

Date: October 5, 2021

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Extraterritorial review of a certified survey map for 2 lots located off of Hamms Road in the Town of East Troy (PA30990001); Rosemarie Berres and Tom Sherbrook, applicant

Application: 2021-26; <https://s.zoninghub.com/Q65G XKZOY1>

Meeting: October 11, 2021 Plan Commission meeting

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**General Description** The applicant owns the property off Hamms Road in the Town of East Troy and is proposing a two-lot certified survey map. Lot 1 is for an existing home and detached garage and Lot 2 is currently vacant.

The Village of East Troy has extraterritorial review authority because the subject property is within 1.5 miles of the Village's municipal boundary. The proposed CSM complies with all applicable parts of the Village's land division regulations.

**Other Reviews** The Town has apparently granted approval of the CSM. Walworth County will also need to approve the same.

**Village Review Procedures** With regard to land divisions, the Plan Commission is advisory to the Village Board. The Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial of the application. If approval is recommended, the Plan Commission can impose conditions deemed necessary to protect the public health, safety, and welfare.

**Public Notice** Aside from being included on the meeting agenda, no other public notice is required.

**Proposed motion:** Recommend to the Village Board the approval of the proposed CSM in the Town of East Troy subject to the following condition(s):

1. Prior to the Village signing the final CSM, the property owner shall reimburse the Village of East Troy for all unpaid costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application.

**Attachments:**

1. Proposed CSM, dated August 20, 2021



# Land Division Village of East Troy, Wisconsin

Village of East Troy Version: September 24, 2018

Village of East Troy  
2015 Energy Drive  
East Troy, WI 53120

**Overview:** The Village of East Troy has adopted land divisions regulations (Chapter 495 of the municipal code) to regulate subdivisions, condominiums, and certified survey maps within the Village and within 1.5 miles of the municipal boundary (i.e., extraterritorial plat review in surrounding towns).

**Governing regulations:** The procedures and standards governing the review of this application are found in Chapter 495 of the Village's municipal code.

**General instructions:** Complete this application and submit five copies to the Village Clerk at the mailing address shown above. Before you formally submit your application, you are encouraged to meet with the zoning administrator who can answer any questions you may have. If you have any questions, do not hesitate to contact the zoning administrator at (920) 728-2814 or via email at [tim.schwecke@civitekconsulting.com](mailto:tim.schwecke@civitekconsulting.com). You may download this form at <http://villageofeasttroy.zoninghub.com/highlights/procedures/procedure.aspx>.

**Application fee:** \$150 plus \$5 per lot (per unit for condos) and charges for professional services

**Application submittal deadline:** Applications must be submitted by the second Monday of the month by 12:00 pm at the Village Hall.

**1. Petitioner:**

**Property Owner**

**Developer**

Name Tom Sherbrook & Rosemarie Berres

Street Address N7370 Hamms Rd.

City, State, Zip Code Burlington, WI 53105

Daytime telephone number 262-642-9052

Email sherbrook1@yahoo.com

**2. Agent contact information:** Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

**Agent 1**

**Agent 2**

Name Gary Foat

Company Degen - Foat Surveying, Inc.

Street Address 100 South Second St.

City, State, Zip Code Waterford, WI 53185

Daytime telephone number 262-534-5404

Email gkfoat@wi.rr.com

**3. Type of application (select one)**

☐

Certified Survey Map (CSM)

☐

Create Additional Parcels

☐

Merge Two Adjoining Parcels

☐

Modify The Loft Line Between Two Adjoining Parcels

☐

Preliminary Plat

☒

Extraterritorial

#### 4. Subject property information

Physical Address N7370 Hamms Rd. Burlington, WI 53105

Tax key number(s) PA30990001

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Village Clerk.

#### 5. Zoning information (refer to the Village's current zoning map)

The subject property is located in the following base zoning district(s). (check all that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> RH-35 Rural Holding                | <input type="checkbox"/> TR-8 Two-Family Residential    | <input type="checkbox"/> NB Business Park      |
| <input type="checkbox"/> SR-3 Estate Residential            | <input type="checkbox"/> AR-9 Attached Residential      | <input type="checkbox"/> HB Highway Business   |
| <input type="checkbox"/> SR-4 Suburban Residential          | <input type="checkbox"/> MR-10 Multi-Family Residential | <input type="checkbox"/> CB Central Business   |
| <input type="checkbox"/> SR-5 Neighborhood Residential      | <input type="checkbox"/> MHR-6 Mobile Home Residential  | <input type="checkbox"/> BP Business Park      |
| <input type="checkbox"/> SR-6 Traditional-Front Residential |   | <input type="checkbox"/> LI Light Industrial   |
| <input type="checkbox"/> SR-7 Traditional-Rear Residential  |   | <input type="checkbox"/> GI General Industrial |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> PD Planned Development | <input type="checkbox"/> GP Groundwater Protection      | <input type="checkbox"/> FP 100-Year Floodplain |
| <input type="checkbox"/> DD Downtown Design     | <input type="checkbox"/> NFC Natural Features Conservan | <input type="checkbox"/> FP 500-Year Floodplain |
|   |   | <input type="checkbox"/> SW Shoreland-Wetland   |

#### 6. Adjoining land uses and zoning

	Zoning district(s)	Current Uses
North	<u>C2</u>	<u>Residential</u>
South	<u>A1</u>	<u>Farmland</u>
East	<u>A1</u>	<u>Farmland</u>
West	<u>C2</u>	<u>Residential</u>

#### 7. Preliminary Checklist (§ 495-17 of the land division regulations)

(All yes answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development.)

- | Yes                      | No                       | I Land resources. Does the site involve the following?   |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, 2-foot contour intervals)   |
| <input type="checkbox"/> | <input type="checkbox"/> | A landform or topographic feature of local or regional interest  |
| <input type="checkbox"/> | <input type="checkbox"/> | A floodplain [if yes attach 2 copies of a typical stream valley cross section showing the channel of the stream, the 100-year floodplain limits and the floodway limits (if officially adopted) of each side of the channel and a cross section of area to be developed] |
| <input type="checkbox"/> | <input type="checkbox"/> | An area of soil instability: greater than 18% slope and/or organic soils, peats, or mucks at or near the surface   |
| <input type="checkbox"/> | <input type="checkbox"/> | An area of bedrock within 6 feet of the soil surface   |
| <input type="checkbox"/> | <input type="checkbox"/> | An area with the groundwater table within 10 feet of the soil surface  |
| <input type="checkbox"/> | <input type="checkbox"/> | An area with fractured bedrock within 10 feet of the soil surface  |

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Prevention of gravel extraction                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | A drainageway for 5 or more acres of land          |
| <input type="checkbox"/>            | <input type="checkbox"/> | Lot coverage of more than 50% impermeable surfaces |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Prime agricultural land                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Wetlands and marshes                               |
| <input type="checkbox"/>            | <input type="checkbox"/> | Land elevation above 950 (USGS datum)              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Mapped environmental corridors                     |

Yes

No

**II Water resources.** Does the proposed project involve any of the following?

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Location within an area traversed by a navigable stream or dry run   |
| <input type="checkbox"/> | <input type="checkbox"/> | Greater than 10% change in the capacity of a stormwater storage facility or flow of a waterway within 1 mile |
| <input type="checkbox"/> | <input type="checkbox"/> | The use of septic tank – soil absorption fields for on-site waste disposal                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Lowering of water table by pumping or drainage   |
| <input type="checkbox"/> | <input type="checkbox"/> | Raising of water table by altered drainage patterns  |
| <input type="checkbox"/> | <input type="checkbox"/> | Lake frontage  |

Yes

No

**III Biological resources.** Does the proposed project involve any of the following?

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Critical habitat for plants and animals of community interest |
| <input type="checkbox"/> | <input type="checkbox"/> | Endangered, unusual or rare species                           |
| <input type="checkbox"/> | <input type="checkbox"/> | Removal of over 25% of the present trees                      |

Yes

No

**IV Human and scientific interest.** Does the proposed project involve any of the following?

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | An area of archaeological interest             |
| <input type="checkbox"/> | <input type="checkbox"/> | An area of geological interest                 |
| <input type="checkbox"/> | <input type="checkbox"/> | An area of hydrological interest               |
| <input type="checkbox"/> | <input type="checkbox"/> | Historic buildings or monuments                |
| <input type="checkbox"/> | <input type="checkbox"/> | Buildings or monuments of unique architecture  |
| <input type="checkbox"/> | <input type="checkbox"/> | An area of identified community recreation use |

Yes

No

**V Energy, transportation and communications.**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the development increase the traffic flow in any collector system by more than 10%?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer) |

Yes

No

**VI Population.** Does the development increase by more than 10% the school population of any school serving the development?

☐
☐

Yes

No

**VII Additional information on any of the above that may have a significant environmental impact.**

☐
☐

Yes

No

**VIII Appendices and supporting material.**

☐
☐

## 8. Applicant certification

♦ I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.

♦ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with Section 13-1-195(A) of the Village's municipal code to pay for the services of independent consultants the Village elects to retain to help review this application. Depending on the nature of the proposed project, such independent consultants may include planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts. I further understand, the Village may delay acceptance of the application as complete, or may delay final approval of the proposal, until all outstanding fees have been paid. I further understand that such fees must be paid even if this application is withdrawn or denied. If the applicant or the property owner does not pay such fees upon request, such fees may be assigned to the property owner as a special assessment to the subject property.

♦ I understand that submission of this application authorizes Village officials and employees, Plan Commission members, Village Board members, and other designated agents, including those retained by the Village, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.

♦ I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.

♦ I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

### Property Owner:

Thomas A. Sherbrook

Name - Print

Rosemarie H. Berres

Name - Print

Thomas A. Sherbrook

Name - Signature

Rosemarie H. Berres

Name - Signature

9/7/2021

Date

9/7/2021

Date

### Applicant (if different than Property Owner):

\_\_\_\_\_  
Name - Print

\_\_\_\_\_  
Name - Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name - Print

\_\_\_\_\_  
Name - Signature

\_\_\_\_\_  
Date

*Ad. 9/8/21 EMB*

WALWORTH COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3099,  
RECORDED IN VOLUME 17, PAGE 11, DOCUMENT NO. 412659, LOCATED  
IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34,  
TOWN 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH  
COUNTY, WISCONSIN.

OWNERS/SUBDIVIDERS  
THOMAS A. SHERBROOK &  
ROSEMARIE H. BERRES  
N 7370 HAMMS ROAD  
BURLINGTON, WI 53105

SURVEYOR'S CERTIFICATE:

I, GARY B. FOAT, WISCONSIN PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE  
SURVEYED, DIVIDED AND MAPPED LOT 1 OF CERTIFIED SURVEY MAP NO. 3099, RECORDED IN  
VOLUME 17, PAGE 11, DOCUMENT NO. 412659, LOCATED THE SOUTHWEST 1/4 OF THE SOUTHWEST  
1/4 OF SECTION 34, TOWN 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY,  
WISCONSIN AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N 89°21'41" E ALONG  
THE SOUTH LINE OF SAID 1/4 SECTION, 33.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF  
OF CERTIFIED SURVEY MAP NO. 3099 AND THE POINT OF BEGINNING; THENCE N 00°41'31" W  
ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAMMS ROAD, 325.00 FEET; THENCE N 89°21'50" E,  
115.00 FEET; THENCE N 65°22'35" E, 366.51 FEET; THENCE N 00°41'31" W, 402.00 FEET; THENCE  
S 89°21'50" W, 450.00 FEET; THENCE N 00°41'31" W ALONG THE EASTERLY RIGHT-OF-WAY LINE  
OF HAMMS ROAD, 449.96 FEET; THENCE N 89°27'20" E ALONG THE NORTHERLY LINE OF LOT 1 OF  
SAID CERTIFIED SURVEY MAP, 1292.02 FEET; THENCE S 00°37'47" E ALONG THE EASTERLY LINE OF  
SAID CERTIFIED MAP, 1323.84 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID 1/4 SECTION;  
THENCE S 89°21'41" W ALONG SAID SOUTHERLY LINE, 1290.58 FEET TO THE POINT OF BEGINNING.  
CONTAINING 1,487,851 SQUARE FEET OF LAND.

THAT I HAVE MADE SAID SURVEY, MAP AND LAND DIVISION BY THE DIRECTION OF THOMAS A.  
SHERBROOK AND ROSEMARIE H. BERRES, OWNERS OF SAID LAND.

THAT SAID MAP IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF  
THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN  
STATUTES, AND THE SUBDIVISION CONTROL ORDINANCE, WALWORTH COUNTY, WISCONSIN IN  
SURVEYING, DIVIDING AND MAPPING THE SAME.

*Gary B. Foat*

JULY 7, 2021  
Revised: AUGUST 20, 2021

GARY B. FOAT S-1598  
WISCONSIN PROFESSIONAL LAND SURVEYOR



DEGEN - FOAT SURVEYING, INC.

100 SOUTH SECOND STREET  
WATERFORD, WISCONSIN 53185  
(262)534-5404 (FAX)534-2022

215025\215025C1.DWG

THIS INSTRUMENT DRAFTED BY: GARY B. FOAT

SHEET 1 OF 4

BEING A DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3099, RECORDED IN VOLUME 17, PAGE 11, DOCUMENT NO. 412659, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

WEST 1/4 CORNER  
SECTION 34-4-18  
N 282.482.43  
E 2.407.019.87

NOTES:

A COMPLETE SOIL AND SITE EVALUATION MAY NOT HAVE BEEN CONDUCTED ON EACH LOT OR PARCEL. NO STRUCTURE SHALL BE ERRECTED ON ANY LOT(S) OR PARCEL(S) UNLESS THE REQUIREMENTS OF SPS 383, WISCONSIN ADMINISTRATIVE CODE, AND THE WALWORTH COUNTY ORDINANCES HAVE BEEN MET. HOLDING TANK USE IS PROHIBITED FOR NEW CONSTRUCTION ON ANY LOT(S) OR PARCEL(S).

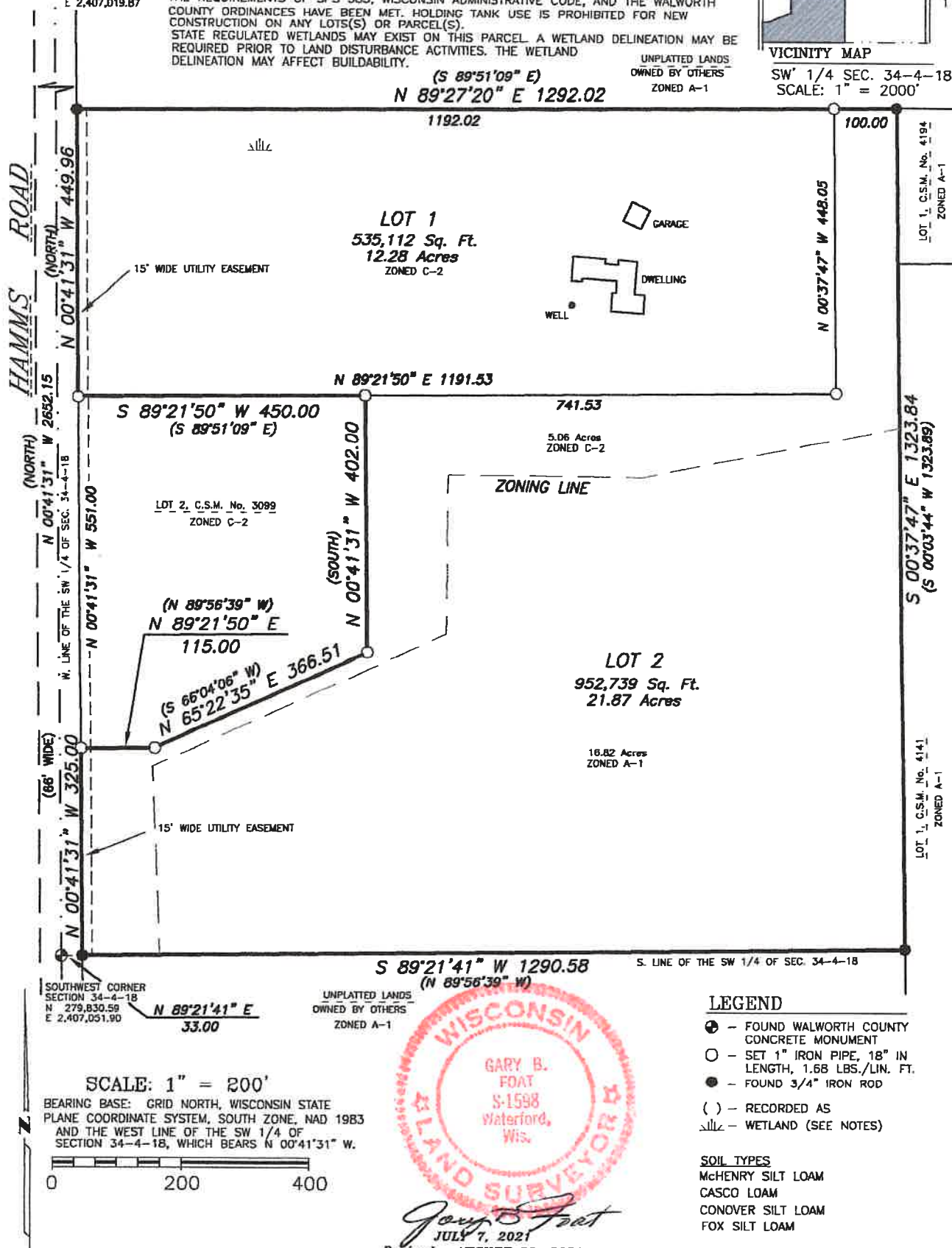
STATE REGULATED WETLANDS MAY EXIST ON THIS PARCEL. A WETLAND DELINEATION MAY BE REQUIRED PRIOR TO LAND DISTURBANCE ACTIVITIES. THE WETLAND DELINEATION MAY AFFECT BUILDABILITY.

(S 89°51'09" E)  
N 89°27'20" E 1292.02

UNPLATTED LANDS  
OWNED BY OTHERS  
ZONED A-1

VICINITY MAP

SW' 1/4 SEC. 34-4-18  
SCALE: 1" = 2000'



Revised: AUGUST 20, 2021  
SHEET 2 OF 4



WALWORTH COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3099, RECORDED IN VOLUME 17, PAGE 11, DOCUMENT NO. 412659, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNERS, WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THE MAP. WE ALSO CERTIFY THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION.

TOWN OF EAST TROY  
VILLAGE OF EAST TROY (EXTRATERRITORIAL JURSDICTION)  
WALWORTH COUNTY

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
THOMAS A. SHERBROOK

\_\_\_\_\_  
ROSEMARIE H. BERRES

IN THE PRESENCE OF:

STATE OF WISCONSIN }  
COUNTY OF \_\_\_\_\_ }SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, THE ABOVE NAMED THOMAS A. SHERBROOK AND ROSEMARIE H. BERRES, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES: \_\_\_\_\_

CONSENT OF MORTGAGEE:

WE, \_\_\_\_\_ MORTGAGEE OF THE ABOVE DESCRIBED LAND OWNED BY THOMAS A. SHERBROOK AND ROSEMARIE H. BERRES DO HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING OF THE LAND DESCRIBED ON THIS MAP AND DO HEREBY CONSENT TO THE OWNERS CERTIFICATE OF THOMAS A. SHERBROOK AND ROSEMARIE H. BERRES.

\_\_\_\_\_  
STATE OF WISCONSIN }  
COUNTY OF \_\_\_\_\_ }SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021,  
\_\_\_\_\_ AND \_\_\_\_\_ OF THE ABOVE NAMED CORPORATION,  
TO ME KNOWN TO BE SUCH \_\_\_\_\_ AND \_\_\_\_\_ OF SAID CORPORATION AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC STATE OF WISCONSIN MY COMMISSION EXPIRES \_\_\_\_\_



*Gary S. Foat*  
JULY 7, 2021  
Revised: AUGUST 20, 2021  
SHEET 3 OF 4



WALWORTH COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A DIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3099, RECORDED IN VOLUME 17, PAGE 11, DOCUMENT NO. 412659, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWN 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

EAST TROY PLANNING COMMISSION APPROVAL:

APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF EAST TROY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

JOEL COOK, \_\_\_\_\_ CHAIRMAN

TOWN OF EAST TROY APPROVAL:

APPROVED BY THE TOWN OF EAST TROY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

JOSEPH KLARKOWSKI, \_\_\_\_\_ PRESIDENT

KIM BUCHANAN, \_\_\_\_\_ TOWN CLERK

VILLAGE OF EAST TROY EXTRATERRITORIAL PLAT JURISDICTION APPROVAL:

APPROVED BY THE VILLAGE OF EAST TROY THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2021.

SCOTT SEAGER, VILLAGE PRESIDENT

LORRI ALEXANDER, VILLAGE CLERK

WALWORTH COUNTY ZONING AGENCY APPROVAL:

THIS CERTIFIED SURVEY MAP APPROVED BY WALWORTH COUNTY ZONING AGENCY, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

RICK STACEY, \_\_\_\_\_ CHAIRMAN



*Gary B. Foat*  
JULY 7, 2021  
Revised: AUGUST 20, 2021