

#### **AGENDA**

## Village of Chenequa Plan Commission Monday, September 9, 2024 at 6:00 p.m. 31275 W. County Road K, Chenequa, WI 53029

This is official notice that a meeting of the Plan Commission for the Village of Chenequa will be held at 6:00 p.m. on Monday, September 9, 2024, in the Village Board Room and via Zoom Communications. The following matters will be discussed, with possible actions:

Call to Order

Pledge of Allegiance

- 1. Public comment period: Public comments on any subject without any action, except possible referral to a governmental body or staff member.
- 2. Approval of minutes from the Plan Commission meeting held on August 12, 2024.
- 3. Review and Consider Action on proposed landscape plan at 4667 N Pine Meadows Lane, Michael Kelly. (Tax Key No. 734-991-001).
- 4. Review and Consider Action on proposed landscape plan at 6577 N Hwy 83, John Syburg. (Tax Key No. 371-979-002).
- 5. Review and Consider Action on proposed fence at 7141 N State Road 83, Brett and Kathaleen Swanson. (Tax Key No. 370-994).
- 6. Review and consider action on Ordinance 2024-09-09-01 Amendment to Pier Regulation in relation to lighting and frontage sliding scale.
- 7. Adjournment.

Respectfully submitted by:

Deanna Braunschweig, Village Clerk - Treasurer

## To participate via Zoom:

https://us02web.zoom.us/j/83336192376?pwd=yaZTrwYMGyrxdecvbzOfFHXyGbJlyx.1

Meeting ID is 833 3619 2376 and the Passcode is 291906

Or Dial: 301 7158592 US

Requests 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. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any other governmental body except by the governing body noticed above.

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE

Village Clerk posted this agenda on Wednesday, September 4, 2024 by 4:30 PM

## VILLAGE OF CHENEQUA

# VILLAGE OF CHENEQUA - PLAN COMMISSION MINUTES OF MONDAY, AUGUST 12, 2024 Unofficial until approved by the Plan Commission.

Approved as written ( ) or with corrections ( ) on \_\_\_\_\_.

The regular monthly meeting of the Plan Commission for the Village of Chenequa was held on Monday, August 12, 2024 at 6:00 p.m. utilizing Zoom Communications and in person.

Ms. Villavicencio / Chairperson – present on-line

Ms. Surles / Member – absent

Mr. Pranke / Member – absent

Mr. Enters / Member –present

Ms. Benz / Member – present

Mr. Carroll / Member - present

Mr. Kriva / Member – present on-line

Mr. Gartner / Village Attorney Representative - present

Mr. Lincoln / Zoning Administrator-Forester – present

Mr. Neumer / Administrator-Police Chief – present

Mr. Carney / Police Captain – present

Ms. Braunschweig / Village Clerk – present

## Call to Order.

## **Pledge of Allegiance**

#### **Public in Attendance**

Julie Petri, Carrie Gehl, E. J. Kubick, Jeff Harris, Judy Hanson

Debbie McNear, Ted Rolfs, Cody Hagfors, Julie Rolfs, George Rolfs, Carol Manegold, Jason Luther, JoJo Gehl Neumann, Richard Grunke, Heidi von Hagke, Matt Fennig

#### **Public Comment**

President Villavicencio read a prepared statement allowing for public comments of two minutes or less.

Debbie McNear commented in favor of the tree ordinance and requested that it cover the entire property equally.

Jason Luther commented concern of the pier boundary lines and treating properties differently. He commented that there needs to be consistency. He commented on the tree ordinance with concern of enforcement and property owners right to manage a property.

Ted Rolfs commented in favor of the tree ordinance and conversation between landowners and the Village and to look at environmental corridors from other organizations.

## Approval of minutes from the Plan Commission meeting held on July 8, 2024.

Motion (Carroll/Benz) to approve the minutes from the Village Board meeting of July 8, 2024, as presented. *Motion carried*.

## Review and Consider Action on Report from Lake Management Committee of pier sliding scale offset.

Debbie McNear presented information on the sliding scale of the pier. She commented on the notification to neighbors.

Attorney Gartner commented that amendments will come back to the Plan Commission and Village Board. The Village is currently waiting for comments from the DNR. The DNR questioned the map, location, and measurement of 80 feet, as well as clarification of the three feet rule. The next step is to formally submit the ordinance. The DNR requested a map indicating the Ordinary High Water Mark and Pier Mark. Discussion ensued for the language to be finalized prior to submittal to the DNR.

The emergency slow no wake would be a Village decision. Discussion ensued of a variance process. Discussion ensued of the sliding scale.

Motion (Kriva/Enters) to recommend the sliding scale and changing the set back.

Attorney Gartner advised of the sliding scale:

0-49 feet frontage: 2 foot property line offset; 50-99 feet frontage: 10 foot property lines offset;

100 or more: 15 feet property line offset.

Lighting fixtures intended to illuminate the pier would abide by 5.24. structures include a pier, boat lift or wharf associated to the pier. Motion carried.

## Review and consider action on Ordinance 08-12-2024-01 Regulation of Trees and relation to Ordinance 6.9 Removal of Shore Cover.

Cody Lincoln presented information as in the packet. This is from the discussion from the last meeting that included, blanket regulation that would prevent a neighbor from completely removing all trees from their property. Lincoln reviewed the details of the considerations including the specimen tree list, diameter, and tree removal regulations. He reviewed the difference in the options presented. No permit is required for dead trees. He reviewed the replanting options and enforcement.

Discussion ensued of clear cutting on properties. Lincoln reported that he has not seen large scale cutting on non-lake properties. There have been a couple on lake large scale cutting.

Discussion ensued of the enforcement and policing of the permitting. Discussion ensued of education and enforcement. Discussion ensued of infringement of property owners and maintaining the trees is not equal to maintaining Chenequa. There could be unintended consequences. There could be less planting as they would have to replant. Seems more like a home owners association.

Discussion ensued of a brochure to all residents explaining the importance of Tree City USA and explaining the difference of different types trees rather than the enforcement of an ordinance. Discussion ensued of the newsletter communications and interaction with new residents.

Motion (Benz/Carroll) made a recommendation to start with education for the residents with a brochures. Motion carried.

## Adjournment

Motion (Enters/Carroll) to adjourn the Plan C	Commission meeting at 6:49 p.m. <i>Motion carried</i> .
Respectfully submitted by:	Approved and Ordered Posted by:
Deanna Braunschweig Village Clerk	Jo Ann F Villavicencio Chairperson



**Date:** August 28<sup>th</sup>, 2024 **Meeting Date & Time:** Monday, September 9<sup>th</sup> at 6:00 p.m.

To: Plan Commission, Village of Chenequa

From: Planning Department

**Subject:** Site Plan Review

Owner: Micheal Kelly

**Location:** 4667 N Pine Meadows Lane

Project Description: Landscaping on lakeside

**Zoning District:** Residence District – Lot Abutting Lake

	REQUIRED RES. DISTRICT		PROPOSED PROJECT	
LOT AREA:	2	acres	2.1	acres
LOT WIDTH: AVERAGE	150	L.F. min.	155	L.F.

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 that a hillside of Mr. Kellys property had been cleared of brush and graded out. Additionally, some of the existing landscaping had been ripped out.

A stop work order was issued to the property immediately and proper erosion control was ordered to be installed to stabilize the hillside from erosion into the lake. Mr. Kelly complied with these orders.

Following the initial site visit, a meeting was arranged with Mr. Kelly to discuss plans and proper procedures to get necessary approvals. Mr. Kelly was directed to assemble a landscape plan that accurately reflected the proposed work to be completed to the property.

The proposed landscaping plan includes replacing a set of stairs and adding several retaining walls.

## 1.) Replacing stairs

a. As Mr. Kelly has indicated in his letter (attached), There was an existing railroad tie stairway along the west side of the house that was failing. He wishes to replace this with Lannon stone steps to connect with a set of existing Lannon stone steps

- already on the property.
- b. The landscape plan shows the proposed area where these steps will be replaced.
- c. A rendering has been prepared that shows the approximate layout of the proposed new steps.

## 2.) Proposed Retaining walls

- a. Mr. Kelly proposes to extend two retaining walls that are currently situated west of the existing house.
- b. In addition, Mr. Kelly proposes to include three smaller Lannon stone retaining walls as indicated on the included rendering prepared by Wally's Landscape Company.
- c. These walls must remain greater than 10' off the west property boundary
- d. These proposed walls are greater than 75' from the ordinary high-water mark of Pine Lake.
- e. A rendering has been prepared that shows the approximate layout of the proposed new retaining walls.

## 3.) Replanting

- a. In addition to the trees and shrubs that are owed as a result of recent cutting permits, Mr. Kelly also wishes to plant a wildflower prairie mix on the hillside where the walls are proposed.
- c: Dan Neumer, Administrator
   Deanna Braunschweig, Clerk
   Paul Launer, Lake Country Inspections
   Micheal Kelly, Owner
   Cody Lincoln, Zoning Administrator

The attached Landscaping Plan has two components detailed below. The Plan is designed to address significant water intrusion on the south side (the non-lake side) of my home as shown in the plan.

- 1. Remove existing failed railroad tie stairway next to the house and install a new section of Lannon Stone steps to meet up with the existing Lannon Stone stairway. This will allow us to regrade the area to restore the original pitch away from the house.
- 2. Extend two existing retaining walls on the west bluff and install bluff stone and wildflower ground cover per Cody Lincoln's recommendation. This will allow us to protect the existing bluff line where buckthorn and dead ash trees were removed.

It is important to note that both components of this Landscaping Plan are outside of the 75-foot buffer from the shore of the lake. The Landscaping Plan was coordinated and discussed with Cody Lincoln at an on-site meeting prior to this request for Plan Commission Review was submitted.

Thank you for your time and consideration.

Mike Kelly

## MJKMKE1@outlook.com

From: Michael Kelly <kellymke@icloud.com>

**Sent:** Monday, July 29, 2024 10:52 AM

**To:** Michael Kelly **Subject:** Fwd: Drawings

## Begin forwarded message:

From: Wally Haines < wally@wallyslandscapeco.com>

**Date:** July 29, 2024 at 10:43:07 CDT **To:** Michael Kelly <kellymke@icloud.com>

**Subject: Drawings** 



## MJKMKE1@outlook.com

From: Michael Kelly <kellymke@icloud.com>

**Sent:** Tuesday, July 30, 2024 8:02 AM

**To:** Michael Kelly **Subject:** Fwd: Drawings

## Begin forwarded message:

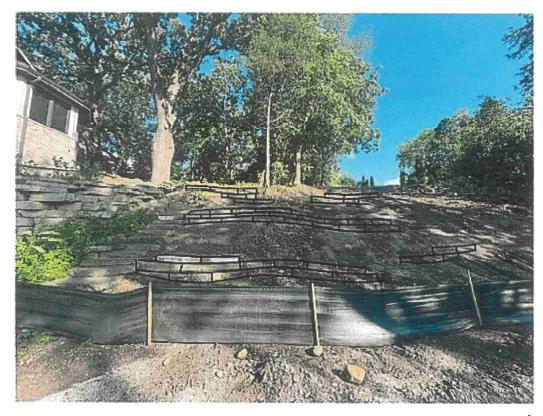
From: Wally Haines <wally@wallyslandscapeco.com>

**Date:** July 30, 2024 at 07:56:52 CDT **To:** Michael Kelly <kellymke@icloud.com>

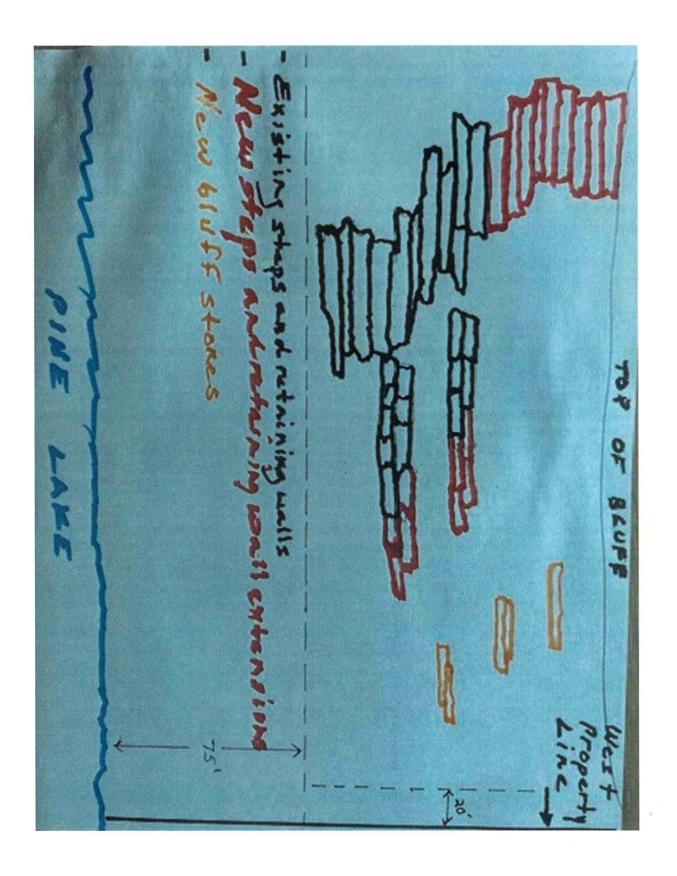
Subject: Re: Drawings

Did you get this email?

On Mon, Jul 29, 2024 at 10:48 AM Wally Haines < wally@wallyslandscapeco.com > wrote:



or the Landscaping Plan P. P.A. 1685 A readed stairs completera MARCIE stall bloth





## **STAFF REVIEW**

**Date:** August 28<sup>th</sup> 2024 **Meeting Date & Time:** Monday, September 9<sup>th</sup> at 6:00 P.M.

To: Plan Commission, Village of Chenequa

From: Planning Department

**Subject:** Landscaping Plan Review

Landscaper: Century Landscaping

Owner: John and Julia Syburg

**Location:** 6577 N State Road 83

Project Description: Landscaping on Lake Side

**Zoning District:** Residence District - Lot Abutting a Lake

			PROPOSED PROJECT	
LOT AREA:	2	acres	3.2	acres
LOT WIDTH: AVERAGE	150	L.F. min.	255	L.F.

## **COMMENTS:**

- 1. The applicant proposes landscaping on the lake side elevation of the property.
- 2. Plans include, adding a path, and replacing existing stairs.

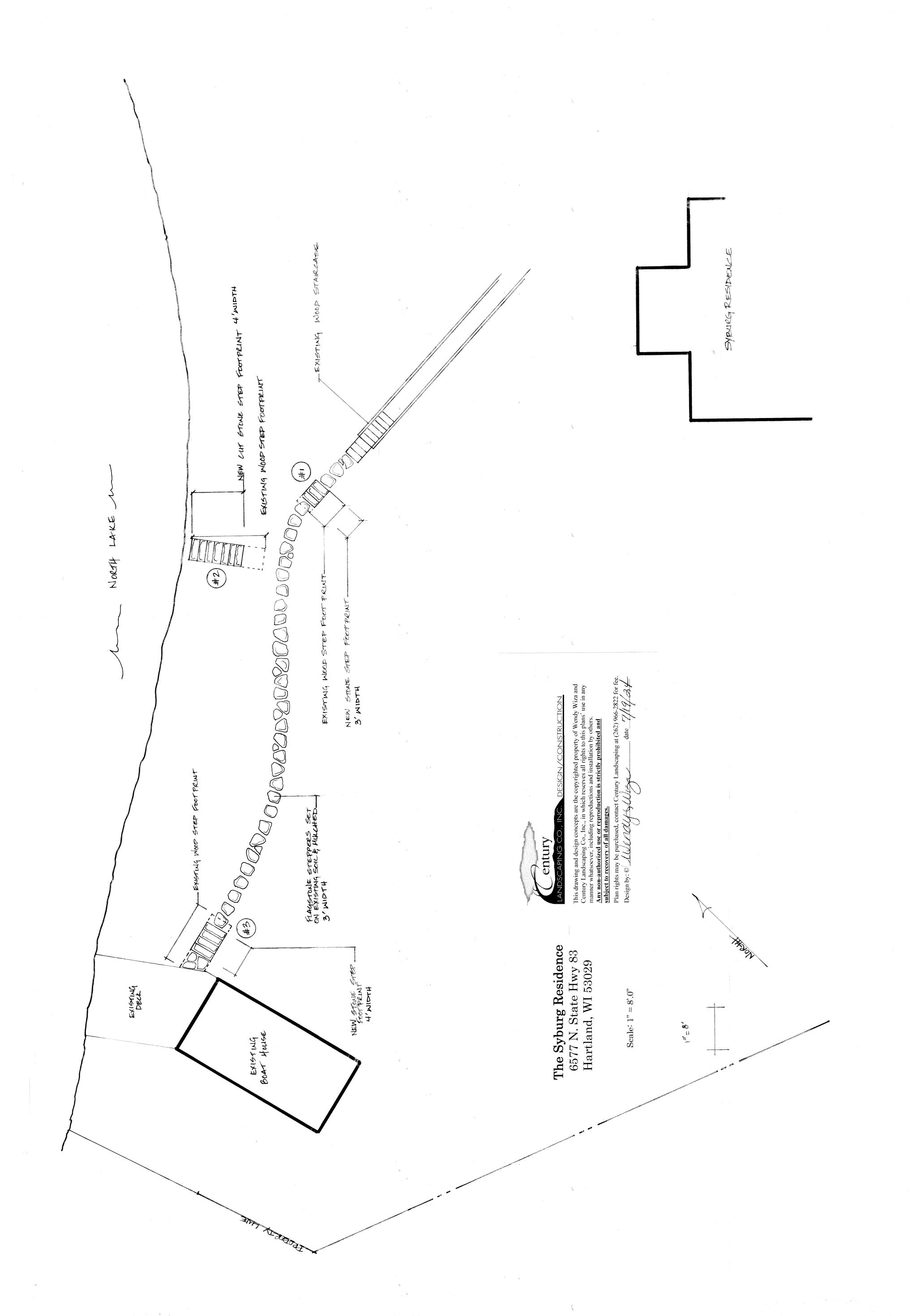
## 1.) Proposed path

- i. The path is proposed to be constructed of flagstone steppers set on the existing soil.
- ii. See landscape drawing for proposed path location.
- iii. The proposed path will not exceed 3' in width
- iv. A photo sample has been provided in the included packet

## 2.) Proposed Steps

i. The applicant is proposing to replace three existing sets of steps with new steps inside the same footprint.

- ii. The existing steps are currently constructed of wooden timbers (see photo in packet).
- iii. The new proposed steps will be constructed of flagstone (see example photo)
- iv. The proposed steps are not to exceed 4' in width
- v. All three proposed sets of steps fall within 75' of the lakefront.
  - i. 6.5(4)(a)(i) currently only allows one set of stairs within the 75' setback from the ordinary high-water mark.
  - ii. The proposed stairs directly replace what is existing legal non-conforming and does not increase the footprint.
- vi. See landscape drawing for proposed location of both stairs.
- c: Dan Neumer, Administrator Deanna Braunschweig, Clerk/Treasurer Cody Lincoln, Zoning Administrator John and Julia Syburg, Owners





Meeting Date & Time: Monday, September 9<sup>th</sup>, 2024 at 6:00 p.m.

To: Plan Commission, Village of Chenequa

From: Planning Department

Subject: Site Plan Review

**Date:** August 28<sup>th</sup> 2024

Owner: Brett and Kathleen Swanson

Location: 7141 N State Road 83

**Project Description:** Fence installation

Zoning District: Residence District

#### **COMMENTS:**

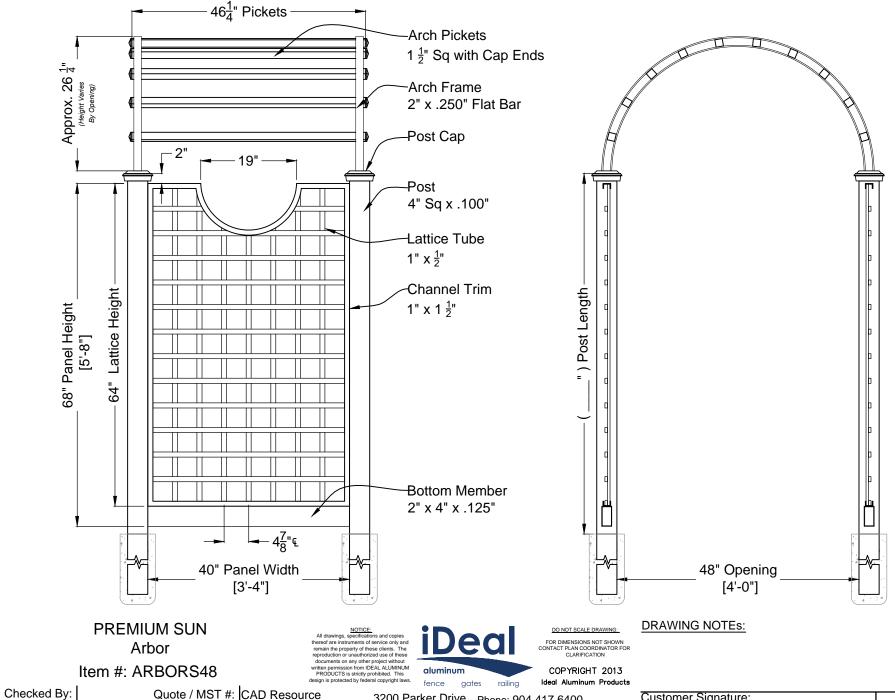
1. The applicants are proposing to install a fence with arbors on the property to surround an existing pool.

- 2. 5.21(3) requires that swimming pools have an enclosure around them constituting of a fence, wall, structure or combination thereof.
- 3. The proposed fence is 5' in height and proposed arbors are 7'10" in height.
  - a. Village code requires that the fence be a minimum of 3'5" not to exceed 8'.
- 4. See site plans/sketch for fence location and layout. Red arrows on the site plan indicate the location of the Arbors.
- 5. The dimensions of this fenced in area are approximately 80' X 110'
- 6. Per the requirements of 5.20 this fence must be at least 2' off the property boundary
- 7. The proposed project meets all other requirements of Village of Chenequa Zoning.
- 8. A building permit is required from the Building Inspector prior to start of construction.

c: Dan Neumer, Administrator
Deanna Braunschweig, Clerk/Treasurer
Paul Launer, Lake Country Inspections
Brett and Kathleen Swanson, Owner
Cody Lincoln, Zoning Administrator



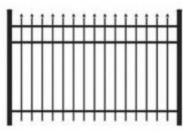




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3200 Parker Drive Phone: 904.417.6400 St Augustine, FL 32084 Fax: 877.226.4469

Customer Signature:



## **Clerk Treasurer**

From:

Debbie McNear <mcnearmd@outlook.com>

Sent:

Wednesday, August 28, 2024 10:21 AM

To:

Cody Lincoln

Cc:

Gartner, Thomas O (12716); Jo Ann F. Villavicencio; Clerk Treasurer

Subject:

report from LMC for September 9

Dear Cody,

Thank you for reading this at the 9/9 meeting. I am sorry I won't be there. Probably best on the agenda before your regular Forester's report as a report from our Committee.

For September 9

Dear PC/VB,

The Lake Management Committee met August 26 to address an easier and faster way for residents seeking exception to the 80- foot pierhead line. The goal was to find a process that is quicker and less onerous on residents to seeking a variance. The Village Attorney compared the variance process to the conditional use permit process. We discussed them each in detail. The Committee voted and recommends the language before you where exception from the 80-foot pierhead line goes through the conditional use permit process therefore Village Board on regular agenda and exceptions as to lot line setback (we expect very few) goes through the variance process so through the Board of Appeals. We would recommend these conditional use permits be given without an end date. Both of these: a variance and a conditional use permit are attached to a resident's deed after approval.

This new version of the ordinance also incorporates the setback provisions we recommended last month and the lighting ban that was approved.

To summarize, in response to complaints about pier length and size out of DNR regulations we have presented you with an ordinance that:

- 1) Creates an 80-foot pierhead line with a process for appeal through a conditional use permit.
- 2) Size language that is identical to and incorporates the DNR requirements as to loading zone and width.
- 3) Dictates no lighting on piers.
- 4) Dictates no two story or roofed piers.

Sincerely, Debbie Wheeler

Debbie Wheeler

## Village of Chenequa ORDINANCE NO. 2024 – 09-09-01

# AN ORDINANCE CREATING SECTION 4.15 OF THE CHENEQUA VILLAGE CODE CREATING A PIERHEAD LINE AND REGULATING PIERS AND WHARVES ON PINE LAKE

**WHEREAS**, the Village is empowered, pursuant to Chapter 30 of the Wisconsin Statutes, to regulate the construction and location of piers and wharves as well as to establish a pierhead line for Pine Lake; and

**WHEREAS**, the Village Board finds and determines that the establishment of ordinance provisions regulating the construction of piers and wharves, and establishing a pierhead line for Pine Lake is necessary and appropriate to further the public health, safety and welfare, to protect the ecology of the Village, to protect the habitat and overall health of Pine Lake and to preserve the rustic character of the Village.

**NOW, THEREFORE, BE IT ORDAINED**, that Section 4.15 of the Village Code is hereby created as follows:

4.15 Pier and Wharf Regulations and Pierhead Line – Pine Lake.

## (1) PURPOSE.

The Village Board determines and declares it to be in the best interest of the public health, safety and welfare to adopt regulations governing the construction and location of piers and wharves on Pine Lake in the Village and to create a pierhead line limiting the length of piers and wharves on Pine Lake.

## (2) APPLICABILITY.

The provisions of this Section shall apply to the waters of Pine Lake in the Village.

## (3) DEFINITIONS.

The definitions contained in the Wisconsin Statutes, and more specifically, Section 30.01 of the Wisconsin Statutes, as the same may be amended from time to time, shall apply to all terms contained in this Section, unless otherwise specifically set forth in this Section. For purposes of this Section, the following terms are defined as follows:

## (a) ISLAND:

The Pine Lake Yacht Club Island.

## (b) MULTI-LEVEL PIER OR WHARF:

A pier or wharf with more than a single floor.

## (c) ORDINARY HIGH WATER MARK ("OHWM").

Shall have the meaning set forth in NR 320.03(12).

## (d) PRE-EXISTING:

A pier or wharf which was legally constructed or first placed in service prior to (Insert the effective date of this ordinance) and which complied with the Village Code, State Statutes and regulations when originally constructed or placed in service. Pre-existing piers and wharves shall be deemed to be legal nonconforming structures as defined in Section 6.3 of the Village Code.

## (e) RECONSTRUCTION:

Shall have the meaning set forth in Section 6.3 of the Village Code.

## (f) REPAIR:

Fixing or replacing decking, handrails and vertical supports in a manner that does not expand or extend the area of any pier or wharf or increase the footprint.

## (4) ESTABLISHMENT OF PIERHEAD LINE.

- (a) The Village is authorized pursuant to Section 30.13 of the Wisconsin Statutes to establish a pierhead line for Pine Lake in the interest of the preservation and protection of public rights in navigable waters and for the purpose of creating uniformity in the length of piers extending from the OHWM into Pine Lake. The Village hereby establishes a pierhead line for Pine Lake eighty (80) feet waterward from the OHWM of Pine Lake. There is no pierhead line established for the island.
- (b) A pier or wharf which extends into Pine Lake beyond the pierhead line shall be deemed to constitute an unlawful obstruction of navigable waters of Pine Lake unless a valid permit is granted or unless it is a permissible pre-existing pier or wharf.

## (5) REGULATIONS.

- (a) All permanent pier construction and placement of all seasonal piers shall comply with this Section and all State Statutes and regulations.
- (b) No portion of any pier or wharf may extend waterward from the pierhead line.
- (c) Piers and wharves shall not exceed six (6) feet in width.
- (d) Piers and wharves may include one (1) loading zone, not to exceed two hundred (200) square feet.

- (e) A pier or wharf may not interfere with the riparian zones of other riparian owners.
- (f) No portion of any pier, wharf shall be constructed or placed within setback distance from a lot line, lot line extended into the navigable waters of Pine Lake or line of demarcation between adjacent riparian zones; as set forth below:

<u>Lake Frontage of Lot</u>	Setback Distance
1 foot or more but less than 49 feet	2 feet
49 feet or more but less than 100 feet	10 feet
100 feet or more	15 feet

- (g) Piers may be placed in a variety of configurations, including straight, or with a "T" or "L". Catwalks, finger piers or similar features may be used for access to boat slips, as long as they meet the size limits above. A pier may not enclose or isolate any part of a waterway.
- (h) A pier or wharf shall be constructed or placed in accordance with the Pier Standards set forth in Chapter NR 326.04.
- (i) All lighting fixtures intended to illuminate on a pier or wharf or any structure associated with a pier or wharf shall be in compliance with Section 5.24 of the Building Code of the Village. No lighting fixtures may be placed on such structures or waterward of the OHWM.
- (j) Multi-level piers and wharves are expressly prohibited.
- (k) Piers and wharfs shall not include a roof. A boat shelter, boat hoist or boat lift may include a roof designed and constructed in accordance with Wisconsin Department of Natural Resources requirements.

## (6) PERMITS.

## (a) PERMIT REQUIRED.

Except as provided in Section 4.15(6)(b) no pier or wharf may hereafter be placed, erected, constructed, enlarged, replaced or reconstructed until a permit shall first have been obtained by the riparian owner or the riparian owner's authorized agent. No permit is required for repairs.

## (b) EXCEPTION.

No permit shall be required under this Section if the estimated cost of pier, wharf, construction is less than Two Thousand Dollars (\$2,000).

## (c) APPLICATION.

Application for a pier or wharf permit shall be made in writing upon a form furnished by the Village Clerk-Treasurer and shall state the name and address of the riparian owner of the land, the legal description of the land upon which the structure is to be located and shall contain such other information as the Village Administrator or Village Zoning Administrator may require. Each application shall be accompanied by required plans, fees and deposits. Any application which does not contain all necessary information may be deemed incomplete and returned to the applicant. If a DNR permit is required for any pier or wharf a copy shall be attached to the application.

## (7) FEES AND DEPOSITS.

## (a) PIER OR WHARF.

The fee for a pier or wharf permit shall be established from time to time by resolution of the Village Board. Such fee shall be paid to the Village Clerk-Treasurer and shall accompany the application for a pier or wharf permit.

## (8) REVIEW, ISSUANCE, EXTENSION, LAPSE, APPEAL AND RECORDS.

(a) The procedures for building permits under Sections 5.4(5) through 5.4(10) of the Village Code shall apply to the review of permit applications by the Village Zoning Administrator, Village Plan Commission and Village Board as well as the issuance of pier or wharf permits.

#### (9) ENFORCEMENT AND PENALTY.

### (a) ENFORCEMENT.

- (i) <u>Notice</u>. The Village Administrator, upon finding that any provisions of this Section or any plans and specifications of a project for which a pier or wharf permit has been issued are not being complied with, shall issue a written warning or instruction to the holder of a pier or wharf permit requiring compliance and any specific terms of compliance.
- (ii) <u>Failure to Comply; Revocation</u>. If the holder of the permit fails or refuses to comply with the written warning or instruction within the time required, the Village Administrator shall revoke the pier or wharf permit by written notice addressed to the permit holder and posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder unless the permit is reissued, excepting such work as the Village Administrator may order to be done as a condition precedent to the reissuance of the permit, or for the preservation of human life or safety.

(b)	PEN.	AL	ΓY.

The provisions of Section 1.1(9) of this Code shall apply to all violations of this Section.

## (10) APPEALS.

Appeals from any decision of the Village Administrator or Village Zoning Administrator may be taken to the Board of Appeals by any person aggrieved, or by an officer, department or bureau of the Village under Section 6.13 of the Village Code. Notwithstanding the foregoing, an application to construct a pier or wharf which extends into Pine Lake beyond the pierhead line shall be considered by the Village Board using the standards, requirements and procedures under Section 6.20 of the Village Code applicable to Conditional Uses.

Adopted this day of, 202	4. VILLAGE OF CHENEQUA
	By: Jo Ann Villavicencio Village President
ATTEST:	
Deanna Braunschweig Village Clerk – Treasurer	
Date Adopted: Date Published: Effective Date:	
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