

AGENDA

**City of Whitewater, Board of Zoning Appeals
On July 11, 2013
6:00 p.m., Community Room
Whitewater Municipal Building
Whitewater WI**

1. Call to order and roll call.
2. Election of Chairperson and Vice Chairperson.
3. Secretary presents the cases to be heard:
 - a. Ryan Tevis, 246 S. Wisconsin Street, variance to Section 19.21.060(B), to reduce the side yard setback requirement from 15 feet to 9 feet to allow for the construction of the proposed deck and pool.
 - b. Ed and Ruth Kowalski, Lot 24 S. Locust Lane, variance to Section 19.18.060 (C) to reduce the rear yard setback requirement from 30 feet to 29.1 feet on the south west corner of a proposed new home.
4. Testimony of appellant (after being sworn in).
5. Testimony of building inspector.
6. Objections in writing or in person.
7. Questions, rebuttals as necessary.
8. Adjourn to closed session, under WIS Stats. 19.85(1)(a) "deliberating concerning a case which was the subject of the quasi-judicial hearing before the board, NOT TO RECONVENE.
9. Notification of decision in writing to appellant, news media, etc. will follow.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting.



Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
 and Building Inspections*
www.whitewater-wi.gov
 Telephone: (262) 473-0540

To: City of Whitewater Board of Zoning Appeals
 From: Latisha Birkeland, Neighborhood Services Director / City Planner
 Meeting Date: July 11th, 2013
 Re: Request a variance for the property located at 246 S. Wisconsin Street for Ryan Tevis

Summary of Request

Location: 246 S. Wisconsin Street
Current Land Use: Single Family
Current Zoning: R-3 Multi-Family Residential

Description

Mr. Ryan Tevis would like to build a new deck on the rear of the home. The proposed deck would extend out from the home, towards the west, matching the current line of home. The home sits at a slight angle on the property. This end of the deck will meet up with an above ground pool.

All decks are to maintain a setback from the property line of no less than the front yard and side yard setback of the zoning district in which they are located. The R-3 Zoning District side yard setback is 15 feet.

The proposed variances requested:

- 1) Variance requested: A 6 foot variance to the side yard setback of 15 feet. (19.21.060 B) for the proposed rear yard deck.

The proposed setbacks for deck #1: Setback of 10' 5" (Variance of 4' 5" needed)
 The proposed setbacks for deck#2: Setback of 10' 2" (Variance of 4' 10' needed)

A 6'foot variance would cover both parts of the proposed deck.

Analysis of Proposed Project

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist:

Standard	Evaluation	Comments
Findings prerequisite to grant a variance (see section 19.72.080 of zoning ordinance)		

Standard	Evaluation	Comments
The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;	No	The lot meets the minimum zoning requirements of the City Code. Physical surroundings, shape and topography of the lot are average.
The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification	No	The structure does not currently meet the required setbacks of the R-3 district. These conditions may be applicable for others in this zoning district if the principle structure is located inside the setback area.
The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner	Yes	The applicant states the variance would allow for a more aesthetically pleasing look.
The hardship is not one that is self-created	Yes	The structure currently exists within the required setbacks. Adding onto the structure in the would require a variance to be granted.
The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods	Yes	The propose variance should not create impair the supply of light or air to the adjacent properties.
The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district	Yes	The use is appropriate for the district
No variance shall be granted in a floodland district where not in compliance with Section 19.46.070(C)(4) of this title.	NA	This property is not in a flood plain

PUBLISH IN WHITEWATER REGISTER 2 TIMES ON JUNE 20, 2013
AND JUNE 27, 2013.

NOTICE OF ZONING HEARING

TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on July 11, 2013 at 6:00 p.m. in the Whitewater Municipal Building Community Room, 312 W Whitewater St. Whitewater, Wisconsin.

The purpose of this hearing is to consider a request for a variance to reduce the side yard requirement from 15 feet to 9 feet to allow for the construction of a deck and pool to be located at 246 S. Wisconsin Street for Ryan Tevis.

The following variance is requested: A variance to Section 19.21.060 (B) which requires a minimum side yard setback of 15 feet in an R-3 Zoning District.

This notice is being mailed to owners of record within 300 feet of the property in question, the Zoning Administrator and the Plan Commission in accordance with Section 19 of the Code of Ordinances. THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE BUILDING INSPECTOR DURING NORMAL BUSINESS HOURS (Mon – Friday 8:00 a.m. to 4:30 p.m.)

BOARD OF ZONING APPEALS

By: Michele Smith
Michele Smith, Secretary

Dated: June 3, 2013

*Note: This meeting was postponed from June 27, 2013 for lack of quorum.

DEAN K GIESE
200 EAST CLAY ST
WHITEWATER WI, 53190

ROBERT F GABBEY
N421 MARIPOSA LANE
WISCONSIN DELLS WI, 53965

WWBC LLC
N7771 RIDGE RD
WHITEWATER WI, 53190

JUSTIN L PETITT
LAURA J PETITT
224 S GREEN ST
WHITEWATER WI, 53190

NELS R WIBERG
GRETA M WIBERG
W8131 BAY VIEW DR
WHITEWATER WI, 53190

RICHARD D VULTAGGIO
P. O. BOX 29
WHITEWATER WI, 53190

THOMAS E OWENS
212A CLAY ST #3
WHITEWATER WI, 53190

RICHARD D VULTAGGIO
P. O. BOX 29
WHITEWATER WI, 53190

RICHARD D VULTAGGIO
P. O. BOX 29
WHITEWATER WI, 53190

RICHARD D VULTAGGIO
P. O. BOX 29
WHITEWATER WI, 53190

RICHARD D VULTAGGIO
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RICHARD D VULTAGGIO
P. O. BOX 29
WHITEWATER WI, 53190

RICHARD D VULTAGGIO
P. O. BOX 29
WHITEWATER WI, 53190

GERALD SHROBLE ESTATES LLC
2400 S 84TH ST
WEST ALLIS WI, 53227

LAND & WATER INVESTMENTS LLC
503 CENTER ST
LAKE GENEVA WI, 53147

TERESA VERDUZCO
ROSA MARGARITA
232 WISCONSIN ST
WHITEWATER WI, 53190

CHASE J KINCAID
W377 S2283 KINCAID LN
DOUSMAN WI, 53118

RYAN RICHARD TEVIS
246 S WISCONSIN ST
WHITEWATER WI, 53190

SHERI BRONSTAD
254 WISCONSIN ST
WHITEWATER WI, 53190

JOHN C KIENBAUM, SR
JANICE K KIENBAUM
N7351 STATE RD 89
WHITEWATER WI, 53190

AMERICAN LEGION POST
#173, WILLIAM GRAHAM
292 S. WISCONSIN ST
WHITEWATER WI, 53190

TERRY A JAECKS
7849 W PARK HILLS DR
BLOOMINGTON MN, 55438

JANICE M KOSHAREK
210 S. GREEN ST
WHITEWATER WI, 53190

M&F RENTALS LLC
555 E CLAY ST
WHITEWATER WI, 53190

WWBC LLC
N7771 RIDGE RD
WHITEWATER WI, 53190

WWBC LLC
N7771 RIDGE RD
WHITEWATER WI, 53190

CITY OF WHITEWATER
WHITEWATER WI, 53190

CITY OF WHITEWATER
WHITEWATER WI, 53190

NOTICE: The Board of Zoning Appeal meetings are scheduled on the 4th Thursday of the month. All complete plans must be in by 9:00 a.m. Monday prior to the 1st Thursday of the month. If not, the item will be placed on the next available Board of Zoning Appeals meeting.

CITY OF WHITEWATER
BOARD OF ZONING APPEALS APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$200.00 fee. Filed on 5-23-13.
2. Class 2 Notice published in Official Newspaper on 6-20-13 and 6-27-13. The last publication to be at least 10 days prior to the meeting.
3. Notices of the Public Hearing mailed to property owners within 300 feet of the property involved in the application on 6-21-13.
4. Board of Zoning Appeals holds the PUBLIC HEARING on 7-11-13. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Board of Zoning Appeals will deliberate and render its decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.72 of the City of Whitewater Municipal Code of Ordinances, entitled BOARD OF ZONING APPEALS, for more information on the application.

CITY OF WHITEWATER SITE PLAN SUBMITTAL REQUIREMENTS

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 8 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

10/6/04

TO: THOSE REQUESTING A VARIANCE OF ZONING REQUIREMENTS

FROM: THE BOARD OF ZONING APPEALS

THINGS YOU WILL HAVE TO PROVE TO BE GRANTED A VARIANCE

The Board of Zoning Appeals has the power *“to hear and grant applications for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the ordinance shall be observed and the public safety, welfare and justice secured.”* USE VARIANCES WILL NOT BE GRANTED.

Findings prerequisite to granting of a variance

No variance to the provisions of this title shall be granted by the Board unless it finds beyond a reasonable doubt that ALL of the following facts and conditions exist, and so indicates in the minutes of its proceedings:

- A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a practical hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;
- C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;
- D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please consider the above items in presenting your oral testimony, for a lack of such testimony may result in denial of the variance.

All questions in the application must be answered.

**CITY OF WHITEWATER
APPLICATION FOR VARIANCE**

IDENTIFICATION AND INFORMATION ON APPLICANT(S)

Applicant's Name: Ryan & Julie Tevis

Applicant's Mailing Address 246 S. Wisconsin Street Whitewater

Owner of Property Site as of date of application, according to current property tax records: _____
Ryan Tevis

Street Address of Property (if vacant land, describe in detail the property location): _____
246 S. Wisconsin St. Whitewater WI

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description): _____
S 7' Lot 8 Blk 4, Lot 9 Blk 4
Tripp 2nd Add
City of Whitewater

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)
Name N/A Firm _____
Office Address _____
Contractor _____

EXISTING AND PROPOSED USES

Current Principal Use: Residential

Accessory or Secondary Uses: N/A

Proposed Use (Describe need for Variance): Reduce side yard set back
to allow new deck to be built following existing house lines

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you.
_____ Yes _____ No

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed.

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

PLOT PLAN

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: RS

No. of Occupants Proposed to be Accommodated: 5 No. of Employees, if applicable: N/A

Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: 19.21.060(B)

STANDARDS

The following are Standards that the City of Whitewater Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards

STANDARD	APPLICANT'S EXPLANATION
A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out	Side yard set back would require deck to be offset from home's existing lines. The variance would allow for a more aesthetically pleasing look.
B. The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification	Correct
C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.	Correct
D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.	Correct

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind & supply ALL pertinent information.

Signature of Applicant [Signature] Date 5/31/2013

APPLICATION FEES

(to be completed by City)

Fee for Variance application - \$200.00

Date fee received by City 5-23-13 Receipt # 6.010452
Received by: J. Wegner

Date Notice sent to owners of record : 6-21-13 By J. Wegner
Date(s) published in Whitewater Register: 6-20-13 & 6-27-13
Date set for Hearing before Board of Zoning Appeals: 7-11-13

Receipt #6.010452



Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant:

Ryan R Tevis

Applicant's Mailing Address:

246 S. Wisconsin St.
Whitewater WI 53190

Applicant's Phone Number:

920 728 2666

Applicant's Email Address:

rtevis@fols.net

Project Information:

Name/Description of Development:

Address of Development Site:

Tax Key Number(s) of Site:

Property Owner Information (if different from applicant):

Name of Property Owner:

Property Owner's Mailing Address:



Cost Recovery Certificate and Agreement

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B).....\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? Yes No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

Ryan Toms
Signature of Applicant/Petitioner

Signature of Property Owner (if different)

Ryan Toms
Printed Name of Applicant/Petitioner

Printed Name of Property Owner (if different)

5/31/2013
Date of Signature

Date of Signature



WALWORTH COUNTY, WISCONSIN

0 5 10 20 30 40 Feet
1 inch = 42 feet

Author:
Map Produced on: 05/23/2013
Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD83

**Walworth County Information Technology Department
Land Information Division**
1500 County Trunk N
Eshelby, Wisconsin 53121-1001

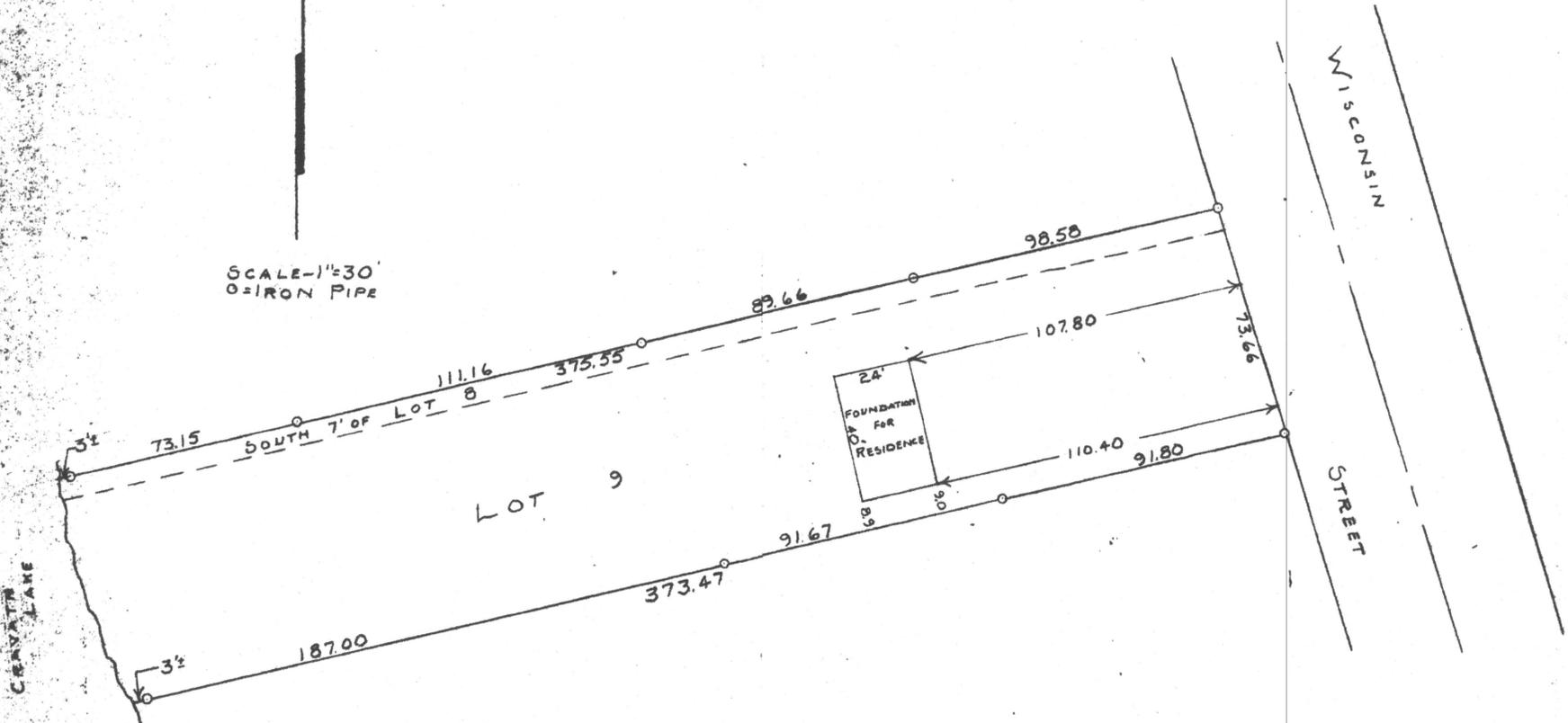
DISCLAIMER: THE INFORMATION PROVIDED IN THIS LUP HAS BEEN PREPARED AND PROCESSED FROM SOURCES BELIEVED TO BE RELIABLE. NO WARRANTY IS MADE OF ANY KIND, IN ANY REGARDING ACCURACY, COMPLETENESS, QUALITY, RELIABILITY OR OTHERWISE OF THIS INFORMATION. THE SOFTWARE CONTAINED HEREIN SHALL NOT BE ACCEPTED AS AN OFFICIAL DOCUMENT.



Proposed



SCALE-1"=30'
O=IRON PIPE



STATE OF WISCONSIN)
WALWORTH COUNTY)

I, GEORGE T. DUNHAM, DO HEREBY CERTIFY THAT I HAVE
SURVEYED THE PROPERTY DESCRIBED AS FOLLOWS:
LOT 9 AND THE SOUTH 7.00 FEET OF LOT 8, BLOCK 4 OF
TRIPPS 2ND ADDITION LOCATED IN THE CITY OF WHITEWATER,
WALWORTH COUNTY, WISCONSIN
AND THAT THE PLAT SHOWN ABOVE IS A CORRECT REPRESENTATION OF
THE PROPERTY LINES AND OF THE IMPROVEMENTS LOCATED THEREON
JAN 20, 1959

George T. Dunham
GEORGE T. DUNHAM, SURVEYOR
DELANE WISCONSIN

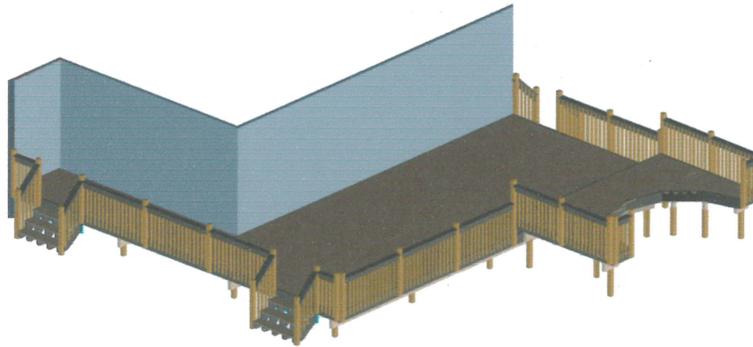
TRA-42A

10-43

Your Custom Deck Estimate

Estimated materials cost with your custom selections:

\$4,596 - \$4,831



Your Custom Selections

Decking Type: Pressure Treated

Decking Size: 5/4x6

Decking Color:

Railing Material: Pressure Treated

Railing Style: Standard Railing without Bottom Rail

Railing Color:

Joist Spacing: 16"

Joist Wood Type: Top Choice Treated

Joist Size: 2x10

Beam Size: 2x10

Post Wood Type: Top Choice Treated

Post Size: 4x4

A detailed materials list, which includes the item numbers of products to purchase, can be found on page 10.

Estimated materials cost with basic selections: \$4,390 - \$4,615

Decking Type: Pressure Treated

Decking Size: 5/4x6

Railing Material: Pressure Treated

Railing Style: Pre-Assembled Railing

Joist Spacing: 16"

Joist Wood Type: Top Choice Treated

Joist Size: 2x8

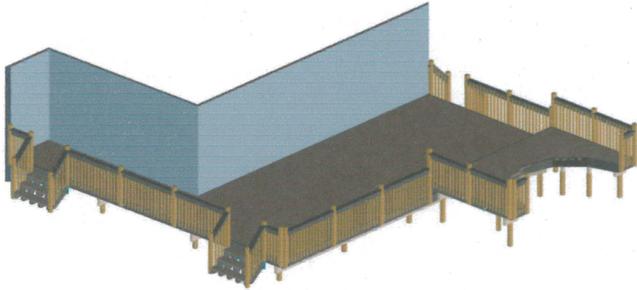
Beam Size: 2x8

Post Wood Type: Top Choice Treated

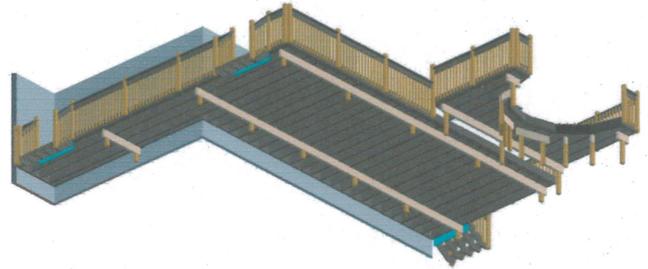
Post Size: 4x4

Note: Estimates are based on representative costs of materials in your geographic area.

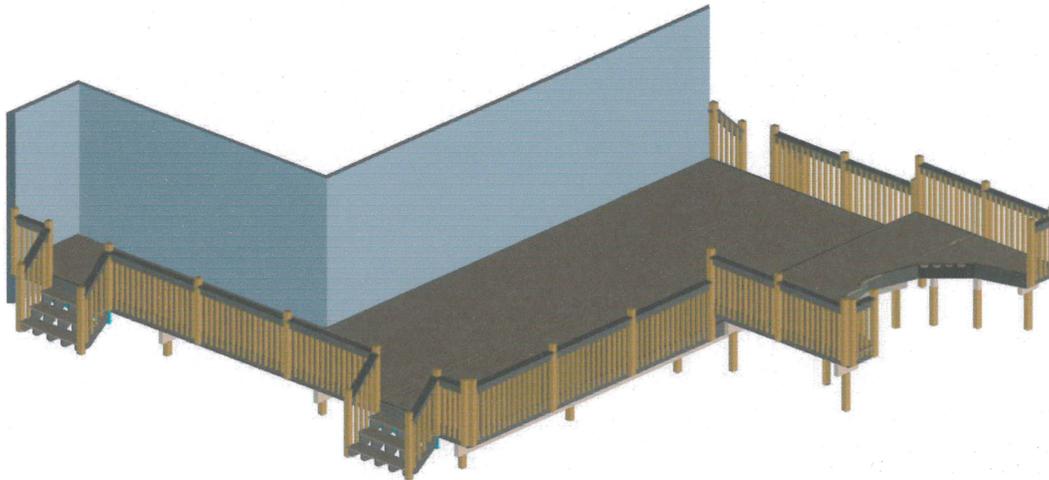
Deck layout diagram



Top view without planks



Bottom view with planks



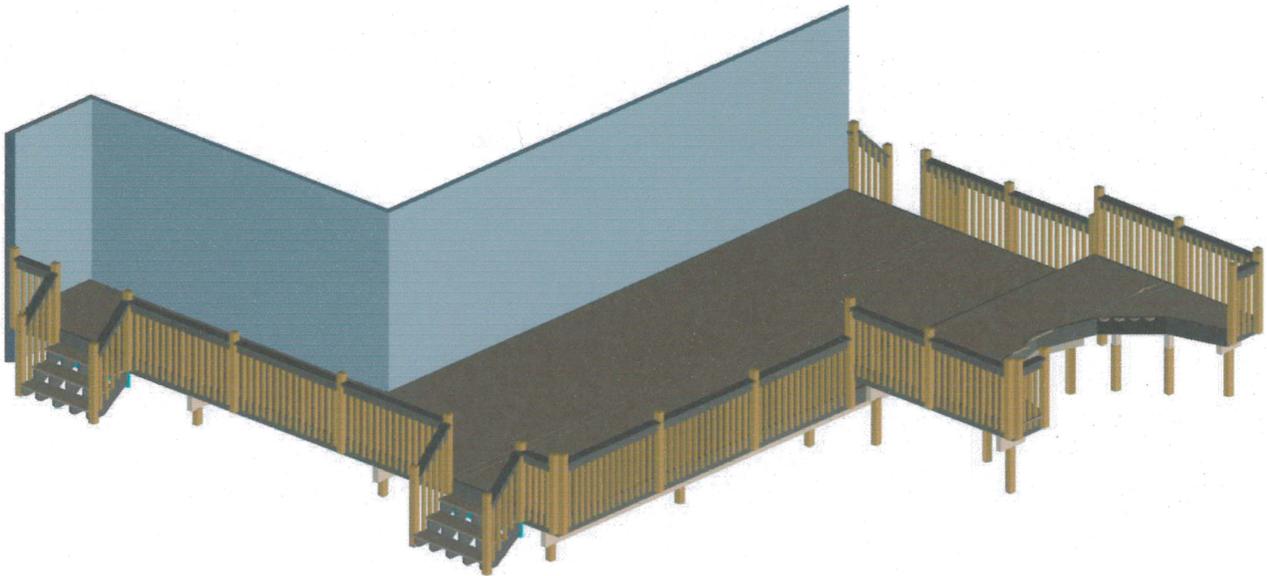
Top view with planks



NEVER STOP
IMPROVING.

DECK DESIGNER

powered by  DIY Technologies



Lowe's Deck Design

Tevis

Print this document and take it to the Doors and Windows desk or Commercial Sales desk
at your local Lowe's store.

One of our associates will help you find the materials you need.

Your Deck Design's Project ID is:
623900586

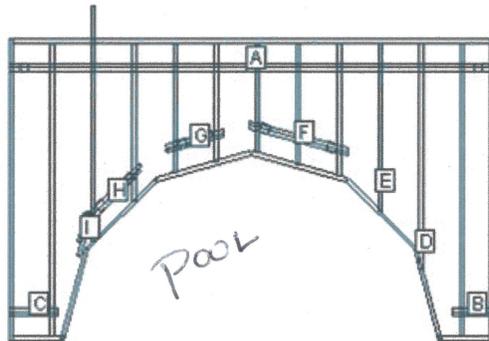
Created on May-23-2013

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Project ID: 623900586

Store# 2309

Analysis Page: Level 2



LOAD AND SUPPORT:

Your deck will support a 110 PSF live load.
Posts have ~~24"~~ ^{48"} below ground support.

DECK AND POST HEIGHT: ^{45"}

You selected a height of ~~48"~~ ^{45"} from the top of the decking to the ground level. The top of the deck support posts will therefore be ~~3"~~ ^{34"} above ground level.

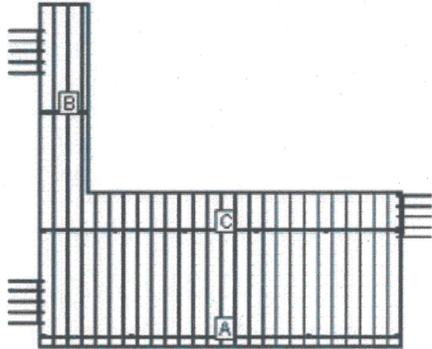
Joists:

Set joists on top of beams, 16"; center to center.

Stress Analysis: Level 2

Joist Deflection	712
Joist Bending	137
Joist Shear	201
Joist Compression	201
Beam Deflection	522
Beam Bending	133
Beam Shear	120
Post Stability	242

Analysis Page: Level 1



LOAD AND SUPPORT:

Your deck will support a 40 PSF live load.
Posts have ~~24"~~ ^{48"} below ground support.

DECK AND POST HEIGHT: ^{37"}

You selected a height of ~~30"~~ ^{37"} from the top of the decking to the ground level. The top of the deck support posts will therefore be ~~18"~~ ^{16"} above ground level.

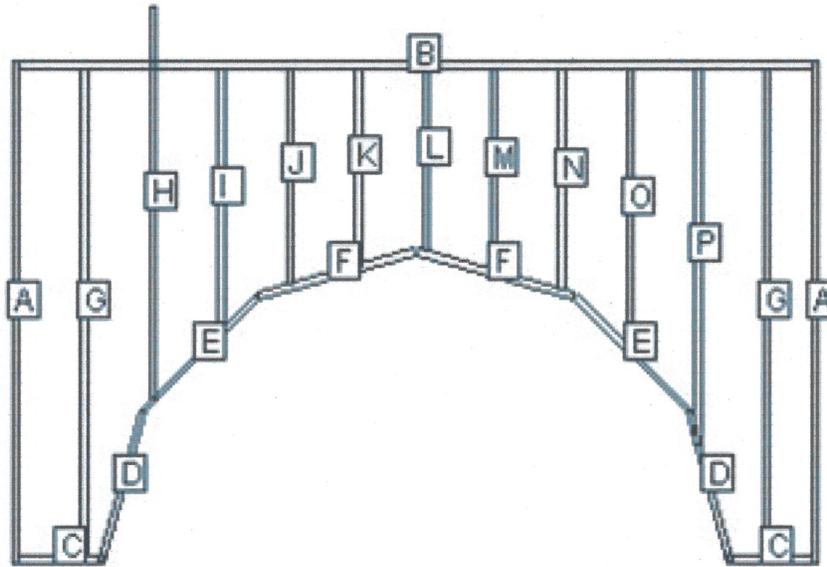
Joists:

Set joists on top of beams, 16"; center to center.

Stress Analysis: Level 1

Joist Deflection	178
Joist Bending	50
Joist Shear	132
Joist Compression	132
Beam Deflection	248
Beam Bending	72
Beam Shear	61
Post Stability	120

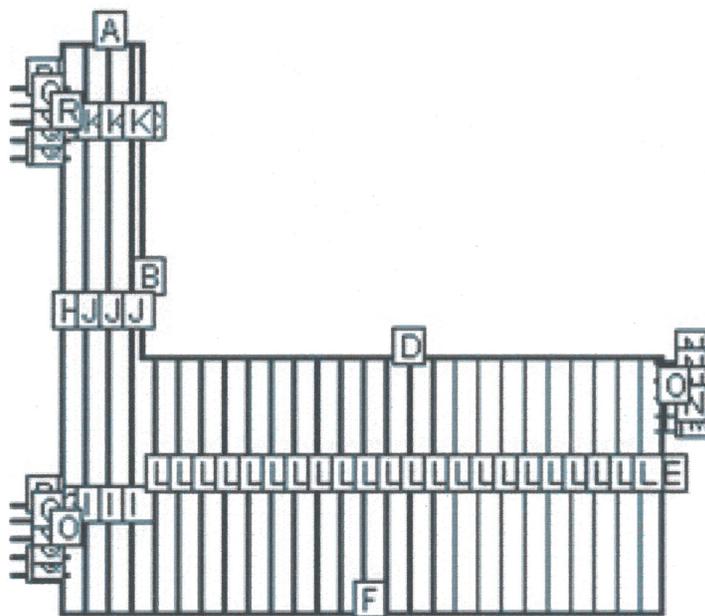
Materials Cut List: Level 2



LABEL	NAME	QTY	LENGTH	BEVELS	LABEL	NAME	QTY	LENGTH	BEVELS
A	Rim Joist	2	9' 9"		I	Internal Joist	1	5' 1 1/4"	
B	Header	1	15' 6"		J	Internal Joist	1	4' 2 1/4"	
C	Header	2	1' 8"		K	Internal Joist	1	3' 10"	
D	Header	2	3' 1/2"		L	Internal Joist	1	3' 6 3/4"	
E	Header	2	3' 1 1/2"		M	Internal Joist	1	3' 11 1/4"	
F	Header	2	3' 2 1/4"		N	Internal Joist	1	4' 3 1/2"	
G	Internal Joist	2	9' 6"		O	Internal Joist	1	5' 6"	
H	Internal Joist	1	7' 8"		P	Internal Joist	1	7' 4"	

Cut Angles: L=Left, R=Right, F=Front, S=Side

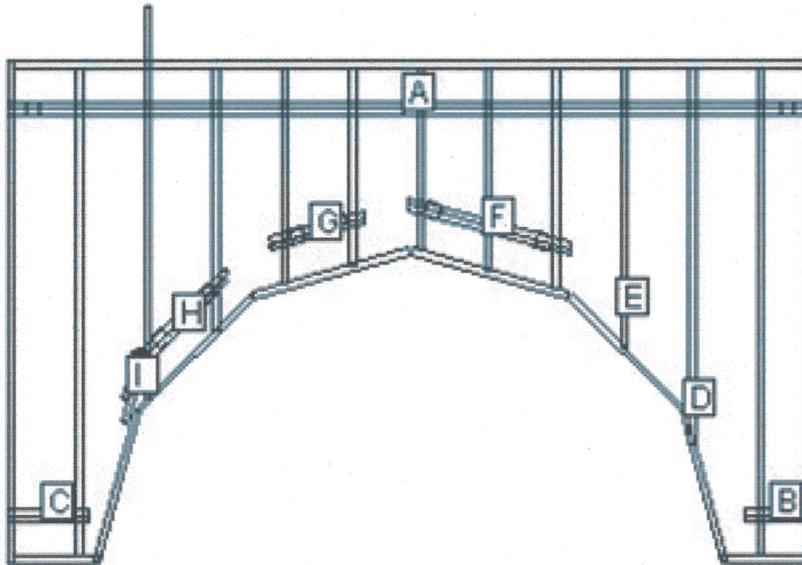
Materials Cut List: Level 1



LABEL	NAME	QTY	LENGTH	BEVELS	LABEL	NAME	QTY	LENGTH	BEVELS
A	Header	1	4' 6"		J	Internal Joist	3	11' 3"	
B	Rim Joist	1	7' 7 1/2"		K	Internal Joist	3	10' 3"	
C	Rim Joist	2	10' 4 1/2"		L	Internal Joist	22	14' 6"	
D	Header	1	30'		M	Cladding	2	3' 4"	
E	Rim Joist	1	14' 9"		N	Pre Cut Stringer	5	3' 4"	
F	Header	1	34' 6"		O	Stringer Support	2	4' 1 1/4"	
G	Rim Joist	1	11' 1 1/2"		P	Cladding	4	3' 4"	
H	Rim Joist	1	11' 3"		Q	Pre Cut Stringer	10	3' 4"	
I	Internal Joist	3	11'		R	Stringer Support	1	4' 1 1/4"	

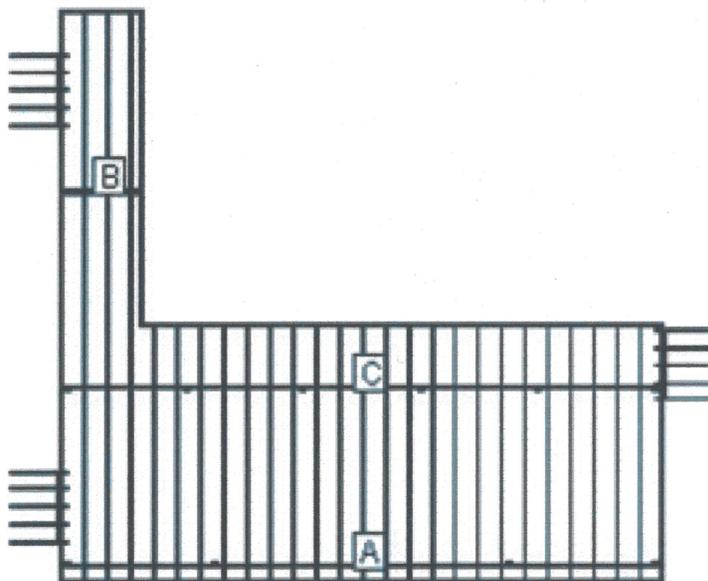
Cut Angles: L=Left, R=Right, F=Front, S=Side

Beam Layout Level 2



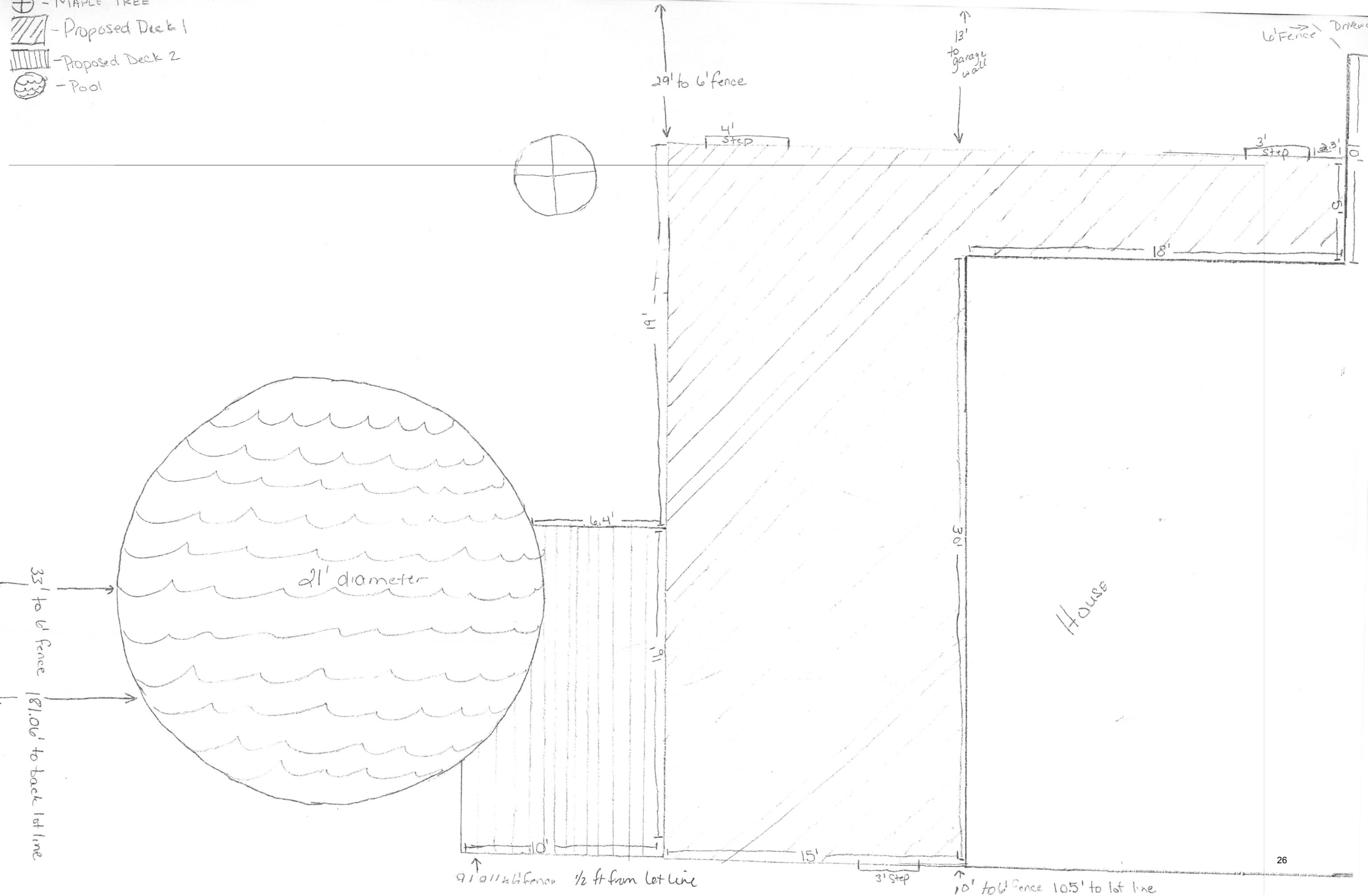
BEAM LABEL	BEAM LENGTH	POST COUNT	POST SPACING
A	15' 9"	3	7' 4 3/4"
B	1' 4"	1	0
C	1' 7"	1	0
D	3 1/2"	1	0
E	3 1/2"	1	0
F	3' 3 1/2"	2	2' 3"
G	1' 11"	2	10 1/4"
H	2' 6"	2	1' 3"
I	1' 5 3/4"	1	0

Beam Layout Level 1



BEAM LABEL	BEAM LENGTH	POST COUNT	POST SPACING
A	34' 9"	5	8' 5 1/2"
B	4' 9"	2	3' 9 1/2"
C	34' 9"	6	6' 9"

- MAPLE TREE
- Proposed Deck 1
- Proposed Deck 2
- Pool





Neighborhood Services Department
*Planning, Zoning, Code Enforcement, GIS
 and Building Inspections*

www.whitewater-wi.gov
 Telephone: (262) 473-0540

To: City of Whitewater Board of Zoning Appeals
 From: Latisha Birkeland, Neighborhood Services Director / City Planner
 Meeting Date: July 11th, 2013
 Re: Request a variance for a new home to be located on Lot 24 S. Locust Lane for Ed and Ruth Kowalski

Summary of Request

Location: Lot 24 Walton’s Pine Bluff Subdivision
Current Land Use: Single Family
Current Zoning: R-2 One and Two Family Residence

Description

Mr. Ed and Mrs. Ruth Kowalski would like to build a new home on a vacant lot located on lot 24 of Walton’s Pine Bluff Subdivision. The applicants would like a variance of eleven inches on the southwest corner of the proposed new home. The building envelope on the lot is tight due to the property shape and the 20-foot storm easement on the north side of the property line.

Along with building a new home, the rear yard of the property will be graded to assist with the drainage issues to the north of the property. Some homes to the north were built with walk-out basements and other items that have affected the drainage in this area. The applicant will assist in creating an area for this water to go in the easement in the rear of the lot.

The proposed variances requested:

- 1) Variance requested: An eleven inch variance to the rear yard setback of 30 feet. (19.21.060 C) for the proposed rear yard.

Analysis of Proposed Project

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist:

Standard	Evaluation	Comments
Findings prerequisite to grant a variance (see section 19.72.080 of zoning ordinance)		

Standard	Evaluation	Comments
The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;	No	The lot meets the minimum zoning requirements of the City Code. Physical surroundings, shape and topography of the lot are average.
The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification	Yes	The property shape creates a tight building envelope for a typical house.
The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner	Yes	The type of home the applicant wants to build is like the surrounding homes in the area.
The hardship is not one that is self-created	Yes	This lot was platted with these dimensions.
The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods	Yes	The house and grading will increase value to the neighborhood.
The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district	Yes	The use is appropriate for the district
No variance shall be granted in a floodland district where not in compliance with Section 19.46.070(C)(4) of this title.	NA	This property is not in a flood plain

PUBLISH IN WHITEWATER REGISTER 2 TIMES ON JUNE 20, 2013
AND JUNE 27, 2013.

NOTICE OF ZONING HEARING

TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on July 11, 2013 at 6:00 p.m. in the Whitewater Municipal Building Community Room, 312 W Whitewater St. Whitewater, Wisconsin.

The purpose of this hearing is to consider a request for a variance to reduce the required rear yard setback from 30 feet to 29.1 feet on the south west corner of a proposed new home to be located on Lot 24 S. Locust Lane for Ed and Ruth Kowalski.

The following variance is requested: A variance to Section 19.18.060 (C) which requires a minimum rear yard setback of 30 feet in an R-2 Zoning District.

This notice is being mailed to owners of record within 300 feet of the property in question, the Zoning Administrator and the Plan Commission in accordance with Section 19 of the Code of Ordinances. THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE BUILDING INSPECTOR DURING NORMAL BUSINESS HOURS (Mon – Friday 8:00 a.m. to 4:30 p.m.)

BOARD OF ZONING APPEALS

By: Michele Smith
Michele Smith, Secretary

Dated: June 3, 2013

*Note: This meeting was postponed from June 27, 2013 for lack of quorum.

PAUL S MOERER
JODI L MOERER
1270 E JAKE'S WAY #2
WHITEWATER WI, 53190

ALLEN M SEAMAN TRUST
JANET B SEAMAN TRUST
435 W STARIN RD
#208E
WHITEWATER WI, 53190

RR WALTON & COMPANY LTD
1005 W. MAIN ST
SUITE C
WHITEWATER WI, 53190

~~RR WALTON & COMPANY LTD
1005 W. MAIN ST
SUITE C
WHITEWATER WI, 53190~~

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WHITEWATER WI, 53190~~

~~RR WALTON & COMPANY LTD
1005 W. MAIN ST
SUITE C
WHITEWATER WI, 53190~~

JOHN R PASSELLA
DAWN K PASSELLA
41 PARK VIEW LN
HAWTHORNE WOODS IL, 60047

~~RR WALTON & COMPANY LTD
1005 W. MAIN ST
SUITE C
WHITEWATER WI, 53190~~

JOHN A GIORGI
JOAN M GIORGI
S78 W16875 BRIDGEPORT CIRCLE
MUSKEGO WI, 53150-3500

SANDRA R KOWALSKI
1270 JAKE'S WAY UNIT 1
WHITEWATER WI, 53190

KYLE P ANDERSON
SHAWYN ANN I ANDERSON
176 MAPLE LN
WHITEWATER WI, 53190

JOHN A HOUWERS
AMY K HOUWERS
168 S MAPLE LANE
WHITEWATER WI, 53190

CORY W BRUMMEYER
160 S. MAPLE LN
WHITEWATER WI, 53190

BRENDA K VOLK
1277 E BLUFF RD
UNIT #1
WHITEWATER WI, 53190

ANDREW D LINDSTROM
DAVID A LINDSTROM
1277 E BLUFF RD UNIT 2
WHITEWATER WI, 53190

CHRISTOPHER HEILMAN
1277 E BLUFF RD #3
WHITEWATER WI, 53190

MICHAEL J FRAWLEY
JO ANNE FRAWLEY
N8945 PARKER RD
WHITEWATER WI, 53190

ALEATA SCHLOSSER
1277 E BLUFF RD
UNIT #5
WHITEWATER WI, 53190

DARRELL D NOVY
W5697 RIDGE RD
ELKHORN WI, 53121

JOSEPH M KLUBER
COLLEEN M KLUBER
1277 E BLUFF RD #7
WHITEWATER WI, 53190

BRETT C WEBER
1277 E BLUFF RD
UNIT B
WHITEWATER WI, 53190

J JESUS CERNA-SANCHEZ
MARIA SANTOS-SERNA
1277 E BLUFF RD, #9
WHITEWATER WI, 53190

ANGEL VALADEZ
MARIA G VALADEZ
2218 W LYNDALE ST
CHICAGO IL, 60647

DONALD J QUASS
GAYLE M QUASS
1277 E BLUFF RD
UNIT 11
WHITEWATER WI, 53190

PAMELA S BAKER
32 SEVEN OAKS CIRCLE
HOLMDEL NJ, 77330

JOSEPH M MATTESON
1277 E BLUFF RD
UNIT 13
WHITEWATER WI, 53190

URIME SELIMI
1277 E BLUFF RD
UNIT 14
WHITEWATER WI, 53190

ELIZABETH M BONUSO
1277 E BLUFF RD
UNIT #15
WHITEWATER WI, 53190

MICHAEL B KRAHN
1277 E BLUFF RD #16
WHITEWATER WI, 53190

KENNETH E GOODMAN
DONNA D GOODMAN
153 S LOCUST LN
WHITEWATER WI, 53190

THOMAS J CONRAN TRUST
161 LOCUST LN
WHITEWATER WI, 53190

PATRICIA J BONGIORNO
167 S LOCUST LN
WHITEWATER WI, 53190

COREY T BRUNS
177 LOCUST LN
WHITEWATER WI, 53190

DUSTIN L BARELS
CAROLYN D BARELS
178 S LOCUST LN
WHITEWATER WI, 53190

BRIAN A FUERSTENBERG
CHERI B FUERSTENBERG
168 S LOCUST LN
WHITEWATER WI, 53190

JENNIFER L TATTERSON
160 S LOCUST LN
WHITEWATER WI, 53190

PETER E KILLORAN
JO ELLEN BURKHOLDER
152 S LOCUST LN
WHITEWATER WI, 53190

CRAIG A ZUTZ
JOANNE K ZUTZ
163 ASH LN
WHITEWATER WI, 53190

FEDERAL NATIONAL MORTGAGE ASSN
ONE S WACKER DR
STE 1400
CHICAGO IL, 60606

RAFAEL VARGAS-OLVERA
NATALIE CORTES-SANCHEZ
179 SOUTH ASH LANE
WHITEWATER WI, 53190

CHRISTOPHER M HACHT
180 S ASH LN
WHITEWATER WI, 53190

ROBERTO V VALADEZ
MARIA DE LA LUZ VALADEZ
172 SOUTH ASH LN
WHITEWATER WI, 53190

RYAN OEZER
KATIE REYNOLDS OEZER
164 ASH LN
WHITEWATER WI, 53190

CASEY J BENHART
206 SOUTH MAPLE LANE
WHITEWATER WI, 53190

TIMOTHY ALLEN PETRIE
STEPHANIE ANN PETRIE
192 MAPLE LN
WHITEWATER WI, 53190

SCOTT M KOWALSKI
N6417 DELANEY RD
DELANAN WI, 53115

JOELLAN L ARNETT
CHRISTOPHER R ARNETT
187 S LOCUST LN
WHITEWATER WI, 53190

BRITTANY M CLARK
BRIAN T HOLMAN
203 S LOCUST LN
WHITEWATER WI, 53190

DAWN M KLOECKNER
215 SOUTH LOCUST LN
WHITEWATER WI, 53190

EDWIN L KOWALSKI TRUST
RUTH H KOWALSKI TRUST
13502 E L&J TOWNLINE RD
WHITEWATER WI, 53190

~~EDWIN L KOWALSKI TRUST
RUTH H KOWALSKI TRUST
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WHITEWATER WI, 53190~~

~~EDWIN L KOWALSKI TRUST
RUTH H KOWALSKI TRUST
13502 E L&J TOWNLINE RD
WHITEWATER WI, 53190~~

~~EDWARD L KOWALSKI TRUST
RUTH H KOWALSKI TRUST
13052 E L&J TOWNLINE RD
WHITEWATER WI, 53190~~

~~EDWIN L KOWALSKI TRUST
RUTH H KOWALSKI TRUST
13502 E L&J TOWNLINE RD
WHITEWATER WI, 53190~~

MONICA E SASSE
193 ASH LN
WHITEWATER WI, 53190

~~RR WALTON & COMPANY LTD
1005 W MAIN ST
SUITE C
WHITEWATER WI, 53190~~

EDWIN L KOWALSKI TRUST
RUTH H KOWALSKI TRUST
13502 E L&J TOWNLINE RD
WHITEWATER WI, 53190

FREDERICK H WURTZ
DORCAS V WURTZ
217 S. ASH LN
WHITEWATER WI, 53190

MARGUERITE O PETERS
225 S. ASH LN
WHITEWATER WI, 53190

EDWIN L KOWLASKI TRUST
RUTH H KOWLASK TRUST
13502 E L&J TOWNLINE RD
WHITEWATER WI, 53190

DALE W PRAH
ROXANNE PRAH
222 S ASH LN
WHITEWATER WI, 53190

WILLIAM F BAZELEY
DANIELLE R BAZELEY
204 S ASH LANE
WHITEWATER WI, 53190

JOSEPH KAPUGIA
196 S ASH LN
WHITEWATER WI, 53190

KEITH CHRISTOFF
KATHLEEN CHRISTOFF
188 S ASH LANE
WHITEWATER WI, 53190

CITY OF WHITEWATER, IN TRUST
WHITEWATER WI, 53190

**CITY OF WHITEWATER
APPLICATION FOR VARIANCE**

IDENTIFICATION AND INFORMATION ON APPLICANT(S)

Applicant's Name: Ed + Ruth Kowalski

Applicant's Mailing Address 13502 Downline Rd, Whitewater, WI 53190

Owner of Property Site as of date of application, according to current property tax records: _____

Edwin + Ruth Kowalski Revocable TRUST

Street Address of Property (if vacant land, describe in detail the property location): _____

LOT 24 LOCUST Lane

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description):

located in part of SE 1/4 + The SW 1/4 of The SE 1/4
OF SECTION 3, T2W4N, Range 15E
CITY OF WHITEWATER IN WATSON POND BLUFF Subd.

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name _____ Firm _____

Office Address _____

Contractor _____

EXISTING AND PROPOSED USES

Current Principal Use: empty vacant lot

Accessory or Secondary Uses: _____

Proposed Use (Describe need for Variance): For New home, needing 9"
variance on SW corner of home.

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you.
_____ Yes _____ No

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed.

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

PLOT PLAN

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: R

No. of Occupants Proposed to be Accomodated: _____ No. of Employees, if applicable: _____

Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: _____

STANDARDS

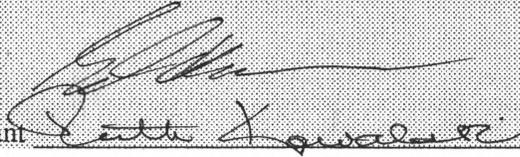
The following are Standards that the City of Whitewater Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards

STANDARD	APPLICANT'S EXPLANATION
A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out	It makes a water drainage ISSUE very difficult to Resolve
B. The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification	Because we are trying to correct a water issue
C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.	due to water issue only house fits on lot if Reversed but it drops The Elevation 3' + creates a water issue.
D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.	NO

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind & supply ALL pertinent information.

Signature of Applicant



Date 5-30-13

APPLICATION FEES

(to be completed by City)

Fee for Variance application - \$200.00

Date fee received by City 5-31-13

Receipt # 6.010471

Received by: J. Wegner

Date Notice sent to owners of record : 6-21-13 By J. Wegner

Date(s) published in Whitewater Register: 6-20-13 + 6-27-13

Date set for Hearing before Board of Zoning Appeals: 7-11-13



Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Applicant's Information:

Name of Applicant:

Ed + Ruth Kowalski

Applicant's Mailing Address:

13502 Townline Rd
Whitewater, WI 53190

Applicant's Phone Number:

608-774-0076

Applicant's Email Address:

kowalski.concrete@hotmail.com

Project Information:

Name/Description of Development:

Newhome / variance of 9"

Address of Development Site:

Lot 24 Locust Lane

Tax Key Number(s) of Site:

WFB 00024

Property Owner Information (if different from applicant):

Name of Property Owner:

Property Owner's Mailing Address:



Cost Recovery Certificate and Agreement

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost.....\$ _____
- C. Total Cost Expected of Applicant (A+B).....\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? Yes No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.



Signature of Applicant/Petitioner

Ruth Kowalski

Printed Name of Applicant/Petitioner

5-31-13

Date of Signature

Signature of Property Owner (if different)

Printed Name of Property Owner (if different)

Date of Signature

LAND-MARK SURVEYING
Mark L. Miritz

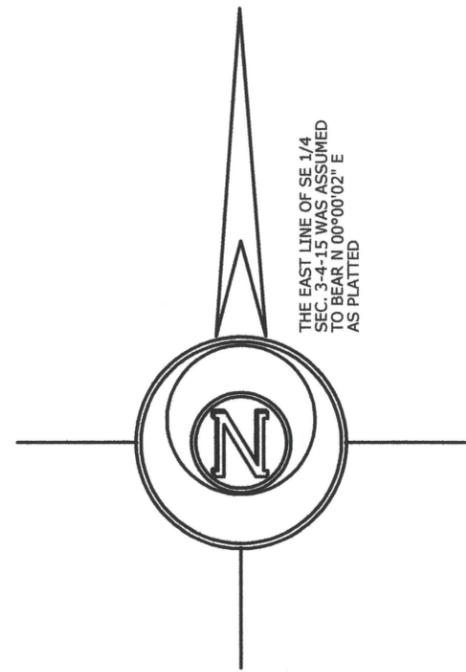
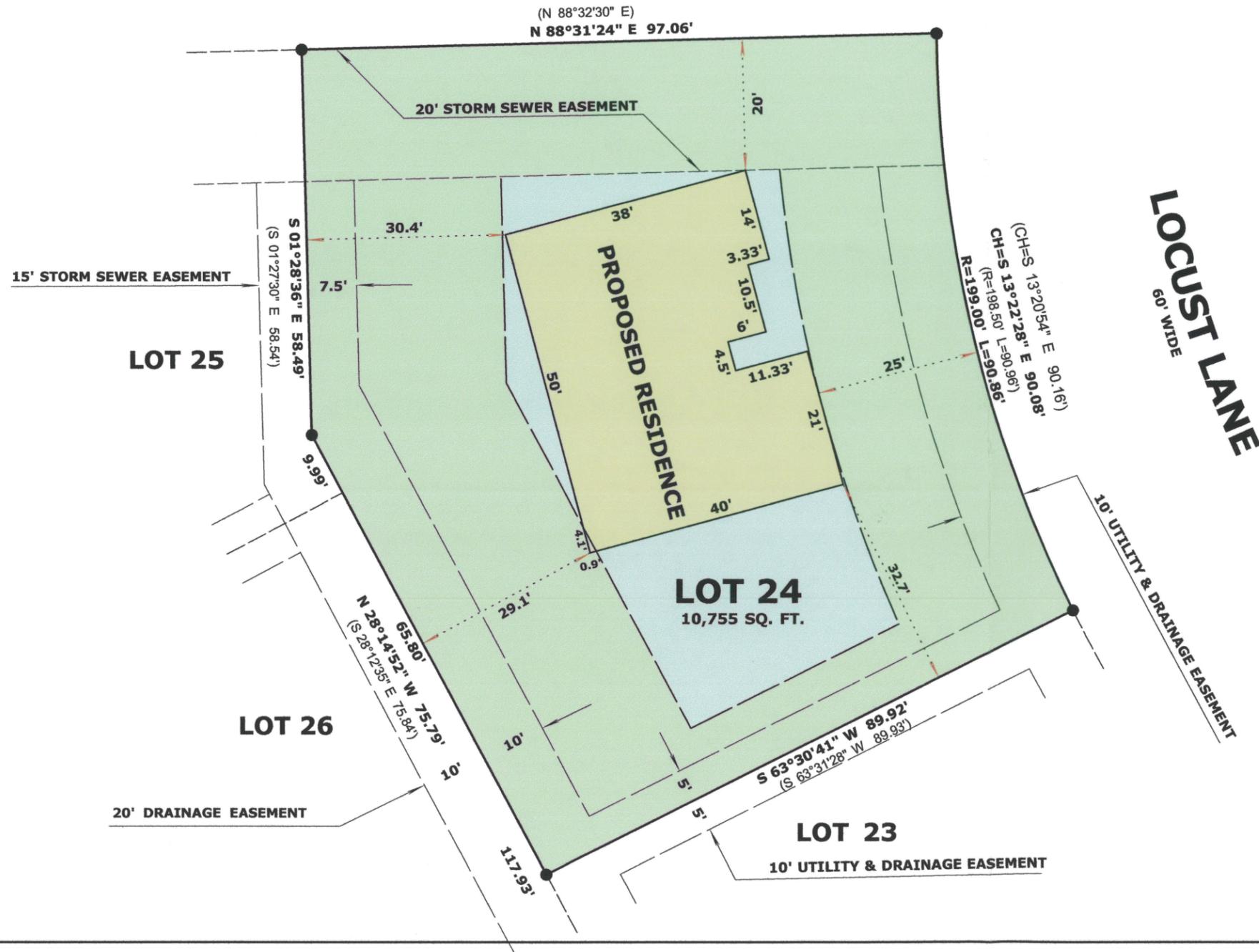
N9330 Knuteson Drive
 Whitewater, WI 53190
 Phone: (262) 495-3284
 FAX : (262) 495-8421
 LAND-MARKSURVEYING.COM

Wisconsin Registered Land Surveyor S-2582

**OWNER: THE EDWIN L. KOWALSKI AND
 RUTH H. KOWALSKI REVOCABLE TRUST
 13502 E L & J TOWNLIN ROAD
 WHITEWATER, WI 53190**

PLAT OF SURVEY

**LOT 24 IN WALTON'S PINE BLUFF SUBDIVISION,
 LOCATED IN PART OF THE SOUTHEAST 1/4 AND
 THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4
 OF SECTION 3, TOWN 4 NORTH, RANGE 15 EAST,
 CITY OF WHITEWATER, WALWORTH COUNTY,
 WISCONSIN.**



LEGEND

- ⊘ FOUND IRON PIPE
- X FOUND CUT CROSS ON CONCRETE DRAIN PIPE
- SET IRON ROD, 18" LONG, WEIGHING 1.5 LBS./LINEAL FT., 3/4" DIA.
- (x x) RECORDED AS DIMENSION

SCALE: 1 INCH = 20 FEET

"I hereby certify that the above described property has been surveyed by me or under my direction and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any."
 "This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."



Mark L. Miritz
MARK L. MIRITZ
 WISCONSIN REGISTERED
 LAND SURVEYOR S-2582

DATE: MAY 30, 2013 JOB NO. 13.513