

Date: September 19, 2024  
To: Town of West Bend Plan Commission  
From: Tim Schwecke, Zoning Administrator  
Subject: Two-lot certified survey map (CSM) off of Oak Ridge Road (T13\_1200500); Arvonus Realty and Shelley Zucchi, applicant  
Application: 2023-30  
Meeting: September 26, 2024 Plan Commission meeting

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**General description** Arvonus Realty and Shelley Zucchi jointly own a parcel on Big Cedar Lake and have submitted a two-lot certified survey map.

**Subject Property** (white dashed line)



**Zoning requirements** The subject property is zoned R-1S, which has a minimum lot area of 20,000 square feet (unsewered lots). The proposed lots comply with the zoning standards for lot area and lot width. The subject property has three existing residences and a number of detached buildings. There will be two houses on Lot 2. In that regard, the Town Attorney has determined that it is permissible to create a new lot with an existing nonconforming use.

**Jurisdiction** The subject property is located within the City of West Bend's 3-mile extraterritorial review jurisdiction.

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

**Review procedures** The Plan Commission is advisory; the Town Board makes the final decision.

Over a course of multiple meetings, the Plan Commission has reviewed various driveway designs for Lot 1. As noted in the proposed motion, a driveway or an easement over Lot 2 must be provided by the new lot owner before occupancy of the existing dwelling may occur.

**Proposed motion for Plan Commission:**

Recommend to the Town Board the approval of the proposed two-lot CSM subject to the following conditions:

1. The Town engineer approves the CSM. Review comments, if any, must be satisfied to the Town engineer's satisfaction.
2. Revise the location map on Sheet 1 to show the location of the subject property (i.e., a solid fill would be appropriate).
3. The found monuments must be labeled by type and outside diameter, or included in a table with such information per s. 236.34(1m)(c), Wis. Stats., which references s. 236.20(2)(b).
4. The legend for monuments must indicate the outside diameter, and length and weight per lineal foot for any set monuments per s. 236.20(2)(b), Wis. Stats.
5. Various structures are depicted on Sheet 1 and are labelled. A key should be included.
6. There is a building foundation and must be shown on the revised CSM.
7. Prior to releasing the final CSM for recording by the Washington County register of deeds office:
  - a. Washington County verifies in writing that the existing house on Lot 1 is served by a septic system in good operational order and that the system is located entirely on Lot 1 and complies with all applicable requirements, including setbacks.
  - b. Washington County verifies in writing that the two existing houses on Lot 2 are served by a septic system in good operational order and that the system is located entirely on Lot 2 and complies with all applicable requirements, including setbacks.
  - c. The Town verifies that an access permit can be issued for Lot 1.
  - d. The owner must verify that there is an operating water well on each of the lots to provide potable water to the residences.
8. Include the following note(s) on the face of the CSM substantially as follows:
  - Various buildings and other improvements existed on the subject property on the date of the survey which may or may not comply with the Town's zoning regulations in effect on the date the Town Board approved this certified survey map. Approval of this certified survey map does not waive any zoning requirement. Therefore, all buildings, improvements, and uses are subject to applicable zoning regulations that are in effect.

- Lots 1 and 2 are considered “new lots” in the R-1S zoning district and are subject to the applicable zoning standards.
  - Lot 2 has two existing residences and are therefore considered nonconforming uses under the Towns' zoning regulations.
  - Any land below the ordinary high-water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the State Constitution.
  - The wetland boundary shown on this certified survey map is an approximate boundary. If a building or other structure is proposed to be constructed near the wetland, it may be necessary for the wetland boundary to be formally delineated by a professional wetland delineator.
  - Prior to occupancy of the residence on Lot 1, the owner must either construct a driveway meeting the Town's requirements in effect at that time or establish an easement over Lot 2 providing physical access to the residence.
9. The CSM must be revised to depict the location of the environmental corridor on the subject properties along with an explanatory note.
10. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

**Attachments:**

1. Certified survey map (04-25-2023)

Town of West Bend - Washington County, Wisconsin  
APPLICATION for MINOR LAND DIVISION

**Name of Property Owner:** Arvonus Realty Company 50%. Shelley Zucchi, 50%.

Address: 4254 Hwy NN West Bend, WI 53090

Phone: 414-861-4096 Email: staff@arvonus.com

**Name of Applicant** (if different from Property Owner): Arvonus and Shelley Zucchi

Address: 4254 Hwy NN

Phone: 414-861-4096 Email: staff@arvonus.com

**Property Description:**

Address: (if different than Property Owner) 5339, 5347, 5351

Location of Property: SW 1/4 SW 1/4, Section 29, Town 11 Range 19, Town of West Bend

Tax Parcel #: T13 1200500 Current Use of Land: Residential

Acreage of Parent Parcel: 7.86 Current Zoning of Parent Parcel: Shoreline Residential District R-1S

Acreage of Proposed Parcel(s): Lot 1 3.027 Zoning of Proposed Parcel(s): Shoreline Residential R-1S  
(Please include as attachment if more than one parcel is proposed to be created)

What is the land use classification of the parent parcel on the Town of West Bend Comprehensive Plan Future Land Use Map? (check one)

- Rural Residential
- Neighborhood Residential
- Shoreline Residential
- Roadside Mixed-Use
- Government/Institutional

Is any portion of the property in question classified as Environmental Conservancy District on the Future Land Use Map? Yes  No

Is any portion of the property in question located within a Town of West Bend/City of West Bend Boundary Agreement on the Future Land Use Map? Yes  No

Purpose of Land Division:

SUBDIVISION OF THE PROPERTY - 1 owner to sell  
1 owner to retain

Will an outlot be created as a result of this land division? Yes  No

If yes, explain the purpose of the outlot: \_\_\_\_\_

**Town of West Bend - Washington County, Wisconsin**  
**APPLICATION for MINOR LAND DIVISION**

**Application Checklist:**

*(This Application shall be completed in full. The Town of West Bend shall not accept any Application for Minor Land Division until all of the information below, as required under Section 18.3.03 of the Town of West Bend Land Division Ordinance, is submitted as attachment to this Application. Please confirm inclusion of the required information by checking each item below).*

The Certified Survey Map shall show correctly on its face the following (as applicable):

- All Existing Buildings, watercourses, drainage ditches, and other features pertinent to proper land division.
- Setbacks or Building Lines if required by the Town Plan Commission in accordance with the guidelines set forth in Section 7.07 of the land division ordinance.
- Utility and drainage easements.
- All lands dedicated for public use or reserved for future acquisition.
- Date of the Certified Survey Map.
- Graphic Scale and North Point.
- Name and Address of the owner, subdivider and surveyor.
- Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10 percent, and of not more than four (4) feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level). This requirement may be waived if the parcel or parcels created are fully developed.
- All Proposed Streets, roads, or highways within 300 feet of the boundaries of the parcels created by the minor land division.
- Floodplain Limits of the 100-year recurrence interval flood, or where such data is not available, a line lying a vertical distance of five (5) feet above the elevation of the maximum flood of record.
- Location of Soil Boring Tests. The Town Plan Commission, upon recommendation of the Town Engineer, may require that borings and tests be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table. Where the land division will not be served by public sanitary sewer service, the requirements of Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code for soil borings shall be met. The location of all soil borings shall be shown on the certified survey map and two (2) copies of all test results shall accompany the map. Where soil mottling or saturated conditions are observed in the soil profile, the Plan Commission may prohibit the future construction of principal buildings.
- Location of Soil Percolation Tests where required by Section SPS 385.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal

**Town of West Bend - Washington County, Wisconsin  
APPLICATION for MINOR LAND DIVISION**

systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

\_\_\_ The Entire Area contiguous to the proposed certified survey map owned or controlled by the subdivider shall be included on the certified survey map even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this code and severe hardship would result from strict application thereof.

**Application Fee:**

- \$100.00 for first lot
- \$50.00 for each additional lot

*\$ 150<sup>00</sup>*

Check Number: 12793

**Signatures:**

Owner or Applicant: ARUNOS REALTY COMPANY  
Haris B. MacLay Date: 10-5-23  
*By: HARIS B MACLAY*

Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

**Professional Services Fee:**

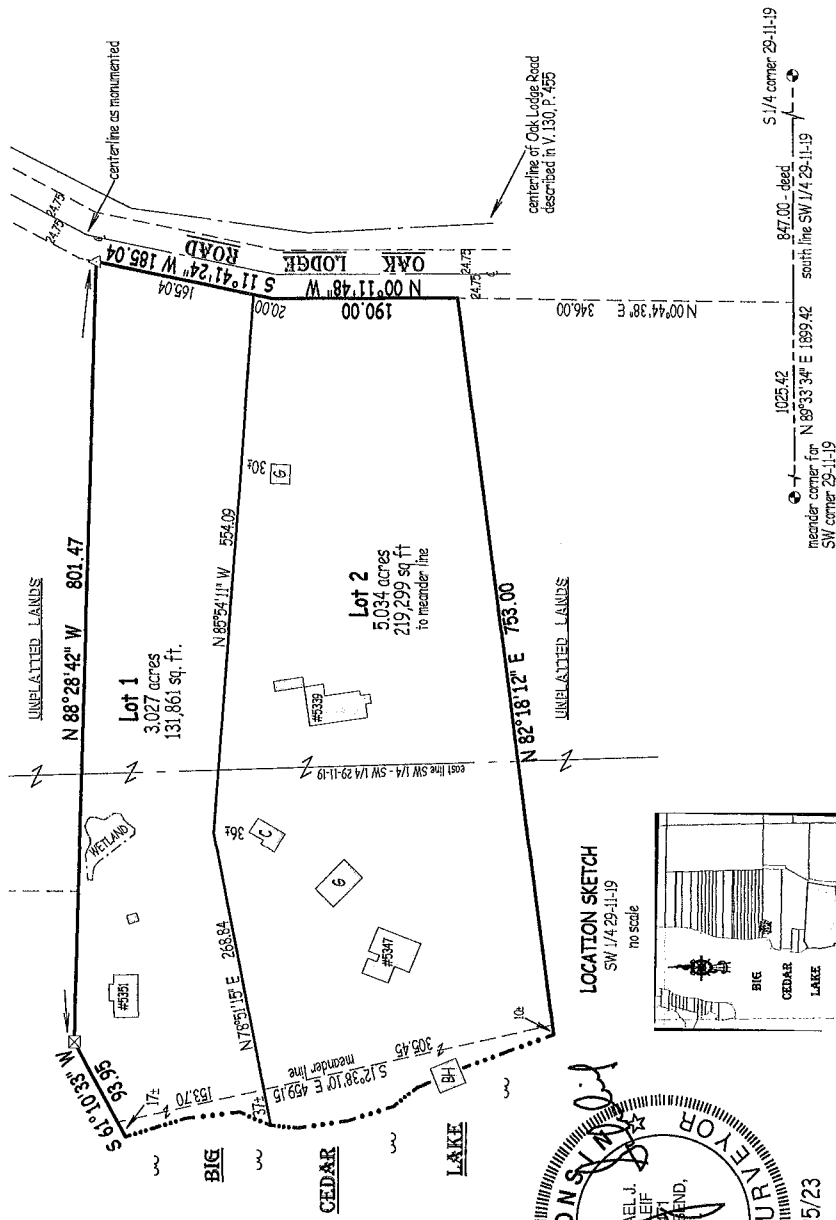
When the services of outside legal, planning, engineering, or other technical advice results in a charge to the Town for professional time and services, the Town Clerk shall charge such fees incurred by the Town to the property owner even if the request is not approved.

I understand and agree that I shall be responsible for any professional services fees incurred by the Town even if my request is not approved.

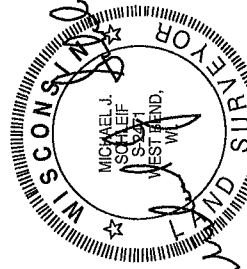
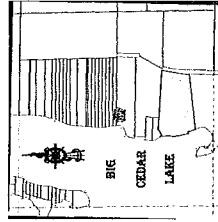
Owner Signature: Haris B. MacLay Date: 10-5-23

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

Part of Government Lot 4 in the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 all in Section 29, Town 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin.



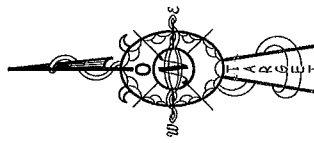
LOCATION SKETCH  
SW 1/4 29-11-19  
no scale



4/25/23

**OWNER:**

Arvonus Realty Co. & Shelley Zucchi  
Patty MacLay agent  
4254 CTH "N"  
West Bend, WI 53095  
414-861-4069



North is referenced to the Wisconsin Coordinate Grid System, South Zone (NAD83) from previous surveys in this area, the south line of the SW 1/4 of Section 29-11-19 bearing S 89°33'34" W.  
100-year Floodplain elevation 1032.7 follows the shore of Big Cedar Lake through this map.

**ON TARGET SURVEYING 1712 LARKSPUR LANE WEST BEND, WI. 53090**  
**PHONE : 262-338-8837**  
 ontargetsurveying@gmail.com www.ontargetsurveying.com

Existing structures and wetland have been digitized from Washington County mapping.

This instrument was drafted by Michael J. Scheiff, S-2471.

**CERTIFIED SURVEY MAP NO.**

Part of Government Lot 4 in the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 all in Section 29, Town 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin.

**SURVEYOR'S CERTIFICATE:**

I, Michael J. Schlieff, Professional Land Surveyor, hereby certify that by the direction of Patty Macloy, I have surveyed divided and mapped the land shown and described herein, being part of Government Lot 4 in the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 all in Section 29, Town 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin, which is bounded and described in Document No. 1572529 of Washington County Records as follows:

All that part of Government Lot 4 in Section 29 of Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin, described as follows:

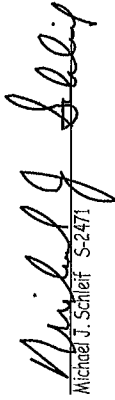
Commencing at the found concrete monument which marks the location of the South 1/4 Corner of said Section 29, thence S 89° 35' 34" W, along the south line of said Section 29, a distance of 874.00 feet to a set concrete monument; thence N00°44'38"E, along the west right of way line of a public road, 346.00 feet to a concrete monument set to replace a found 1 inch diameter iron pipe, and the Point of Beginning of this description; thence N00°11'48"W, along said west right of way line, 190.00 feet to a set concrete monument; thence N 11°41'24"E, along said right of way line, 185.04 feet to a set concrete monument; thence N88°28'42"W, a distance of 801.47 feet to a concrete monument set to replace a found 3/4 inch diameter iron pipe; thence S 61°10'33"W, a distance of 93.95 feet to a concrete monument set to replace a found 3/4 inch iron pipe and also the starting point of a Meander Line of Big Cedar Lake; thence S 12°38'10"E along said Meander line 459.15 feet to a set concrete monument marking the end point of said Meander Line; thence N 82°18'12"E a distance of 753.00 feet to a concrete monument set to replace a 1 inch diameter iron pipe and the Point of Beginning.

Including all lands, lying between the Meander Line herein described and the shore of Big Cedar Lake which lies between the true extensions of the boundary lines at the starting and end points of said Meander Line.

Containing 8.062 acres (35,160 square feet) more or less to the meander line along the shore of Big Cedar Lake.

I further certify that I have fully complied with the provisions of Section 236.34 of Wisconsin Statutes and the Town of West Bend Land Division Ordinance in surveying, dividing and mapping said land and that this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this 25th day of April, 2023

  
Michael J. Schlieff S-2471

**OWNER'S CERTIFICATE:**

As owners, we hereby certify that we caused the land shown and described hereon to be surveyed, divided, and mapped as represented hereon. We also certify that this map is required by S. 236.10 or S. 236.12 to be submitted to the following for approval or objection:

1. Town of West Bend Town Board
2. Town of West Bend Plan Commission
3. City of West Bend Plan Commission

Witness the hand and seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Arvonus Realty Co.:

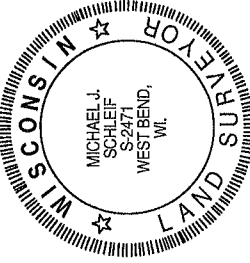
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Witness Patty Macloy

\_\_\_\_\_  
Notary Public \_\_\_\_\_ Wisconsin

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
Witness Shelley Zucchi



**ON TARGET SURVEYING 1712 LARKSPUR LANE WEST BEND, WI. 53090 PHONE : 262-338-8837**  
ontargetsurveying@gmail.com www.ontargetsurveying.com

This instrument was drafted by Michael J. Schlieff, S-2471.



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

Part of Government Lot 4 in the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 all in Section 29,  
Town 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin.

**APPROVAL OF THE TOWN OF WEST BEND:**

This land division is hereby approved by the Town of West Bend Town Board  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Town Chairperson Troy Zogel

\_\_\_\_\_  
Town Clerk Julie Ihlenfeld

**APPROVAL OF THE PLAN COMMISSION OF THE TOWN OF WEST BEND:**

This land division is hereby approved by the Plan Commission of the Town of West Bend this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chairperson Michael Holz

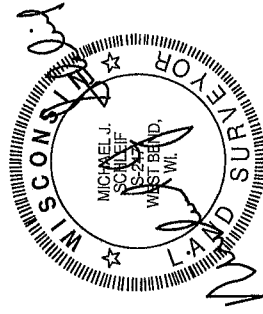
\_\_\_\_\_  
Secretary Julie Ihlenfeld

**CITY OF WEST BEND PLAN COMMISSION APPROVAL:**

This Certified Survey Map, CSM file No. \_\_\_\_\_, is hereby approved by the City of West Bend Plan Commission as being in conformance with the  
City's Subdivision Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Christopher E. Jenkins, Mayor

\_\_\_\_\_  
Lizbet Santana, City Clerk



4/25/23