

VILLAGE OF FONTANA-ON-GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN

**BOARD OF APPEALS**

**Wednesday, October 6, 2021 @ 10:00 a.m.**

PLEASE TAKE NOTICE that a meeting of the Village of Fontana Board of Appeals will be held Wednesday, October 6, 2021 starting at 10:00 a.m. at the Fontana Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**AGENDA**

Call Meeting to Order – Chairperson Pollitt

Roll Call

**General Business**

- 1) Public Hearing for Zoning Permit Application Filed by Linda Determan, 109 Cypress View Drive, Naples, FL 34113 for approval of a new residential construction on Lot 33 S. Lower Gardens Road, Parcel No. SG00040, which was denied by the Village of Fontana Zoning Administrator on July 7, 2021 due to noncompliance with zoning code section 18-32 Village Residential (SR-5) District. Case to be heard at 10:00 am.
  - a. Statement of nature of case.
  - b. Appellant's side of case.
  - c. Questions by Board members.
  - d. Village side of case.
  - e. Questions by Board members.
  - f. Statements by interested persons.
  - g. Questions by Board members.
  - h. Appellant's or applicant's rebuttal.
  
- 2) Decision and Disposition of case.

**Adjournment**

Dated this 1<sup>st</sup> day of October, 2021

Posted: Village Hall, Fontana Library, Post Office, Website

*Stephanie Smith, Deputy Clerk/Treasurer*

[villageclerk@villageoffontana.com](mailto:villageclerk@villageoffontana.com)

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or request this service, contact the Village of Fontana Clerk between 8:00 a.m. and 4:30 p.m. @ 262-275-6136 or write to P.O. Box 200, Fontana, Wisconsin 53125.

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice and agenda.

September 27, 2021

**SG 00040**  
**(Lot 33 The Gardens Subdivision)**  
**Linda Determan**

**Variance**

**Review**

The applicant presented an application for a Variance along with a signed cost recovery. Per Section 18-253(e) a public hearing is required for all variances.

The applicant is requesting a variance from Section 18-32 of the Village of Fontana Zoning Ordinance which requires a minimum shore yard setback of 75 feet for **new structures placed on vacant lots as of the date of the zoning ordinance**. The request is to construct a new residence located 35 feet from the ordinary high water mark of the creek

Per Section 18-253(d)(2), the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per the following:

- a. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
1. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed. **The location of the creek behind the lot significantly reduces the buildable area of the lot to a narrow band that is insufficient for construction of a residence.**
  2. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance. **Not applicable.**
  3. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships. **Not applicable.**
  4. Violations by, or variances granted to, neighboring properties shall not justify a variance. **Not applicable.**
  5. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.) **Not applicable.**
- b. In what manner do the factors identified in subsection (2)a, above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property. **The effective usable area for construction of a standard home is very small. The residences on the parcels adjoining in the immediate area are located close to the creek as well.**
- c. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties. **The new residence will meet the street yard and side yard setbacks and will not be closer to neighboring properties than normal.**

d. Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent,

provisions, and policies of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters. **Not applicable.**

e. Have the factors which present the reason for the proposed variance been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this chapter. The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner, or their agent. **The lot is a legal parcel of record which existed prior to the current effective zoning ordinance regulations.**



## VILLAGE OF FONTANA-ON-GENEVA LAKE

175 Valley View Drive · P.O. Box 200

Fontana, Wisconsin 53125

Phone: 262 275-6136

Fax: 262 275-8088

[www.villageoffontana.com](http://www.villageoffontana.com)

Founded

July 7, 2021

Linda C. Determan  
2021 West Shore Drive  
Delafield, WI 53018

RE: Zoning Permit Application Dated June 30, 2021: Proposed New Construction,  
Tax Parcel #SG 00040, Lower Gardens Road

Dear Ms. Determan,

Our department is in receipt of a zoning permit application dated June 30, 2021 requesting the approval of new residential construction on the above referenced parcel.

Please accept this correspondence as notice that this application has been denied for the following reason(s):

The proposed construction does not meet the requirements of Section 18-32 of the Village of Fontana Zoning Ordinance which requires a minimum shore yard setback of 75 feet for new structures placed on vacant lots as of the date of the zoning ordinance.

A review conducted by the Department of Building & Zoning noted the proposed residence is located within the required shore yard setback. The required shore yard setback is 75 feet. The proposed residence is located approximately 40 feet from the ordinary high water mark of a navigable waterway.

At this time you may choose to:

- Do nothing and abandon the proposed construction;
- Resubmit proposed construction that meets all the requirements of the zoning district the property is located in; or,
- Appeal the decision within thirty (30) days to seek a variance by approval of the Village of Fontana Zoning Board of Appeals.

If you should decide to move forward with appealing the decision of our department, please contact Village Administrator Theresa Loomer and apply for a variance within thirty (30) days.

Respectfully,  
Bonnie Schaeffer  
Zoning Administrator  
Department of Building & Zoning

cc: Theresa Loomer, Village Administrator  
James Coats

Variance Application

Village of Fontana Zoning Board of Adjustment/Appeals

RECEIVED

AUG - 9 2021

Village of Fontana

Part 1: General information

To be completed jointly by the applicant and zoning staff.

Petition # \_\_\_\_\_ Date filed \_\_\_\_\_  \$ \_\_\_\_\_ fee paid (payable to \_\_\_\_\_)

	Owner	Agent/Contractor
Name	Linda Determan	James Coats /Coats Const. Co. LLC
Address	109 Cypress View Dr. Naples, FL 34113	PO Box 28 Fontana, WI 53125
Phone	262-370-0256	925-518-7148

Legal description: SE 1/4, NW1/4, S 11, T 1 N, R 6 E

City/Village/Town of Fontana-on-Geneva-Lake

Property Address Lot 33 of Gardens Tax parcel number SG 00040

Lot area & dimensions: 10350 sq. ft., 90' x 115 ft.

Zoning district SR - 4

Current use & improvements: Vacant Lot no improvements

Description of any prior petition for appeal, variance or conditional use:

Don't know of any petitions, variances, or conditional us.

Description and location of all nonconforming structures & uses on the property:

Don't know of any.

Ordinance standard(s) from which variance is being sought (section number(s) and text):

Section 18-32(m), Figure 18-32 Density, Intensity and Build Regulations in the SR-4  
District: Minimum Short Yard Setback =75'

Describe the variance requested:

We are requesting that we need 35' setback from the OHWM.

Describe the effects on the property if the variance is not granted:

The property can never be used for the principal land use permitted by right.

**Part 2: Variance Standards Questionnaire**

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
  - a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.
  - b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
  - c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.
  - d. Violations by, or variances granted to, neighboring properties shall not justify a variance.
  - e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

Option (a) best fits our circumstance. The trapezoid shape and set back to the OHWM will limit the home design to unreasonable building shape and size.

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2. In what manner do the factors identified in subsection (1), above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

The relationship of the front and rear set back limits the physical depth of a house to 16' deep on the west end and tapering to 7' deep on the east end of property.

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3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

There will not be any effects on the adjacent properties. The requested setback will be similar to the existing house immediately to the East. There are no developments on the lot to the west to impact

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4. Would the granting of the proposed variance as depicted on the required site plan, result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

There is no adverse impact on the neighborhood. The requested setback is similar to the established norm and character of existing houses along the waterway within this neighborhood.

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5. Have the factors which present the reason for the proposed variance been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this chapter. The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner, or their agent.

None known

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**Part 3: Site and Construction Plans**

*To be completed and submitted by the applicant.*

Attach a site plan drawn to scale. A registered survey is recommended, but not required.

Show the following:

- Property lines
- Vegetation removal proposed
- Ordinary high water mark
- Floodplain & wetland boundaries
- Dimensions, locations & setbacks of existing & proposed structures
- Utilities, roadways & easements
- Location & extent of filling/grading
- Any other construction related to your request
- Anticipated project start date September 1, 2021

Attach construction plans.

- Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s).
- Interior floor plans of existing and proposed structures.

I certify that the information I have provided in this application is true and accurate.

Signed: (applicant/agent/owner)

Date:

James A. Gatz  
7/7/21 8/17/21 Sinde Determa

Remit to: Zoning Administrator  
Village of Fontana  
175 Valley View Drive  
P.O. Box 200  
Fontana, WI 53125





**VILLAGE OF FONTANA**

**on GENEVA LAKE**

175 Valley View Road

P. O. Box 200

Fontana, WI 53125

262-275-6136 phone

262-275-8088 fax

**Cost Recovery Certificate and Agreement**

Pursuant to Ordinance 10-6-97-1 and Section 18-236 of the Village of Fontana Municipal Code

The undersigned applicant hereby acknowledges and agrees to be bound by Ordinance 10-6-97-1 as codified at Section 18-236 of the Village of Fontana Municipal Code, providing for village recovery of all village costs and disbursements incurred directly or indirectly related to the Applicant's request. All costs incurred by the village in the consideration of any requests by the Applicant related to the Applicant's request shall be recoverable, including, but not limited to, all professional and technical consultant services and fees retained by the village and rendered in review of any application, including the engineer, planner, attorney, or any other professional or expert hired by the village for purposes of review of the application or pre-submission request. The Applicant agrees to reimburse the Village for all costs recoverable pursuant to the terms of the above numbered ordinance within the time period set forth in the Village of Fontana Municipal Code. At no time shall any cost recoverable fees be waived, except through the process of a written request by the Applicant to the Village Board, review and evaluation by the Village Board, and official action taken by the Village Board.

**PROJECT INFORMATION**

PROJECT NAME

Coats Residence

PROJECT ADDRESS

Lot 33 Fontana, WI 53125

**APPLICANT INFORMATION**

NAME:

James A Coats

MAILING (BILLING) ADDRESS:

PO Box 28

PHONE:

925-518-7148

EMAIL:

jimc@coatscc.com

**ATTORNEY INFORMATION**

NAME:

PHONE:

EMAIL:

SIGNATURE OF APPLICANT:

James A. Coats

Dated this 7 day of July, 2021

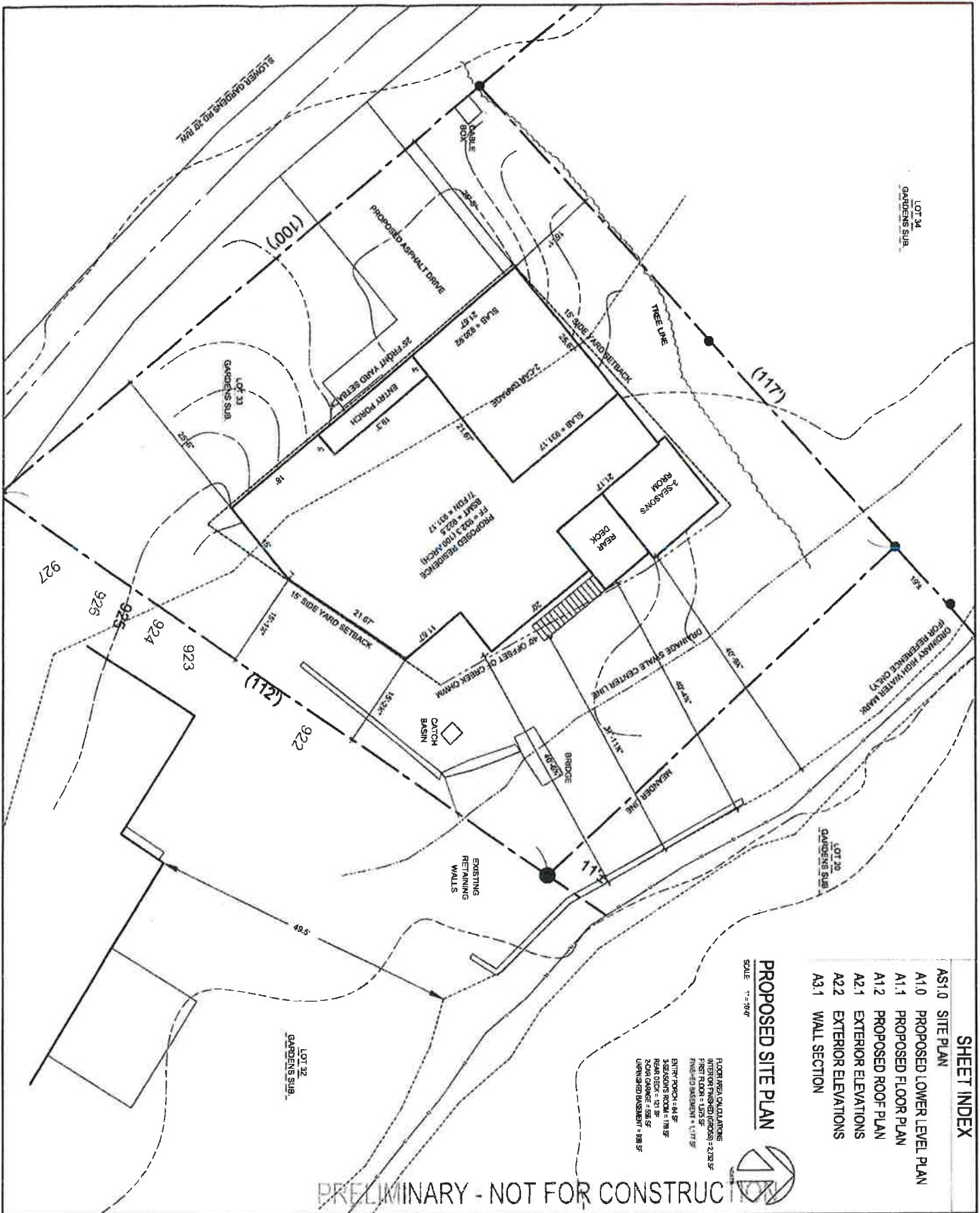
**Note to Applicant:**

The Village Engineer, Attorney and other Village professionals and staff, if requested by the Village to review your request, will bill for their time at an hourly rate which is adjusted from time to time by agreement with the Village. Please inquire as to the current hourly rate you can expect for this work. In addition to these rates, you will be asked to reimburse the Village for those additional costs set forth in Section 18-236 of the Municipal Code.

(e) *Board of appeals.*

1. The council which enacts zoning regulations pursuant to this section shall by ordinance provide for the appointment of a board of appeals, and shall provide in such regulations that said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.
2. The board of appeals shall consist of 5 members appointed by the mayor subject to confirmation of the common council for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
3. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 3m. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present.
4. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
5. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
6. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. In any action involving a listed property, as defined in s. 44.31 (4), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning commission.
7.
  - a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
  - b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the

- enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- c. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
  - d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
  - e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.
  - f. A variance granted under this subdivision runs with the land.
8. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
  10. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.
  14. Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.
  15. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.



**SHEET INDEX**

- AS1.0 SITE PLAN
- A1.0 PROPOSED LOWER LEVEL PLAN
- A1.1 PROPOSED FLOOR PLAN
- A1.2 PROPOSED ROOF PLAN
- A2.1 EXTERIOR ELEVATIONS
- A2.2 EXTERIOR ELEVATIONS
- A3.1 WALL SECTION

**PROPOSED SITE PLAN**  
SCALE: 1" = 10'-0"

FLOOR AREA CALCULATIONS  
 INTERIOR FINISHED (PROPOSED) = 2,128 SF  
 EXTERIOR FINISHED (PROPOSED) = 1,177 SF  
 TOTAL FINISHED = 3,305 SF  
 ENTRY PORCH = 84 SF  
 3 SEASONS ROOM = 718 SF  
 2 CAR GARAGE = 1,586 SF  
 UNFINISHED DIVISMENT = 188 SF

PRELIMINARY - NOT FOR CONSTRUCTION

**COATS RESIDENCE**

LOT 33 S. LOWER GARDENS RD. FONTANA, WI

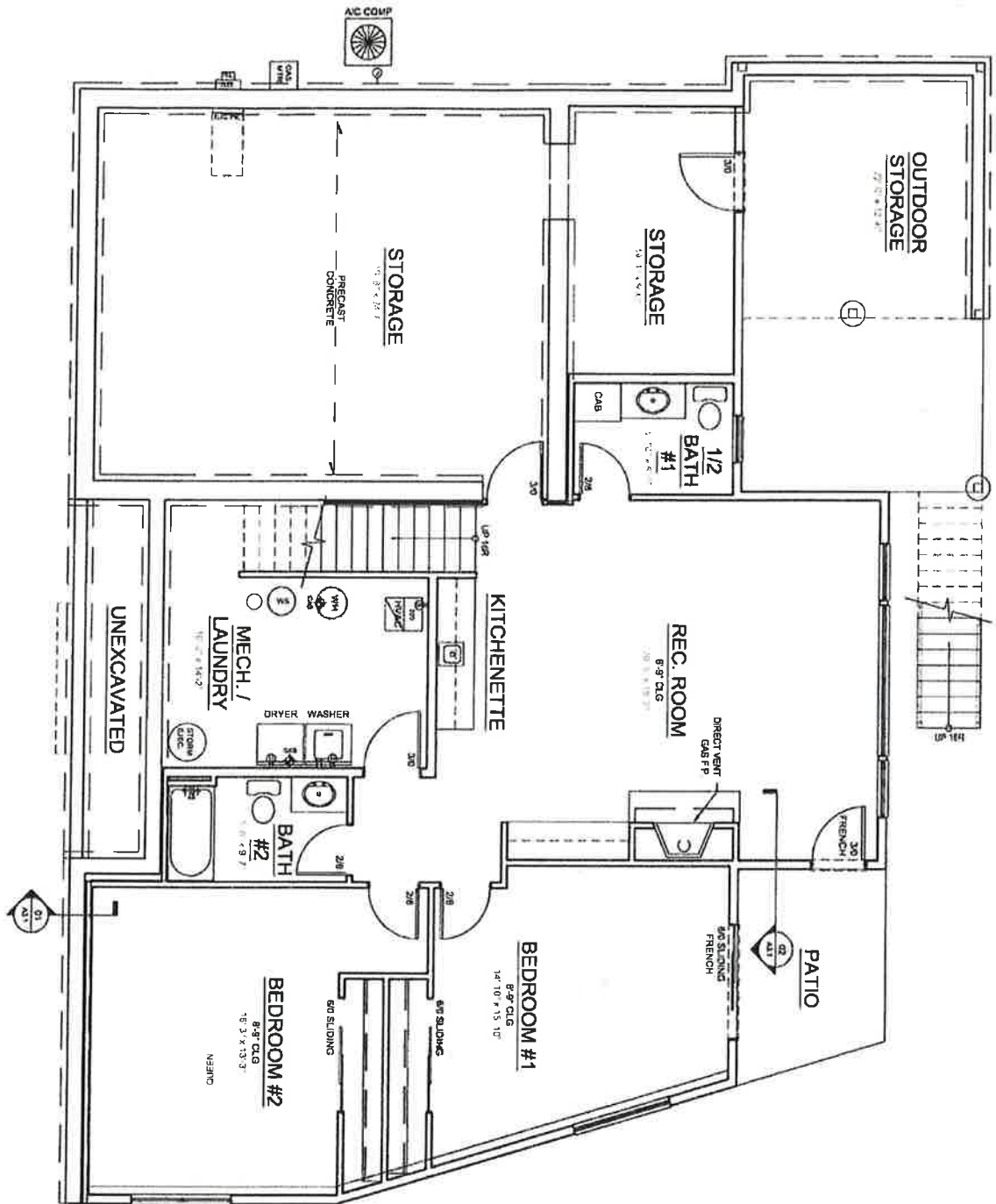
**FOCUS ENGINEERING LLC**  
 607 Davis St., Elkhorn, WI 53121  
 (414) 215-9315  
 contact@focusengineering.com  
 www.focusengineering.com

ISSUED FOR:  
ZONING PERMIT SET

**REVISIONS**

NUMBER	DESCRIPTION	DATE

Date: 07-07-2021  
 Project: 2021-04-013  
 Drawn by: RGC  
 Checked by: MAP  
 SHEET NUMBER: **AS1.1**



PROPOSED LOWER LEVEL PLAN  
SCALE: 1/4" = 1'-0"



PRELIMINARY - NOT FOR CONSTRUCTION

# COATS RESIDENCE

LOT 33 S. LOWER GARDENS RD. FONTANA, WI



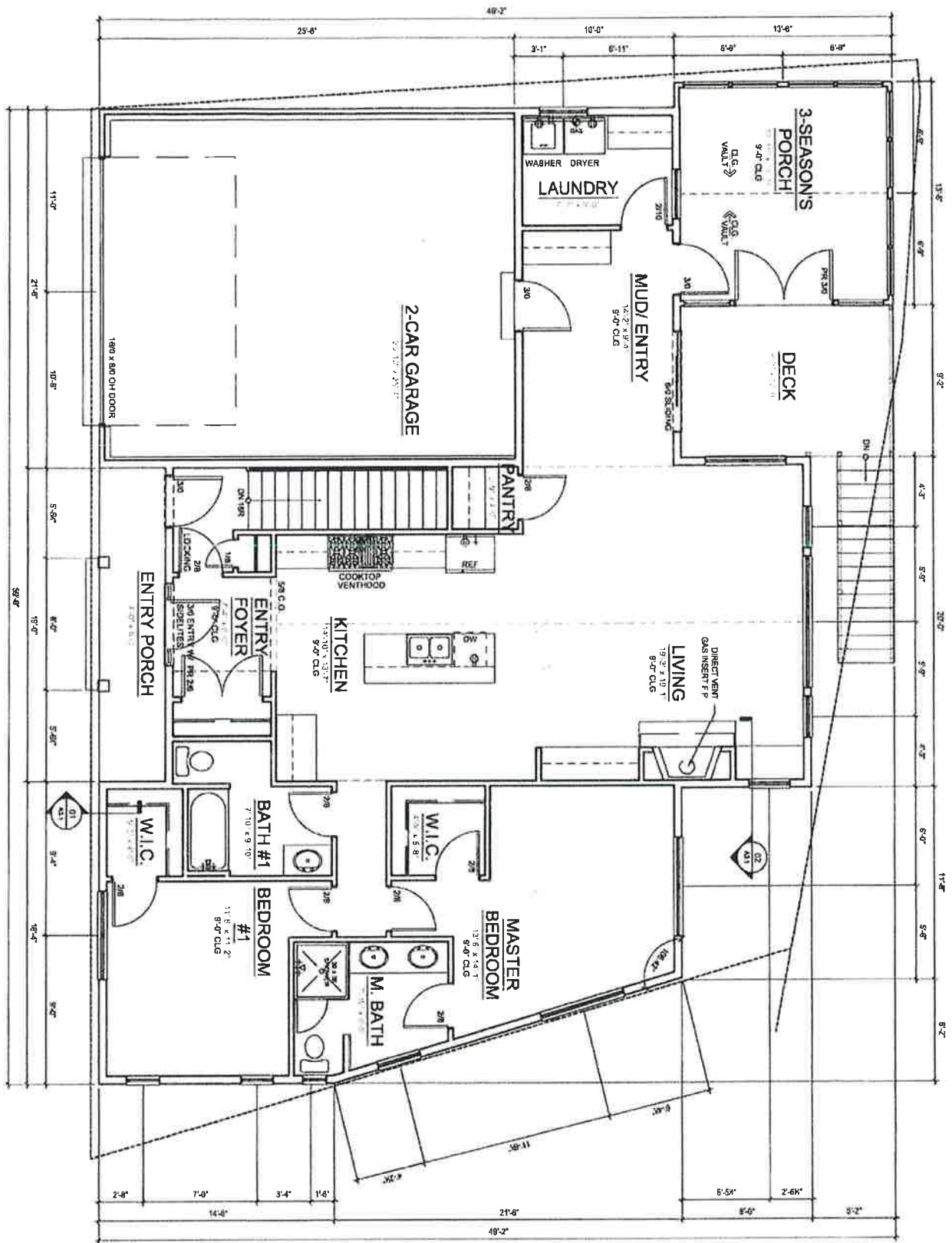
**FOCUS**  
ENGINEERING LLC

607 Davin St., Oshkosh, WI 54121  
(262) 215-9295  
contact@focusengineering.com  
www.focusengineering.com

REVISIONS		
NUMBER	DESCRIPTION	DATE

ISSUED FOR ZONING PERMIT SET

DATE: 07-07-2021  
PROJECT: 2021-04-013  
DRAWN BY: KRG  
CHECKED BY: WJP  
SHEET NUMBER: A1.0



PRELIMINARY - NOT FOR CONSTRUCTION

# COATS RESIDENCE

LOT 33 S. LOWER GARDENS RD. FONTANA, WI



**FOCUS**  
ENGINEERING LLC

407 Dena S. Blinn, WI 53121  
(248) 215-9295  
contact@focusengineeringllc.com  
www.focusengineeringllc.com

REVISIONS

NUMBER	DESCRIPTION	DATE

ISSUED FOR:  
ZONING PERMIT SET

Date: 07-07-2021

Project: 2021-04-013

Drawn by: KING

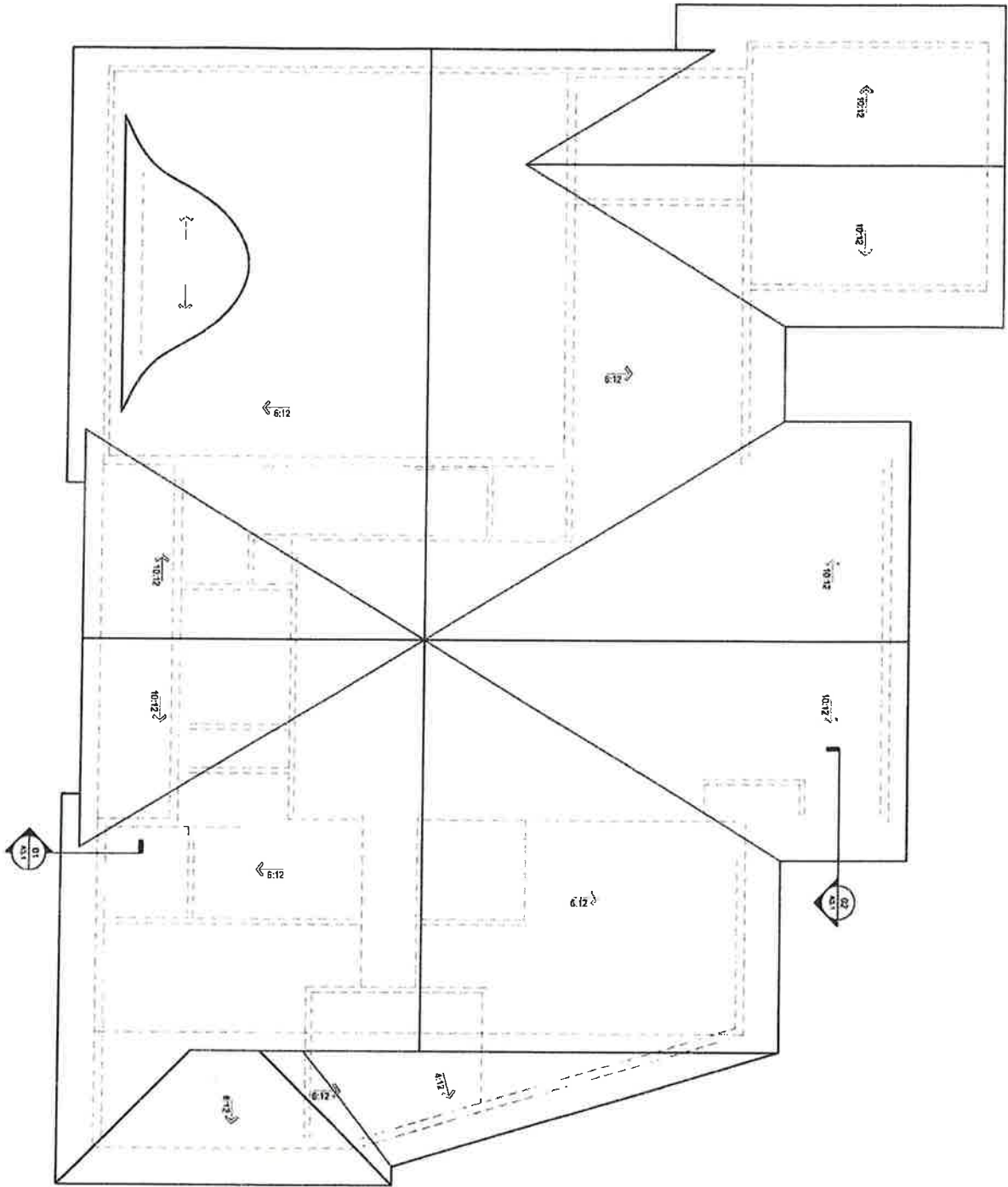
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Sheet Number:

A1.1

PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"





**PROPOSED ROOF PLAN**  
SCALE: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

**COATS RESIDENCE**

LOT 33 S. LOWER GARDENS RD. FONTANA, WI



**FOCUS**  
ENGINEERING LLC

607 Dorn St., Elkhorn, WI 53121  
(262) 255-9295  
contact@focusengineering.com  
www.focusengineering.com

ISSUED FOR  
ZONING PERMIT SET

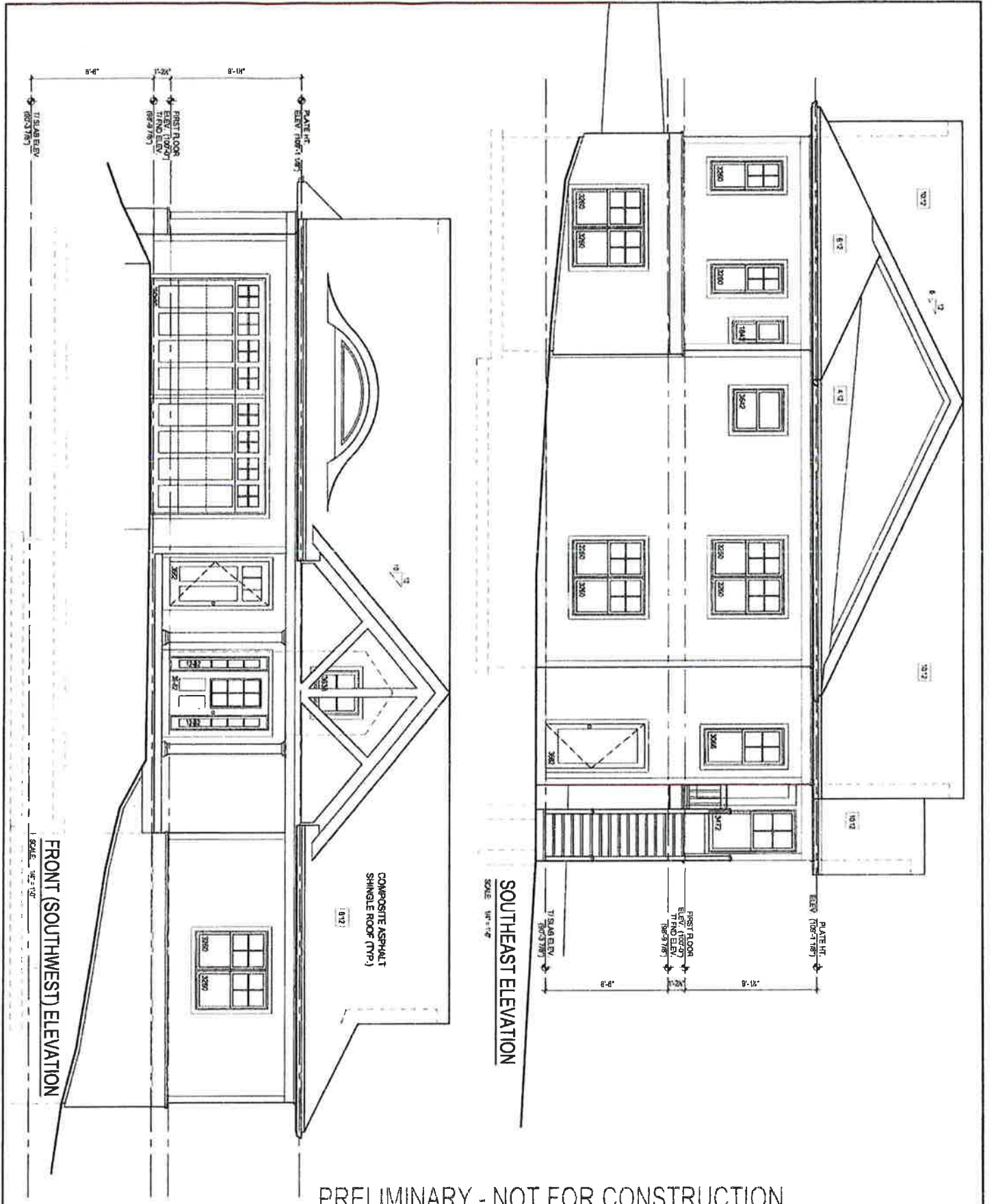
REVISIONS

NUMBER	DESCRIPTION	DATE

DATE: 07-07-2021  
PROJECT: 2021-04-013  
DRAWN BY: KING  
CHECKED BY: MAP  
SHEET NUMBER

A1.2





PRELIMINARY - NOT FOR CONSTRUCTION

# COATS RESIDENCE

LOT 33 S. LOWER GARDENS RD. FONTANA, WI



**FOCUS**  
ENGINEERING LLC

607 Davis St., Oshkosh, WI 54921  
(920) 235-5281  
contact@focusengineeringllc.com  
www.focusengineeringllc.com

REVISIONS

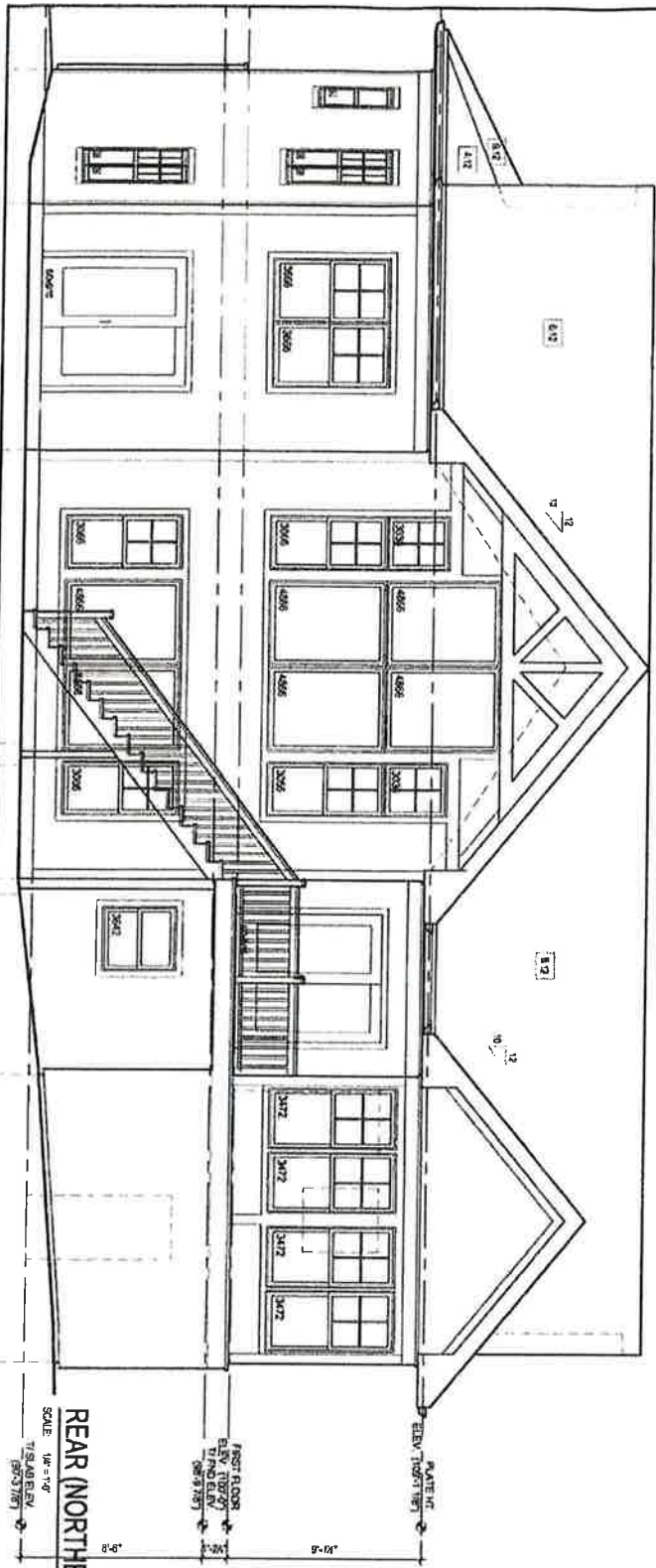
NUMBER	DESCRIPTION	DATE

ISSUED FOR:  
ZONING PERMIT SET

Date: 07-07-2021  
Project: 2021-04-013  
Drawn by: KRIG  
Checked by: MAP  
SHEET NUMBER

A2.1



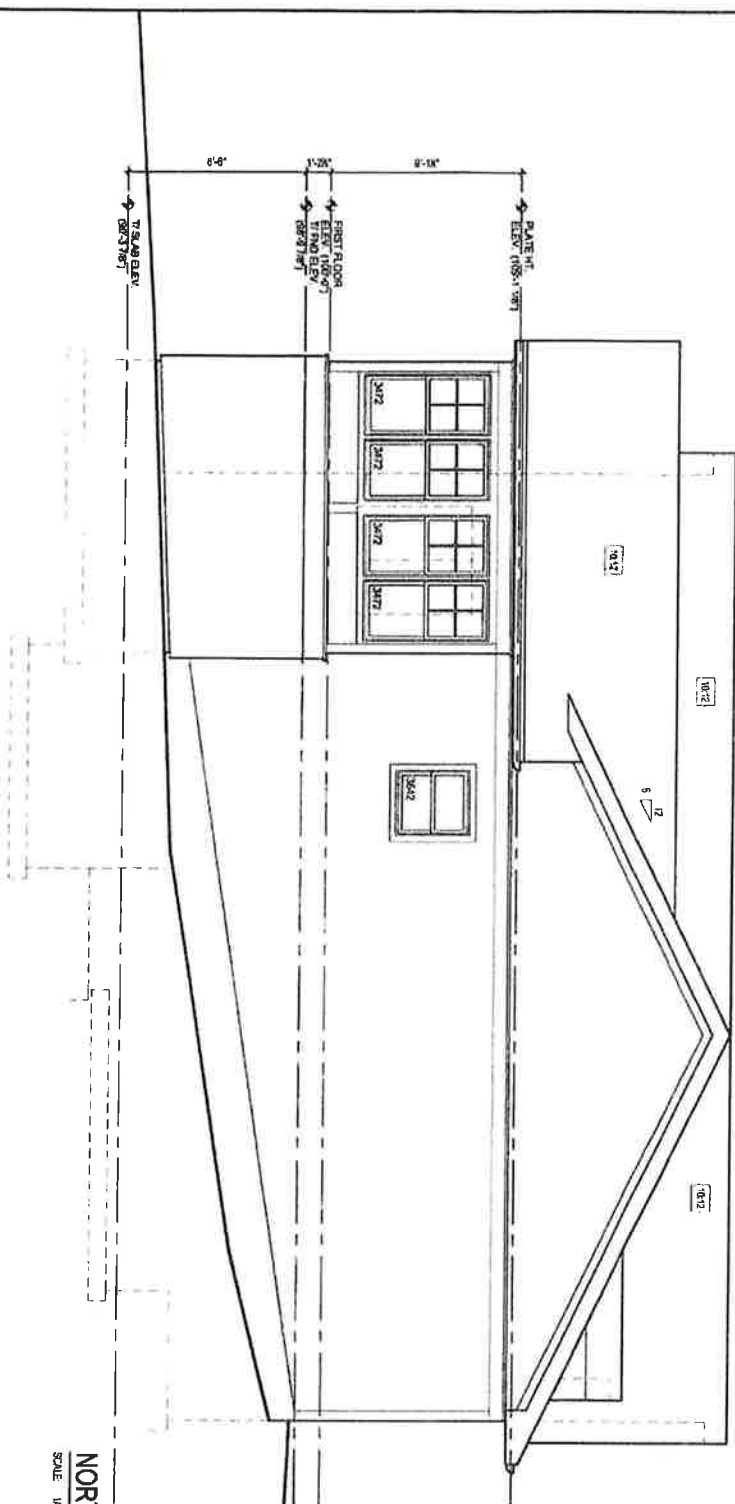


REAR (NORTHEAST) ELEVATION  
SCALE 1/8" = 1'-0"  
FIRST FLOOR ELEV. 108'-0"  
SECOND FLOOR ELEV. 118'-0"

REVISIONS		
NUMBER	DESCRIPTION	DATE

ISSUED FOR ZONING PERMIT SET

DATE: 07-01-2023  
 PROJECT: 2021-04-013  
 DRAWN BY: KRS  
 CHECKED BY: WAP  
 SHEET NUMBER: A2.2



NORTHWEST ELEVATION  
SCALE 1/8" = 1'-0"  
FIRST FLOOR ELEV. 108'-0"  
SECOND FLOOR ELEV. 118'-0"

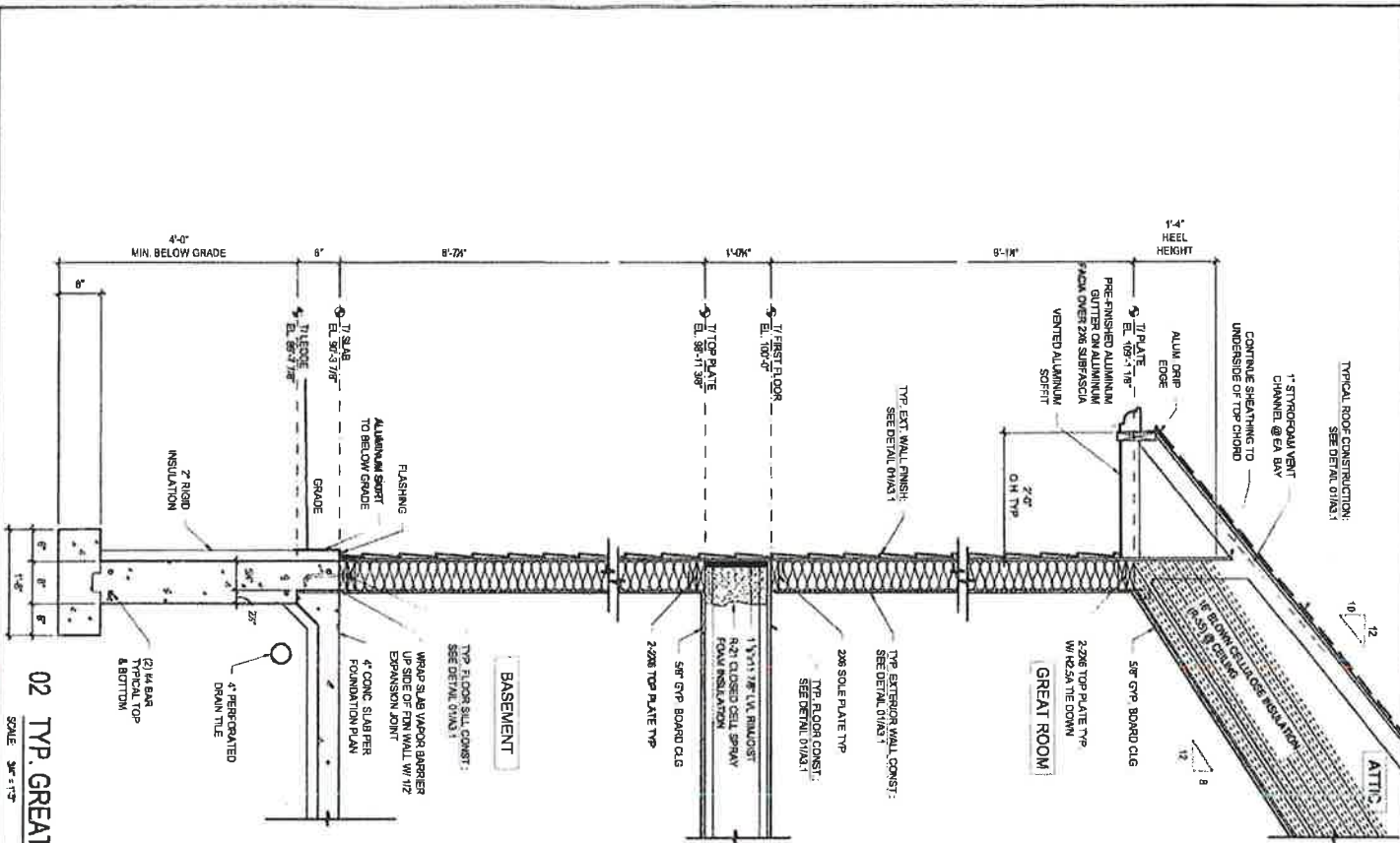
PRELIMINARY - NOT FOR CONSTRUCTION

# COATS RESIDENCE

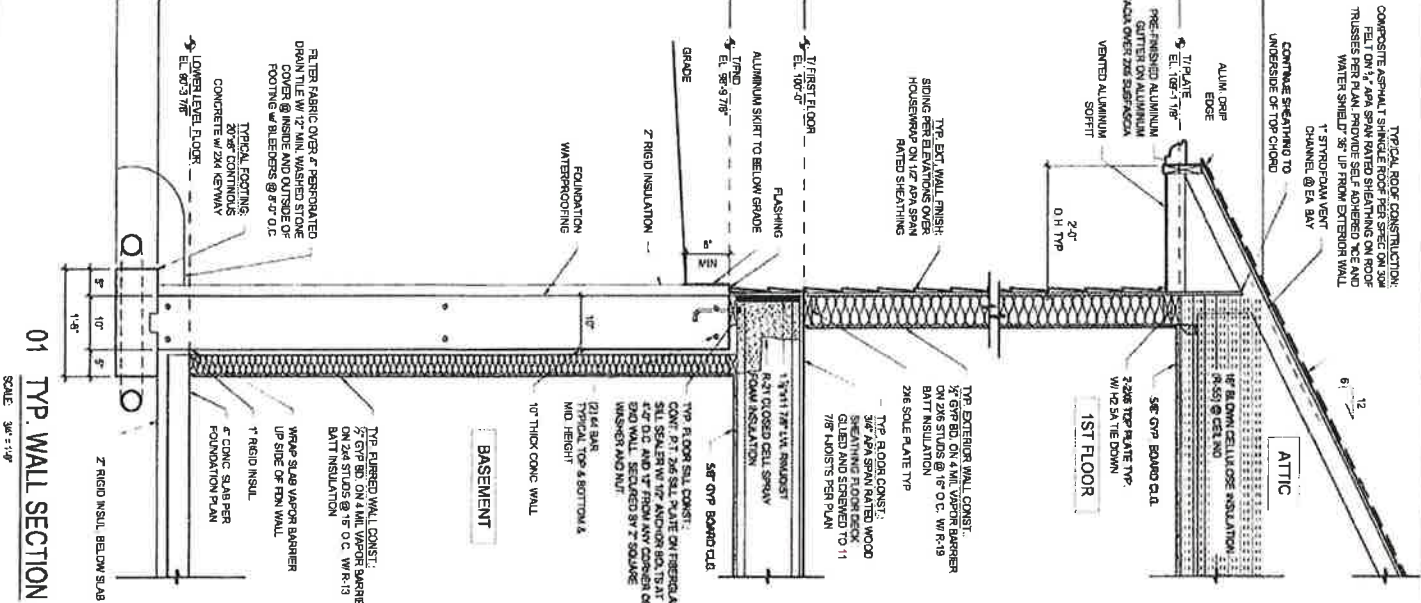
LOT 33 S. LOWER GARDENS RD. FONTANA, WI



**FOCUS**  
ENGINEERING LLC  
607 Dam St., Elkhorn, WI 53121  
(414) 215-9193  
contact@focusengineeringllc.com  
www.focusengineeringllc.com



02 TYP. GREAT ROOM WALL SECTION  
SCALE: 3/8" = 1'-0"



01 TYP. WALL SECTION  
SCALE: 3/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

# COATS RESIDENCE

LOT 33 S. LOWER GARDENS RD. FONTANA, WI

**FOCUS**  
ENGINEERING, LLC  
602 One S. Bluff, WI 53111  
(262) 415-1111  
www.focuseng.com

ISSUED FOR ZONING PERMIT SET

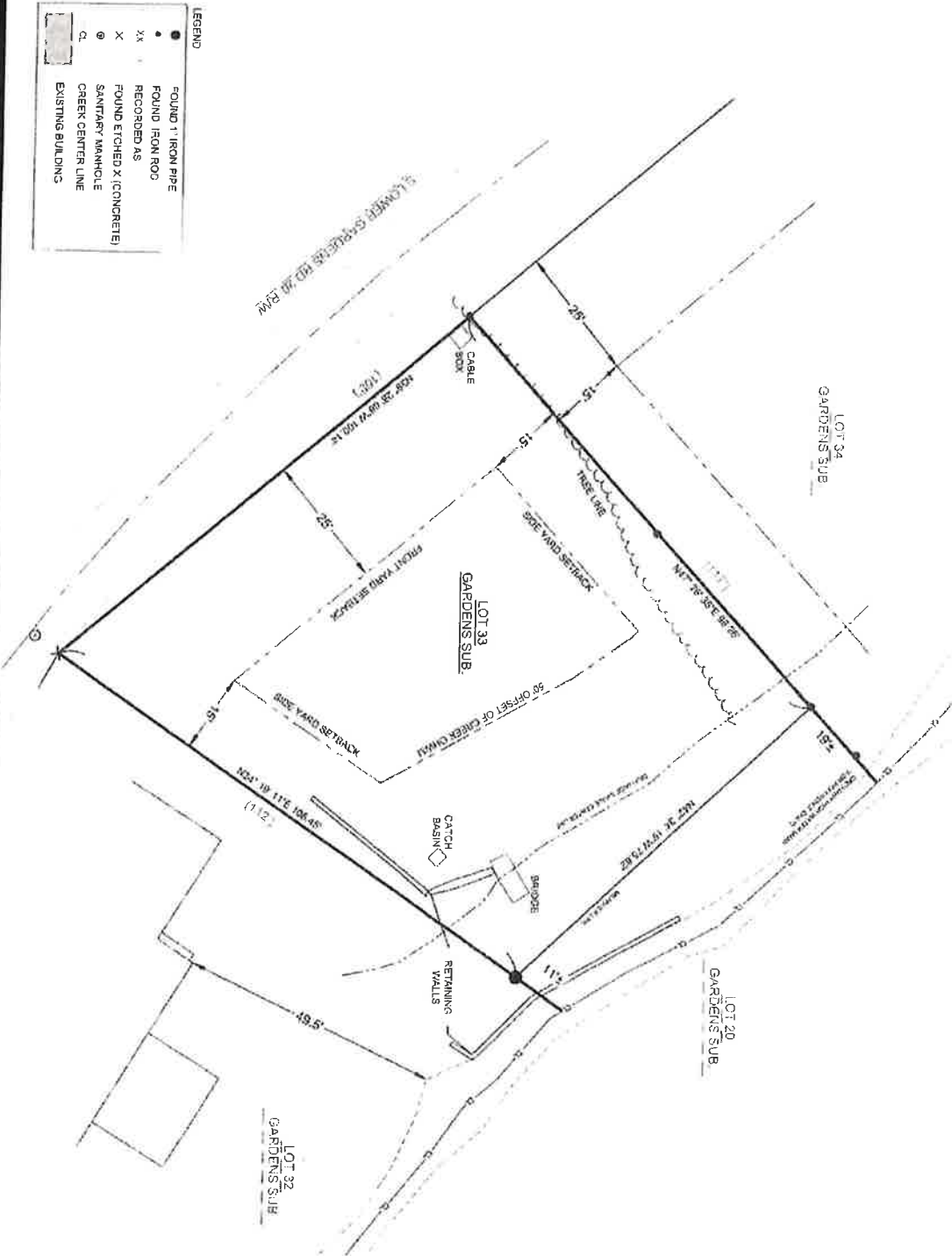
REVISIONS	NUMBER	DESCRIPTION	DATE

07-07-2021  
 2021-04-013  
 MRP

A3.1

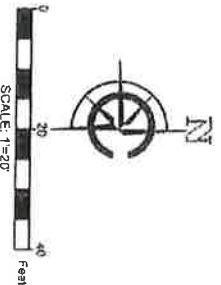
# PLAT OF SURVEY

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11 IN TOWNSHIP 1 NORTH, RANGE 5 EAST, IN THE VILLAGE OF FONTANA-ON-LAKE, WAUKESHA COUNTY, WISCONSIN.



**LEGEND**

●	FOUND 1" IRON PIPE
○	FOUND IRON ROD
XX	RECORDED AS
X	FOUND ETCHED X (CONCRETE)
○	SANITARY MANHOLE
○	CREEK CENTER LINE
□	EXISTING BUILDING



- NOTE**
- STATUS OF BEARING: THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD83, WAS USED.
  - FIELD WORK COMPLETED: MARCH 1, 2022
  - FIELD CREW CHIEF: LAWRENCE GUNLS
  - BUILDING SURVEYED TO THE EXTERIOR OF SIDING
  - BUILDING SETBACK IS BASED ON INTERPRETATION OF WALKWORTH COUNTY ZONING ORDINANCE. THESE SETBACKS SHOULD BE VERIFIED WITH WALKWORTH COUNTY PRIOR TO ANY CONSTRUCTION ON THIS PARCEL.

**LEGAL DESCRIPTION:**  
 A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11 IN TOWNSHIP 1 NORTH RANGE 5 EAST, IN THE VILLAGE OF FONTANA-ON-LAKE, WAUKESHA COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS:  
 LOT 20 OF THE GARDENS SUBDIVISION IN THE VILLAGE OF FONTANA-ON-LAKE, WAUKESHA COUNTY, REGISTERED AS DOCUMENT NO. P83979 AT THE WALKWORTH COUNTY REGISTER OF DEEDS

SURVEY ORDERED BY:  
 JAMIE COATS  
 PROPERTY ADDRESS:  
 SLOVER GARDENS RD  
 FONTANA, WI  
 SURVEYOR:  
 PAUL H. VAN HENKELUM, PLS  
 CARDINAL ENGINEERING LLC



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE MAP IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEYOR'S BOUNDARIES AND SHOWS THE SIZE AND LOCATION OF ALL VISIBLE STRUCTURES, APPROXIMATE SITUATION, AND DIMENSIONS, IF ANY.  
 PAUL H. VAN HENKELUM, PLS #1931  
 2027



CARDINAL ENGINEERING LLC  
 DESIGNING IN TRUE DIRECTIONS  
 PO BOX 281 - 1200 LA SALLE ST.  
 LAKE GENEVA, WI 53147  
 262-757-8776  
 CARDINALENGINEERINGMI.COM

DATE: 03-23-2021 JOB NO: 21318  
 SHEET 1 OF 1 JOB



August 2, 2021

Town Council  
Town of Fontana  
Sussex, WI

RE: **Creek Exhibit**

To whom it may concern,

On June 6<sup>th</sup>, 2021 we asked Cardinal Civil Engineers to provide a drawing showing the distance from the OHWM to the existing neighboring properties and structures on the White Creek.

Sincerely,

A handwritten signature in cursive script that reads "Jim Coats".

Jim Coats  
Coats Construction Company LLC

# CREEK EXHIBIT



SCALE: 1"=20'



CARDINAL ENGINEERING LLC  
DESIGNING IN TRUE DIRECTIONS  
PO BOX 281 • 1200 LA SALLE ST.  
LAKE GENEVA, WI 53147  
252-757-8775  
CARDINALENGINEERINGWI.COM

DATE: 05-23-2021 JOB NO: 21318  
SHEET 1 OF 1 LUGS

## Stephanie Smith

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**From:** Marlene Vail <lowergardens@yahoo.com>  
**Sent:** Tuesday, September 28, 2021 1:04 PM  
**To:** Theresa Loomer  
**Subject:** Lot 33 - South Lower Gardens Rd

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To whom it may concern:

I am against any variance to the building code related to this lot, and certainly not moving any existing waterway.

Thank you,

Marlene D. Vail  
323 S. Lower Gardens Road  
Fontana, WI 53125

262 903 0784

## Stephanie Smith

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**From:** Paul Wukasch <paulwukasch@icloud.com>  
**Sent:** Wednesday, September 29, 2021 2:18 PM  
**To:** Village Clerk  
**Cc:** Jim Kelly  
**Subject:** Hearing / zoning - lot 33 lower gardens, Fontana

CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Paul Wukasch and I have owned property, house and land, in LowerGardens for last 35 years. Although I am not aware of all the considerations and details of the requested appeals and variance, I can say that my wife and I are very concerned that any development actions resulting in any detrimental way as to be environmentally harmful ,as well as and just as importantly,visually unacceptable by most neighboring property owners,and to this end we are against such actions taken. We enjoy and cherish our community and our Association grounds and feel privileged to own in this area, greatly due to its natural grounds and appeal of its landscape. We object to any development considerations that run contrary to existing regulation and governed protections in place that may harm or negate such likes and preference, such as building on too small a lot not in compliance with certain setbacks or respect for existing streams or waterways. We urge responsible building and zoning consideration now, as always. Kindly keep us informed as to how this issue and process materializes. Thank you . Paul and Janet Wukasch, 203 Fellows Ct., Elmhurst, I'll.,60126. Cell 6309756060.

Sent from my iPhone

## Stephanie Smith

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**From:** Janet Wukasch <janetrwukasch@gmail.com>  
**Sent:** Thursday, September 30, 2021 7:28 PM  
**To:** Village Clerk  
**Cc:** adsolution@comcast.net  
**Subject:** October 6th Board of Appeals on Lot 33 S Lower Gardens

CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Stephanie Smith, the Zoning Board of Appeals & Jim Kelly (President of Lower Gardens Association),

My husband and I have been property owners at 315 S Lower Gardens for the last 35 years. Our property and the Lower Gardens in general are very special places for me and my family. We have enjoyed the unique and delicate oak/sugar maple woods along with many artisan springs at the bottom of this valley that is know as Lower Gardens. We have also witnessed the amazing amount of water that is funneled into this valley during a rainstorm and the destruction that has occurred many times.

The petition concerning a Zoning Permit application on lot 33 S Lower Gardens Rd, Parcel No. SG00040 is of great concern to me. This piece of land at times, because of the changing water table of the Gardens, can be a wetland and seems to be a much needed relief valve for the oftentimes great amounts of water coming from the sky above or from the water table that sits below. It is a constantly changing entity that would be a unwise to disrupt by building any structure at all, especially one requiring a change in code. I am completely against granting any adjustment of the code for this piece of land that quietly carries the burden of holding the water from so much development in the areas above and around our valley.

It would be wise to consider the impact of what changing this small piece of land would have on the surrounding neighbors, especially those down stream, Geneva Lake's water quality and our responsibility to future generations to preserve now so they have then.

With much sincerity,  
Janet Wukasch

Sent from my iPad