

To: Town of Eagle Plan Commission

From: Rebekah Leto, AICP, Town Planner

Subject: Preliminary (Conceptual) three-lot Certified Survey Map (CSM) review on property located on South Shore Drive (EGLT 1871.017; .018; .019)

Location: Lots 1, 2 and 3 of High Point Subdivision, SW ¼ of Section 36, T5N, R17E

Application: 2025-04 - <https://s.zoninghub.com/385JLVDD0E>

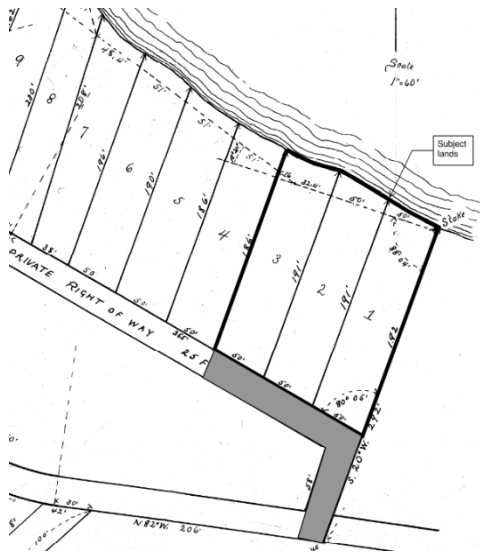
Owner(s): John and Patricia Rageth; Julie Archibald; Joseph and Melissa Carmichael

Date of CSM: July 23, 2024

Meeting Date: March 3, 2025

The owners listed above own three individual properties on the north side of South Shore Drive, with frontage on Eagle Spring Lake. The properties are under Waukesha County's Shoreland Protection Ordinance jurisdiction and are zoned R-3 Residential. The properties are part of High Point Subdivision, which was platted in 1906, and are at the base of the hill. The owners are proposing a Certified Survey Map to adjust the lot lines to accommodate how the lands are being used and clean up the legal descriptions.

This CSM is unique. High Point subdivision plat shows South Shore Drive as a 25 ft. wide private road right of way that has a right angle in front of the subject lots (refer to the plat map below). The as-built public road, which appears the same in a 1941 aerial, the earliest available, as it does today, is a curved road that bypasses the platted (private) right of way adjacent to the subject parcels (refer to the aerial below). Because of this, these three properties do not technically abut a public road (the as built road), as required by ordinance.



It should be noted that all of South Shore Drive is now a public road which the town maintains. In this scenario, South Shore Dr. currently runs through town-owned land (Lot 38) without a proper easement or public right of way dedication. The CSM would dedicate the proper road right of way width, which for South Shore Drive is 25 ft..

Information about the existing and proposed lots are as follows:

Lot 1 (eastern lot) (Rageth)

	Lot Size (sq. ft.)	Average Depth (ft.)
Existing	10,785+/-	191.5+/-
Proposed	13,675.64	255.28
Existing Improvements	Single family residence, shed, detached garage.	
Notes	The area of land south of the property was deeded to Lot 1 prior to 1946. The shed appears to be partially within the private road ROW.	

Lot 2 (center lot) (Archibald)

	Lot Size (sq. ft.)	Average Depth (ft.)
Existing	9,182+/-	191+/-
Proposed	13,675.64	255.28
Existing Improvements	Single family residence.	

Lot 3 (western lot) (Carmichael)

	Lot Size (sq. ft.)	Average Depth (ft.)
Existing	10,785+/-	188.5+/-
Proposed	13,675.64	255.28
Existing Improvements	Single family residence, detached garage, boathouse	
Notes	The detached garage appears to be partially within the private road ROW.	

The CSM shows a proposed 66 ft. wide right of way being dedicated for South Shore Drive. Since all of South Shore Drive is currently a 25 ft. right of way, the proposed lot sizes will increase slightly in order to connect the lots to the public road with the dedication of a 25 ft. public right of way, unless the town wishes to accept more than a 25 ft. right of way.

Possible Waivers and Future Actions

- The owners will need to apply for a Special Exception to exceed the permitted depth to width ratio (2.5:1) for adding additional depth to the subject lots.
- The owners will need to provide the legal means to officially release the private right of way.
- The Town must determine if they want to authorize a divesture of the portion of Lot 38 that is in question. If approved, the legal description of the land area needs to be quit claimed from the town to the owners, prior to the CSM being finalized.

Staff Recommendation

This is a preliminary (conceptual) CSM in which the plan commission provides feedback on the proposal. No formal recommendation to the Town Board is made at this stage.

Attachments: CSM dated 7/23/2024, Engineer comments 2/27/25