



Village of Chenequa
31275 W County Road K, Chenequa, WI 53029

Wednesday, July 10, 2024, at 2:00 p.m.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND AND BE HEARD

This is official notice that the Board of Zoning Appeals of the Village of Chenequa will hold a public hearing on Wednesday, July 10, 2024 at 2:00 p.m. in the Village Board Room and via Zoom communications for the following variance request and administrative appeal:

AGENDA

Call to Order

Open Public Hearing

Matter: Applicants: Michael Kelly
Property Address: 4667 Pine Meadows Lane
Parcel No: CHQV 734-993-003

The Applicant, Michael Kelly, is requesting a variance to permit retaining walls that were installed without proper Village approval. Two of the retaining walls encroach on 75' setback from the ordinary high water mark, Pine Lake as defined by 6.3 (46) Structure and 6.5 (4) (a) (i) (B) lists the allowable structures within the setback.

The purpose of this public hearing is to accept public comment on the proposed request. The public hearing will be held via zoom.

Public Comment

Adjourn the Public Hearing

1. Review and consider action on variance request
2. Adjournment.

Respectfully submitted by:
Deanna Braunschweig
Zoning Board of Appeals Clerk

Join Zoom Meeting

<https://us02web.zoom.us/j/81845426262?pwd=345a5STqkJaCcD80XmaCH65pRbt6Jg.1>

Meeting ID: 818 4542 6262

Passcode: 289124

Dial by your location: +1 301-715-8592 US (Chicago)

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

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE
Village Clerk posted this agenda on Tuesday, July 2, 2024 by @ 4:30 PM



**PUBLIC NOTICE
VILLAGE OF CHENEQUA
ZONING BOARD OF APPEALS
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Chenequa will hold a public hearing on July 10, 2024 at 2:00 p.m. for the following request:

Applicants: Michael Kelly
Property Address: 4667 Pine Meadows Lane
Parcel No: CHQV 734-993-003

The Applicant, Michael Kelly, is requesting a variance to permit retaining walls that were installed without proper Village approval. Two of the retaining walls encroach on 75' setback from the ordinary high water mark, Pine Lake as defined by 6.3 (46) Structure and 6.5 (4) (a) (i) (B) lists the allowable structures within the setback.

6.3 (46) Structure, defines structure as, *“Anything permanently placed on or in the ground for any use whatsoever; including but not limited to any new or existing building, fences, pillars, gated entrances requiring a permit under Section 5.19 and recreational facilities. Private driveways shall not be considered to be structures.”*

6.5 (4) (a) (i) (B) *“Within the area located between the thirty (30) foot line referred to in (A) above and a line seventy five (75) feet from the lake frontage and parallel thereto there may be constructed and maintained uncovered terraces, patios, one (1) uncovered stairway, ground level marine railways, below-ground water pumping facilities, and one (1) uncovered walkway located at or beneath the ground level.”*

The purpose of this public hearing is to accept public comment on the proposed request. The public hearing will be held in person and via zoom.

Join Zoom Meeting

<https://us02web.zoom.us/j/81845426262?pwd=345a5STqkJaCcD80XmaCH65pRbt6Jg.1>

Meeting ID: 818 4542 6262

Passcode: 289124

Dial by your location: +1 301-715-8592 US (Chicago)

Dated this 18th day of June 2024

Deanna Braunschweig,
Village Clerk - Treasurer



STAFF REVIEW

Date: May 6, 2024

Meeting Date & Time: Monday, May 13th at 6:00 p.m.

To: Plan Commission, Village of Chenequa

From: Planning Department

Subject: Site Plan Review

Owner: Michael Kelly

Location: 4667 N Pine Meadows Lane

Project Description: Review non-conforming landscaping project

Zoning District: Residence District – Lot Abutting Lake

Dear Village Board of Trustees,

During a routine site inspection, I was made aware of a zoning violation on Mr. Kelly's property at 4667 N Pine Meadows Lane. Onsite, I discovered three separate retaining walls that were constructed during the winter months without obtaining proper Village approvals.

Following my site visit, a certified letter was sent to Mr. Kelly's residence. A copy of this letter is attached in the packet for your review.

Mr. Kelly was instructed to;

- 1.) Immediately install erosion control (Completed)
- 2.) Develop a remediation plan to present to the Village Plan Commission and Board of Trustees

Included in your packets, Mr. Kelly has indicated the location of the retaining walls that were recently installed (in red) and the location of existing walls (in black). Currently, Mr. Kelly wishes for the retaining walls to remain and is not proposing an alternate solution.

It is my interpretation that these walls are structures, two of which currently impede on the 75' setback of the ordinary high-water mark. The allowable structures within the shoreland buffer zone are outlined in 6.5(4)(a)(i). I do not believe retaining walls are currently permissible under Chenequa zoning code.

If Mr. Kelly chooses to pursue keeping the retaining walls, he must proceed with the Village Board of Appeals to either challenge the Zoning Administrator's interpretation on the code or ask for a variance.

c: Dan Neumer, Administrator
Deanna Braunschweig, Clerk
Paul Launer, Lake Country Inspections
Michael Kelly, Owner
Cody Lincoln, Zoning Administrator



Village of Chenequa

Daniel R. Neumer
Administrator/Chief

31275 W County Road K
Chenequa, WI 53029

February 26, 2024

Michael Kelly
4667 N Pine Meadows Lane
Hartland, WI 53029

Dear Mr. Kelly,

During a site visit to your property located at 4667 N Pine Meadows Lane following the issuance of a cutting permit, we observed an extensive amount of landscape work had been completed on your property without proper approvals. The following items were found to have been completed without permits.

- 1.) Grading activities near the lake are currently in progress.
- 2.) Retaining walls were illegally installed.

Of the items listed above, the following shall be corrected as they are not currently in compliance with Chenequa Village Ordinance.

- 1.) The newly installed retaining walls encroach on the 75' setback from Pine lake.
 - a. 6.3(46) defines a structure as *"Anything permanently placed on or in the ground for any use whatsoever; including but not limited to any new or existing building, fences, pillars, gated entrances requiring a permit under Section 5.19 and recreational facilities. Private driveways shall not be considered to be structures."*
 - b. 6.5(4)(a)(i)(B) lists the allowable structures within this setback.
Within the area located between the thirty (30) foot line referred to in (A) above and a line seventy-five (75) feet from the lake frontage and parallel thereto there may be constructed and maintained uncovered terraces, patios, one (1) uncovered stairway, ground level marine railways, below-ground water pumping facilities, and one (1) uncovered walkway located at or beneath the ground level.
- 2.) Erosion Control measures specified in 5.18 have not been followed and must be put into place in order to prevent sediment from flowing into Pine Lake.

As previously stated, no permits to do this work have been applied for. This is in violation of local ordinance. You must now apply for an after-the-fact permit from the Village of Chenequa. This permit

application shall include detailed plans outlining your proposed plan of remediation. Fines and penalties may apply even if the permit is approved.

The plans you submit will be reviewed by the Plan Commission and Village Board. If they feel that your proposed modifications sufficiently resolves the problem, you may proceed with the project.

Item #2 of the above listed nonconformities shall be corrected within 5 business days of the date on this letter. Failure to comply with this order shall result in the Village moving forward with all necessary action outlined in Chapter 6.10 (Violation, Penalty) to bring the site into compliance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody Lincoln', with a long horizontal flourish extending to the right.

Cody Lincoln

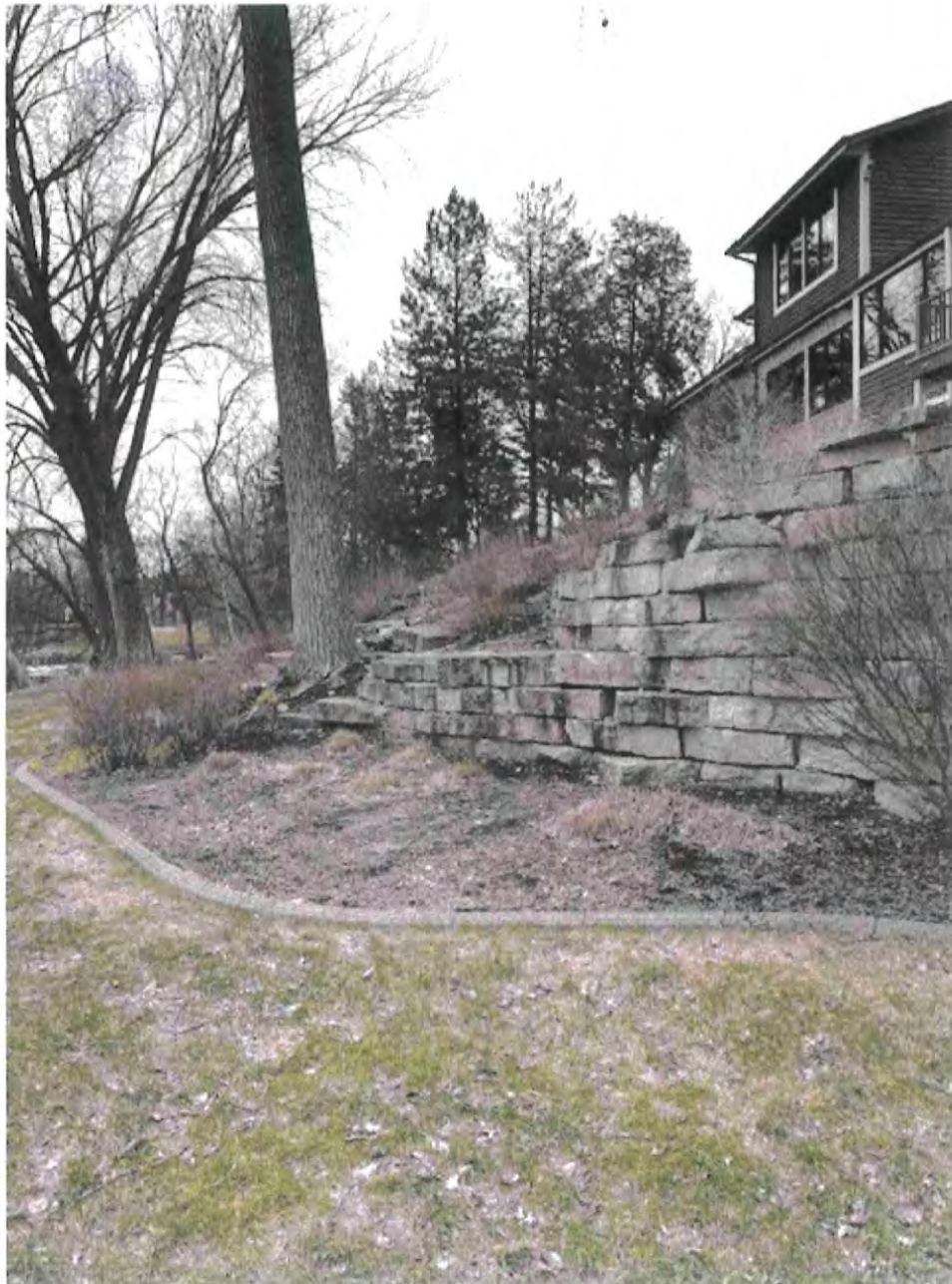
Zoning Administrator/Village Forester

cc: Jo Anne Villavicencio- Village President
Dan Neumer, Administrator
Deanna Braunschweig, Clerk
Paul Launer, Lake Country Inspections

New retaining walls
and north
walkway



Existing retaining walls



Existing retaining
walls and
south stairway



Existing retaining walls



Existing Retaining Walls



Middle stairway





Filed: _____

Hearing Date: _____

(For Office Use Only)

VILLAGE OF CHENEQUA
31275 W COUNTY ROAD K • CHENEQUA, WI 53029
(262) 367-2239

NOTICE OF APPEAL AND APPLICATION FOR REVIEW

TO: The Board of Zoning Appeals
Village of Chenequa

1. Name of Appellant or Applicant Michael Kelly
Name of Owner, if other than above _____
Property Address 4667 Pine Meadows Lane Chenequa
Mailing Address "
2. Present use of property Residential
Proposed use of property Residential
3. Date of decision or order of administrative official from which appeal is taken _____
May 13, 2024
Date notice of such decision received by applicant May 13, 2024
4. Purpose and grounds of appeal or application. Check below the relief requested by this appeal or application:
 - A. Request for interpretation of Zoning Ordinance and reversal of order, requirement, decision or determination of administrative official. Attach separate sheet giving reasons why you claim this order, requirement, decision or determination is erroneous. ✓
 - B. Request for variance. Attach separate sheet setting forth: ✓
 - (1) variance requested
 - (2) what special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted
 - (3) why variance requested is not contrary to the public interest and will not endanger public safety and welfare
 - (4) why variance requested will be in accord with the spirit of the zoning ordinance.
 - (5) how the variance, if granted, will cause substantial justice to be done
 - (6) a list of names and addresses of owners of adjoining properties
 - C. Request for approval. Attach separate sheet setting forth:
 - (1) certification that this lot had been created prior to April 1, 1957
 - (2) all structures on this lot conform to the current zoning code.
 - D. Other _____
State relief requested and attach separate sheet giving reasons why Appellant is entitled to such relief.

5. Each appeal or application must be accompanied by a scale drawing showing the location and size of property, existing improvements and their distance from lot lines, all abutting properties and improvements thereon and the requested change or addition.

6. Has previous appeal or application been made with respect to this property?

Yes () No ()

If "Yes", state nature of previous appeal or application _____

Disposition of previous appeal _____

Date of decision in previous case _____

7. Application fee \$675 must accompany this application prior to processing.

I hereby swear that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief. In cases of administrative official orders, applicant further agrees to pay all Village costs associated with such Appeal if found to be in non-compliance of Village Code and Village Official Order is upheld.



Signature of Appellant

Date

To be filed with the Village of Chenequa Board of Appeals
31275 W County Road K, Chenequa, Wisconsin 53029

Attachments: 1. Scale drawing
2. Request for interpretation/variance/other

On Monday May 13, 2024, the Plan Commission confirmed that I had a shoreland zoning violation on my property. I agreed with that finding and respectfully request a variance for the following reasons.

(1) A variance from the ordinance governing improvements within 75 feet of the lake frontage. In my case a masonry stone retaining wall depicted in my submission to the Plan Commission.

(2) The bluff to the east of my home is extremely steep. When I purchased the property I found the home and landscaping had been neglected. So much so, that in the fall with Cody Lincoln's assistance I obtained a permit and removed 60 dead hazardous trees (most of which were ash) and agreed to replace 8 trees at locations designated by Cody. As winter approached one section of the bluff required retaining walls, matching retaining walls on the great majority of my bluff, to prevent inevitable erosion of the bare bluff last winter and spring. Without retention, both my property and the lake would suffer a very real

hardship. At Cody's direction I also installed an erosion control fence in the 75' Foot buffer and agreed to install trees/shrubs/ground cover plantings to retain the existing contour of the bluff.

(3) The variance I'm requesting will protect the public interest and will insure public safety and welfare in that the retaining wall will preserve the bluff, trees and plantings and prevent any possible soil erosion into the lake. My property has nearly 300' of frontage. As I noted this portion of the bluff to the east of my house is very steep and while retaining walls were installed across the entire rest of the property this approximate 30' section was missed. It did not match the rest of the property which was designed intentionally to protect the lake and has done so since the home was constructed in 1988. To ignore this one section of the bluff would create a very real

hardship, severe soil erosion, bluff failure and a permanent irreversible change to the contour of the land.

(4) The variance is in accord with the spirit of the zoning ordinance as it will preserve the natural beauty of the shoreline, the lake and the bluff.

(5) The variance causes substantial justice to be done, as numerous dead trees, branches and an unstable, muddy bluff with soil eroding into the lake is in no one's interest. The retaining wall matches numerous retaining walls on my and all of my neighbors bluff properties, many of which are within 75' of the shoreline given the close proximity of the bluffs to the lake.

4651 Pine Meadows Steve + Michelle Witt

4675 Pine Meadows Don + Trish Stark

The photographs and diagram that I submitted to the Plan Commission prove that my requested retaining wall is the correct solution to protect the the lake and the bluff and prevent the damage Mother Nature will inflict. Thank you for your consideration.

Mike Kelly