

Date: April 4, 2024

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Extraterritorial review of a three-lot certified survey map in Town of East Troy off of Weber Lane (PET 2300005); Frederick and Judith Kmiec, applicant

Application: 2024-05; <https://s.zoninghub.com/MBPVU338JH>

Meeting: April 8, 2024 Plan Commission meeting

---

**General Description** Frederick and Judith Kmiec own a 55-acre parcel off Weber Road in the Town of East Troy and are proposing a 3-lot certified survey map. The Village of East Troy has extraterritorial review authority because the subject property is within 1.5 miles of the Village's municipal boundary.

#### Subject Property



**Code compliance** Lot 2 and 3 do not front on a public road. The county and town will need to verify the lots comply.

**Official map** The Village's official map does not show any planned roadways within the subject property.

**Other Reviews** Both the Town of East Troy and Walworth County will need to approve the proposed CSM.

**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.
2. The Town and Walworth County must verify Lot 2 and 3 have legal access and otherwise comply with zoning requirements.

**Attachments:**

1. Proposed CSM, dated 12/20/2023

**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	<input type="text"/>	<input type="text"/>
Street Address	<input type="text"/>	<input type="text"/>
City, State, Zip Code	<input type="text"/>	<input type="text"/>
Daytime telephone number	<input type="text"/>	<input type="text"/>
Email	<input type="text"/>	<input type="text"/>

**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	<input type="text"/>	<input type="text"/>
Company	<input type="text"/>	<input type="text"/>
Street Address	<input type="text"/>	<input type="text"/>
City, State, Zip Code	<input type="text"/>	<input type="text"/>
Daytime telephone number	<input type="text"/>	<input type="text"/>
Email	<input type="text"/>	<input type="text"/>

**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 \_\_\_\_\_

Tax key number(s) \_\_\_\_\_

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	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

#### 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 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:

---

Name - Print

---

Name - Signature

---

Date

---

Name - Print

---

Name - Signature

---

Date

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

---

Name - Print

---

Name - Signature

---

Date

---

Name - Print

---

Name - Signature

---

Date

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

SURVEYORS CERTIFICATE:

I, Michael A. Greeson, professional land surveyor, hereby certify: That I have surveyed, divided and mapped a division of land being unplatted lands in part of the Southeast 1/4 of the Northwest 1/4 and part of the Southwest 1/4 of the Northeast 1/4, Section 23, Township 4 North, Range 18 East, of the Fourth Principal Meridian, in the Town East Troy, Walworth County, Wisconsin described as Follows:

commencing?

BEGINNING AT CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 18 EAST; THENCE N89°23'06"E, 2663.63' TO A FOUND CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4; THENCE N00°37'56"W ALONG THE EAST LINE OF SAID NORTHWEST 1/4, 3.37' TO THE CORNER OF OAK HILL SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE N89°18'46"E ALONG THE NORTH LINE OF SAID OAK HILL SUBDIVISION, 1313.31' TO A POINT; THENCE N00°42'35"W, 1319.97' TO THE SOUTHEAST CORNER OF LOT 3 CSM 2245; THENCE S89°35'06"W ALONG THE SOUTH LINE OF SAID CSM 2245, 2185.19' TO A POINT; THENCE S00°26'30"E, 677.88' TO A FOUND IRON PIPE; THENCE S09°08'46"W, 110.28' TO A FOUND IRON; THENCE N89°32'24"E, 954.84' TO A FOUND IRON PIPE; THENCE S04°02'51"W, 279.12' TO A FOUND IRON PIPE; THENCE S86°30'45"W, 37.48' TO A FOUND PIPE; THENCE S00°37'56"E, 260.04' TO THE POINT OF BEGINNING. SAID AREA CONTAINS 55.37 ACRES MORE OR LESS.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF FREDRICK M KMIEC AND JUDITH A KMIEC OWNERS OF SAID LANDS.

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

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

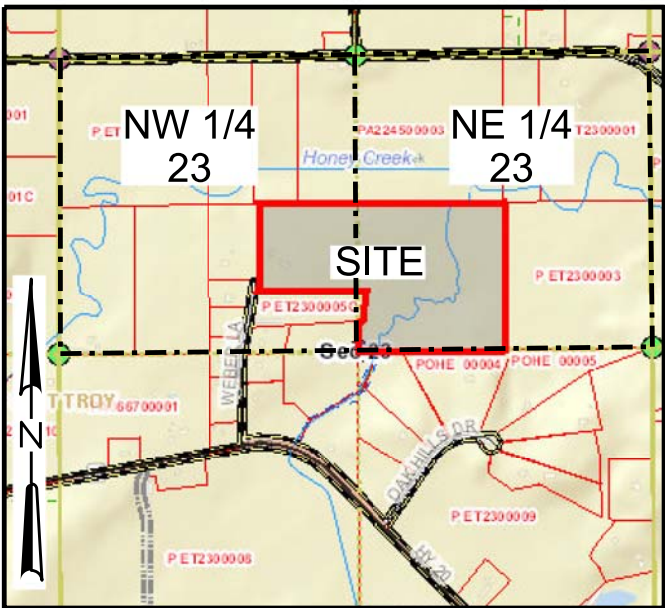
of?

Dated this 20 TH day of DECEMBER, 2023.

Michael A. Greeson

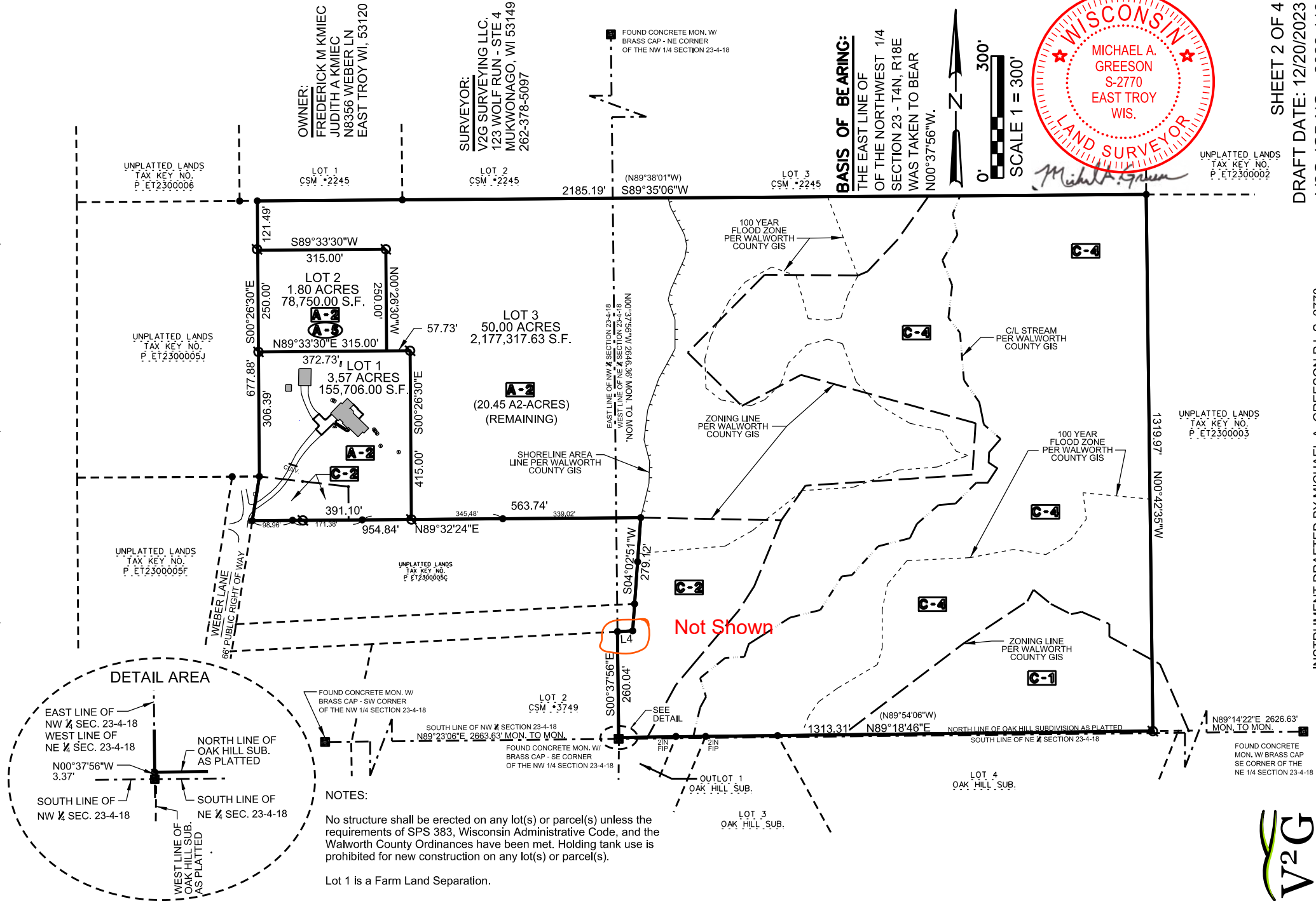
Michael A. Greeson, P.L.S. # 2770

LOCATION MAP  
SECTION 23-4-18



CERTIFIED SURVEY MAP NO.

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

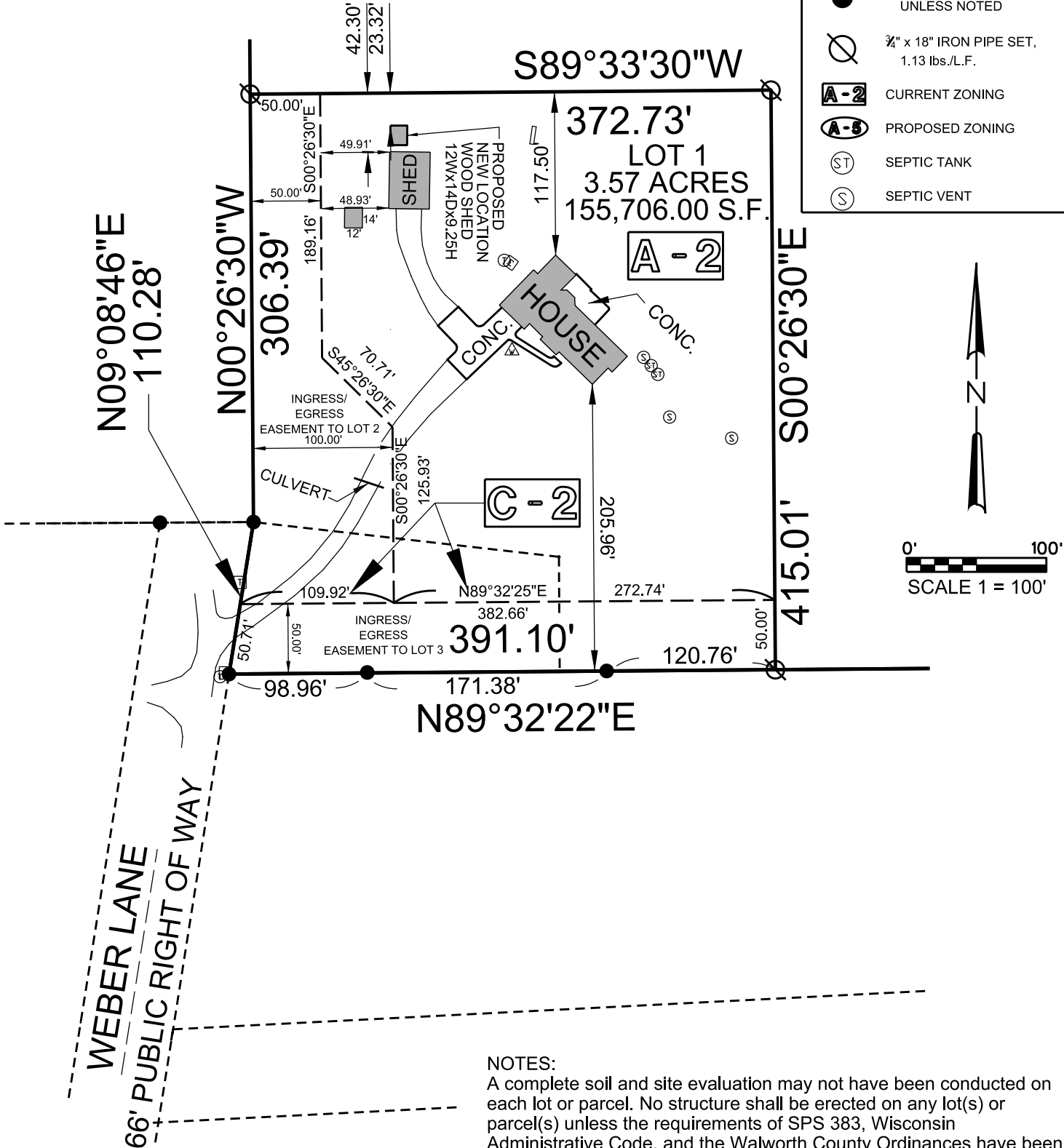




CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN. **LEGEND:**

(100.00')	RECORDED DISTANCE
100.00'	MEASURED DISTANCE
●	1" FOUND IRON PIPE, UNLESS NOTED
⊗	¾" x 18" IRON PIPE SET, 1.13 lbs./L.F.
A-2	CURRENT ZONING
A-5	PROPOSED ZONING
Ⓢ	SEPTIC TANK
Ⓢ	SEPTIC VENT



**NOTES:**  
A complete soil and site evaluation may not have been conducted on each lot or parcel. No structure shall be erected 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).

Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution

Lot 1 is a Farm Land Separation.

***CERTIFIED SURVEY MAP NO.*** \_\_\_\_\_

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE  
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH,  
RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

**OWNER'S CERTIFICATE:**

AS OWNER, WE FREDERICK M. KMIEC AND JUDITH A. KMIEC HEREBY CERTIFY THAT WE CAUSED THE LAND  
DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THE  
PLAT. WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:

TOWN OF EAST TROY  
WALWORTH COUNTY  
VILLAGE OF EAST TROY EXTRATERRITORIAL

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
FREDERICK M. KMIEC, OWNER

\_\_\_\_\_  
JUDITH A. KMIEC, OWNER

**NOTARY CERTIFICATE**

STATE OF WISCONSIN  
\_\_\_\_\_(COUNTY) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY \_\_\_\_\_, 2024, THE ABOVE NAMED FREDERICK M. KMIEC  
AND JUDITH A. KMIEC TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING  
INSTRUMENT AND ACKNOWLEDGED THE SAME.

(NOTARY SEAL) \_\_\_\_\_

NOTARY PUBLIC, \_\_\_\_\_  
WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_

**TOWN OF EAST TROY BOARD APPROVAL CERTIFICATE:**

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN BOARD OF THE TOWN OF EAST TROY,

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOSEPH KLARKOWSKI, CHAIRMAN

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

**WALWORTH COUNTY ZONING AGENCY APPROVAL CERTIFICATE:**

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE WALWORTH COUNTY ZONING  
AGENCY, ON

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
RYAN SIMONS, CHAIRMAN

**VILLAGE OF EAST TROY EXTRATERRITORIAL APPROVAL CERTIFICATE:**

THIS CERTIFIED SURVEY MAP BEING LOCATED IN THE TOWN OF EAST TROY AND WITHIN THE  
EXTRATERRITORIAL JURISDICTION OF THE VILLAGE OF EAST TROY IS HEREBY APPROVED BY  
THE VILLAGE OF EAST TROY,

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
SCOTT SEAGER, PRESIDENT



SHEET 4 OF 4

DRAFT DATE: 12/202023

V2G JOB NO.: 2022-119

INSTRUMENT DRAFTED BY MICHAEL A. GREESON P.L.S. 2770