

## Weigel, Jeff

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**From:** Weigel, Jeff  
**Sent:** Thursday, May 18, 2017 1:43 PM  
**To:** 'Jim Guyette'  
**Subject:** RE: Kleinhans property in Pewaukee (City)

Attorney Guyette:

I don't think I can agree to your proposal (question) without approval from the Pewaukee Common Council. We discovered in this case the fact that the property has access to sanitary sewer via Hill n Dale Circle and has not connected to the sewer within the two timeframes for connection that were in place since the lots were combined via CSM (1-year that was in effect up to 2000; 15 years for properties after 2000). The Common Council, I believe, would have to determine that special conditions exist that would allow for the continued deferment. I think an argument could be made that if/when sewer comes to Shady Lane the house would connect and the owner could/would then ask to subdivide the parcel to essentially remap the two parcels, both then with sewer, and both would meet setback requirements for the presumed zoning..... But, that is not in my purview to make that decision.

Just my quick thoughts.

Jeff

Jeffrey Weigel, PE  
Public Works Director  
City of Pewaukee

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**From:** Jim Guyette [mailto:jim@gplaw.net]  
**Sent:** Thursday, May 18, 2017 10:25 AM  
**To:** Weigel, Jeff <Weigel@pewaukee.wi.us>  
**Subject:** RE: Kleinhans property in Pewaukee (City)

Jeff

Thank you for your response. I understand the inability to split the property into two lots. Mr. and Mrs. Kleinhans are considering selling the property to a nephew. Could the sale take place with the understanding that the sewer connection would be made at the time the connection is available from Shady Lane?

Thanks for your consideration.

James A. Guyette  
Guyette & Poehlmann  
12700 W. Bluemound Rd.  
Elm Grove, WI 53122  
p. 262-432-0671

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**From:** Weigel, Jeff [mailto:Weigel@pewaukee.wi.us]  
**Sent:** Monday, April 24, 2017 8:17 AM  
**To:** jim@gplaw.net  
**Subject:** Kleinhans property in Pewaukee (City)

Attorney Guyette:

I received your letter of April 20 regarding the Kleinhans property. The Shady Lane sewer and water project has been pushed back another year, now planned for 2018; however, the Common Council has pushed this project back each year of the past four as we have not heard much support for the construction. As such, I am at this time not confident that the sewer would be installed next year (2018). Of course, the decision is not mine to make.

I am available to meet the next two weeks, but perhaps City Planner Harlan Clinkenbeard (Clink) should also attend. I asked Clink's advice on dividing this lot earlier this week after receiving your letter, and I have pasted a copy of that e-mail discussion for your information:

*Jeff – Congratulations! You are correct. Once the parcel was made conforming to City ordinance, vis a vis the required provision of public sanitary sewerage facilities on parcels of land under two acres, it cannot be returned to non-conforming status. Furthermore, it appears when looking at the parcel, that dividing the parcel would also render the house non-conforming in regard to rear yard setback, which is 35 feet. The City cannot be a party to the violation of its own laws.  
H.E. Clinkenbeard, CDD/Senior City Planner.*

**From:** Weigel, Jeff

**Sent:** Thursday, April 20, 2017 10:33 AM

**To:** Clinkenbeard, Harlan <[Clink@pewaukee.wi.us](mailto:Clink@pewaukee.wi.us)>

**Cc:** Klein, Scott <[sklein@pewaukee.wi.us](mailto:sklein@pewaukee.wi.us)>; Mueller, Jane <[JEM@pewaukee.wi.us](mailto:JEM@pewaukee.wi.us)>

**Subject:** Shady Lane & Hill n Dale Circle joint lot

Clink:

*Recall that in 1997 the Town approved the combination of two lots and creating one lot that fronted both Hill'n Dale Circle and Shady Lane (CSM 8233) see attached photo.*

*Sanitary Sewer exits on Hill n Dale Circle but not Shady Lane.*

*Now, an attorney representing the owner Mr. Kleinhans has contacted me inquiring on how to reverse that CSM and re-create the two lots, both less than 2 acres. The vacant lot would be on Hill n Dale Circle where sewer exists, the house would be on Shady Lane where there is no sewer today, but planned someday.*

*I told Kleinhans that we could not, per City Ordinance, new create a residential lot of less than 2 acres without sanitary sewer (the exiting home/lot on Shady Lane).*

*My question to you: am I correct in advising the owner that the City would not now allow the creation or recreation of the of the residential lot without the sewer?*

*Let me know.*

*Jeff*

Clink only maintains office hours on Wednesdays and Thursdays, so let me know if a Wed or Thurs works for you in the next few weeks.

Jeff

Jeffrey Weigel, PE  
Public Works Director  
City of Pewaukee

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