

DODGE COUNTY BOARD OF ADJUSTMENT MINUTES
November 10, 2016

The Dodge County Board of Adjustment met on this 10th day of November at 7:00 p.m., on the 1st Floor of the Administration Building, in Rooms 1H and 1I, located at 127 East Oak Street, Juneau, Wisconsin.

Chairman William Nass called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Larry Dogs, Randy Grebel, Harold Hicks and William Nass, Members excused were Edward Premo (Alternate 1) and William Kirchberg (Alternate 2).

Chairman Nass noted that a quorum is present.

Joseph Giebel of the Land Resources and Parks Department was in attendance at the request of the chairman;

The Chairman asked the staff to confirm compliance with the open meeting law and public hearing notice requirements for the hearings before the Board.

Mr. Giebel indicated that the meeting was properly noticed in accord with the open meeting law and noted that each of the public hearings listed on the agenda received a class two notice and the mailing notices were sent in accord with the statute and code requirements.

The agenda was reviewed by the Board.

The minutes from the November 3, 2016 meeting were reviewed by the Board.

Motion by Randy Grebel to approve the minutes as written.

Second by Larry Dogs Vote: 4-0 Motion carried.

The staff explained the hearing procedures to those in attendance.

PUBLIC HEARING

Robert and Melissa Zarczynski – Request for a variance to the terms of the water setback and impervious surface area provisions of the Dodge County Shoreland Protection Ordinance to allow the construction of a swimming pool and deck on this site where said pool and deck will be located within the required water setback and where the impervious surface area of said pool and deck will exceed the maximum allowed impervious surface area allowed by the Ordinance. The site is known as Lots 56 and 55 McKinley Beach Subdivision, First Addition, located in part of the NW ¼ of the SE ¼, Section 20, T12N, R14E, Town of Beaver Dam, the site address being N8273 McKinley Beach Road.

Motion by William Nass to deny the variance request to the water setback requirements of the Ordinance based on the previously mentioned findings.

Second by Larry Dogs Vote: 4-0 Motion carried.

Motion by Larry Dogs to approve the variance request to allow an impervious surface area of 18.95% for this lot on the condition that the appellant submit and receive approval of a mitigation plan that meets the Ordinance standards.

Second by Harold Hicks Vote: 4-0 Motion carried.

PUBLIC HEARING

Grande Cheese Company – Request for a variance to the terms of the highway setback provisions of the Dodge County Land Use Code to allow the construction of a milk tank corridor with concrete tank pads and tanks where said pad and tanks will be located approximately 13' within the required highway setback line from Dairy Road. The site is located in part of the NE ¼ of the NE ¼, Section 11, Town of Leroy, the site address being N11689 Dairy Road.

Motion by Larry Dogs to approve a variance to the terms of the highway setback provisions of the Dodge County Land Use Code to allow the construction of a milk tank corridor with concrete tank pads and tanks where said pad and tanks will be located approximately 13' within the required highway setback line from Dairy Road.

Second by Randy Grebel Vote: 4-0 Motion carried.

Motion by Larry Dogs to adjourn the meeting. 8:20 PM

Second by Randy Grebel

Motion carried.

Respectfully submitted,

Larry Dogs, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

Land Resources and Parks Department Staff Report

County Application / Petition # 2016-0743

Applicant (Agent):

Brian Wright
P.O. Box 26
Columbus, WI 53925

Owner:

Elizabeth Reanee
W269 N2723 Lelah Ave.
Pewaukee, WI 53072

Filing Date: October 24, 2016

Hearing Date: December 8, 2016

Location

The appellant is the owner of the following described property which is the subject of the appeal:

PIN#: 014-1013-2211-000

Property Location: Part of the NE ¼ of the NE ¼, Section 22, Town of Elba, the site address being N3677 Roche Road.

County Jurisdiction

The County has jurisdiction over this site as the provisions of the Dodge County Sanitary Ordinance applies to all structures, lands, and waters within the boundaries of Dodge County.

Review Criteria

Subsections 2.3.8.A through 2.3.8 D of the Dodge County Sanitary Ordinance details procedural matters and the approval criteria for the variance process. The Board shall hold a public hearing on each variance application, and following the public hearing, act to approve, approve with conditions, or deny the variance based upon the approval criteria of Section 2.3.8.D.

Appellants Request

On October 20, 2016, an application for a County Sanitary Permit was made by the appellant in order they be allowed to install a holding tank on this lot to serve a banquet hall facility.

This permit was denied by the County Land Use Administrator for the following reason:

According to Subsection 2.3.5.A.of the Dodge County Sanitary Ordinance, an application for a holding tank shall not be approved, if:

- 1) Any other type of private sewage system may be utilized as permitted under SPS 383, Wisconsin Administrative Code; and
- 2) The property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code.

According to Section 2.3.5.B of the Code, holding tanks may be permitted for Commercial or industrial establishments with a daily wastewater flow of less than 100 gallons per day, provided no public sewer system is available and provided that a soil evaluation has been conducted on this lot and it has been determined that the lot contains sufficient soil and area in which to install a code compliant POWTS for this lot. According to the sanitary application, the daily wastewater flow for the banquet facility is 466.5 gallons per day and therefore this project does not qualify for a holding tank.

Based upon the results of the preliminary soil test conducted on this lot, the property contains sufficient soils in which to install a mound or at-grade type septic system. Since another type of system other than a holding tank can be installed on this lot, the code prohibits the installation of a holding tank on this lot.

The appellant is requesting an area variance to Section 2.3.5.A.1 and 2.3.5.A.2 of the code;

Features

The features of the proposed construction and property that relate to the granting or denial of the appeal are as follows:

The property is located within the A-1 Prime Agricultural zoning district;

The property is presently being used for residential use;

The physical features of this approximate 12.21 acre lot include a rolling topography with slopes ranging from 0 to 12% . The parcel contains a residence, barn and accessory structures;

The general character of the surrounding land use consists of agricultural lands and scattered residences along STH 60 and Roche Road;

Purpose Statement

The purpose and intent of the sanitary provisions of the code are to promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within Dodge County, under the authority granted by Section 59.07(51) of the Wisconsin Statutes. It is the specific intent of this section to regulate the location, construction, installation, alteration, design, maintenance and use of all private sewage disposal systems so as to protect the health of residents and transients; to secure safety from disease and pestilence; to further the appropriate use and conservation of lands and water resources; and to preserve and promote the beauty of Dodge County, and its communities.

The purpose and intent of Sections 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance is to prohibit the installation of a holding tank on a property if the property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code.

Staff Advisory:

This staff advisory is only advice to the Dodge County Board of Adjustment. The Board may or may not consider the advice of the staff and decision making authority is vested in the Board only.

The staff believes that the appellant is requesting an area variance to Section 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance.

The staff has reviewed the variance request for compliance with the criteria listed in Sections 2.3.8 of the Dodge County Sanitary Ordinance and it is the staff's position that the Board will not be able to make the findings necessary in order to grant a variance in this case as there are no physical limitations that are unique to this property that would prohibit the installation of a mound or at-grade type system on this property and therefore, the variance request does not meet all of the criteria for granting a variance. The staff therefore recommends denial of the variance request to allow for the installation of a holding tank on this site.

Dodge County Board of Adjustment Decision

County Application / Petition # 2016-0743

Applicant (Agent):

Brian Wright
P.O. Box 26
Columbus, WI 53925

Owner:

Elizabeth Reanee
W269 N2723 Lelah Ave.
Pewaukee, WI 53072

Filing Date: October 24, 2016

Hearing Date: December 8, 2016

Location

The appellant is the owner of the following described property which is the subject of the appeal:

PIN#: 014-1013-2211-000

Property Location: Part of the NE ¼ of the NE ¼, Section 22, Town of Elba, the site address being N3677 Roche Road.

County Jurisdiction

The County has jurisdiction over this site as the provisions of the Dodge County Sanitary Ordinance applies to all structures, lands, and waters within the boundaries of Dodge County.

Review Criteria

Subsections 2.3.8.A through 2.3.8 D of the Dodge County Sanitary Ordinance details procedural matters and the approval criteria for the variance process. The Board shall hold a public hearing on each variance application, and following the public hearing, act to approve, approve with conditions, or deny the variance based upon the approval criteria of Section 2.3.8.D.

Appellants Request

On October 20, 2016, an application for a County Sanitary Permit was made by the appellant in order they be allowed to install a holding tank on this lot to serve a banquet hall facility.

This permit was denied by the County Land Use Administrator for the following reason:

According to Subsection 2.3.5.A.of the Dodge County Sanitary Ordinance, an application for a holding tank shall not be approved, if:

- 1) Any other type of private sewage system may be utilized as permitted under SPS 383, Wisconsin Administrative Code; and
- 2) The property contains an area of soil suitable for any other type of private sewage system as permitted under SPS 383, Wisconsin Administrative Code.

According to Section 2.3.5.B of the Code, holding tanks may be permitted for Commercial or industrial establishments with a daily wastewater flow of less than 100 gallons per day, provided no public sewer system is available and provided that a soil evaluation has been conducted on this lot and it has been determined that the lot contains sufficient soil and area in which to install a code compliant POWTS for this lot. According to the sanitary application, the daily wastewater flow for the banquet facility is 466.5 gallons per day and therefore this project does not qualify for a holding tank.

Based upon the results of the preliminary soil test conducted on this lot, the property contains sufficient soils in which to install a mound or at-grade type septic system. Since another type of system other than a holding tank can be installed on this lot, the code prohibits the installation of a holding tank on this lot.

The appellant is requesting an area variance to Section 2.3.5.A.1 and 2.3.5.A.2 of the code;

CONCLUSIONS OF LAW

Based on the facts presented in the application and at the public hearing the Board concludes that:

The appellants request to Subsections 2.3.5.A.1 and 2.3.5.A.2 of the Ordinance is an "area" variance.

(Yes / No) _____

1) **Is there a physical limitation that is unique to this property that prevents the appellant from installing an at-grade or mound type system on this lot?**

(Yes / No)

2) **Does the Board believe that the sanitary requirements of the Ordinance that only allow a holding tank to be installed as a last resort are unnecessarily burdensome in this case, thereby creating a hardship in this case?**

(Yes / No)

If yes, how is the Code unnecessarily burdensome in this case, thereby creating a hardship?

3) **Is this project harmful in any way to the safety or general welfare of the appellant, the public or the adjacent neighbors?**

Yes/No)

Explain _____

4) **Does the Board have sufficient information to make a decision on this request?**

(Yes/No)

5) **Does the Board believe that the variance request meets all of the criteria in Section 2.3.8 of the County Sanitary Ordinance?**

(Yes/No)

6) **If the Board can make the findings necessary in order to grant the variance request in this case, are any conditions of approval necessary in this case to mitigate any potential adverse impacts that result from this proposed development project?**

Not Applicable.

No conditions are required;

The following conditions are required:

- The owner shall, pursuant to s. COMM 83.54(2) have a water meter installed. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturers specifications. The owner shall be financially responsible for the purchase, installation, maintenance and repair of the water meter, and agrees to allow the County to enter the above described property, as needed, to read and/or inspect the water meter.
- The owner, except as provided by s. 281.48 (d), Stats, shall contract with a person who is licensed under Ch. NR 113, Wis. Adm. Code, to have the holding tank serviced and to file a copy of the contract or the owner's registration with the County. The owner further shall file a copy of any changes to the servicing contract, or a copy of a new servicing contract, with the County within 10 days from the date of change to the servicing contract.
- The owner shall contract with a person licensed under Ch. NR 113, Wis. Adm. Code, who shall submit to the County on a semiannual basis a report in accordance with COMM 83.55 Wis. Adm. Code, for the servicing of the holding tank. In the case of licensing under s. 281.48(d) Stats, the owner shall submit the report to the County. The County may enter upon the property to investigate the condition of the holding tank when pumping reports and/or meter readings may indicate that the holding tank is not being properly maintained.
- These conditions shall remain in effect until the County certifies that the property is served by either a municipal sewer or a POWTS system that complies with COMM 83, Wis. Adm. Code.
- Others

Motion by _____ to (approve / deny) the variance requested based upon the previously mentioned findings and conditions.

Motion second _____

Vote

Harold Hicks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Nass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Randy Grebel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Ed Premo (1 st Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
William Kirchberg (2 nd Alternate)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Armin Reichow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present

Motion (Carried / Denied)

ORDER AND DETERMINATION

On the basis of the above findings of fact, conclusions of law and the record in this matter the board

- Granted the variance request as proposed;
- Granted the variance request by the appellant subject to the conditions listed above;
- Denied the variance request as proposed;
- The Land Use Administrator is directed to issue a land use permit incorporating the decision of this Board.

Expiration of Approval. Any order issued by the Board requiring a Zoning official to issue a permit shall become void after one year unless the applicant or appellant shall have filed an application for such permit with the Zoning official within such time, provided, that the time may be extended when so specified by the Board.

Revocation. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by a person aggrieved by this decision or by any officer, department, board or bureau of the municipality by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The municipality assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

Dodge County Board of Adjustment

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____



**DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT**
127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

τ THIS AREA FOR OFFICE USE ONLY τ	
Activity No. 160743	Issue Date:
Application Date: 10-24-16	Receipt #: 895456

Variance Application

Application Fee: \$450 (After the Fact Application Fee: \$900)

Names and Mailing Addresses		Property Description				
Applicant (Agent) Brian Wright		Parcel Identification Number (PIN) 014-1013-2211-000				
Street Address PO Box 26		Town Elba				
City • State • Zip Code Columbus WI 53925		SW ¹ / ₄	SE ¹ / ₄	Section 15	T 10	N R E 13
Property Owner (If different from applicant) Beth Reanee		Subdivision or CSM #				
Street Address W269 N2723 LeLah Ave		Site Address N3677 Roche Rd				
City • State • Zip Code Pewaukee WI 53072		Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Present property use: House Residence - Barn Meetings + Weddings						
List any prior variances that have been granted or denied for this property: NO						
Describe all nonconforming structures and uses on this property: None						
List the terms of the Land Use Code for which you are requesting a variance (section # and code provision requirements): 2.3.5A If site suitable for on-site septic system holding tank isn't allowed						
Variance Requested: To install holding tank on site with suitable soils for At Grade system						
Address the following variance criteria described in the application materials. (Attach additional sheets if necessary):						
What unnecessary hardship is present that prohibits your compliance with the terms of the Land Use Code? The area that system could be installed is used for agriculture. Don't want to take out of production						

What unique features of this property prevent you from complying with the terms of the Land Use Code?

The only available area for septic system is in the Caspland area

Will denial of the variance request prevent you from using this property for a permitted purpose or render conformity with the Code unnecessarily burdensome? Why?

It would remove a portion of the Caspland from production. Which the owner is trying to avoid.

How would the interest of the public or neighbors be affected by granting or denying this variance?

At present time there are porta toilets on site would like to eliminate them

CERTIFICATE

I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and members of the Dodge County Board of Adjustment to enter the above described property for purposes of obtaining information pertinent to my application/appeal/variance request.

Signature of owner or authorized agent: _____

Date: _____

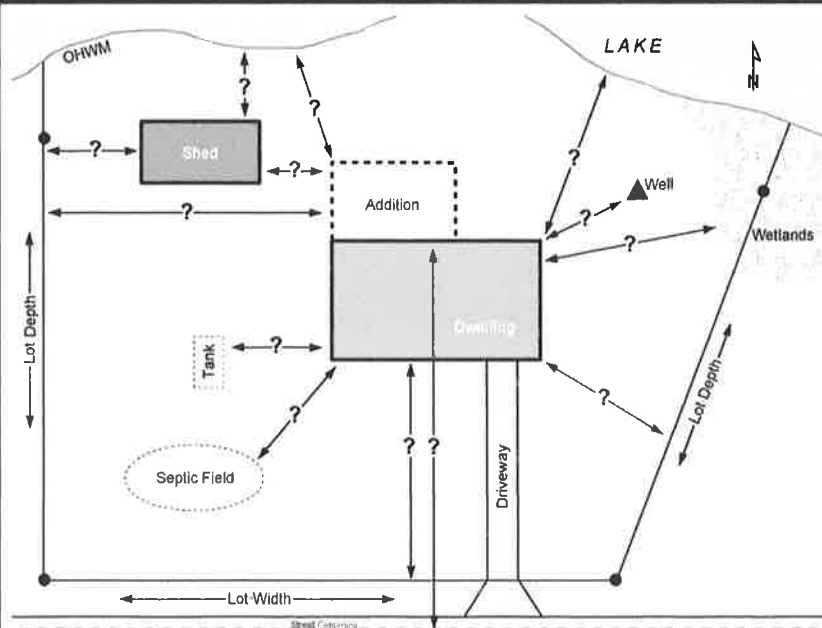
10/16/16

Daytime Contact Number _____

(920) 623-4517

SITE PLANS AND BUILDING PLANS

All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



Site plans must be drawn to scale and/or all dimensions given, such as:

- Location and dimensions of the project
- Location and dimensions of existing structures
- Dimensions of the property
- Location and names of abutting roads, lakes & Streams
- North arrow
- Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)



Industry Services Division
1400 E Washington Ave
P.O. Box 7162
Madison, WI 53707-7162

County Dodge
Sanitary Permit Number (to be filled in by Co.)

Sanitary Permit Application

In accordance with SPS 383.21(2), Wis. Adm. Code, submission of this form to the appropriate governmental unit is required prior to obtaining a sanitary permit. Note: Application forms for state-owned POWTS are submitted to the Department of Safety and Professional Services. Personal information you provide may be used for secondary purposes in accordance with the Privacy Law, s. 15.04(1)(m), Stats.

State Transaction Number
Project Address (if different than mailing address)

I. Application Information - Please Print All Information

Property Owner's Name Beth Peanee Parcel #

Property Owner's Mailing Address W 269 N 2723 Leigh Ave Property Location

City, State Pewaukee WI Zip Code 53072 Phone Number
Govt. Lot SW 1/4, Section 15
T 10 N ; R 30 E or W (circle one)

II. Type of Building (check all that apply)
 1 or 2 Family Dwelling - Number of Bedrooms
 Public/Commercial - Describe Use Banquet Hall
 State Owned - Describe Use
 Lot #
 Block #
 CSM Number
 City of
 Village of
 Town of Elba

III. Type of Permit: (Check only one box on line A. Complete line B if applicable)

A. New System Replacement System Treatment/Holding Tank Replacement Only Other Modification to Existing System (explain)
 B. Permit Renewal Before Expiration Permit Revision Change of Plumber Permit Transfer to New Owner List Previous Permit Number and Date Issued

IV. Type of POWTS System/Component/Device: (Check all that apply)

Non-Pressurized In-Ground Pressurized In-Ground At-Grade Mound ≥ 24 in. of suitable soil Mound < 24 in. of suitable soil
 Holding Tank Other Dispersal Component (explain) Pretreatment Device (explain)

V. Dispersal/Treatment Area Information:

Design Flow (gpd) 400.5 Design Soil Application Rate (gpd/ft) Dispersal Area Required (sf) Dispersal Area Proposed (sf) System Elevation

VI. Tank Info	Capacity in Gallons		Total Gallons	# of Units	Manufacturer	Prefab Concrete	Site Constructed	Steel	Fiber Glass	Plastic
	New Tanks	Existing Tanks								
Septic or Holding Tank	<u>2500</u>		<u>2500</u>	<u>1</u>	<u>Weiger</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dosing Chamber						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII. Responsibility Statement- I, the undersigned, assume responsibility for installation of the POWTS shown on the attached plans.

Plumber's Name (Print) Brian Wright Plumber's Signature [Signature] MPM/PRS Number 220492 Business Phone Number 920 623-4517
 Plumber's Address (Street, City, State, Zip Code) PO Box 26 Columbus WI 53925

VIII. County/Department Use Only

Approved Disapproved Owner Given Reason for Denial Permit Fee \$400.00 Date Issued 10-24-16 Issuing Agent Signature

IX. Conditions of Approval/Reasons for Disapproval
895455 **160742**

Attach to complete plans for the system and submit to the County only on paper not less than 8 1/2 x 11 inches in size

Holding Tank Plan Index & Cover Sheet

Component Manual Design References:
Version 2.0, SBD-10855-P (N. 03/07; R 01/12)

Pg 1 of 4	Index & Cover Sheet
Pg 2 of 4	Plot Plan
Pg 3 of 4	Holding Tank Specifications
Pg 4 of 4	Management Plan

Attachments:	Enclosures:
	POWTS Application for Review
	Soil Evaluation Report & Site Map (if applicable)
	Holding Tank Pumping Contract (if applicable)
	Holding Tank Agreement (if applicable)

Project Name / Description

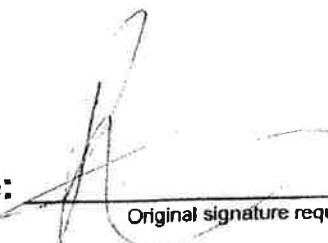
Owner Name(s): Beth Renee **Phone:** 414-899-5311
Owner Address: W 269 N 2723 Belgah Ave **Zip:** 53072
Project Address: N 3677 Roche Rd Rewaunee WI
Govt. Lot: SW 1/4 of SE 1/4, Section 15, T 10 N-R 13 E or W
Township: Etba **County:** Dodge
Project Parcel ID #: 014-1013-2211-000

Designer Information

Designer Name: Brian Wright **Phone:** 920-623-4517
Designer Address: PO Box 260 Columbus WI **Zip:** 53925

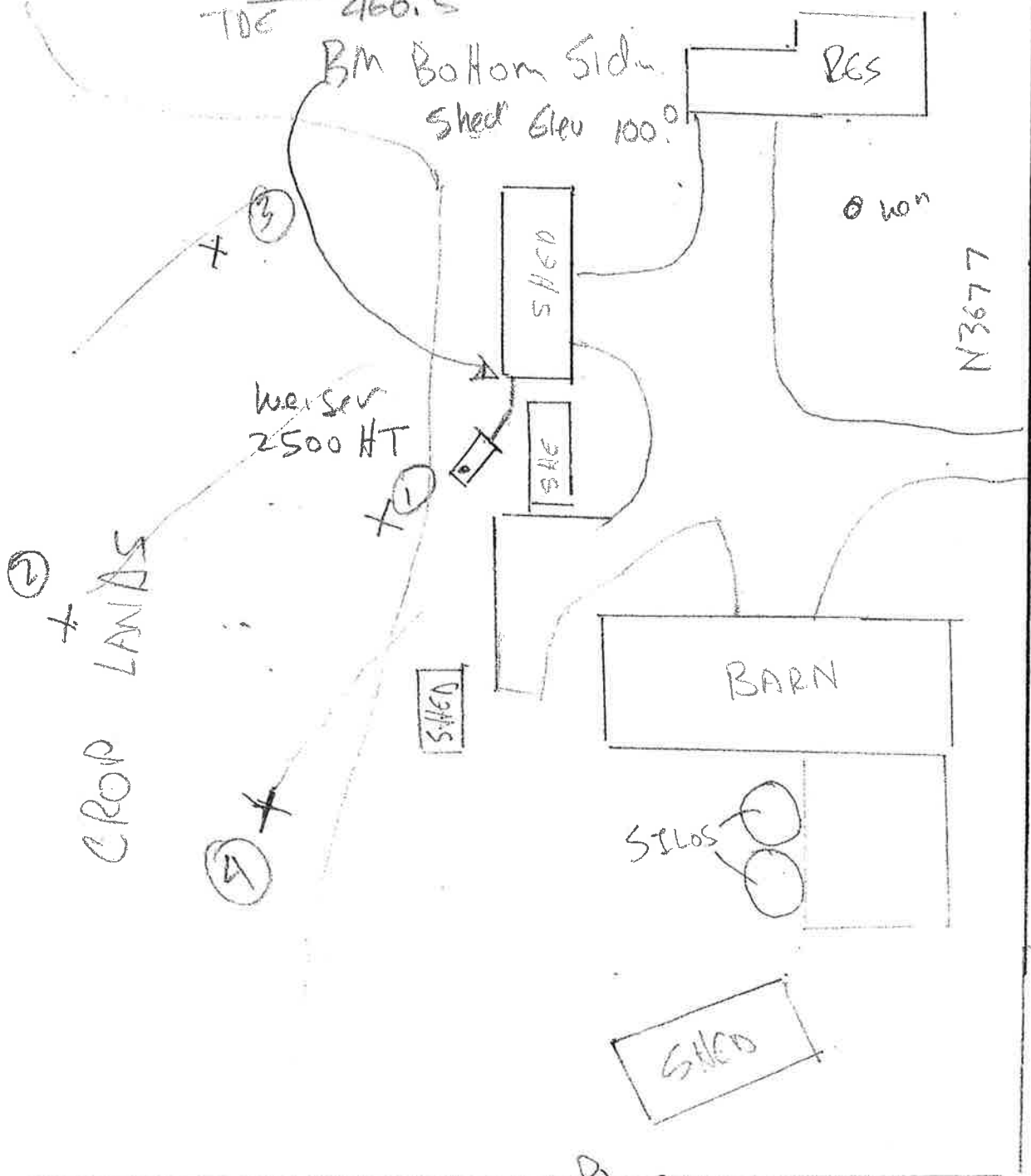
E-mail: _____ This space reserved for approval stamp.
License Number: 220442

Remarks:

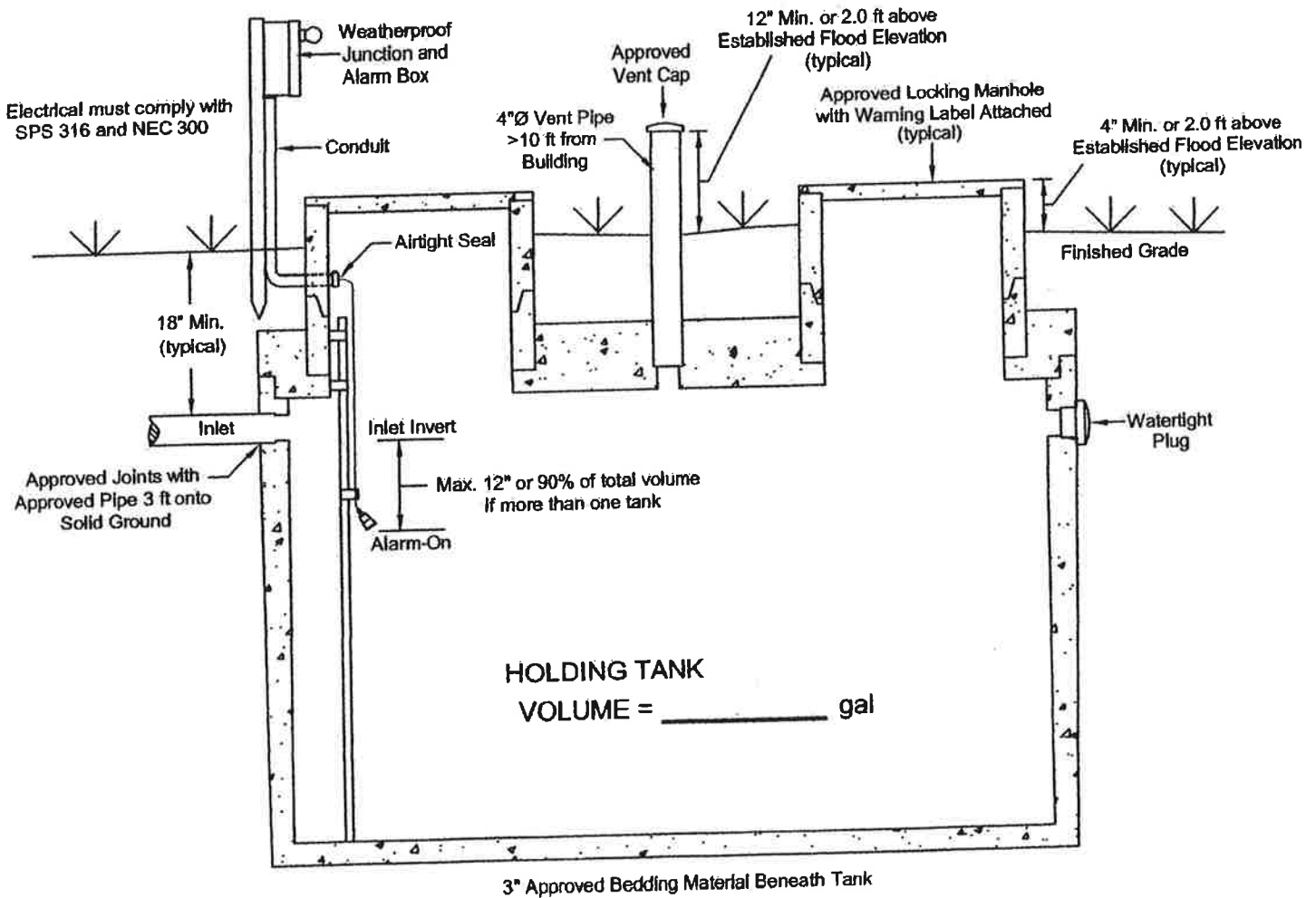
Signature:  _____ **Date:** 10/16/16
Original signature required on each submitted copy.

Swily SE 114 S15 T10 NR 13E Page 2
 Elba Dodge

200 Patrons 1.3 = 260
 1 floor drain 25 = 25
 2 employees 13 = 26
 105 x 311
 TDC 466.5



HOLDING TANK SPECIFICATIONS (No Scale)



TANK MANUFACTURER: Wiesen

Anchor tank as necessary pursuant to SPS 383.43(8)(g)

Ballast Weight = [(cu.ft.tank.vol x 62.4 lbs/cu.ft) - lbs.tank.wt] x 1.5

Ballast Weight = [(4583.3 cu.ft. x 62.4 lbs/cu.ft) - 18,000 lbs] x 1.5 = 401,999.98 lbs

Holding Tank Management Plan

IMPORTANT:

The owner of this holding tank(s) shall be responsible for its perpetual operation and maintenance pursuant to requirements of SPS 382-384, Wisc. Admin. Code. Pursuant to SPS 383.52 (2), Wisc. Admin. Code, this holding tank(s) shall be considered a human health hazard if not maintained in accordance with this approved management plan. Furthermore, all inspection and maintenance activities shall be performed by a **registered POWTS Maintainer** in accordance with SPS 383.52 (3), Wisc. Admin. Code.

Estimated Daily Wastewater Flow = 466.5 gpd

Inspection Checklist

INSPECT EVERY 3 YEARS

- o type of use
- o age of system
- o nuisance factors (i.e. odors, user complaints, etc.)
- o mechanical malfunction (i.e., pumps, valves, switches, floats, etc.)
- o material fatigue (i.e., leaks, breaks, corrosion, etc.)
- o neglect or improper use (i.e., exceeding design capacities, prohibited activities, etc.)
- o electrical components (i.e., wiring, connections, switches, controls, timers, alarms, etc.)
- o surface discharge of effluent or sewage back-up into structure served

SERVICING FREQUENCY

- o The tank(s) shall be pumped by a certified septage servicing operator licensed under s. 281.48 Wisc. Stats. when the wastewater in the tank(s) reaches a level of one foot below the inlet invert of the tank(s). Disposal of contents shall be pursuant to NR 113, Wisc. Admin. Code.

Tank pumping reports shall be submitted to the proper local government unit in accordance with SPS 383.55 Wis. Admin. Code. Report any component failure or malfunction to:

Name of individual or company: Eckmeyer Phone: 920.478.2379
 Local government unit: Dodge County - Parks Phone: 920.386.3700
 Local government unit address: 127 E Oak St Juneau WI ZIP: 53039

Any defective part of this system shall be repaired, replaced, or removed pursuant to SPS 383.51 (1), Wisc. Admin. Code. Repair or replacement of failed or malfunctioning components shall comply with SPS 383, Wisc. Admin. Code. No product for chemical or physical restoration of the POWTS may be used unless approved by the department in accordance with SPS 384, Wisc. Admin. Code.

Contingency Plan

In the event that any failed component of this holding tank(s) cannot be repaired, it shall be replaced pursuant to a plan submitted to the appropriate agency for review and approval.

System Abandonment

If use of this tank(s) is discontinued, it shall be abandoned in accordance with SPS 383.33, Wisc. Admin. Code.

ACTIVITY #:

160741

RECEIVED: 10-24-16

RECEIPT #: 5454

Wisconsin Department of Commerce
Division of Safety and Buildings

SOIL EVALUATION REPORT

Page 1 of 4

in accordance with Comm 85, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

County	Dodge
Parcel I.D.	014-1013-2211-600
Reviewed by	Date

Property Owner Beth Peanee	Property Location Govt. Lot SW 1/4 SE 1/4 S 15 T 10 N R 13 E (or) W
Property Owner's Mailing Address W 209 N 2723 Lehigh Ave	Lot # Block # Subd. Name or CSM#
City State Zip Code Phone Number Pewaukee WI 53072 414-899-5311	City Village Town Nearest Road Elba X Roche Rd

New Construction Use: Residential / Number of bedrooms _____ Code derived design flow rate 466.05 GPD
 Replacement Public or commercial - Describe: Con Levee Hall
 Parent material _____ Flood Plain elevation if applicable NA ft.
 General comments and recommendations:
 200 Patrons
 1 floor drain
 2 employees
 Site Address N 3677 Roche Road

1 Boring # Boring Pit Ground surface elev. _____ ft. Depth to limiting factor 40 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2
1	0-9	10YR3/2	-	Sil	2fg	mf	cs	2ft	.6	.8
2	9-22	10YR4/4	-	Sil	2fsbk	mf	cs	1ft	.4	.6
3	22-40	7.5YR3/4	-	Sil	2fsbk	mf	clw	-	.4	.6
4	40-78	10YR6/4	CIF 7.5YR5/1	lwg fc	1fsbk	mf	-	-	.4	.6

2 Boring # Boring Pit Ground surface elev. _____ ft. Depth to limiting factor 42 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2
1	0-11	10YR3/2	-	Sil	2fg	mf	cs	2ft	.6	.8
2	11-3	10YR4/4	-	Sil	2fsbk	mf	cs	1ft	.4	.6
3	3-42	7.5YR3/4	-	Sil	2fsbk	mf	clw	-	.4	.6
4	42-70	10YR6/4	CIF 7.5YR5/1	lwg fc	2fpl	mf	-	-	NP	.2

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name (Please Print) Bryan F. Wayt	Signature 	CST Number 220442
Address PO Box 26 Columbus WI	Date Evaluation Conducted 4/22/16	Telephone Number 920-623-9513

Property Owner Rec, mee

Parcel ID # _____

Page 2 of 4

Boring # 3 Boring
 Pit Ground surface elev. _____ ft. Depth to limiting factor 39 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ff	
									*Eff#1	*Eff#2
1	0-7	10YR3/2	-	Sil	2fg	mtv	4S	lut	6	0
2	7-39	10YR4/4	-	Scl	2Sbk	mtv	ck	lut	.4	6
3	39-82	10YR6/4	clt 7.57p5b	lwy tool	Hfg	mtv	-	-	.4	6
			H2O 48"							

Boring # 4 Boring
 Pit Ground surface elev. _____ ft. Depth to limiting factor 78 in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ff	
									*Eff#1	*Eff#2
1	0-9	10YR3/2	-	Sil	2fg	mtv	4S	lut	6	0
2	9-32	10YR4/4	-	Scl	2Sbk	mtv	ck	lut	.4	6
3	32-78	10YR6/4	-	lwy tool	Hfg	mtv	-	-	.4	6

Boring # _____ Boring
 Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in.

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ff	
									*Eff#1	*Eff#2

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

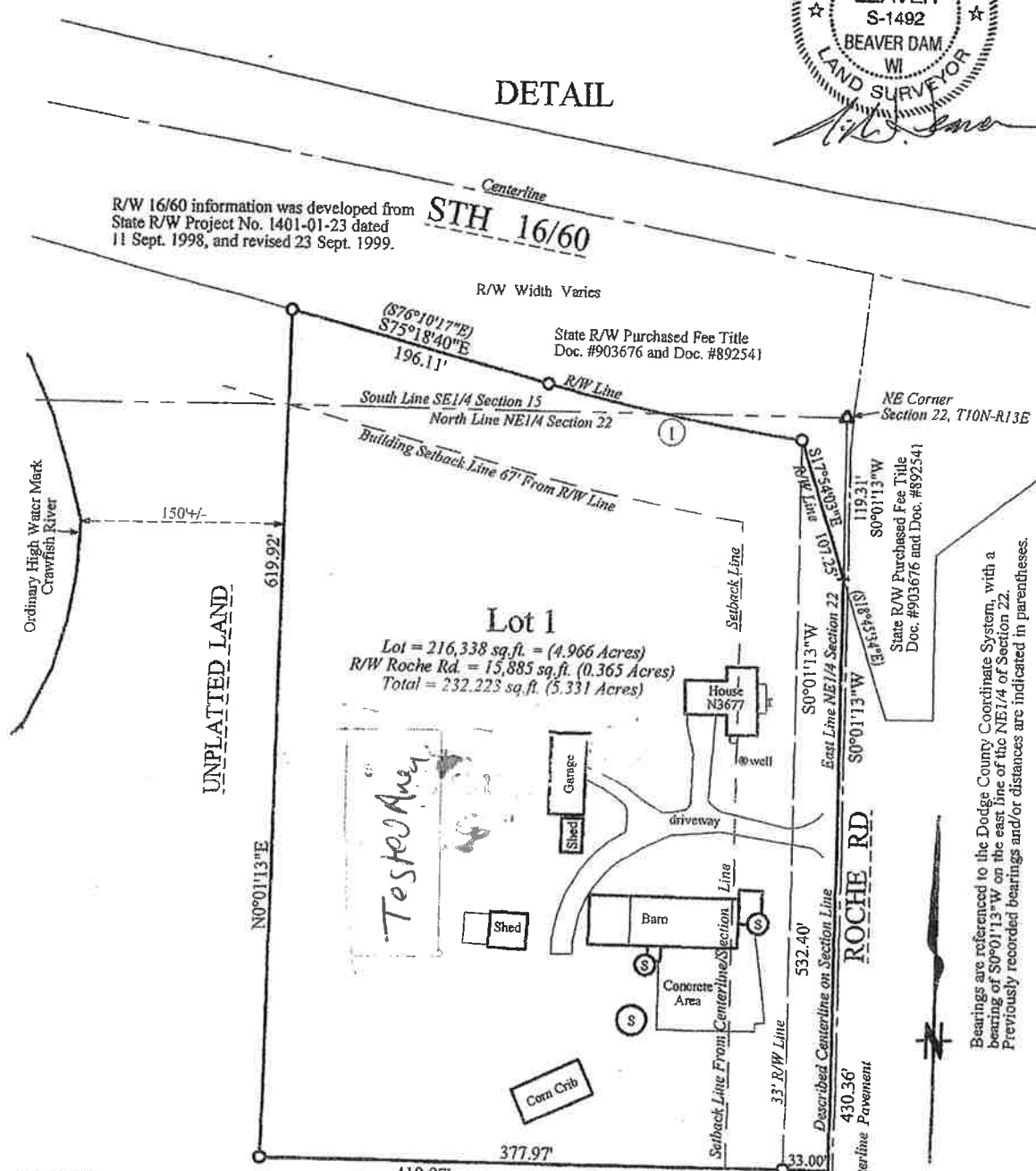
The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

CERTIFIED SURVEY MAP NO. _____

For the Earl A. Gay and Rita A. Gay Trust
 Located in the SE1/4-SE1/4 of Section 15; and the NE1/4-NE1/4,
 the SE1/4-NE1/4, and the NE1/4-SE1/4 of Section 22, T10N-R13E
 Town of Elba, Dodge County, Wisconsin



DETAIL



R/W 16/60 information was developed from State R/W Project No. 1401-01-23 dated 11 Sept. 1998, and revised 23 Sept. 1999.

STH 16/60

(S76°10'17"E)
 (S75°18'40"E)
 196.11'

State R/W Purchased Fee Title
 Doc. #903676 and Doc. #892541

South Line SE1/4 Section 15
 North Line NE1/4 Section 22

NE Corner
 Section 22, T10N-R13E

Ordinary High Water Mark
 Crawfish River

150'±

UNPLATTED LAND

Lot 1

Lot = 216,338 sq. ft. = (4.966 Acres)
 R/W Roche Rd. = 15,885 sq. ft. (0.365 Acres)
 Total = 232,223 sq. ft. (5.331 Acres)

State R/W Purchased Fee Title
 Doc. #903676 and Doc. #892541

N0°01'13"E

S0°01'13"W
 S0°01'13"W
 S0°01'13"W
 S0°01'13"W

East Line NE1/4 Section 22

ROCHE RD

Tested Area

Garage

Shed

Shed

Barn

Concrete Area

Corn Crib

driveway

House N3677

well

Section Line

33' R/W Line

75' Building

532.40'

430.36'

Centerline Pavement

619.92'

410.97'

377.97'

N89°58'47"W

LEGEND

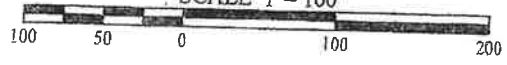
- ▲ Dodge County Mag Nail w/ID Washer Found
- 0.75"x 18" rebar weighing 1.5 lbs. per lineal foot placed w/orange plastic ID cap
- S Silo

UNPLATTED LAND

CURVE TABLE

Reference	Radius	Bearing	Chord	Arc
1	1670.03'	S78°36'25"E	192.03'	192.13'
		(S79°28'02"E)		192.14'

SCALE 1" = 100'



Bearings are referenced to the Dodge County Coordinate System, with a bearing of S0°01'13"W on the east line of the NE1/4 of Section 22. Previously recorded bearings and/or distances are indicated in parentheses.

Land Resources and Parks Department Staff Report

County Administrative Appeal Application No. 2016-0709

Applicant (Agent):

Attorney William H. Gergen
Gergen, Gergen and Pretto, S.C.
105 Front Street
PO Box 453
Beaver Dam, WI 53916

Owner:

Ray and Cheryl Beier
W10591 Hickory Grove Road
Fox Lake WI 53933

Filing Date: October 14, 2016

Hearing Date: December 8, 2016

Location

The appellant is the owner of the following described property which is the subject of the administrative appeal request:

PIN#: 018-1313-2712-029

Property Location: Lot 2, CSM 6251 which is located in part of the NW ¼ of the NE ¼, Section 27, T13N, R13E, Town of Fox Lake, the site address being W10591 Hickory Grove Road.

County Jurisdiction

The County has jurisdiction under the Shoreland Protection Ordinance in this case as the parcel listed above is located within 1000 feet of the Ordinary Highwater mark of Fox Lake.

The County has jurisdiction under the Dodge County Floodplain Zoning Ordinance in this case as portions of the property described above are designated as floodplain and flood storage district according to the Dodge County Flood Insurance Rate maps and the Dodge County Flood Storage Maps approved by the Dodge County Board of Supervisors.

Review Criteria

Subsections 13.8 through 13.87 of the Dodge County Shoreland Protection Ordinance details procedural matters and the format of an Appeal. Appeals of a decision of any review and decision-making body shall be made to the Board of Adjustment, unless otherwise provided for in the Code. The Board shall hold a public hearing on each appeal and, following the public hearing, act to approve or deny the appeal. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirements, decision or determination of the Land Use Administrator or the Committee, or to decide in favor of the appellant on any matter upon which it is required to pass under this Code. Any further appeal of decisions made by the Board of Adjustment shall be made to the courts, as provided by law, unless otherwise provided for in the Code.

Section 7.3 of the Dodge County Floodplain Zoning Ordinance details procedural matters and the format of an Appeal. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the land use administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal.

Appellants Request

According to the appeal application, the Administrative Decision/Measurement/Order in Dispute are the Violation Notices dated August 17, 2016 which were attached to appeal application. Exhibit A

According to the information provided with the appeal application, Raymond Beier hereby appeals the finding by the Dodge County Land Resources and Parks by Terry Ochs that he is in violation of Dodge County Ordinances by virtue of using fill on that land and finding him to have conducted land disturbing activities in the wetland district by grading or excavating and, at the same time, violated Dodge County Ordinances by filling and grading lands within a special flood storage area, as communicated to him in two separate letters dated August 17, 2016.

In essence, Mr. Beier states that these findings are erroneous specifically because he did not engage in the activities he has been found to have engaged in. With respect to the allegation that he has graded and filled lands in a special flood hazard area, Mr. Beier flatly denies that he has engaged in any grading or filling of lands within this special flood hazard area. Rather, Mr. Beier indicated that Mr. Ochs was witness to a pile of fill that was initially delivered to the special flood hazard area, but was actually used to fill in an area outside of the special flood hazard area, that fill being placed along the Hickory Drive ditch not within the prohibited area at all.

With respect to the allegation of grading and excavating within a wetland, Mr. Beier maintains that he did not do any grading or excavating within a wetland.

Relief being sought by the appellant:

The applicant is requesting that the Dodge County Board of Adjustment reverse the decision of the Land Use Administrator that Mr. Beier is in violation of the Dodge County Shoreland Protection Ordinance and the Dodge County Floodplain Zoning Ordinance and to permit Mr. Beier to repair the damage pursuant to the previous orders.

Features

The features of the property that relate to the granting or denial of the appeal are as follows:

According to Section 2.1 of the Dodge County Shoreland Protection Ordinance, areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Dodge County which are located within one thousand feet of the ordinary highwater mark (OHWM) of navigable lakes ponds or flowages. According to the County records, the appellant's property is located within 1000 feet of the ordinary highwater mark of Fox Lake and therefore the property is located within the jurisdiction of the Dodge County Shoreland Protection Ordinance. (Exhibit B)

According to the Wisconsin Wetland Inventory maps dated May 10, 1994, and the Wisconsin Wetland Inventory maps located on the Wisconsin Department of Natural Resources Surface Water Data Viewer, a portion of the appellant's property is designated as Wetlands. The area of the appellant's lot that is designated as a wetland is shown in Exhibit C.

According to Section 1.5 of the Dodge County Floodplain Zoning Ordinance, the floodplain ordinance regulates all lands within the boundaries of Dodge County, lying outside the limits of incorporated cities and villages that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the DNR. The official maps and revisions and the boundaries of all floodplain districts are based on the Flood Insurance Study and are listed in Section 2 of the Dodge County Floodplain Zoning Ordinance.

According to the Flood Insurance Study for Dodge County, the 1-percent annual change floodplain elevation (100-year Floodplain elevation) for Fox Lake is 894.6 feet (NAVD88). The area of the appellant's lot that is designated as floodplain is the area of the lot that is at or below the elevation of 894.6 feet (NAVD88) as shown in Exhibit D.

According to Flood Storage District map, Panel 11, the portion of the appellant's property that is located within the floodplain (elevation 894.6 feet (NAVD88)) is also designated as a Flood Storage District which is the area of the lot that is at or below the elevation of 894.6 feet (NAVD88). A copy of the flood storage district panel 11 is shown as Exhibit E. The area of the appellant's lot that is designated as flood storage district is the area at or below the elevation of 894.6 feet (NAVD88).

According to Section 5.2(3) of the Dodge County Floodplain Zoning Ordinance, no development shall be allowed which removes flood storage volume unless an equal amount of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). It is the staff's position that the placement of fill on the appellant's property within the area designated as flood storage district (any area at or below the elevation of 894.6 feet (NAVD88)) resulted in the removal of flood storage volume for this floodplain which is a violation of the Ordinance.

According to the Dodge County Land Use Administrator, the Ordinary Highwater Mark for Fox Lake is at an elevation of 892.45 feet (NAVD88). The ordinary highwater mark for Fox Lake is a fixed elevation that is based on the normal gate operations for the Fox Lake Dam. The ordinary highwater mark elevation used by the Land Resources and Parks Department is the same normal pool/lake elevation used for the Dodge County Flood Insurance Study and the 2011 Physical Map Revision Analysis for Fox Lake. (See Exhibit F – Page 17 of the Flood Insurance Study and Exhibit D - page 7 of the 2011 Physical Map Revision Analysis study for Fox Lake) for references to the normal pool/lake elevations for Fox Lake.

According to Section 8.21, a conditional use permit is required for any filling, grading, dredging, ditching or excavating within the bed of a navigable waterway. It is the staff's position that the appellant has placed fill on his lot in the area as shown in Exhibit I. It is also the staff's position that the filled area is located below the ordinary high water mark of Fox Lake – elevation 892.45 feet (NAVD88). The County has no records of any permits or approvals for the placement of fill on this property below the ordinary highwater mark of Fox Lake which is a violation of the Shoreland Protection Ordinance.

In addition, Section 3.3 of the Shoreland Protection Ordinance lists the permitted uses within the Wetland Zoning District. The placement of fill within a wetland for the purposes of increasing the dryland elevation of the land is not listed as an allowed use within a wetland and is therefore prohibited by the Ordinance. It is the staff's position that the placement of fill on the appellant's property in the area below the ordinary highwater mark as shown in Exhibit I is a violation of the Shoreland Protection Ordinance.

The property is presently being used for residential use.

The physical features of this approximate 0.952-acre lot include a sloping topography with slopes ranging from 0 to 6%. The parcel contains a residence, accessory structures and a boardwalk.

The general character of the surrounding land use consists of residences and commercial establishments along the shoreline of Fox Lake.

Timeline of Events According to County Records

According to County records, on August 25, 2015, an inspection of the appellant's property was completed by the following Dodge County Staff: Terry R. Ochs - Senior Land Use Administrator, Ted Dumke – Dodge County Surveyor and Mike Canniff – Dodge County Survey and Mapping Specialist. The staff located and marked the Ordinary High Water Mark on the property. The location flagged by the staff coincided with O.H.W.M. originally set by WiDNR Dan Hunt. The O.H.W.M. was located to determine the location of the wetland and O.H.W.M boundary jurisdictional limits. During this inspection, the staff observed that grading and excavating had occurred on this site within the shoreland area below the O.H.W.M.

On September 11, 2015, a Shoreland Protection Ordinance Violation notice was sent by the Department to Ray Beier by certified mail (2015-0591, cert. mail 7013 2630 0000 7012 7432) notifying the owner that he is in violation of the Shoreland Protection Ordinance for Land Disturbing activities (Grading / excavating) in a wetland district. A violation notice was also sent to property owner (Ray Beier) by certified mail (2015-0662, cert. mail 7013 2630 0000 7012 7432) for filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6 msl). Mr. Beier was ordered to resolve the violation matters by October 11, 2015. Exhibits G & H

According to mail receipts, on September 15, 2015 the violation letters were delivered to the Beier residence. 2015-0591, cert. mail 7013 2630 0000 7012 7432) and (2015-0662, cert. mail 7013 2630 0000 7012 7432).

According to Mr. Beier, on or about September 24, 2015, Larson Excavation removed material from Mr. Beier's property.

On October 7, 2015, an on-site was conducted on the Beier property by the following Dodge County staff members: Terry R. Ochs, Ted, Dumke and Mike Canniff. Mr. Ray Beier was present during the inspection. The Dodge County staff located the Ordinary High Water Mark (O.H.W.M.) using the elevation of 892.4 (NAVD88) msl. The staff also recorded several physical GPS elevation readings which were above the 892.4 msl elevation. The elevation readings taken by the County staff provided physical evidence of fill material still located below (O.H.W.M.) at which time Mr. Beier stated "Just tell me what to remove". The County staff set a bench mark elevation at 894.35 (Nail on top of post) to assist Mr. Beier in the removal of the fill placed on this site that is above the 892.4msl ordinary high water elevation. The GPS location of the fill area and copies of photos taken by the staff are shown in Exhibit I

According to the County Records, no appeal or response was filed with the Land Resources and Parks Department by Mr. Beier appealing the legitimacy of ordinary high water mark or the Dodge County violation notices within the 30-day appeal period.

According to comments received by Mr. Beier, on or about October 21, 2015, additional fill material was removed from the Beier property by Mr. Larson.

On October 29, 2015, an onsite inspection of the Beier property was conducted by the following County Staff: Terry R. Ochs, Ted, Dumke, and Mike Canniff. Based on the observations made by the staff, fill still remained within the wetland and floodplain storage districts and the site remained in violation. Mr. Beier was given until May of 2016 to resolve the violation orders. The extended compliance date was agreed upon to accommodate clean-up which would not cause further environmental damage due to runoff.

On August 17, 2016, a (Final) Shoreland Protection Ordinance Violation Notice was sent by the Dodge County Land Resources and Parks Department to property owner (Ray Beier) by certified mail (2015-0591, cert. mail 7014 2120 0004 5602 9715) regarding the Land Disturbing activities (Grading / excavating) in a wetland district. A (Final) Violation Notice was also sent to property owner (Ray Beier) by certified mail (2015-0662, cert. mail 7014 2120 0004 5602 9715) for filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6msl). Mr. Beier was ordered to apply for and obtain the required County floodplain authorizations to allow the fill to remain in the flood storage district or to remove the unauthorized fill from the flood storage district. Mr. Beier was also ordered to remove the material from the wetland district and to reclaim the disturbed area and to re-establish the wetland vegetation in the disturbed areas. Exhibit J & K

On August 17, 2015, a Dodge County Land Use Permit (16-0557) was received by Dodge County Land Resources and Parks Department (2016-0557) for filling of 375 square feet of shoreline. Exhibit L

According to mailing receipts, on August 19, 2016, the Final Violation letters (2015-0591, cert. mail 7014 2120 0004 5602 9715) and (2015-0662, cert. mail 7014 2120 0004 5602 9715), were received by the Beier residence.

On August 22, 2016, Mr. Beier submitted a letter addressed to Terry Ochs in response to the 2 violation notices mailed August 17, 2016 and received on August 19, 2016. Exhibit M

At the request of the appellant, on August 31, 2016, the Department granted Mr. Beier an extension to the compliance date to resolve the Shoreland Protection Ordinance Violation and Floodplain Ordinance violations to October 15, 2016. Exhibit N

On September 2, 2016, a land use permit on-site inspection was completed by Joseph Giebel and the Land Use Permit (2016-0557) application for the filling of 375 square feet of near the Boardwalk was denied by County. Giebel. The permit was denied under Section 3.3 of the Dodge County Shoreland Protection Ordinance because the proposed fill area is designated as a wetland and filling in a wetland is not a permitted use. Mr. Beier was also notified in the denial letter that his proposed filling and grading project is not eligible for an exemption under Section 3.32(5) of the Dodge County Shoreland Protection Ordinance. Exhibit O

The permit was also denied under Dodge County Floodplain Zoning Ordinance because the proposed fill area is designated as a flood storage district. According to Section 5.2(3) of the Floodplain Ordinance, no development is allowed which removes flood storage volume. According to the information in the application, fill material would be placed within the area designated as a flood storage district which results in the loss of flood storage volume which is prohibited by the Ordinance.

No appeal was submitted to the Land Resources and Parks Department by Mr. Beier within the 30-day appeal period after receiving the Final Violation Letters on August 19, 2016.

On September 14, 2016, Terry Ochs sent a letter to Mr. Beier regarding Mr. Beier's letter dated August 22, 2016. Exhibit P.

September 19, 2016: Letter from Terry Ochs to Attorney Gergen - Exhibit Q

September 24, 2016: Letter from Joseph Giebel to Attorney Gergen – Exhibit R

On October 14, 2016, an Administrative Appeal (2016-0709) was received by Dodge County Land Resources and Parks appealing the August 17, 2016 notice of violation letters sent by the Land Resources and Parks Department. The administrative appeal was submitted 56-days after the receipt of the August 17, 2016 notice of violation letters by Mr. Beier. – Exhibit A

On November 3, 2016, the Board of Adjustment Members conducted an on-site inspection of the Ray Beier Property. Terry Ochs and Ray Beier were present during the inspection.

Copies of the Land Use Permits issued by the County for the dwelling, the detached garage and the board walk constructed in this site have been included as exhibits S, T & U for the Boards Review. The permits for these structures did not authorize any fill to be placed within the Wetland or Floodplain area on this lot.

Staff Advisory:

This staff advisory is only advice to the Dodge County Board of Adjustment. The Board may or may not consider the advice of the staff and decision making authority is vested in the Board only.

It is the staff's position that the appellant, Mr. Beier has placed fill within an area mapped as a wetland as shown in Exhibit I which is a violation of the Shoreland Protection Ordinance as noted in the violation notices sent to Mr. Beier on September 11, 2015 and August 17, 2016. It is also the staff's position that the appellant, Mr. Beier, has placed fill within an area designated as a flood storage district as shown in Exhibit I which is a violation of the Dodge County Floodplain Zoning Ordinance as noted in the violation notices sent to Mr. Beier on September 11, 2015 and August 17, 2016.

It is the staff's position that the appellant, Mr. Beier has not obtained County permits or approvals to allow fill to be placed on his property below the ordinary highwater mark of Fox Lake and he has not obtained County permits or approvals to allow fill to be placed on his property below the floodplain elevation or within the flood storage district.

It is the staff's position that the appellant, Mr. Beier, did not file a timely appeal and therefore he has lost his right to appeal the zoning violation notices of September 11, 2015 and August 17, 2016.

In accord with Section 13.81 of the Dodge County Shoreland Protection Ordinance, and Section 7.3(2) of the Dodge County Floodplain Ordinance, require appeals of the decision or orders of the land use administrator or other administrative officer shall be filed within 30 days of the decision or order in question. According to County records, the notice of violation and orders for the violations of the Shoreland Protection Ordinance and the Floodplain Zoning Ordinance were sent by the Department to Mr. Beier on September 11, 2015. In addition, according to mailing receipts, the letters were received by the Beier residence on September 15, 2015. No appeal was filed with the Department regarding the September 11, 2015 Violation notices.

According to County records, a final notice of the violations were sent to Mr. Beier by the Department on August 17, 2016. According to mailing receipts, the letters were received by the Beier residence on August 19, 2016. The Administrative Appeal of the August 17, 2016 violation notices was filed by the appellant with the Dodge County Land Resources and Parks Department on October 14, 2016, 56 days after receipt of the violation notice and orders by the appellant. It is therefore the staff's position that the appeal was not submitted within the 30-day appeal period required by the Ordinances.

The staff therefore recommends denial of the Administrative Appeal.

Exhibit A

Administrative Appeal



**DODGE COUNTY LAND RESOURCES
AND PARKS DEPARTMENT**

127 E. Oak Street • Juneau, WI 53039
PHONE: (920) 386-3700 • FAX: (920) 386-3979
E-MAIL: landresources@co.dodge.wi.us

Administrative Appeal

THIS AREA FOR OFFICE USE ONLY	
Activity No. 160709	Issue Date:
Application Date: 10-14-16	Receipt #: 895421

Application Fee: \$450 (After the Fact Application Fee: \$900)

Names and Mailing Addresses	Property Description												
Applicant (Agent) Ray Beier	Parcel Identification Number (PIN) 018-1313-2712-029												
Street Address W10591 Hickory Grove Road	Town Fox Lake												
City • State • Zip Code Fox Lake WI 53933	<table border="1"> <tr> <td>¼</td> <td>¼</td> <td>Section</td> <td>T</td> <td>R</td> <td>E</td> </tr> <tr> <td>NW</td> <td>NE</td> <td>27</td> <td>N</td> <td>13N</td> <td>13E</td> </tr> </table>	¼	¼	Section	T	R	E	NW	NE	27	N	13N	13E
¼	¼	Section	T	R	E								
NW	NE	27	N	13N	13E								
Property Owner (If different from applicant)	Subdivision or CSM #												
Street Address	Site Address W10591 Hickory Grove Road, Fox Lake WI 53933												
City • State • Zip Code	Is this property connected to public sewer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												

Address the following appeal criteria described in the Notice and Application. Attach additional sheets if necessary.

List the current use and improvements located on this site:

Provide a description of all nonconforming structures and uses on this site:

Reason for the appeal (Complete the section for the type of administrative decision being appealed)

ZONING DISTRICT BOUNDARY DISPUTE

List the location and zoning districts involved

Describe the petitioner's boundary location criteria:

Describe the petitioner's Boundary Determination and what relief the petitioner is seeking:

LAND USE CODE INTERPRETATION

List section and number of code

Describe petitioner's interpretation of the code and rationale for their interpretation and what relief the petitioner is seeking:

ADMINISTRATIVE DECISION / MEASUREMENT / ORDER IN DISPUTE

List the decision, measurement or order in dispute and what relief the petitioner is seeking:

Violation Notices dated August 17, 2016 attached. See attached regarding relief requested, which is dismissal/reversal of the violation finding and permit to repair the damage done pursuant to previous orders.

CERTIFICATE

I hereby certify that I am the owner and/or authorized agent of the property owner and that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief and I hereby authorize members of the Dodge County Land Resources and Parks Department and members of the Dodge County Board of Adjustment to enter the above described property for purposes of obtaining information pertinent to my application/appeal/variance request.

Signature of owner or authorized agent:

[Handwritten Signature]

Date:

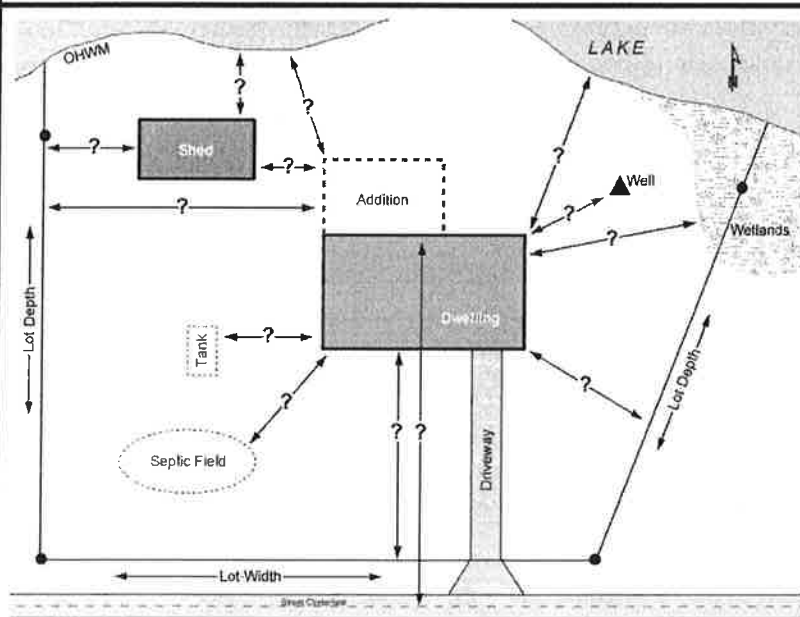
10/15/2016

Daytime Contact Number

(956) 346-8102

SITE PLANS AND BUILDING PLANS

All applications must be accompanied by a site plan. Figure 1 below is an example of an acceptable plan.



Site plans must be drawn to scale and/or all dimensions given, such as:
Location and dimensions of the project
Location and dimensions of existing structures
Dimensions of the property
Location and names of abutting roads, lakes & Streams
North arrow
Owner's name

Distances must be shown from the project to:

- Lot lines
- Road right-of-ways & centerline
- Water bodies Ordinary High Water Mark (O.H.W.M.)
- Septic & holding tanks
- Soil absorption systems
- Nearby structures (within 50 feet)

GERGEN, GERGEN & PRETTO, S.C.

Attorneys at Law

105 Front Street
PO Box 453
Beaver Dam, WI 53916

WILLIAM H. GERGEN

DAWN P. GERGEN

Court Commissioner

ROBERT A. PRETTO

PHONE: (920) 887-0371

Fax: (920) 887-2398

HENRY G. GERGEN, JR.
(1917-1993)

October 13, 2016

VIA FAX

Dodge County Land Resources and Parks Department
127 E. Oak Street
Juneau, WI 53039

Re: Ray Beier, P. O. Box 5, Fox Lake WI 53933
Site location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Dodge County Land Resources and Parks Department:

Raymond Beier hereby appeals the finding by the Dodge County Land Resources and Parks by Terry Ochs that he is in violation of Dodge County Ordinances by virtue of using fill on that land and finding him to have conducted land disturbing activities in the wetland district by grading or excavating and, at the same time, violated Dodge County Ordinances by filling and grading lands within a special flood storage area, as communicated to him in two separate letters dated August 17, 2016.

In essence, Mr. Beier states that these findings are erroneous specifically because he did not engage in the activities he has been found to have engaged in. With respect to the allegation that he has graded and filled lands in a special flood hazard area, Mr. Beier flatly denies that he has engaged in any grading or filling of lands within this special flood hazard area. Rather, Mr. Beier indicates that Mr. Ochs was witness to a pile of fill that was initially delivered to the special flood hazard area, but which was actually used to fill in an area outside the special flood hazard area, that fill being placed along the Hickory Drive ditch not within the prohibited area at all.

With respect to the allegation of grading and excavating in a wetland, Mr. Beier maintains that he did not do any grading or excavating within a wetland.

Mr. Ochs has ordered Mr. Beier to "restore" his lands to an elevation of 892.24 feet. Mr. Beier submits that nowhere in the historical record is there any reason to believe that his land was ever at the height of 892.24 feet within either the wetland or the flood hazard area. The only

excavating that Mr. Beier has done was pursuant to Mr. Ochs direction that he attempt to lower his land to the 892.4 foot level, which resulted in the exposure of roots to hundred year old trees, at which point the excavator stopped and awaited further directions, which have not been forthcoming from the Department or Mr. Ochs.

Along the way, the matter has become so confused that Mr. Beier has been attempting to get permits to refill the area previously ordered excavated by Mr. Ochs so that damage to his land, the shoreland, the wetland, and the flood area does not occur or get any worse as a result of Mr. Ochs' previous orders.

It is unquestionably the case that this land, according to the elevation maps, slopes downward toward the lake. It is a simple matter of fact that land that slopes downward erodes in the same direction, and absent some evidence, which the County has to date not provided to Mr. Beier, that Mr. Beier has in fact been doing the things he denies doing, i.e., excavating or filling in the prohibited area, it is incumbent upon the County and the Department to withdraw their allegations of violation and, further, to permit Mr. Beier to refill the area around his pier which Mr. Ochs ordered excavated having no legal grounds to do so, but simply using the power of his office, and the threat of daily forfeitures, to cause Mr. Beier to attempt to comply with what was essentially an illegal order.

Attached as Exhibits to this appeal are various timelines, photographs, etc. in support of the appeal.

Sincerely,

GERGEN, GERGEN & PRETTO, S.C.

A handwritten signature in black ink, appearing to read 'William H. Gergen', written over a faint, larger version of the same signature.

William H. Gergen

WHG:tls

Enclosures

cc: Dodge County Corporation Counsel (via facsimile)
Mr. Ray Beier

Dodge County

Land Resources and Parks Department

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

August 17, 2016

Ray Beier
W10591 Hickory Grove Rd.
Fox Lake WI 53933

CERTIFIED MAIL RECEIPT

DATE MAILED 08/17/2016

TRACKING #: 7014 2120 004 5602 9715

Shoreland Protection Ordinance Violation Notice (FINAL)

Site Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Good Afternoon Mr. Beier:

It has come to our attention that you have failed to resolve the enclosed violation ((2015-0592) by the compliance date as requested. Therefore, the property mentioned above remains in violation of the Dodge County Floodplain Zoning Ordinance Dodge County, Section 1.5(1) for:

The filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6msl)

without obtaining the required County permits, approvals and/or authorizations from this office. Per Section 5.1(2) General Floodplain District (GFP) Permitted Uses of the Floodplain Zoning Ordinance Dodge County, a Permit (Land Use Permit) is required with the data required under 2.1 Hydraulic and Hydrologic Analyses. Please note that a CLOMA (Conditional Letter of Map Amendment – In fill) is required under the NFIP Map change process.

Additionally,

The filling and grading of lands within Flood Storage District

without obtaining the required County permits, approvals and/or authorizations from this office. Per Section 5.2(2) Flood Storage District Permitted Uses of the Floodplain Zoning Ordinance Dodge County, a Permit (Land Use Permit) is required with the data required under 5.2(3) Standards for Development in a Flood Storage District, is required.

Additionally, per Section 9.2.2 failure to obtain the required County permit is considered to be a violation of the County Code and as such, I must order you to resolve this matter (See options below) by the deadline specified below.

OPTIONS TO RESOLVE THIS VIOLATION:

- 1 Apply for AND obtain the required County authorization (*Applications enclosed*).
- 2 Remove unauthorized activity from the property.

COMPLIANCE DATE: September 1, 2016

If you believe that our determination is erroneous, please inform us of that, in writing, by the compliance deadline. Please be aware that failure to resolve this matter by the specified deadline will result in the commencement of formal enforcement (legal) action against you, including forfeitures of up to \$500.00 per day of violation. If you have any questions, feel free to contact our office.

Sincerely,



Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

Dodge County

Land Resources and Parks Department

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

August 17, 2016

Ray Beier
W10591 Hickory Grove Rd.
Fox Lake WI 53933

CERTIFIED MAIL RECEIPT

DATE MAILED 08/17/2016

TRACKING #: 7014 2120 0004 5602 9715

Shoreland Protection Ordinance Violation Notice (FINAL)

Site Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Good Afternoon Mr. Beier:

It has come to our attention that you have failed to resolve the enclosed violation ((2015-0591) by the compliance date as requested. Therefore, the property mentioned above remains in violation of the Dodge County Shoreland Protection Ordinance and jurisdiction as set forth by Sections 2.1. It appears violations have occurred under, Sections 2.3 and 3.4 has occurred on your property noted above. The violation:

Land Disturbing activities (Grading / excavating) in a wetland district.

Such activities are not listed as permitted uses under Section **3.3 Permitted Uses** and therefore fall under **3.4 Prohibited Uses** of the Dodge County Shoreland Protection Ordinance. As of this date, this department has no record of the required permit having been approved for this project. Therefore, I must order you to resolve this matter (See options below) by the deadline specified below.

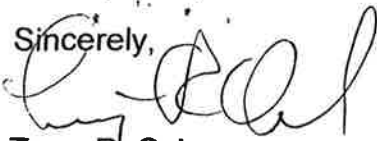
OPTIONS TO RESOLVE THIS VIOLATION:

- ❶ **Remove material and reclaim disturbed area and re-establish (Native Wetland) vegetation.**

COMPLIANCE DATE: September 1, 2016

If you believe that our determination is erroneous, please inform us of that, in writing, by the compliance deadline. Please be aware that failure to resolve this matter by the specified deadline will result in the commencement of formal enforcement (legal) action against you, including forfeitures of up to \$500.00 per day of violation. If you have any questions, feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry R. Ochs". The signature is fluid and cursive, with the first name "Terry" and last name "Ochs" clearly distinguishable.

Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

INDEX AND HISTORY Revised: Oct 13 2016

Page 1 EVENTS

Page 2 FACTS

Page 3-4 DODGE SHORELAND FLOODPLAIN ORDINANCE and response

Page 5 Summary and Duress

PAGE 6 ATTACHMENTS AND PICTURES

HISTORY

Permits issued to us from Dodge County : 2008 Fill Permit and building permit; 2013 building permit; 2015 verbal fill permit. 2016 Permit and Ruling from USACOE. 2016 General permit from WI DNR.

Erosion: Every time it rains, dirt and gravel is washed down into the wetlands. Some drainage is natural; some drainage is from the neighbor's higher lot. A larger amount water is coming off the hill via culverts placed on our side of the road. The Town of Fox Lake installed culverts on our side of the road when they should have been installed them on the other side where ditching was made to the lake. The ditch, on our side, stops at our driveway, as the town never continued the ditching. When we have a hard rain, water-over flows the ditch, causing erosion down to the wetland. Pictures to showing the magnitude of the erosion are attached.

Activity: Historically, there was fill activity pre 1950's. to facilitate machine installation of a large steel fence from the road to the lake. In the 1990's, our lot was part of a fill operation by the town when building the new road.

Preventive In 2013 we started our own water control after the town told us we were on our own. We built three levies, 2'-3.5' high, along the ditch to slow down the flow. Pictures attached.

EVENTS PAGE 1

8/24/2015, Monday, Terry Ochs stopped in looking at 2 dirt piles a result of a neighbor filing a complaint. He indicated that we needed a permit. We got the dirt to buildup the ditch levy.

8/26/2015, Wed, I met Ochs at the Dodge Co. land office for a permit. Ochs said we did not need a permit and authorized filling along the fence line. Fill map attached.

8/27/2015 Ochs and county land surveyor showed up to take GPS land readings. to determine who, USACOE, County or DNR, would have jurisdiction over the federal wetland issue . He said he did not have the authority to issue a permit.

8/31/2015 Ochs and surveyor show up again to take more elevations readings to determine whether or not he had jurisdiction. He order us to remove all material that looked like fill in the wetland area outlined but with no specific instructions.

9/15/2015 received cert mail to violation orders to remove fill by oct 11 2015 or pay 500./ a day in penalties. Ochs Maped outline the fill area . Map attached .

09/24/2015 Larson Excavating (Dave Van de zand) excavator removes material that looks like fill.

10/8/2015 10:30 Ochs and surveyor return again. Ochs orders removal of all material to reach his target level of 892.4

10/21/2015 Dave of Larson excavating, removes dirt as directed, using a transit to establish the 892.4 level. Dave calls Ochs to clarify instructions and asks Ochs to come over. Ochs reply, not available.

10/22/2015 Ochs returns says remove more. ?? Area around tree already has roots tore up. Part of the Beach head is removed. Because we were leaving for Texas We agreed to hold off until next May when we return.

10/30/2015 Ochs and surveyor on our property trespassing.

2/10/2016 received permit and ruling from USACOE. Permit not necessary for projects less than 400 Sq ft. not including approach.

5/25/2016 Travis Schroeder from WIDNR came out for an inspection. He said we need a General Permit to fill. Permit filed.

7/10/2016 receive fill general permit from DNR.

8/15/2016 submitted fill permit application to Dodge county.

8/19/2016 receive 2nd violation notice again.. Compliance date Sept 1 2016

8/19/2016 / 9/1/2016 Returned cet mail response to violation notice.

9/1/2016 receive extension to Oct 15 2016

,9/8/2016 fill permit denied. Response: permit cannot be issued as long as a violation is involved.

- 9/19/2016 Notice, still in violation. Right to appeal. Compliance date 10/15/2016.

Facts page 2

3 areas that make up the alleged violation area:

Dock /pier/ elevated walk area approx 20' (fill allowed by Sec 3.23; USACOE /DNR Project F1)

Tree area. Approx. 20' in diameter Excavation discontinued as roots were getting tore up

60' area from tree to next lot Primarily muck with wetland vegetation and grass sod.

1. Neither violation states a time or date of violation.
2. Orders by Ochs were contradictory, misleading and vague. One order said the violation was "excavating" and the other said "filling"
3. Nothing supports 892.4 OHWM Ochs targeted elevation**.
4. Erosion from heavy rain has filled in the wetland area. See pictures attached.
5. Nothing supports that Ray Beier has filled anything that wasn't permitted. Permits were issued in: 2008, 2013 & 2015.*
6. Poor direction from Ochs to Us and our Excavator caused: Excavating expenses, possible DNR violations and shoreline damage.
7. Ruling from USACOE permitting fill without a permit. Specific permit to fill project F1
8. DNR 5 year General Permit to fill.

**Fill and site permits were issued, by Ochs, in 2008 for extensive fill, site preparation and sewer pipe installation. A Site permit issued, by Ochs, for garage in 2013. Fill at the fence line was permitted, Aug 26 2015, by Ochs without a written permit. The fill was to increase the banks of the ditches to decrease erosion.*

*** Ochs position is that the delineation, done by Dan Hunt in 2008, is representative of the OHWM (ordinary high-water mark 892.4). The following facts do not support that:*

1. Dan Hunt's delineation is 3 years out-of-date as it was done in 2008 The *USACOE Regulatory Guidance, attached, par 1, reaffirms that all approved geographic jurisdictional determinations are. valid for NOT MORE THAN five years*
2. The Delineation done by Dan Hunt was Wetland delineation, not an OHWM Delineation. See *certified Survey attached. LOT 2, showing "WETLAND BOUNDARY LINE AS DELINIATED B Y DAN HUNT, WDNR. Wis. DNR Article Water and wetland permits OHWM, attached, page 2 pars, states "Wetlands (including those shown on the Wisconsin wetland inventor) and floodplains can occur both above and below the OHWM. Their boundaries are usually not the OHWM because they have different purposes and are defined differently.*
3. Ochs arbitrarily changed the alleged OHWM. *The Survey map shows Hunt's east delineation mark at 54.93' from the center of the road. This mark is about 7' above the ordinary water line. Ochs's OHWM mark on his map is about 70' away from Hunt's delineation line.*
4. *Wisconsin D.N.R. upon inspection on May25 2016 stated the OHWM is about 20' from the current water line.*
5. **NR 115.03 Definitions.** For the purpose of this chapter: **(6)** "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

FLOODPLAIN VIOLATION:

Shoreland Protection Ordinance:

Violation of the Floodplain Zoning Ordinance sec 1.5

Filling and Grading of lands within Special Flood Hazard area.

(Flood Elevation 894.6)

Sec 5.1(2) Permitted Uses.

Sec 2.1 Hydraulic and Hydrologic analysis.

a) obstruct flow

(b) cause any increase in regional flood height due to floodplain storage area

5.2(2) Permit required 5.2(2) PERMITTED USES any use must meet the requirements of sec 4.3 5.2(3) STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS (4.3 deals with structures)

Option 1 obtain city permit 2 remove unauthorized activity

5.2 (3) (3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

(a) Development in a flood storage district shall not cause any increase in the height of the regional flood.

(b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory Storage).

*Flow will not be effective. Regional flood height is 896'. None of our wetland is above 896'
Flood Volume is not an issue as material flows out faster than in, as evidenced by the lake is getting shallower and shallower.*

SHORELAND PROTECTION ORDINANCE (DCSPO) VIOLATION NOTICE

The violation says: "Land disturbing activities (**Grading/excavating**) in a wetland district".

Violation: 2.3 COMPLIANCE (NR 115.04) The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance **and other applicable local, state or federal regulations**. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

3.3 PERMITTED USES (NR 115.04(3))

Violation: 3.4 PROHIBITED USES NR 115.04(4) Any use not listed in sections 3.31, 3.32 or 3.33 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.5 of this ordinance and s. 59.69(5)(e), Wis. Stats.

Activities not listed under sec 3.3 permitted uses. Therefore, Sec 3.4 prohibited uses

- Remove material and reclaim disturbed area and reestablish vegetation.

VIOLATION NOTICE: Sections applicable but not included in the notice:

DCSPD

3.32 Uses which do not require the issuance of a County land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

(5) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d)) Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

NR 115.01 Purpose. Section 281.31, Stats., provides that shoreland subdivision and zoning regulations shall: "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." Section 59.692, Stats., requires counties to effect the purposes of s. 281.31, Stats., and to promote the public health, safety and general welfare by adopting zoning regulations for the protection of all shorelands in unincorporated areas that meet shoreland zoning standards promulgated by the department. The purpose of this chapter is to establish minimum shoreland zoning standards for ordinances enacted under s. 59.692, Stats., for the purposes specified in s. 281.31 (1), Stats., and to limit the direct and cumulative impacts of shoreland development on water quality, near-shore aquatic, wetland and upland wildlife habitat, and natural scenic beauty. Nothing in this rule shall be construed to limit the authority of a county to enact more restrictive shoreland zoning standards under s. 59.69 or 59.692, Stats., to effect the purposes of s. 281.31, Stats.

RESPONSE

The violation says: "Land disturbing activities (**Grading/excavating**) in a wetland district". It says nothing about FILLING.

The USACOE and WI DNR give a county authority to expand state and federal laws. The county does not have the authority to avoid state and federal laws. The county clearly avoids WI *stat* 281.36, and USCS s1341 (CLEAN WATER ACT s 401 which allows filling, grading and excavating, as applied by the DNR.

The violation does not recognize the following:

- DCSPD sec 3.32 allowing fill without a permit.
- DCSPD sec 8.0 allowing fill and recognizing other state and federal laws
- WI sec 281 allowing fill as mandated by NR 115.01
- USACOE General permit (GP-002-WI)
- WI DNR GP 2 and GP4
- USCS s1341 (CLEAN WATER ACT s 401

SUMMARY;

Mr. Terry Ochs,

Mr. Ochs appears to be unknowledgeable or candid. He said "I didn't know if I have jurisdiction". But later, he said he had jurisdiction 1000' from the water. He said he wasn't authorized to issue a permit. However he issued 2 violations with penalties. He claims the wetland delineation by Hunt represented the OHWM. The certified, registered survey says, "WETLAND DELINEATION", not OHWM delineation. Also, a senior land administrator should know that Delineation is valid for 5 years or less. Ochs arbitrarily changed the delineation line 50' to suit his determination. Ochs ordered short term fix dates when he knows that weather and excavator availabilities are impossible. Poor direction from Ochs to Us and the Excavator caused: Excavating expenses, possible DNR shoreline violations and shoreline damage. He said if we worked with him he would not turn us over to the vicious DNR. That was a lie. When I contacted the DNR for a permit they already knew that we received a violation notices from Dodge. Ochs ordered material removed around our big weeping willow tree causing roots to be torn up.

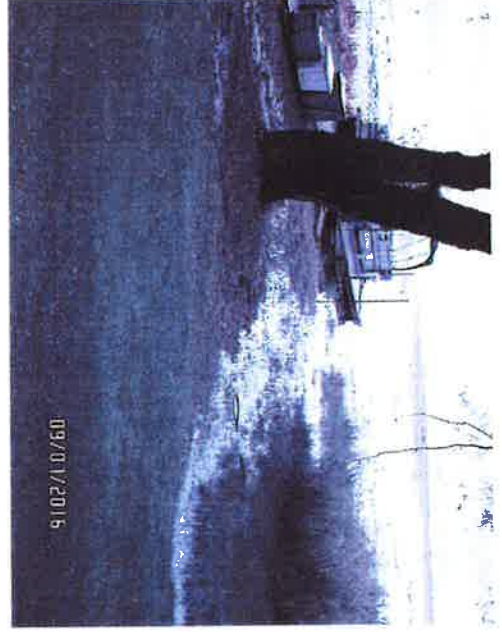
Duress:

I'm 76 and my wife, who is recovering from a stroke, is 66. For a year, we have been burdened by the possibility of a law suit. At our age, we shouldn't have to worry about our investment being compromised.

In Aug. 2015 Ochs said we filled in the wetland illegally without permits from the USACOE, DNR and Dodge County. He said we must comply immediately or he would refer a violation report to the WI DNR. He said the DNR's female director had a very bad reputation when dealing with land owners. And, she would probably order us to completely dig out our yard and fine us thousands. He said if we co-operate with him he would keep it at the county level. At first, Ochs said remove the material without further instructions. In the spirit of co-operating, we hired an excavation company. The contractor did a dig however it was not acceptable to Ochs. Next Ochs said remove material in marked on the map. Also, dredge around the tree and dock area. Remove all material that is above the 892.4 elevation. We had the contractor do another dig with more defined directions directly from Ochs. Ochs was still not satisfied. Later he said he wanted all the land in the concerned area, regardless of terrain, to be leveled to the 892.4 elevation. The cost is adding up into the thousands. Because we were getting into our planned travel time to Texas for the winter, we agreed on a reprieve until we returned in May. 2016. During the winter we received permits from the USACOE AND THE WI DNR. The USACOE also gave us a ruling that gives us permission to fill a project 400 sq ft without a permit. We assumed we were in compliance as the permits were sent to Dodge planning. We were wrong. Ochs again sent the violation notices on Aug 19, 2016. In both orders, the time was limited to less than 1 month. The last order was from Aug 19 2016 to Sept 1 2016. A short time to deal with the weather and obtaining an excavator.



June 18, 2014 Page 8



9/23/16

T.O. AUTHORIZED FILE AREA BY T.O.



T.O.

FOX LANE

1000

221

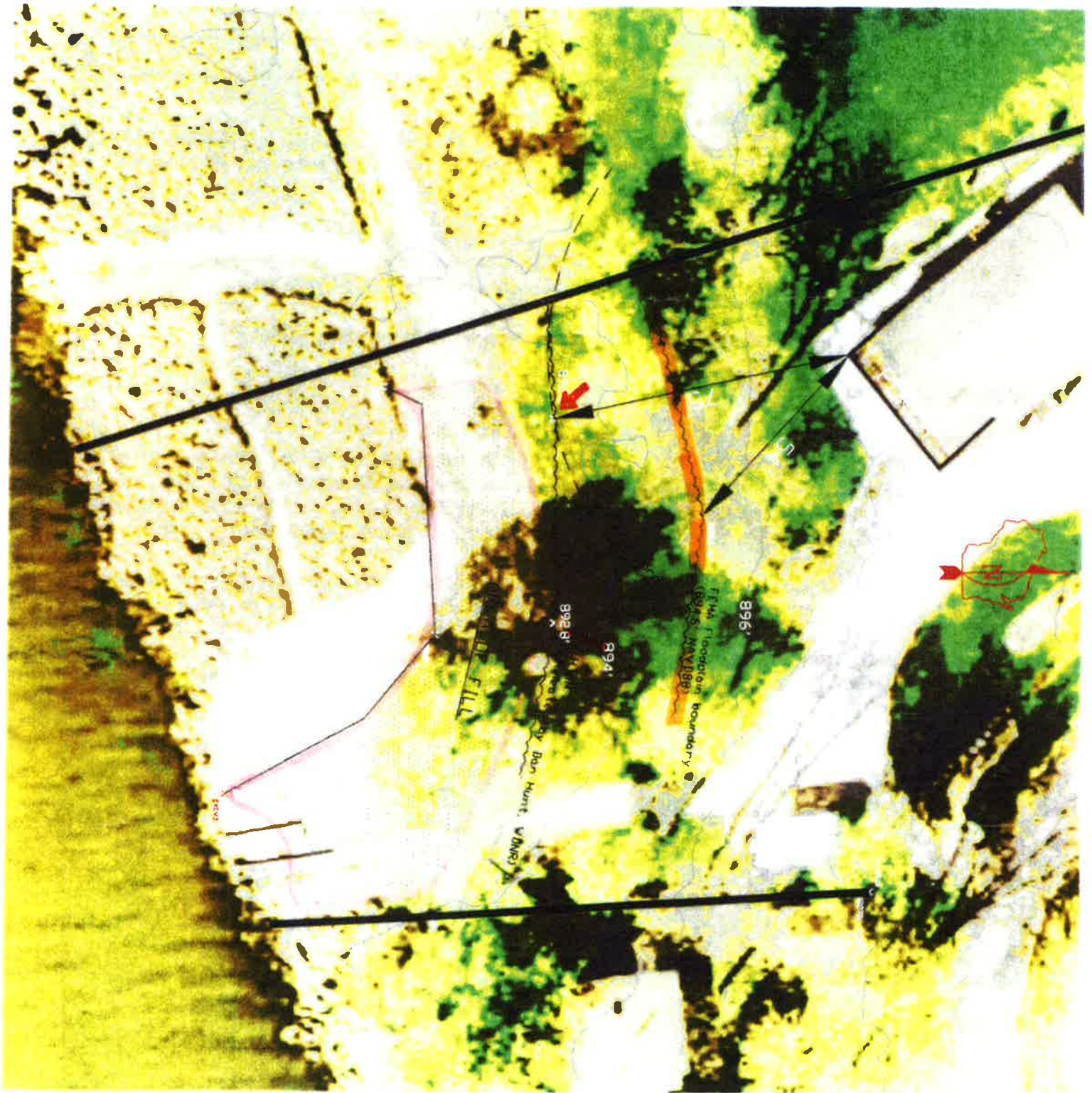
HWM

STG. 6

T.O.

T.O. MARKED MAP

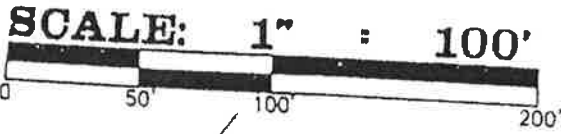
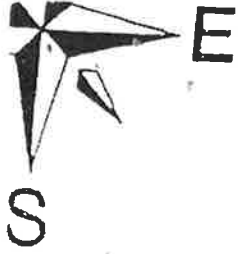
Small illegible text box in the top left corner of the image.



BMI 894.35

Target Elev: 892.4

893.4



- 3/4" IRON ROD FND.
- CONCRETE MON. FND.
- ⊙ 1" IRON PIPE FND.
- ⊖ 2" IRON PIPE FND.
- ⊕ CAST ALUMINUM BERTSEN.
- () PREVIOUS SURVEY OR RECORD DATA

NOTE: FEMA FIRM PANEL 55003 INDICATES ZONE A2 ELEVATION; THIS CONTOUR COINCIDES WITH APPROXIMATE EXISTING SHORE FOX LAKE.

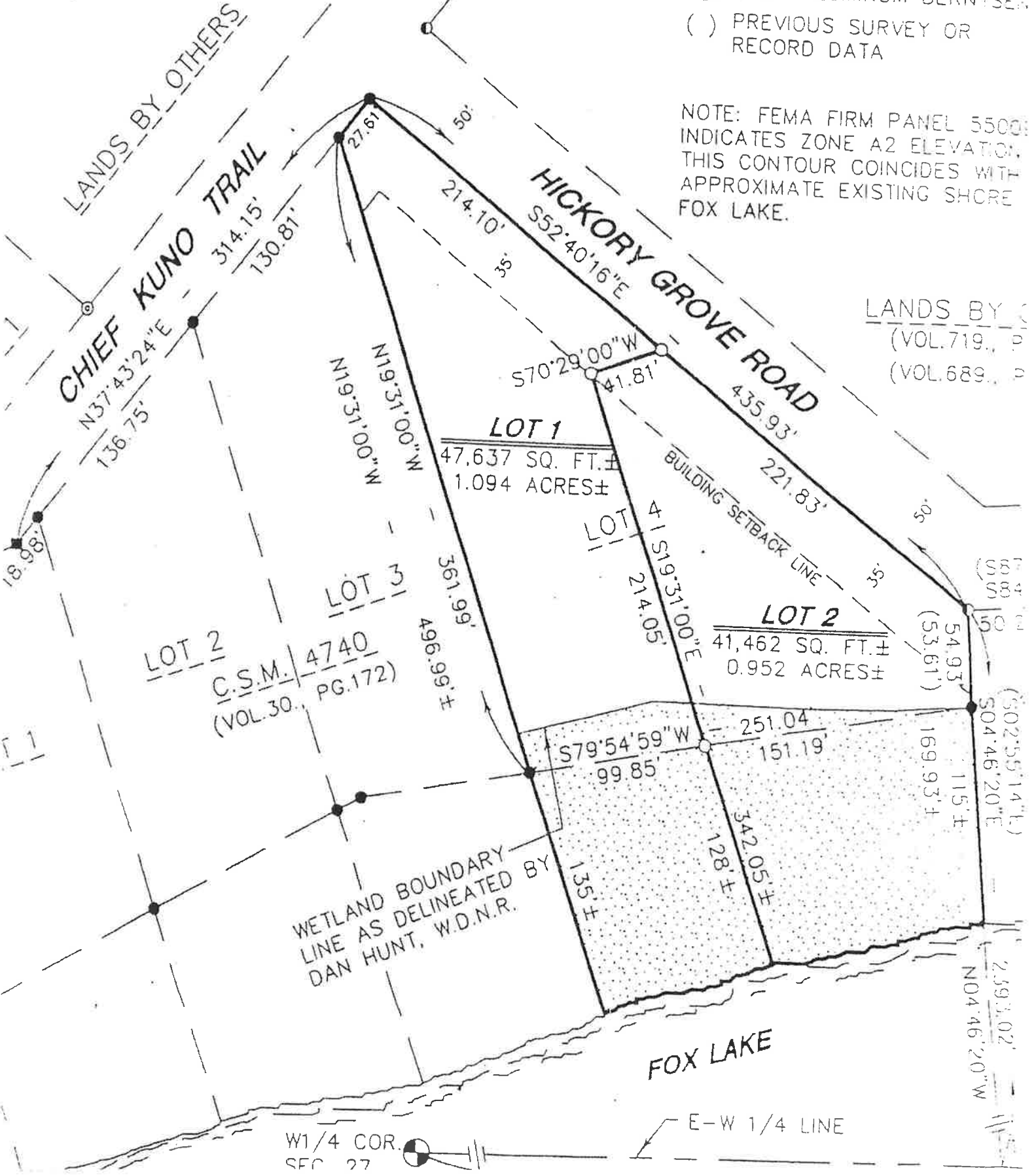
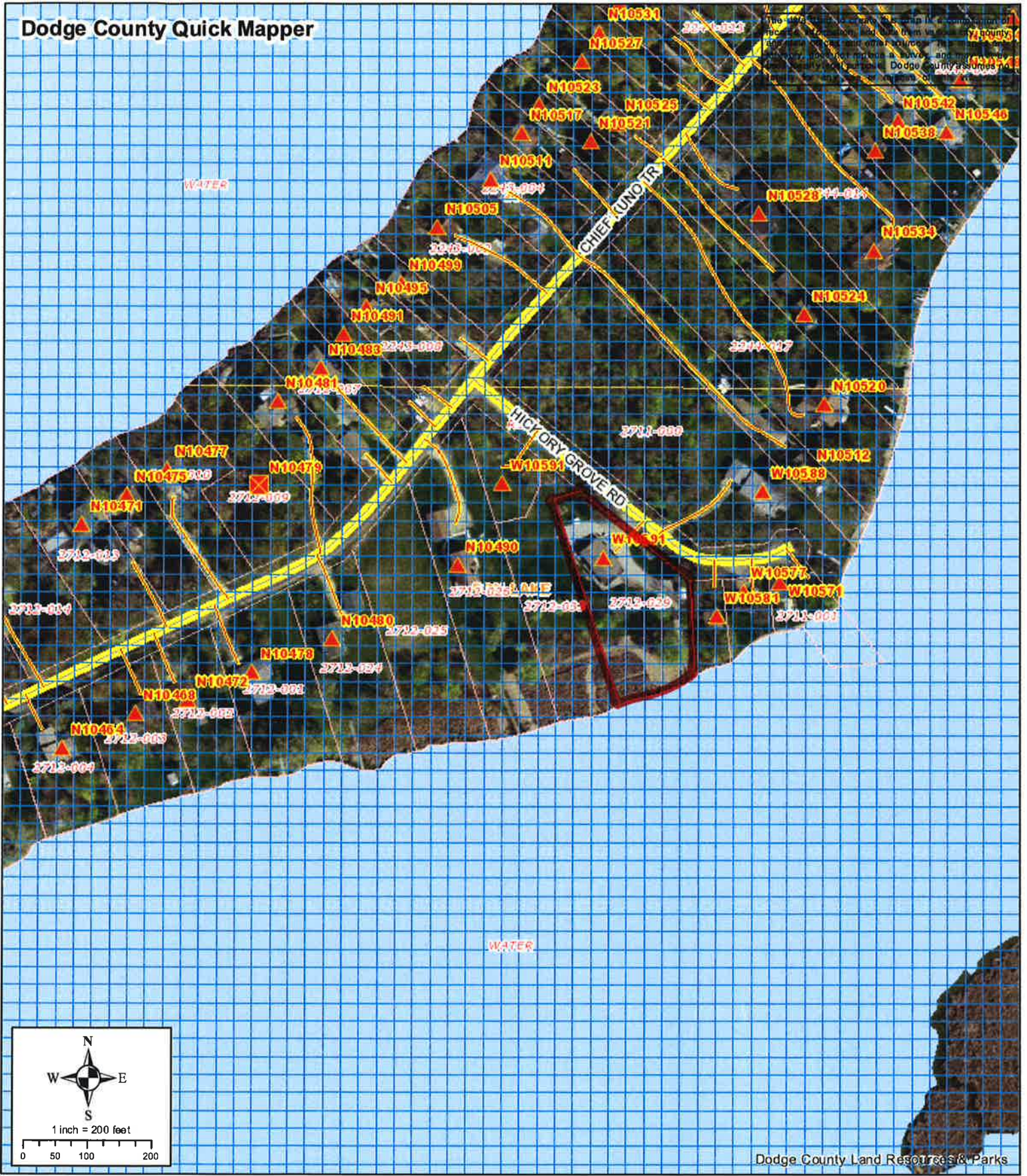


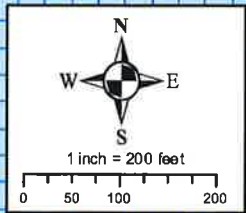
Exhibit B

Aerial Photo showing appellants property and the Shoreland Jurisdictional area – 1000 feet from the Ordinary Highwater Mark of Fox Lake.

Dodge County Quick Mapper



Dodge County Land Resources & Parks



General Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10')	Floodplain/Wetland Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006)	COUNTY ZONING PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL	GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY
WI Historical Society Historic Structures Archaeological Sites Survey Areas	Shoreland Zoning Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour)		

Date: 11/29/2016

Exhibit C

Aerial Photo showing appellants property and the Wetland Boundary

Aerial Photo of the wetland boundary as shown on the DNR Surface Water Data Viewer Maps

Dodge County Quick Mapper



Dodge County Land Resources & Parks

<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') <p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas 	<p>Floodplain/Wetland</p> <ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) 	<p>COUNTY ZONING</p> <ul style="list-style-type: none"> PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL 	<ul style="list-style-type: none"> GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY
---	---	--	---

Date: 11/29/2016



Surface Water Data Viewer Map



NAD_1983_HARN_Wisconsin_TM
© Latitude Geographics Group Ltd.

1 : 3,960

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Legend

- Dams with FERC License
- Dams
- PNW-PRF Other Public Rights Features
- PNW-ASNRI Sensitive Areas of Lakes
- PNW-ASNRI Wild and Scenic Rivers
- PNW-ASNRI Outstanding and Exceptional Streams
- PNW-ASNRI Trout Streams
- PNW-ASNRI Wild Rice Streams
- PNW-ASNRI Quality Wetland Streams
- PNW-ASNRI Outstanding and Exceptional Lakes
- PNW-ASNRI Quality Wetland Areas
- PNW-ASNRI Wild Rice Areas
- PNW-ASNRI Trout Spring Ponds
- PNW-ASNRI State Natural Areas
- PNW Musky Streams
- PNW Sturgeon Streams
- PNW Musky Areas
- PNW Sturgeon Areas
- PNW Walleye Areas
- PNW Lakes Less Than 50 Acres
- Wetland Class Points
- Dammed pond
- Excavated pond
- Filled excavated pond

Notes

Exhibit D

Aerial Photo showing appellants property and the Floodplain and Flood Storage boundary

Copy of FIRM Panel 183 showing a map of the appellant's property location and the Floodplain Boundary

Copy of pages 17-19 of the Flood Insurance Study listing the floodplain elevation information and the normal pool elevations for Fox Lake.

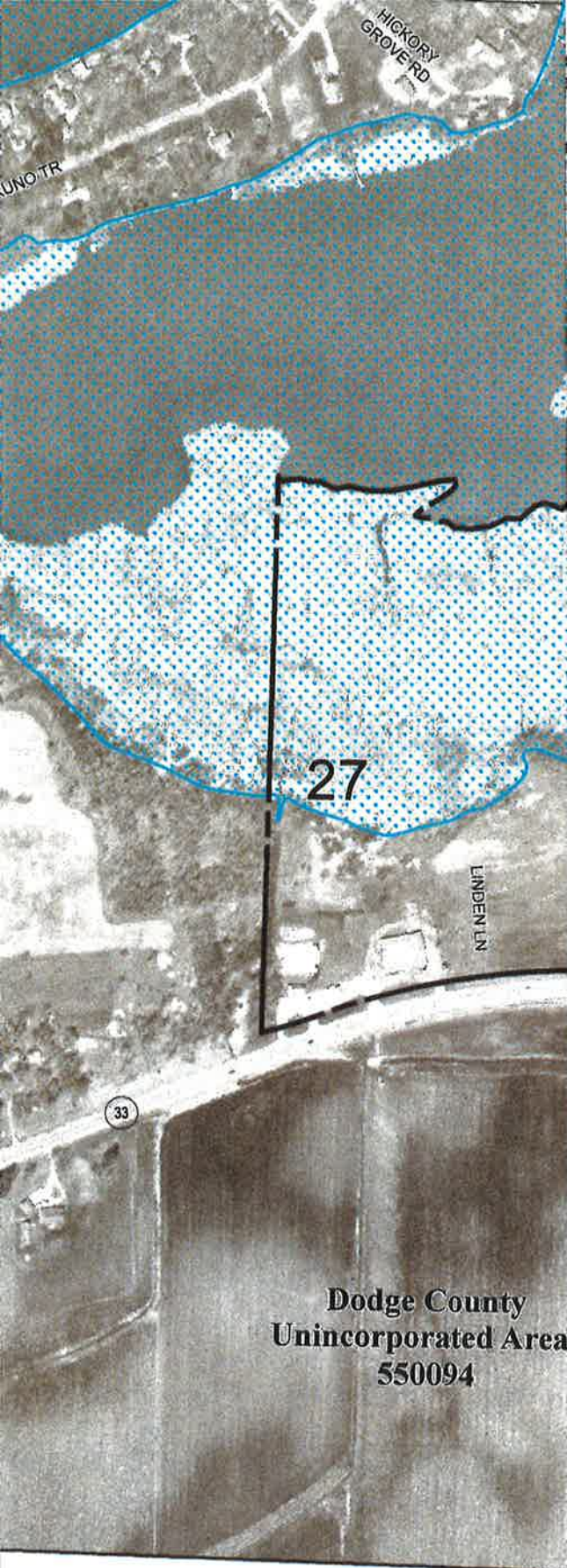
Dodge County Quick Mapper



Dodge County Land Resources & Parks

General	Floodplain/Wetland	COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL
Elevation Contours (2' & 10')		ONE FAMILY RESIDENTIAL	CITY OR VILLAGE
		TWO FAMILY RESIDENTIAL	RIGHT OF WAY
		MULTI-FAMILY RESIDENTIAL	WATERBODY
WI Historical Society	Shoreland Zoning		
Historic Structures	Lake/Pond/Slough Buffer		
Archaeological Sites	Lakes/Ponds/Sloughs		
Survey Areas	Rivers/Streams/Creeks		
	Horicon Marsh (860' Contour)		

Date: 11/29/2016

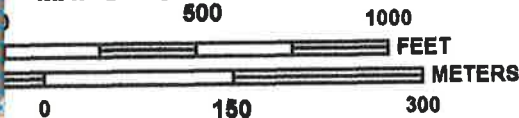


For more information prior to countywide mapping, refer to the Community Flood Insurance Study report for this jurisdiction.

For more information on flood insurance, contact your insurance agent or the National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'



PANEL 0183G

FIRM

FLOOD INSURANCE RATE MAP DODGE COUNTY, WISCONSIN AND INCORPORATED AREAS

PANEL 183 OF 750

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
DODGE COUNTY	550094	0183	G
FOX LAKE, CITY OF	550097	0183	G

Dodge County
Unincorporated Area
550094

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
55027C0183G

MAP REVISED
FEBRUARY 5, 2014

Federal Emergency Management Agency

AS SHOWN ON THIS PANEL IS LOCATED WITHIN TO

4827000mN

JOINS PANEL 0179



CHIEF KUNO TR

CHIEF KUNO TR

HICKORY GROVE TR



4826000mN

27

CHIEF KUNO TR

LINDEN LN

LINDEN LN

33

FLOOD INSURANCE STUDY



DODGE COUNTY, WISCONSIN AND INCORPORATED AREAS

COMMUNITY NAME	COMMUNITY NUMBER
BEAVER DAM, CITY OF	550095
BROWNSVILLE, VILLAGE OF	550096
* CLYMAN, VILLAGE OF	550447
COLUMBUS, CITY OF	550058
DODGE COUNTY (UNINCORPORATED AREAS)	550094
FOX LAKE, CITY OF	550097
HARTFORD, CITY OF	550473
HORICON, CITY OF	550098
HUSTISFORD, VILLAGE OF	550557
* IRON RIDGE, VILLAGE OF	550100
* JUNEAU, CITY OF	550448
KEKOSKEE, VILLAGE OF	550101
* LOMIRA, VILLAGE OF	550449
LOWELL, VILLAGE OF	550102
MAYVILLE, CITY OF	550103
NEOSHO, VILLAGE OF	550104
* RANDOLPH, VILLAGE OF	550072
REESEVILLE, VILLAGE OF	550105
THERESA, VILLAGE OF	550106
WATERTOWN, CITY OF	550107
WAUPUN, CITY OF	550108



Dodge County

† NO SPECIAL FLOOD HAZARD AREAS IDENTIFIED IN DODGE COUNTY

REVISED
May 19, 2014



Federal Emergency Management Agency

Flood Insurance Study Number
55027CV000C

New hydrologic analyses were performed by the WDNR in 2007 on the following waterways: Beaver Dam River, Libby Creek, Old Mill Creek and Park Creek. Discharges were computed using the Hydrologic Engineering Center *Hydrologic Modeling System (HEC-HMS)* computer software, version 2.2.2 (Reference 6). For each subbasin, runoff Curve Numbers (CNs) were estimated using 1992 WISCLAND land use data and SSURGO soils data. Times of concentration were estimated using the TR-55 flowpath segment method. The rainfall distribution used was developed by the WDNR and is based on recorded storms 2 inches and larger from 1975 to 2003 at multiple gage locations across the state. This rainfall distribution was used in the HMS built for each basin, and run for the 3, 6, 12, 24 and 48 hour durations to determine the critical duration storm for each subbasin. Rainfall depth was taken from Technical Report No. 40 (TP-40) for each duration. The largest peak discharge was selected as the 'design storm' for the purpose of determining the peak discharge at key points in each watershed, and then used in the hydraulic model to determine the highest possible peak elevation.

A Beaver Dam watershed model was developed using the HEC-HMS hydrologic model (Reference 6). The flooding sources included in the model are Fox Lake, Old Mill Creek, Beaver Dam Lake and Beaver Dam River. The rating curve for Fox Lake was based upon Fox Lake Dam operations, and the rating curve for Beaver Dam Lake was initially based on assumed Beaver Dam Lake Dam operations. The gate operations for the Fox Lake Dam are that the gates will be fully open for the 1-percent-annual-chance flood. Once the lake elevation surpasses normal pool elevation (892.25' NAVD88), the gates are opened until the lake elevation is 0.5 feet above normal pool when they are fully open. The gate operations for the Beaver Dam Lake Dam are similar, such that the stop logs are initially at normal pool elevation (870.9' NAVD88) and then completely removed once the lake elevation increases from normal pool. These operations are taken from each dam's inspection, operation and maintenance (IOM) plan. This model was calibrated to the event at Beaver Dam on June 14, 2004. The flow calculated from the gage downstream of the dam was entered into the HEC River Analysis System (HEC-RAS) (Reference 7) model. Photos of the event at the buildings downstream of the dam were reviewed and an estimated flood elevation was determined from these photos. The HEC-RAS model calculated a flood elevation of within 0.1 feet of the estimated water elevation on June 14, 2004.

For the 2011 Physical Map Revision, a new hydrologic analysis was performed using HEC-HMS to more closely simulate how the Fox Lake Dam was operated during the June 14, 2004 and June 8 to 18, 2008 storm events, and how it will likely be operated during a future flooding event.

The 2011 PMR found that the gate operations for the Fox Lake Dam are that once the lake elevation surpasses normal pool elevation (892.45' NAVD88), the gates are incrementally opened for each 0.1' rise on the lake. When the

lake elevation is 0.5 feet above normal pool, the gates are fully open. This operation results in the gates being fully open for the 10-percent-annual-chance flood.

The hydrologic model for the portion of the watershed above Fox Lake was revised by MSA Professional Services in July 2011, based on a calibration to flood events of June 14, 2004 and June 8 to 18, 2008. This updated hydrological analysis used a 10-day storm duration rainfall depth (taken from TP-40) when determining recurrence-interval lake levels and discharges.

Peak discharges for Libby Creek and Park Creek were estimated using HEC-HMS (Reference 6).

For Beaver Dam Lake, Beaver Dam River, Fox Lake, Old Mill Creek, Libby Creek and Park Creek, floodplain storage was taken into account where permanent water bodies existed and throughout each watershed for designated areas on the Wisconsin Wetland Inventory (WWI). The storage-discharge curves were developed by extracting cross sections from the terrain data using HEC-GeoRAS, and running a series of discharges through the HEC-RAS models. It is assumed that no major construction or filling will occur in these areas that would reduce the amount of available storage volume, and therefore the estimates of peak runoff are valid for the future.

Hydrologic analysis for Pratt Creek was performed by MSA Professional Services in July 2003. Values calculated were taken as an average of the regional regression equations and similar basin comparisons.

Hydrologic analysis for Unnamed Tributary to Rock River was performed by Yaggy Colby Associates in April 2007. Values were calculated using the TR-55 method.

Peak discharges were estimated for Old Mill Creek and Beaver Dam River using the HEC-HMS model. The lake levels for Beaver Dam Lake were estimated from the HEC-RAS model used to develop the Beaver Dam Lake rating curve. The lake levels for Fox Lake were estimated as part of the hydraulic analysis for Old Mill Creek. The lake levels for the 10-, 2-, 1-, and 0.2-percent-annual-chance flood events are shown in Table 6, Summary of Stillwater Elevations.

The shoreline flood delineations for the above lakes reflect a calm pool condition. No account was made for wind setup, wave height, or wave run-up.

TABLE 6 - SUMMARY OF STILLWATER ELEVATIONS

<u>Flooding Source and Location</u>	<u>Elevation (feet NAVD88)</u>				
	<u>10-</u>	<u>4-</u>	<u>2-</u>	<u>1-</u>	<u>0.2-</u>
	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>
Beaver Dam Lake	872.4	*	873.2	873.5	874.3
Fox Lake	893.4	*	894.3	894.6	895.4

*Information Not Available

Peak discharge-drainage area relationships for Dodge County are shown in Table 7, "Summary of Discharges".

Table 7 – Summary of Discharges

<u>Flooding Source and Location</u>	<u>Drainage Area (square miles)</u>	<u>Peak Discharges (cubic feet per second)</u>				
		<u>10-</u>	<u>4-</u>	<u>2-</u>	<u>1-</u>	<u>0.2-</u>
		<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>	<u>Percent Annual Chance</u>
BEAVER DAM RIVER						
At dam	153.3	1,047	*	1,373	1,476	1,817
CARRIAGE HILL DRIVE TRIBUTARY						
At State Highway 19	2.7	81	120	134	134	134
At confluence approximately 550 feet upstream of State Highway 19	2.5	64	97	124	168	249
Approximately 300 feet downstream of Carriage Hill Drive	2.1	45	66	80	103	141
At quarry diversion	2.0	32	42	50	65	97
Approximately 2,800 feet upstream of quarry diversion	1.8	117	169	208	261	366
CARRIAGE HILL DRIVE TRIBUTARY - OVERLAND FLOWPATH						
At divergence with Carriage Hill Drive Tributary	*	0	0	20	84	189
CRAWFISH RIVER						
At Udeys Dam	160.7	2,490	3,790	4,860	5,840	8,760
At U.S. Highway 151	154.8	2,450	3,730	4,790	5,770	8,660
Downstream of confluence with Robbins Creek	148.0	2,400	3,660	4,700	5,670	8,510

Exhibit E

Aerial Photo showing appellants property and the Flood Storage District boundary

Copy of FIRM Panel 11 showing a map of the appellant's property location and the Flood Storage District Boundary

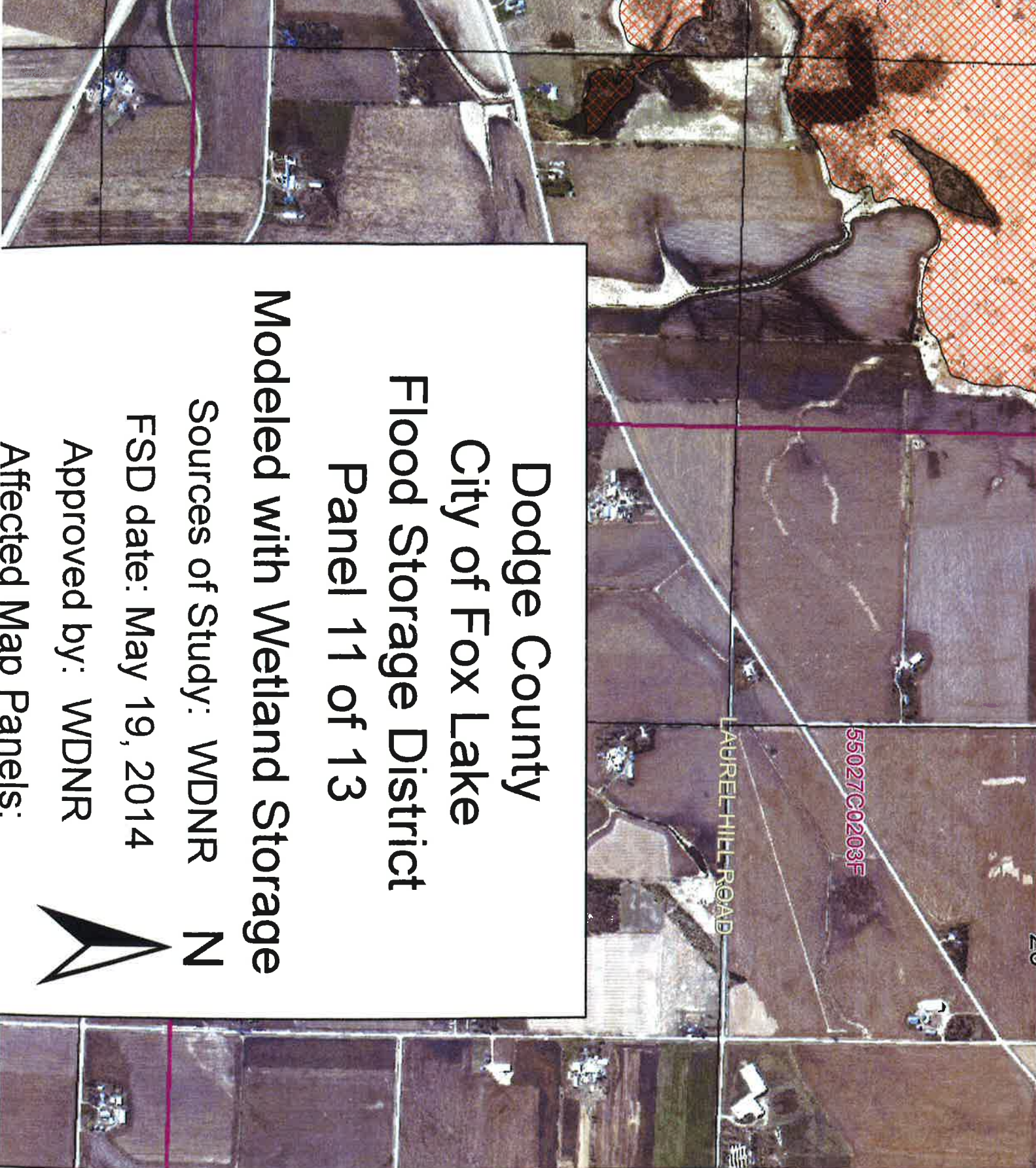
Dodge County Quick Mapper



Dodge County Land Resources & Parks

General Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10')		Floodplain/Wetland Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006)		COUNTY ZONING PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL		GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY	
WI Historical Society Historic Structures Archaeological Sites Survey Areas		Shoreland Zoning Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour)					

Date: 11/29/2016



**Dodge County
City of Fox Lake
Flood Storage District
Panel 11 of 13**

Modeled with Wetland Storage

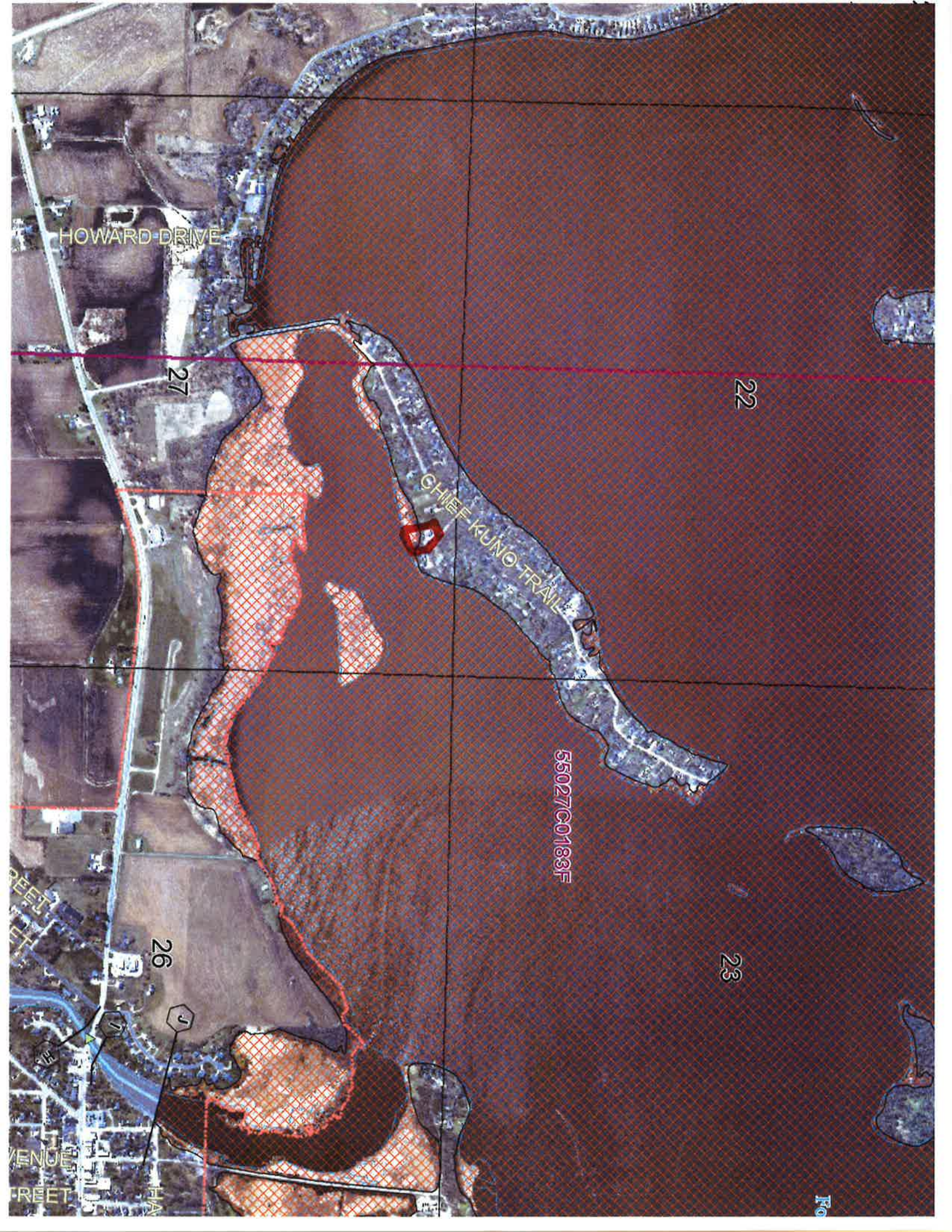
Sources of Study: WDNR N

FSD date: May 19, 2014

Approved by: WDNR

Affected Map Panels:





HOWARD DRIVE

27

22

CHIEF-KUNG TRAIL

55027/C0183F

26

23

VENUE
STREET

Fo

Exhibit F

Copy of page 7 of the Hydrologic Study of the Fox Lake Watershed referencing the normal lake elevation of 892.45 feet NAVD88 for Fox Lake

Hydrologic Study of the Fox Lake Watershed

**Town of Fox Lake
Dodge County, Wisconsin**

MSA Project No. R12678000.0

July 2011



A spreadsheet showing hour-by-hour rainfall for Fox Lake based on the above assumptions and a corresponding cumulative rainfall chart can be found in Appendix A. This rainfall pattern will be added to the HEC-HMS model to represent the event of June 2008.

IV. MODEL INPUT – HYDRAULIC MODELING

As mentioned in the *Available Data* section above, the existing HEC-RAS hydraulic model lacks information to accommodate variable flow conditions such as those occurring in the June 2004 and June 2008 floods. The model must be given lake volume data to account for the effect of flood storage on the runoff hydrograph from the watershed. Also, the model must be given information regarding dam operation to account for flow leaving the system.

A. Lake Storage Volume

The WDNR HEC-HMS model contains a stage-storage relationship for Fox Lake. However, when the paired data are plotted, there is a section of the data curve that is inflected upwards.

This implies that at that particular elevation, the lake is getting smaller as it rises, which is a physical impossibility, and the data is in error. The likely cause of this error is a discrepancy involving some elevations being referenced to NGVD 29 datum and others being referenced to NAVD 88 datum. Therefore, this information was not transferred to the HEC-RAS model.

Instead, a new stage-storage curve was computed, which also included lake volumes at elevations to seven feet below the normal lake elevation of 892.45 (this elevation is NAVD 88, and all elevations in this report are referenced to this datum) in order that the data would extend down to the elevation of the bottom sill of the dam, which is 885.5. This will allow the model to be used for future dam-break analyses. For volume information at elevations below the normal water surface, the WDNR lake map was used. This map, published in 1965, indicates that the lake surface area is 2,625 acres (not including islands) and that there is 14,000 acre-feet between the surface and an elevation seven feet below the surface. The USGS quadrangle maps also show approximately 92 acres of open water west of CTH A, which was added to the DNR lake map surface area. For elevations above 892.45, Dodge County two-foot interval contour data was used. Contour areas were measured at elevations 894 and 896, and included:

- marsh areas on the northeast corner of the lake
- marsh areas east (downstream) of the CTH A bridge
- marsh areas east of Chief Kuno Trail
- marsh areas west of Maple Point
- marsh areas near the lake's outlet to Old Mill Creek north of STH 33
- marsh areas upstream along Alto Creek to the limit of the mapped Zone AE floodplain

Exhibit G

Copy of September 11, 2015 Shoreland Protection Ordinance Violation Notice

Dodge County

Land Resources and Parks Department

COPY

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

September 11, 2015

Ray Beier
W10591 Hickory Grove Rd.
Fox Lake WI 53933**CERTIFIED MAIL RECEIPT**

DATE MAILED 09/11/15

TRACKING #: 7013 2630 0000 7012 7432

Shoreland Protection Ordinance Violation NoticeSite Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Mr. Beier:

It has been brought to the attention of this department that a violation of the Dodge County Shoreland Protection Ordinance and jurisdiction as set forth by Sections 2.1. It appears violations have occurred under, Sections 2.13.3 and 3.4 has occurred on your property noted above. The violation:

Land Disturbing activities (Grading / excavating) in a wetland district.

Such activities are not listed as permitted uses under Section **3.3 Permitted Uses** and therefore fall under **3.4 Prohibited Uses** of the Dodge County Shoreland Protection Ordinance. As of this date, this department has no record of the required permit having been approved for this project. Therefore, I must order you to resolve this matter (See options below) by the deadline specified below.

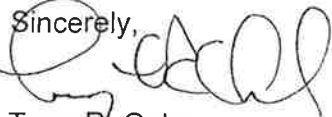
OPTIONS TO RESOLVE THIS VIOLATION:

- **Remove material and reclaim disturbed area and re-establish (Native Wetland) vegetation.**

COMPLIANCE DATE: October 11, 2015

If you believe that our determination is erroneous, please inform us of that, in writing, by the compliance deadline. Please be aware that failure to resolve this matter by the specified deadline will result in the commencement of formal enforcement (legal) action against you, including forfeitures of up to \$500.00 per day of violation. If you have any questions, feel free to contact our office.

Sincerely,



Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks



<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') <p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas 	<p>Floodplain/Wetland</p> <ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) 	<p>COUNTY ZONING</p> <p>PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL</p> <ul style="list-style-type: none"> GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL 	<ul style="list-style-type: none"> GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY
---	---	---	---

Exhibit H

Copy of September 11, 2015 Shoreland Protection Ordinance Violation Notice - Flood Storage Violation

Dodge County

Land Resources and Parks Department

COPY

150592

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

September 11, 2015

Ray Beier
W10591 Hickory Grove Rd.
Fox Lake WI 53933

CERTIFIED MAIL RECEIPT

DATE MAILED 09/11/15

TRACKING #: 7013 2630 0000 7012 7432

Shoreland Protection Ordinance Violation Notice

Site Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Mr. Beier:

It has been brought to the attention of this department that a violation of the Floodplain Zoning Ordinance Dodge County, Section 1.5(1) has occurred on your property noted above. The violation:

The filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6msl)

without obtaining the required County permits, approvals and/or authorizations from this office. Per Section 5.1(2) General Floodplain District (GFP) Permitted Uses. of the Floodplain Zoning Ordinance Dodge County, a Permit (Land Use Permit) is required with the data required under 2.1 Hydraulic and Hydrologic Analyses. Please note that a CLOMA (Conditional Letter of Map Amendment – In fill) is required under the NFIP Map change process.

Additionally,

The filling and grading of lands within Flood Storage District

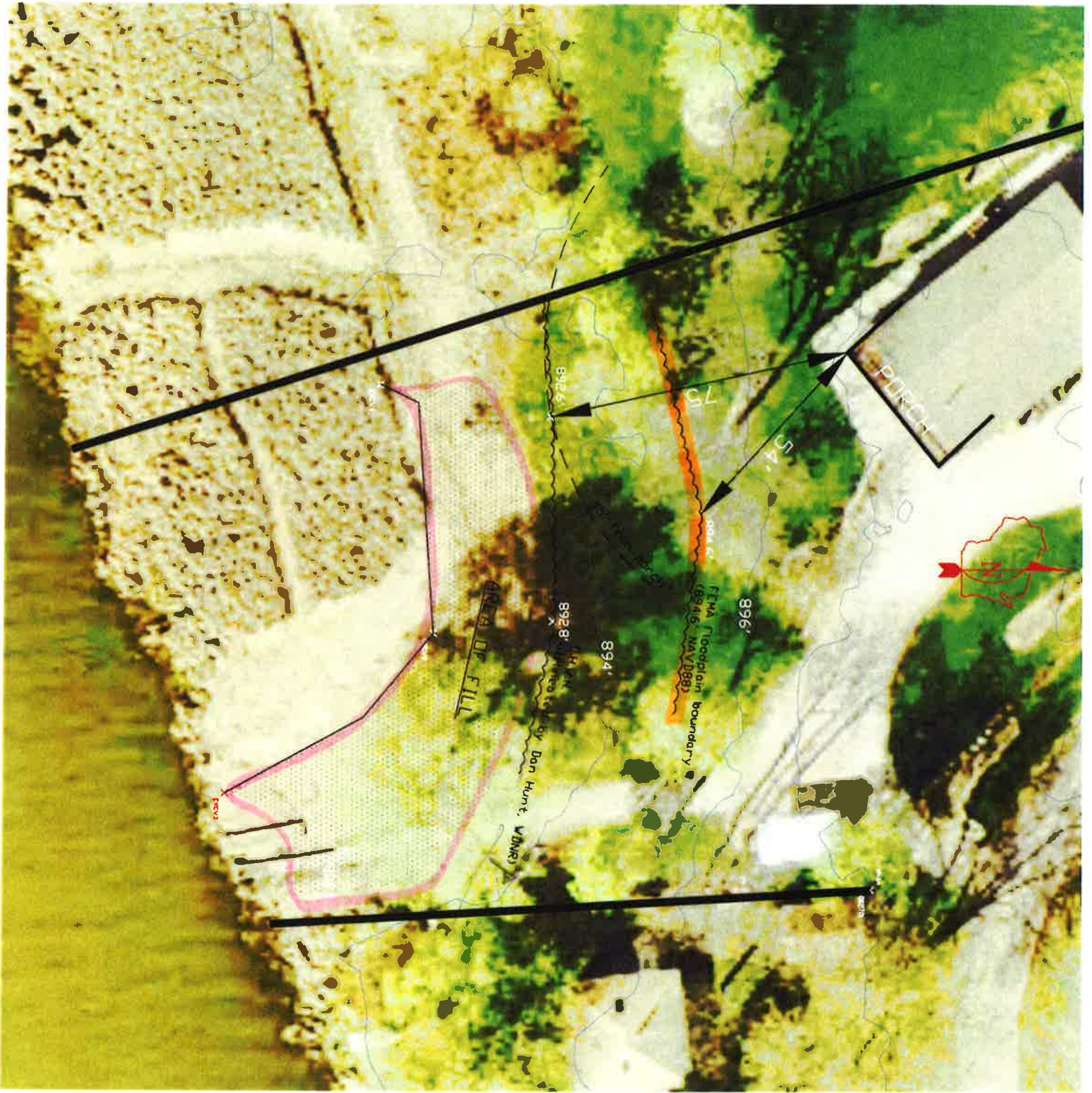
without obtaining the required County permits, approvals and/or authorizations from this office. Per Section 5.2(2) Flood Storage District Permitted Uses. of the Floodplain Zoning Ordinance Dodge County, a Permit (Land Use Permit) is required with the data required under 5.2(3) Standards for Development in a Flood Storage District, is required.

Additionally, per Section 9.2.2 failure to obtain the required County permit is considered to be a violation of the County Code and as such, I must order you to resolve this matter (See options below) by the deadline specified below.

OPTIONS TO RESOLVE THIS VIOLATION:



- 1 Apply for AND obtain the required County authorization (*Applications enclosed*).
- 2 Remove unauthorized activity from the property.

COMPLIANCE DATE: October 11, 2015



BM 894.35
TARGET ELEV: 892.4

893.4

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Henry Beier</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to: <i>Ray Beier</i> <i>W10591 Hickory Grove Rd.</i> <i>Fox Lake, WI 53933</i></p>  <p>9590 9403 0414 5163 8756 21</p>	<p>B. Received by (Printed Name) <i>Henry Beier</i></p> <p>C. Date of Delivery </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label) 7013 2630 0000 7012 7432</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	


PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *Ray Beier*

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 2630 0000 7012 7432

Exhibit I

Copy of Aerial Photo showing the area of the appellant's property that was filled as documented by the Dodge County Staff on October 7, 2015.

Copies of pictures of the fill area taken by Dodge County staff.









Target E12N
89Z:10

Exhibit J

Copy of August 17, 2016 Shoreland Protection Ordinance Violation Notice

Dodge County

Land Resources and Parks Department

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

August 17, 2016

Ray Beier
W10591 Hickory Grove Rd.
Fox Lake WI 53933

CERTIFIED MAIL RECEIPT

DATE MAILED 08/17/2016

TRACKING #: 7014 2120 0004 5602 9715

Shoreland Protection Ordinance Violation Notice (FINAL)

Site Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Good Afternoon Mr. Beier:

It has come to our attention that you have failed to resolve the enclosed violation ((2015-0591) by the compliance date as requested. Therefore, the property mentioned above remains in violation of the Dodge County Shoreland Protection Ordinance and jurisdiction as set forth by Sections 2.1. It appears violations have occurred under Sections 2.3 and 3.4 has occurred on your property noted above. The violation:

Land Disturbing activities (Grading / excavating) in a wetland district.

Such activities are not listed as permitted uses under Section **3.3 Permitted Uses** and therefore fall under **3.4 Prohibited Uses** of the Dodge County Shoreland Protection Ordinance. As of this date, this department has no record of the required permit having been approved for this project. Therefore, I must order you to resolve this matter (See options below) by the deadline specified below.

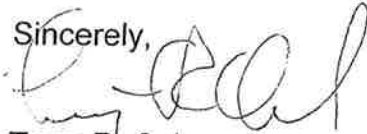
OPTIONS TO RESOLVE THIS VIOLATION:

- ❶ **Remove material and reclaim disturbed area and re-establish (Native Wetland) vegetation.**

COMPLIANCE DATE: September 1, 2016

If you believe that our determination is erroneous, please inform us of that, in writing, by the compliance deadline. Please be aware that failure to resolve this matter by the specified deadline will result in the commencement of formal enforcement (legal) action against you, including forfeitures of up to \$500.00 per day of violation. If you have any questions, feel free to contact our office.

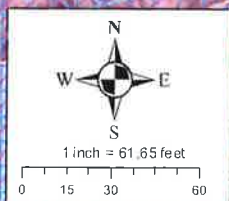
Sincerely,

A handwritten signature in black ink, appearing to read "Terry R. Ochs". The signature is written in a cursive style with a large, looping initial "T".

Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

Dodge County QuickMapper

The data used to create this map is a combination of local, regional, state, and federal data. Dodge County does not provide any warranty for the accuracy of the data. The data is for informational purposes only.



Dodge County Land Resources & Parks

<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') 	<p>Floodplain/Wetland</p> <ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) 	<p>COUNTY ZONING</p> <ul style="list-style-type: none"> PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL 	<ul style="list-style-type: none"> GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY
<p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas 	<p>Shoreland Zoning</p> <ul style="list-style-type: none"> Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) 		

Date: 8/17/2016

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Ray Beer 110591 Hickory Lane Rd. Fox Lake, WI 53133</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p> <p>014 2120 0004 5602 9715</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restrict Delivery <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation® <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage	\$	 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Ray Beer

Street & Apt. No., or PO Box No. _____

City, State, ZIP+4 _____

PS Form 3800, July 2014

See Reverse for Instructions

7014 2120 0004 5602 9715

Exhibit K

Copy of August 17, 2016 Shoreland Protection Ordinance Violation Notice – Flood Storage District violation

Dodge County

Land Resources and Parks Department

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

August 17, 2016

Ray Beier
W10591 Hickory Grove Rd.
Fox Lake WI 53933

CERTIFIED MAIL RECEIPT

DATE MAILED 08/17/2016

TRACKING #: 7014 2120 004 5602 9715

Shoreland Protection Ordinance Violation Notice (FINAL)

Site Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Good Afternoon Mr. Beier:

It has come to our attention that you have failed to resolve the enclosed violation ((2015-0592) by the compliance date as requested. Therefore, the property mentioned above remains in violation of the Dodge County Floodplain Zoning Ordinance Dodge County, Section 1.5(1) for:

The filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6msl)

without obtaining the required County permits, approvals and/or authorizations from this office. Per Section 5.1(2) General Floodplain District (GFP) Permitted Uses. of the Floodplain Zoning Ordinance Dodge County, a Permit (Land Use Permit) is required with the data required under 2.1 Hydraulic and Hydrologic Analyses. Please note that a CLOMA (Conditional Letter of Map Amendment – In fill) is required under the NFIP Map change process.

Additionally,

The filling and grading of lands within Flood Storage District

without obtaining the required County permits, approvals and/or authorizations from this office. Per Section 5.2(2) Flood Storage District Permitted Uses. of the Floodplain Zoning Ordinance Dodge County, a Permit (Land Use Permit) is required with the data required under 5.2(3) Standards for Development in a Flood Storage District, is required.

Additionally, per Section 9.2.2 failure to obtain the required County permit is considered to be a violation of the County Code and as such, I must order you to resolve this matter (See options below) by the deadline specified below.

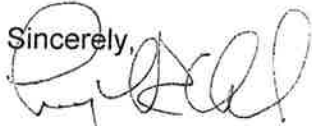
OPTIONS TO RESOLVE THIS VIOLATION:

- 1 Apply for AND obtain the required County authorization (*Applications enclosed*).
- 2 Remove unauthorized activity from the property.

COMPLIANCE DATE: September 1, 2016

If you believe that our determination is erroneous, please inform us of that, in writing, by the compliance deadline. Please be aware that failure to resolve this matter by the specified deadline will result in the commencement of formal enforcement (legal) action against you, including forfeitures of up to \$500.00 per day of violation. If you have any questions, feel free to contact our office.

Sincerely,



Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks



Exhibit L

Copy of Land Use Permit Application dated August 17, 2016

Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700
 www.co.dodge.wi.us/landresources

This Area For Office Use Only.

COUNTY ID No. 160557	Receipt No. 898890
Permit Expiration Date Denier 7/1/16	Application Date 8-17-16
Sanitary Permit	

PERMIT APPLICATION FEE: \$50 plus \$2 per \$1,000 cost of the project (Payable to: Dodge County) – Original Application can only be submitted.
 Note: After the fact (i.e., Applying for permit after construction has already started) application fee: \$100 plus \$4 per \$1,000 cost of project

NAMES & MAILING ADDRESSES		PROPERTY INFORMATION				
Applicant/Agent/Contractor (If Contractor, Please include State Certification No.) RAY BEHRE		Parcel Identification Number (PIN) 018-1313-2712-029				
Street Address PO Box 5		Town FOX LAKE	T 13	N 13	R 13	E
City • State • Zip Code FOX LAKE WI 53498		1/4 NW	1/4 NW	Section 27	Acreage .9	Lot (Block) 2
Property Owner <input checked="" type="checkbox"/> Same as applicant		Subdivision or CSM (Volume/Page/Lot)				
Street Address		Address Of Property (DO NOT include City/State/Zip Code) W10591 HICKORY GROVE				
City - State - Zip Code		Is this property connected to public sewer? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Is property located within a sanitary district/accessible to public sewer? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input type="checkbox"/> Working Farm <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____		<input checked="" type="checkbox"/> Same As Current Use (No Change) <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____				

PROPOSED CONSTRUCTION PROJECT

NEW STRUCTURE/CONSTRUCTION REPLACEMENT OF EXISTING ADDITION TO AN EXISTING

Pool Home Gazebo Sign (Complete additional project information below)
 Deck Porch Attached Garage Barn (Complete additional project information below)
 Shed Fence Detached Garage Home Addition (Complete additional project information below)

Other _____

Width _____ **Additional Project Information**

Length _____ Home Addition: Total number of bedrooms? Before _____ After _____

Total Area **375 SQ FEET** Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet.

Total Stories _____ Sign Information: Single-Sided Double-Sided

Height (To roof peak) _____ Located On-Premise Located Off-Premise

Estimated Cost (w/Labor) \$ **10,000** Wall Ground Directional Other _____

Will it be lighted and/or have moving/flashing parts? No Yes

CERTIFICATE & CONTACT INFORMATION

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

Contact Person (Print) **RAY BEHRE** Daytime Contact Phone **(920) 346-8102**

Signature **[Signature]** Date **8/17/16** Call for pickup No Yes

DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.

◆ ◆ ◆ **PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT** ◆ ◆ ◆

This application is for limited fill to and around the pier/dock area F1.

The F1 area is to be fill with stone/gravel top soil. Approx 3" +/- for the purpose of preventing erosion and maintenance of the pier/dock.

The last part of the the pier/dock is 20' x 4'. Maintenance is required, as floats are disconnected The pier/dock cannot be lifted by a barge-crane as the water is to shallow. This part of the dock/pier must be lifted by a land crane for maintenance and for winter to prevent ice damage.

A permit has been received from the USACOE: Regulatory (2016-00152-JVD), U.S. Army Corps of Engineers Permit Application: MVP-2016-00152-JVD for filling area F1.

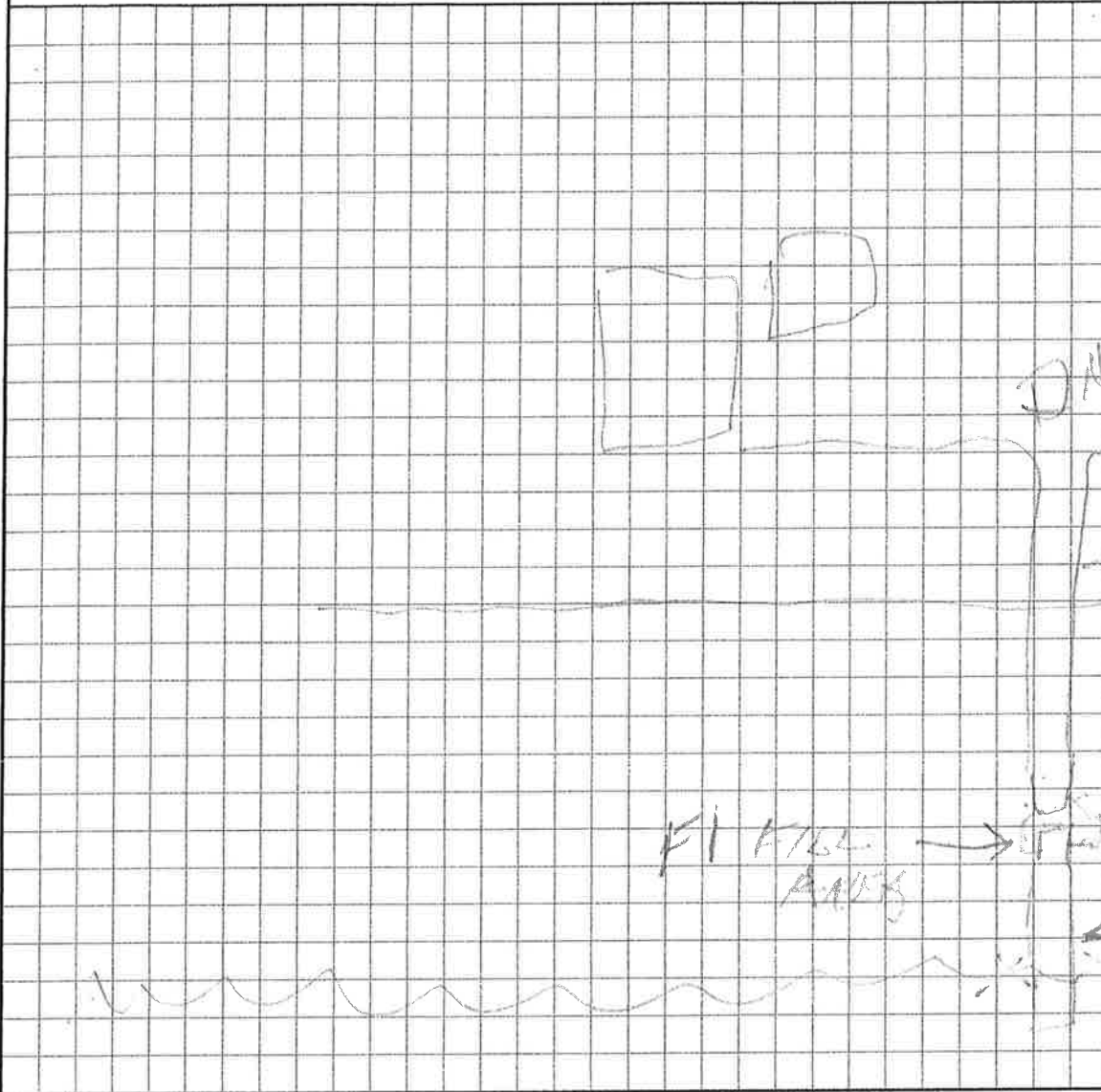
A permit has been received from WIDNR for F1 area:

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification you may proceed with your project to fill 0.010 acres of wetlands. The eligibility standards can be found on your application checklist or in the statewide general permit WDNR-GP1-2012 (found at <http://dnr.wi.gov/topic/waterways/construction/wetlands.html>).

Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first. This permit coverage constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

Shoreland Protection Ordinance for Dodge County, Wisconsin 3.32 Uses which do not require the issuance of a County land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below: (5) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance;

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Notes/Stipulations:				
9/1/16 Open to go 9/2/16 Notice of Denial sent by certified mail.				
<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied				
Land Resources and Parks Department				Date
Joseph Griebel				9/2/2016

Please use only blue or black ink to complete the application and site plan (sketch) — **DO NOT USE PENCIL**

Exhibit M

Copy of August 19, 2016 letter sent by Mr. Beier to Terry Ochs

Ray Beier
PO Box 5
Fox lake WI 53933 Aug 19 2016

RECEIVED
AUG 22 2016
Land Resources
& Parks

Terry Ochs
Dodge County Planning & Dev
127 E Oak ST
Juneau, WI 53039-1329

RE: violation notices 2.

Greetings;

This letter is in response to the 2 violation notices mailed Aug 17 2016 and received today, Aug 19 2016.

A land use permit, dated Aug 12, 2016, has been filed. A copy is enclosed.

We do not believe that we are in violation and your determination is incorrect for the following reasons:

Shoreland Protection Ordinance for Dodge County, Wisconsin 3.32 Uses which do not require the issuance of a County land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below: (5) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance;

Citation says " Land use permit required with data " under Sec 2.1.

2.1 Hydraulic and hydrologic analysis

(1) No development shall:

(a) obstruct flow

(b) cause any increase in regional flood height due to floodplain storage area lost

(2) Land use admin shall deny permits if development will obstruct flow or increase regional flood height

We do not believe there is any evidence or proof that we have obstructed flow or caused any regional flood height. Please support your position.

Sincerely

Ray Beier

Exhibit N

Copy of August 31, 2016 letter sent by Joseph Giebel to Mr. Beier granting an extension to the compliance date for the resolution of the violations



Dodge County Land Resources and Parks Department

COPY

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

August 31, 2016

Ray Beier
P.O. Box 5
Fox Lake, WI 53933

RE: Request for extension of the compliance date for Shoreland Protection Ordinance Violation Notices County ID 15-0591 and 15-0592.

Dear Mr. Beier;

Our office has received your written request, dated August 23, 2016, for an extension to the compliance deadlines for the Shoreland Protection Ordinance Violation Notices that you received from the County (County ID 15-0591 and 15-0592).

The compliance date for Violation Notices 15-0591 and 15-05921 have been extended to October 15, 2016 at your request in order to allow you additional time to resolve these violations.

You are required to remove the unauthorized fill material that was placed within the shoreland wetland and floodplain districts on your property and you are required to reclaim the disturbed area on your property and to re-establish the native wetland vegetation in the disturbed areas by October 15, 2016. Failure to resolve this matter by the compliance date will result in the commencement of formal enforcement (legal) action against you. If you have any questions, please feel free to contact this office.

Sincerely,

Joseph Giebel
Manager – Code Administration
Dodge County Land Resources and Parks Department

Request for an extension to
Oct 15, 2016 for resolution
#150581 # 150594

Ray Bevil 9/23/2016

Exhibit O

Copy of September 2, 2016 Notice of Permit Refusal letter sent by Joseph Giebel to Mr. Beier for Land Use Permit16-0557.



Dodge County Land Resources and Parks Department

COPY

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

September 2, 2016

Ray Beier
P.O. Box 5
Fox Lake, WI 53933

RE: Notice of Permit Refusal
PIN# 018-1313-2712-029

Location: Part of the NW ¼ of the NE ¼, Section 27, T13N, R13E, Town of Fox Lake, Dodge County, Wisconsin, the site address being W10591 Hickory Grove Road.

CERTIFIED MAIL RECEIPT
DATE MAILED: ^{Sept 2} August 2, 2016
TRACKING #:
7014 2120 0004 5602 9678

Dear Mr. Beier:

Your application for a permit to place fill on the property described above is hereby denied for failure to comply with the following sections of the Dodge County Shoreland Protection Ordinance and the Dodge County Floodplain Zoning Ordinance:

Shoreland Ordinance Provisions:

According to the Dodge County Wetland Inventory Maps, your proposed fill area is designated as a wetland.

Your proposed filling and grading project within a wetland district is not listed as a permitted use within Section 3.3 of the Dodge County Shoreland Ordinance and therefore, in accord with Section 3.4 of the Ordinance, the proposed project is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance.

As we have previously discussed, your filling and grading project is not eligible for an exemption under Section 3.32(5) of the Dodge County Shoreland Protection Ordinance. The exemption listed in Section 3.32(5) of the Ordinance is specific to the filling and grading that would be necessary for the construction and maintenance of piers, docs, or walkways built on pilings. According to your application, your project involves filling and grading of the low areas that are adjacent to the pier/dock for the purpose of preventing erosion and for the purpose of providing a pathway for a crane which according to your application is used on a yearly basis to remove a portion of the doc/pier structure to prevent ice damage to the doc/pier during the winter. It is my position that filling and grading of land located within a wetland that is intended for the construction and or maintenance of a pathway through a mapped wetland or that is intended for erosion protection of land located within a wetland is not exempt under Section 3.32(5) of the Shoreland Protection Ordinance.

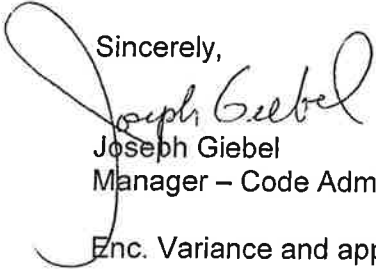
Floodplain Ordinance Provisions:

According to the official Dodge County Floodplain maps and the Flood Insurance Study for this area, your proposed fill area is designated as a Flood Storage District. According to Section 5.2(3)(b) of the Dodge County Floodplain Zoning Ordinance, no development shall be allowed which removes flood storage volume. According to your application, you will be placing fill within the flood storage district and therefore your project will result in the loss of flood storage volume which is prohibited by the Ordinance.

Therefore, the County is unable to issue a permit for your proposed filling and grading project unless the project is modified so as to comply with the Shoreland Protection Ordinance and Floodplain Zoning Ordinance provisions or unless a variance is granted to the applicable wetland and floodplain provisions of the Ordinances.

You have the right to appeal this decision to the Board of Adjustment. Such appeals shall be filed with the Land Resources and Parks Department within 30 days after the date of written notice of the decision or order of the review and decision making body. If you have any questions, feel free to give me a call.

Sincerely,



Joseph Giebel
Manager – Code Administration

Enc. Variance and appeal applications;

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

7014 2120 0004 5602 9678

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To Ray Beier
 Street & Apt. No., or PO Box No. P.O. Box 5
 City, State, ZIP+4 Fox Lake, WI 53933

PS Form 3800, July 2014

See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 B. Received by (Printed Name) Ray Beier C. Date of Delivery 07-16
 D. Is delivery address different from item 1? Yes
 if YES, enter delivery address below: No

3. Service Type
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Restricted Delivery
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ray Beier
P.O. Box 5
Fox Lake, WI 53933



9590 9402 1590 5362 6355 42

2. Article Number (Transfer from service label)

7014 2120 0004 5602 9678

PS Form 3811, July 2015 PSN 7530-02-000-9053

DODGE COUNTY INSPECTION SHEET

Property Owner Ray Beier	County ID No. 2016-0557
Site Address W10591 Hickory Grove Road	PIN 018-1313-2712-029

Project: **Fill**

ZONING	ANIMAL UNITS	ROAD/HIGHWAY (1)	ROAD/HIGHWAY (2)	SETBACKS	LOT COVERAGE AREA
Flat plain Shrubland	_____	<input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input checked="" type="checkbox"/> Urbanized ROW _____ <input type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	<input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	Front (1) _____ Front (2) _____ Side (1) _____ Side (2) _____ Rear _____ OHWM _____ Structure _____ Septic Tank _____ Septic Field _____	Existing _____ Proposed _____ Total (E+P) _____ Tot. Lot Area _____ % Coverage _____
<input type="checkbox"/> BOA <input type="checkbox"/> P&Z <input type="checkbox"/> ETZA <input type="checkbox"/> POWTS <input type="checkbox"/> Sewered	<input type="checkbox"/> After Fact				

9/2/16 Onsite of site with sketches

• based on application materials fill will be located north of the existing dock/pier structure. Fill will be located within the flood storage district and within a wetland. Fill will also be placed below the OHWM established by Dan Hunt - DWR. Fill will be located in previously filled area as documented in County Violation notices 2015-0591 & 2015-0592

• project met exempt under Sec 3.32(5) fill is intended for erosion protection and to construct/maintain a pathway for a crane which is apparently used yearly to remove a section of the dock/pier structure during the winter to prevent damage to this section of the dock/pier.

• project does not involve the construction or maintenance of the dock/pier

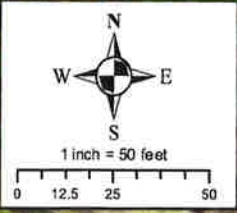
See Attached Site Plan (Sketch)

Notes:

<input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Noncompliant	<input type="checkbox"/> Violation <input type="checkbox"/> Incomplete <input type="checkbox"/> Reinspection Needed	<input checked="" type="checkbox"/> Joe Giebel <input type="checkbox"/> Terry Ochs <input type="checkbox"/> Wade Osterholz <input type="checkbox"/> Other Joseph Giebel	Date 9/2/2016
--	---	--	-------------------------

Dodge County Quick Mapper

The data used to create this map is a compilation of records, information and data from various Dodge County municipal offices and organizations. This map is only advisory and does not replace a survey and should not be used for any legal purposes. Dodge County is not liable for any use or misuse of this information.



General	Floodplain/Wetland	COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL
Elevation Contours (2' & 10')	Shoreland Zoning	ONE FAMILY RESIDENTIAL	CITY OR VILLAGE
WI Historical Society	Lake/Pond/Slough Buffer	TWO FAMILY RESIDENTIAL	RIGHT OF WAY
Historic Structures	Lakes/Ponds/Sloughs	MULTI-FAMILY RESIDENTIAL	WATERBODY
Archaeological Sites	Rivers/Streams/Creeks		
Survey Areas	Horizon Marsh (860' Contour)		

Dodge County Land Resources & Parks

Dodge County Quick Mapper



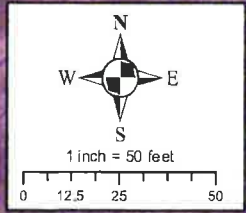
Dodge County Land Resources & Parks

<p>General</p> <ul style="list-style-type: none"> Urbanized Roads Soils Airport Ordinance 3-Mile Buffer Sewer Service Areas Elevation Contours (2' & 10') <p>WI Historical Society</p> <ul style="list-style-type: none"> Historic Structures Archaeological Sites Survey Areas 	<p>Floodplain/Wetland</p> <ul style="list-style-type: none"> Floodplain (May 19th 2014) Flood Storage Areas (2014) DNR Wetland (2006) DNR Wetland Points (2006) <p>Shoreland Zoning</p> <ul style="list-style-type: none"> Lake/Pond/Slough Buffer Lakes/Ponds/Sloughs Rivers/Streams/Creeks Horicon Marsh (860' Contour) 	<p>COUNTY ZONING</p> <ul style="list-style-type: none"> PLANNED UNIT DEVELOPMENT HARTFORD EXTRATERRITORIAL GENERAL AGRICULTURAL PRIME AGRICULTURAL ONE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL GENERAL COMMERCIAL EXTENSIVE COMMERCIAL LIGHT INDUSTRIAL INDUSTRIAL CITY OR VILLAGE RIGHT OF WAY WATERBODY
--	---	---

Date: 8/31/2016

Dodge County Quick Mapper

The data used in this interactive map is a compilation of public information and data from various city, county, state, federal, and other sources. This tool is only advisory, does not replace a survey, and should not be used for any legal purposes. Dodge County does not assume liability for any use or misuse of the information.



Dodge County Land Resources & Parks

General	Floodplain/Wetland	COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL
Elevation Contours (2' & 10')	Shoreland Zoning	ONE FAMILY RESIDENTIAL	CITY OR VILLAGE
WI Historical Society	Lake/Pond/Slough Buffer	TWO FAMILY RESIDENTIAL	RIGHT OF WAY
Historic Structures	Lakes/Ponds/Sloughs	MULTI-FAMILY RESIDENTIAL	WATERBODY
Archaeological Sites	Rivers/Streams/Creeks		
Survey Areas	Horizon Marsh (860' Contour)		

Date: 8/31/2016

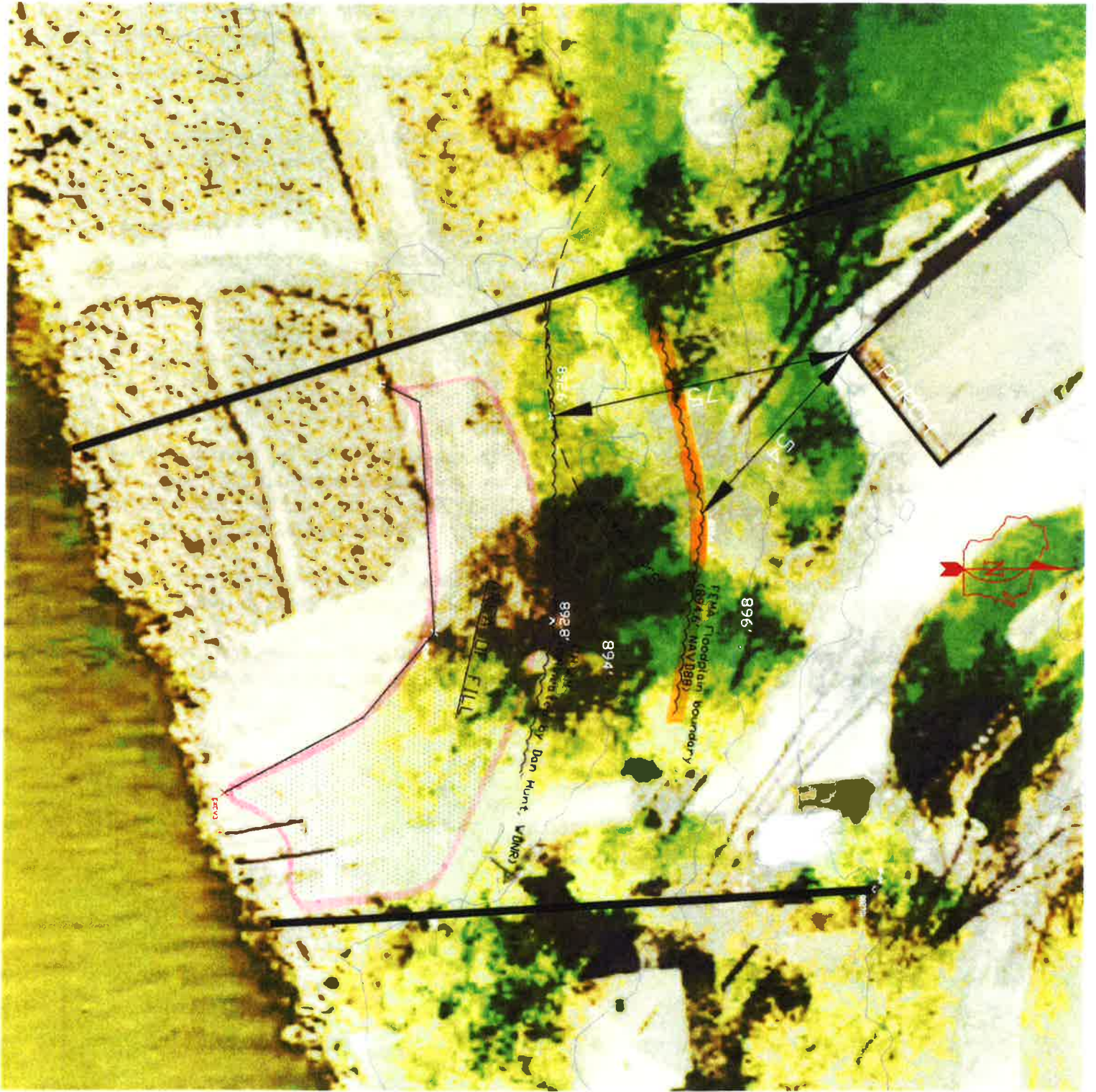
Dodge County Quick Mapper

The data used for this site map is a compilation of various information and data from various city, county and state offices, and other sources. This map is only advisory, does not replace a survey, and may not be used for any legal purposes. Dodge County assumes no liability for any use or misuse of this information.



Dodge County Land Resources & Parks

General	Floodplain/Wetland	COUNTY ZONING	
Urbanized Roads	Floodplain (May 19th 2014)	PLANNED UNIT DEVELOPMENT	GENERAL COMMERCIAL
Soils	Flood Storage Areas (2014)	HARTFORD EXTRATERRITORIAL	EXTENSIVE COMMERCIAL
Airport Ordinance 3-Mile Buffer	DNR Wetland (2006)	GENERAL AGRICULTURAL	LIGHT INDUSTRIAL
Sewer Service Areas	DNR Wetland Points (2006)	PRIME AGRICULTURAL	INDUSTRIAL
Elevation Contours (2' & 10')	Shoreland Zoning	ONE FAMILY RESIDENTIAL	CITY OR VILLAGE
WI Historical Society	Lake/Pond/Slough Buffer	TWO FAMILY RESIDENTIAL	RIGHT OF WAY
Historic Structures	Lakes/Ponds/Sloughs	MULTI-FAMILY RESIDENTIAL	WATERBODY
Archaeological Sites	Rivers/Streams/Creeks		
Survey Areas	Horicon Marsh (860' Contour)		



BMI 894.35
TARGET ELEV: 892.4

893.4

Exhibit P

Copy of September 14, 2016 Letter sent by Terry Ochs to Mr. Beier



Dodge County

Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

September 14, 2016

Ray Beier
P.O. Box 5
Fox Lake, WI 53933

RE: Letter received August 22, 2016
PIN# 018-1313-2712-029

Location: Part of the NW ¼ of the NE ¼, Section 27, T13N, R13E, Town of Fox Lake, Dodge County, Wisconsin, the site address being W10591 Hickory Grove Road.

CERTIFIED MAIL RECEIPT

DATE MAILED: September 14, 2016

TRACKING #:

7014 2120 0004 5602 9401

Dear Mr. Beier:

This letter is in response to the letter that you submitted to the Department of Land Resources and Parks Department on August 22, 2016.

As you are aware, you have been notified by this Department that you are in violation of the Dodge County Shoreland Protection Ordinance Sections 2.3 and 3.4 for the following activity:

Land Disturbing activities (Grading / excavating) in a wetland district without obtaining the required permits and approvals from this office. (Copy Enclosed)

In addition, you have been notified by this Department that you are in violation of the Dodge County Floodplain Zoning Ordinance Dodge County, Section 1.5(1) for the following activity:

The filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6msl) and for filling in a flood storage district without obtaining the required permits and approvals from this office. (Copy Enclosed)

On August 17, 2016 our Department received a Land Use Permit application for filling 375 square feet of area. This permit was denied September 2, 2016 (*See enclosed letter dated Sept 2, 2016*) because the proposed filling activities are prohibited within a wetland and within a flood storage district. In addition, you were notified that your proposed project does not qualify for an exemption under Section 3.32(5) of the Shoreland Protection Ordinance.

In regards to your statement that "We do not believe there is any evidence or proof that we obstructed flow or caused any regional flood height", it is the position of this Department that your placement of fill within the area of your property that is designated as a flood storage district has resulted in the removal of flood storage volume for this floodplain area which results in an increase in the height of the regional flood for this area which is prohibited.

Therefore, it is the position of this Department that you are in still in violation of the Dodge County Shoreland Protection Ordinance, Sections 2.3 and 3.4, for the following activity that has taken place on the property described above:

Land Disturbing activities (Grading / excavating) in a wetland district without obtaining the required permits and approvals from this office.

In addition, it is the position of this Department that you are in still in violation of the Dodge County Floodplain Zoning Ordinance Dodge County, Section 1.5(1) for the following activity:

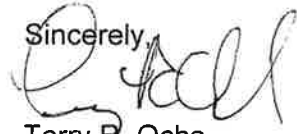
The filling and grading of lands within Special Flood Hazard Area, Subject to inundation by the 1% annual chance flood. (Zone AE, Base Flood Elevation determined, EL. 894.6msl) and for filling in a flood storage district without obtaining the required permits and approvals from this office.

You are hereby ordered to remove the illegally placed fill material from this property and to reclaim the disturbed area by re-establishing native wetland vegetation in the disturbed areas by the following compliance date:

COMPLIANCE DATE: October 15, 2016

You have the right to appeal this decision to the Board of Adjustment Such appeals shall be filed with the Land Resources and Parks Department within 30 days after the date of written notice of the decision or order of the review and decision making body. If you have any questions, feel free to give me a call.

Sincerely,



Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

7014 2120 0004 5602 9401

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

U10-
Postmark
Here
Terry

Sent To Ray Beier
 Street & Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, July 2014 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Ray Beier
 PO Box 5
 Fox Lake, WI 53933



9590 9403 0751 5196 0427 22

2. Article Number (Transfer from service label)
 7014 2120 0004 5602 9401

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent
 Addressee

B. Received by (Printed Name) [Signature] C. Date of Delivery 9/21/16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

Exhibit Q

Copy of September 19, 2016 Letter sent by Terry Ochs to Attorney Gergen

Dodge County

Land Resources and Parks Department

Administration Building 127 E. Oak Street, Juneau WI 53039-1329 (920) 386-3700 Fax (920) 386-3979

September 19, 2016

William H. Gergan
Gergen, Gergan & Pretto, S.C.
Attorneys at Law
105 Front Street
PO Box 453
Beaver Dam WI 53916

Ray Beier Shoreland Protection Ordinance Violation Notice

Site Location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Atty. Gergen:

This letter is in response to your Facsimile received by our Department on September 1, 2016 in regards to the violation(s) located on the above-mentioned parcel. I would like to take this time to answer your questions as per your letter.

1. Mr. Beier did in fact fill his lot. Dodge County has photos of the activities as well as GPS elevation data which can be used to document that Mr. Beier added fill material to the above-mentioned lot. I was also present on the site in question prior to any improvements and had the Department of Natural Resources set the Ordinary High Water Mark.
2. Mr. Beier may in fact have obtained permits to do limited filling for 375 sqft. from the WiDNR and U.S. Army Corps of Engineers, however, he has not obtained permits or approvals from this Department to place fill on this property.

Based on our onsite inspections on this site, Mr. Beier has placed fill on approximately 3,505 square feet of his lot and said fill was located below Ordinary High Water Mark, within a designated Flood Storage Area, and within a WiDNR designated Wetland. These issues will need to be resolved before the Land Resources and Parks Department can issue any additional permits for fill in this area.

I think it would be appropriate, at this time, to sit down and discuss the fact of the violation. Please feel free to contact our office at (920) 386 3701 to set up an appointment or to simply discuss the matter at hand. Please keep in mind Mr. Beier has a compliance date of October 15, 2015.

Sincerely,



Terry R. Ochs
Senior Land Use / Sanitary Specialist
tochs@co.dodge.wi.us
(920) 386-3270
Dodge County
Land Resources and Parks

GERGEN, GERGEN & PRETTO, S.C.**Attorneys at Law**

105 Front Street
PO Box 453
Beaver Dam, WI 53916

WILLIAM H. GERGEN**DAWN P. GERGEN**

Court Commissioner

ROBERT A. PRETTO**PHONE: (920) 887-0371**

Fax: (920) 887-2398

HENRY G. GERGEN, JR.

(1917-1993)

September 1, 2016

VIA FAX

Mr. Terry Ochs
Dodge County Planning & Development
127 E. Oak Street
Juneau, WI 53039

Re: Ray Beier, P. O. Box 5, Fox Lake WI 53933
Site location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Mr. Ochs:

I am writing this letter as a sort of addendum to Ray Beier's responsive letter to the violation notices received on August 19, 2016 giving him until September 1st to respond to the violations alleged.

After meeting with Mr. Beier this morning I asked him to forward me the letter he has written you in response to the notice of violations. Without disagreeing with any of the points mentioned in his letter, I think some basic factual issues must also be pointed out.

1. Mr. Beier indicates that he has not added any fill in the manner complained of in these violation notices in the areas complained of. This fact seems to have been lost in the shuffle. It is my understanding that Mr. Ochs believes that the land level has somehow increased since 2008, and that therefore Mr. Beier must have added fill. Mr. Beier has indicated that he did not.

2. Mr. Beier has obtained some preliminary permission from the DNR and Army Corp of Engineers with respect to placing fill in an area surrounding his dock where Mr. Ochs previously ordered Mr. Beier to remove the material from.

TIME RECEIVED
September 1, 2016 4:31:17 PM CDT

REMOTE CSID

DURATION
109

PAGES
3

STATUS
Received

From:

09/01/2016 16:34

#555 P.001/003

RECEIVED

SEP 02 2016

GERGEN, GERGEN & PRETTO, S.C.

Attorneys at Law

105 Front Street

PO Box 453

Beaver Dam, WI 53916

Land Resources
& Parks

WILLIAM H. GERGEN

DAWN P. GERGEN

Court Commissioner

ROBERT A. PRETTO

PHONE: (920) 887-0371

Fax: (920) 887-2398

HENRY G. GERGEN, JR.
(1917-1993)

FAX TRANSMITTAL COVER SHEET

Our FAX Number is 920-887-2398

DATE: September 1, 2016

TO: Mr. Terry Ochs
Dodge County Planning
& Development

FAX NO: (920) 386-3979

Dodge County Corporation Counsel FAX NO. (920) 386-3596

NUMBER OF PAGES INCLUDING COVER SHEET: 3

FROM: Attorney William H. Gergen

Re: Ray Beier, P. O. Box 5, Fox Lake WI 53933
Site location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

MESSAGE:

If you did not receive all the pages please contact Tammy at (920) 887-0371.

The information accompanying this cover sheet is confidential and is for the sole use of the person to whom this cover sheet is addressed. This information may be intended as communication between this firm and client and/ or may contain work product of this firm. If this cover sheet is not addressed to you or a person to whom you are responsible for delivering this information, then this information was sent to you in error, and you may not read this information, retain it or deliver it to any other person. If this information was sent to you in error, then please telephone us at once and return this information to us by mail at the above address at our expense.

GERGEN, GERGEN & PRETTO, S.C.**Attorneys at Law**

105 Front Street
PO Box 453
Beaver Dam, WI 53916

WILLIAM H. GERGEN
DAWN P. GERGEN
Court Commissioner
ROBERT A. PRETTO

PHONE: (920) 887-0371
Fax: (920) 887-2398

HENRY G. GERGEN, JR.
(1917-1993)

September 1, 2016

VIA FAX

Mr. Terry Ochs
Dodge County Planning & Development
127 E. Oak Street
Juneau, WI 53039

Re: Ray Beier, P. O. Box 5, Fox Lake WI 53933
Site location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Mr. Ochs:

I am writing this letter as a sort of addendum to Ray Beier's responsive letter to the violation notices received on August 19, 2016 giving him until September 1st to respond to the violations alleged.

After meeting with Mr. Beier this morning I asked him to forward me the letter he has written you in response to the notice of violations. Without disagreeing with any of the points mentioned in his letter, I think some basic factual issues must also be pointed out.

1. Mr. Beier indicates that he has not added any fill in the manner complained of in these violation notices in the areas complained of. This fact seems to have been lost in the shuffle. It is my understanding that Mr. Ochs believes that the land level has somehow increased since 2008, and that therefore Mr. Beier must have added fill. Mr. Beier has indicated that he did not.

2. Mr. Beier has obtained some preliminary permission from the DNR and Army Corp of Engineers with respect to placing fill in an area surrounding his dock where Mr. Ochs previously ordered Mr. Beier to remove the material from.

Mr. Terry Ochs
September 1, 2016
Page 2

At this point, Mr. Beier wishes to question the validity of that order and clarify that the fill he wants to put in is simply around that dock to replace the material Mr. Ochs forced him to remove previously.

There may be other technical or factual matters which render Mr. Beier not to be in violation as alleged. However, I believe the most important one is this assumption on the part of the County that Mr. Beier put fill in a location that Mr. Beier says he did not. Absent that, what is he violating?

Perhaps a meeting would be appropriate wherein the history of the land is discussed and reviewed, so that we can determine first what the facts are before trying to determine whether any violation of law has occurred.

Sincerely,

GERGEN, GERGEN & PRETTO, S.C.



William H. Gergen

WHG:tls

cc: Dodge County Corporation Counsel (via facsimile)
Mr. Ray Beier

Exhibit R

Copy of September 26, 2016 Letter sent by Joseph Giebel to Attorney Gergen



Dodge County

Land Resources and Parks Department

COPY

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

September 26, 2016

Attorney William Gergen
P.O. Box 453
Beaver Dam, WI 53916

RE: Ray Beier, P.O. Box 5, Fox Lake; PIN 018-1313-2712-029

Dear Attorney Gergen;

This letter is in response to your fax, dated September 23, 2016, which was sent to our Department and was addressed to Mr. Terry Ochs. Mr. Ochs will be out of the office until October 10, 2016, therefore I will provide you with the answers to the questions presented in your fax.

Per your fax letter:

Thank you for your letter of September 14, 2016, addressed to Mr. Beier. That letter makes note of a 30 day appeal deadline "after the date of written notice of the decision or order of the review and decision making body." That language is somewhat confusing to me. Could you please tell me to what correspondence that is referring, i.e. what is the date upon which 30 days begins to run? Please respond as soon as possible since this time period is obviously running.

According to the September 14, 2016 letter from Mr. Ochs, your client was ordered, in this letter, to remove the illegally placed fill material from his property and was required to reclaim the disturbed area by re-establishing native wetland vegetation in the disturbed areas by the compliance date of October 15, 2016. In accord with Section 2.3.13.B of the Dodge County Land Use Code, your client has the right to file an appeal of the orders contained within the September 14, 2016 letter from Terry Ochs that requires your client to remove the illegally placed fill material from his property and to reclaim the disturbed area by re-establishing native wetland vegetation in the disturbed areas by the compliance date of October 15, 2016.

Your fax letter also contained the following P.S. comment:

Your letter of September 19, 2016 to me indicated that Mr. Beier "has a compliance date of October 15, 2015." I assume you meant 2016. Please confirm the year. Thank you.

The October 15, 2015 compliance date in the September 19, 2016 letter is an error. According to the County records in this matter, on August 31, 2016, this Department agreed to extend the compliance date for your client to remove the unauthorized fill material that was placed within the shoreland wetland and floodplain districts, to reclaim the disturbed areas and to re-establish the native wetland vegetation in the disturbed areas by October 15, 2016.

If you have any questions, please feel free to contact me.

Sincerely,


Joseph Giebel
Manager – Code Administration

TIME RECEIVED
September 23, 2016 11:18:03 AM CDT

REMOTE CSID

DURATION
80

PAGES
2

STATUS
Received

From:

09/23/2016 11:21

#587 P.001/002

GERGEN, GERGEN & PRETTO, S.C.

Attorneys at Law

105 Front Street

PO Box 453

Beaver Dam, WI 53916

WILLIAM H. GERGEN

DAWN P. GERGEN

Court Commissioner

ROBERT A. PRETTO

PHONE: (920) 887-0371

Fax: (920) 887-2398

HENRY G. GERGEN, JR.

(1917-1993)

FAX TRANSMITTAL COVER SHEET

Our FAX Number is 920-887-2398

DATE: September 23, 2016

TO: Mr. Terry Ochs
Dodge County Planning
& Development

FAX NO: (920) 386-3979

Dodge County Corporation Counsel FAX NO. (920) 386-3596

NUMBER OF PAGES INCLUDING COVER SHEET: 2

FROM: Attorney William H. Gergen

Re: Ray Beier, P. O. Box 5, Fox Lake WI 53933
Site location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

MESSAGE:

See attached letter.

If you did not receive all the pages please contact Tammy at (920) 887-0371.

The information accompanying this cover sheet is confidential and is for the sole use of the person to whom this cover sheet is addressed. This information may be intended as communication between this firm and client and/ or may contain work product of this firm. If this cover sheet is not addressed to you or a person to whom you are responsible for delivering this information, then this information was sent to you in error, and you may not read this information, retain it or deliver it to any other person. If this information was sent to you in error, then please telephone us at once and return this information to us by mail at the above address at our expense.

GERGEN, GERGEN & PRETTO, S.C.**Attorneys at Law**

105 Front Street
PO Box 453
Beaver Dam, WI 53916

WILLIAM H. GERGEN
DAWN P. GERGEN
Court Commissioner
ROBERT A. PRETTO

PHONE: (920) 887-0371
Fax: (920) 887-2398

HENRY G. GERGEN, JR.
(1917-1993)

September 23, 2016

VIA FAX

Mr. Terry Ochs
Dodge County Planning & Development
127 E. Oak Street
Juneau, WI 53039

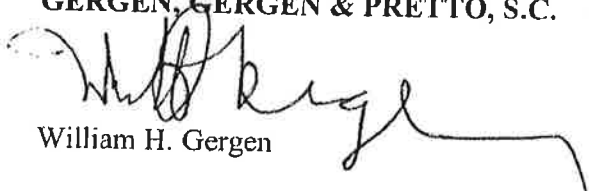
Re: Ray Beier, P. O. Box 5, Fox Lake WI 53933
Site location: NW 1/4 NE 1/4, Section 27, T13N, R13E,
Township of Fox Lake, Dodge County, Wisconsin
PIN# 018-1313-2712-029

Dear Mr. Ochs:

Thank you for your letter of September 14, 2016, addressed to Mr. Beier. That letter makes note of a 30 day appeal deadline "after the date of written notice of the decision or order of the review and decision making body." That language is somewhat confusing to me. Could you please tell me to what correspondence that is referring, i.e. what is the date upon which 30 days begins to run? Please respond as soon as possible since this time period is obviously running.

Sincerely,

GERGEN, GERGEN & PRETTO, S.C.


William H. Gergen

WHG:tls

cc: Dodge County Corporation Counsel (via facsimile)
Mr. Ray Beier

P. S. Your letter of September 19, 2016 to me indicated that Mr. Beier "has a compliance date of October 15, 2015." I assume you meant 2016. Please confirm the year. Thank you.

Exhibit S

Copy of Land Use Permit 09-0331 for the construction of the dwelling on the Beier property.



EDGE COUNTY
 LAND RESOURCES AND PARKS DEPARTMENT
 127 E. Oak Street • Juneau, WI 53039
 Phone: (920) 386-3700 • Fax: (920) 386-3979
 E-mail: landresources@co.dodge.wi.us

Land Use Permit

Application Fees: \$50 + \$2/\$1,000 (Payable to Dodge County) **\$331.57**
 After the Fact Application Fee - \$100 + \$4/\$1,000

THIS AREA FOR OFFICE USE ONLY	
Activity No. 090331	Permit Issued Date 7-16-09
<input checked="" type="checkbox"/> Land Use Permit <input type="checkbox"/> Highway	Receipt #: 2797
Application Date: 7/3/09	Sanitation Permit # <input type="checkbox"/> Scan:

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION	
Applicant (Agent) RAY BEIER		Parcel Identification Number (PIN) 018-1313-2712-029 SEE SURVEY ATTACHED	
Street Address PO BOX 5		Town Fox Lake	T N R E 13 13
City • State • Zip Code FOX LAKE		NW 1/4 NE 1/4 Section NW 1/4 NE 1/4 27	Acreage Lot (Block) 0.95 2
Property Owner (If different from applicant)		Subdivision or CSM (Volume/Page/Lot) CSM 6251	
Street Address		Address Of Property (DO NOT include City/State/ZipCode) W10591 Hickory Grove Rd	
City • State • ZipCode		Is this property connected to public sewer? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Is this property located within a sanitary district or is the property accessible to public sewer? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
PRESENT PROPERTY USE		PROPOSED PROPERTY USE	
<input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Working Farm <input type="checkbox"/> Other		<input type="checkbox"/> Vacant <input type="checkbox"/> Working Farm <input type="checkbox"/> Other	
<input type="checkbox"/> Residence <input type="checkbox"/> Single <input type="checkbox"/> Duplex <input type="checkbox"/> Multi <input type="checkbox"/> Business, Industrial, Commercial		<input type="checkbox"/> Residence <input type="checkbox"/> Single <input type="checkbox"/> Duplex <input type="checkbox"/> Multi <input type="checkbox"/> Business, Industrial, Commercial	

PROPOSED PROJECT

Project #1	Dimensions	Project #2	Dimensions	Sign	Animal Units
Project <input type="checkbox"/> PRINCIPAL <input checked="" type="checkbox"/> DWELLING <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER <input type="checkbox"/> ACCESSORY DET. GARAGE/SHED <input type="checkbox"/> BARN/AG STRUCT. (See Animal Units Box) <input type="checkbox"/> OTHER <input type="checkbox"/> RIPRAP <input type="checkbox"/> SIGN (See Sign Box) <input type="checkbox"/> OTHER	<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair Length <u>69'</u> Width <u>40'</u> Area (LthXWth) <u>2760 #'</u> Height <u>22 ft</u> Stories <u>1</u> # Bedrooms Before _____ After <u>3</u>	Project <input type="checkbox"/> PRINCIPAL <input type="checkbox"/> DWELLING <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> ACCESSORY DET. GARAGE/SHED <input type="checkbox"/> BARN/AG STRUCT. (See Animal Units Box) <input type="checkbox"/> OTHER <input type="checkbox"/> RIPRAP <input type="checkbox"/> SIGN (See Sign Box) <input type="checkbox"/> OTHER	<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair Length <u>28'</u> Width <u>26'</u> Area (LthXWth) <u>728 #'</u> Height <u>12'</u> Stories <u>1</u> # Bedrooms Before _____ After <u>MA</u>	Additional Info <input type="checkbox"/> Off-Premise <input type="checkbox"/> On-Premise <input type="checkbox"/> Wall <input type="checkbox"/> Ground <input type="checkbox"/> Single Sided <input type="checkbox"/> Double Sided Length _____ Width _____ Area _____ Lighted <input type="checkbox"/> YES <input type="checkbox"/> NO Moving parts <input type="checkbox"/> YES <input type="checkbox"/> NO	Complete the Animal Units Worksheet and enter the total animal units that you might keep at this facility.
Cost of Construction w/Labor \$ 146,787		Cost of Construction w/Labor \$			

*** PROJECT AND PROPERTY CORNERS MUST BE STAKED ***

"A SITE DIAGRAM IS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION, SEE REVERSE SIDE FOR INSTRUCTIONS"

CERTIFICATE

I, the undersigned, hereby apply for a County Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Planning Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Signature [Signature] Date 7/3/09

Daytime Contact Number (956) 346-8102 Call for pick up YES NO

SITE PLAN



Large grid area for drawing the site plan.

ORIG

NAL

OFFICE USE ONLY

Notes

07/15/09 LUI REFORMED OK (circled)
5/24/13 FCHAL OK (circled)

ZONING DISTRICT

BOA ACTIVITY #

BOA APPEAL DATE

BOA P/H DATE

BOA DECISION DATE

APPROVED



DENIED



Land Resources and Parks Department

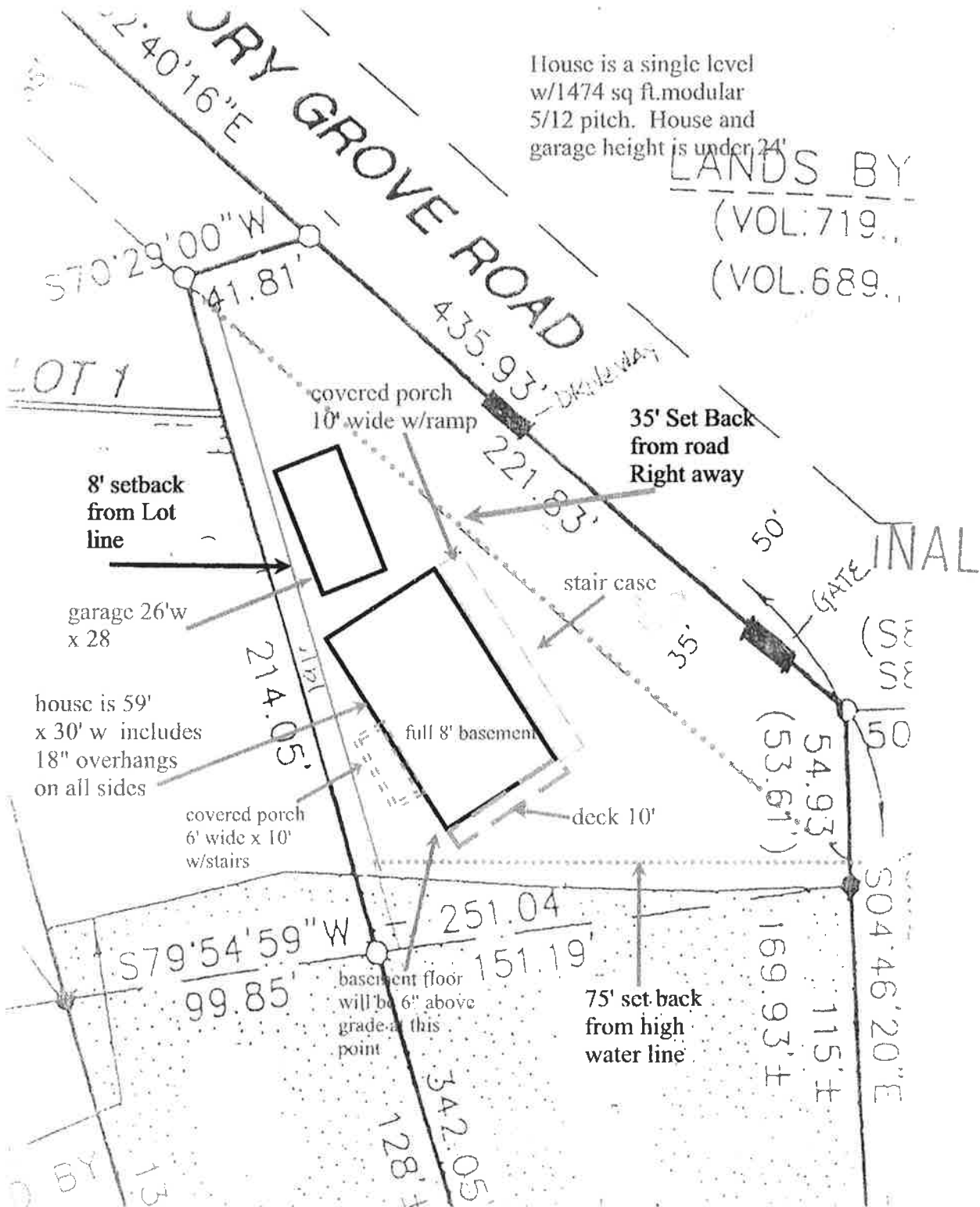
[Handwritten Signature]

Date 07/16/09

APPROVE

O CONDITIONS

DENIED



As prepared by:
GROTHMAN & ASSOCIATES, S.C.
 LAND SURVEYORS
 PO BOX 373 PORTAGE, WI 53901
 Phone Portage (808) 743-7768
 Phone South (808) 844-8877
 Fax (808) 743-0434
 e-mail: surveying@grothman.com



G & A FILE NO. 827-488

DRAWN BY: D. ARLMAN
 CHECKED BY: J.B.S.
 PROJ. 283-708
 DWG. 807428A SHEET 1 OF 2



DODGE COUNTY CERTIFIED SURVEY MAP NO.

GENERAL LOCATION
 BEING LOT 4, C.S.M. NO. 4740, RECORDED IN VOLUME 50, PAGE 173-174 AS DOCUMENT NO. 87884,
 LOCATED IN GOVERNMENT LOT & SECTION 27, T.13 N., R.13 E., TOWN OF FOX LAKE, DODGE
 COUNTY, WISCONSIN CONTAINING: 88,099 SQ. FT. ± = 2.045 ACRES ±

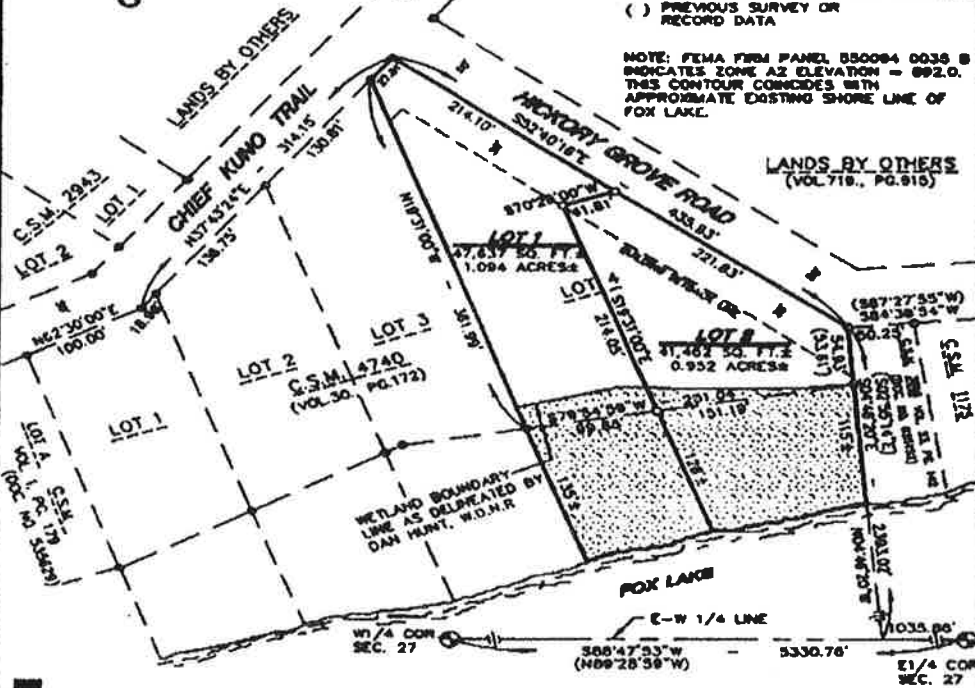


BASES OF BEARINGS IS
 THE SOUTHERLY R/W LINE OF CHIEF
 KUNO TRAIL WHICH IS RECORDED AS
 N82°30'00"E PER C.S.M., VOL. 1, PG.
 179 AND C.S.M. NO. 4740.



- LEGEND**
- 3/4" x 24" IRON ROD SET (WT. = 1.5 LBS./L.F.)
 - 3/4" IRON ROD FND.
 - CONCRETE MON. FND.
 - 1" IRON PIPE FND.
 - 2" IRON PIPE FND.
 - ⊙ CAST ALUMINUM BENTONITE MON. FND.
 - () PREVIOUS SURVEY OR RECORD DATA

NOTE: FEMA FIRM PANEL 850084 0038 B INDICATES ZONE A2 ELEVATION = 892.0. THIS CONTOUR COINCIDES WITH APPROXIMATE EASTING SHORE LINE OF FOX LAKE.



OWNER:
 RAY AND CHERYL BEIER
 N10480 CHIEF KUNO TRAIL
 FOX LAKE, WI 53933

CLIENT:
 RAY AND CHERYL BEIER
 N10480 CHIEF KUNO TRAIL
 FOX LAKE, WI 53933

med cab 48"	\$285.00
edging	\$50.00
towel bar	\$15.00
ENLONGATE TOILET17"	\$135.00
single lever	\$15.00
60" OVER w/d CABINET	\$95.00
Total w/options	\$75,727.00
fixed cost for mod building:	
furnace a/c and vents	\$7,500.00
Plumbing hookup, rough bath, ; su	\$3,500.00
electrical hook up & LL	\$2,500.00
sewer laterals	\$5,000.00
well, tank, pump	\$6,000.00
water heater	\$500.00
Basement walls & cement floor	\$13,760.00
basement stud walls, windows,	\$3,000.00
Excavating, grading	\$9,300.00
Total	\$126,787.00
garage	\$12,000.00
decks/porchas	\$2,000.00
total	\$140,787.00
@ \$2./1000	\$281.57
	\$50.00
total	\$331.57

Property Owner RAY BEIER	Activity Number # 2009-0331
Site Address W10591 HICKORY GROVE ROAD	PIN # 018-1313-2712-029

Structure/Use Inspected **NEW HOME & SHED**

TYPE INSP. <input checked="" type="checkbox"/> LUP <input checked="" type="checkbox"/> PRE-ISSUE <input type="checkbox"/> FINAL <input type="checkbox"/> CUP <input type="checkbox"/> MINOR LAND DIV. <input type="checkbox"/> VIOLATION <input type="checkbox"/> COMPLAINT <input type="checkbox"/> FLOODPLAIN <input type="checkbox"/> O.H.W.M. <input type="checkbox"/> OTHER _____	<input type="checkbox"/> NA ZONING DISTRICT <u>Town</u> YES NO OVERLAY DIST. <input checked="" type="checkbox"/> <input type="checkbox"/> SHORE/WETLAND <input checked="" type="checkbox"/> <input type="checkbox"/> FLOODPLAIN <input type="checkbox"/> <input checked="" type="checkbox"/> FLOODWAY <input type="checkbox"/> <input checked="" type="checkbox"/> FLOOD FRINGE <input type="checkbox"/> <input checked="" type="checkbox"/> AIRPORT <input checked="" type="checkbox"/> <input type="checkbox"/> HIGHWAY <input type="checkbox"/> <input checked="" type="checkbox"/> OTHER _____	HIGHWAY DESIGNATION <input type="checkbox"/> TOWN <input type="checkbox"/> COUNTY <input type="checkbox"/> US/STATE <input checked="" type="checkbox"/> URBANIZED EXISTING RW <u>35</u> REQUIRED HIGHWAY SETBACK RW _____ C/L _____	SETBACKS FRONT (1) <u>35</u> <u>65</u> FRONT (2) <u>35</u> <u>60</u> SIDE (1) _____ SIDE (2) _____ REAR _____ SHORE <u>75</u> WETLANDS _____ SEPTIC TANK _____ SEPTIC FIELD _____ STRUCTURE () _____ STRUCTURE () _____ WELL _____	<input type="checkbox"/> NA % LOT COVER TOT. LOT AREA (A) _____ PROPOSED AREA (P) _____ EXISTING AREA (E) _____ LOT COVERAGE (T) _____ 100(T)/(A)= _____% MAX. LOT COVER _____ ANIMAL UNITS <input checked="" type="checkbox"/> NA _____
---	---	---	---	---

NOTES _____ _____ _____ _____	REQUIREMENTS YES NO ISSUED <input type="checkbox"/> <input checked="" type="checkbox"/> BOA _____ <input type="checkbox"/> <input checked="" type="checkbox"/> P&Z _____ <input type="checkbox"/> <input checked="" type="checkbox"/> ETZA _____ <input type="checkbox"/> <input checked="" type="checkbox"/> POWTS _____ <input type="checkbox"/> <input checked="" type="checkbox"/> SEWERED _____ <input type="checkbox"/> <input checked="" type="checkbox"/> AFTER THE FACT _____
--	--

SKETCH

Status
 Compliant
 Non-compliant (See Notes)
 Incomplete (See Notes)
 Re-inspection Required (See Notes)
 Violation

Inspector: Joe Gietel
 Terry Ochs
 Roger Schaumburg
 Patty Cook
 Date 02/15/09

DC Quick Map



35' TO THE R/W

5/24/13
FINAL

by excel



FOR GENERAL REFERENCE ONLY
DATA MAY BE INNACCURATE
NOT FOR OFFICIAL USE

RAY BEIER

0 100 Feet

1 inch = 66 Feet



Exhibit T

Copy of Land Use Permit 13-0283 for the construction of the detached garage on the Beier property.

Shoreland Land Use Permit

Dodge County Land Resources and Parks Department
 127 East Oak Street
 Juneau, WI 53039-1329
 (920) 386-3700
 www.co.dodge.wi.us/landresources

This Area For Office Use Only

COUNTY ID No. 130283	Receipt No. 86526
Permit Expiration Date 5-28-14	Application Date 5/22/13
	Sanitary Permit

PERMIT APPLICATION FEE: \$50 plus \$2 per \$1,000 cost of the project (Payable to: Dodge County)

Note: After the fact (i.e., Applying for permit after construction has already started) application fee: \$100 plus \$4 per \$1,000 cost of project

\$66.00

NAMES & MAILING ADDRESSES		PROPERTY INFORMATION				
Applicant/Agent/Contractor (If Contractor: Please Include State Certification No.) RAY BEIER		Parcel Identification Number (PIN) 13132712029				
Street Address W10591 HICKORY GROVE		Town FOX LAKE	T 13	N 13	R 13	E
City • State • Zip Code FOX LAKE WI 53933		1/4	1/4	Section 27	Acreage	Lot (Block) 4
Property Owner RAY BEIER		<input type="checkbox"/> Same as applicant				
Street Address W10591 HICKORY GROVE		Subdivision or CSM (Volume/Page/Lot) 2.4 OF MAP 4740 92.5				
City • State • Zip Code FOX LAKE WI 53933		Address Of Property (DO NOT include City/State/Zip Code) W10591 HICKORY GROVE FOX LAKE				
		Is this property connected to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes				
		Is property located within a sanitary district/accessible to public sewer? <input type="checkbox"/> No <input type="checkbox"/> Yes				
CURRENT USE OF PROPERTY		PROPOSED USE OF PROPERTY				
<input type="checkbox"/> Vacant Land <input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Working Farm <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____		<input checked="" type="checkbox"/> Same As Current Use (No Change) <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Two-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Business • Industrial • Commercial • (Use other below to describe) Other _____				

PROPOSED CONSTRUCTION PROJECT

NEW STRUCTURE/CONSTRUCTION REPLACEMENT OF EXISTING ADDITION TO AN EXISTING

<input type="checkbox"/> Pool	<input type="checkbox"/> Porch	<input type="checkbox"/> Driveway	<input type="checkbox"/> Field Tile Installation
<input type="checkbox"/> Deck	<input type="checkbox"/> Fence	<input type="checkbox"/> Boathouse	<input type="checkbox"/> Pond (Less than 2 acres in size)
<input type="checkbox"/> Patio	<input type="checkbox"/> Riprap	<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Sign (Complete additional project information below)
<input type="checkbox"/> Shed	<input type="checkbox"/> Gazebo	<input checked="" type="checkbox"/> Detached Garage	<input type="checkbox"/> Barn (Complete additional project information below)
<input type="checkbox"/> Home	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Ag Ditch Cleanout	<input type="checkbox"/> Home Addition (Complete additional project information below)

Filling, Grading, Ditching, Dredging, Lagooning and/or Excavating (Contact this office for assistance with determining type of permit needed)

Other _____

Width 40' ± **Additional Project Information**

Length 22' Home Addition: Total number of bedrooms? Before _____ After _____

Total Area _____ Barn Information: Will it house any animals? If yes, complete Animal Units Worksheet.

Total Stories 1 Sign Information: Single-Sided Double-Sided

Height (To roof peak) 12' Located On-Premise Located Off-Premise

Estimated Cost (w/Labor) \$ 5,000 ± Wall Ground Directional Other _____

Will it be lighted and/or have moving/flashing parts? No Yes

◆ ◆ ◆ PLEASE REMEMBER TO CLEARLY MARK/FLAG/STAKE-OUT THE CORNERS OF YOUR PROJECT ◆ ◆ ◆

DNR NOTICE: You are responsible for complying with State and Federal laws concerning construction on or near wetlands, lakes and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page (www.dnr.state.wi.us) or contact a Department of Natural Resources Service Center.

End Of Page 1

Application Continued On Page 2 ⇨

PAGE 2 — SUPPLEMENTAL INFORMATION AND ADDITIONAL REQUIREMENTS

NOTE: Your County Shoreland Land Use Permit will be withheld and will not be processed without the completion and submittal of the required worksheet(s) to this office for departmental review and approval.

PROJECT TYPE

1. Does your project involve construction, reconstruction, expansion, replacement or relocation of any impervious surfaces on your lot (see description below) that are located within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway?

An impervious surface is defined as an area that releases as runoff all or a majority of the precipitation that falls on it. The following "surfaces" are considered "impervious" under this Ordinance: (building) rooftops; concrete/blacktop/gravel driveways and parking surfaces; sidewalks; covered/uncovered decks; patio surfaces constructed with pavers/concrete/blacktop/flagstone; private road surfaces not specifically listed in the Ordinance or any other material and any other surface that is determined by the Land Use Administrator to be impervious. An impervious surface excludes frozen soil, public road surfaces and certain private roads that are specifically listed in the Ordinance.

YES ⇒ You will need to complete and submit WORKSHEET NO 1 (IMPERVIOUS SURFACE AREA CALCULATION) to this office for departmental review and approval. Go to line 2.

NO ⇒ Go to line 2.

X

2. Will any part of your project be located less than 35 feet from the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway? (NOTE: If your project involves either a boathouse or riprapping — Go to line 3)

NO ⇒ Go to line 3.

YES ⇒ Your project CAN NOT BE APPROVED as proposed — Contact this office for assistance. Go to line 3.

3. Will any part of your project be located anywhere between 35-75 feet from the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway?

NO ⇒ Go to line 4.

YES ⇒ You will need to complete and submit WORKSHEET NO. 2 (MITIGATIONS OPTION CALCULATIONS) to this office for departmental review and approval. Go to line 4.

4. Does your project involve riprapping?

NO ⇒ Go to line 5.

YES ⇒ You will need to complete and submit WORKSHEET NO 3 (RIPRAP PROJECT SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 5.

5. Does your project involve the installation of field drain tile?

NO ⇒ Go to line 6.

YES ⇒ You will need to complete and submit WORKSHEET NO. 4 (FIELD DRAIN TILE SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 6.

6. Does your project involve cleaning-out, dredging, relocating and/or the construction of an agricultural drainage ditch?

NO ⇒ Go to line 7.

YES ⇒ You will need to complete and submit WORKSHEET NO. 5 (AGRICULTURAL DRAINAGE DITCH SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 7.

7. Does your project involve the filling, grading or disturbing of more than 2000 square feet of land?

NO ⇒ Go to line 8.

YES ⇒ You will need to complete and submit Worksheet No. 6 (Erosion Control Supplemental Information) to this office for departmental review and approval. Go to line 8.

8. Does your project involve the construction or reconstruction of a pond less than 2 acres in size?

NO ⇒ Go to line 9.

YES ⇒ You will need to complete and submit WORKSHEET NO. 7 (POND CONSTRUCTION SUPPLEMENTAL INFORMATION) to this office for departmental review and approval. Go to line 9.

9. Does your project involve any filling, grading, dredging or excavating and/or the construction of a pond ≥ 2 acres within a (mapped) wetland, floodplain and/or navigable waterway?

NO ⇒ Sign and date application below.

YES ⇒ A County CONDITIONAL USE PERMIT (CUP) may [also] be needed. Contact this office for assistance regarding the CUP process. Sign and date application below.

CERTIFICATE & CONTACT INFORMATION

I, the undersigned, hereby apply for a Land Use Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Ordinance and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Land Resources and Parks Department to enter the above-described property for the purpose of conducting an onsite code inspection(s) and to obtain information pertinent to my application request. Furthermore, I also affirm that I have read and understand the DNR notice regarding construction on or near wetlands, lakes or streams.

Contact Person (Print) Ray Zwick

Daytime Contact Phone (956) 346-8172

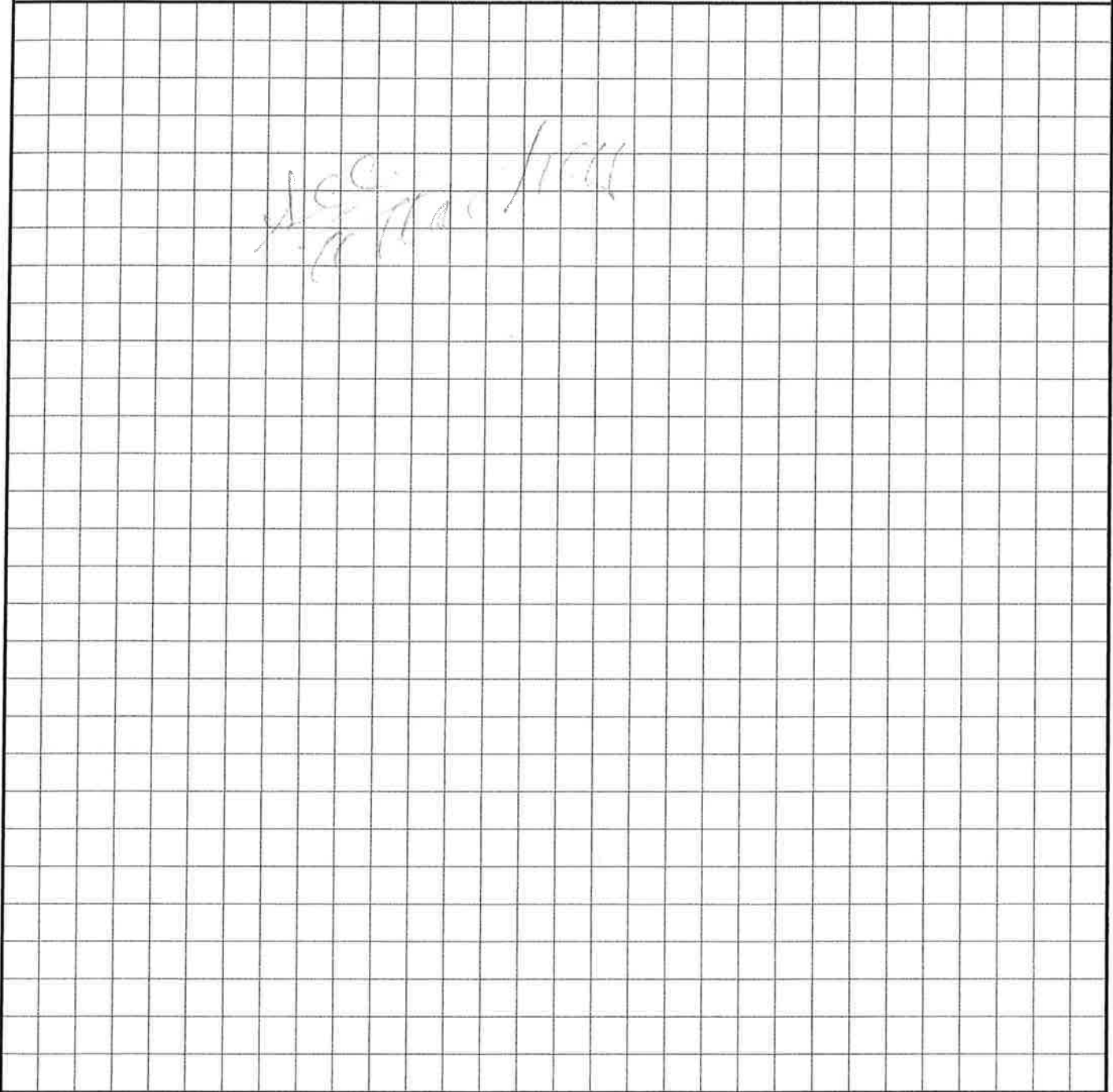
Signature Ray Zwick

Date 5/22/2015

Call for pickup No Yes


Ray Zwick 5/29/2013

SITE PLAN (SKETCH)



See Attached Site Plan (Sketch)

THIS AREA FOR OFFICE USE ONLY

BOA ID No.	BOA Appeal Date	BOA P/H Date	BOA Decision Date	BOA Decision
				<input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Notes/Stipulations:				
05/24/13 L&P PERFORMED OSC  27.22% EXISTING IMPROVEMENTS				
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied			Land Resources and Parks Department	
			Date: 5/28/13	

WORKSHEET NO. 01 IMPERVIOUS SURFACE AREA CALCULATION

Please complete the following worksheet by providing the dimensions and area (footprint) of **ALL** impervious surfaces (see description below) on your lot that are located within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway and by completing the required calculations. If additional space is required, please attach a separate sheet with the applicable dimensions and area calculations shown.

The impervious surface area calculation is required per Section 9.0 of the County Shoreland Ordinance. The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of **ANY** impervious surface that is located within 300 feet of the ordinary highwater mark of any navigable lake, pond, flowage and waterway. An impervious surface is an area that releases as runoff all or a majority of the precipitation that falls on it. The following "surfaces" are considered "impervious" under this Ordinance: (building) rooftops; concrete/blacktop/gravel driveways and parking surfaces; sidewalks; patio surfaces constructed with pavers/concrete/blacktop/flagstone; covered/uncovered decks; private road surfaces not specifically listed in the Ordinance or any other impervious material and any other surface that is determined by the Land Use Administrator to be impervious. An impervious surface excludes frozen soil, public road surfaces and certain private roads that are specifically listed in the Ordinance.

EXISTING IMPERVIOUS SURFACE AREA

Existing Structure/Surface	Width (ft.)	x	Length (ft.)	=	Area (Sq. Ft.)	
1 House..... (or other principal structure)	27	x	57	=	1539	1a
.....		x		=		1b
.....		x		=		1c
.....		x		=		1d
2 Porch.....	57	x	10	=	570	2
3 Patio (area).....		x		=		3
4 Deck(s).....	27	x	10	=	270	4a
.....		x		=		4b
5 Garage.....		x		=		5
6 Shed(s).....		x		=		6a
.....		x		=		6b
.....		x		=		6c
.....		x		=		6d
7 Sidewalk (area).....		x		=		7a
.....		x		=		7b
8 Driveway (area).....	10	x	95	=	950	8a
.....		x		=		8b
9 Other.....		x		=		9a
.....		x		=		9b
10 Add lines 1 through 9. This is your Total Existing Impervious Surface Area					3329	10

REVIEWED
 5/29/13

NEW (NON-REPLACEMENT) IMPERVIOUS SURFACE AREA

NOTE: If your project **ONLY** involves replacing existing impervious surface (of the same size) and **DOES NOT** involve adding any additional **NEW** (non-replacement) impervious surface: Enter zero on line 20.

New Structure/Surface	Width (ft.)	x	Length (ft.)	=	Area (Sq. Ft.)	
11 House.....		x		=		11
12 Addition to house.....		x		=		12a
.....		x		=		12b
13 Porch.....		x		=		13
14 Patio.....		x		=		14
15 Deck.....		x		=		15
16 Garage.....	202	x	22	=	4440	16
17 Shed.....		x		=		17
18 Sidewalk.....		x		=		18
19 Driveway.....		x		=		19
20 Other.....		x		=		20a
.....		x		=		20b
21 Add lines 11 through 20. This your Total New Impervious Surface Area					440	21

484

22 Add lines 10 and 21. This your **Total Impervious Surface Area**.....

					3769	22
--	--	--	--	--	------	----

23	Enter value from line 22 on previous page.....	3769	23
24	Multiply line 23 by 100.....	376900	24

25 • **Is YOUR LOT LOCATED ADJACENT TO THE WATER AND ALSO LESS THAN OR EQUAL TO 300 FEET IN DEPTH?**

Go to line 26.

• **Is YOUR LOT LOCATED ADJACENT TO THE WATER AND ALSO GREATER THAN 300 FEET IN DEPTH?**

You will need to contact this office for assistance with completion of this form/worksheet. Go to line 32.

• **Is YOUR LOT LOCATED WITHIN 300 FEET OF THE WATER, BUT NOT ADJACENT TO THE WATER?**

You will need to contact this office for assistance with completion of this form/worksheet. Go to line 32.

26	Size of your lot in (total) acres.....	99	26
27	Multiply line 26 by 43,560.....	43124	27

28 Divide line 24 by line 27. This is your **PERCENT IMPERIOUS SURFACE**..... 877 27.22%

⇒ **Is LINE 28 LESS THAN OR EQUAL TO 15?**

Go to line 29.

⇒ **Is LINE 28 GREATER THAN 15 BUT LESS THAN 30?**

Go to line 30.

⇒ **Is LINE 28 GREATER THAN 30?**

Go to line 31.

29 Your proposed project complies with the impervious surface standards of the Dodge County Shoreland Ordinance.

Go to line 32.

30 Your Shoreland Land Use Permit cannot be issued by this department **UNTIL** the property owner develops and agrees to a County-approved **MITIGATION PLAN** that meets the standards set forth in Section 12.0 of the Dodge County Shoreland Ordinance.

You need to submit/complete **Worksheet No 2 (MITIGATION OPTIONS CALCULATION)** to this office for departmental review and approval.

Go to line 32.

31 Your project exceeds the maximum allowed impervious surface allowed by the Dodge County Shoreland Ordinance and thus your Shoreland Land Use Permit **CANNOT BE ISSUED** by this department as proposed.

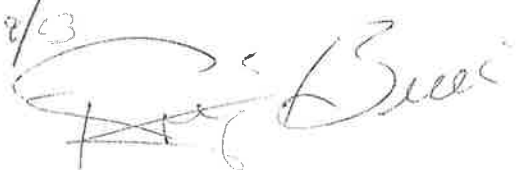
Please contact this office to discuss your options regarding this matter.

Go to line 32.

32 Sign and date this form and submit this worksheet along with your Shoreland Land Use Permit application to the Dodge County Land Resources and Parks Department for review and approval.

Person completing this form (Print)	<u>RAY BEIER</u>	Daytime Contact Phone	(<u>956</u>) <u>346-8102</u>
Signature of person completing this form	<u>[Signature]</u>	Date	<u>5/22/2013</u>

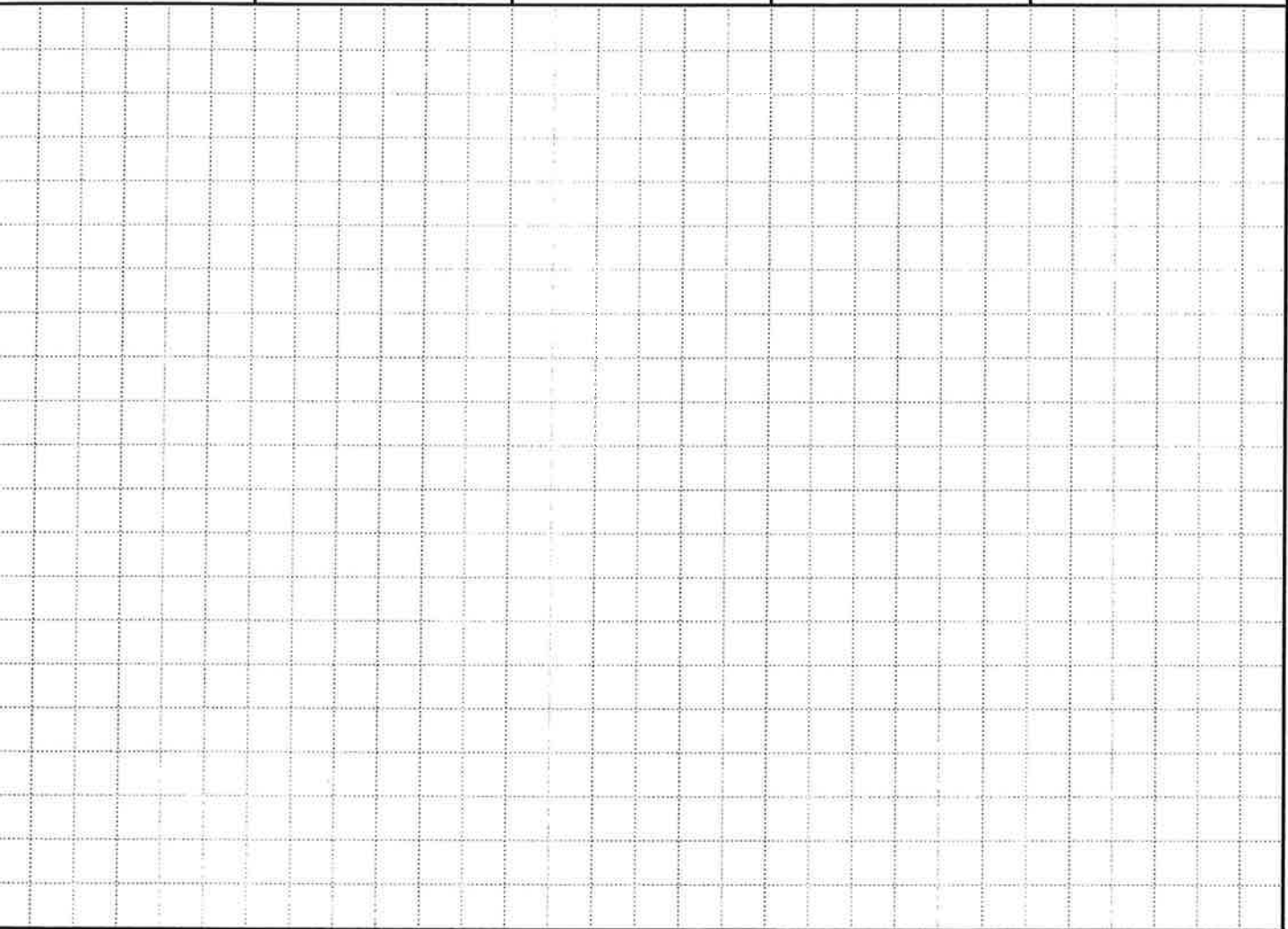
NOTE: THIS FORM/WORKSHEET IS SUBJECT TO REVIEW AND APPROVAL BY THE DODGE COUNTY LAND RESOURCES AND PARKS DEPARTMENT.

5/22/13


DODGE COUNTY INSPECTION SHEET

Property Owner RAY BEIER	County ID No. 2013-0283
Site Address W10591 HICKORY GROVE	PIN 018-1313-2712-029
Project GARAGE (DETACHED)	

ZONING	ANIMAL UNITS	ROAD/HIGHWAY (1)	ROAD/HIGHWAY (2)	SETBACKS	LOT COVERAGE AREA
<u>Town</u>		<input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input checked="" type="checkbox"/> Urbanized ROW <u>25</u> <input type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input checked="" type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	<input type="checkbox"/> Town <input type="checkbox"/> County <input type="checkbox"/> US/State <input type="checkbox"/> Urbanized ROW _____ <input type="checkbox"/> 33 ROW Setback <input type="checkbox"/> 27 <input type="checkbox"/> 42 <input type="checkbox"/> 67 <input type="checkbox"/> 200 Centerline Setback <input type="checkbox"/> 60 <input type="checkbox"/> 75 <input type="checkbox"/> 100 <input type="checkbox"/> Other _____	Front (1) <u>25' 39'</u> Front (2) _____ Side (1) _____ Side(2) _____ Rear _____ OHWM <u>270'</u> Structure _____ Septic Tank _____ Septic Field _____	Existing <u>11740</u> Proposed _____ Total (E+P) <u>27.22</u> Tot. Lot Area _____ % Coverage <u>27.22</u>



See Attached Site Plan (Sketch)

Notes: 05/24/13 WJC P2040001 OK

<input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Noncompliant	<input type="checkbox"/> Violation <input type="checkbox"/> Incomplete <input type="checkbox"/> Reinspection Needed	<input type="checkbox"/> Joe Giebel <input checked="" type="checkbox"/> Terry Debs <input type="checkbox"/> Roger Schaumburg <input type="checkbox"/> Other	Date <u>5/24/13</u>
--	---	--	------------------------

★ STAFF REVIEW
 Ord SITE 5/24/13

WORKSHEET No. 01 IMPERVIOUS SURFACE AREA CALCULATION

Please complete the following worksheet by providing the dimensions and area (footprint) of **ALL** impervious surfaces (see description below) on your lot that are located within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway and by completing the required calculations. If additional space is required, please attach a separate sheet with the applicable dimensions and area calculations shown.

The impervious surface area calculation is required per Section 9.0 of the County Shoreland Ordinance. The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of **ANY** impervious surface that is located within 300 feet of the ordinary highwater mark of any navigable lake, pond, flowage and waterway. An impervious surface is an area that releases as runoff all or a majority of the precipitation that falls on it. The following "surfaces" are considered "impervious" under this Ordinance: (building) rooftops; concrete/blacktop/gravel driveways and parking surfaces; sidewalks; patio surfaces constructed with pavers/concrete/blacktop/flagstone; covered/uncovered decks; private road surfaces not specifically listed in the Ordinance or any other impervious material and any other surface that is determined by the Land Use Administrator to be impervious. An impervious surface excludes frozen soil, public road surfaces and certain private roads that are specifically listed in the Ordinance.

EXISTING IMPERVIOUS SURFACE AREA

Existing Structure/Surface	Width (ft.)	x	Length (ft.)	=	Area (Sq. Ft.)	
1 House..... (or other principal structure)	27	x	57	=	1539	1a
.....		x		=		1b
.....		x		=		1c
.....		x		=		1d
2 Porch.....	57	x	10	=	570	2
3 Patio (area).....		x		=		3
4 Deck(s).....	27	x	10	=	270	4a
.....		x		=		4b
5 Garage.....		x		=		5
6 Shed(s).....	9	x	10	=	90	6a
.....		x		=		6b
.....		x		=		6c
.....		x		=		6d
7 Sidewalk (area).....		x		=		7a
.....		x		=		7b
8 Driveway (area).....	10	x	95	=	950	8a
.....		x		=		8b
9 Other.....		x		=		9a
.....		x		=		9b
10 Add lines 1 through 9. This is your Total Existing Impervious Surface Area.....					3329	10

out of 300'
 9,361 - 440 =

NEW (NON-REPLACEMENT) IMPERVIOUS SURFACE AREA

NOTE: If your project **ONLY** involves replacing existing impervious surface (of the same size) and **DOES NOT** involve adding any additional **NEW** (non-replacement) impervious surface: Enter zero on line 20.

New Structure/Surface	Width (ft.)	x	Length (ft.)	=	Area (Sq. Ft.)	
11 House.....		x		=		11
12 Addition to house.....		x		=		12a
.....		x		=		12b
13 Porch.....		x		=		13
14 Patio.....		x		=		14
15 Deck.....		x		=		15
16 Garage.....	20	x	22	=	440	16
17 Shed.....		x		=		17
18 Sidewalk.....		x		=		18
19 Driveway.....		x		=		19
20 Other.....		x		=		20a
.....		x		=		20b
21 Add lines 11 through 20. This your Total New Impervious Surface Area.....					440	21

440 + 081
 11,740

22 Add lines 10 and 21. This your Total Impervious Surface Area.....		3769	22
--	--	------	----

23	Enter value from line 22 on previous page.....	3769	23
24	Multiply line 23 by 100.....	376900	24

25 • **IS YOUR LOT LOCATED ADJACENT TO THE WATER AND ALSO LESS THAN OR EQUAL TO 300 FEET IN DEPTH?**

Go to line 26.

• **IS YOUR LOT LOCATED ADJACENT TO THE WATER AND ALSO GREATER THAN 300 FEET IN DEPTH?**

You will need to contact this office for assistance with completion of this form/worksheet. Go to line 32.

• **IS YOUR LOT LOCATED WITHIN 300 FEET OF THE WATER, BUT NOT ADJACENT TO THE WATER?**

You will need to contact this office for assistance with completion of this form/worksheet. Go to line 32.

342'

26	Size of your lot in (total) acres.....	.99	26
27	Multiply line 26 by 43,560.....	43124	27

28	Divide line 24 by line 27. This is your PERCENT IMPERVIOUS SURFACE.....	8.74	28
----	---	------	----

⇒ **IS LINE 28 LESS THAN OR EQUAL TO 15?**

Go to line 29.

⇒ **IS LINE 28 GREATER THAN 15 BUT LESS THAN 30?**

Go to line 30.

⇒ **IS LINE 28 GREATER THAN 30?**

Go to line 31.

27.22 %

29 Your proposed project complies with the impervious surface standards of the Dodge County Shoreland Ordinance.
Go to line 32.

30 Your Shoreland Land Use Permit cannot be issued by this department UNTIL the property owner develops and agrees to a County-approved **MITIGATION PLAN** that meets the standards set forth in Section 12.0 of the Dodge County Shoreland Ordinance.
You need to submit/complete Worksheet No 2 (MITIGATION OPTIONS CALCULATION) to this office for departmental review and approval.
Go to line 32.

31 Your project exceeds the maximum allowed impervious surface allowed by the Dodge County Shoreland Ordinance and thus your Shoreland Land Use Permit **CANNOT BE ISSUED** by this department as proposed.
Please contact this office to discuss your options regarding this matter.
Go to line 32.

32 Sign and date this form and submit this worksheet along with your Shoreland Land Use Permit application to the Dodge County Land Resources and Parks Department for review and approval.

Person completing this form (Print)	RAY BEIER	Daytime Contact Phone	(956) 346-8102
Signature of person completing this form	<i>Ray Beier</i>	Date	5/22/2013

NOTE: THIS FORM/WORKSHEET IS SUBJECT TO REVIEW AND APPROVAL BY THE DODGE COUNTY LAND RESOURCES AND PARKS DEPARTMENT.

DC Quick Map



11,774.0
 - 2,379

 9,395

Exhibit U

Copy of Land Use Permit 09-0291 for the construction of the boardwalk structure on the Beier property.



DODGE COUNTY
 LAND RESOURCES AND PARKS DEPARTMENT
 127 E. Oak Street • Juneau, WI 53039
 Phone: (920) 386-3700 • Fax: (920) 386-3979
 E-mail: landresources@co.dodge.wi.us

THIS AREA FOR OFFICE USE ONLY		
Activity No. 090291	Permit Issued Date 7-2-09	
<input type="checkbox"/> Land Use Permit <input type="checkbox"/> Highway	Receipt #: 2729	
Application Date: 6-16-09	Sanitation Permit #	<input type="checkbox"/> Scan:

Land Use Permit

Application Fees: \$50 + \$2/\$1,000 (Payable to Dodge County)
 After the Fact Application Fee - \$100 + \$4/\$1,000

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION
Applicant (Agent) RAY BEIER	Parcel Identification Number (PIN) 018-1313-2712-029
Street Address PO BOX 5	Town Fox Lake
City • State • Zip Code FOX LAKE	Town 13 N R 13 E
Property Owner (If different from applicant)	Section NW 1/4 NE 1/4 27
Street Address	Acres .95
City • State • Zip Code	Lot (Block) 2
	Subdivision or CSM (Volume/Page/Lot) CSM 6251
	Address Of Property (DO NOT include City/State/Zip Code) Hickory Grove Rd.
	Is this property connected to public sewer? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Is this property located within a sanitary district or is the property accessible to public sewer? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

PRESENT PROPERTY USE	PROPOSED PROPERTY USE
<input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Working Farm <input type="checkbox"/> Other _____ <input type="checkbox"/> Residence <input type="checkbox"/> Single <input type="checkbox"/> Duplex <input type="checkbox"/> Multi <input type="checkbox"/> Business, Industrial, Commercial	<input type="checkbox"/> Vacant <input type="checkbox"/> Working Farm <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Residence <input checked="" type="checkbox"/> Single <input type="checkbox"/> Duplex <input type="checkbox"/> Multi <input type="checkbox"/> Business, Industrial, Commercial

PROPOSED PROJECT					
Project #1	Dimensions	Project #2	Dimensions	Sign	Animal Units
Project <input type="checkbox"/> PRINCIPAL <input type="checkbox"/> DWELLING <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER _____ <input type="checkbox"/> ACCESSORY <input type="checkbox"/> DET. GARAGE/SHED <input type="checkbox"/> BARN/AG STRUCT. (See Animal Units Box) <input type="checkbox"/> OTHER _____ <input type="checkbox"/> RIPRAP <input type="checkbox"/> SIGN (See Sign Box) <input checked="" type="checkbox"/> OTHER BOARD WALK TO DOCK	<input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair Length <u>100</u> Width <u>4'</u> Area _____ (LthXWth) _____ Height _____ Stories _____ # Bedrooms Before _____ After _____	Project <input type="checkbox"/> PRINCIPAL <input type="checkbox"/> DWELLING <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER _____ <input type="checkbox"/> ACCESSORY <input type="checkbox"/> DET. GARAGE/SHED <input type="checkbox"/> BARN/AG STRUCT. (See Animal Units Box) <input type="checkbox"/> OTHER _____ <input type="checkbox"/> RIPRAP <input type="checkbox"/> SIGN (See Sign Box) <input type="checkbox"/> OTHER _____	<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair Length _____ Width _____ Area _____ (LthXWth) _____ Height _____ Stories _____ # Bedrooms Before _____ After _____	Additional Info <input type="checkbox"/> Off-Premise <input type="checkbox"/> On-Premise <input type="checkbox"/> Wall <input type="checkbox"/> Ground <input type="checkbox"/> Single Sided <input type="checkbox"/> Double Sided Length _____ Width _____ Area _____ Lighted <input type="checkbox"/> YES <input type="checkbox"/> NO Moving parts <input type="checkbox"/> YES <input type="checkbox"/> NO	Complete the Animal Units Worksheet and enter the total animal units that you might keep at this facility. _____
Cost of Construction w/Labor \$ <u>200.</u>		Cost of Construction w/Labor \$ _____			

★★★ PROJECT AND PROPERTY CORNERS MUST BE STAKED ★★★

"A SITE DIAGRAM IS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION, SEE REVERSE SIDE FOR INSTRUCTIONS"

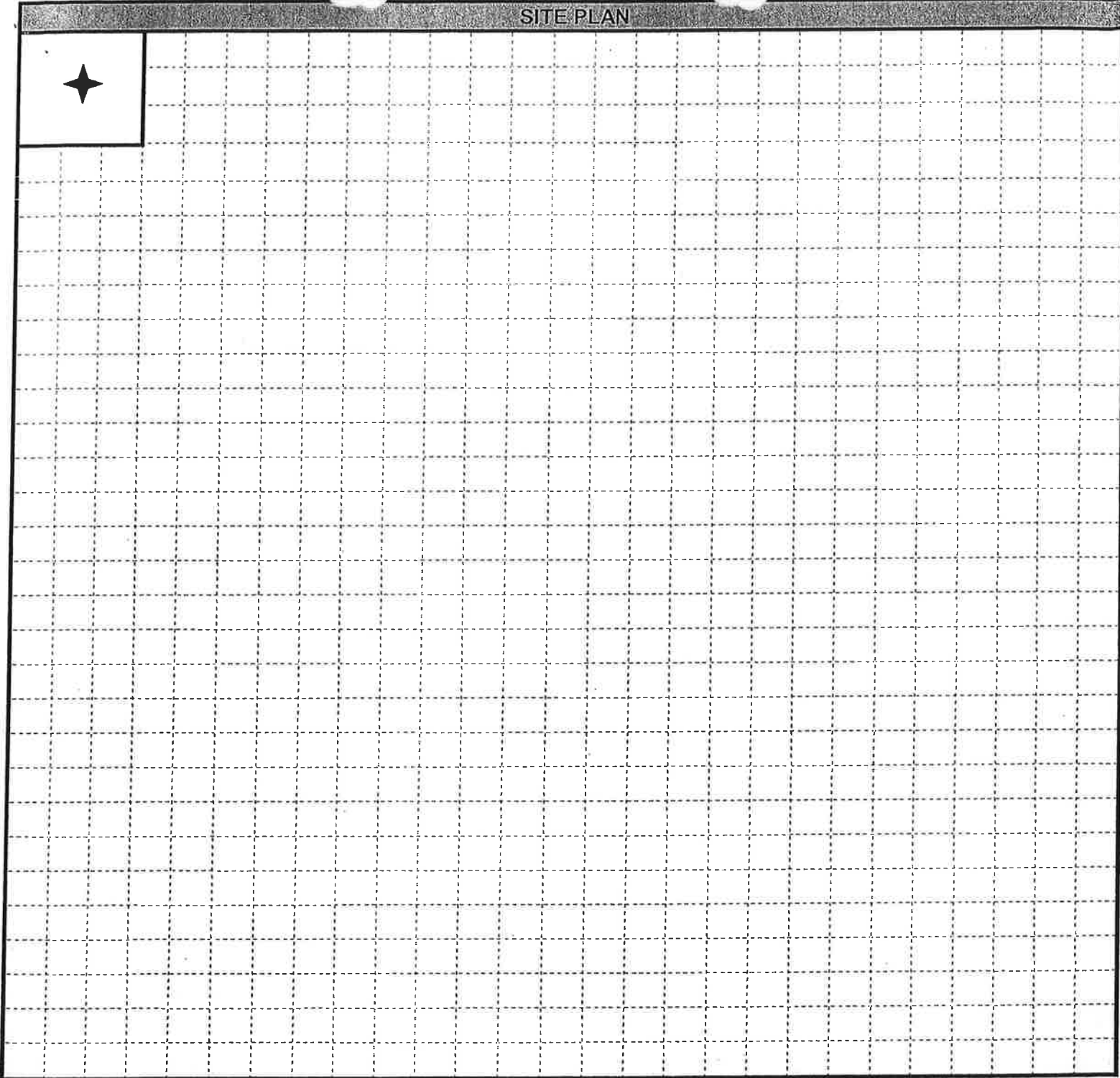
CERTIFICATE

I, the undersigned, hereby apply for a County Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Dodge County Land Use Code and with all other applicable laws and regulations. I hereby authorize members of the Dodge County Planning Department to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Signature [Signature] Date 6/16/2009

Daytime Contact Number (956) 346-8102 Call for pick up YES NO

SITE PLAN



OFFICE USE ONLY

Notes: 07/01/09 LUC. PREPARED OK (M)

ZONING DISTRICT
Town 5 West

BOA ACTIVITY #

BOA APPEAL DATE

BOA P/H DATE

BOA DECISION DATE

APPROVED



DENIED



Land Resources and Parks Department

Date 07/02/09

APPROVE

CONDITIONS

DENIED

As prepared by:
GROTHMAN & ASSOCIATES, S.C.
 LAND SURVEYORS
 PO BOX 373 PORTAGE, WI 53001
 Phone Portage (908) 743-7788
 Phone South (908) 844-8877
 Fax (908) 743-8434
 e-mail: Surveying@grothman.com

G&A

WISCONSIN
 LAND SURVEYORS
 SCOTT P. HEWITT
 8-2226 PORTAGE, WI

Scott Hewitt
 6-28-07

G & A FILE NO. 027-000

DRAFTED BY: D. SLEMAN
 CHECKED BY: J.S.S.
 PROJ. 303-208
 DWS. 007238A SHEET 1 OF 2

DODGE COUNTY CERTIFIED SURVEY MAP NO.

GENERAL LOCATION
 BEING LOT 4, C.S.M. NO. 4740, RECORDED IN VOLUME 30, PAGE 173-174 AS DOCUMENT NO. 87864,
 LOCATED IN GOVERNMENT LOT 4, SECTION 27, T13 N, R13 E, TOWN OF FOX LAKE, DODGE
 COUNTY, WISCONSIN, CONTAINING: 89,099 SQ. FT. ± = 2.045 ACRES

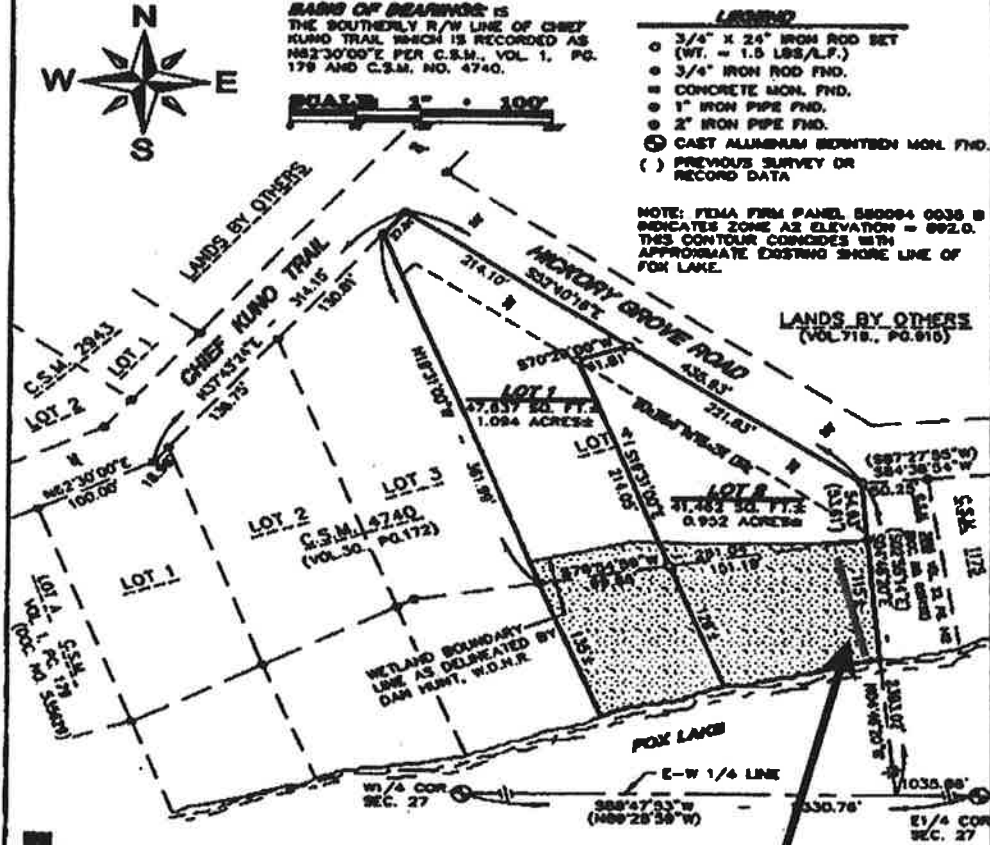


BASIS OF BEARINGS IS
 THE SOUTHERLY R/W LINE OF CHIEF
 KUNO TRAIL WHICH IS RECORDED AS
 N82°30'00"E PER C.S.M., VOL. 1, PG.
 178 AND C.S.M. NO. 4740.



- LEGEND**
- 3/4" x 24" IRON ROD SET (WT. = 1.5 LBS/L.F.)
 - 3/4" IRON ROD FND.
 - CONCRETE MON. FND.
 - 1" IRON PIPE FND.
 - 2" IRON PIPE FND.
 - ⊙ CAST ALUMINUM BERTHORN MON. FND.
 - () PREVIOUS SURVEY OR RECORD DATA

NOTE: FEMA FIRM PANEL 850004 0035 B INDICATES ZONE A2 ELEVATION = 892.0. THIS CONTOUR COINCIDES WITH APPROXIMATE EXISTING SHORE LINE OF FOX LAKE.



RAY AND CHERYL BEIER
 N10480 CHIEF KUNO TRAIL
 FOX LAKE, WI 53933

CLIENT: Your Fox and Cheryl Beier
 N10480 CHIEF KUNO TRAIL
 FOX LAKE, WI 53933

Board walk to open water (dock)
 Approx 100'. 3 1/4' Wide. Starting from 25' below the wet land boundary
 Wood & Steel construction. Environmental friendly. Minimal nature disturbance

53-2712
Town of FOX LAKE
 NW1/4-NE1/4 SECTION 27
 T13N-R13E

- 28 2712-000 LUCILLE R FOSTER TRUST
- 2712-001 ARTHUR J THURMER
- 2712-002 JULIE A FLEMING
- 2712-003 VICTORIA L SCHMIDT
- 2712-004 ROBERT C FISHER
- 2712-005 WILLIAM F DUFFY
- 2712-006 RANDAL S NEUMAN
- 2712-007 ROBERT F ALDERSEN
- 2712-008 ARTHUR J THURMER LC
- 2712-009 ARTHUR J THURMER LC
- 2712-010 KAREN M SIMON
- 2712-011 RAYMOND L HOLLMAGEL
- 2712-014 CHARLES M NEUMAN
- 2712-015 CR NEUMAN PROPERTIES LLC
- 2712-016 LONNIE FREBER
- 2712-017 FRANK R SADLER
- 2712-018 GEORGE E GAVRAN
- 2712-019 ANGELA M NOLTIMER LC
- 2712-020 LAURA L HOPP
- 2712-021 JEROME J ZIRBES
- 2712-022 THOMAS R LARSON
- 2712-023 DALE J KOPP JR
- 2712-024 RANDAL S NEUMAN
- 2712-025 RAY BEIER
- 2712-026 JUNE L VOLGMAN
- 2712-028 ROGER G RUNKEL TRUST
- 2712-028 RAY BEIER
- 2712-029 RAY BEIER

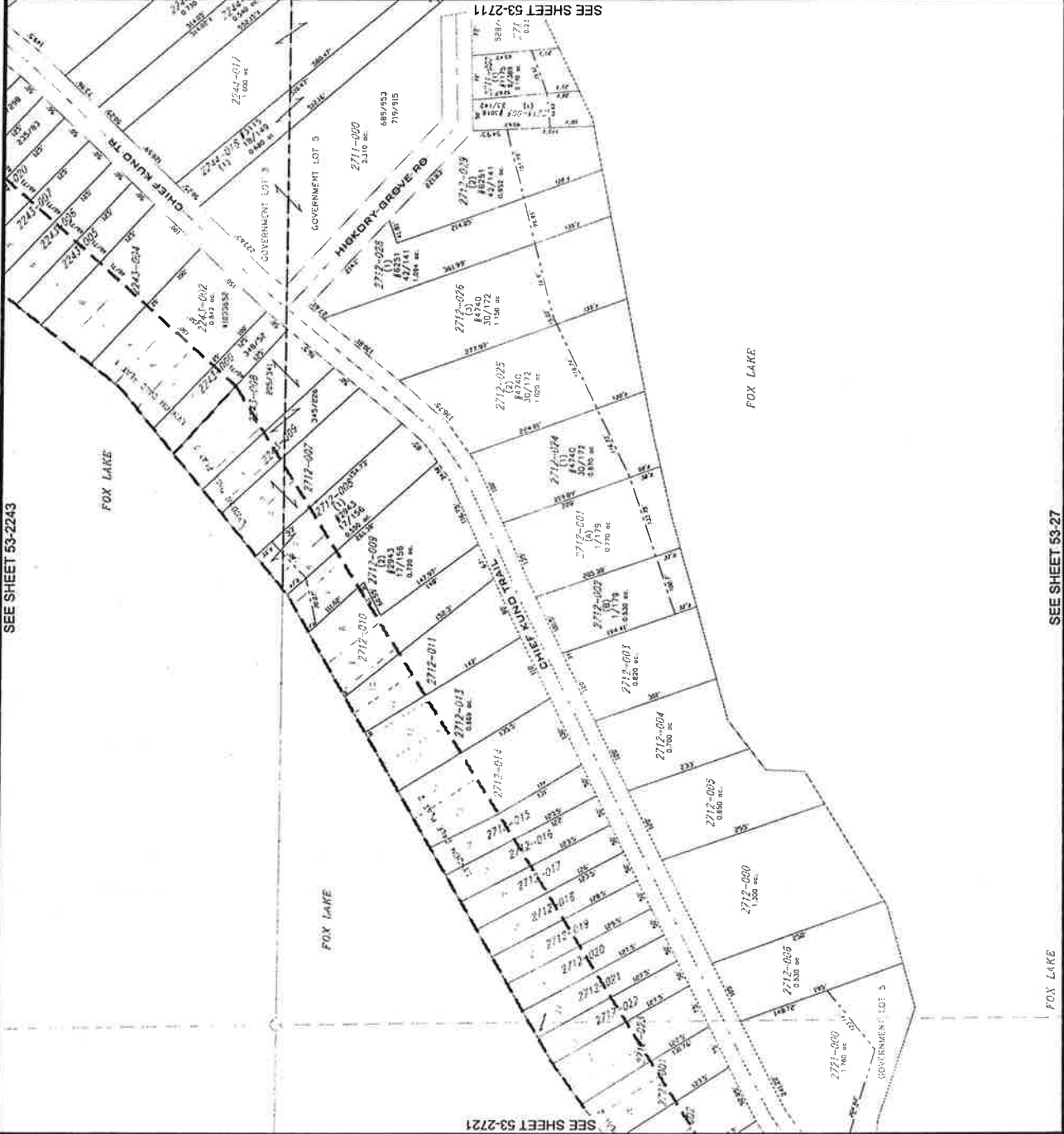


1" = 160'

Prepared by
Land Resources & Parks Department
 Mapping Division
 JANUARY 2009

This map was prepared for the use of the local assessor in accordance with Chapter 70.09, Wisconsin Statutes. All information contained herein is advisory only. Map accuracy is limited to the quality of the data obtained from other public records. This map is not a substitute for an accurate field survey.

53-2712



SEE SHEET 53-2243

SEE SHEET 53-2711

SEE SHEET 53-2711

SEE SHEET 53-27



FOR GENERAL REFERENCE ONLY

DATA MAY BE INNACCURATE

NOT FOR OFFICIAL USE

RAY BEIER

0 100 Feet


1 inch = 66 Feet



Property Owner KAY BEIER		Activity Number#	
Site Address		PIN # 018-1313 - 2712-029	
Structure/Use Inspected O.H.W.M			
TYPE INSP. <input type="checkbox"/> LUP <input type="checkbox"/> PRE-ISSUE <input type="checkbox"/> FINAL <input type="checkbox"/> CUP <input type="checkbox"/> MINOR LAND DIV. <input type="checkbox"/> VIOLATION <input type="checkbox"/> COMPLAINT <input type="checkbox"/> FLOODPLAIN <input checked="" type="checkbox"/> O.H.W.M. <input type="checkbox"/> OTHER _____	<input type="checkbox"/> NA ZONING DISTRICT <u>R-1</u> YES NO OVERLAY DIST. <input checked="" type="checkbox"/> <input type="checkbox"/> SHORE/WETLAND <input checked="" type="checkbox"/> <input type="checkbox"/> FLOODPLAIN <input type="checkbox"/> <input type="checkbox"/> FLOODWAY <input type="checkbox"/> <input type="checkbox"/> FLOOD FRINGE <input type="checkbox"/> <input type="checkbox"/> AIRPORT <input type="checkbox"/> <input type="checkbox"/> HIGHWAY <input type="checkbox"/> <input type="checkbox"/> OTHER _____	HIGHWAY DESIGNATION <input type="checkbox"/> TOWN <input type="checkbox"/> COUNTY <input type="checkbox"/> US/STATE <input type="checkbox"/> URBANIZED EXISTING RW _____ REQUIRED HIGHWAY SETBACK RW _____ C/L _____	SETBACKS RW C/L FRONT (1) _____ FRONT (2) _____ SIDE (1) _____ SIDE (2) _____ REAR _____ SHORE _____ WETLANDS _____ SEPTIC TANK _____ SEPTIC FIELD _____ STRUCTURE () _____ STRUCTURE () _____ WELL _____
		% LOT COVER <input type="checkbox"/> NA TOT. LOT AREA (A) _____ PROPOSED AREA (P) _____ EXISTING AREA (E) _____ LOT COVERAGE (T) _____ 100(T)/(A)= _____% MAX. LOT COVER _____	
NOTES		ANIMAL UNITS <input type="checkbox"/> NA _____	
		REQUIREMENTS YES NO ISSUED <input type="checkbox"/> <input type="checkbox"/> BOA _____ <input type="checkbox"/> <input type="checkbox"/> P&Z _____ <input type="checkbox"/> <input type="checkbox"/> ETZA _____ <input type="checkbox"/> <input type="checkbox"/> POWTS _____ <input type="checkbox"/> <input type="checkbox"/> SEWERED _____ <input type="checkbox"/> <input type="checkbox"/> AFTER THE FACT	

SKETCH

Status
 Compliant Non-compliant (See Notes) Incomplete (See Notes) Re-inspection Required (See Notes) Violation

Inspector's Signature: *[Handwritten Signature]* Date: **06/08/09**



RAY BEIER

0 100 Feet



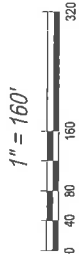
1 inch = 59 Feet



53-2711
 Town of FOX LAKE
 NE1/4-NE1/4 SECTION 27
 T13N-R13E

2711-000 ROBERT G JOHNSON
 2711-001 YVONNE M SKAAR
 2711-002 CHRISTOPHE P LIMBACH
 2711-003 KENNETH E BOLDT

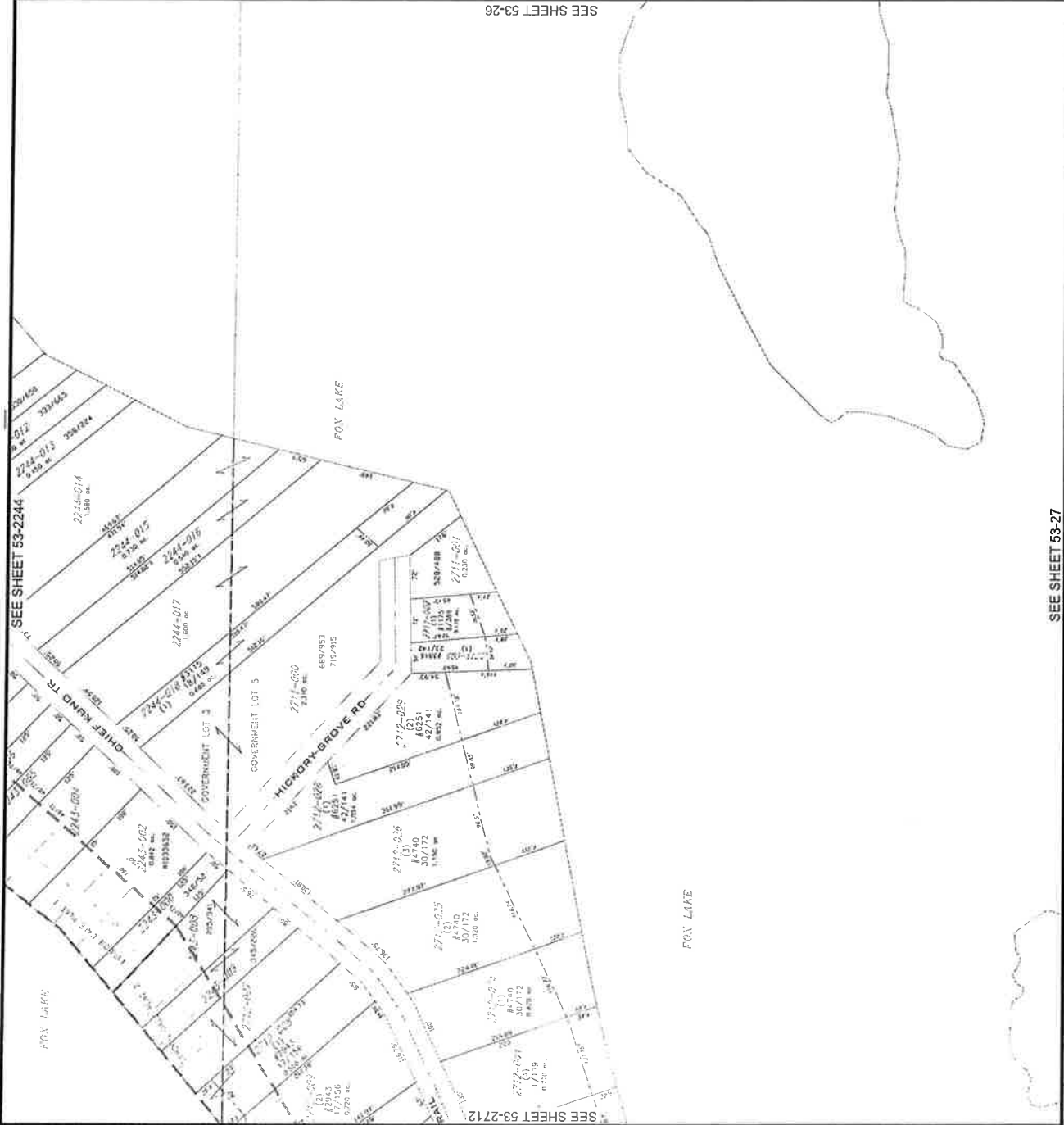
4



Prepared by
 Land Resources & Parks Department
 Mapping Division
 JANUARY 2009

This map was prepared for the use of the local assessor in accordance with Chapter 70.09, Wisconsin Statutes. All information contained herein is advisory only. Map accuracy is limited to the quality of the data obtained from other public records. This map is not a substitute for an accurate field survey.

53-2711



SEE SHEET 53-26

SEE SHEET 53-2244

SEE SHEET 53-27