

## **Town of Beaver Dam Notice of Public Hearing and Board of Appeals Meeting**

**Notice is hereby given** that the Town of Beaver Dam Board of Appeals will meet on Wednesday, August 12, 2020 at 7:00 PM in the Town of Beaver Dam Town Hall located at W8540 County Road W, Beaver Dam, WI. Town Board members may attend the meeting for purposes of gathering information.

The agenda is as follows:

1. Call to order and roll call
2. Verify compliance with the Open Meeting Law
3. Approve the minutes of the July 8, 2020 Board of Appeals meeting
4. Act on the appeal of Michael J. Zimmerman of the Plan Commission's denial of a proposed subdivision of Parcel 004-1114-0713-016 aka Lot 15 Bainbridge Court Subdivision into 2 parcels which was tabled at the Board's July 8, 2020 meeting.
5. Conduct a public hearing on the appeal of Christopher W. & Brenda L. Kuhl for a variance to Sec. 62-122(3)(e) to allow a 6 ft. street setback on Parcel 004-1214-2044-002 on S. McKinley Beach Road
6. Act on Item 5 above
7. Adjourn

Jeff Schmitt  
Board of Appeals Chairman

**BOARD OF APPEALS  
UNAPPROVED MINUTES OF JULY 8, 2020  
TOWN OF BEAVER DAM  
W8540 COUNTY ROAD W**

Meeting called to order at 7:05 pm by acting Chairman Del Guenther.

Roll call taken. Present: Del Guenther, Howard Bohl, Al Mannel, Harold Hicks, and Sue Reчек.

Absent: Jeff Schmitt.

Meeting was posted July 7, 2020 and published June 29, 2020.

Motion (Bohl/Mannel) to approve minutes of Mary 20, 2020. Motion carried.

Acting Chairman Del Guenther opened the public hearing on the appeal of Michael J. Zimmerman of the Plan Commission's denial of a proposed subdivision of Parcel 004-1114-0713-016 aka Lot 15 Bainbridge Court Subdivision into 2 parcels. All interested persons may appear and present comments on the application. Note: The Board of Appeals granted this appeal on August 29, 2011, but the applicant failed to submit a proposed CSM within the 1 year time limit. Mark Tomashek, New Frontier Land Surveying, present on behalf of Mike Zimmerman. In 2011 a variance was issued to John Zimmerman and he fell ill and the year to complete the CMS passed. Previously denied by Plan Commission, then went before Board of Appeals and overturned; however, approval was not acted on within 1 year. Michael Zimmerman now wants to proceed with turning lot into two parcels. No one present in favor of. Jeff Wolf, Zimmerman Drive resident present, shared map and indicated that placing a driveway on neighboring lot would create a dam due to drainage. Ken Ferstl, neighboring resident also present and against division until water issue is addressed. Previous Plan Commission minutes of October 24, 2011 indicated the application was denied until evidence was provided that all potential flooding had been mitigated, and adequate watershed runoff plans had been provided. Chairman closed the public hearing.

Discussion. LUA Prunuske indicated that he did not know that he had the authority to put stipulations on a driveway permit or building permit. Motion (Mannel/Hicks) to table until water situation is squared away between petitioner and Town. Motion carried. Will be placed on the Town Board agenda for July 14, 2020.

Chairman opened the public hearing on the appeal of Neuman Pools, Inc. to install a ground sign within the 27 ft. right-of-way setback of s. 62-214(3) on Parcel 004-1114-0733-000 at W9684 Beaverland Pkwy. Steven Franklin, Able Signs & Lighting, sign contractor and Christopher Neuman, Neuman Pools present. Sign would be placed in green space off of the front of property. No one present opposed. Chairman closed the public hearing.

Discussion. Motion (Bohl/Mannel) to approve sign placement. Motion carried.

Motion (Hicks/Reчек) to adjourn 7:40pm. Motion carried.

Respectfully submitted,  
Kristine Klodowski, Secretary



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

**Town of Beaver Dam**  
**Approved Planning Committee Minutes**  
**March 30, 2009**

Chairman Al Matuszeski called the March 30th, 2009 Town of Beaver Dam Planning Committee meeting to order at 7:00pm. Members present were Al Matuszeski, , John Kuniewicz, Neal Stippich, Michael Firchow, Bob Tietz, Donna Schauer. LUA Tom Zeamer and Secretary Cheryl Goodrich. Absent Mike Canniff and Larry Braker.

Minutes from the Feb 23rd, 2009 meeting were read. Motion by Bob Tietz to approve the minutes. Motion seconded by Michael Firchow, all in favor, motion carried.

First, order of business is to act on the application of New Frontier Land Surveying, agent for Mike Zimmerman, for a minor land division/Letter of Intent for parcel #004-1114-0713-016, located on Zimmerman Dr, south of Beaver Dam. Brad Johnson was present to represent New Frontier, Mike and John Zimmerman were also present. Brad stated the area to be divided is not considered wetlands or flood plain. A few area residents were present and stated their objections, feeling it would contribute additional water drainage problems. Neal Stippich read letter written by him in response to the request for division and how he also felt it would affect area residents in regards to the water problems the residents already experience. The area retention pond and drainage ditches are to be maintained by specific lot owners specified on the covenant. After much discussion, motion by Neal Stippich to deny the land division, quoting Sect 54-10 land suitability. Brad may return with a suitable plan to include driveway placement, culvert size and placement, no fill on the end 1/3 of property of lot 1, and that there would be no fee to resubmit for a new plan for the land division. Motion seconded by Donna Schauer. All in favor, motion carried.

Mike Zimmerman stated the Town needs to order ditches cleaned and maintained by the specific lot owners and order Marie Cigelski to have her driveway culvert lowered to correct elevation.

A short discussion on Victor Herbst/Heimstra land ownership. This is a civil issue, the town could issue citations for violating setbacks and trespassing.

Motion by Bob Tietz to adjourn, seconded by John Kuniewicz, all in favor, motion carried. Meeting adjourned at 8:20pm.

Respectfully,  
Cheryl Goodrich, Secretary

**Town of Beaver Dam**  
**Approved Planning Committee Minutes**  
**August 29, 2011**

Chairman Al Matuszeski called the meeting to order at 7:00 pm. Roll call: Al Matuszeski, Donna Schauer, Bob Tietz, Michael Firchow, John Kuzniewicz, Larry Braker and Clerk, Cheryl Goodrich.

Minutes of the Jan. 31st, 2010 meeting were read. Motion by Bob Tietz to approve minutes as read. Motion seconded by Michael Firchow. All in favor, motion carried.

The first order of business is to act on the application of Russ Koepsell, for a Conditional Use Permit to operate a Funeral Home and Crematory, for #004-1114-0311-011 & #001-1114-0713-016, located at the intersection of State Rd 33 and N Crystal Lk Rd, East of Beaver Dam. The previous approved permit has expired, a new permit is required. Russ Koepsell was present along with Keystone Funeral Home design representative Russ Karasch. Mr. Karasch stated that crematoriums are not regulated by the state but the state does random inspections. Estimated cremations are possibly 1 per week. The only change for permit is that no driveway is allowed off Hwy 33. Motion by Larry Braker to approve the Conditional Use permit. Seconded by Michael Firchow, all in favor, motion carried.

The second order of business is to act on the application of New Frontier Land Surveying, Brad Johnson, agent for Michael Zimmerman, for a minor land division/letter of intent for parcel #004-1114-0713-016, located on Zimmerman Dr. This is a follow-up from the March 30, 2009 Planning meeting. Concerns brought forward by Ken Ferstl of excess water in yard, culvert size and flow of water. After discussion, it was requested to have Brad change the placement of the driveway and change the split on the CSM to adjust for the new placement of the driveway. Motion by John Kuzniewicz to table until a notified by New Frontier that a new CSM is ready. Motion seconded by Bob Tietz, all in favor, motion carried.

Third and fourth order of business is to act on applications of Frieda Kern for a Minor land division/Letter of Intent and Conditional Use permit for parcel #004-1114-2214-000 to allow a non-farm residence in an A-2 district located at N5983 S Crystal Lk Rd. Motion by Bob Tietz to table these items until the land owner is available and can present all information needed. Motion seconded by John Kuzniewicz, all in favor, motion carried. Motion by Bob Tietz to adjourn, seconded by Michael Firchow, all in favor, motion carried. Adjourned 7:50 pm

Respectfully, Cheryl Goodrich

Town of Beaver Dam  
Planning Committee Meeting  
Oct. 24, 2011

Chairman Al Matuszeski called the meeting to order at 7:04 pm  
Roll Call: Al Matuszeski, Donna Schauer, Bob Tietz, Larry Braker and Michael Firchow  
Tom Zeamer, LUA, also present  
In Cheryl Goodrich's absence, Michael Firchow will keep minutes

Minutes from the August 29, 2011 Planning Commission meeting were read. Donna Schauer made motion to approve minutes with an amendment correcting the spelling for Keystone Funeral Home. Larry Braker seconded. All in favor, motion carried.

The first order of business is to act on the application of MSA Professional Services, agent for William Bohl Trust, for a minor land division/Letter of Intent to create a 1.00 acre lot in parcel #004-1114-0922-001, located at N6828 County Road G, South of Beaver Dam. Dick Leistikow from MSA was present as well as William Bohl, the applicant. Donna Schauer requested clarification from MSA of the proposed lot being that the overview map possessed an "area of question". The Planning Commission was provided with an explanation that the proposed new lot will incorporate the home and garage to the north of the existing lot whereas the existing parcel incorporates both garages and the house to the south. Larry Braker made motion to approve. Seconded by Donna Schauer. All in favor, motion carried.

The second order of business is to act on the application of Tim Fletcher, for a Conditional Use Permit to allow for the operation of a tavern and an auto dealership in a C-1 zoning district for parcel #004-1114-0244-020, located at W7771 State Road 33, East of Beaver Dam. Present was Tim Fletcher applicant and Tim Bartol owner of adjacent parcel. Tim Fletcher stated that no cars were being kept onsite and simply using the address for physical address for WI auto sales licensure whereas his business is internet based. Based on interior square footage as it relates to the Town's requirement for exterior parking stalls, per Tom Zeamer, LUA, the requirement has been met. Discussion of a joint CUP ensued relating to the operation of two dissimilar businesses on the same site and in the same building. Per Tim Bartol, he believed that the state disallows licensure to an auto sales business shared with a restaurant and for each physical location of an auto dealership, each location must also allow for a showroom with a minimum space requirement of one car. Tim Fletcher requested that the CUP application be amended to only allow for a tavern at that location and he would cease to operate the internet based auto sales business from that location. Larry Braker made motion to approve the CUP for the Tavern and to discontinue to the CUP for the car dealership at the location. Seconded by Michael Firchow, All in favor, motion carried.

The third order of business is to act on the application of New Frontier Land Surveying, agent for Michael Zimmerman for a Minor Land Division/Letter of Intent for parcel #004-1114-0713-016, located on Zimmerman Drive. This is a follow-up from the August 29, 2011 Planning Committee Meeting from a follow-up from the March 30, 2009 Planning meeting. Present were Brad Johnson from New Frontier, Michael Zimmerman, the applicant, Ken Ferstl an adjacent lot owner. Brad Johnson stated that he did not change the placement of the driveway nor change the split on the CSM and prepare a new CSM as discussed at the August 29, 2011 meeting. The Planning Commission reiterated the conversations from the last meeting relative to flooding in the area. Mr. Johnson stated that the property is not in a flood plain, meets the lot size requirements and should be approved for minor land division. Donna Schauer read the Town Code 54-10 regarding Land suitability. The Planning Commission discussed numerous instances of flooding in the immediate area and the prior installation of an overflow culvert on Zimmerman Drive to help alleviate the flooding. Much discussion that in the spring of this year the area still flooded which could be the result of the culvert having been installed too high, the existing culvert being too high or too small in diameter as well as the possibility that some of the retention ponds in the area may not be deep enough to handle the water and flooding issues in the area. Much discussion

continued with Jeff Schmitt speaking on behalf of the applicant recommending to the commission to approve the land division because the onus for water runoff and flooding concerns should not fall on the expense of the developer. Michael Firchow of the Planning Commission responded by reiterating 54-10 Land Suitability and that no plan for water runoff has been supplied and there is no evidence that flooding has been mitigated. Ken Ferstl shared with the Plan Commission pictures from spring of 2011 showing significant flooding on his land. Another minor land division would create an additional residential lot which in turn would create additional impervious surfaces such as another driveway, septic holding tank, a garage and a home. Until evidence is provided to the Planning Commission that all potential flooding has been mitigated, and adequate watershed runoff plans have been provided, the commission cannot approve the application. Michael Firchow made a motion to deny the application, seconded by Donna Schauer. All in favor of Denying the application for minor land division, motion carried. Brad Johnson requested an application from Tom Zeamer, LUA, for the Board of Appeals, Zoning Variance Application.

The fourth order of business is to act on the application of Bill and Frieda Kern for a Minor Land Division/Letter of Intent and a CUP to allow a non-farm residence in an A-2 zoning district for parcel#004-1114-2214-000, located at N5983 S Crystal Lake Road. Present was Frieda Kern. She said that she intends to have her son build his home on the parcel. Discussion ensued regarding the cities extraterritorial jurisdiction. Michael Firchow made a motion to approve, Larry Braker seconded, Al Matuszeski voted against, all others voted in favor, motion carried.

Nate Olson from Dodge County Land Use Department made a presentation regarding the Town's Comprehensive Plan. Maps were discussed. Planning Commission discussed the creation of a Boundary Agreement with the City of Beaver Dam. Donna Schauer recommended that Nate establish an informational meeting for the general public. The Planning Commission recommends to the Town Board to draft and pursue a Boundary Agreement with the City of Beaver Dam. December 7, 2011 at 7 pm at the Town Hall will be a joint meeting with the Planning Commission and the Town Board to discuss the Comprehensive Plan.

Motion made by Larry Braker to adjourn, seconded by Michael Firchow, all in favor, motion passed.

**MINUTES OF December 14, 2011**  
**TOWN of BEAVER DAM**  
**BOARD OF APPEALS**

Beaver Dam Town Hall, W8540 Cty W, Beaver Dam, WI

Chairman Jeff Schmitt called the Dec. 14, 2011 Board of Appeals meeting to order at 7:00pm. Roll Call taken, present, Jeff Schmitt, Harold Hicks, Paul Worth, Del Guenther, Howard Bohl and Secretary, Cheryl Goodrich.

Notice of meeting was posted and published Dec. 7, 2011.

Motion by Howard Bohl to adopt the agenda presented, seconded by Del Guenther, all in favor, motion carried.

Motion by Del Guenther to approve the Oct. 19, 2011 minutes as read.

Motion seconded by Paul Worth, all in favor, motion carried.

The first order of business is to act on the application of Garry Wylesky, for a variance to Sections 62-182(2) and 62-122(2) of the Town zoning code to allow for the construction of a garage within the street yard setback and closer than 75' to the centerline of the road in a residential zoning district, located at W8681 Peachy Rd. Mr. Wylesky stated he currently has a single garage and two sheds. He would like and needs a larger garage and one of the sheds will be removed. Motion by Del Guenther to approve the variance. Motion seconded by Paul Worth, all in favor, motion carried.

Second order of business is to act on the application of New Frontier Land Surveying, agent for Mike Zimmerman, to allow for a minor land division, located on Zimmerman Dr. This item was denied at the Oct. 24<sup>th</sup>, 2011 Planning Committee meeting. Mark Tomashek and Brad Johnson were present from New Frontier along with Mike Zimmerman. Mark Tomashek stated all State, County and Town requirements were met. Michael Firchow and Ken Ferstl spoke against the variance stating unfavorable land suitability, harm to public interest in creating increased water problems, and inability to divide the land does not create a hardship for the property owner. Lengthy discussion ensued. Motion by Jeff Schmitt to approve the application appeal to overturn the Planning Committees decision to deny the land division. Motion seconded by Del Guenther, all in favor, motion carried, appeal is granted.

Motion by Del Guenther to adjourn, seconded by Paul Worth, all in favor, motion carried. Meeting adjourned 8:15pm.

Respectfully Submitted,  
Cheryl Goodrich, Secretary

# Appeal Application

Applicant (Agent) Chris + Brenda Kuhl  
Street Address 1223 Home Stead Rd  
City, State, Zip Code Beaver Dam, WI 53916  
Phone Number 920382-4979 Email friend4life1960@gmail.com  
382-5369 Kuhlfxstd2001@gmail.com  
Property Owner (If different from applicant) SAME  
Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Parcel Identification Number (PIN) #2044-002  
Site Address \_\_\_\_\_  
Subdivision & Lot Number or CSM Number McKinley Beach  
Zoning \_\_\_\_\_  
Present Use of Property Empty lot  
Proposed Use of Property Build Home  
List any prior variances granted or denied for this property \_\_\_\_\_

Describe all Nonconforming structures and uses on this property \_\_\_\_\_

Zoning Ordinance Section for which a variance is sought \_\_\_\_\_  
Variance Requested See Attached Sheet

List names and addresses of all property owners within 300 feet of the subject parcel. Attach additional sheet if necessary.

| Name                    | Address                             |
|-------------------------|-------------------------------------|
| <u>Tony Bentz</u>       | <u>N 8189 S. McKinley Beach rd</u>  |
| <u>Julia Rodgers</u>    | <u>N 8173 S. McKinley Beach rd</u>  |
| <u>Cynthia Sandberg</u> | <u>N 8196 S. McKinley Beach rd</u>  |
| <u>Dana Seering</u>     | <u>N 8174 S. McKinley Beach rd.</u> |

Provide justification for the variance. Attach additional sheets if necessary.

~~#1~~ Hardship on lot. Shape + setbacks.

~~#2~~ to accomidate foot print of house on Curved lot.

~~#3~~ S. lot line Not being used  
N. lot line has potential to help with home project.

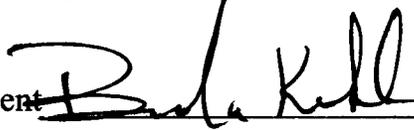
~~#4~~ put in a drive way on lot # 2044-020

Asking for Variance on front yard Setback of 21' or possibly discontinue a portion of town road to make setback more compliant.

**Certificate**

I hereby certify that I am the owner and/or authorized agent of the property and that all the above statements and attachments submitted are true and correct to the best of my knowledge and belief. I hereby authorize members of the Town of Beaver Dam Board of Appeals to enter the above described property for purposes of obtaining information pertinent to my appeal.

Signature of owner or authorized agent



Date

6-30-2020

Contact number

920-382-4979

**Disposition (For office use only)**

Board of Appeals meeting date: \_\_\_\_\_

**The Appeal is (denied/granted/granted in part) subject to the following conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_

Land Use Administrator

Date \_\_\_\_\_

# SITE PLAN

## OWNERS

Christopher W Kuhl  
 Brenda L Kuhl  
 1223 Homestead Rd  
 Beaver Dam, WI 53916  
 [PIN: 004-1214-2044-0002]  
 Vacant Land  
 S McKinley Beach Road  
 Town of Beaver Dam

## Legal Description:

LOT 13 AND A PART OF LOT 14, MCKINLEY BEACH SUBDIVISION AS RECORDED IN VOLUME "J" OF PLATS ON PAGE 50 AND 51, BEING LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF SECTION 20, TOWN 12 NORTH RANGE 14 EAST, TOWN OF BEAVER DAM, DODGE COUNTY, WISCONSIN.

## NOTES:

- 1.) SETBACK VARIANCES MUST BE OBTAINED PRIOR TO CONSTRUCTION WITH TOWN OF BEAVER DAM ZONING COORDINATOR AND /OR BUILDING INSPECTOR. OR PARTIAL DISCONTINUANCE OF S MCKINLEY BEACH ROAD SHALL BE GRANTED TO THE OWNERS.
- 2.) LAKE SETBACK SHALL BE APPROVED BY DODGE COUNTY LAND RESOURCES PRIOR TO CONSTRUCTION OF THE PARCEL.
- 3.) ALL FLOODPLAIN REGULATIONS MUST BE MET PRIOR TO ANY BUILDING CONSTRUCTION.
- 4.) APPROVALS FROM ALL LOCAL MUNICIPALITIES WITH ORDINANCE IN PLACE SHALL BE APPROVED PRIOR TO THE DEVELOPMENT OF THIS PARCEL.
- 4.) SEPTIC SYSTEM MUST BE APPROVED BY DODGE COUNTY PLANNING PRIOR TO CONSTRUCTION.
- 5.) BEAVER DAM LAKE INFORMATION:  
 SUMMER MAX LEVEL = 871.1 ; SUMMER CONSTANT LEVEL = 870.8 ; WINTER DRAWDOWN LEVEL = 870.3  
 LAKE ELEV MARCH 24, 2020 = 870.8 ELEVATIONS ARE USGS. OHWM = 870.8. LAKE ELEVATION INFORMATION FURNISHED BY CITY OF BEAVER DAM "DAM" OPERATING REGULATIONS. BEAVER DAM UTILITIES - TREATMENT PLANT

## NOTES:

- 1.) BUILDER MUST VERIFY ALL GRADES PRIOR TO CONSTRUCTION WITH TOWN OF BEAVER DAM ZONING COORDINATOR AND BUILDING INSPECTOR.
- 2.) ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AS SOONS AS PRACTICAL TO PREVENT UNNECESSARY EROSION AS OUTLINED IN BEST MANAGEMENT PRACTICES.
- 3.) DITCH CHECK STRAW BAYLES TO BE INSTALLED IF NEEDED TO HELP CONTROL STORM RUNOFF.
- 4.) FILL QUANTITIES AND VOLUMES ARE THE RESPONSIBILITY OF THE CONTRACTOR. ONLY GOOD CLEAN STRUCTURAL FILL OR CLEAR STONE MAY BE PLACED UNDER THE PROPOSED DEVELOPMENT.

## LEGEND

- 1-1/4" Iron Rebar Found weighing 1.50 lbs/ft
- 1" Iron Pipe Found
- 876.5 Exist Spot Elevation
- 880.8 Proposed Yard Grade
- ▶ Proposed Drainage
- Silt Fence
- ⊗ Soil Boring Hole

## DRIVEWAY NOTES:

- 1.) INSTALL 24" X 30" CMP / ENDWALLS MATCH EXIST. DITCH GRADE.
- 2.) CONSTRUCTION TRACKING PAD TO BE INSTALLED AND MAINTAINED - NO. 2 STONE.
- 3.) DRIVEWAY TO BE COMPLETED AFTER HOUSE CONSTRUCTION FINISHED. WEATHER ALLOWING

## THIS PARCEL

17,970 SQ FT  
 0.413 AC +/-

## SITE BENCHMARKS:

BM 1: TOP IRON PIPE NE PROPERTY CORNER  
 USGS HOUSE GRADE BM ELEV. = 874.09

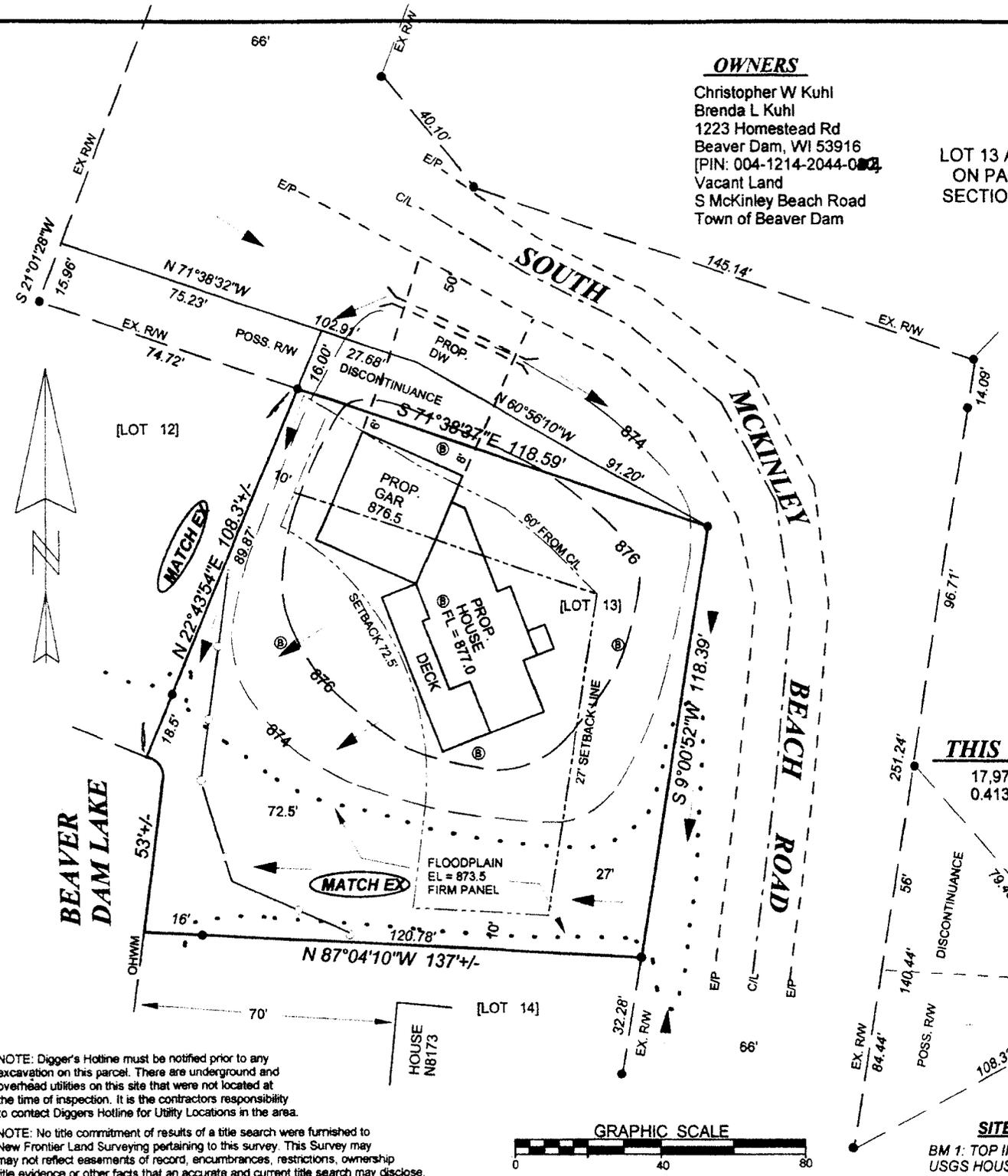
I certify that this map is correct according to official records to the best of my knowledge and belief.

Dated this 18 day of July, 2020

Mark R. Tomashek WI RLS 2340-008  
 New Frontier Land Surveying LLC  
 Beaver Dam, Wisconsin.

## New Frontier Land Surveying LLC

234 S. Spring Street - P.O. Box 576  
 Beaver Dam, Wisconsin 53916 Job No. 20-2579  
 p(920)885-3904 f(920)885-3905 Sheet 1 of 1



NOTE: Digger's Hotline must be notified prior to any excavation on this parcel. There are underground and overhead utilities on this site that were not located at the time of inspection. It is the contractors responsibility to contact Diggers Hotline for Utility Locations in the area.

NOTE: No title commitment of results of a title search were furnished to New Frontier Land Surveying pertaining to this survey. This Survey may not reflect easements of record, encumbrances, restrictions, ownership title evidence or other facts that an accurate and current title search may disclose.