AGENDA
Village of Chenequa
Monday, January 14, 2019 at 6:00 p.m.
31275 W County Road K, Chenequa, WI 53029

This is official notice that a meeting of the Plan Commission for the Village of Chenequa will be held at 6:00 p.m. on Monday, January 14, 2019, at the Village Hall, 31275 W County Road K, Chenequa. Legal requirements have been met. The following matters will be discussed, with possible actions, as well as any other matters that may come before the Commission:

Call to Order
Pledge of Allegiance

1) Public comment period: Public comments on any subject without any action, except possible referral to a governmental body or staff member

2) Chairman’s Report

3) Approval of minutes from the Plan Commission meeting held on December 10, 2018

4) Review and consider action on a Certified Survey Map submitted by Walig-Howard Trust of W332 N6287 County Road C, being a Part of the Northwest ¼ of the Northeast ¼ of Section 30, Township 8 North, Range 18 East, in the Town of Merton, Waukesha County per Village Code 6.18(16) extraterritorial jurisdiction

5) Review and consider revisions to Village Code Sections 6.3(2) Definition of an Accessory Structure and 6.7(4)(i) Modifications to Legal Nonconforming Structures – Modification during its lifetime by an amount not to exceed a thirty (30) percent increase in either footprint or living area, whichever is less

6) Building Inspector’s Report

7) Administrator’s Report

8) Village Attorney’s Report

9) Adjournment

Respectfully submitted by:
Pamela Ann Little, Village Clerk

It is possible that members of and possibly a quorum of members of the Village Board may be in attendance at the above-stated meeting to gather information. No action will be taken by the Village Board at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Request from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administrator with as much advance notice as possible.

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE
Village Clerk posted this agenda on Wednesday, January 9, 2019 @ 4:00 PM
Phone 262-367-2239  •  www.chenequa.org
The regular monthly meeting of the Plan Commission for the Village of Chenequa was held on Monday, December 10, 2018. The Plan Commission convened at 6:00 p.m. at the Village Hall, 31275 W County Road K, Chenequa, Wisconsin. The following Members were in attendance:

- Mr. Keidl / Chairperson – present
- Mr. Bellin / Member – present
- Ms. Surles / Member – absent
- Mr. Grunke / Member - present
- Mr. Pranke / Member – present
- Mr. Gallagher / Member – absent
- Mr. Enters / Member – present
- Mr. Lipke / Building Inspector – present
- Mr. Gartner / Village Attorney – present
- Mr. Douglas / Administrator-Police Chief – present
- Ms. Little / Village Clerk – present

Call to Order
Pledge of Allegiance

Public in Attendance
Jason Luther, Cody Lincoln, Jo Ann Villavicencio, Captain Dan Neumer, Carol and Rob Manegold, Matt Betzak and Todd Prudlow

Public Comment
None

Chairman’s Report
None

Approval of minutes from the Plan Commission meeting held on November 12, 2018
Motion (Bellin/Grunke) to approve the minutes from the Plan Commission Board meeting held on November 12, 2018. Motion carried

Review and consider application for a kitchen addition submitted by Steve and Alouna Girard of 4800 Pinecrest Drive
Mr. Betzak presented the application submitted by Mr. and Mrs. Girard for a kitchen addition on the lake side of the home. The existing house together with proposed addition will be less than 13,000 square feet which complies with Section 6.5(4)(a)(iii). The proposed addition does not increase the surface area of the lake elevation which also complies with Section 6.5(4)(a)(ii). The exterior materials will match the current architectural details of the residence. The tower proposed will be a mini version of the two towers currently on the home.
Administrator Douglas reported that all side yard setbacks and zoning requirements have been met. Neighbors were notified of the proposed addition with no issues.

An exterior lighting plan was submitted and reviewed. A metal exterior roof is proposed to match the existing finish of the house.

Motion (Pranke/Grunke) to recommend final approval to the Village Board for the kitchen addition submitted by Steve and Alouna Girard of 4800 Pinecrest Drive. Motion carried

Review and consider application for a deck/screen porch remodel and addition submitted by John and Sherri Kasdorf of 31182 W Thompson Lane

Mr. Prudlow presented the application submitted by Mr. & Mrs. Kasdorf. The applicants propose to replace a deck on the lake side and add a sunroom and patio. Landscape and lighting options were submitted for approval.

Administrator Douglas advised neighbors have been notified and that this is a legal, conforming lot. All zoning and setback requirements have been met. Final approval was recommended

Motion (Grunke/Enters) to recommend to the Village Board final approval of the application for a deck/screen porch remodel and addition submitted by John and Sherri Kasdorf of 31182 W Thompson Lane. Motion carried

Review and consider revisions to Village Code Section 6.3(2) Definition of Accessory Structure as it relates to showers and bathroom facilities; and Section 6.7(4)(i) Modifications to Legal Nonconforming Structures – Modification during its lifetime by an amount not to exceed a thirty (30) percent increase in either footprint or living area, whichever is less

Attorney Gartner recapied what has been discussed and proposed to date. These revisions are being proposed due to an application received several months ago to construct a new accessory structure one inch from an existing non-conforming home. This started discussion with respect to when an accessory structure which is non-conforming can be expanded and to what extent. Uses permitted within an accessory structure were also because in that case, the new accessory structure was intended to include exercise facilities and a shower. There was also a discussion as to what types of activities and facilities are permitted within an accessory structure.

The first proposed change is to permit bathroom facilities generally. This concept links in with the second change which is the designation of indoor recreational facilities as a new defined term. The objective is to accommodate people expanding accessory structures and proposing new types of uses, including exercise rooms and facilities. The question becomes what about showers? As long as a property owner signs the Accessory Structure Acknowledgment form, acknowledging that one can’t use the accessory structure as a second dwelling unit on the lot, one is allowed to have bathroom facilities.

The second issue is much more complex. To what extent can non-conforming structures be expanded? The limitations are multiple. From a policy perspective, does the village want to permit expansions as long as they are not increasing that non-conformity? The policy issue for the Plan Commission and Village Board to consider is whether the Village would like to encourage people to expand and update non-conforming homes rather than purchasing a lot and home, demolishing the home, and building something completely new and different that does conform. This is a question of whether the Village desires to preserve and perpetuate the historic buildings.
The other policy issue to be addressed is the limitation on one 30% increase of the footprint or living area over the life of the structure. Does the Plan Commission want to recommend to the Village Board an ordinance change that would no longer limit expansions of non-conforming structures to the 30% maximum over the lifetime of the structure? Have there been enough changes in the statutes which over the years to have changed the approach to non-conformity and practices to warrant relaxing those types of limits. Historically, the idea behind non-conformity has been not to encourage people to fix up or expand but rather too gradually over time to replace non-conforming structures with something that does conform. The philosophy at the legislative level in Madison has been changing over the years and has gone from fairly stringent requirements on what one could do to relaxing those requirements. This is a policy issue for the Plan Commission and Village Board to decide. Whether not to encourage people to expand non-conformities or relax the limitations in order to give people options to preserve existing buildings to be more restrictive in the way the code addresses those requirements.

The general sense was to favor the elimination of the 30% lifetime expansion requirement. Revisions will be made to the text to be reviewed at the next month’s meeting.

**Building Inspector’s Report**
Building Inspector Lipke provided a log of building permits issued thru December 6, 2018.

**Administrator’s Report**
No report

**Village Attorney’s Report**
No report

**Adjournment**
Motion (Pranke/Grunke) to adjourn the meeting of Plan Commission at 6:23 p.m. *Motion carried*

Respectfully submitted by:  

Approved and Ordered Posted by:

Pamela Ann Little  
Village Clerk  

Helmut Keidl  
Chairperson
Meeting Called to Order by Chairman Klink at 5:30 p.m.

Minutes of the November 7th, 2018, two Public Hearings & Plan Commission Meeting. A motion to approve all minutes was made by Morris/Siepmann. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Fleming, Morris, Siepmann, Good, and Jensen, Attorney Chapman, Planner Haroldson, and Deputy Clerk Claas

Also Present: Tom Halquist, Joe DeStefano Sr., Candace Dingmann, and Kathy & David Robinson

Old Business: None

New Business:

Repeat Request for Increased Building Height to 25’ for a 3,500 Sq Ft Accessory Building – Requested by Joe DeStefano – N95W28025 CTH Q – MRTT0289-999-001 – Haroldson stated DeStefano brought in more detailed plans and would like an increased height of 25’. Haroldson said he meets the intent of the increased height ordinance. DeStefano said he has a race hauler that he wants to keep out of the elements and the garage would have a 14’ door.

A motion to approve was made by Fleming/Griffin. Motion carried.

A motion to recommend approval to the Town Board subject to changes and Waukesha County’s review was made by Fleming/Siepmann. Motion carried.

Certified Survey Map to Combine Lots – Located at N81W29061 Florencetta Heights – Requested by Kathryn & David Robinson – MRTT0405-960 & MRTT0405-960-001 – Haroldson stated the Robinsons would like to combine lots for purposes of building a boat house. Corrections need to be made and Waukesha County needs to review.

A motion for a condition approval to the Town Board subject to approval by the Planner and Waukesha County requirements was made by Jensen/Siepmann. Motion carried.

Certified Survey Map to Combine Lots – Located at N81W29061 Florencetta Heights – Requested by Kathryn & David Robinson – MRTT0405-960 & MRTT0405-960-001 – Haroldson stated the Robinsons would like to combine lots for purposes of building a boat house. Corrections need to be made and Waukesha County needs to review.

A motion for a condition approval to the Town Board subject to approval by the Planner and Waukesha County requirements was made by Jensen/Siepmann. Motion carried.

Update and Amend the North Lake Sand & Gravel Conditional Use – Requested by Tom Halquist – Located at W312N7881 Kilbourne Road – MRTT0324-991-001 & MRTT0327-997-001 – Halquist explained the changes of the equipment and the locations and said it should reduce the noise. Halquist is building two accessory structures. All crushing and screening operations beyond the primary crusher will be moved to the west of Kilbourne Road. The balance of the crushing and screening operations will
take place in the west pit. Screening or washing operations along the railroad tracks will no longer happen.

Halquist prepared a map as an exhibit. Haroldson requested a copy of that map for an exhibit for the conditional use permit. Haroldson also requested a copy of the current Reclamation Plan.

Chapman stated he must still comply with the existing conditional use permit.

A motion to recommend approval of the amendment to the Town Board was made by Morris/Fleming. Motion carried.

Resolution to Change the Land Use Designation on a 5.2 Acre Parcel of Patricia Leverence – N48W28320 Lynndale Road – Haroldson stated the Resolution goes to the Plan Commission for approval, then it would be sent to the Town Board’s for their next meeting to schedule a Public Hearing to be held no sooner than 30 days.

A motion to send the resolution to the Town Board for consideration and a Public Hearing in January of 2019 was made by Siepmann/Morris. Motion carried unanimously.

Planner Update:

Ordinances & Violations – Haroldson stated another citation was sent to Schmirler for his bike operation. The Town is getting a lot of complaints for the pallets on Hwy C. Chapman stated that the Town should have the police officer stop and get a name and address and forward it to him.

A motion to adjourn was made by Fleming/Siepmann. Motion carried. Meeting adjourned at 6:12 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk
Meeting Called to Order by Chairman Klink @ 6:30 pm
Pledge of Allegiance led by Chairman Klink
Minutes of November 26, 2018 - Town Board Meeting were tabled.

Present: Chairman Klink, Supervisors Olson, Morris, Fleming and Herrick, Attorney Chapman, Highway Superintendent Griffin, Treasurer Kempen and Clerk Hann.

Also in attendance: Tom Seidl and David Frazer.

Citizen Comments and Concerns: None

Old Business:
Chairman Klink stated will not have second meeting in December because that is Christmas Eve. The Next Town Board Meeting which will be January 14, 2019.

New Business:
Consider/Act on Updating the Roof at the Town Hall. Supervisor Fleming is working on options to fix the water problem on the Town Hall Roof. The Town of Merton will have bid out the work to see the cost. A motion to approve bidding out repairs to the Town Hall roof was made by Morris/Herrick. Motion Carried.

Consider/Act on Fire Contract with Stone Bank Fire Department. A motion to approve the Fire Contract with Stone Bank was made by Morris/Fleming. Motion Carried

Consider/Act on Fire Contract with Merton Fire Department. A motion to approve the Fire Contract with Stone Bank was made by Morris/Fleming. Motion Carried

Consider/Act on Replacement for existing 2006 Sterling Plow Truck for the Highway Department. Highway Superintendent presented information to replace the 2006 Sterling Plow Truck. A motion to use Lakeside International for the chassis and Burke Truck for the equipment put on the Truck. A motion to approve the resolution was made by Morris/Fleming. Motion carried.

Consider/Act on Resolution for Budget Amendments. Treasurer Kempen present amendments to the Town Board. A motion to approve the resolution for Budget Amendments was made by Morris/Fleming.

Consider/Act to the Request to Update and Amend the North Lake Sand & Gravel Conditional Use Permit, as requested by Tom Halquist, located at W312N7881 Kilbourne Road, MRTT0324-991-001 & MRTT0327-997-001 as recommended by the Plan Commission on December 5, 2018. A motion to approve the request to update and amend the North Lake Sand & Gravel Conditional Use Permit as request by Tom Halquist and recommended by Plan Commission was made by Herrick and Fleming.

Consider/Act on the resolution to change the land use designation on a 5.2 acre parcel of the Patricia Leverence, N48W28320 Lynndale Road, Pewaukee, WI, property from Low Density Residential to Mixed Use. The property is located in the SE 1/4 & SW 1/4 of the SE 1/4 of Section 36, T8N, R18E. Town of
Merton, MRTT0432-998-004 as recommended by the Plan Commission on December 5, 2018. A motion to approve the resolution to change the land use designation on 5.2 acre parcel of Patricia Leverance from Low Density Residential to Mixed Use and recommended by Plan Commission.

Consider/Act on the Certified Survey Map to Combine Lots, located at W332N6297 CTH C, as Requested by Candace Dingmann, MRTT0405-960 & MRTT0405-960-001 as recommended by the Plan Commission on December 5, 2018. A motion to approve CSM to combine lots located at W332N6297 CTH C and recommended by Plan Commission was made by Fleming/Olson. Motion carried.

Clerk, Board, Highway and Attorney Reports -

Operator’s Licenses - None

Vouchers as Presented - A motion to approve the vouchers as presented was made by Morris/Herrick. Motion carried.

Adjourn - A motion to adjourn was made by Fleming/Herrick. Motion carried. Meeting adjourned at 7:11 p.m.

Donna Hann, Town Clerk

Notice is hereby given that a majority of the Town Board or Plan Commission may be present at the above scheduled meeting(s) to gather information about a subject over which they have decision-making responsibility.
CERTIFIED SURVEY MAP NO.
BEING A PART OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 18 EAST, IN THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

BEARINGS REFERENCED TO THE NORTH LINE OF THE NE ¼ OF SEC. 30-8-18 HAVING A BEARING OF SOUTH 89°33'39" WEST

NOTES:
1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHER MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

2. THE REMOVAL OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, UNLESS IN COMPLIANCE WITH THE WAUKESHA COUNTY VEGETATION REMOVAL REQUIREMENTS.

3. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

4. THE ENTIRE PROPERTY IS WITHIN THE JURISDICTION OF THE WAUKESHA COUNTY SHORELAND AND FLOODPLAIN PROTECTION ORDINANCE.

5. 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.

AN ORDINARY HIGH WATER MARK EL. 874.7' WAS ESTABLISHED FOR THIS PORTION OF OKAUCHEE LAKE, BASED ON STAKING DONE BY WIS. DEPT. OF NATURAL RESOURCES ON SEPT. 28, 2010 AT W334 N5875 ROAD "M"

ANY LAND 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.

NOTES:
1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHER MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

2. THE REMOVAL OF TOPSOIL OR OTHER EARTHER MATERIALS SHALL BE PROHIBITED.

3. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, UNLESS IN COMPLIANCE WITH THE WAUKESHA COUNTY VEGETATION REMOVAL REQUIREMENTS.

4. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

100-YEAR FLOOD ELEV = 874.7' (NGVD29)
FIELD LOCATED NOV. 7TH, 2018
PER FEMA FLOODPLAIN MAP NO. 0513300432, REVISED ON NOV. 5TH, 2014.

OWNER
WAUKOW HOWARD TRUST
8332 NE297 COUNTY ROAD C
NASHOTA, WI

SURVEYOR
CARL A. GAHLMAN
569 WASHINGTON CT.
KEWAUKUM, WI 53040
262-894-3443

NOTES:
1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHER MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

2. THE REMOVAL OF TOPSOIL OR OTHER EARTHER MATERIALS SHALL BE PROHIBITED.

3. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, UNLESS IN COMPLIANCE WITH THE WAUKESHA COUNTY VEGETATION REMOVAL REQUIREMENTS.

4. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

THIS INSTRUMENT WAS DRAFTED ON 12/10/2018 BY CARL A. GAHLMAN

SHEET 1 OF 3
CERTIFIED SURVEY MAP NO.

BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 18 EAST, IN THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:


COMMENCING AT THE EAST MEANDER CORNER OF THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 30; THENCE SOUTH 89°33'39" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 279.78 FEET; THENCE SOUTH 06°50'12" WEST, 3.78 FEET TO A 1-INCH IRON PIPE; THENCE SOUTH 06°50'12" WEST, 870.41 FEET TO THE PLACE OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE SOUTH 06°50'12" WEST, 150.30 FEET; THENCE SOUTH 88°47'46" WEST, 91.44 FEET TO A 1-INCH IRON PIPE ON THE MEANDER LINE OF OKAUCHEE LAKE, THENCE NORTH 09°24'21" EAST ALONG SAID MEANDER LINE, 151.66 FEET TO A 1-INCH IRON PIPE; THENCE NORTH BB5'T46" EAST, 84.54 FEET TO THE POINT OF BEGINNING.

INCLUDING THOSE LANDS LYING BETWEEN THE ABOVE DESCRIBED MEANDER LINE AND THE SHORELINE OF OKAUCHEE LAKE.

EXCEPTING THE EASTERLY 33 FEET MEASURED TO THE TRAVELED CENTERLINE OF C.T.H. "C" FOR PUBLIC ROADWAY PURPOSES.

CONTAINING 16,148 SQUARE FEET, 0.3707 MORE OR LESS.

ALL SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND POTENTIAL ROAD WIDENING AND GOVERNMENT RESTRICTIONS, IF ANY.


CARL A. GAHLMAN, P.L.S. NO. S-2268
WISCONSIN PROFESSIONAL LAND SURVEYOR
DATED THIS 10 DAY OF DECEMBER, 2018

OWNER'S CERTIFICATE:

AS OWNER ON BEHALF OF WAHLIG-HOWARD TRUST, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE REGULATIONS OF THE TOWN OF MERTON, VILLAGE OF CHENEQUA AND WAUKESHA COUNTY.

WAHLIG-HOWARD TRUST
DATED THIS 13 DAY OF DECEMBER, 2018

STATE OF WISCONSIN)

WAUKESHA COUNTY)

PERSONALLY came before me the 15th day of DECEMBER, 2018 the above named Wahlig-Howard Trust to be known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My Commission Expires February 16, 2019

This Instrument was drafted on 12/10/2018 by Carl A. Gahlan
CERTIFIED SURVEY MAP NO.______

BEING A PART OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 18 EAST, IN THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

TOWN BOARD CERTIFICATE OF APPROVAL

RESOLVED THAT THE ABOVE CERTIFIED SURVEY MAP WHICH HAS BEEN FILED FOR APPROVAL, BE AND IS HEREBY APPROVED AS REQUIRED BY THE TOWN SUBDIVISION REGULATIONS AND CHAPTER 236 OF WISCONSIN STATUTES RELATING TO CERTIFIED SURVEY MAPS. I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF MERTON.

APPROVED BY THE TOWN BOARD OF THE TOWN OF MERTON ON THIS 10th DAY OF December, 2018.

TIM KLINK, CHAIRMAN

HOLLY GAAS, RECORDING SECRETARY

TOWN PLAN COMMISSION APPROVAL


TIM KLINK, CHAIRMAN

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

THE ABOVE, WHICH HAS BEEN FILED FOR APPROVAL AS REQUIRED BY CHAPTER 236 OF THE WISCONSIN STATE STATUTES IS HEREBY APPROVED ON THIS 17th DAY OF December, 2018

DALE R. SHAVER, DIRECTOR

PLANNING COMMISSION OF VILLAGE OF CHENEQUA EXTRATERRITORIAL APPROVAL

APPROVED BY THE PLANING COMMISSION, VILLAGE OF CHENEQUA ON THIS _______ DAY OF ___________ , 2018

APPROVED: HELMUT KEIDER, CHAIRPERSON

SIGNED: PAMELA ANN LITTLE, CLERK

VILLAGE BOARD OF CHENEQUA EXTRATERRITORIAL CERTIFICATE OF APPROVAL

APPROVED BY THE VILLAGE BOARD OF CHENEQUA ON THIS _______ DAY OF ___________ , 2018

APPROVED: ______________

SIGNED: PAMELA ANN LITTLE, CLERK

THIS INSTRUMENT WAS DRAFTED ON 12/10/2018 BY CARL A. GAHLMAN
6.3 DEFINITIONS.

(2) ACCESSORY STRUCTURE: A detached structure customarily incidental and subordinate to the principal structure, building, use or a use constituting a conditional use. An accessory structure shall not contain cooking or sleeping facilities but an accessory structure may include bathroom facilities and indoor recreational facilities.

(22) INDOOR RECREATIONAL FACILITIES: Exercise rooms and equipment, ball courts, hot tubs, saunas and steam rooms, swimming pools and similar facilities or equipment for personal leisure activities.
6.7 NONCONFORMING LOTS, USES AND STRUCTURES.

(4) MODIFICATIONS TO LEGAL NONCONFORMING STRUCTURES. A modification to a legal nonconforming structure, other than a modification which makes it a conforming structure, shall be subject to the following conditions:

(i) A legal nonconforming structure which is not located in whole or in part within the shoreline buffer zone may be modified to increase the footprint, living area or height where the modifications fully comply with all setback, living area and height requirements of this Chapter, all other applicable provisions of this Code and other applicable laws.

(ii) A legal nonconforming structure that is located within the shoreline buffer zone or seventy five (75) feet or less from the ordinary high-water mark of any navigable water, lake, pond, flowage, river or stream may, at the option of the owner, be modified, during its lifetime so long as such modification does not increase the footprint, living area or height of the structure. Notwithstanding anything to the contrary herein, an owner may increase the height of a nonconforming accessory structure if necessary to address modifications or repairs to the accessory structure’s roof so long as such modification or repair does not increase the accessory structure’s useable area.

(iii) In addition, a legal nonconforming structure which is nonconforming solely because it is located in part within the shoreline buffer zone and because portions of it are seventy five (75) feet or less from the ordinary high-water mark of any navigable water, lake, pond, flowage, river or stream may be modified to increase either its footprint, living area or height where all modifications and all changes constituting either a building or structure alteration or reconstruction take place outside of the shoreline buffer zone or more than seventy five (75) feet from the ordinary high water mark. No such modification shall expand the nonconformity within the shoreline buffer zone.

(iv) No modification shall extend or increase a structure’s existing level of encroachment with respect to any setback requirements.

(v) Any modification of a legal nonconforming structure must comply with all other applicable provisions of this Code.

(vi) Repairs to or maintenance of a legal nonconforming structure which do not constitute a modification are subject to the requirements of this Chapter.
VILLAGE OF CHENEQUA
ACCESSORY STRUCTURES ACKNOWLEDGMENT
(To be included with every Building Permit Application)

The undersigned, owner of the premises located at ___________________________,
Chenequa, Wisconsin, hereby agrees and acknowledges as follows:

Initial here: ______

As of the date set forth below, the undersigned has read, understands and acknowledges the Village of Chenequa’s Village Code of Ordinances (“Village Code”) pertaining to accessory structures.

The Village Code defines an “Accessory Structure” as:
“A detached structure customarily incidental and subordinate to the principal structure, building, use or a use constituting a conditional use. An accessory structure shall not contain cooking or sleeping facilities but an accessory structure may include bathroom facilities and indoor recreational facilities.” See Village Code 6.03(2)

The Village Code defines a “Non-Conforming Structure” as:
“Any building or structure which does not comply with all of the regulations of this Chapter. If there are two or more buildings on a lot, each of which has cooking or sleeping facilities, then each building is nonconforming.” See Village Code 6.03(30)

The Village Code defines a “Legal Non-Conforming Structure” as:
“A nonconforming structure which complied with the regulations of this Chapter applicable at the time the structure was constructed.” See Village Code 6.03(24)

The Village Code allows only one structure per lot to be used as a dwelling or residence, which includes having cooking or sleeping facilities.

Any Accessory Structure may contain standard bathroom facilities and indoor recreational facilities but may not be used as a dwelling or residence nor shall it contain cooking or sleeping facilities.

Notwithstanding anything to the contrary contained in any building permit issued by the Village of Chenequa, the Village Code prohibits any construction or use of structures by Village residents that is not in conformance with the Village Code.

Any person who violates any restrictions on the construction or use of structures within the Village of Chenequa, including but not limited to restrictions on the construction or use of accessory structures, may be subject to penalties, as outlined in Village Code 6.10(1).

“Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with the enforcement of any of the provisions of this Chapter, shall upon conviction thereof forfeit an amount not to exceed Two Thousand Five Hundred Dollars ($2,500), together with the costs of prosecution. Each offense, and each day that a violation exists shall constitute a separate offense.”

_________________________  __________________________
Owner  Date

_________________________  __________________________
Owner  Date

_________________________  __________________________
Village Administrator / Zoning Administrator  Date

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