazel Heights
Lot 5, Block _____, Tax Parcel No. GTNV 241025, Zoning District: _____
5. Present use of the property: Vacant Land

6. Proposed use of the property: New single family dwelling with attached garage

7. Previous Appeal or Application (if any)? Yes () No (X)

If YES, list date of hearing: _____ and Decision of previous hearing: _____

8. Identify the **PURPOSE** for this appeal or application. Please circle appropriate item below and provide the requested information. Attach a separate sheet, if necessary.

(a) Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.

1. Date of decision or order:

2. Description of decision or order: _____

3. Decision or order is erroneous because: _____

(b) Request for Variance of Zoning/Building Code.

1. Describe the requested variance and dimension of variance:

Request to place the front of the building outside of the allowable front building setback by 53.7'. (setback would be 58.3' instead of 112'.) Set the proposed yard grade elevation to 923.5'/918.5' instead of 915.5'/910.5' as shown on the master grading plan due to the proposed building site in a different location on the lot.

2. Explain how the Variance, IF granted, is consistent with the spirit, purpose and intent of the Code:

Request to place the front of the building outside of the allowable front building setback by 53.7'. (setback would be 58.3' instead of 112'.) Set the proposed yard grade elevation to 923.5'/918.5' instead of 915.5'/910.5' as shown on the master grading plan due to the proposed building site in a different location on the lot.

3. Describe the exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot/parcel, use, structure, or intended use that **DO NOT** apply generally to other properties or uses in the SAME district:

The approved septic test locations on this lot limit the home placement to two feasible areas. The first of which is the approved location by the developer but is not practical when considering that the mound would completely block off access to the house via a driveway. (no room for the driveway to bypass) Also, the placement of a mound at the uphill side of the home would create a drastic slope directing water straight toward the home creating grading challenges that are not necessary. The second approved mound location is in an area that forces the home forward of the approved front building setback. The variance from the front building setback should be granted because it is due to the unique shape of the lot in itself that is

generating the unusually far front setback of 112' in the first place. Our proposed placement of the home is not out of the ordinary by any means when compared to other more square shaped parcels. The existing slope of the lot also when compared to the adjacent properties is quite a bit lower and currently, all the runoff from both properties adjacent to this lot forces water onto this property. The building pad proposed by the developer, is low and will continually receive water runoff unless a tremendous expense is paid by the customer to elevate the home above where this area is.

4. Describe what special conditions exist which cause practical difficulty or unnecessary hardship, IF variance is NOT granted:

The approved septic test locations on this lot limit the home placement to two feasible areas. The first of which is the approved location by the developer but is not practical when considering that the mound would completely block off access to the house via a driveway.

5. Explain why the variance **IS NECESSARY** for the preservation and enjoyment of substantial property rights possessed by other properties in the **SAME** district:

It places the home relatively "in line" with those homes which are already constructed instead of possibly ruining their views outside of their homes.

6. Explain how this variance, IF granted, **WILL NOT** create substantial detriment to adjacent property, **WILL NOT** be contrary to the public interest and **WILL NOT** endanger public safety and interest:

The attached survey and grading plan proposes grades that are consistent with common practices in residential subdivision development.

The proposed "forward" position of the home is not any further than properties in line to the north of this lot, so it will not appear out of place or impede views of any neighboring lots. Public safety will not be impacted because all propose work will remain on this privately owned property.

(c) Request for interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.

1. List applicable section(s) of the Zoning Code: _____
2. Describe proposed use/activity/construction: _____

3. Explain reasons supporting requested action: _____

4. Has request been referred to Plan Commission? Yes () No ()
If YES, give recommendation of Plan Commission: _____

(d) Permission for Temporary Use Permit.

1. Describe use requested: _____
2. Proposed commencement date: _____
3. Proposed termination date: _____

(e) A determination that an unspecified or unclassified use is permitted in a Zoning District.

1. Describe use requested:

2. Attach copy of recommendation of Village Plan Commission.

(f) Permission to substitute a MORE restrictive non-conforming use for an existing non-conforming use.

1. Attach copy of recommendation of Village Plan Commission.
2. Attach copy of certification of Zoning Administrator to legality of present non-conforming use.
3. Date of commencement of present use:

4. Value of improvement on date use became non-conforming (attach documentation supporting value): \$ _____
5. Present value of all existing improvements, additions and alterations since date use became non-conforming (attach documentation): \$ _____

REQUIRED DOCUMENTATION

Each appeal or application must be accompanied by:

- A. Current plat or survey of the lot/parcel, with complete details of the site, dimensioned, elevation data, easements, existing and proposed physical features, yards and setbacks, etc.
- B. Attachments as outlined above.
- C. Filing fee(s)
- D. Copy of decision or order which is the basis of this appeal/application.
- E. Name and Address of counsel IF appellant/applicant elects to be represented by counsel.
- F. Any additional fee of \$ _____ to cover the administrative costs if a contested case is requested.

I hereby certify that the above application and/or appeal and all attachments hereto are true, correct and complete to the best of my knowledge and belief.

Dated: September 29, 2022

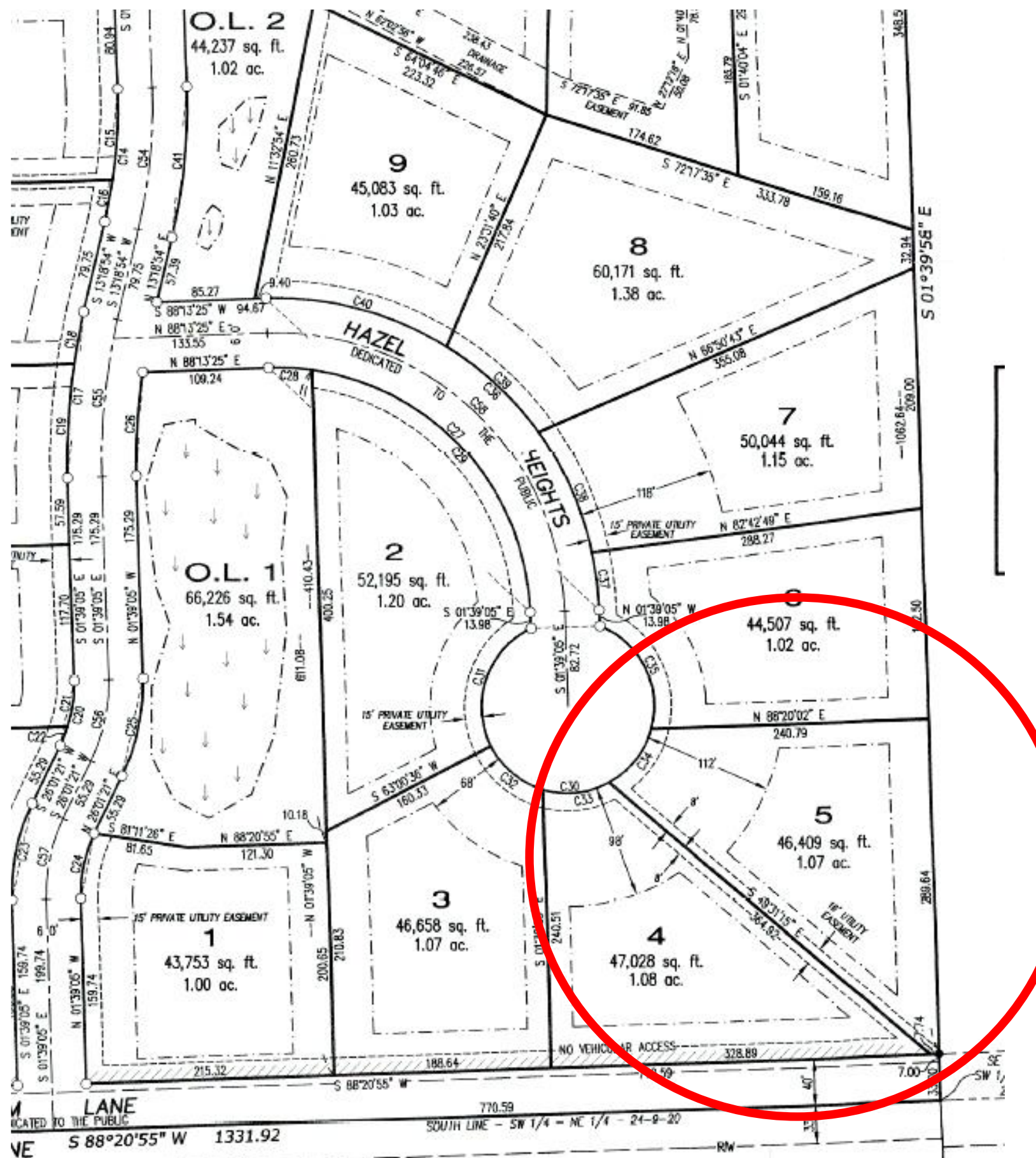
Rebecca Kirst
Signature of applicant or appellant

17.52 - BOARD OF ZONING APPEALS.

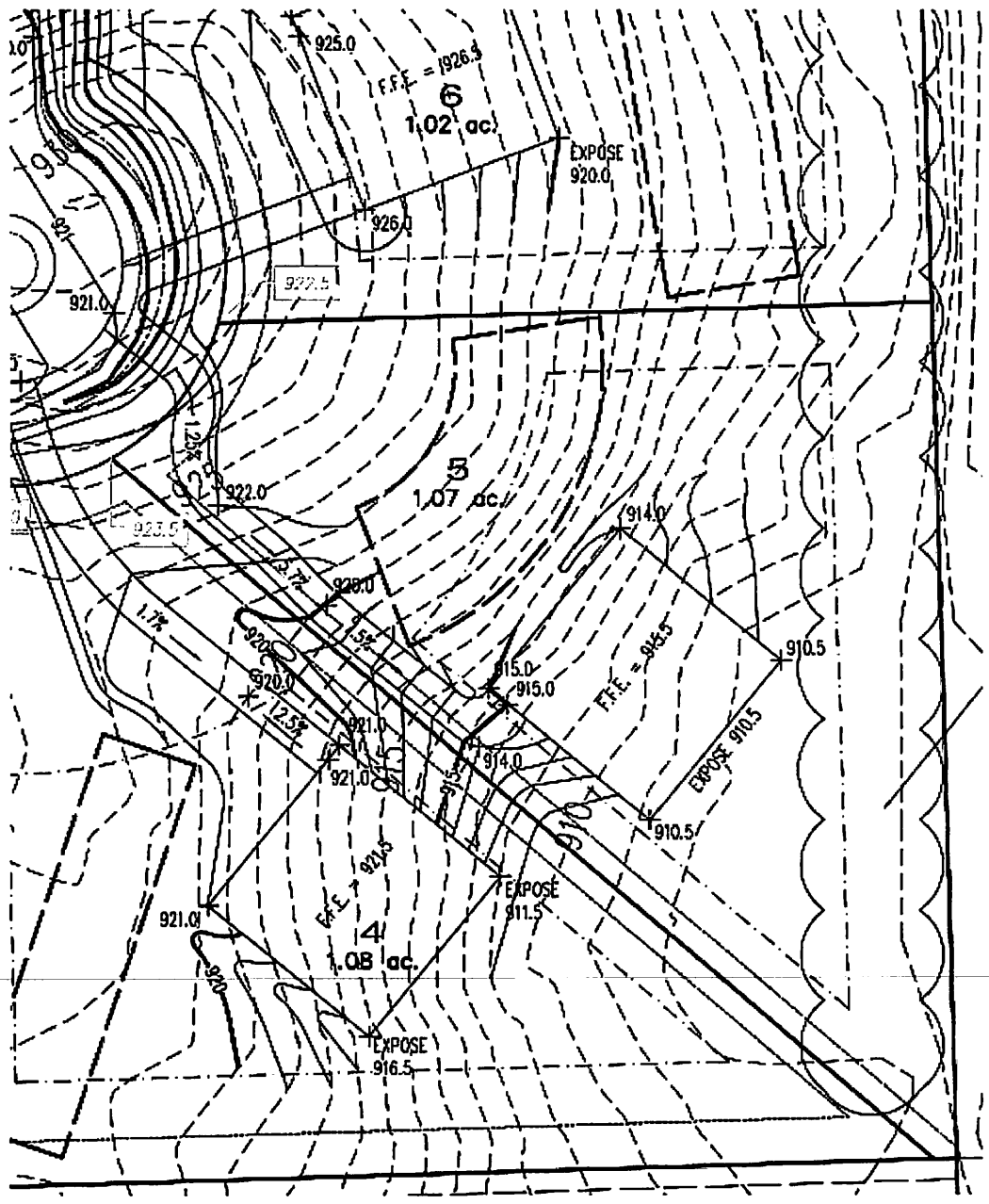
- (1) **MEMBERSHIP.** See section 1.30(1) of this Code.
- (2) **ORGANIZATION.** The Board of Zoning Appeals shall organize and adopt rules and procedure for its own government in accordance with the provisions of this chapter.
 - (a) *Meetings.* Meetings shall be held at the call of the chairman and shall be open, to the public.
 - (b) *Minutes.* Minutes of the proceedings and a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be immediately filed in the office of the Board and shall be a public record.
 - (c) *Concurring Vote.* (Am. Ord. #12-09) The concurring vote of a majority of the quorum of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified or substituted use.
- (3) **POWERS.** The Board of Zoning Appeals shall have the following powers:
 - (a) *Errors.* To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
 - (b) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (c) *Interpretations.* To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (d) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (e) *Permits.* The Board may reverse, affirm wholly or partly modify the requirements appealed from, and may issue or direct the issuance of a permit.
 - (f) *Assistance.* The Board may request assistance from other Village officers, departments, commissions and boards.
 - (g) *Oaths.* The Chairman may administer oaths and compel the attendance of witnesses.
- (4) **APPEALS.** (Rep. & Recr. Ord. #2-94; Am. Ord. #19-96) Appeals of any administrative determination of the Zoning Administrator, the Building Inspector or the Plan Commission concerning the literal enforcement of this chapter and chapters 14 and 18 of this Code may be made by any person aggrieved or by any officer, department or board of the Village. Such appeals shall be filed with the Secretary within 30 days after receiving actual or constructive notice of the administrative decision or order or the granting of a permit by the Zoning Administrator, Building Inspector or Plan Commission. Such appeals and applications shall include the following:
 - (a) Name and address of the applicant.
 - (b) What administrative determination is being appealed and the basis for the appeal.
- (5) **HEARINGS.** The Board shall fix a reasonable time and place for the required public hearing and shall give notice as specified in section 17.53 of this chapter. At the hearing, the appellant or applicant may appear in person or be represented by an agent or attorney.
- (6) **FINDINGS.** No variance to the provisions of this chapter shall be granted by the Board unless it finds, beyond a reasonable doubt, that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- (a) *Preservation of Intent.* No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use or conditional use in that particular district.
 - (b) *Exceptional Circumstances.* There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this chapter should be changed.
 - (c) *Hardships Not Grounds for Variance.* No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 - (d) *Preservation of Property Rights.* The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (e) *Absence of Detriment.* No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- (7) **DECISION.** The Board shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Administrator and the Plan Commission.
- (a) *Conditions.* Conditions may be placed upon any zoning permit ordered or authorized by the Board.
 - (b) *Variances, Substitutions or Use Permits.* Variances, substitutions or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.
- (8) **REVIEW BY COURT OF RECORD.** Any person aggrieved by any decision of the Board may present to a court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.

State law references—Zoning board of appeals, Wis. Stats. §§ 61.35, 62.23(7)(e).



NO ACCESS SHALL BE ALLOWED FROM ANY LOT TO ELM LANE



Division of Industry Services

In accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11" in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and % slope, scale or dimensions, north arrow, location & distance to nearest road.

Please print all information

Personal Information you provide may be used for secondary purposes (Privacy Law, s. 15.04(1)(m)).

County	WASHINGTON
Parcel I.D.	GTVN-241049
Reviewed by	Date

Property Owner HARVEST HILLS SUBDIVISION LLC	Property Location SW 1/4, NE 1/4, S 24, T 9 N, R 20 E
Property Owner's Mailing Address 3955 HAWKS RIDGE DR.	Lot # 5 Subd. Name or CSM# HARVEST HILLS
City HUBERTUS WI 53033 State WI Zip Code 53033 Phone Number	<input type="checkbox"/> City <input checked="" type="checkbox"/> Village GERMANTOWN Nearest Road Sunrise Circle

New Construction Use: Residential/No. bedrooms 4 Code derived design flow rate: 600 GPD

Replacement Public or commercial- Describe: _____


Parent Material: GLACIAL TILL Flood Plain elevation if applicable Unknown

General comments and recommendations: **Recommend long and narrow system
Minimum 18" of mound sand required
In addition to soil test completed in November 2018**

1	#	Boring		Ground surface elev.	911.13'	Depth to limiting factor	18"	Soil Application Rate		
		<input type="checkbox"/> Boring	<input checked="" type="checkbox"/> Pit					GPD/ft ²		
		Horizon	Depth Inches					Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture
Ap	0-10	10YR3/2		cl	2mgr	fr	2fm	as	0.4	0.6
Bt	10-18	10YR4/4		cl	2msbk	fr	1fm	cs	0.4	0.6
C	18-24	10YR5/4	c1d10YR6/6 6/2	l	0mass	fr	1f		0.2	0.5

2	#	Boring		Ground surface elev.	910.14'	Depth to limiting factor	>18"	Soil Application Rate		
		<input type="checkbox"/> Boring	<input checked="" type="checkbox"/> Pit					GPD/ft ²		
		Horizon	Depth Inches					Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture
Ap	0-11	10YR3/3		cl	2mgr	fr	2fm	as	0.4	0.6
Bt	11-18	7.5YR4/4		cl	2msbk	fr	1fm		0.4	0.6

*Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L *Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name	Dan Vander Leest	Signature:	CST Number 221049
Address	824 Egg Harbor Rd		Telephone No. (920)-743-4708
	Sturgeon Bay, WI 54235	Date Evaluation Conducted: 8/27/2020	

Boring Boring
 Pit

Ground surface elev. 907.04' Depth to limiting factor >24"

Horizon	Depth Inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2
Ap1	0-12	10YR2/2		l	2mgr	fr	2fm	as	0.6	0.8
Ap2	12-19	10YR2/2		l	2msbk	fr	1fm	cs	0.7	1.6
Bt	19-24	10YR4/3		cl	2msbk	fr	1f		0.4	0.6

Boring Boring
 Pit

Ground surface elev. Depth to limiting factor

Horizon	Depth Inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2

Boring Boring
 Pit

Ground surface elev. Depth to limiting factor

Horizon	Depth Inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2

*Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

*Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

HARVEST HILLS SUBDIVISION LLC

SW1/4 NE1/4 Sec.24
T.9N.-R.20E.
Village of Germantown
Washington County

SUNRISE CIRCLE

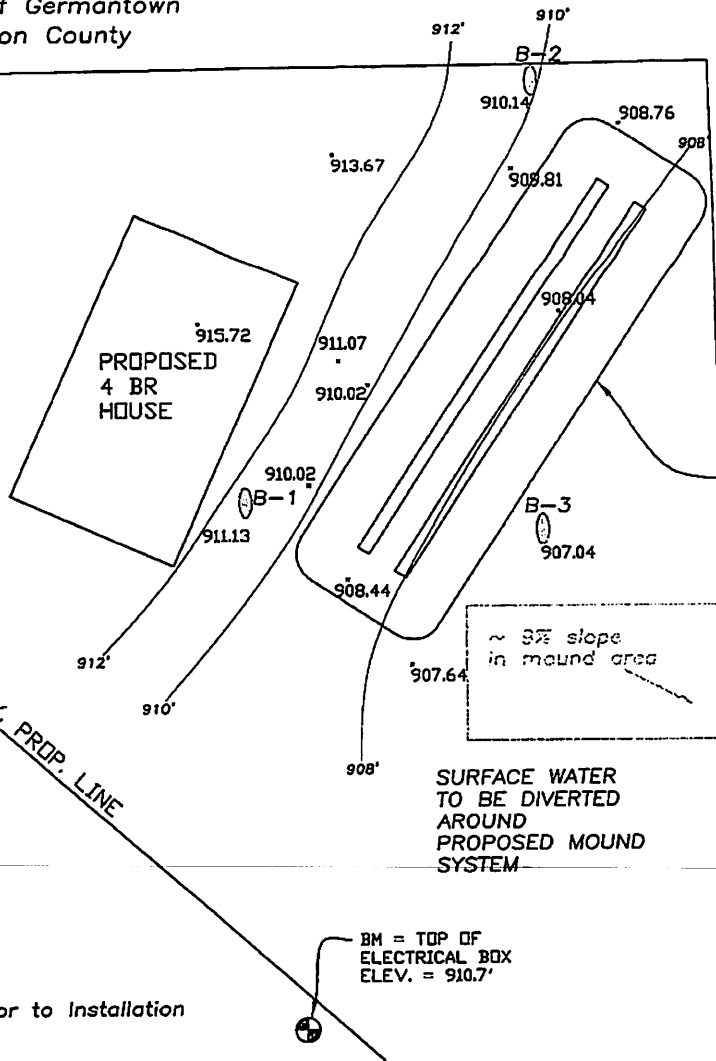
LOT 5

N

Scale: 1" = 40'



APPRX. PROP. LINE



PROPOSED MOUND SYS
2 - 3' x 100' CELLS
WITH 6' SPACING
S.E.=910.0'

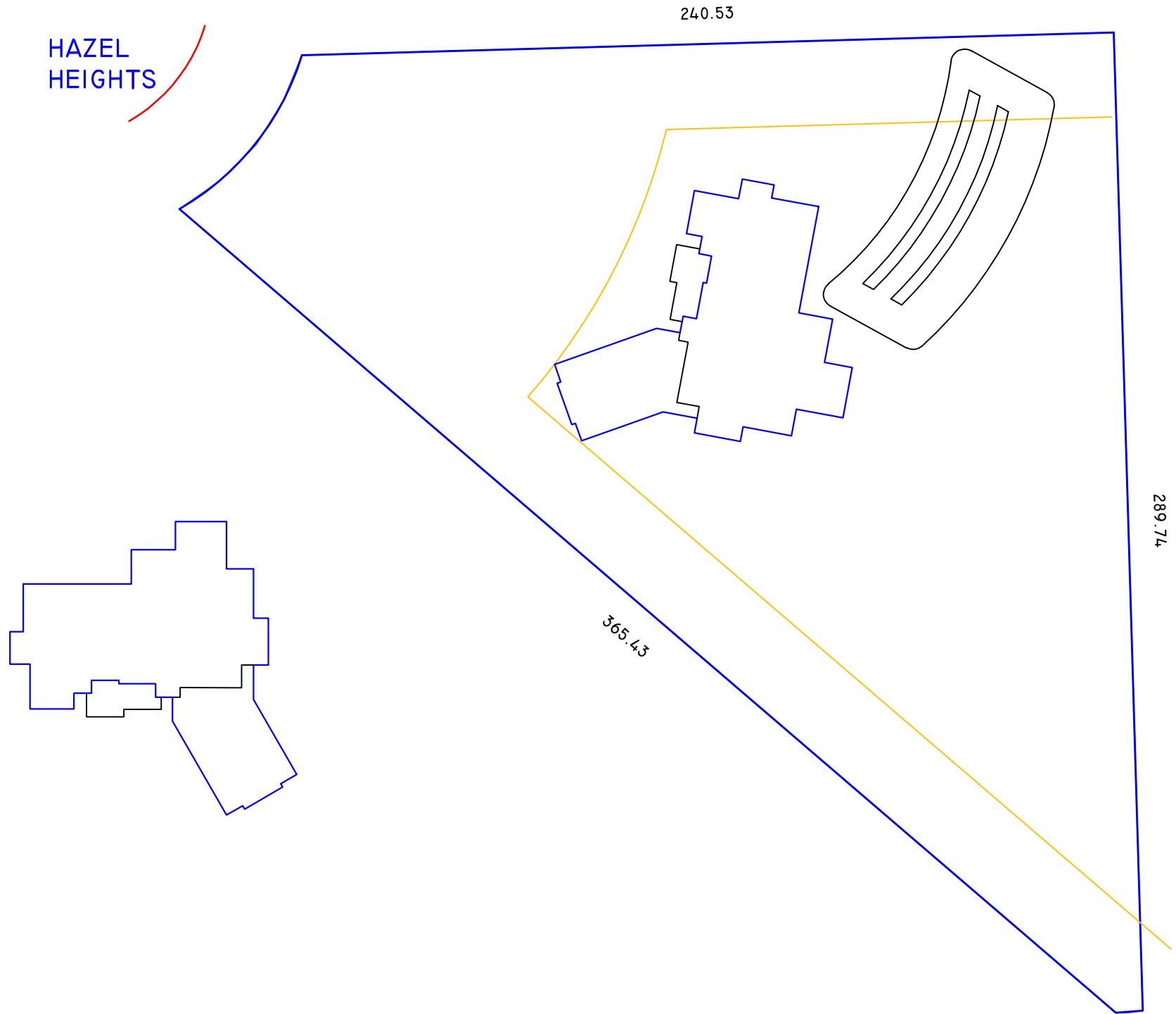
~ 3/8% slope
in mound area

SURFACE WATER
TO BE DIVERTED
AROUND
PROPOSED MOUND
SYSTEM

BM = TOP OF
ELECTRICAL BOX
ELEV. = 910.7'

- * Elevations are for Soil Test Use Only
- * This is Not a Survey
- * Property Lines Per Owner
- * Property Lines Need to be Identified Prior to Installation

HAZEL
HEIGHTS



PAGE 2

PHONE: 262-567-6982 FAX: 920-261-4799 E MAIL: jerry@hoeflerexcavating.com

owner approval: _____

Owner: _____ Location: **lot 5 harvest hills** Scale: **1" = 40'** Date: _____ Cert. # **222479**

PLAT OF SURVEY

PROPERTY DESCRIPTION: (Per Document No.: Surveyed-As)

Lot 4, Harvest Hills, being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 of the Northeast 1/4 all in Section 24, Township 9 North, Range 20 East, located in the Village of Germantown, Washington County, Wisconsin.



Proposed Concrete Walk - 81 S.F.
Proposed Driveway - 3003 S.F.
Proposed Drive Approach - 760 S.F.

Prop. & Approx. 1st Floor - 922.9
Prop. Top of Wall - 921.67
Prop. Garage Slab - 921.33
Prop. Finished Yard Grade - 921.0 / 916.5 / 911.5
(Per Grading Plan)
Prop. Top of Footing - 911.67
Elevation at West Side of Proposed Drive at Edge of Pavement - 922.28 (Calculated)
Proposed 145.6' Driveway
Driveway Slope - 1.0%

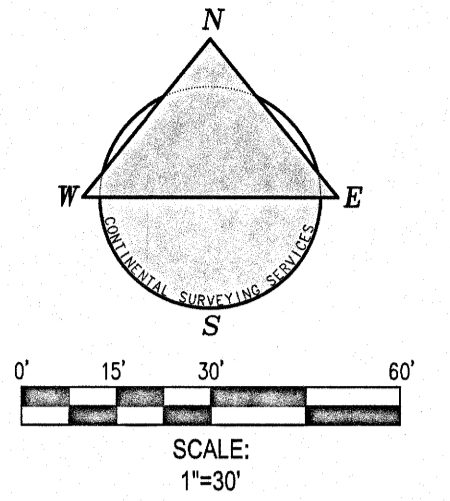
Proposed Wall Height per Plans/Builder 10' Poured Wall

PROPOSED GRADES NOTE:

As a Professional Land Surveyor of the State of Wisconsin my license does not cover nor does it allow me to render a Professional opinion of the effects of the grading shown hereon with respects to the Subject Property and adjoining properties. Proposed Grades shown hereon are STRICTLY taken from an approved grading plan prepared by a Licensed Professional Engineer or have been suggested by a 3rd party. Proposed Grades shown hereon may be the opinion of the Surveyor identified on this map as being the best grades possible for the lot and proposed house as shown. These grades are only SUGGESTED and do not come with any guarantees whatsoever. If anyone has concerns or not sure if there is a problem you must consult a Licensed Professional Engineer or consult with another party willing to provide an opinion of the adverse effects of the Proposed Grades shown hereon. THEREFORE all Parties involved agree and understand that the Surveyor accepts no responsibility of any adverse effects for said proposed grades shown on this survey. If the Client does not want to release the Surveyor named on this map of the liability of the Proposed Grades shown, the client must hire a Civil Engineer who could determine the adverse effects of the proposed grades shown hereon.
ALL RECOMMENDATIONS ARE WELCOMED.

PROPOSED BUILDING NOTE:

The Proposed building(s) and or addition(s) shown on this survey has been drawn and or was field staked per drawings dated November, 19th, 2020 and was submitted to the Surveyor on November, 3rd, 2021. All dimensions shall be verified by all parties involved to ensure their accuracy. Surveyor accepts no responsibility of errors from said drawings. If discrepancies or errors arise, Surveyor will contact responsible party for a remedy of said discrepancies and or errors. In regards to the proposed building(s) and or addition(s) please direct all questions to Client named on this map.



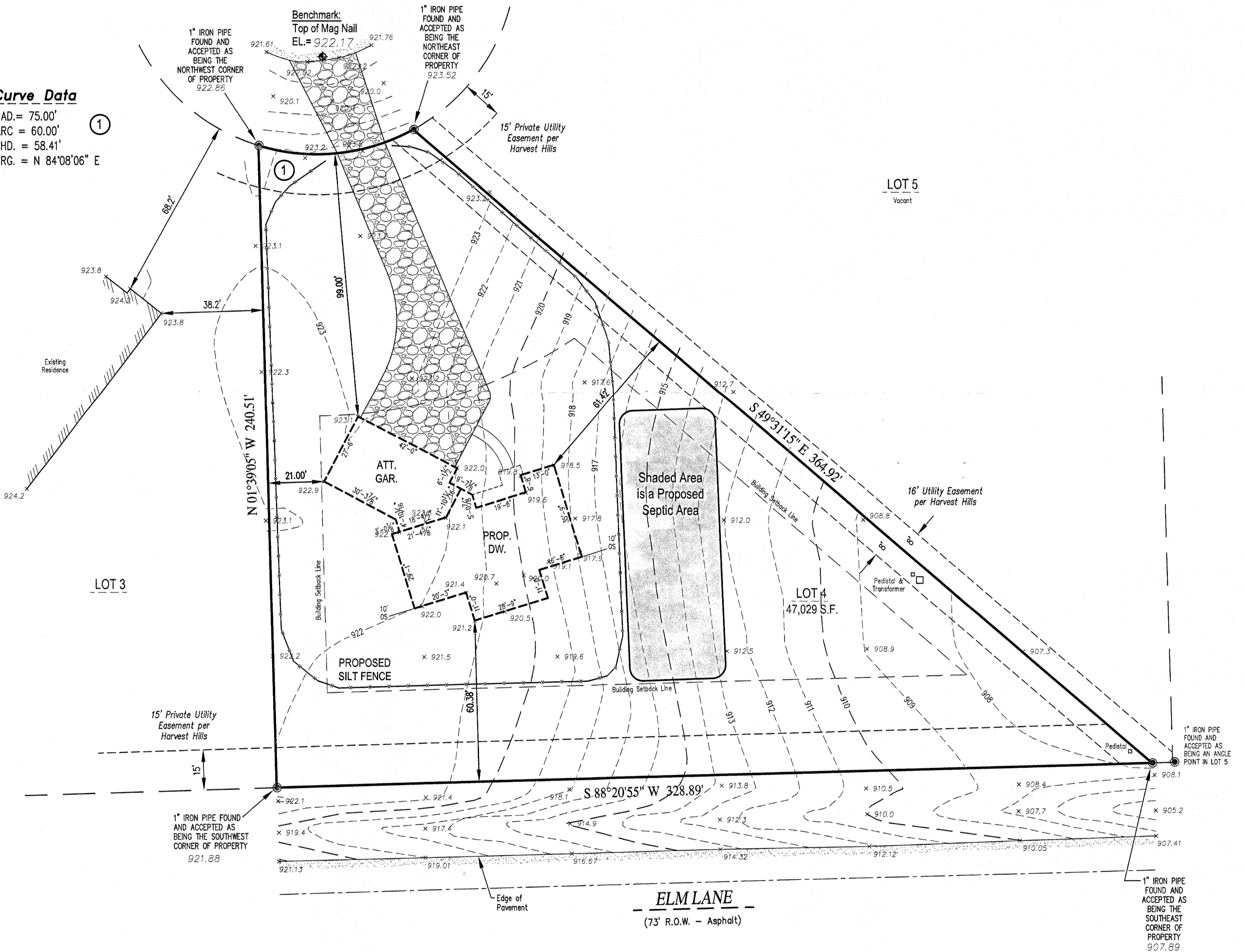
Decimal to Inches	Inches to Decimal
0.1" = 1/8"	1" = 0.0833'
0.2" = 2/8"	2" = 0.1666'
0.3" = 3/8"	3" = 0.2500'
0.4" = 4/8"	4" = 0.3333'
0.5" = 5/8"	5" = 0.4166'
0.6" = 7/8"	6" = 0.5000'
0.7" = 7/8"	7" = 0.5833'
0.8" = 8/8"	8" = 0.6666'
0.9" = 10/8"	9" = 0.7500'
1.0" = 12/8"	10" = 0.8333'
	11" = 0.9166'
	12" = 1.0000'

SETBACKS:
Front: 45'
Side: 20'
Rear: 35'

HAZEL HEIGHTS

Curve Data

RAD. = 75.00'
ARC = 60.00'
CHD. = 58.41'
BRG. = N 84°08'06" E



Revised this 12th Day of April, 2022.
(New House Plan)

This map was drafted by: LMM

LEGAL NOTICE: UNAUTHORIZED REVISIONS, MODIFICATIONS, ALTERATIONS, AND OR MAKING CHANGES OF ANY KIND AND THEN USE AND OR DISTRIBUTE THIS MAP, CONTINENTAL SURVEYING SERVICES LLC'S NAME, OR THE SURVEYOR'S NAME NAMED ON THIS MAP WITHOUT CONSENT MAY BE A FEDERAL OFFENSE IN VIOLATION OF COPYRIGHT AND OR PLAGIARISM LAWS WHICH MAY RESULT IN LEGAL ACTION.



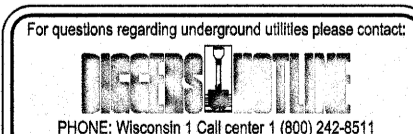
Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076

Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

CLIENT:
Cobblestone Builders
N88 W16791 Main Street Unit #1
Menomonee Falls, Wisconsin 53051

PROPERTY ADDRESS:
W129 N11615 Hazel Hts
Germantown,
Wisconsin 53022

PARCEL INFO:
TAX KEY NUMBER: GTN_241024
PROJECT NO.: 20211026_BSO0002
SERVICE PERFORMED: BSO



NOTE: Guarantees and Title Policy

No Title Policy has been provided AND unless an ALTA/NSPS Survey has been ordered this Note shall remain on the face of this map. Without performing an ALTA/NSPS Survey this Plat of Survey does not guarantee the existence, size and location of any easements, encumbrances, restrictions or other facts that could otherwise be disclosed in an ALTA/NSPS Survey.

NOTE: Underground Utilities

Location of Underground utilities are not part of the agreement made between the Surveyor AND Client named on this map, therefore none are shown.

Statement of Potential Encroachments:

At the time this survey was performed the surveyor visually inspected the subject property and at his discretion has measured and has now shown on the face of this map certain features that appear to be on, near, or along a property line and is shown in reference to a property line. Surveyor has not identified the ownership of said features or features. Surveyor has identified its location and is shown hereon to the nearest 0.1 of a foot, and does not, nor will not guarantee an accuracy greater than 0.1 of a foot in regards to the location of said feature or features. These measurements may vary from future measurements due to equipment placement, backsight/foresight setup, the specific location of the shot, and the physical condition of respective feature. Therefore, it is possible that certain measurements may exceed tolerances greater than 0.1 of a foot for reasons mentioned. This includes any statements regarding distances for the location of any feature shown on this map.
PLEASE CALL WITH ANY CONCERNS REGARDING THIS STATEMENT.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND IN MY PROFESSIONAL OPINION THIS MAP IS A TRUE REPRESENTATION THEREOF AND IS MADE IN ACCORDANCE WITH THE RECORDS OF THE REGISTER OF DEEDS AS NEARLY AS PRACTICAL. THIS SURVEY COMPLIES WITH WISCONSIN ADMINISTRATIVE CODE AE-7 EXCEPT FOR THOSE ITEMS WAIVED, IF ANY, AND IS BOUND BY WISCONSIN STATE STATUTE 893.37 THAT DEFINES STATUTE OF LIMITATIONS IN REGARDS TO SURVEYS.

Rick R. Hillmann S-3005

Dated this 13th Day of JANUARY, 2021.



Survey Notes:

Offsets shown to the proposed house foundation.

Easements shown hereon are derived from the recorded Subdivision Plat or Certified Survey Map. This survey does not guarantee location or existence of any other easements that may be part of this property. A Title Policy was not provided to Bernklau Surveying, Inc.

Suggested yard grade = 926.0/917.0

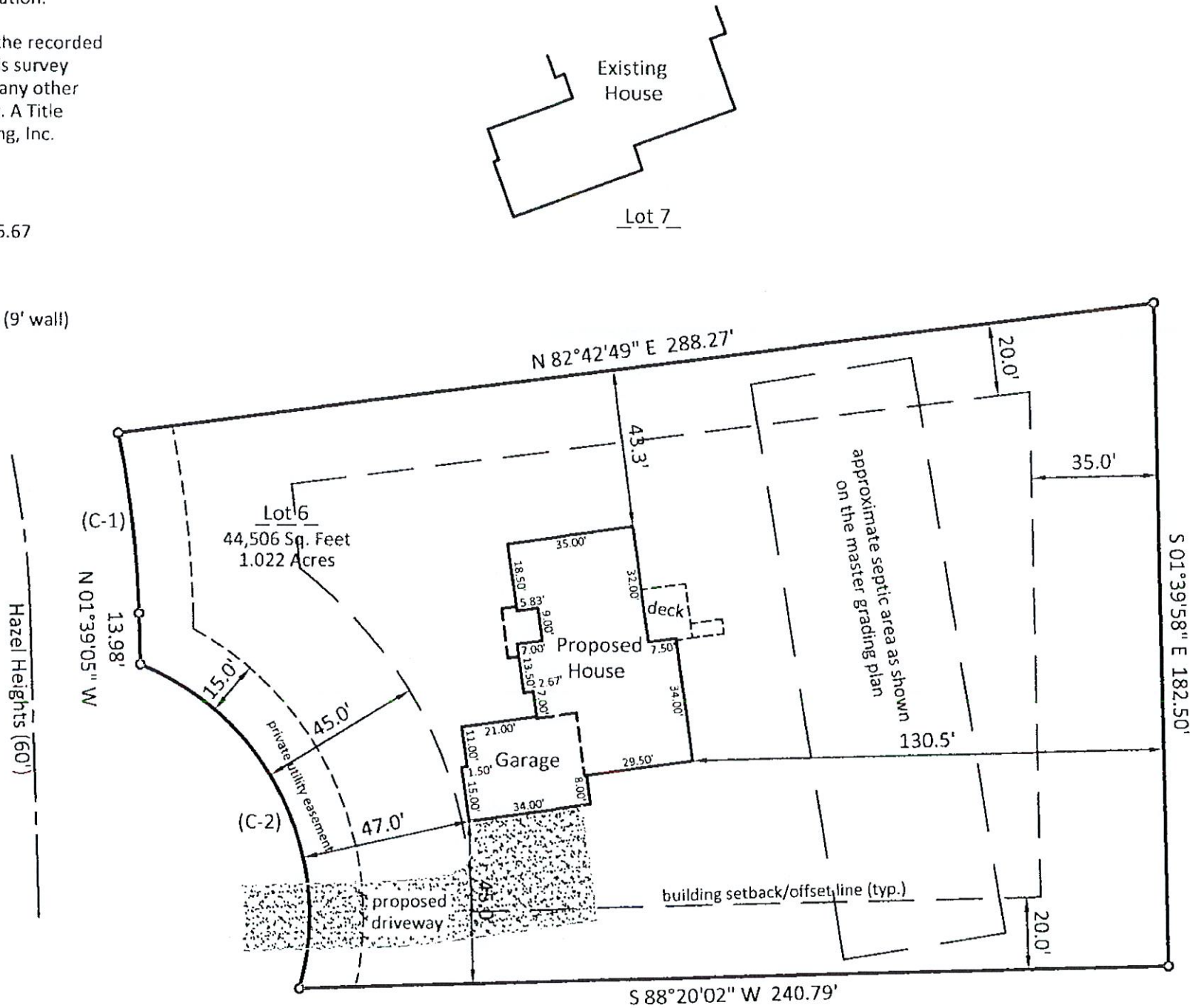
Suggested top of foundation elevation = 926.67

Suggested garage floor elevation = 926.33

Suggested top of footing elevation = 917.67 (9' wall)

(C-1)
A=49.83'
R=280.00'
D=10°11'48"
Ch=49.76'
CB=S 06°45'00" E

(C-2)
A=109.24'
R=75.00'
D=83°27'24"
Ch=99.84'
CB=S 26°20'48" E



Bernklau Surveying, Inc.

N60 W25864 Walnut Road
Sussex, WI 53089
(262) 538-0708
www.bernklausurveying.com

Plat of Survey



SCALE 1" = 50'

Lot 6, Harvest Hills, being Parcel 1 of Certified Survey Map No. 3641, Washington County Records, and the SW 1/4 of the NE 1/4 and part of the NW 1/4 of the NE 1/4, all in Section 24, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

I, Thomas M. Bernklau, Professional Land Surveyor, certify that I have surveyed the above described property to the official records, to the best of my knowledge and belief, and that the map shown hereon is a true representation thereof, and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, and all visible encroachments, if any.

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

Date July 21, 2020
Revised July 29, 2020

Thomas M. Bernklau, PLS - 2147

Prepared for:
Demlang Builders, Inc.
N67 W27770 Moraine Drive
Sussex, WI 53089

Owner: Nash