

For Office Use:	Date	Referred to Plan Comm/Board	Date
Application given by <u>JS+</u>	<u>6/18</u>	Public Hearing Set	<u>6/20/18</u>
Received by Zoning Administrator	<u>6/20/18</u>	Date Notices Mailed	<u>6/29/18</u>
Fee received by Clerk	<u>"</u>	Public Hearing Published	<u>6/25 & 7/2</u>
Zoning Certified	<u>"</u>	Public Hearing Held	<u>7/10/18</u>
Filed with Clerk	<u>"</u>	Final Action	
Referred for Staff Review	<u>"</u>		

Village of Shorewood Hills
 810 Shorewood Boulevard
 Madison, WI 53705-2115
 (608) 267-2680 phone
 (608) 267-5929 fax

APPLICATION FOR CONDITIONAL USE PERMIT
 (A non-refundable \$350 fee must accompany this application upon filing)

FOR OFFICE USE ONLY
Receipt # <u>026662</u>

Date of Petition: 6/15/2018

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the Village of Shorewood Hills as follows:

- Name and address of each owner: (Please attach additional pages as necessary)
Tracy and Jack Koziol, 3414 Lake Mendota Dr, Madison, WI 53705

- Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease): N/A

- Address of site: 3414 Lake Mendota Drive, Madison, WI 53705

- Tax parcel number of site: 181/0709-171-4154-9

- Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed): SHOREWOOD ADDN BLOCK 3 LOT 14

- Present zoning classification: Residential

- Requested conditional use: Add two copper overhangs over exterior door openings, and add a spiral staircase onto a deck. Drawings are included with this application.

- Brief description of each structure presently existing on site: Residential Home

9. Brief description of present use of site and each structure on site: Family of five lives in home
-
-
10. Brief description of any proposed change in use of structures if request for conditional use is granted (include change in number of employees on site): Overhangs will provide additional protection against weather elements hitting the doors and the staircase will allow easier access into the yard.
-
-
11. The following arrangements have been made for serving the site with municipal sewer and water:
N/A
-
-
12. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site: Robert Haveman & Bobbi Wolfe 3410 Lake Mendota Dr, Madison, WI 53705
Mary Sweeney 3418 Lake Mendota Dr, Madison, WI 53705
-
-
13. A scale map or survey map must be attached showing the following:
- Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands.
 - The approximate location of existing structures on the site, easements, streets, alleys, off street parking, loading areas and driveways, highway access and access restrictions, existing street, side and rear yards, proposed surface drainage, grade elevations.
14. State in detail, the evidence indicating proof that the proposed conditional use shall conform to each of the standards for conditional uses set forth in section 10-1-108 of the Village Zoning Code.
See attached
-
-
-

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Dated this 15 day of June, 20 18.

[Signature]
Property Owner

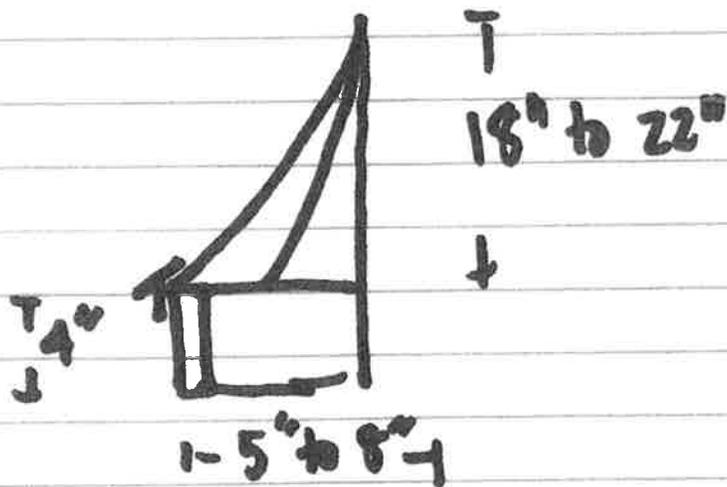
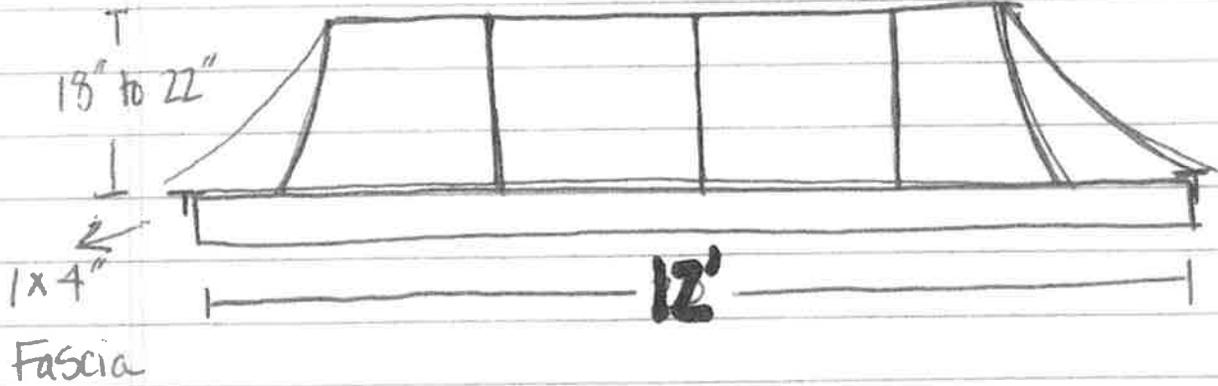
[Signature]
Property owner

I certify that that I have reviewed this application for completeness.

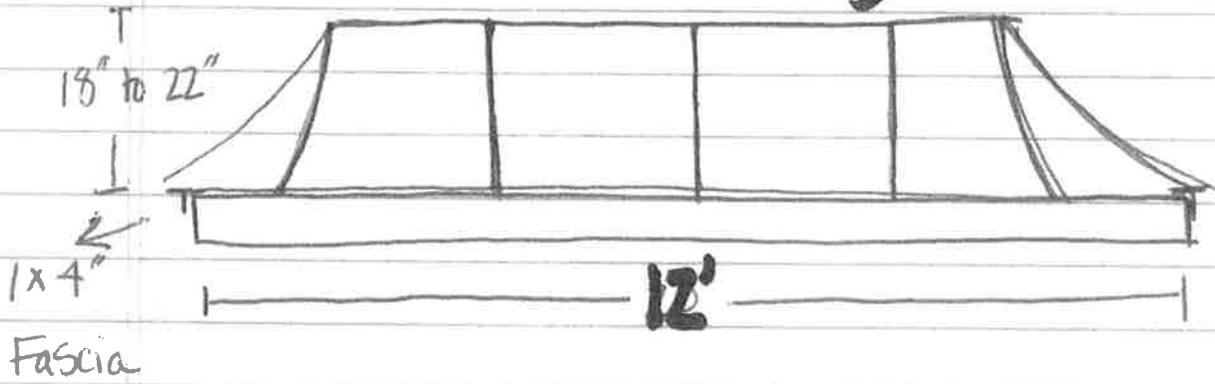
Date: 6/20/11 Zoning Administrator: [Signature]

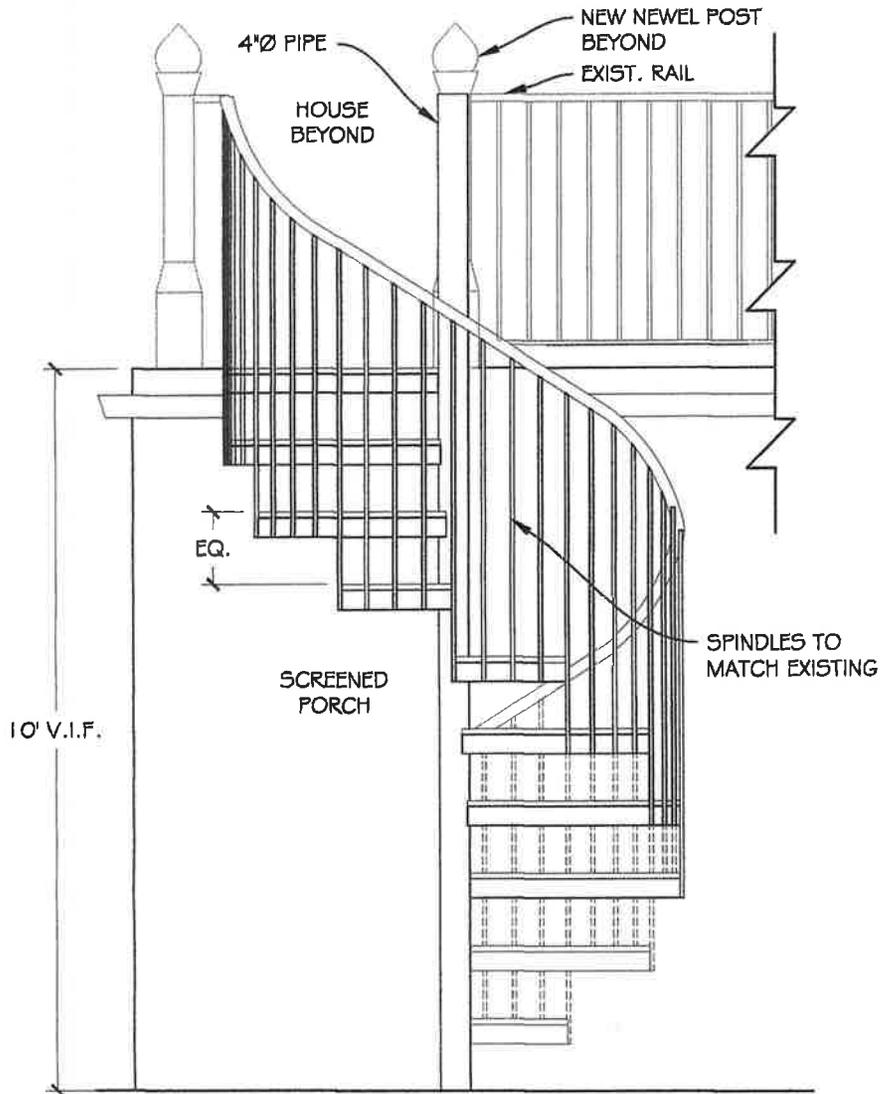
Print Form

Master Bedroom Roof + Dining

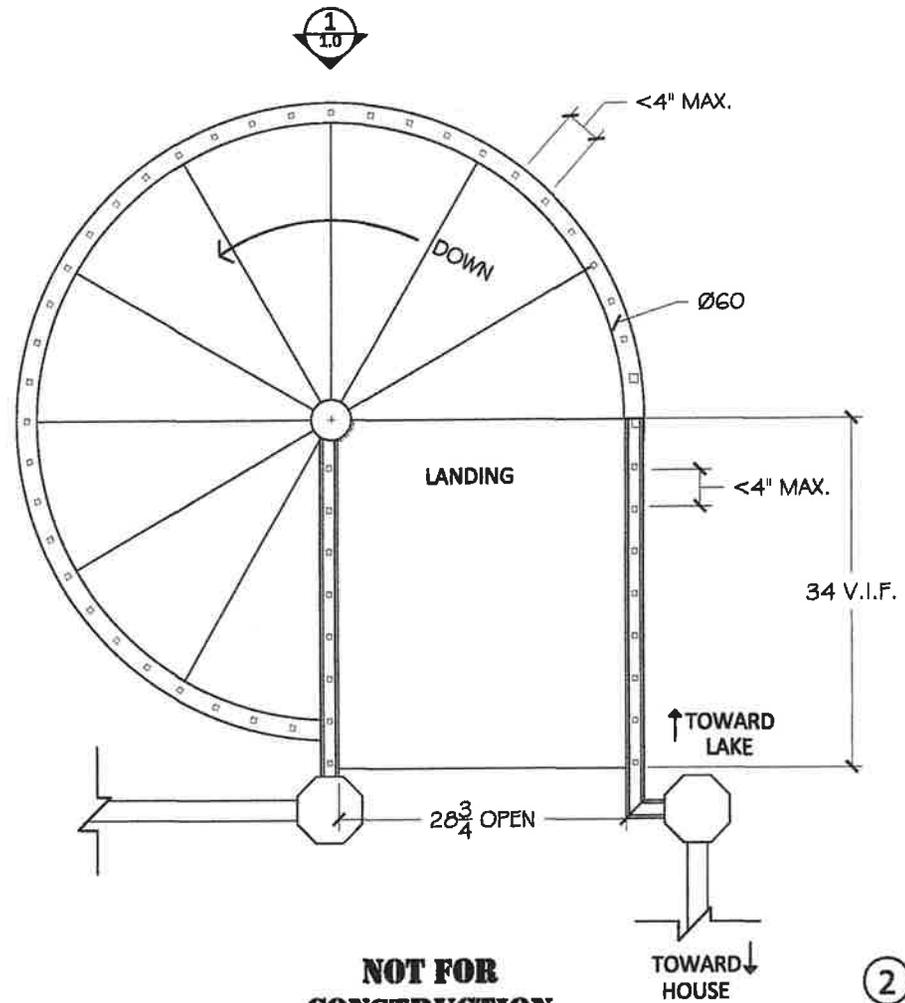


Master Bedroom Roof + Dining





1 Elevation View
scale: $\frac{3}{4}'' = 1'$



2 Plan View
scale: $1'' = 1'$

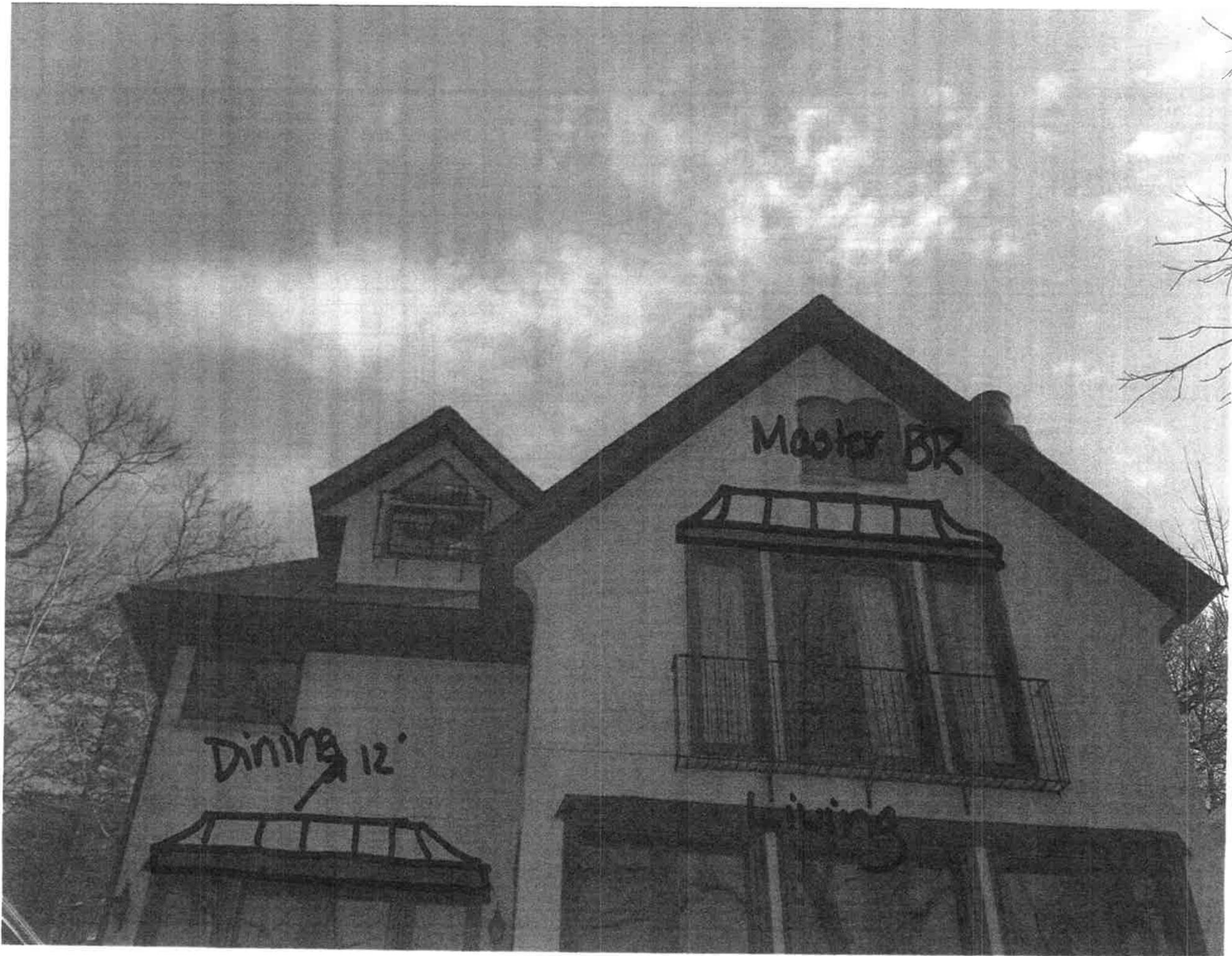
NOT FOR CONSTRUCTION

PROJECT NOTES	
MATERIALS:	STEEL
FINISH:	PAINTED
COLOR:	MATCH EXISTING
FASTENERS:	TBD
QTY:	ONE

Custom Metals, Inc.
608.222.4699 info@custommetals.com

Job: Koziol Ext. Spiral
Date: August 24, 2015
Scale: As Noted
Page: CM Draft 1.0

Meant to be printed on 11" x 17" paper.

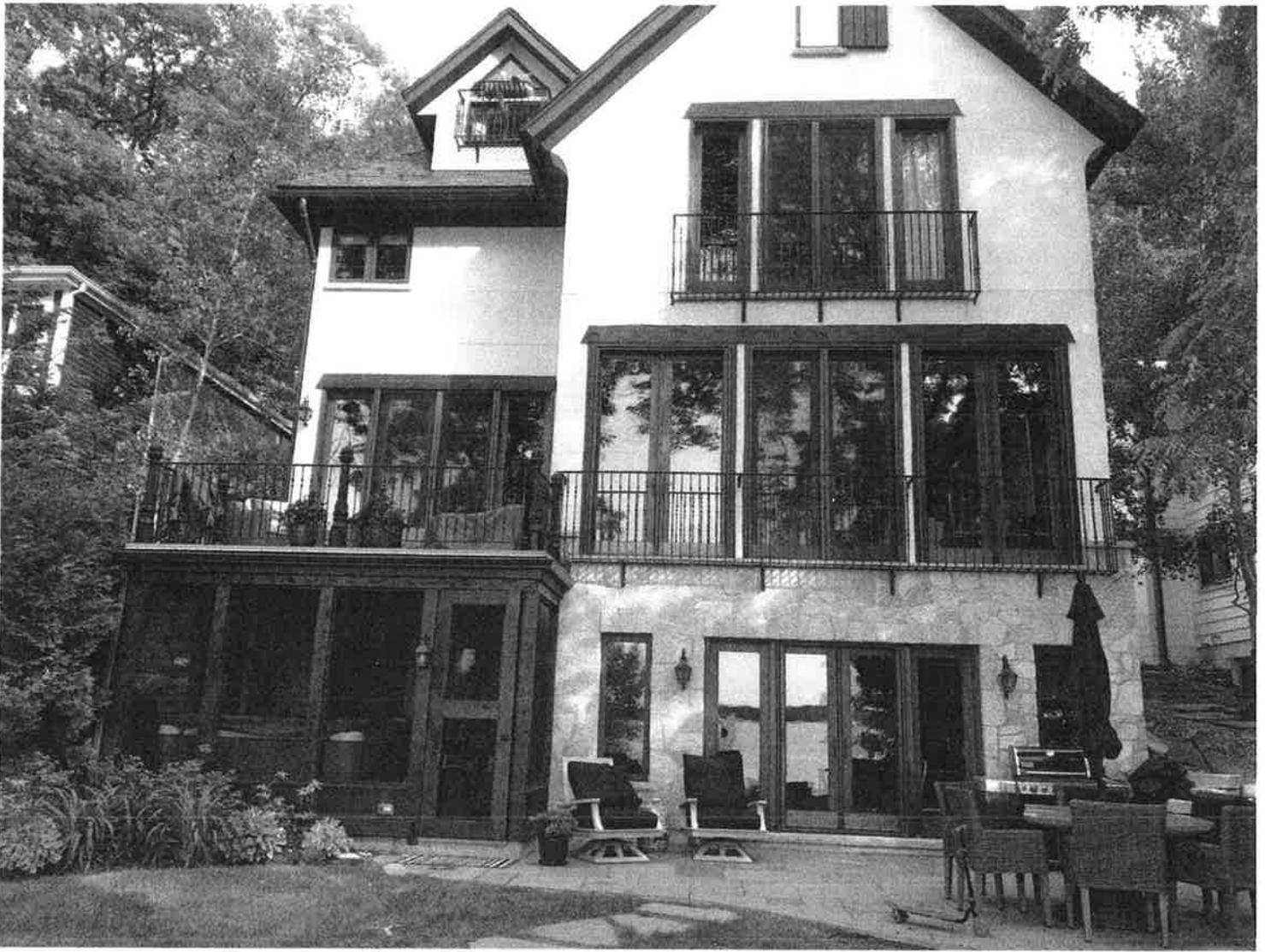


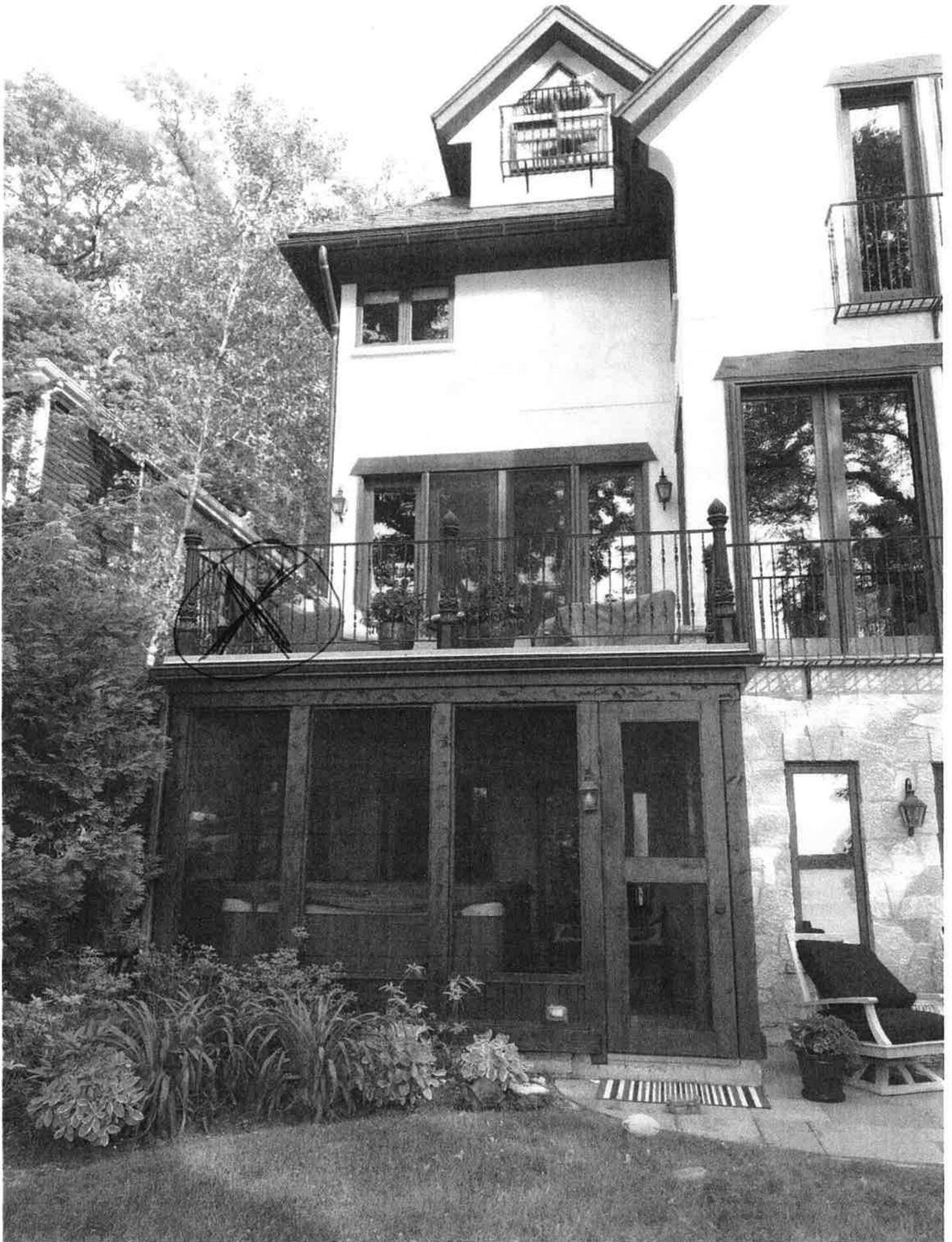
Master BR

Dining 12'

Dining









<http://www.lafollette.wisc.edu/facultystaff/haveman-robert.html>

From: Tracy Koziol <tracykoziol@gmail.com>

Sent: Wednesday, June 20, 2018 4:28 PM

To: Mary Sweeney <msweeney4@me.com>; Barbara L Wolfe <wolfe@lafollette.wisc.edu>; Robert Haveman <haveman@lafollette.wisc.edu>

Subject: Moving on to the next one!

Hi Neighbors,

Thanks for your patience as the yard was tuned up over the past few weeks. They installed a new drainage system that seems to be working well, so hopefully I am done with this yard! Haha!

I wanted to make you both aware of the exterior repairs we will be doing at the end of August or beginning of September. There will be two parts of it in particular I wanted to let you both know about as I am applying for a conditional use permit for them.

The deck outside our dining room had a puncture in it and caused the subfloor to rot out. So the deck subfloor and roof will be being replaced along with the railing. Since this deck is being rebuilt I thought this would be our opportunity to add a spiral staircase off the back of it. This is one of the things I am applying for a permit for.

Also, all of the french doors will be replaced as well due to rot and inefficiency in storms. We will also be repairing all the stucco on the back of the house due to water infiltration behind it from improper flashing that was above the doors. To help prevent future problems we will be installing very shallow copper overhangs over the doors. They will only stick out from the house at most 5-8", which is shallower than the existing rails over them. I do not foresee any issues with these but wanted to make you aware.

If any of these projects alarm you please let me know I can go over them in more detail. I did attach some drawings of the staircase and copper overhangs for your review.

Thanks,

Tracy



Karl Frantz <kfrantz@shorewood-hills.org>

Neighbor to the West

1 message

Tracy Koziol <tracykoziol@gmail.com>

Tue, Jul 10, 2018 at 7:11 PM

To: Karl Frantz <kfrantz@shorewood-hills.org>

Hi Karl

Here is the email from neighbor to West.

Thanks

Tracy

Sent from my iPhone

Begin forwarded message:

From: Mary Sweeney <msweeney4@me.com>

Date: June 21, 2018 at 6:50:58 AM CDT

To: Tracy Koziol <tracykoziol@gmail.com>

Cc: Bob Haveman & Bobbie Wolfe <Wolfe@lafollette.wisc.edu>, "Haveman, Bob" <Haveman@lafollette.wisc.edu>

Subject: Re: Moving on to the next one!

Hi Tracy,

No problem with your repairs and changes below.

M

On Jun 20, 2018, at 4:27 PM, Tracy Koziol <tracykoziol@gmail.com> wrote:

Hi Neighbors,



Karl Frantz <kfrantz@shorewood-hills.org>

Email from Bob Haveman

1 message

Tracy Koziol <tracykoziol@gmail.com>
To: Karl Frantz <kfrantz@shorewood-hills.org>

Tue, Jul 10, 2018 at 7:11 PM

Here is neighbors approval from the East.

Thanks
Tracy

Sent from my iPhone

Begin forwarded message:

From: Robert Haveman <haveman@lafollette.wisc.edu>
Date: June 20, 2018 at 5:11:46 PM CDT
To: Tracy Koziol <tracykoziol@gmail.com>
Subject: RE: Moving on to the next one!

Man, Tracy, if it is not one thing, it is two others.

No problem.

Bob

Professor Robert Haveman
Department of Economics
Robert M. La Follette School of Public Affairs
University of Wisconsin-Madison
Madison, WI 53706
608-239-3530

Plan Commission Conditional Use Permit Review 3414 Lake Mendota Drive Project

The Plan Commission hereby forwards its written advisory recommendation to the Village Board within thirty (30) days after receipt of the application from the Zoning Administrator. The Plan Commission recommends approval subject to specified conditions, contained herein.

A conditional use shall be approved under this paragraph only if the applicant demonstrates by clear and convincing evidence the following:

1. Views of Lake Mendota from points off the lot on which the development or excavation proposed will not be adversely affected.

There will be no adverse impact to views. (also see neighbors support letters)

2. Erosion will not be increased.

There will be no increase.

3. The flow of surface water will not be changed so as to adversely affect other lots, the lake and other aspects of the natural environment.

No change in surface water flow as to adversely affect other lots, the lake or natural environment is expected.

4. Infiltration of surface water into the ground will not be adversely affected.

Infiltration of water into the ground will not be adversely affected.

5. Access to properties and structures by firefighters and other emergency personnel will not be adversely affected.

Access will not be adversely affected. Village setback regulations are complied with.

The Plan Commission shall review the application according to the standards below. No application shall be recommended for approval by the Plan Commission unless it finds that the following conditions are met:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Finding: *The Commission finds the above conditions are met and will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

Finding: *The Commission finds that the uses, values and enjoyment of other property in the neighborhood for purposes already permitted are in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.*

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not be contrary to an adopted comprehensive plan of the Village.

Finding: *The Commission finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not be contrary to an adopted comprehensive plan of the Village.*

4. That adequate utilities, access roads, drainage and other necessary site improvements have been, are being or will be provided.

Finding: *The Commission finds that adequate utilities, access roads, drainage and other necessary site improvements have been, are being or will be provided.*

5. That the establishment, maintenance or operation of the conditional use is unlikely to increase the level of traffic congestion or reduce the level of safety at any point on the public streets.

Finding: *The Commission finds that that the establishment, maintenance or operation of the conditional use is unlikely to increase the level of traffic congestion or reduce the level of safety at any point on the public streets.*

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Finding: *The Commission finds that the conditional use conforms to all applicable regulations of the district in which it is located.*

7. That the conditional use does not violate flood plain regulations governing the site.

Finding: *The Commission finds that the project is not in a floodplain.*

8. That, when applying the above standards to any new construction of a building, or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.

Finding: *The Commission finds that the statement of purpose for the zoning district is such that the proposed project at its location does not defeat the purposes and objectives of the zoning district.*

The Plan Commission shall also evaluate the effect of the proposed conditional use upon:

- The maintenance of safe and healthful conditions.

Evaluated and no adverse impact. Improved safety due to decreasing water infiltration into house.

- The prevention and control of water pollution including sedimentation.

Evaluated and no adverse impact

- Existing topographic and drainage features and vegetative cover on the site.

Evaluated and no adverse impact

- The location of the site with respect to floodplains and floodways of rivers and streams.

Evaluated and no adverse impact

- The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

Evaluated and no adverse impact

- The location of the site with respect to existing or future access roads.

Evaluated and no adverse impact

- The need of the proposed use for a shoreland location.

Evaluated and no adverse impact

- Its compatibility with uses on adjacent land.

The Commission evaluated and concluded that the proposed project is compatible with the uses on adjacent lands.

- Any other requirements necessary to fulfill the purpose and intent of the Zoning Code of the Village of Shorewood Hills conditions required:

Compliance with erosion control, dark sky and noise, hours of construction regulations are required. Parking plan and parking permits for all vehicles and equipment to be approved by Police Department. A building permit is required for the project.

**Confidential Memorandum
Privileged Lawyer-Client Communication**

To Plan Commission Members
Village of Shorewood Hills

From Matthew P. Dregne
Bryan Kleinmaier
Stafford Rosenbaum LLP

Date August 3, 2006

Re Certified Survey Map Approval Process

Pursuant to the Village's request, this memorandum addresses a number of issues related to certified survey maps and standards applicable to the division of land. This memo makes the following key points:

- Action on a CSM is quasi-judicial, not legislative, meaning it must be approved or denied based on established plans and regulations;
- The Village may adopt standards and regulations for CSMs that are more restrictive than state law;
- An owner likely has a vested right to approval of a CSM that meets all applicable plans and regulations in effect at the time of application;
- Zoning changes adopted after a lot is created must be followed. However, zoning changes that cause a lot to become substandard and/or that prohibit development of the lot would likely constitute a regulatory taking;
- The Village should review and modify Article F of the Zoning Code relating to nonconforming structures, uses and lots.

I. GENERAL OVERVIEW OF VILLAGE REVIEW AND ACTION ON CERTIFIED SURVEY MAPS.

Certified survey maps (“CSM”) are used to divide parcels of land; another tool is the platting process. Both processes are primarily controlled by Chapter 236 of the Wisconsin Statutes, which establishes standards applicable to the division of land. Section 236.34 identifies the standards applicable to certified survey maps. A municipality may adopt its own land division ordinances that can be more restrictive than the state law. Wis. Stat. § 236.45.

It is important to understand that municipal action on a CSM is a quasi-judicial decision, rather than a legislative decision. This means that action on a CSM is not a discretionary action, but must be based upon established legal standards. This is in contrast to a legislative decision, such as the decision to change the zoning classification of a lot, where the municipality has fairly broad discretion to act based on public health, safety and general welfare considerations.

Under the state standards, approval, conditional approval, or rejection of a CSM is based upon compliance with the standards set forth in Wis. Stat. § 236.34, which are rather technical in nature. A copy of Wis. Stat. § 236.34 is attached to this memorandum. A municipality may adopt local subdivision regulations under Wis. Stat. § 236.45. Such regulations usually specify minimum standards for lots (such minimum street frontage requirements), and minimum standards for public improvements needed to serve lots (such as street, sewer and water improvements that may be needed to serve new lots), and require compliance with all Village ordinances and comprehensive plan or master plan requirements.

Most local regulations are fairly specific and quantifiable. Some ordinances also include somewhat less precise requirements relating, for example, to whether the land is “suitable” for further division and development. Following is a typical example:

No land shall be subdivided for residential, commercial, or industrial use that is held unsuitable for such use by the [municipal] board, upon a recommendation of the plan commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Note however that even this kind of general suitability provision does not provide broad discretion to deny a CSM, but rather provides specific criteria to apply in acting on a CSM.

Finally, municipalities are prohibited from applying local subdivision regulations to the following:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages or easements.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 or other applicable laws or ordinances.

II. VESTED RIGHTS ISSUES.

Because land division, zoning and other regulations are not static, questions sometimes arise about what rules apply to particular applications or property. This is particularly true when regulations change while applications are pending. Does the property owner have a “vested” property right to use her property under prior law, or must the owner comply with new law?

Lake Bluff Housing Partners v. City of South Milwaukee, 197 Wis. 2d 157 (1995) is the leading Wisconsin case on the acquisition of vested rights in the development context. The court’s decision stands for the proposition that when an owner applies for a building permit in a way that conforms to all existing applicable requirements, the owner obtains a vested right to build in accordance with those requirements. In other words, once the complete and conforming application is submitted, a subsequent change in zoning cannot prevent the owner from proceeding under the law in effect at the time of application

- A. *A property owner is likely entitled to have her CSM reviewed based on the regulations in effect at the time the CSM is submitted.*

Wisconsin courts have not yet decided a “vested rights” case involving a proposed land division. We believe it is likely that a court would view a CSM application the same way that it views a building permit application. That is, for a property owner’s rights to vest, the property owner must submit an application for a CSM that conforms to the plans and

regulations in effect at the time of the application. Assuming the property owner satisfies this requirement, the CSM should be approved.

Our opinion that vested rights likely apply to CSMs is based on two principles. First, the process for acting on a CSM application is very similar to the process for acting on a building permit application. In each case, a municipality is required to apply measurable standards to the application and act based on those standards. Second, “the theory behind the vested rights doctrine is that a builder is proceeding on the basis of a reasonable expectation.” *Lake Bluff*, 197 Wis. 2d at 175. The same principle applies to a CSM – an applicant proceeds on the reasonable expectation that the CSM will be reviewed based on the requirements in place at the time the CSM is submitted.

B. *What happens if zoning changes occur after a lot is created but before a building permit application is submitted? Which zoning regulations apply in this instance?*

A CSM and a building permit are discrete steps in the development process. A CSM relates to the creation of a lot or lots. A building permit relates to the construction of a structure on a buildable lot. *Lake Bluff* makes clear that to acquire vested rights in a building permit, *i.e.*, the construction of a structure, a “developer must submit an application for a building permit which conforms to the zoning or building code requirements in effect at the time of the application.” *Lake Bluff*, 197 Wis. 2d at 177. Thus, a municipality may amend the zoning for a lot after a CSM is approved but before a building permit application, which complies with all zoning and building code requirements, is submitted. If that occurs, the new, amended zoning requirements could be applied to the lot. This, however, raises two potential scenarios.

The first scenario is that the new zoning regulations, although different and potentially more onerous than the prior regulations, do not cause the lot itself to become substandard (*i.e.*, smaller than the minimum size required by the new zoning) and do not otherwise prevent the property owner from building on the lot. If this is the case, we believe the new zoning requirements can and should be applied to the lot.

The second scenario is that the new zoning regulations prevent the property owner from building a structure on the lot. This may constitute a regulatory “taking” of the owner’s property – meaning the Village would have to pay just compensation to the owner. To avoid a regulatory taking, many zoning codes contain protections for owners whose lots are made non-conforming by a change in zoning. *Anderson’s American Law of Zoning*, § 9.66 (4th Ed.). Such provision typically provides that such lots are deemed to be legal lots, authorize building on such lots, and sometimes provide special minimum

dimensional standards for such lots. (A copy of the Cross Plains substandard lot regulation is enclosed for your convenience.) Finally, we have seen zoning codes that do not provide substandard lot protection where a person owns a substandard lot adjacent to other land, such that the substandard lot could be combined with the other land to create one (or perhaps more) conforming lot. We have not evaluated the constitutionality of that kind of exception.

C. *Issues to Address in Article F, Section 10-1-62 of the Code Relating To Non-conforming Uses, Structures and Lots.*

a. Substandard Lots.

Article F of the Village's Zoning Code is entitled "Nonconforming Uses, Structures, and Lots." Article F, however, does not address nonconforming, or substandard, lots. For the reasons discussed above regarding regulatory takings, we suggest that the Village determine how substandard lots should be treated and amend Article F accordingly.

b. Non-Conforming Structures.

A non-conforming structure is a structure that violates one or more dimensional requirements in the zoning code (i.e., a set-back violation). Some structures were once lawful, but were made non-conforming by changes to the zoning code. Such structures are considered lawful, and are subject to special rules in Section 10-1-62 of the Code (enclosed for your convenience).

We recommend the Village review Section 10-1-62 of the Code to be sure that it does what the Village wants with respect to legal, non-conforming structures. This section of the code was amended last year by Ordinance L-2005-11. Before the amendment, this section said basically two things:

- Non-conforming structures could *not* be extended, enlarged or structurally altered.
- Ordinary repairs could be made to non-conforming structures, subject to a lifetime limit of 50 percent of the value of the property.

After the amendment, this section now says:

- Non-conforming structures may be "structurally" altered or expanded *without limitation*, so long as the alteration or expansion does not increase the non-conformity.

- Ordinary repairs (not including structural alterations) may be made to non-conforming structures, subject to a life-time limit of 50 percent of the value of the property.

The new language raises a number of issues.

1. Reading the two paragraphs together, a property owner can structurally alter or expand a nonconforming structure under paragraph (a)(2), but the cost of performing the structural alteration or expansion shall not be included in the 50% formula identified in paragraph (b). Is this the intent of the language?

This issue is significant because the public policy advanced by a zoning ordinance “is to balance the interests of property owners (in favor of their free use of private property), and the powers of a government entity (to control land use for the purpose of promoting public health, safety, and general welfare).” *Hillis v. Village of Fox Point Board of Appeals*, 2005 WI App 106, ¶ 15, 281 Wis. 2d 147. “The balancing method employed is to force the phase-out of uses that do not conform with the zoning plan (e.g., a tavern in a residential area) by limiting the repairs and structural modifications permitted to buildings in which the nonconforming use is taking place.” *Id.*

However, as written, Section 10-1-62 does not phase-out the nonconforming use. Rather, by not including “structural alterations” in the 50% formula, the Village is allowing the nonconforming structure to continue for a longer period than if structural alterations were included in the formula.

The second issue is equally as important as the first, and the two issues are interrelated.

2. Does the 50% formula identified in paragraph (b) apply to any nonconforming structure, even if the property on which the structure is located is being used for a lawful purpose? Or, does the 50% formula only apply to a nonconforming structure located on property the use of which is nonconforming?

The language in paragraph (b) of Section 10-1-62 is very similar to that found in Wis. Stat. § 62.23(7)(h), which states:

The lawful use of a building or premises existing at the time of the adoption or amendment of a zoning ordinance may be continued although such use does not conform with the provisions of the ordinance. Such nonconforming use may not

be extended. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed 50 percent of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the ordinance.

In *Hillis*, the Wisconsin Court of Appeals interpreted the 50% rule in Wis. Stat. § 62.23(7)(h) as only applying to repairs and improvements made on a structure that is located on property used in a manner that does not conform to the uses permitted by applicable zoning codes. *Id.* ¶ 14. The court also noted that a municipality may elect to apply standards different than those identified in Wis. Stat. § 62.23(7)(h) if it adopts a charter ordinance under Wis. Stat. § 66.0101 and specifically rejects Wis. Stat. § 62.23(7)(h), or at least that portion of it which the municipality does not want to apply.

Ultimately, the Village must determine whether it wishes to apply the standards set forth in Wis. Stat. § 62.23(7)(h). If it does, it should modify Article F to mirror Wis. Stat. § 62.23(7)(h). If not, the Village must decide what standards to apply to nonconforming uses and, thereafter, adopt a charter ordinance rejecting Wis. Stat. § 62.23(7)(h) and identifying the Village's standards.

III. MAY THE VILLAGE PROHIBIT THE DIVISION/CONSOLIDATION OF RESIDENTIAL LOTS?

We have not found any Wisconsin statutes or case law that explicitly prevents the Village from prohibiting the division and/or consolidation of residential lots. With that said, we do not believe that an ordinance prohibiting the division and/or consolidation of residential lots would be lawful. This opinion is based on two concerns.

First, Wis. Stat. § 62.23(7) grants the Village the authority to establish zoning regulations, including the establishment of zoning districts. However, “[a]ll such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts.” Wis. Stat. § 62.23(7)(b). If the Village enacts an ordinance prohibiting the division and/or consolidation of land, it risks treating property that is located in the same zoning district differently. For example, owner A could own two adjacent, smaller lots. Owner A's neighbor, owner B, could own one, larger lot. Both owners are in the same zoning district. Further, if owner A's two lots were combined, they would still comply with the applicable zoning requirements. Nonetheless, the proposed ordinance would

prohibit the consolidation of owner A's lots, even though the combined lots comply with the zoning ordinance. In this instance, the zoning regulations would not be uniform.

We believe it would be more appropriate for the Village to address its concerns through the zoning code. If the Village wants to avoid the consolidation of two smaller lots to create a large lot, it can adopt a maximum lot size in the residential zoning districts.

Second, one purpose or justification for zoning is that it provides reciprocal benefits. A property owner is subject to the zoning regulations, but he/she receives the benefit of knowing that his/her neighbor is subject to the same regulations. This would not be the case in the example provided above. Owner A would be subject to more stringent regulations and would not receive the benefit of owner B being subject to the same regulations.

IV. EXAMPLES OF SUBSTANTIVE RULES TO REGULATE LOTS.

The Village requested information about the kinds of substantive rules it may adopt and apply to CSMs and other land divisions. The following are standards that other communities have adopted to address a variety of concerns:

1. The size, shape, dimensions (including depth and width) and orientation of lots must be appropriate for the topography, the type of sewerage or septic system to be utilized, and for the type of development contemplated. No lot should be smaller in area than the minimum lot size for the appropriate zoning district as established by the Village's zoning code. Excessive depth in relation to width should be avoided.
2. The depth and width of properties reserved for commercial or industrial purposes shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated. Again, the proposed lot must comply with the application zoning requirements.
3. Corner lots for residential use should have extra width to permit full building setback from both streets.
4. Every lot should front or abut a public street. The minimum frontage requirements set forth in the zoning code would apply. Lots with access only to private drives must be approved by the Village board.

5. Side lots should be substantially at right angles to straight street lines or radial to curved street lines. Lot lines must follow Village boundaries.
6. Double and reversed frontage lots should be avoided, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
7. The development should take advantage of natural features. Thus, when the land is divided, regard should be shown for tree growth, water courses, historic spots or similar conditions, which, if preserved, will add attractiveness to the proposed land division. *[Note that this kind of requirement must be applied in a way that recognizes the possibility of a regulatory taking. It is not intended to prevent the division of land, but to result in the best possible configuration].*
8. Remnants of lots below minimum size that are left over following the division of a larger tract should be added to adjacent lots, or another plan approved by the Village board must be provided. The lots should not remain unusable parcels.
9. When a tract is divided and results in parcels of more than twice the minimum lot size provided in the Village's zoning code, the parcels should be arranged to permit redividing into parcels in accordance with the zoning code.
10. As discussed in Section I above, the Village may establish "land suitability" requirements for the division of land.
11. Lots containing pedestrian or drainage easements should include additional width in allowance for the easement.
12. Lots abutting a water course, drainage way, channel or stream should have additional width or depth as required by the Village engineer in order to obtain building sites that are not subject to flooding from a post development one hundred year storm event, if possible.
13. Lots should be designed to provide an aesthetically pleasing building site.

14. Flag lots, or other irregularly shaped lots, should be avoided. The Village of Mount Horeb has defined a “flag lot” as “a lot that would accommodate a building location with a street setback that is substantially greater than the street setbacks used for other nearby lots taking access to, or abutting the same street, and where a building could be located to the rear of the buildable area of one or more of the adjacent lots taking access to the same public street, as measured perpendicularly from the common lot line with said adjacent lot(s).”

acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement.

History: 1979 c. 248.

The hidden dangers of placing easements on plats. *Ishikawa*. WBB Apr. 1988.

236.295 Correction instruments. (1) Correction instruments shall be recorded in the office of the register of deeds in the county in which the plat or certified survey map is recorded and may include any of the following:

(a) Affidavits to correct distances, angles, directions, bearings, chords, block or lot numbers, street names, or other details shown on a recorded plat or certified survey map. A correction instrument may not be used to reconfigure lots or outlots.

(b) Ratifications of a recorded plat or certified survey map signed and acknowledged in accordance with s. 706.07.

(c) Certificates of owners and mortgagees of record at time of recording.

(2) (a) Each affidavit in sub. (1) (a) correcting a plat or certified survey map that changes areas dedicated to the public or restrictions for the public benefit must be approved prior to recording by the governing body of the municipality or town in which the subdivision is located. The register of deeds shall note on the plat or certified survey map a reference to the page and volume in which the affidavit or instrument is recorded. The record of the affidavit or instrument, or a certified copy of the record, is prima facie evidence of the facts stated in the affidavit or instrument.

(b) Notwithstanding par. (a), in a county that maintains a tract index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract index to the plat or certified survey map.

History: 1971 c. 41 s. 11; 1979 c. 248; 1999 a. 85; 2001 a. 16; 2005 a. 41.

Section 236.295 does not apply to assessors plats. 61 Atty. Gen. 25.

SUBCHAPTER VI

PENALTIES AND REMEDIES

236.30 Forfeiture for improper recording. Any person causing his or her final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within the time prescribed after approval, shall forfeit not less than \$100, nor more than \$1,000 to each municipality, town or county wherein such final plat should have been submitted.

History: 1979 c. 248 s. 25 (5).

236.31 Penalties and remedies for transfer of lots without recorded plat. (1) Any subdivider or the subdivider's agent who offers or contracts to convey, or conveys, any subdivision as defined in s. 236.02 (12) or lot or parcel which lies in a subdivision as defined in s. 236.02 (12) knowing that the final plat thereof has not been recorded may be fined not more than \$500 or imprisoned not more than 6 months or both; except where the preliminary or final plat of the subdivision has been filed for approval with the town or municipality in which the subdivision lies, an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.

(2) Any municipality, town, county or state agency with subdivision review authority may institute injunction or other appropriate action or proceeding to enjoin a violation of any provision of this chapter, ordinance or rule adopted pursuant to this chapter. Any such municipality, town or county may impose a forfeiture for violation of any such ordinance, and order an assessor's plat to be made under s. 70.27 at the expense of the subdivider or the subdivider's agent when a subdivision is created under s. 236.02 (12) (b) by successive divisions.

(3) Any conveyance or contract to convey made by the subdivider or the subdivider's agent contrary to this section or involving

a plat which was not entitled to be recorded under s. 236.25 (2) shall be voidable at the option of the purchaser or person contracting to purchase, his or her heirs, personal representative or trustee in insolvency or bankruptcy within one year after the execution of the document or contract; but such document or contract shall be binding on the vendor, the subdivider's assignee, heir or devisee.

History: 1979 c. 248 s. 25 (6); 1979 c. 355, 357; 1983 a. 189 s. 329 (23).

Sub. (3) does not allow a purchaser to force a seller to violate sub. (1) and become subject to criminal penalties by doing so. *Gordie Boucher Lincoln-Mercury v. J & H Landfill*, 172 Wis. 2d 333, 493 N.W.2d 375 (Ct. App. 1992).

Certified survey maps under s. 236.34 cannot substitute for subdivision surveys under s. 236.02 (8) [now sub. (12)]. Penalties under s. 236.31 apply to improper use of certified surveys. 67 Atty. Gen. 294.

236.32 Penalty for disturbing or not placing monuments. Any of the following may be fined not more than \$250 or imprisoned not more than one year in county jail:

(1) Any owner, surveyor or subdivider who fails to place monuments as prescribed in this chapter when subdividing land.

(2) Any person who knowingly removes or disturbs any such monument without the permission of the governing body of the municipality or county in which the subdivision is located or fails to report such disturbance or removal to it.

(3) Fails to replace properly any monuments which have been removed or disturbed when ordered to do so by the governing body of the municipality or county in which the subdivision is located.

236.33 Division of land into small parcels in cities of the first class prohibited; penalty. It shall be unlawful to divide or subdivide and convey by deed or otherwise any lot in any recorded plat or any parcel or tract of unplatted land in any city of the first class so as to create a lot or parcel of land which does not have street or public highway frontage of at least 4 feet or an easement to a street or public highway of a minimum width of 4 feet but this section shall not apply to conveyances by tax deed or through the exercise of eminent domain or to such reductions in size or area as are caused by the taking of property for public purposes. This section shall not prohibit the dividing or subdividing of any lot or parcel of land in any such city where the divided or subdivided parts thereof which become joined in ownership with any other lot or parcel of land comply with the requirements of this section, if the remaining portion of such lot or parcel so divided or subdivided complies. Any person who shall make such conveyance or procure such a sale or act as agent in procuring such sale or conveyance shall be fined not less than \$100 or more than \$500 or imprisoned not more than 6 months or both.

236.335 Prohibited subdividing; forfeit. No lot or parcel in a recorded plat may be divided, or used if so divided, for purposes of sale or building development if the resulting lots or parcels do not conform to this chapter, to any applicable ordinance of the approving authority or to the rules of the department of workforce development under s. 236.13. Any person making or causing such a division to be made shall forfeit not less than \$100 nor more than \$500 to the approving authority, or to the state if there is a violation of this chapter or the rules of the department of workforce development.

History: 1979 c. 221; 1995 a. 27 s. 9130 (4); 1997 a. 3.

The circumstances under which lots in a recorded subdivision may be legally divided without replating are discussed. 64 Atty. Gen. 80.

236.34 Recording of certified survey map; use in changing boundaries; use in conveyancing. (1) **PREPARATION.** A certified survey map of not more than 4 parcels of land consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat, recorded assessor's plat under s. 70.27 or recorded, certified survey map if the reconfiguration does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant,

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by grant of an easement, or by any other manner. A certified survey map that crosses the exterior boundary of a recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels by a single owner, or if no additional parcels are created. Such a certified survey map must be approved in the same manner as a final plat of a subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagees' certificates that are in substantially the same form as required under s. 236.21 (2) (a). A certified survey must meet the following requirements:

(a) The survey shall be performed and the map prepared by a land surveyor registered in this state. The error in the latitude and departure closure of the survey may not exceed the ratio of one in 3,000.

(b) All corners shall be monumented in accordance with s. 236.15 (1) (c), (d), and (g).

(c) The map shall be prepared in accordance with s. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features. The map shall be prepared with a binding margin 1.5 inches wide and a 0.5 inch margin on all other sides on durable white media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black image. When more than one sheet is used for any map, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

(d) The map shall include a certificate of the surveyor who surveyed, divided and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

1. By whose direction the surveyor made the survey, division and map of the land described on the certified survey map.

2. A clear and concise description of the land surveyed, divided, and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located; or if the land is located in a recorded subdivision or recorded addition to a recorded subdivision, then by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. public land survey.

3. A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.

4. A statement that the surveyor has fully complied with the provisions of this section in surveying, dividing and mapping the land.

(e) A certified survey map may be used for dedication of streets and other public areas when owners' certificates and mortgagees' certificates which are in substantially the same form as required by s. 236.21 (2) (a) have been executed and the city council or village or town board involved have approved such dedication. Approval and recording of such certified surveys shall have the force and effect provided by s. 236.29.

(f) Within 90 days of submitting a certified survey map for approval, the approving authority, or its agent authorized to approve certified survey maps, shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection,

unless the time is extended by agreement with the subdivider. Failure of the approving authority or its agent to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act.

(2) RECORDING. (a) Certified survey maps prepared in accordance with sub. (1) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds' office, known as the "Certified Survey Maps of County".

(b) If the certified survey map is approved by a local unit of government, the register of deeds may not accept the certified survey map for record unless all of the following apply:

1. The certified survey map is offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map.

2. The certified survey map shows on its face all of the certificates and affidavits required under sub. (1).

(3) USE IN CONVEYANCING. When a certified survey map has been recorded in accordance with this section, the parcels of land in the map shall be, for all purposes, including assessment, taxation, devise, descent and conveyance, as defined in s. 706.01 (4), described by reference to the number of the survey, lot or outlot number, the volume and page where recorded, and the name of the county.

History: 1979 c. 248 ss. 22, 25 (3); 1983 a. 189 s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16; 2005 a. 9, 41.

Cross Reference: See also ch. Trans 233, Wis. adm. code.

Sub. (2) requires that certified survey maps be numbered consecutively without dependent reference to ownership, developer or surveyor. 61 Atty. Gen. 34.

Certified survey maps are corrected by recording corrected survey maps. 66 Atty. Gen. 90.

Certified survey maps under s. 236.34 cannot substitute for subdivision surveys under s. 236.02 (8) [now sub. (12)]. Penalties under s. 236.31 apply to improper use of certified surveys. 67 Atty. Gen. 294.

SUBCHAPTER VII

SUPPLEMENTAL PROVISIONS

236.35 Sale of lands abutting on private way outside corporate limits of municipality. (1) No person shall sell any parcel of land of one acre or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or county.

(2) Any person violating this section may be fined not more than \$200 or imprisoned not more than 30 days or both.

SUBCHAPTER VIII

VACATING AND ALTERING PLATS

236.36 Replats. Except as provided in s. 70.27 (1), replat of all or any part of a recorded subdivision, if it alters areas dedicated to the public, may not be made or recorded except after proper court action, in the county in which the subdivision is located, has been taken to vacate the original plat or the specific part thereof.

A recorded subdivision may be replatted under 236.36, without undertaking the court proceedings set forth in ss. 236.40, 236.41 and 236.42, if the replat complies with the requirements of ch. 236 applicable to original plats and does not alter areas dedicated to the public. 58 Atty. Gen. 145.

A replat of a recorded subdivision must comply with the formal platting requirements of ch. 236 relating to new subdivision plats, including those relating to the survey, approval, and recording. 63 Atty. Gen. 193.

This section permits the replat of a part of a previously recorded subdivision plat, without circuit court action, if the only areas dedicated to the public in that portion of the original subdivision being replatted were discontinued streets fully and properly vacated under s. 66.296 [now s. 66.1003]. 63 Atty. Gen. 210.

The circumstances under which lots in a recorded subdivision may be legally divided without replating are discussed. 64 Atty. Gen. 80.

Chapter 236 does not require a replat when the division of a lot or redivision of more than one lot does not meet the definition of a "subdivision" under this section. 67 Atty. Gen. 121.

236.40 Who may apply for vacation of plat. Any of the following may apply to the circuit court for the county in which a subdivision is located for the vacation or alteration of all or part of the recorded plat of that subdivision:

(1) The owner of the subdivision or of any lot in the subdivision.

(2) The county board if the county has acquired an interest in the subdivision or in any lot in the subdivision by tax deed.

236.41 How notice given. Notice of the application for the vacation or alteration of the plat shall be given at least 3 weeks before the application:

(1) By posting a written notice thereof in at least 2 of the most public places in the county; and

(2) By publication of a copy of the notice as a class 3 notice, under ch. 985; and

(3) By service of the notice in the manner required for service of a summons in the circuit court on the municipality or town in which the subdivision is located, and if it is located in a county having a population of 500,000 or over, on the county; and

(4) By mailing a copy of the notice to the owners of record of all the lots in the subdivision or the part of the subdivision proposed to be vacated or altered at their last-known address.

The provisions of s. 236.41 relating to vacation of streets are inapplicable to assessors' plats under s. 70.27. Once properly filed and recorded an assessor's plat becomes the operative document of record, and only sections specified in s. 236.03 (2) apply to assessor's plats. *Schaetz v. Town of Scott*, 222 Wis. 2d 90, 585 N.W.2d 889 (Ct. App. 1998), 98-0841.

236.42 Hearing and order. (1) After requiring proof that the notices required by s. 236.41 have been given and after hearing all interested parties, the court may in its discretion grant an order vacating or altering the plat or any part thereof except:

(a) The court shall not vacate any alleys immediately in the rear of lots fronting on county trunk highways without the prior approval of the county board or on state trunk highways without the prior approval of the department of transportation.

(b) The court shall not vacate any parts of the plat which have been dedicated to and accepted by the public for public use except as provided in s. 236.43.

(2) The vacation or alteration of a plat shall not affect:

(a) Any restriction under s. 236.293, unless the public body having the right to enforce the restriction has in writing released or waived such restriction.

(b) Any restrictive covenant applying to any of the platted land.

History: 1977 c. 29 s. 1654 (8) (c).

236.43 Vacation or alteration of areas dedicated to the public. Parts of a plat dedicated to and accepted by the public for public use may be vacated or altered as follows:

(1) The court may vacate streets, roads or other public ways on a plat if:

(a) The plat was recorded more than 40 years previous to the filing of the application for vacation or alteration; and

(b) During all that period the areas dedicated for streets, roads or other public ways were not improved as streets, roads or other public ways; and

(c) Those areas are not necessary to reach other platted property; and

(d) All the owners of all the land in the plat or part thereof sought to be vacated and the governing body of the city, village or town in which the street, road or other public way is located have joined in the application for vacation.

(2) The court may vacate land platted as a public square upon the application of the municipality or town in which the dedicated land is located if:

(a) The plat was recorded more than 40 years previous to the filing of the application for vacation or alteration; and

(b) The land was never in fact developed or utilized by the municipality or town as a public square.

(3) The court may vacate land, in a city, county, village or town, platted as a public park or playground upon the application of the local legislative body of such city, county, village or town where the land has never been developed by said city, county, village or town as a public park or playground.

(4) When the plat is being vacated or altered in any 2nd, 3rd or 4th class city or in any village or town which includes a street, road, alley or public walkway, said street, road, alley or public walkway may be vacated or altered by the circuit court proceeding under ss. 236.41 and 236.42 upon the following conditions:

(a) A resolution is passed by the governing body requesting such vacation or alteration.

(b) The owners of all frontage of the lots and lands abutting on the portion sought to be vacated or altered request in writing that such action be taken.

History: 1993 a. 246; 1997 a. 172; 2003 a. 286.

Cross-reference: See s. 66.1003 for other provisions for vacating streets.

Although dedicated as a street, an improvement of land as another public way may meet the requirements of sub. (1) (b). A walkway cleared and improved to be conducive to pedestrian traffic is a public way improved in accordance with sub. (1) (b). *Application of K.G.R. Partnership*, 187 Wis. 2d 375, 523 N.W.2d 120 (Ct. App. 1994).

A municipality is not an owner under sub. (1) (d). *Closser v. Town of Harding*, 212 Wis. 2d 561, 569 N.W.2d 338 (Ct. App. 1997), 96-3086.

Isolated improvements to provide for a scenic outlook were not improvements as a street, road, or public way under sub. (1). *Closser v. Town of Harding*, 212 Wis. 2d 561, 569 N.W.2d 338 (Ct. App. 1997), 96-3086.

236.44 Recording order. The applicant for the vacation or alteration shall record in the office of the register of deeds the order vacating or altering the plat together with the plat showing the part vacated if only part of the plat is vacated or the altered plat if the plat is altered.

236.445 Discontinuance of streets by county board. Any county board may alter or discontinue any street, slip or alley in any recorded plat in any town in such county, not within any city or village, in the same manner and with like effect as provided in s. 66.1003.

History: 1999 a. 150 s. 672.

SUBCHAPTER IX

SUBDIVISION REGULATION AND REGIONAL PLANS

236.45 Local subdivision regulation. (1) **DECLARATION OF LEGISLATIVE INTENT.** The purpose of this section is to promote the public health, safety and general welfare of the community and the regulations authorized to be made are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. The regulations provided for by this section shall be made with reasonable consideration, among other things, of the character of the municipality, town or county with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the municipality, town or county.

(2) **DELEGATION OF POWER.** (a) To accomplish the purposes listed in sub. (1), any municipality, town or county which has established a planning agency may adopt ordinances governing the subdivision or other division of land which are more restrictive than the provisions of this chapter. Such ordinances may include

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provisions regulating divisions of land into parcels larger than 1/2 acres or divisions of land into less than 5 parcels, and may prohibit the division of land in areas where such prohibition will carry out the purposes of this section. Such ordinances shall make applicable to such divisions all of the provisions of this chapter, or may provide other surveying, monumenting, mapping and approving requirements for such division. The governing body of the municipality, town, or county shall require that a plat of such division be recorded with the register of deeds and kept in a book provided for that purpose. "COUNTY PLAT," "MUNICIPAL PLAT," or "TOWN PLAT" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range, and county noted. When so recorded, the lots included in the plat shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or "TOWN PLAT," the name of the plat and the lot and block in the plat, for all purposes, including those of assessment, taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to:

1. Transfers of interests in land by will or pursuant to court order;
2. Leases for a term not to exceed 10 years, mortgages or easements;
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances;
4. Such other divisions exempted by such ordinances.

(b) This section and any ordinance adopted pursuant thereto shall be liberally construed in favor of the municipality, town or county and shall not be deemed a limitation or repeal of any requirement or power granted or appearing in this chapter or elsewhere, relating to the subdivision of lands.

(3) **AREAS IN WHICH SUBDIVISION ORDINANCES APPLY.** An ordinance adopted hereunder by a municipality may regulate the division or subdivision of land within the extraterritorial plat approval jurisdiction of the municipality as well as land within the corporate limits of the municipality if it has the right to approve or object to plats within that area under s. 236.10 (1) (b) 2. and (2).

(4) **PROCEDURE.** Before adoption of a subdivision ordinance or any amendments thereto the governing body shall receive the recommendation of its planning agency and shall hold a public hearing thereon. Notice of the hearing shall be given by publication of a class 2 notice, under ch. 985. Any ordinance adopted shall be published in form suitable for public distribution.

(5) **REGULATION OF FEDERAL SURPLUS LAND.** With respect to any surplus lands in excess of 500 acres in area, except the Bong air base in Kenosha County, sold in this state by the federal government for private development, the department, in accordance with the procedure specified in ch. 227, may regulate the subdivision or other division of such federal surplus land in any of the ways and with the same powers authorized hereunder for municipalities, towns or counties. Before promulgating such rules, the department shall first receive the recommendations of any committee appointed for that purpose by the governor.

History: 1979 c. 221, 248, 355; 1981 c. 354; 1983 a. 189 s. 329 (26); 2001 a. 16.
Cross Reference: See also ch. Trans 233, Wis. adm. code.

This section authorizes towns to regulate minimum lot size. *Town of Sun Prairie v. Storms*, 110 Wis. 2d 58, 327 N.W.2d 642 (1983).

Assessment of school and park land dedication fees as a condition for rezoning and issuance of building permit was authorized. *Black v. City of Waukesha*, 125 Wis. 2d 254, 371 N.W.2d 389 (Ct. App. 1985).

This section does not prevent municipalities from adopting and enforcing more than one ordinance that relates to subdivisions. *Manthe v. Town of Windsor*, 204 Wis. 2d 546, 555 N.W.2d 156 (Ct. App. 1996), 95-1312.

A city may not condition extraterritorial plat approval on annexation. *Hoepker v. City of Madison Plan Commission*, 209 Wis. 2d 633, 563 N.W.2d 145 (1997), 95-2013.

It was not a violation of this section, s. 61.34, or the public purpose doctrine for a municipality to assume the dual role of subdivider of property it owned and reviewer of the plat under ch. 236. *Town of Beloit v. Rock County*, 2001 WI App 256, 249 Wis. 2d 38, 637 N.W.2d 71, 00-1231. Affirmed on other grounds. *Town of Beloit v. County of Rock*, 2003 WI 8, 259 Wis. 2d 37, 657 N.W.2d 344, 00-1231.

Chapter 236 authorizes a municipality to reject a preliminary plat under its extraterritorial jurisdictional authority based upon a subdivision ordinance that considers the plat's proposed use. *Wood v. City of Madison*, 2003 WI 24, 260 Wis. 2d 71, 659 N.W.2d 31.

A subdivision plat prepared in compliance with a local ordinance enacted under authority of s. 236.45 is not required by statutes to be submitted for state level review unless such land division results in a "subdivision" as defined in s. 236.02 (8) [now s. 236.02 (12)]. 59 Atty. Gen. 262.

If subdivision regulations, adopted under s. 236.45, conflict, a plat must comply with the most restrictive requirement. 61 Atty. Gen. 289.

Application of municipal and county subdivision control ordinances within the municipality's extraterritorial plat approval jurisdiction is discussed. 66 Atty. Gen. 103.

236.46 County plans. (1) (a) The county planning agency may prepare plans, in such units as it may determine, for the future platting of lands within the county, but without the limits of any municipality, or for the future location of streets or highways or parkways, and the extension or widening of existing streets and highways. Before completion of these plans, the county planning agency shall fix the time and place it will hear all persons who desire to be heard upon the proposed plans, and shall give notice of that hearing as required below for the passage of the ordinance by the county board. After these hearings the county planning agency shall certify the plans to the county board, who may, after having submitted the same to the town boards of the several towns in which the lands are located and obtained the approval of the town boards, adopt by ordinance the proposed plans for future platting or for street or highway or parkway location in towns which may have approved the same, and upon approval of those towns may amend the ordinance. Before the ordinance or any amendments to the ordinance are adopted by the county board, notice shall be given by publication of a class 2 notice, under ch. 985, of a hearing at which all persons interested shall be given an opportunity to be heard at a time and place to be specified in the notice. The ordinance with any amendments as may be made shall govern the platting of all lands within the area to which it applies.

(b) In counties having a population of less than 500,000 any plan adopted under this section does not apply in the extraterritorial plat approval jurisdiction of any municipality unless that municipality by ordinance approves the same. This approval may be rescinded by ordinance.

(2) A plan adopted under this section may be any of the following:

- (a) A system of arterial thoroughfares complete for each town.
- (b) A system of minor streets for the complete area surrounded by any such main arterial thoroughfares and connecting therewith.
- (c) The platting of lots for any area surrounded completely by any such arterial thoroughfares or any such minor streets or both.

(3) Such system of arterial thoroughfares and such system of minor streets within such system of arterial thoroughfares and such platting of lots within any such system of minor streets may be adopted by the same proceeding. For the purpose of this section a parkway may be considered either an arterial thoroughfare or a minor street if it performs the function of an arterial thoroughfare or minor street. A natural obstacle like a lake or river or an artificial obstacle like a railroad or town line may, where necessary, be the boundary of a plan adopted under this section instead of a street or highway or parkway.

History: 1979 c. 248.

SUBCHAPTER X

GENERAL PROVISIONS

Sec. 4.32 Nonconforming Uses, Structures and Lots.

- (1) **Nonconforming Uses.** The use of the structure or land, lawful at the time of the adoption or amendment of this Chapter, may be continued although that use does not conform with the provisions of this Chapter. Only that portion of the land or structure in actual use may be continued. No structure or land used for a nonconforming use shall be expanded or structurally altered so as to increase the area devoted to the nonconforming use.
- (2) **Abandonment and Replacement.** If a nonconforming use is discontinued for a period of twelve (12) months, any future use of the structure or land shall comply with this Chapter. If a nonconforming use or structure is damaged to the extent of more than fifty (50) percent of its current equalized value, it shall not be repaired except so as to comply with this Chapter.
- (3) **Changes and Substitutions.** The Zoning Board of Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. If a nonconforming use or structure is altered to comply with this Chapter, the nonconforming use may not be reestablished.
- (4) **Substandard Lot.** In any Residential District, a single-family residence may be erected on any lot, created before the effective date of adoption of this Chapter, that does not comply with this Chapter provided the following minimums can be met:
 - (A) **Minimum size of lot:** Five thousand five hundred (5,500) square feet.
 - (B) **Minimum side yard:** Ten (10) feet.
 - (C) **Minimum rear yard:** Twenty-five (25) feet.
 - (D) **Minimum street yard:** Not less than adjacent lots.
 - (E) **Minimum width of lot at building line:** Fifty (50) feet.
 - (F) **Corner lots:** Corner lots shall have street yards not less than adjacent lots, shall have side and rear yards of not less than ten (10) feet, and the principal structure shall occupy not more than twenty-five (25) percent of the lot area.

Sec. 4.33 Zoning Board Of Appeals.

- (1) **Establishment.** A Zoning Board of Appeals (ZBA) is established to hear appeals from and grant exceptions to the provisions of this Chapter. If the appeal or requested exception is consistent with the intent of this Chapter, the Board of Appeals may grant the appeal.
- (2) **Membership.** The ZBA shall consist of five (5) members appointed by the Village President and confirmed by the Village Board. The terms of members shall be three (3) years except that one of those first appointed shall serve for one (1) year, two for two (2) years, and two for three (3) years. The chairperson of the Board of Appeals shall be designated by the Village President. At least one member of the Board of Appeals shall also be a member of the Village Plan Commission, except that such member of the Village Plan Commission will not sit on any appeal from a decision that such member has made or recommended be made as a member of

ARTICLE F

NONCONFORMING USES, STRUCTURES AND LOTS

SEC. 10-1-60 EXISTING NONCONFORMING USES AND STRUCTURES.

- (a) Authority To Continue Nonconforming Uses and Structures. The lawful nonconforming use of a structure or land, including but not limited to, fences, parking and bulk requirements existing at the time of the adoption or amendment of this Chapter may continue although the use or structure does not conform with the provisions of this Chapter. However, only that portion of the structure or land in active and actual use at the time of adoption or amendment of this Chapter may be so continued.
- (b) Prohibition of Creation of Nonconforming Uses and Structures. Except as hereinafter specified, no building, structure, premises or land shall hereafter be used, and no building or part thereof or other structure shall be erected, razed, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in the zoning ordinances of the Village of Shorewood Hills, or any subsequent amendments thereto, of the district in which the same is located.
- (c) Change of Use. Except as otherwise provided herein, a nonconforming use of a structure or land may only be changed to a use that is permitted in the zoning district where the land is located. Any such new use shall comply with all applicable bulk, parking and other zoning requirements in effect in the district, unless a variance is granted pursuant to Article K of this Chapter.
- (d) Accessory Uses. A use that is not the principal use of the lot on which it is located shall not be considered a lawful nonconforming use.

SEC. 10-1-61 DISCONTINUANCE OF NONCONFORMING USES AND STRUCTURES.

- (a) Termination of Use. If a lawful nonconforming use is discontinued, abandoned or otherwise not kept in active and actual use for a period of twelve (12) months, then the nonconforming status is terminated and any future use of the structure or land must conform to all provisions of this Chapter. Uses that are discontinued, abandoned, or otherwise not in active and actual use at the time this Chapter is adopted shall, for the purpose of the twelve (12) month requirement of this Subsection, be considered so terminated from the first day of such discontinuance and not from the date of adoption of this Chapter.
- (b) Destruction of Building. A nonconforming structure that is destroyed or damaged by fire or other calamity or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of its fair market value, shall not be

ARTICLE F, NON-CONFORMING USES, STRUCTURES AND LOTS (Continued)

restored unless said building and the use thereof shall conform to all of the regulations of the use district in which it is located at the time the building permit application is made.

SEC. 10-1-62 EXPANSION OR ALTERATION OF NONCONFORMING USES AND STRUCTURES.

- (a) Expansions and Structural Alterations Prohibited. (a) A lawful non conforming structure or use existing at the time of the adoption or amendment of this chapter may be continued even though its size or location does not conform to the lot width, lot area, yard, height, parking and loading, access provisions and permitted use requirements of this Chapter.
- (1) In the case of non conforming uses, the structure shall not be extended, enlarged, reconstructed, moved or structurally altered except when required by law or order or so as to bring the entire use into full compliance with the provisions of this Chapter.
 - (2) In the case of non conforming structures, the structure may be structurally altered or expanded if the proposed structural alteration or expansion does not act to increase the existing non conforming status and the proposed alteration or expansion complies with all other requirements of this and all other applicable regulations.
- (b) Ordinary Repairs and Alterations. Ordinary repairs and alterations, not including structural alterations, may be made to a nonconforming structure, provided that the total repairs and alterations permitted hereunder subsequent to the date of its becoming nonconforming, shall not, during the life of said nonconforming structure, exceed fifty percent (50%) of its fair market value for tax purposes at such date, unless the structure and/or use are changed to conform to all regulations of the zoning district in which it is located. All alterations permitted hereunder shall conform to the regulations of the zoning district in which the structure is located. For the purpose of this Section, ordinary repairs shall be deemed to include normal maintenance of a building.

SEC. 10-1-63 CHANGES AND SUBSTITUTIONS.

Once a nonconforming use or structure has been changed to a conforming use, it shall not revert back to a nonconforming use or structure.

SEC. 10-1-64 NONCONFORMING USE CERTIFICATES.

The Village Zoning Administrator may issue certificates of lawful nonconformance to all owners

ARTICLE F, NON-CONFORMING USES, STRUCTURES AND LOTS (Continued)

of nonconforming uses and structures, in accordance with Section 10-1-131(a)(6) of this Chapter. Such certificates shall include, but not be limited to a statement indicating the type of nonconformance, the extent of nonconformance, the approximate date that the particular nonconformance began, the date that the nonconforming use terminated and the value of all structural repairs subsequent to the beginning of nonconformance. The fee for such certificates will be as periodically established by the Village Board. However, such certificates shall not be required for the continuation of a nonconforming use or structure.

SEC. 10-1-65 THROUGH 10-1-69 RESERVED FOR FUTURE USE.



**BIRRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

CERTIFIED SURVEY MAP

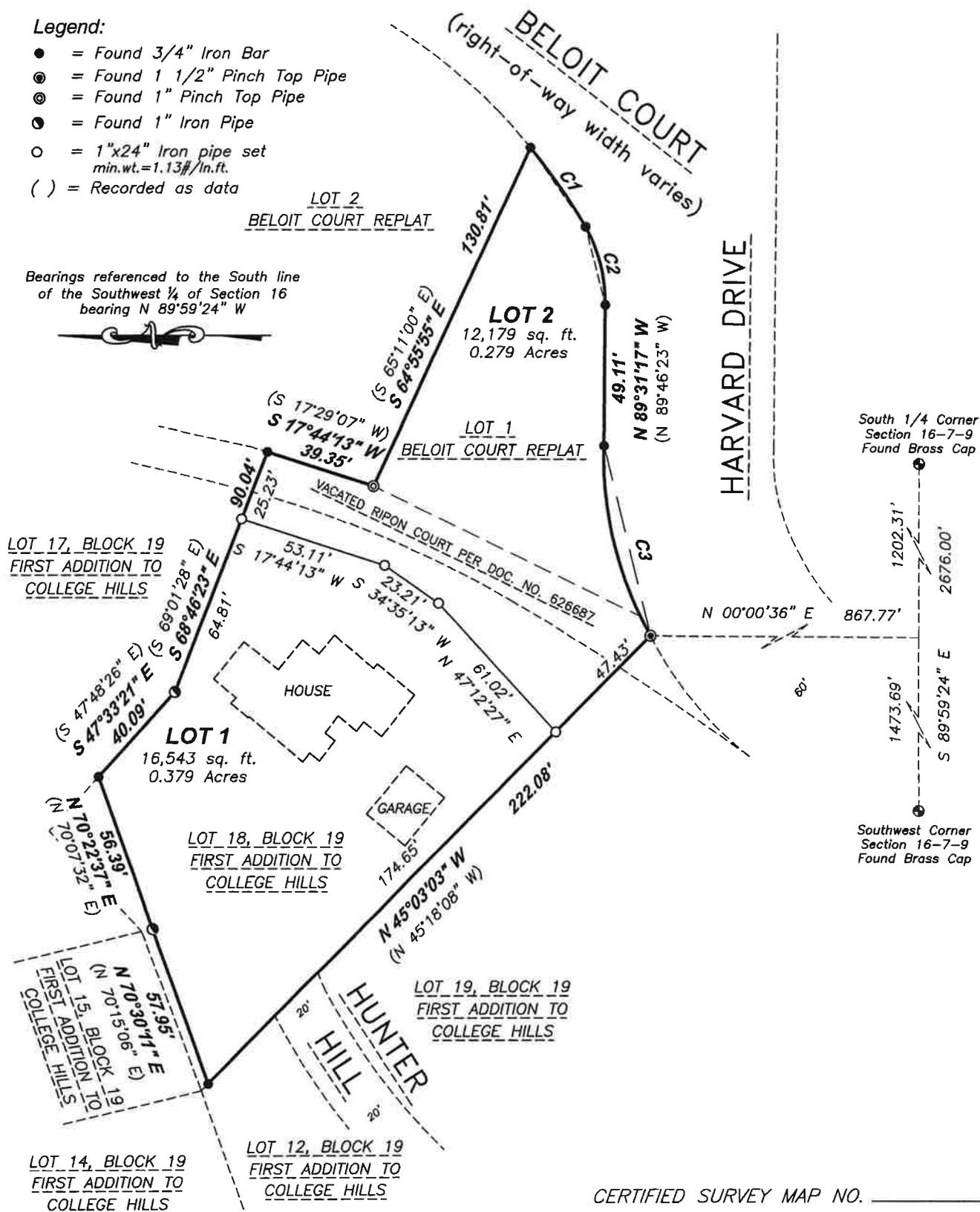
Lot 1 Block 18, Beloit Court Replat, Part of Lot 18, Block 19, Replat of College Hills and First Addition, and part of Ripon Court, located in the Southwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 16, T07N, R09E, Village of Shorewood Hills, Dane County, Wisconsin

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	33.87'	197.60'	9°49'17"	S 54°50'18.5" W (S 54°35'13" W)	33.83'	N 49°55'40" E	N 59°44'57" E
C2	28.52'	54.00'	30°15'35"	N 75°31'17.5" E (N 75°16'12" E)	28.19'	N 60°23'30" E	S 89°20'55" E
C3	69.40'	126.50'	31°25'54"	S 76°04'28" W (S 77°34'26" W)	68.53'	N 88°12'35" W	S 60°21'31" W

Legend:

- = Found 3/4" Iron Bar
- ⊙ = Found 1 1/2" Pinch Top Pipe
- ⊙ = Found 1" Pinch Top Pipe
- ⊙ = Found 1" Iron Pipe
- = 1"x24" Iron pipe set
min.wt.=1.13#/ln.ft.
- () = Recorded as data

Bearings referenced to the South line of the Southwest 1/4 of Section 16 bearing N 89°59'24" W



South 1/4 Corner Section 16-7-9 Found Brass Cap

Southwest Corner Section 16-7-9 Found Brass Cap

CERTIFIED SURVEY MAP NO. _____
VOLUME _____ PAGE _____
DOCUMENT NO. _____





CERTIFIED SURVEY MAP

DATED: May 31, 2018

Birrenkott Surveying, Inc.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

Surveyor's Certificate:

I, Daniel V. Birrenkott, hereby certify that this survey is in full compliance with Chapter 236.34 of Wisconsin Statutes. I also certify that by the direction of the owners listed hereon, I have surveyed and mapped the lands described hereon and that the map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land, in accordance with the information provided.

Daniel V. Birrenkott, Professional Land Surveyor No. S-1531

Description:

Lot 1, Block 18, Beloit Court Replat, Part of Lot 18, Block 19, Replat of College Hills and First Addition, and part of Ripon Court, located in the Southwest ¼ of the Southwest ¼ and the Southeast ¼ of the Southwest ¼ of Section 16, T07N, R09E, Village of Shorewood, Dane County, Wisconsin, described as follows: Commencing at the Southwest Corner of said Section 16; thence S 89°59'24" E, 1473.69 feet along the Southerly line of the Southwest ¼ of said Section 16; thence N 00°00'36" E, 867.77 feet to the point of beginning; thence N 45°03'03" W (N 45°18'08" W), 222.08 feet; thence N 70°30'11" E (N 70°15'06" E), 57.95 feet; thence N 70°22'37" E (N 70°07'32" E), 56.39 feet; thence S 47°33'21" E (S 47°48'26" E), 40.09 feet; thence S 68°46'23" E (S 69°01'28" E), 90.04 feet; thence S 17°44'13" W (S 17°29'07" W), 39.35 feet; thence S 64°55'55" E (S 65°11'00" E), 130.81 feet; thence with a curve turning to the right with a radius of 197.60 feet, a chord bearing of S 54°50'18" W (S 54°35'13" W), and a chord length of 33.83 feet; thence with a curve turning to the right with a radius of 54.00 feet, a chord bearing of S 75°31'17" W (S 75°16'12" W), and a chord length of 28.19 feet; thence N 89°31'17" W (N 89°46'23" W), 49.11 feet; thence with a curve turning to the left with a radius of 126.50 feet, a chord bearing of S 76°04'28" W (S 77°34'26" W), and a chord length of 68.53 feet to the point of beginning; Containing 28,722 square feet, or 0.659 acres.

Owners Certificate:

As owner, 2900 Hunter Hill SH LLC, hereby certifies that it has caused the lands described on this Certified Survey Map to be surveyed, divided and mapped as shown on this Certified Survey Map. It also certifies that this Certified Survey Map is required by the Village of Shorewood Hills for approval.

Tim Ridders, 2900 Hunter Hill SH LLC

State of Wisconsin)

Dane County) ss Personally came before me this _____ day of _____, 2018, the above-named Tim Ridders, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin

My Commission Expires _____

Printed name

Surveyed For:

Cresa Madison
613 Williamson St. Ste. 210
Madison, WI 53703
608-669-4153

Register of Deeds Certificate:

Received for recording this _____ day of _____, 2018

Surveyed: T.A.S. at _____ o'clock ____ m and recorded in Volume _____ of Certified Survey

Drawn: B.P.R.

Checked: M.A.P./D.V.B. Maps of Dane County on Pages _____.

Approved: D.V.B.

Field book:

Tape/File: J:\2018\Carlson\

Kristi Chlebowski, Register of Deeds

Document No. _____



CERTIFIED SURVEY MAP

DATED: May 31, 2018

Birrenkott Surveying, Inc.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

Village Board Approval Certificate:

Approved for recording by the village board of the Village of Shorewood Hills, Dane County, Wisconsin.

Karla Endres, Clerk, Village of Shorewood Hills

Dated _____

Village Clerk Certificate

As Village Clerk of the Village of Shorewood Hills, Wisconsin, I hereby certify that there are no unpaid taxes or unpaid special assessments on the lands contained in this Certified Survey Map.

Karla Endres, Clerk, Village of Shorewood Hills

Dated _____

Notes:

Utility Easement: No poles or buried cables are to be placed on any lot line or corner. The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.
This survey is subject to any and all easements and agreements both recorded and unrecorded.
Refer to building site information contained in the Dane County Soil survey.
This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.
Wetlands, if present, have not been delineated.

Surveyed For:

Cresa Madison
613 Williamson St. Ste. 210
Madison, WI 53703
608-669-4153

Surveyed: T.A.S.
Drawn: B.P.R.
Checked: M.A.P./D.V.B.
Approved: D.V.B.
Field book:
Tape/File: J:\2018\Carlson\

To Karl Frantz, Village of Shorewood Hills Administrator
From Laura Callan
Date June 12, 2018
Re Proposed CSM Submitted by 2900 Hunter Hill SH LLC

DISCUSSION

2900 Hunter Hill SH LLC, the owner of two adjacent parcels in the Village, submitted a preliminary certified survey map (the “CSM”) for approval. The CSM proposes to adjust the existing lot line between the two parcels. The change in lot line does not result in any increase in the number of parcels of land that originally existed. The original parcels consist of (i) Lot 1, Block 18, Beloit Court Replat (a vacant parcel) and (ii) part of Lot 18, Block 19, Replat of College Hills and First Addition (currently improved with a house and detached garage). Both parcels include parts of vacated Ripon Court.¹ The CSM proposes to take land from the improved parcel (part of Lot 18, Block 19) and add it to the unimproved parcel (Lot 1, Block 18). The result will be a 16,543 square foot Lot 1 (with the improvements) and a 12,179 square foot, vacant Lot 2. We understand that the resulting parcels will meet all requirements of the Village’s Code of Ordinances.

The vacant parcel (Lot 1, Block 18) is subject to a restrictive covenant set forth in an Agreement as to Restrictions recorded in 1954 (the “Agreement”). You have asked us to analyze whether the CSM violates the restriction since a certified survey map may not circumvent a recorded covenant. *See* Wis. Stat. § 236.34(1)(cm). As relevant here, paragraph 5 of the Agreement provides that “Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), Beloit’s Court Replat, shall not be subdivided without the written approval of all fee owners of premises within the Beloit Court Replat.” The Village may, but is not required to, enforce violations of this restriction. Agreement at ¶ 7.

The purpose of this memorandum is to guide Village action on the proposed CSM. In our opinion, the Village may not deny approval of the CSM on the basis that the CSM violates a recorded restrictive covenant. Our analysis follows.

¹ The CSM does not include Lot 7 or Sublot B, Block 17, Beloit Court Replat.

ANALYSIS

Wisconsin public policy favors the free and unrestricted use of property. Accordingly, courts strictly construe restrictive covenants to favor unencumbered use of property. In order to be enforceable, restrictive covenants must be unambiguous. A restrictive covenant is ambiguous if its language is susceptible to more than one reasonable interpretation.

The restriction at issue here prohibits the subdivision of Lot 1, Block 18 without the consent of the Beloit Court Replat fee owners. In our opinion, reasonable minds could differ as to whether enlarging Lot 1, Block 18 by taking land from an adjacent, but non-restricted parcel is a subdivision of Lot 1. On one hand, any reallocation of land between two parcels may arguably constitute a subdivision. On the other hand, because the CSM does not take land from Lot 1, Block 18, there is no subdivision of Lot 1. Additionally, to the extent the purpose of the covenant is to prevent an increase in the number of buildable sites in the Replat, the CSM does not evade this purpose. Because the restriction is ambiguous, it cannot be enforced against 2900 Hunter Hill SH LLC to prevent it from obtaining approval of the CSM.

No action or inaction by the Village, however, prevents a fee owner from interpreting the Agreement as prohibiting the boundary line adjustment and seeking to enforce that interpretation in circuit court within the six-month limitations period provided in the Agreement.

This agreement made this 24th day of ~~September~~ ^{October}, 1952 by and between Glenn T. Trewartha, and Sarita Trewartha, his wife; Paul W. Scholtz, and Emmy Schultz, his wife; Theodore C. Scheffer, and Fluvia Scheffer, his wife; L. Reed Tripp (also known as L. Reid Tripp), and Mary Tripp, his wife; Porter Butts, and Mary Louise Butts, his wife; Anchor Savings and Loan Association, of Madison, Wisconsin (a corporation); and The First National Bank of Madison, Wisconsin (a corporation);

Now Therefore, it is mutually agreed by and between the parties hereto:

1. That Sublot A be, and the same hereby is dedicated for addition to Beloit Court for street purposes.
2. That Sublots B, C, D and E are sublots and shall be used only in conjunction with adjacent regular lots.
3. That Lot Seven (7), Beloit Court Replat, is not to be utilized as a residential building site unless expressly authorized by the governing body of the municipality in which located.
4. That Lot Six (6), Beloit Court Replat can be used only in conjunction with adjacent regular lots.
5. That Lots One (1), Two (2), Three (3), Four (4) and Five (5), Beloit Court Replat, shall not be subdivided without the written approval of all fee owners of premises within the Beloit Court Replat.
6. The above described parcels are within the Beloit Court Replat of parts of Block 17 and Ripon and Beloit Courts and all of Block 18, First Addition to College Hills and similarly described in Replat of College Hills and First Addition, Village of Shorewood Hills, Dane County, Wisconsin.
7. That said restrictions are covenants running with the land, and the Village of Shorewood Hills shall have the right to enforce said restrictions. Actions brought for violations hereof shall be commenced within six months from the date of said violation. If no action is commenced within said period, such violation shall be deemed waived.
8. That the foregoing restrictions shall become effective upon the approval and recordation of the said Beloit Court Replat.

In Witness Whereof, the parties have hereunto set their hands and seals and the corporations have caused these presents to be signed by the proper corporate officers and the corporate seals affixed, on the 24th day of ~~September~~ ^{October}, 1952.

In Presence of:

Glenn T. Trewartha
Glenn T. Trewartha

1. Lee Criggs
Lee Criggs
2. Kenneth M. Orchard
Kenneth M. Orchard

In Presence of:

1 Lee Cripps
Lee Cripps

2 Kenneth M. Orchard
Kenneth M. Orchard

L. Reed Tripp (SEAL)
L. Reed Tripp

In Presence of:

1 Lee Cripps
Lee Cripps

2 Kenneth M. Orchard
Kenneth M. Orchard

Mary Tripp (SEAL)
Mary Tripp

In Presence of:

1 Sherrill Butts
Sherrill Butts

2 Kenneth M. Orchard
Kenneth M. Orchard

Porter Butts (SEAL)
Porter Butts

In Presence of:

1 Kenneth M. Orchard
Kenneth M. Orchard

2 Porter Butts
Porter Butts

Mary Louise Butts (SEAL)
Mary Louise Butts

In Presence of:

1 Kenneth M. Orchard
Kenneth M. Orchard

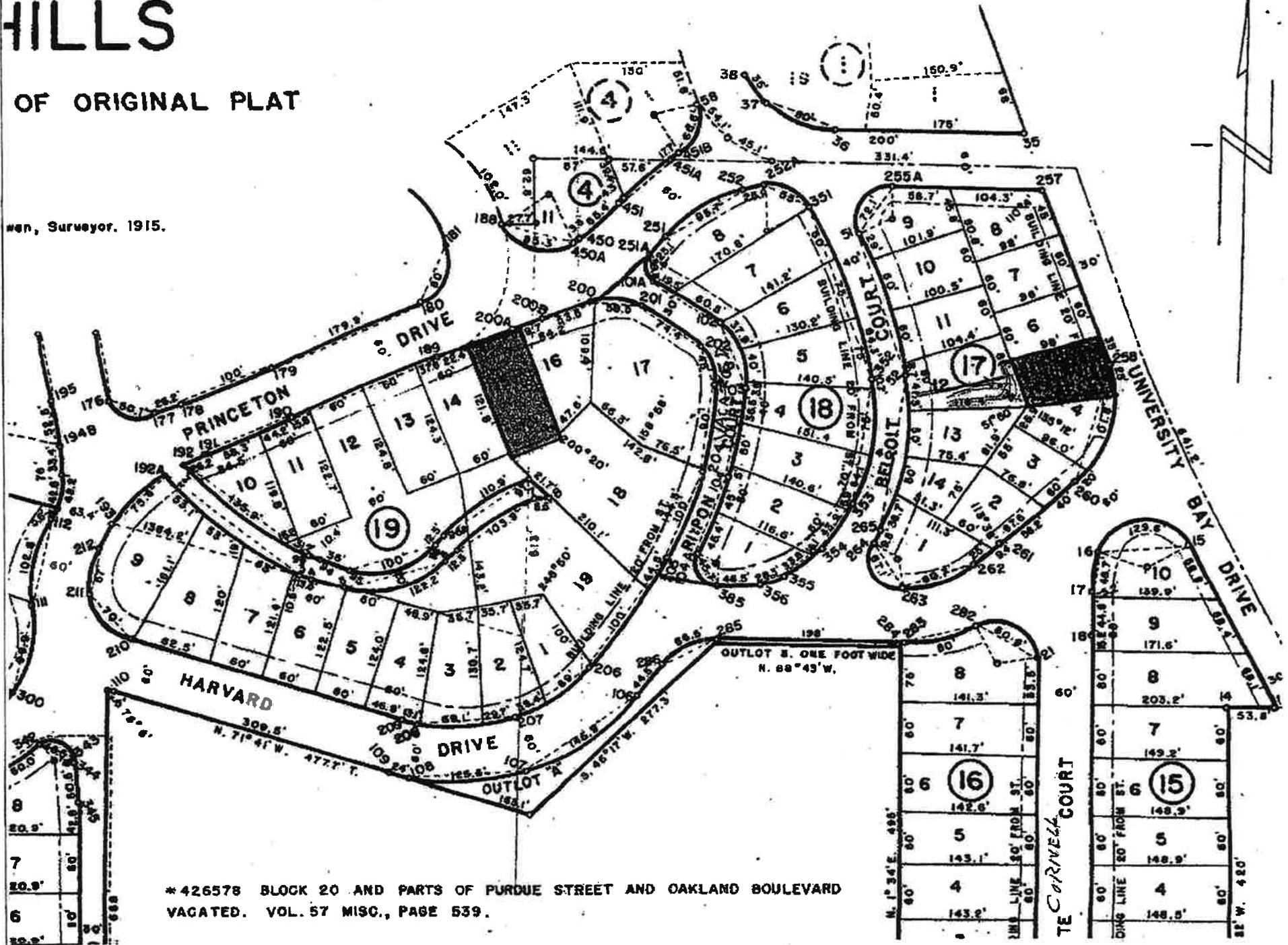
2 Dorothy Moe
Dorothy Moe

ANCHOR SAVINGS AND LOAN ASSOCIATION
A.C. Steinbauer
A.C. Steinbauer, President
J. H. Ottow
J. H. Ottow, Secretary

HILLS

OF ORIGINAL PLAT

... Surveyor. 1915.



*426578 BLOCK 20 AND PARTS OF PURDUE STREET AND OAKLAND BOULEVARD
VACATED. VOL. 57 MISC., PAGE 539.

DANE CTY. TITLE CO.
DATE 7-6-54 BY DEC

876154

State of Wisconsin)
County of Dane)

ss

VOL 270 PAGE 431

Personally came before me, this 23rd day of ~~September~~ ^{October}, 1952

R. A. Black - - - - Vice, President and ~~Assistant~~ Frank Byrne

Asst.-Cashier of the above named banking corporation to me known to be the persons who executed the foregoing instrument, and to me known to be such

Vice, President and Assistant

Cashier of such Corporation, and acknowledged that they executed the foregoing instrument as such officers as the act of said banking corporation by its authority.



Carol L. Genin

~~XXXXXXXXXXXX~~

Carol L. Genin

Notary Public, Dane County, Wisconsin

My commission expires ~~XXXXXXXXXX~~

May 27, 1956

RECORDED

JUL - 2 1954

At 4:30 o'clock P.M.

11

September 8, 1950

PETITION TO THE VILLAGE BOARD, SHOREWOOD HILLS
RELATING TO BELOIT COURT IMPROVEMENTS AND PARTIAL VACATION

In order to accomplish as complete and prompt solution of the Beloit area problem as possible, including minimizing present and future drainage problems, improving lot sizes, providing access and utility services for all properties for present or future building purposes, preserving the natural setting of the area as far as possible, and making the proposed access road as straight, safe, and economical as possible,

The undersigned freeholders of the Village of Shorewood Hills, Dane County, Wisconsin, petition the Village Board of said Village:

(a) To construct the road described in the petition of certain of the undersigned submitted to the Village Board on June 12, 1950, and granted conditionally by the Village Board resolution of July 24, 1950, in a manner and of such size as is suitable for a dead end road, as distinguished from a through-traffic street; and to locate the road with the following considerations in mind:

- (1) The dead-end stub road where it meets the Harvard Drive right-of-way ^{might advantageously} ~~should~~ be located, for safety reasons, on the easterly half of the Beloit Court right-of-way and continue as a relatively straight road to a turn-around or T opposite Lot 4 and including the area dedicated on the south half of Lot 4 and part of Lot 3, Block 18, all as shown approximately on the attached sketch;

such location appearing feasible in view of the fact that the mouth of Beloit Court has a frontage of approximately 156 ft. on Harvard Drive, and that there is a greater distance between Lot 1, Block 17, and Lot 1, Block 18, according to actual stakes, than is shown on the plat.

- (2) Where the stub road lies opposite Lots 13 and 14, Block 17, it should be asymmetrically located with respect to the center line of Beloit Court so that the eastern slope of the road's embankment will be considerably removed from the western boundaries of those lots.

(b) To vacate and discontinue Beloit Court from the northern^{most} end of the stub-road and turnaround (approximately opposite the middle of Lot 4, Block 18) northward to Colgate road; after the road and turnaround locations are determined from Harvard Drive to the end of the turnaround, any remaining segments of Beloit Court not required for said purposes may be vacated and appended to the abutting properties as such property-owners may desire.

(c) To approve replatting and use restrictions of certain areas of Block 17 and Block 18 as shown on the attached sketch and as hereinafter described.

It is understood that this petition contemplates the following provisions and agreements:

1. That any turnaround space required north of the present lot line between Lots #3 and #4, Block 18, would be provided from Beloit Court and from dedicated areas of Lots 3 and 4, Block 18, in accordance with dedication submitted to the Village Board, July 22, 1950.
2. That the height of the fill at the lower terminus of the road will be such as to allow a suitable grade for access to Lots #13 and #14, Block 17, for gardening purposes.
3. That a slope easement over Lot #1, Block 17, ^{maybe} ~~is~~ available for road purposes conditional upon written assurance to the owner of said lot that such easement will not affect the lot area or platted boundaries of record prior to such easement for zoning regulations, building purposes, or setbacks.
4. That the cost of the road will be met through special assessment proceedings instituted under Section 61.37 of the Wisconsin Statutes.
5. That in constructing the road the Village will take all reasonable measures to avoid increasing the drainage and flooding damage in the area and to improve the situation wherever possible, i.e., by the use of culverts and dry wells, raised edges on Beloit Court and Harvard Drive that direct the flow of water properly, by building the

minimum amount of road surface area consistent with safety, and by otherwise minimizing the removal of ground cover and trees, etc.; further, that at the time of construction most of the recently placed fill be removed from the area which is not to occur within the ultimate roadbed, to avoid unnecessary damage to trees and ground cover.

6. That provisions considered by the Village authorities as adequate for traffic safety and fire protection will be made.
7. That the following replatting and use restrictions will be made effective:
 - (a) Lots 9, 10, 11, Block 17, will be replatted as one lot, with the western boundary at the present center line of Beloit Court and the eastern boundary 25 feet west of the presently platted lot lines. It is understood that the eastern 13 feet of these lots as presently owned and located west of Lots 6, 7, and 8, respectively of Block 17, will be deeded without charge for the land itself to Lots 6, 7, and 8, Block 17, when the owners of said lots agree to effect such transfer, each segment of the aforementioned 13 foot strip to be replatted with the adjoining Lots 6, 7, and 8, Block 17, except that the addition of 13 feet to Lot 8, Block 17, be

conditional upon the release of that corner of Lot 10 now a part of Lot 8 but directly behind Lot 7 from Lot 8 to Lot 7 so that the new boundary between Lots 7 and 8 will be a straight line for a distance of 123 feet from University Bay Drive.

- (b) Lots 13 and 14, Block 17, will be designated as outlots with suitable restrictive covenants to assure that said lots will never be built upon for residence purposes.
- (c) Lot 12, Block 17, will be designated as an outlet with suitable restrictive covenants to assure that said lot will never be built upon for residence purposes.
- (d) Lots 4, 5, and 6, Block 18, will be replatted as one lot with access over the road from Harvard Drive, and with sewer service provided by easement across Lots 7 and 8, Block 18, as replatted, at a position indicated in the attached sketch and in exchange for addition of areas from Lot #6, Block 18, to Lot #7, Block 18, shown on the attached sketch.
- (e) Lots 2 and 3, Block 18, will be replatted as one lot with access over the road from Harvard Drive and with sewer service provided by easement across Lots 4, 5, and 6, Block 18.

The undersigned hereby agree to join in the necessary replat and otherwise to make the above provisions pertaining to their respective properties effective promptly upon the approval of this petition by the Village Board.

Peter Butts
Owner, Lot 1, Block 18

L. Reed Tripp
Owner, Lots, 2,3,4,5,6, Block 18

Theo. C. Scheffer
Owner, Lots 7, 8, Block 18, and
Lots 9,10,11, Block 17

Paul W. Schultz
Owner, Lots 12, 5, Block 17

Gene Stewart
Owner, Lots 13, 14, Block 17

Francis Pot for Pot Estate
Owner, Lot 1, Block 17

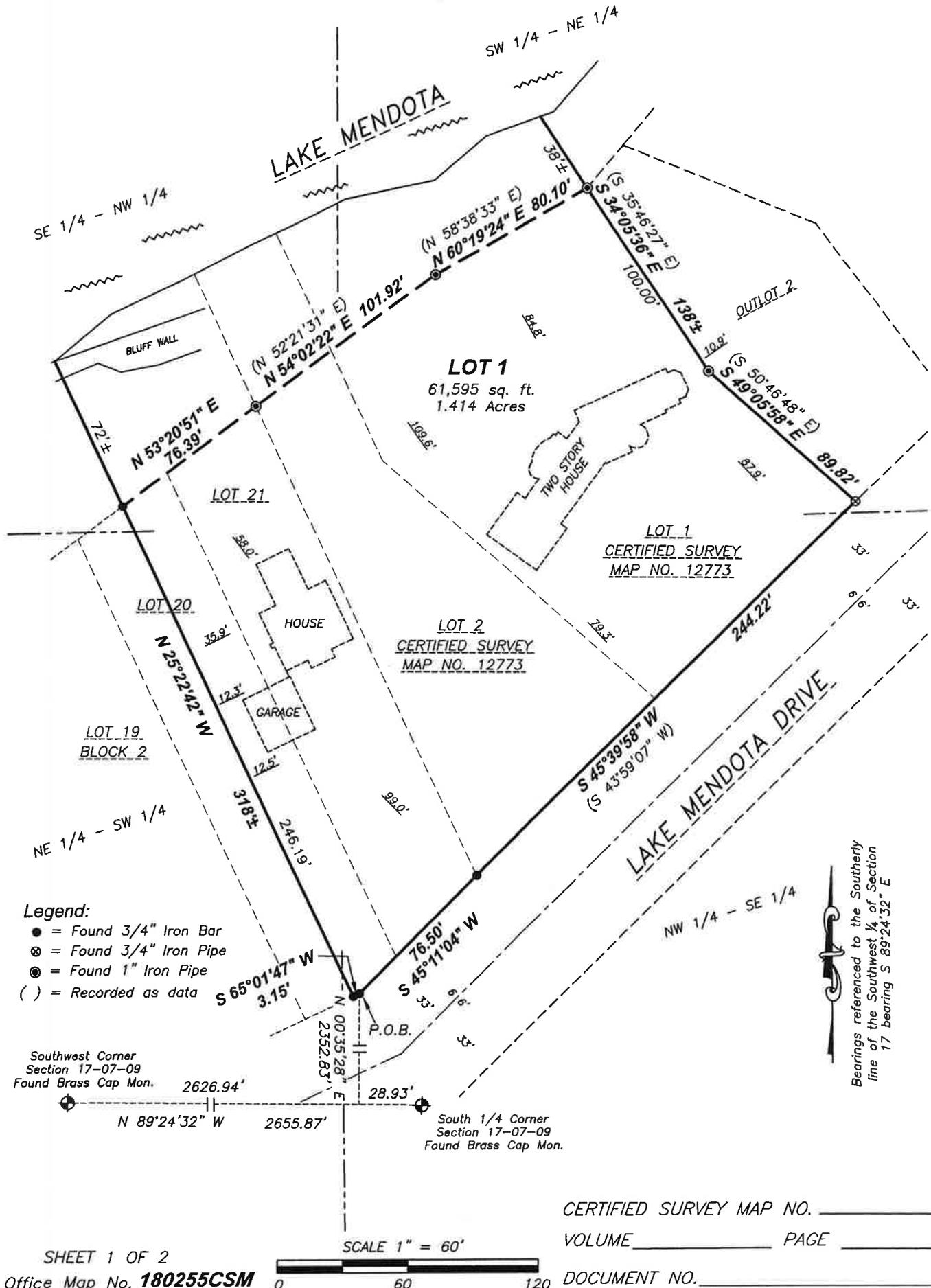


**BIRRENKOTT
SURVEYING, INC.**

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

CERTIFIED SURVEY MAP

Lots 1 & 2 of Certified Survey Map No. 12773, recorded in Vol. 81, Page. 6, Doc. No. 4596146, and Lot 21 and the Northeastly 1/2 of Lot 20, Block 2, Plat of Shorewood, all located in the Northeast 1/4 of the Southwest 1/4, the Southeast 1/4 of the Northwest 1/4, the Southwest 1/4 of the Northeast 1/4, and the Northwest 1/4 of the Southeast 1/4, all in Section 17, T07N, R09E, Village of Shorewood Hills, Dane County, Wisconsin.





CERTIFIED SURVEY MAP

DATED: June 11, 2018

Birrenkott Surveying, Inc.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

Surveyor's Certificate:

I, Daniel V. Birrenkott, hereby certify that this survey is in full compliance with Chapter 236.34 of Wisconsin Statutes. I also certify that by the direction of the owners listed hereon, I have surveyed and mapped the lands described hereon and that the map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land, in accordance with the information provided.

Daniel V. Birrenkott, Professional Land Surveyor No. S-1531

Description:

Lots 1 & 2 of Certified Survey Map No. 12773, recorded in Vol. 81, Page. 6, Doc. No. 4596146, and Lot 21 and the Northeasterly 1/2 of Lot 20, Block 2, Plat of Shorewood, all located in the Northeast 1/4 of the Southwest 1/4, the Southeast 1/4 of the Northwest 1/4, the Southwest 1/4 of the Northeast 1/4, and the Northwest 1/4 of the Southeast 1/4, all in Section 17, T07N, R09E, Village of Shorewood Hills, Dane County, Wisconsin, described as follows: Commencing at the South 1/4 Corner of said Section 17; thence N 89°24'32" W, 28.93 feet along the Southerly line of the Southwest 1/4 of said Section 17; thence N 00°35'28" E, 2352.83 feet to the point of beginning; thence S 65°01'47" W, 3.15 feet; thence N 25°22'42" W, 246.19 feet to a meander corner; thence N 25°22'42" W, 72 feet more or less to the ordinary high water mark of Lake Mendota; thence S 25°22'42" E, 72 feet more or less to said meander corner; thence N 53°20'51" E, 76.39 feet along a meander line to a meander corner; thence N 54°02'22" E (N 54°21'31" E), 101.92 feet along said meander line to a meander corner; thence N 60°19'24" E (N 58°38'33" E), 80.10 feet along said meander line to a meander corner; thence N 34°05'36" W (N 35°46'27" W), 38 feet more or less to the ordinary high water mark of Lake Mendota; thence S 34°05'36" E (S 35°46'27" E), 38 feet more or less to said meander corner; thence S 34°05'36" E (S 35°46'27" E), 100.00 feet; thence S 49°05'58" E (S 50°46'48" E), 89.82 feet; thence S 45°39'58" W (S 43°59'07" W), 244.22 feet; thence S 45°11'04" W, 76.50 feet to the point of beginning. Including all land lying between the said meander line and the ordinary high water mark of Lake Mendota and the Northeasterly and Southwesterly side lines. Containing 75,799 square feet, or 1.740 acres, more or less.

Owners Certificate:

As owner, Berbee & Walsh JT Revocable Trust hereby certifies that it has caused the lands described on this Certified Survey Map to be surveyed, divided and mapped as shown on this Certified Survey Map. It also certifies that this Certified Survey Map is required by the Village of Shorewood Hills for approval.

James G. Berbee, Berbee & Walsh JT Revocable Trust

Karen A. Walsh, Berbee & Walsh JT Revocable Trust

State of Wisconsin)

Dane County) ss Personally came before me this _____ day of _____, 2018, the above-named Tim Rikkers, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin

My Commission Expires _____

Printed name

Surveyed For:

Jim Berbee
3534 Lake Mendota Drive
Madison, WI 53705
608-628-5540

Register of Deeds Certificate:

Received for recording this _____ day of _____, 2018

Surveyed: T.A.S. at _____ o'clock _____ m and recorded in Volume _____ of Certified Survey

Drawn: B.P.R.

Checked: D.V.B.

Approved: D.V.B.

Field book:

Tape/File: J:\2018\Carlson\

Maps of Dane County on Pages _____.

Kristi Chlebowski, Register of Deeds

Document No. _____



CERTIFIED SURVEY MAP

DATED: June 11, 2018

Birrenkott Surveying, Inc.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, Wisconsin 53590
Phone (608) 837-7463
Fax (608) 837-1081

Village Board Approval Certificate:

Approved for recording by the village board of the Village of Shorewood Hills, Dane County, Wisconsin.

Karla Endres, Clerk, Village of Shorewood Hills

Dated _____

Village Clerk Certificate

As Village Clerk of the Village of Shorewood Hills, Wisconsin, I hereby certify that there are no unpaid taxes or unpaid special assessments on the lands contained in this Certified Survey Map.

Karla Endres, Clerk, Village of Shorewood Hills

Dated _____

Notes:

Utility Easement: No poles or buried cables are to be placed on any lot line or corner. The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes. This survey is subject to any and all easements and agreements both recorded and unrecorded. Refer to building site information contained in the Dane County Soil survey. This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures. Wetlands, if present, have not been delineated.

Surveyed For:

Jim Berbee
3534 Lake Mendota Drive
Madison, WI 53705
608-628-5540

Surveyed: T.A.S.
Drawn: B.P.R.
Checked: D.V.B.
Approved: D.V.B.
Field book:
Tape/File: J:\2018\Carlson\

For Office Use:	Date	Referred to Plan Comm/Board	Date
Application given by	6-15-18	Public Hearing Set	6-15-18
Received by Zoning Administrator	6-15-18	Date Notices Mailed	6-29-18
Fee received by Clerk		Public Hearing Published	6/25 & 7/2
Zoning Certified		Public Hearing Held	7/10/18
Filed with Clerk		Final Action	
Referred for Staff Review			

Village of Shorewood Hills
 810 Shorewood Boulevard
 Madison, WI 53705-2115
 (608) 267-2680 phone
 (608) 267-5929 fax

APPLICATION FOR CONDITIONAL USE PERMIT
 (A non-refundable \$350 fee must accompany this application upon filing)

FOR OFFICE USE ONLY
Receipt # <u>026674</u>

Date of Petition: June 15, 2018

The undersigned, being all the owners of the real property covered by this conditional use request hereby petition the Village of Shorewood Hills as follows:

- Name and address of each owner: (Please attach additional pages as necessary)
James G. Berbee & Karen A. Walsh
3534 Lake Mendota Dr.
Madison, WI 53705
- Name and address of applicant if not an owner. Describe interest in site (if tenancy, attach copy of current lease):
Same
- Address of site: 3546 Lake Mendota Drive
- Tax parcel number of site: 181/0709-173-0281-1
- Accurate legal description of site (state lot, block and recorded subdivision or metes and bounds description) (Attach copy of owner's deed):
NE 1/2 lot 20 and 21, plat of Shorewood, located in NE
1/4 of the SW 1/4 of section 17, T7N, R9E, city of Madison
Dane County, Wisconsin
- Present zoning classification: _____
- Requested conditional use: Fill and grade to natural level hole
resulting from removal of home and garage and driveway
at currently existing.
- Brief description of each structure presently existing on site: Home, detached garage,
driveway

9. Brief description of present use of site and each structure on site:
Prior use ~~was~~ was single family home
10. Brief description of any proposed change in use of structures if request for conditional use is granted (include change in number of employees on site):
- None - Structures removed.
11. The following arrangements have been made for serving the site with municipal sewer and water:
N/A.
12. Name, address, and tax parcel number of the owners of each parcel immediately adjacent to the boundaries of the site and each parcel within 200 feet including street and alley right-of-way of each exterior boundary of the site:
13. A scale map or survey map must be attached showing the following:
- a. Location, boundaries, dimensions, uses, and size of the site and structures and its relationship to adjoining lands.
 - b. The approximate location of existing structures on the site, easements, streets, alleys, off street parking loading areas and driveways, highway access and access restrictions, existing street, side and rear yards, proposed surface drainage, grade elevations.
14. State in detail, the evidence indicating proof that the proposed conditional use shall conform to each of the standards for conditional uses set forth in section 10-1-108 of the Village Zoning Code.
Requesting permission to fill hole left by home removal.
No other changes.

WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Dated this 15 day of June, 2018.

James M. Berbee
 Property Owner

Property owner

I certify that that I have reviewed this application for completeness.
 Date: _____ Zoning Administrator: _____

James G. Berbee

3534 Lake Mendota Drive, Madison, WI 53705 | 608-628-5540 | jim.berbee@badgercats.com

June 13, 2018

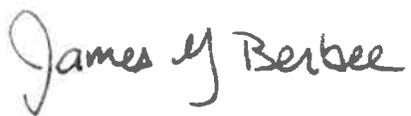
Village of Shorewood Hills
Karl Frantz, Administrator
810 Shorewood Boulevard
Madison, WI 53705

Dear Mr. Frantz,

Enclosed please find a \$350 check for lot consolidation fee. We are consolidating lots located at 3534 and 3546 Lake Mendota Drive. Birrenkott Surveying will be dropping off the required surveys later this month.

I will be submitting a conditional use request and erosion plan to fill the hole at 3546 Lake Mendota Drive which will be left after we remove the home at that address. We plan to do that work this Fall.

Sincerely,



James G. Berbee



Village of Shorewood Hills Mail - 3546 LMD conditional use permit 7-10-18
Karl Frantz <kfrantz@shorewood-hills.org>

3546 LMD conditional use permit 7-10-18

1 message

Fred Robertson <farobertson3@gmail.com>

Tue, Jul 10, 2018 at 11:55 AM

To: Frantz Karl <kfrantz@shorewood-hills.org>

Karl,

I am writing to express my support for granting the the conditional use permit at 3546 Lake Mendota Drive. This property is immediately East of my property.

Please share this expression of support with the Village of Shorewood Hills Plan Commission at the public hearing this evening.

Best regards,

Fred Robertson
3580 Lake Mendota Drive

Plan Commission Conditional Use Permit Review 3546 Lake Mendota Drive Project

The Plan Commission hereby forwards its written advisory recommendation to the Village Board within thirty (30) days after receipt of the application from the Zoning Administrator. The Plan Commission recommends approval subject to specified conditions, contained herein.

A conditional use shall be approved under this paragraph only if the applicant demonstrates by clear and convincing evidence the following:

1. Views of Lake Mendota from points off the lot on which the development or excavation proposed will not be adversely affected.

There will be no adverse impact to views.

2. Erosion will not be increased.

There will be no increase. An erosion control and revegetation plan to be submitted to and approved by the Village engineer prior to a demolition permit being issued.

3. The flow of surface water will not be changed so as to adversely affect other lots, the lake and other aspects of the natural environment.

No change in surface water flow as to adversely affect other lots, the lake or natural environment is expected. Grading of filled area shall blend with existing grades adjacent to the fill area.

4. Infiltration of surface water into the ground will not be adversely affected.

Infiltration of water into the ground will not be adversely affected.

5. Access to properties and structures by firefighters and other emergency personnel will not be adversely affected.

Access will not be adversely affected. Village setback regulations are complied with.

The Plan Commission shall review the application according to the standards below. No application shall be recommended for approval by the Plan Commission unless it finds that the following conditions are met:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Finding: *The Commission finds the above conditions are met and will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

Finding: *The Commission finds that the uses, values and enjoyment of other property in the neighborhood for purposes already permitted are in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.*

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not be contrary to an adopted comprehensive plan of the Village.

Finding: *The Commission finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, and will not be contrary to an adopted comprehensive plan of the Village.*

4. That adequate utilities, access roads, drainage and other necessary site improvements have been, are being or will be provided.

Finding: *The Commission finds that adequate utilities, access roads, drainage and other necessary site improvements have been, are being or will be provided.*

5. That the establishment, maintenance or operation of the conditional use is unlikely to increase the level of traffic congestion or reduce the level of safety at any point on the public streets.

Finding: *The Commission finds that that the establishment, maintenance or operation of the conditional use is unlikely to increase the level of traffic congestion or reduce the level of safety at any point on the public streets.*

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Finding: *The Commission finds that the conditional use conforms to all applicable regulations of the district in which it is located.*

7. That the conditional use does not violate flood plain regulations governing the site.

Finding: *The Commission finds that the project is not in a floodplain.*

8. That, when applying the above standards to any new construction of a building, or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.

Finding: *The Commission finds that the statement of purpose for the zoning district is such that the proposed project at its location does not defeat the purposes and objectives of the zoning district.*

The Plan Commission shall also evaluate the effect of the proposed conditional use upon:

- The maintenance of safe and healthful conditions.

Evaluated and no adverse impact

- The prevention and control of water pollution including sedimentation.

Evaluated and no adverse impact.

- Existing topographic and drainage features and vegetative cover on the site.

Evaluated and no adverse impact

- The location of the site with respect to floodplains and floodways of rivers and streams.

Evaluated and no adverse impact

- The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

Evaluated and no adverse impact. An erosion control and revegetation plan to be submitted and approved.

- The location of the site with respect to existing or future access roads.

Evaluated and no adverse impact

- The need of the proposed use for a shoreland location.

Evaluated and no adverse impact

- Its compatibility with uses on adjacent land.

The Commission evaluated and concluded that the proposed project is compatible with the uses on adjacent lands.

- Any other requirements necessary to fulfill the purpose and intent of the Zoning Code of the Village of Shorewood Hills conditions required:

Compliance with erosion control, dark sky and noise, hours of construction regulations are required. An erosion control, grading and revegetation plan shall be reviewed and approved by the Village Engineer prior to work commencing and issuance of permits . Parking plan and parking permits for all vehicles and equipment to be approved by Police Department. A demolition permit is required for the project.

**Village of Shorewood Hills
Finance Committee
Approved Meeting Minutes
Tuesday, June 12, 2018**

1. **Call to Order** – Finance Committee Chairperson Fred Wade called the meeting to order at 5:30 pm.
2. **Roll Call Committee** – Members present were Mr. Wade, Mark Lederer, Karl Wellensiek, Gard Strother and Sean Cote. Carl Gulbrandsen and David Ahmann were excused. Also in attendance were Village Administrator Karl Frantz, Administrative Services Manager/Deputy Clerk David Sykes, Village Clerk Karla Endres and Stephanie Nelson, Audit Manager at Baker Tilly.
3. **Note Compliance with open meeting laws** – Mr. Frantz confirmed the meeting had been properly posted and noticed.
4. **Review/approve February 14, 2018 minutes** – Mr. Cote clarified his statement regarding the impact of additional fees in the context of the new federal tax deduction limits. The minutes were changed to read:

Mr. Cote indicated he has changed his mind regarding adding fees in light of the tax law changes. With the \$10K limit on property tax and State income tax deductions, how much is a utility fee going to affect most residents?

Mr. Cote moved and Mr. Strother seconded a motion to approve the minutes with this change and correction of a couple of typographical mistakes.
Approved on a vote of 4-0-1 (Mr. Lederer abstaining).
5. **Consider 2017 Financial Statements** – Ms. Nelson, the Village’s lead auditor, presented the highlights of the Draft 2017 Financial Statements. Mr. Frantz had discussed the Financial Statements with Ms. Nelson prior to the meeting resulting in an adjustment to the fund balances in the draft. The Unassigned balance was reduced from \$807,853 to \$699,615 and the Nonspendable balance was increased the same amount from \$127,351 to \$235,589 reflecting money advanced to TIF 4. TIF 4 is now creating surplus increment and should be able to be able to pay back the General Fund advance over time. The adjustment to the Unassigned and Nonspendable Funds did not change overall General Fund Balance of \$1,118,567 (down from \$1,345,235 in 2016). The assigned balance of \$183,363 includes ~\$133K expected to be used to balance the 2018 budget.

Mr. Frantz reviewed the 2016 and 2017 revenues and expenses. At the end of 2016, the Nonspendable balance was \$334,615 (most of which is comprised of an advance to TIF 4). At the end of 2017, it decreased to \$235,589 and is expected to continue to go down in the future as TIF 4 pays off the advance. The Assigned balance is comprised mostly of the fund balance applied to the subsequent year’s budget. The Unassigned balance decreased as well. In 2017, the Village expected to use \$141,401 of fund balance. The Village actually used \$226,668 of fund balance or \$85,267 more than expected. Revenues were more than expected, mostly due to increased state road aid, building inspection fees,

investments, insurance dividend, recreation program participation and Village tree sales. Expenses were more than expected, as well, mostly due to retirement of the Police Chief (unanticipated payment of the Chief's health insurance premium from accrued sick leave), Interim Police Chief/hiring process and officer overtime and part-time work, new Police Chief's salary and signing bonus, the data crash and staff time to restore records, and increased costs related to building inspections, recreation programs and tree sales. 2018 expenses are on track and Mr. Frantz is working with Department Heads to keep expenses within budget. Some potential, unbudgeted revenues in 2018 include the insurance claim for the data loss, building permit fees and an increase to the annual insurance dividend.

Mr. Wellensiek asked about the status of the Madison Water claim for lost water. Mr. Frantz indicated that any money received would go to the Water Utility, not the General Fund, but he was not too optimistic about receiving compensation.

Ms. Nelson continued with the highlights of the Financial Statements. The analysis of the General Fund balance showed the Unassigned Fund balance is ~23% of 2017 expenses which is within the Village's self-imposed limit of 15-25%. The General Obligation Debt percentage continues to go down in relation to the debt limit (55% in 2016, 52% in 2017). The Village has done a good job of borrowing money when interest rates were low. The Village's debt to capital ratio is stable at ~30%. As with most municipalities, the Village's revenues come mainly from property taxes and the majority of expenses are for public safety. The Madison Fire Department fee has increased due to the new apartment buildings but should stabilize now. Some of the fee increase is offset by a fee paid by developers building in the TIF districts. With respect to the other Village Funds, the Financial Statements are a snapshot of the funds at the end of 2017. Most of the money listed in the Capital Improvement Fund has been spent on the new storage building, there is about \$100K remaining. Loans to the utilities should be paying back about \$400K over the next four years which is about one year behind the previously expected payback schedule. The water utility did not perform as expected, mainly due to the purchased water loss due to a couple of large leaks in the mains. Madison Water has finally supplied the Village with the ability to read the meters in the incoming and outgoing meter pits. Village staff records the meter readings daily and should be able to identify future leaks immediately. Mr. Frantz said he is confident the water utility will produce the expected revenue moving forward. Ms. Nelson indicated that TIF 3 and TIF 4 are producing some revenue but they have large debt payments and payments to developers. The property revaluation done in 2017 should help the TIF districts in the long run. The Sewer and Stormwater Utilities are stable.

Ms. Nelson discussed the data crash and commended the staff for the data restoration. The auditors tested numerous items and didn't find any significant issues. Staff did a great job getting everything ready for the audit in light of the data crash and Ms. Albrecht's retirement.

Mr. Lederer found some minor errors in the draft Financial Statements. He will work with Mr. Frantz to get his information to Ms. Nelson so she can finalize them in the next

7-10 days. He asked if the staff restructuring done this year will result in some of the check marks in the Governance and Management Letter being removed for the 2018 Financial Statements. Ms. Nelson said it is possible but some check marks result from having a small staff. Testing of procedures during the audit are directly related to some of the internal control deficiencies.

Mr. Lederer asked about the material misstatements section. There are some tasks that the auditors perform rather than staff, but the draft letter states that the work was done in response to misstatements by management. Could the language be changed to “Audit Adjustments” or language added to clarify that some work was done by the auditors and was not the result of misstatements by Village management. Ms. Nelson she would check to see if the language could be changed. Mr. Wade added that some language should be added to the Governance Letter to illustrate management’s reliance on the auditors for preparation of certain entries in the Financial Statements. Mr. Lederer also asked what is the magnitude of decentralized cash collection at Pool and Police Department. The Pool is moving more towards credit card payments, so the amount of cash may not be significant but the auditors take a conservative approach to highlight the situation for consideration by management.

6. **Update on water utility water loss matters** – Discussed previously with the Financial Statements.
7. **Update on Village computer system, restoration of system, and pending claim** – Discussed previously with the Financial Statements.
8. **Review 2018 General Fund financials** – Discussed previously with the Financial Statements.
9. **Set next meeting date** – The Committee will meet in July to review the finalized 2017 Financial Statements.
10. The meeting was **adjourned** at about 7:00 pm.

Respectfully submitted,

David Sykes
Administrative Services Manager/Deputy Clerk

**APPROVED MINUTES FOR THE VILLAGE OF SHOREWOOD HILLS
PLAN COMMISSION**

The Tuesday, June 12, 2018 meeting of the Plan Commission was called to order at 7:07 pm by Chair Dave Benforado. Members present were: Mr. Benforado, Karl Wellensiek, Earl Munson, Deb Remington, Jim Etmanczyk, Brauna Hartzell and John Imes. Also present was Karl Frantz, Village Administrator and David Sykes, Administrative Services Manager/Deputy Clerk. 18 visitors were in the audience.

Mr. Frantz confirmed the meeting had been properly posted and noticed.

Review certified survey map (CSM) for lot line adjustment Lot 1 Block 18, Beloit Court replat, part of Lot 18 Block 19

This CSM was received within the last few days and there has not been enough time to review it. Mr. Benforado tabled this item until the Commission's next meeting on July 10.

Initial review of certified survey map (CSM) involving property at 2725 Marshall Court, 2801 Marshall Court and 2840-2862 University Avenue

Mr. Frantz explained that the CSM is a complicated exchange of land amongst multiple property owners. It will allow the bike path to continue along the south side of the University Station property. The CSM should include some adjustments to the easement to redirect the bike path connection, with the existing path south of the tennis courts, further north (away from University Avenue and the railroad tracks) making the intersection better and safer. A revised CSM will be considered at a later meeting.

Public Hearing on rezoning from C-3(P) to Planned Unit Development General and Specific Development Plans for a mixed use shared workspace, restaurant and daycare project located at 2801 Marshall Court

Mr. Benforado called the public hearing to order at 7:18 pm.

Rich Arneson of Stone House Development introduced Randy Bruce and Duane Johnson of Knothe Bruce Architects who presented the Lodgic project at 2801 Marshall Court. Mr. Bruce reviewed the significant amount of property being dedicated to the Village to continue Catafalque Drive and the bike path extension. There will be a land swap between 2801 Marshall Court and University Station to allow University Station to reconfigure their parking lot and dedicate land for the bike path.

Mr. Bruce indicated they are proposing a two-story building for the Lodgic project, parallel parking stalls on Catafalque Drive that will be short-term parking for the daycare facility, and parallel stalls on Marshall Court. There will be 64 underground parking stalls on two levels with a ramp entrance along the west side of the Lodgic building. There will be an outside play area and bicycle parking spaces (10 underground, 10 surface spots).

The first floor will consist of a restaurant/bar, event space, exterior plaza, daycare (with separate entrance), and co-working space where children are allowed. They are working with a consultant to determine the required parking for the facility. The restaurant footprint is relatively small for a restaurant.

The second floor will be the main co-working space, which will also include an outdoor workspace. There are some features that invite people to visit the first floor amenities.

Mr. Bruce showed some 3D renderings of the building that included wood-like fiberboard siding, cast stone, brick color, and anodized windows. Visibility is key to the business, so the corner windows and building design are intended to be highly visible from University Avenue and Marshall Court. Signage will be very important to the project to make it recognizable. Intend to have signage on both the Marshall Court and University Avenue sides of the building.

Cheryl Farr, Founder & Chief Brand Officer, of Signal CSK Brand Partners has been partnering with Moose International for four years to develop this project. She reviewed the history of Moose International, which was founded in 1888 as an elite men's social club. By the turn of the century, the clubs were failing. At that time, James J. Davis led Moose International. He worked to reinvent it into an organization that served as a social safety net that served working class families. James J. Davis began [Mooseheart Child City and School](#) for children in need in 1912. Scott Hart wanted to extend the Mooseheart mission to more children and remain relevant for a new generation. By 1990, service group memberships began to drop, it fell out of favor with younger adults. Scott Hart lead the organization at that time and changed direction to become relevant to the younger generation.

There has been a sea change in the way people work now. There are 53M freelance workers in the U.S., 30M of those are millennials. Many workers, not just millennials, are working in non-traditional ways, they have partners, and they have children. Moose International has developed four areas of focus:

- Lodgic Everyday Community™: Services for non-traditional families
- Lodgic Kids Camp™: Play-and-learn childcare (drop in daycare)
- Lodgic Workplace™: Co-working (independent workers, small businesses, etc.)
- Lodgic Everyday Kitchen™: Craft Food Café (high quality, grab-and-go items during the day and sit-down restaurant at night)

Membership options are varied; a number of amenities are open to public.

Ms. Farr discussed five market advantages related to the Lodgic project:

- Location: Business works best when serving small and midsized communities, Moose is planning 10 in the Midwest over the next 3+ years.
- Adjacencies: Intended to serve the needs of the community. Customers can use as many or as few of the services available. There are built-in efficiencies by combining amenities, like daycare and food service.
- Hospitality Experience: They have the mindset to serve their customers everywhere, not just the restaurant.
- Day Part Activation: Workers' needs change throughout the day. The facility changes throughout the day as well.
- Audience: Integrated services for working women who are also typically the primary caregiver.

She said more information about the Champaign, Illinois facility that is opening this summer is available at www.lodgic.org.

Mike Slavney of Vandewalle & Associates is the Village's planning consultant for this project. He provided a memo dated June 8, 2018 to the Commission.

Kevin Wehner representing KL Engineering, working for Moose International, also provided a memo to the Commission.

Mr. Benforado opened up the floor to the audience for comments and questions.

Joan Benca, 2810 Marshall Court, said she likes the footprint, layout and concept. She has concerns about traffic and parking. Adequate parking is essential because of all the demand in

the area. She suggested they consider more gym/fitness than alcohol/food. The project may need more indoor space for kids' activities/play.

Peg Olson, 2822 Marshall Court, like the project in general but as an across the street neighbor she is concerned about late night activity.

Vin Gibbons, 2820 Marshall Court, commends the project for addressing children's needs. He has concerns about traffic, parking and the architecture (how the height compares to other buildings in the area). He asked if the facility is appropriate for older, school age children.

Mr. Frantz mentioned the University Avenue reconstruction project design phase has just begun. There will be much work to address the traffic going to the hospital, including a double turn lane from University Avenue to University Bay Drive. The project is schedule for 2022.

Ms. Farr mentioned the intended demographics of the facility. Among other things, it is intended for business and IT professionals, and medical adjacent businesses.

Michael Stienon, 2814 Marshall Court, has concerns about parking. He indicated the future streetscape changes might reduce existing street parking. He believes the calculations for adequate parking are underestimated. He is concerned about the hours of operation and the affect it will have on the neighbors at Shackleton Square. He is also concerned about the signage and noise from the kitchen.

Maureen Rickman of Psychiatric Services, 2727 Marshall Court (adjacent property/business), mentioned they are trying to keep their business, which has been open for 50 years in the Village, in operation and that parking on Marshall Court is their number one obstacle.

Maree Elowson, 2822 Marshall Court, asked if Catafalque Drive would be directly opposite the Shackleton Square underground parking access.

Ms. Farr took a moment to answer some of the questions that were asked:

The Daycare is licensed to a maximum of 50 children and they do have a large play area in the design.

The event space has a capacity for 60 but they expect it will typically be used for smaller groups. The Bar will close at the same time as the restaurant (10:00 pm on weekdays, 11:00 pm on weekends).

The Champaign, Illinois facility has a fitness center and they could explore that for this facility if there was interest from the community.

Mr. Arneson mentioned the restaurant exhaust fans will be directed vertically through the roof, not out the side of the building.

Mr. Bruce pointed out that Catafalque Drive is west of the entrance to Shackleton Square.

Erhard Joeres, 2822 Marshall Court, pointed out that noise is a critical issue and is often ignored as an environmental issue in many construction projects.

Mr. Benforado closed the public hearing at 8:35 pm.

Mr. Frantz mentioned that Catafalque Drive will be a public street, so parking could be considered on both sides of it. He said the streetscape changes could include 7-14 new parking spaces on Marshall Court behind University Station (on one or both sides of the street). Village staff and interested parties are looking at options to replace the stalls that will be lost behind Psychiatric Services when the bike path is completed. They would receive payment for land and could lease spaces from other neighboring property owners as a temporary solution. Mr. Frantz also mentioned the CSM land exchange would create some additional parking spaces at University Station. Lastly, the Ronald McDonald House addition project includes underground parking that should accommodate all of its parking needs for staff, guests and volunteers, relieving some of the demand on Marshall Court.

Mr. Slavney introduced himself to the Commission. He is the planning consultant from Vandewalle & Associates. The Village's regular planning consultant is unavailable for this project. He explained his roles in the evaluation process. He reviews the technical findings as they relate to the requested zoning change. He evaluates and requires clarification of submittals. He looks at community impacts, such as, lighting, noise, stormwater, traffic, etc. He mentioned that the General Development Plan (GDP) and Specific Development Plan (SDP), if approved, will become the zoning code for this property. He also looks at the impact of the project on the community with respect to aesthetics, noise, lighting, stormwater, and most importantly for this site, parking and traffic. Mr. Slavney looks to the future for potential changes of use on the property, asking how this building could be used 20 years down the road. The design is good, being only two stories and underground parking. If it were to become a typical commercial/office building, it would have adequate parking. His concern about parking with respect to the client's engineer's estimates are related to a situation where co-working members are meeting with a clients, is there a reservation process that avoids a situation where multiple members are meeting with multiple clients. That situation could overwhelm the parking availability. His code review shows the project is an acceptable mixed-use operation with adequate parking. The traffic study provided by the KL Engineering does not address the childcare facility and the expected parking needs for the co-working space. He is unable to draw final conclusions at this time and asked the developer address these questions at the next meeting. Mr. Wehner explained the methodology used for KL Engineering's traffic study. KL Engineering has worked for municipalities, WISDOT and private entities. For this project, they used gross square footage of the building for trip generations (not net sq. ft.). There is good mass transit options in this area and the facility will be served by pedestrian and bicycle traffic. The estimated linked usages for trip generation (common trips to the site) and parking, i.e. trip to daycare and restaurant to pick up kids and food during one trip.

Action on rezoning of property at 2801 Marshall Court

The Commission took no action at this time.

Public Hearing on text changes to the Village's zoning code amending Sections 10-1-100 and 10-1-140 clarifying language that decks are structures and amending the definition of lot coverage

Mr. Benforado opened the public hearing at 9:07 pm.

Mr. Frantz explained the ordinance change clarify some definitions in the zoning code and make it consistent from one part of the code to another, specifically a "Deck" will be considered as a "Structure" rather than a "Use". In addition, "Main Structure" is inconsistent with other areas of the Code and should be "Principle Structure". Similarly, for the definition of "Lot Coverage" should refer to the "Principle" and "Accessory" structures.

Michael Stiennon, 2816 Marshall Court, said he has a deck at his house and asked if this change would make that deck non-conforming. Mr. Frantz said there would be no effect on decks at Shackleton Square.

Mr. Benforado closed the public hearing at 9:12 pm.

Mr. Remington indicated that "main" should also be changed to "principle" in the second sentence of the "Deck" definition.

Mr. Etmanczyk asked if the Village would review the existing deck at homes. Mr. Frantz indicated there is no plan to go back and look at decks with respect to the lot coverage.

Recommendation to Board on text changes to the Village's zoning code amending Sections 10-1-100 and 10-1-140 clarifying language that decks are structures and amending the definition of lot coverage

Mr. Wellensiek moved and Mr. Munson seconded a motion to recommend approval of this ordinance changing the text of the zoning code amending sections 10-1-100 and 10-1-140 clarifying language that decks are structures and amending the definition of lot coverage, with Ms. Remington's suggested changes.

Vote: Approved 7-0.

Approval of meeting minutes

The Commission postponed approval of the minutes until the next meeting.

Review/action on need for conditional use permit to construct door overhangs at 3414 Lake Mendota Drive

The homeowner was not in attendance. Mr. Frantz explained the homeowner wants to put awnings over windows on the lakeside of the house to protect against water infiltration. The decorative awnings would stick out about 8" from the wall. He said the Village Code strictly states that any new structures added to a house that reduces the distance between the lake and the home require a conditional use permit approval. Mr. Frantz added that the Code seems excessively restrictive, especially in this case.

Mr. Munson granted that this seems excessive in this situation but asked where does the Commission draw the line for these types of requests.

Mr. Benforado said he tends to agree with Mr. Munson. He describes the Lakefront Setback Line as a bright line for anything north of a structure on Lake Mendota Drive.

Mr. Imes indicated he would view the awnings as ornamental to the windows, similar to a light sconce protruding from a house.

Mr. Etmanczyk brought up the process the Commission went through when considering a project at another house on the lakeside of Lake Mendota Drive.

Ms. Remington asked if canvas awnings that could be taken down would be considered a similar structure. Mr. Frantz indicated he had not considered that point.

Mr. Frantz will advise the homeowner to go through the Conditional Use process.

Adjourn

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

David Sykes
Administrative Services Manager/Deputy Clerk

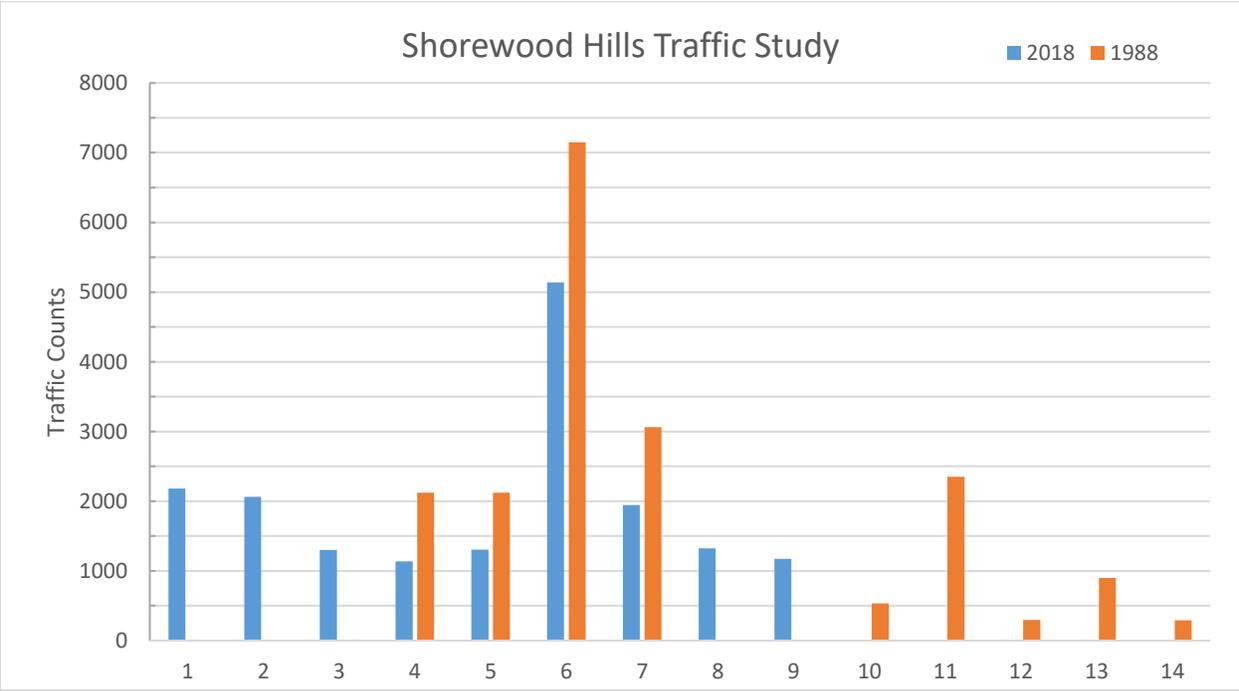
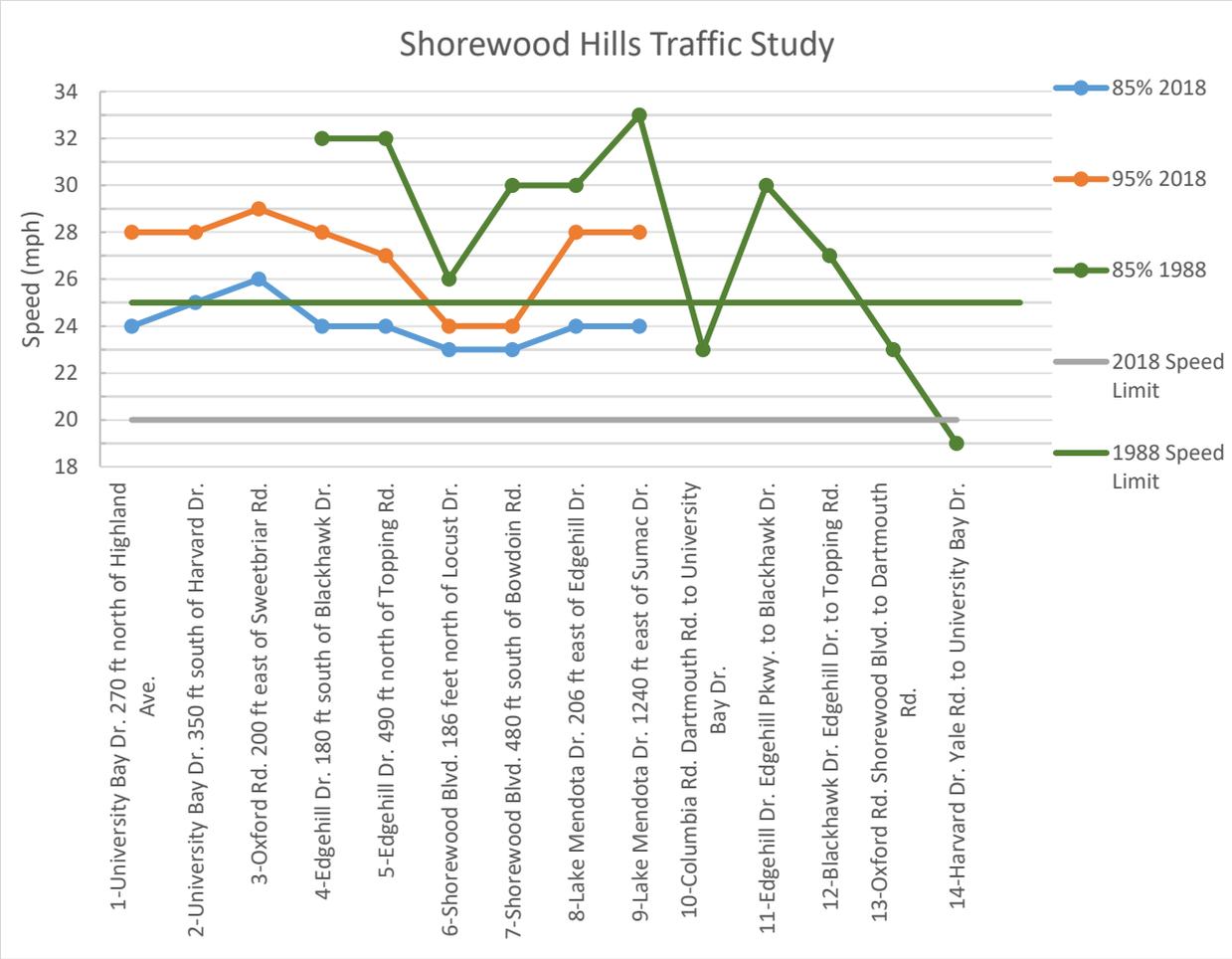
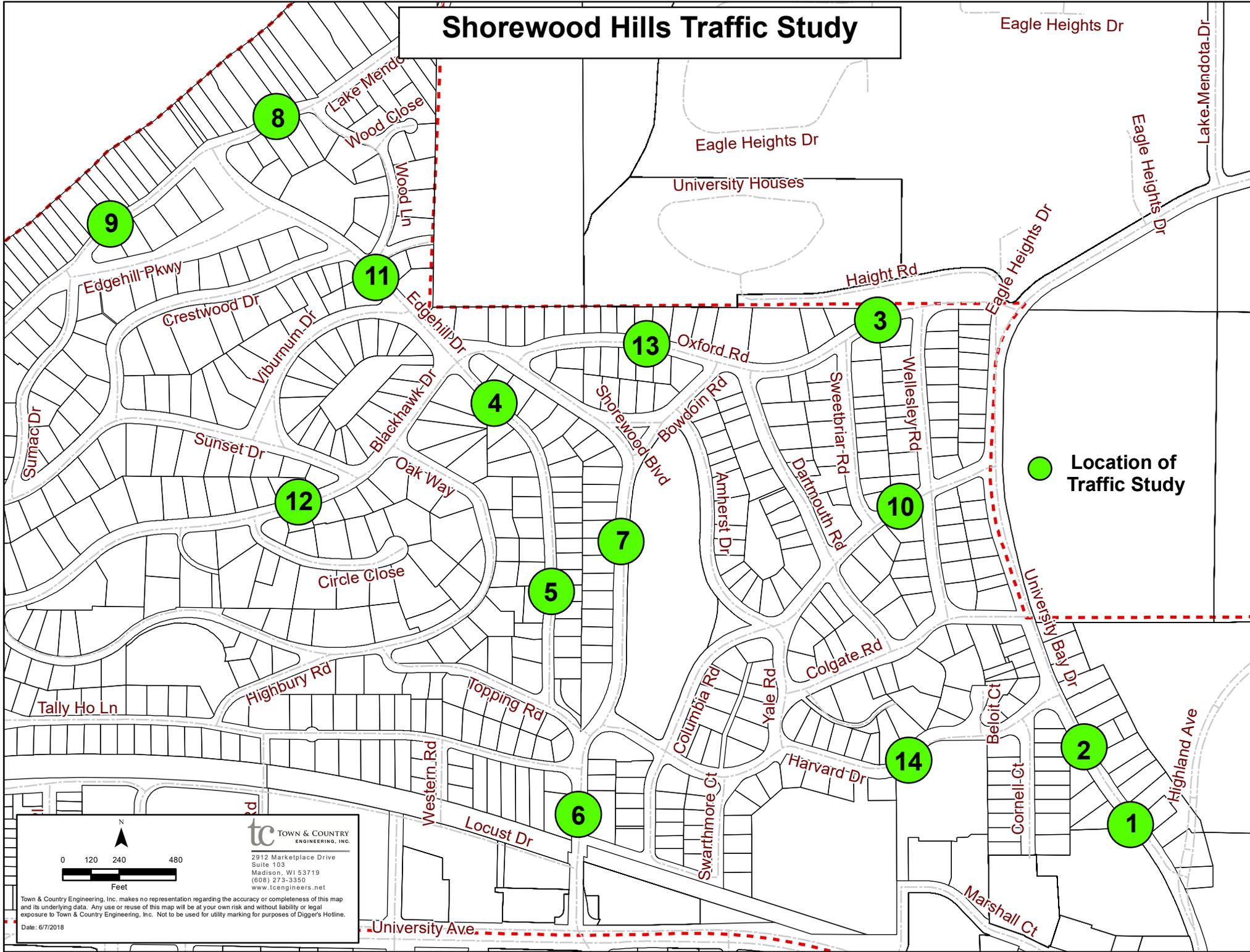


Table 1: Shorewood Hills Traffic Study Summary

			Average Daily Counts		Speed		
			2018	1988	2018		1988
	Street	Location			85%	95%	85%
1	University Bay Drive	270 ft north of Highland Avenue	2179		24	28	
2	University Bay Drive	350 ft south of Harvard Drive	2063		25	28	
3	Oxford Road	200 ft east of Sweetbriar Road	1298		26	29	
4	Edgehill Drive	180 ft south of Blackhawk Drive	1134	2120	24	28	32
5	Edgehill Drive	490 ft north of Topping Road	1305	2120	24	27	32
6	Shorewood Blvd	186 feet north of Locust Drive	5139	7150	23	24	26
7	Shorewood Blvd	480 ft south of Bowdoin Road	1945	3062	23	24	30
8	Lake Mendota Drive	206 ft east of Edgehill Drive	1322		24	28	30
9	Lake Mendota Drive	1240 ft east of Sumac Drive	1173		24	28	33
10	Columbia Road	Dartmouth Road to University Bay Drive		535			23
11	Edgehill Drive	Edgehill Pkwy. to Blackhawk Drive		2350			30
12	Blackhawk Drive	Edgehill Drive to Topping Road		297			27
13	Oxford Road	Shorewood Blvd. to Dartmouth Road		900			23
14	Harvard Drive	Yale Road to University Bay Drive		292			19

Shorewood Hills Traffic Study



● Location of Traffic Study

tc TOWN & COUNTRY ENGINEERING, INC.
2912 Marketplace Drive
Suite 103
Madison, WI 53719
(608) 273-3350
www.tcengineers.net

0 120 240 480
Feet

Town & Country Engineering, Inc. makes no representation regarding the accuracy or completeness of this map and its underlying data. Any use or reuse of this map will be at your own risk and without liability or legal exposure to Town & Country Engineering, Inc. Not to be used for utility marking for purposes of Digger's Hotline.
Date: 6/7/2018

Village of Shorewood Hills Traffic Calming Policy

The Village of Shorewood Hills utilizes a demonstrably successful traffic calming program consisting of education, enforcement and monitoring based on a twenty mile per hour speed limit on Village streets except University Avenue and Locust Drive.* Physical traffic calming measures such as speed humps, and tables will not be considered on Village streets presently due to low prevailing speeds and low traffic volumes.

Summary of Data and Conditions

85th percentile speeds on all Village streets is less than 29 miles per hour and on most streets** the 85th percentile speeds is 25 miles per hour or less.

Volume of traffic on all Village streets is less than 3000 vehicles per day and on most streets** traffic volumes are less than 800 per day.

The existing narrow, hilly curving features of many Village streets also contribute to the success of the Village traffic calming program. In addition the presence of garden triangles at intersections, as well as the offset nature of many intersections act to decrease traffic speed. Nearly all Village streets reflect one or more of these attributes.

There are no village streets that exhibit repetitive accidents involving vehicles, bicycles or pedestrians.

Resulting Traffic Calming Policy

The above data and conditions indicate that physical traffic calming measures will not be cost effective and the intended impacts of physical devices to reduce speed and/or volume such as humps, tables, and traffic circles will be negligible to non existent.

Physical traffic calming measures will only be considered if 85th percentile traffic speeds exceed 32 mph and traffic volumes are in excess of 800 vehicles per day.

The Village police department proactively enforces a 20 mph speed limit through systematic patrol, use of radar and enforcement through warning and ticketing.

Comprehensive educational efforts are made possible through the monthly Village bulletin that is mailed and emailed to 85% of all Village residents and through a blast email system with 85% penetration.

The Village deploys a mobile speed board to alert motorists to the 20 speed limit and the speed that they are travelling. The speed board is also able to collect and store speed and volume data for analysis.

The Village also randomly deploys speed and volume tubes on Village streets in order to collect and analysis data to ensure that 85th percentile speed and traffic volumes are within the parameters that the Village has adopted though this policy.

Complaint Handling Process

Complaints regarding speed on Village streets shall be directed to the Village Administrator and/or Police Chief. Through discussion and examination of existing data with the complainant the concern may be resolved without further action. However further action may be warranted and take combinations in the form of targeted enforcement, educational email blasts, articles in the Village bulletin, and deployment of the speed board in the identified area.

The Village may also engage in data collection in order to reevaluate 85th percentile speeds as well as traffic volumes to see if there have been any changes. If speeds exceed standards established by the Village, additional traffic calming techniques may be considered and the matter brought to the attention of the Public Works Committee for possible further recommended actions that may ultimately involve consideration by the Village Board.

Reconstruction of Streets and Traffic Calming

When a Village street is scheduled for reconstruction staff will compile and analyze speed and volume data for that street. Residents residing on the street under consideration will be specifically invited to a series of meetings. At these meetings input into design decisions will be afforded and concern related to traffic speed and/or volumes addressed as part of a collaborative design process.

*University Avenue is a regional commuter route and is not included in this policy. The Village has completed and adopted an intergovernmental project titled University Avenue Corridor Study with the City of Madison and University of Wisconsin.

* The speed limit on Locust Drive is 25 mph. Due to its significance as a Village collector street and heavy use by emergency response vehicles physical traffic calming will not be considered.

** University Bay Drive, and Lake Mendota Drive have traffic volumes in excess of 1,000 per day but less than 3,000 and 85th percentile speeds range from 26- 28 mph. These streets also serve as Village collector streets and are through streets that are also used frequently by emergency response vehicles. Traffic volume and speeds are below Village standards for physical traffic calming, but due to their use pattern would not be considered for physical traffic calming in any event. The Village has installed four stationery speed warning display devices, two on each street to enhance traffic calming in response to resident concerns. These devices are also capable of data collection.

**Shorewood Boulevard was reconstructed in 2009. Due its proximity to the school and its significance as a Village collector street special traffic calming was constructed in the vicinity of the school including bump outs, special line painting and staggered one lane speed tables.



TO: VILLAGE OF SHOREWOOD HILLS BOARD OF TRUSTEES

FROM: AARON P. CHAPIN, CHIEF OF POLICE

RE: POLICE DEPARTMENT SUMMARY

DATE: JULY 13, 2018

CALLS FOR SERVICE:

In June, officers handled 457 incidents of various different natures. 12 of the calls for service were classified by the officers as a criminal offense including 1 drug incident/investigation, 1 non-domestic disturbance, 1 domestic disturbance, 1 fraud investigation, 1 stolen bicycle, 1 theft from automobile, 1 retail theft, 3 non-retail thefts, 1 threat complaint and 1 trespass complaint. There were fourteen 9-1-1 calls that were not related to another investigation.

Officers conducted 13 crash investigations during the month. There were 63 parking cases for vehicles parked illegally on the village streets and zero complaints of illegal parking on private property. Officers also conducted 100 traffic stops for various violations including 2 arrests for Operating While Intoxicated.

The rest of the calls for service were of a routine nature including foot patrols, check areas, check property and other non-investigative police services.

TRAINING:

During the month of June, SHPD partnered with UWPD on a training called Integrating Communication, Assessment and Tactics (ICAT) and several of the staff members completed the training. The focus on ICAT training is slowing down and deescalating situations. We utilized

Shorewood Hills Police Department
Chief Aaron P. Chapin
810 Shorewood Boulevard
Madison, WI 53705-2115
Phone: 608-267-1110 / Fax: 608-267-1155
www.shorewood-hills.org

PO Pierce, PO A. Dostalek, Sgt. Denzer and me as instructors at various times throughout the training to supplement the UWPD training cadre.

PO A. Dostalek attended training on investigations which was hosted at UWPD.

FUTURE ISSUES/CONCERNS:

CSO Tyler Eldridge has joined the Army full-time and has resigned from the SHPD. His last day with the organization is July 18th. I wish Tyler well in his career path and thank him for his service to the SHPD and our community.

Steven Boyd has been hired to fill the vacancy created by Tyler leaving the department. Steven started work with us on July 2nd and has had the opportunity to train with Tyler for a little over two weeks prior to Tyler's departure.

Just a reminder that I have been selected and will be attending the Instructor Development in Problem Based Learning course being hosted at the South Dakota Law Enforcement Training Center in Pierre, SD. The course is grant funded and is promoted/taught by the Police Society for Problem Based Learning which is the organization I am the President of. The department will need to cover fuel for the squad and my salary. All other costs (food, lodging, tuition) are covered by the grant. Lt. Martens and Sgt. Denzer will be in charge of the day-to-day operations while I am away. The training is July 16 to July 27.

Respectfully Submitted,

Aaron P Chapin, Chief of Police

Monthly Incident Summary Report
 6/1/2018 Through 6/30/2018



Incident Type	Total
911 Call Silent	3
911 Call Unintentional	9
911 Disconnect	1
911 Misdial Call	1
Accident Hit and Run	1
Accident Private Property	2
Accident Property Damage	7
Accident Unknown Injuries	1
Accident w/Injuries	2
Alarm	9
Animal Bite	1
Animal Lost	1
Animal Stray	3
Annoying/Obscene Phone Call	1
Assist Citizen	31
Assist EMS/Fire	5
Assist Police	19
Check Person	8
Check Property	66
Conveyance	1
Damage to Property	2
Disturbance Unwanted Person	1
Domestic Disturbance	1
Drug Incident/Investigation	1
Follow-Up	2
Foot Patrol	1
Fraud	1
Information	47
Missing Juvenile/Runaway	2
Noise Complaint	2
Non-Urgent Notifications	1
OMVWI Arrest/Intoxicated Driver	2
Parking Complaint On Street	63
Phone	10
Property Found	4
Safety Hazard	19
Special Event	4
Stolen Bicycle	1
Theft	3
Theft from Auto	1
Theft Retail	1
Threats Complaint	1
Traffic Complaint/Investigation	14
Traffic Stop	100
Trespass	1
Grand Total	457

Shorewood Hills rolling 12-month incident summary



	Jun2018	May2018	Apr2018	Mar2018	Feb2018	Jan2018	Dec2017	Nov2017	Oct2017	Sep2017	Aug2017	Jul2017	Total
Incident Type	457	421	409	402	311	370	309	288	343	313	354	409	4386
911 Abandoned Call	0	0	0	0	1	1	0	2	2	2	1	5	14
911 Call Playing W/Telephone	0	0	0	1	0	0	0	0	0	0	0	1	2
911 Call Question	0	1	0	1	0	1	1	1	1	3	1	0	10
911 Call Silent	3	4	3	1	2	2	2	2	3	2	8	5	37
911 Call Unintentional	9	2	1	2	1	6	1	3	3	7	1	4	40
911 Disconnect	1	2	3	1	2	2	2	1	1	5	2	3	25
911 Misdial Call	1	1	3	0	0	0	0	1	0	3	2	1	12
Accident Hit And Run	1	5	2	0	1	2	0	2	0	0	2	4	19
Accident Private Property	2	3	0	0	1	1	1	5	1	1	5	3	23
Accident Property Damage	7	6	8	4	10	4	7	12	6	4	12	14	94
Accident Unknown Injuries	1	0	0	0	0	2	0	0	1	0	0	2	6
Accident W/Injuries	2	3	2	0	1	1	0	0	0	1	0	0	10
Adult Arrested Person	0	1	1	1	0	0	0	1	0	0	1	3	8
Alarm	9	10	8	11	12	12	22	9	10	8	10	8	129
Animal Bite	1	0	0	0	1	1	1	0	1	0	0	0	5
Animal Complaint/Disturbance	0	1	1	0	0	0	0	1	0	0	0	1	4
Animal Found	0	1	0	0	0	1	0	0	0	0	0	0	2
Animal Lost	1	0	0	0	0	0	0	0	0	0	1	1	3
Animal Stray	3	5	2	6	8	3	0	3	5	9	3	7	54
Annoying/Obscene Phone Call	1	0	1	0	0	0	0	0	1	0	0	0	3
Assist Citizen	31	44	32	33	23	34	8	9	17	19	15	23	288
Assist Citizen Lake	0	1	0	0	0	0	0	0	0	0	0	0	1
Assist Court	0	1	0	0	0	0	0	0	0	0	1	0	2
Assist Ems/Fire	5	5	5	11	9	15	11	6	16	6	14	7	110
Assist K9	0	1	0	1	0	0	0	0	0	0	0	0	2
Assist Police	19	19	21	5	13	8	11	7	9	6	21	14	153
Atl Person	0	1	1	1	0	2	0	2	0	0	0	1	8
Burglary Non-Residential	0	0	0	0	0	0	0	0	0	0	1	0	1
Burglary Residential	0	1	0	0	0	0	0	2	1	0	0	1	5
Check Person	8	5	3	2	5	3	7	3	10	10	15	10	81
Check Property	66	74	45	33	32	65	42	29	57	28	40	69	580
Child Abuse	0	0	0	1	0	0	0	0	0	0	0	0	1
Civil Dispute	0	0	0	0	1	0	1	0	0	0	0	0	2
Conveyance	1	0	0	0	0	0	2	0	0	0	0	0	3
Conveyance Alcohol (Detox)	0	1	0	0	0	0	0	0	0	0	0	0	1
Damage To Property	2	0	1	2	0	1	1	5	3	1	2	0	18
Death Investigation	0	0	0	0	0	0	0	1	0	0	0	0	1
Disturbance	0	0	2	3	3	0	0	0	1	3	0	1	13

	Jun2018	May2018	Apr2018	Mar2018	Feb2018	Jan2018	Dec2017	Nov2017	Oct2017	Sep2017	Aug2017	Jul2017	Total
Disturbance Unwanted Person	1	1	1	2	1	1	2	0	1	1	1	0	12
Domestic Disturbance	1	3	2	0	0	3	2	1	0	2	1	0	15
Drug Incident/Investigation	1	0	1	0	0	0	0	0	0	2	0	0	4
Follow-Up	2	3	3	3	7	3	0	2	3	4	4	8	42
Foot Patrol	1	0	3	6	2	1	0	0	2	1	1	2	19
Found Person	0	0	0	0	0	1	0	0	0	0	0	0	1
Fraud	1	0	3	1	1	1	2	1	1	4	6	2	23
Information	47	34	39	42	28	20	12	11	29	12	20	14	308
Intoxicated Person	0	0	0	1	0	0	2	0	0	1	0	0	4
Juvenile Complaint	0	0	0	0	0	0	0	1	0	2	2	0	5
Liquor Law Violation	0	1	0	0	0	0	1	0	0	0	0	1	3
Medical Examiner	0	0	0	0	1	0	0	0	0	0	0	0	1
Missing Adult	0	0	0	1	0	0	2	0	0	0	1	0	4
Missing Juvenile/Runaway	2	0	1	1	1	7	4	1	1	2	1	0	21
Neighbor Trouble	0	0	0	1	0	0	0	3	0	0	0	0	4
Noise Complaint	2	1	1	0	0	1	0	2	0	1	1	2	11
Non-Urgent Notifications	1	0	0	0	0	0	0	0	0	0	0	0	1
Omwvi Arrest/Intoxicated Driver	2	2	3	3	1	0	2	0	2	2	2	2	21
Parking Complaint On Street	63	56	90	70	49	51	33	40	27	47	18	50	594
Parking Complaint Pvt Prop	0	0	0	0	0	0	1	8	8	6	4	11	38
Phone	10	7	11	9	21	22	15	7	3	11	13	11	140
Preserve The Peace	0	0	0	0	1	0	0	0	1	1	0	1	4
Property Found	4	1	1	1	0	4	5	2	2	1	3	4	28
Property Lost	0	1	0	0	2	1	0	0	0	1	0	0	5
Recovered/Stolen Outside Agen	0	1	0	0	0	1	0	0	0	0	0	0	2
Robbery Armed	0	0	0	0	0	1	0	0	0	0	0	0	1
Safety Hazard	19	7	4	5	8	8	4	4	1	6	7	12	85
Serving Legal Papers	0	1	0	0	1	2	0	0	0	0	1	0	5
Sexual Assault Of A Child	0	0	1	0	0	0	0	0	0	0	0	0	1
Solicitors Complaint	0	0	1	1	0	0	3	0	0	0	1	0	6
Special Event	4	1	0	0	2	0	1	1	1	0	0	0	10
Stalking Complaint	0	0	0	0	0	0	0	0	0	1	0	0	1
Stolen Auto	0	0	1	0	1	1	1	4	1	0	1	0	10
Stolen Bicycle	1	0	0	0	0	0	0	0	0	1	0	1	3
Suspicious Person	0	0	1	1	3	0	3	2	3	1	9	1	24
Suspicious Vehicle	0	1	2	6	1	3	2	5	6	2	2	5	35
Test 911 Call	0	0	0	0	0	0	0	1	1	0	1	0	3
Theft	3	0	2	7	2	5	5	0	2	2	3	3	34
Theft From Auto	1	2	1	0	0	0	0	2	3	0	4	3	16
Theft Retail	1	2	0	0	4	3	1	0	2	2	0	2	17
Threats Complaint	1	1	2	0	0	0	0	0	0	0	2	0	6
Traffic Complaint/Investigation	14	10	12	23	8	17	9	15	25	13	8	12	166
Traffic Incident	0	0	1	0	0	0	0	1	0	0	0	0	2
Traffic Stop	100	85	77	98	39	44	76	66	68	65	76	74	868
Trespass	1	2	0	0	0	2	1	0	0	1	1	0	8
Unknown	0	0	0	0	0	0	0	0	0	0	1	0	1
Violation Of Court Order	0	0	0	0	0	0	0	1	0	0	0	0	1

	Jun2018	May2018	Apr2018	Mar2018	Feb2018	Jan2018	Dec2017	Nov2017	Oct2017	Sep2017	Aug2017	Jul2017	Total
Weapons Offense	0	0	0	0	1	0	0	0	0	0	1	0	2
Worthless Checks	0	0	0	0	0	0	0	0	1	0	0	0	1