

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearings will be held by the Waukesha County Board of Adjustment on Wednesday, October 14, 2026, at 6:00 p.m., in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha, Wisconsin, 53188, to consider the following requests:

WITHDRAWN

BA247: BRYAN AND NICOLE MULLETT (OWNERS), DON MURN (APPLICANT) request variances from the offset and shore setback provisions of the Waukesha County Shoreland Protection Ordinance for the placement of a hot tub within the side yard setback and retaining walls within the shore setback and side yard setback. The subject property is described as Lot 1, Certified Survey Map No. 12051, a division of Lots 9 and 10 Lakewood Subdivision, part of the NW ¼, SW ¼ of the SW ¼ of Section 27, T8N, R18E, Town of Merton. More specifically the property is located at N57 W30920 Lakewood Drive (Tax Key No. MRTT 0395.011.001).

BA249: JOSEPH AND SUE GEORGE (OWNERS), TIMBER CREEK BUILDS, INC. (APPLICANT) request variances from the road setback, accessory building footprint and building height provisions of the Waukesha County Shoreland Protection Ordinance for the construction of a detached garage. The subject property is described as Lot 31, High Point, part of the SW ¼ of Section 36, T5N, R17E, Town of Eagle. More specifically, the property is located at S107 W34884 S. Shore Drive (Tax Key No. EGLT 1871.048).

For additional information concerning these public hearings, please contact Emily Goodman of the Waukesha County Department of Parks and Land Use at 262-896-8300 or egoodman@waukeshacounty.gov.

All interested parties will be heard.

WAUKESHA COUNTY BOARD OF ADJUSTMENT
Richard Bayer, Chairman

Legal notice to be published in
the West Now on
Wednesday, September 30, 2026 and
Wednesday, October 7, 2026

Staff reports and meeting materials will be located on the Waukesha County Planning and Zoning Division webpage at [Meeting Information | Waukesha County](#) under Board of Adjustment Meeting Documents, no later than October 12, 2026.

AGENDA – FINAL
WAUKESHA COUNTY BOARD OF ADJUSTMENT

October 14, 2026, 6:00 p.m.
Waukesha County Administration Center, Room AC 255/259
515 W. Moreland Blvd., Waukesha, WI 53188

CALL TO ORDER

ROLL CALL

NOTE: THE AGENDA ITEMS MAY **NOT** NECESSARILY BE TAKEN UP IN THE ORDER LISTED BELOW.

REQUESTS: **BA249: JOSEPH AND SUE GEORGE (OWNERS), TIMBER CREEK BUILDS, INC. (APPLICANT)**
(Road setback) (Accessory building footprint) (Building height provisions)
Town of Eagle

SUMMARY OF MEETING: September 9, 2026

OTHER ITEMS REQUIRING BOARD ACTION:

- Discuss permanent meeting time change to 5:00 pm, effective at the November 11, 2026 meeting.

Following each public hearing portion of the meeting, the WAUKESHA COUNTY BOARD OF ADJUSTMENT will deliberate and make recommendations or decisions on the variances/special exceptions presented.

The Staff Reports and meeting materials will be located on the Waukesha County Planning and Zoning Division webpage at <https://www.waukeshacounty.gov/landandparks/planning-and-zoning/meeting-information/> no later than October 12, 2026. See Board of Adjustment Meeting Documents heading for October 14, 2026. For questions regarding this agenda, please call (262) 896-8300 or email Emily Goodman at egoodman@waukeshacounty.gov.

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
APPEAL FOR VARIANCE
STAFF REPORT**

DATE: October 14, 2026

FILE NO.: BA249

OWNERS: Joseph and Sue George
8144 Racine Avenue
Waterford, WI 53185

APPLICANT: Timber Creek Builds, Inc.
P.O. Box 674
East Troy, WI 53120

TAX KEY NO.: EGLT 1871.048

LOCATION:

The subject property is described as Lot 31, High Point, part of the SW ¼ of Section 36, T5N, R17E, Town of Eagle. More specifically, the property is located at S107 W34884 S. Shore Drive with frontage on Eagle Spring Lake.

REQUEST:

Variances from **Section 3(h)(1)(C) Road Setback, Section 3(i) Maximum Accessory Building Height and Section 3(j)(5)(B) Maximum Accessory Building Footprint** provisions of the Waukesha County Shoreland Protection Ordinance to allow the construction of a detached garage.

ZONING CLASSIFICATION: R-3 Residential District

LOT CONFIGURATION: The existing and required average lot width, average lot depth and lot size, riparian frontage and road frontage are shown in the following table.

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (South Shore Drive)	Riparian Frontage (Eagle Spring Lake)
Existing	49 ft. +/-	193 ft. +/-	9,494	49 ft.	99 ft.
Required	120 ft. min.	n/a	20,000 (unsewered)	30 ft. min	100 ft. min.

*Excluding the established 25 ft. wide road right-of-way of South Shore Drive.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:
None.

PENDING ACTIONS:
None.

PROPOSAL AND STAFF ANALYSIS:

The subject property, which is served by a private well, is located on South Shore Drive with frontage to Eagle Spring Lake. The subject property contains steep slopes (slopes greater than 12%) and is a small, narrow lot (49' wide vs 120' required). Access to the shore is provided through a series of retaining walls and stairs which were permitted in 2015 when a new septic system was installed on the property. A one bedroom, one bathroom cottage with an exposed basement and an upper deck is located near the shoreline. It is the original cottage and is nonconforming to the shore setback. There is also a 10' x 10' shed at the shore which was not permitted. The owner has indicated the shed is being utilized for storage as they do not currently have a garage. Utilizing the Waukesha County GIS aerials, it appears the structure has existed for approximately 6 years and may be pursued separately as a violation.

There is steep topography on the site, with a slope of 30% from the road to the shoreline. The petitioners have indicated the proposed amount of impervious surfaces is 32%. Staff is unable to verify the amount due to the retaining walls and stairways not being featured on the survey and have requested additional information, as referenced in the conditions.

The petitioners are proposing to construct a new two-story garage that would have three bays for vehicles or storage. The existing home will remain. While the application indicated that the shed on site would remain, the petitioner verbally indicated that he intends to remove the shed in favor of the proposed garage. The table below summarizes the existing and proposed improvements. A site plan showing existing and proposed improvements is attached as Exhibit A. Building plans showing the proposed improvements are attached as Exhibit B.

	1 st Floor (sq. ft.)	2 nd Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	630	0	0	100	1	1
Proposed	No change	No change	na	722	No change	No change

The proposed garage requires variances from the Road Setback, Maximum Accessory Building Footprint and Height provisions of the Waukesha County Shoreland Protection Ordinance as summarized in the following table.

PROVISION	SPO	EXISTING	NON- CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
ROAD SETBACK	3 (h) (1) (C)	115'7" (home) 157' (shed)	N	15' (garage)	50'	Y – Variance
OFFSET (N)	3 (h) (3) (A)	23'1" (home) 39'2" (shed)	N	11'5" (garage)	7'	N
OFFSET (S)	3 (h) (3) (A)	5'6" (home) 0' (shed)	Y	7'6" (garage)	7'	N
OFFSET - BUILDING SEPARATION	3 (h) (3) (A)	0' (home to shed)	Y	NC	10' minimum	N

TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	730 sq. ft. 630 (home) 100 (shed)	N	1,452 sq. ft. 630 (home) 100 (shed) 722 (garage)	1,640 sq. ft. max (17.5%)	N
ACCESSORY FOOTPRINT	3 (j) 4	100 (shed)	N	822 sq. ft. 722 (garage) 100 (shed)	600 max	Y - Variance
MINIMUM FLOOR AREA	3 (j) (1)	630 sq. ft. (first floor) 555 sq. ft. (basement)	Y	NC	850 (first floor) 1,100 sq. ft. (overall)	N
BLDG HEIGHT	3 (i)	18' (home)	N	20' (garage)	18' max	Y - Variance
SHORE SETBACK	3 (h) (2)	40'7" (house) 24'4" (shed)	Y	132' (garage)	75'	N
IMPERVIOUS SURFACE	3 (t)	32%	Y	Unclear; see conditions	30% maximum	N

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit C.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **approval** of the request for a variance from the road setback and **denial** of the request for relief from the accessory building footprint and building height requirements of the Waukesha County Shoreland Protection Ordinance to allow the construction of a detached garage. This recommendation is based upon the analysis of the below tests for a variance, as described below. We recommend that this approval be subject to the following conditions:

CONDITIONS:

1. Updated Building Plans that comply with the accessory building footprint and height requirements of the Shoreland Protection Ordinance must be provided to Waukesha County Planning & Zoning Division staff for review and consideration.
2. A grading plan showing the existing and proposed grades along with the existing home and retaining walls must be provided to Waukesha County Planning & Zoning Division staff for review and consideration.
3. The impervious surface worksheet must be updated to include the existing retaining walls. If applicable, any impervious surfaces over 30% must be treated through the use of Treated Impervious Surfaces (TIS) or a Mitigation Plan adhering to ordinance standards must be provided.
4. Prior to the issuance of a Zoning Permit, the 100 sq. ft. shed near the shoreline shall be removed.
5. No vegetation removal is proposed or permitted.

AREA VARIANCE TEST CRITERIA ANALYSIS

State law, case law, and County ordinances require that the petitioner demonstrate that their request meet the following tests for a variance. The below Staff analysis assesses the merits of the subject application relative to the tests:

- 1. Compliance with the ordinance would cause the owner to experience an unnecessary hardship. Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.**

The property does not currently contain a garage. While a conforming location for a detached garage exists on the subject property, the conforming building envelope provided by Ordinance is problematic because of a challenging steep slope in that area. Compliance with the Ordinance road setback requirement would likely require significant land altering activity to grade out a buildable site and would conflict with existing retaining walls. This is a site condition unique to the property which makes strict compliance not only unnecessarily burdensome but creates a conflict with the sections of the Ordinance that call for preservation of topography and natural scenic beauty. Therefore, some road setback relief is warranted.

However, it has not been demonstrated that the ordinance provisions cause the owner unnecessary hardship as they relate to accessory building height or accessory building footprint. An unnecessary hardship is based on special conditions unique to the property and cannot be financial or economic in nature. The property contains a home that is smaller than the required minimum of 1,100 sq ft and has limited options for storage. However, with the above recommended road setback relief, the applicant has the option to construct a two-car garage of up to 600 sq ft that would comply with ordinance requirements for accessory footprint. This provides ample storage space for the property. Regarding height, the petitioners have indicated they will add fill to stabilize the location of the garage but the proposed area of the garage is relatively gentle slope. It has not been demonstrated that there is a unique site condition that would warrant ordinance relief for two more feet in height for the garage. The ordinance allows for 18' of accessory building height, which accommodates typical garage type buildings.

- 2. The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.**

The Shoreland Protection Ordinance allows road setback averaging when like-structures are present on adjacent properties (a house may be averaged with a house, a garage may be averaged with a garage.) However, the averaging provisions are not applicable to this property because the adjacent structures contain homes with attached garages. This stretch of South Shore Drive has several improvements that are located very close to the road, creating a pattern of development where improvements closer to the road than the required setback is commonplace. Therefore, it is not expected that the road setback relief will harm

neighborhood aesthetics. As conditioned, the petitioners will need to treat all garage roof runoff, so the project should not create adverse drainage. In addition, and, as conditioned, a non-conforming shed that is too close to the shore will be removed which will allow for a comfortably sized garage.

The building footprint and height provisions help ensure accessory buildings fit the established pattern of development. Additional bulk can have negative impact on open space between structures, access around structures, increase run off, and create drainage issues, especially in an area where there is a development pattern of long, narrow lots and narrow offsets.

Respectfully submitted,

Emily Goodman

Emily Goodman
Senior Land Use Specialist
Phone: 262-896-8300

Reviewed and approved by:

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Exhibits: Exhibits A- Site Plan
Exhibit B – Building Plans
Exhibit C – Petitioners Comments

EXHIBIT A

PLAT OF SURVEY

October 25, 2005

LOCATION: S107 W34884 South Shore Drive, Eagle, Wisconsin

Joseph and Susan George, Jr.

LEGAL DESCRIPTION:

Lot 31 in **HIGH POINT**, a Subdivision in the North 1/2 of the Southwest 1/4 of Section 36, Town 5 North, Range 17 East, of the Fourth Principle Meridian, in the Village of Eagle, Waukesha County, Wisconsin.

Date Received 08/21/2026
By Waukesha County
Planning and Zoning

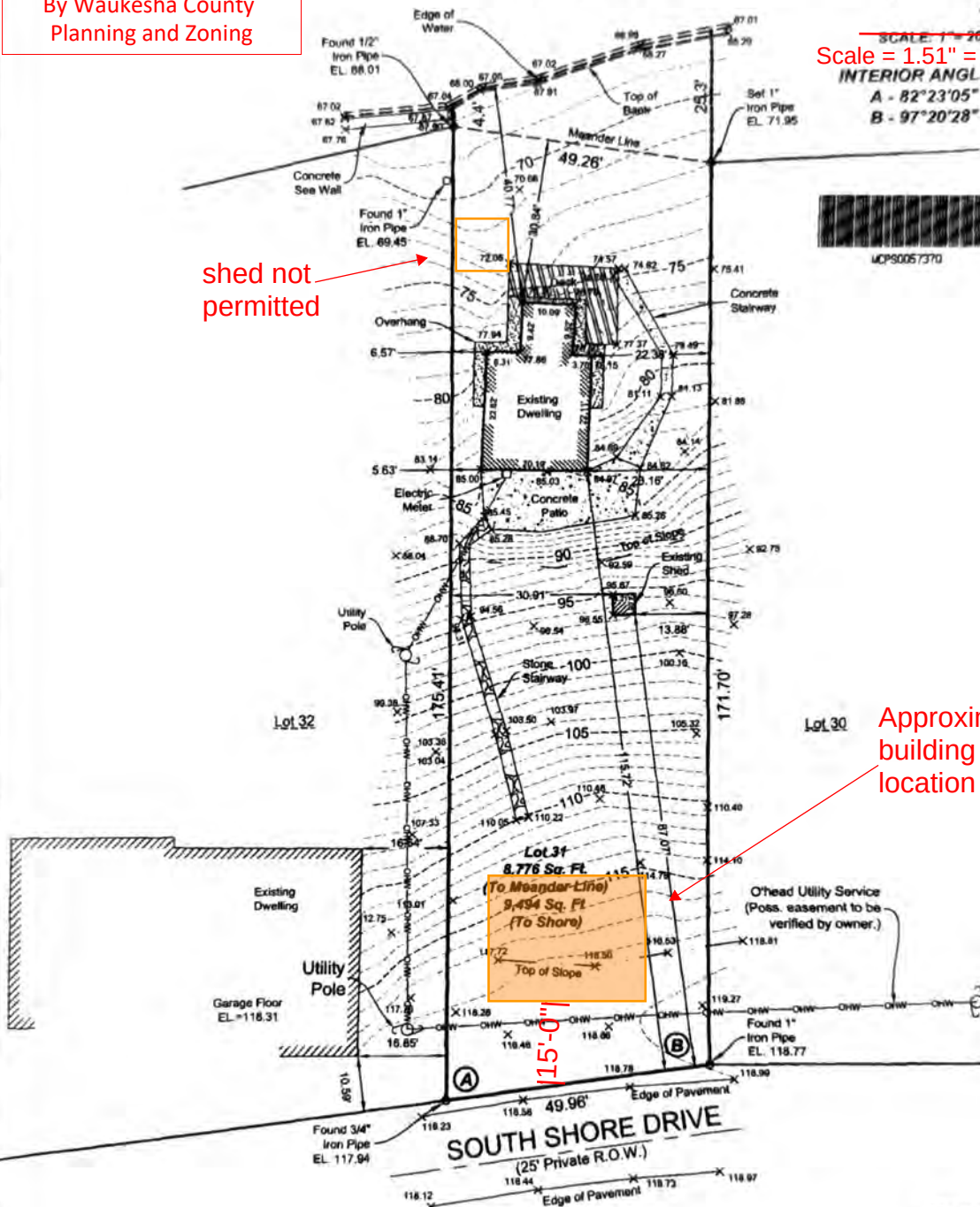
EAGLE LAKE



SCALE: 1" = 20'
Scale = 1.51" = 49.26'
INTERIOR ANGLES:
A - 82°23'05"
B - 97°20'28"

shed not
permitted

Approximate
building
location

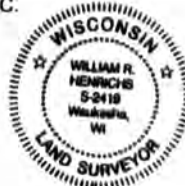


DRAWING BY: AW
FIELD WORK BY: MG

LANDCRAFT SURVEY AND ENGINEERING, INC.

REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
2077 South 116th Street, West Allis, WI 53227
PH: (414) 604-0674 FAX: (414) 604-0677
INFO@LANDCRAFTSE.COM

NOTE: Proposed finished yard as shown on this drawing is a suggested grade and should be verified by the owner and/or the builder and approved by the building inspector. Erosion control measures are suggested and must be verified/adjusted by the builder and/or building inspector based on site conditions.

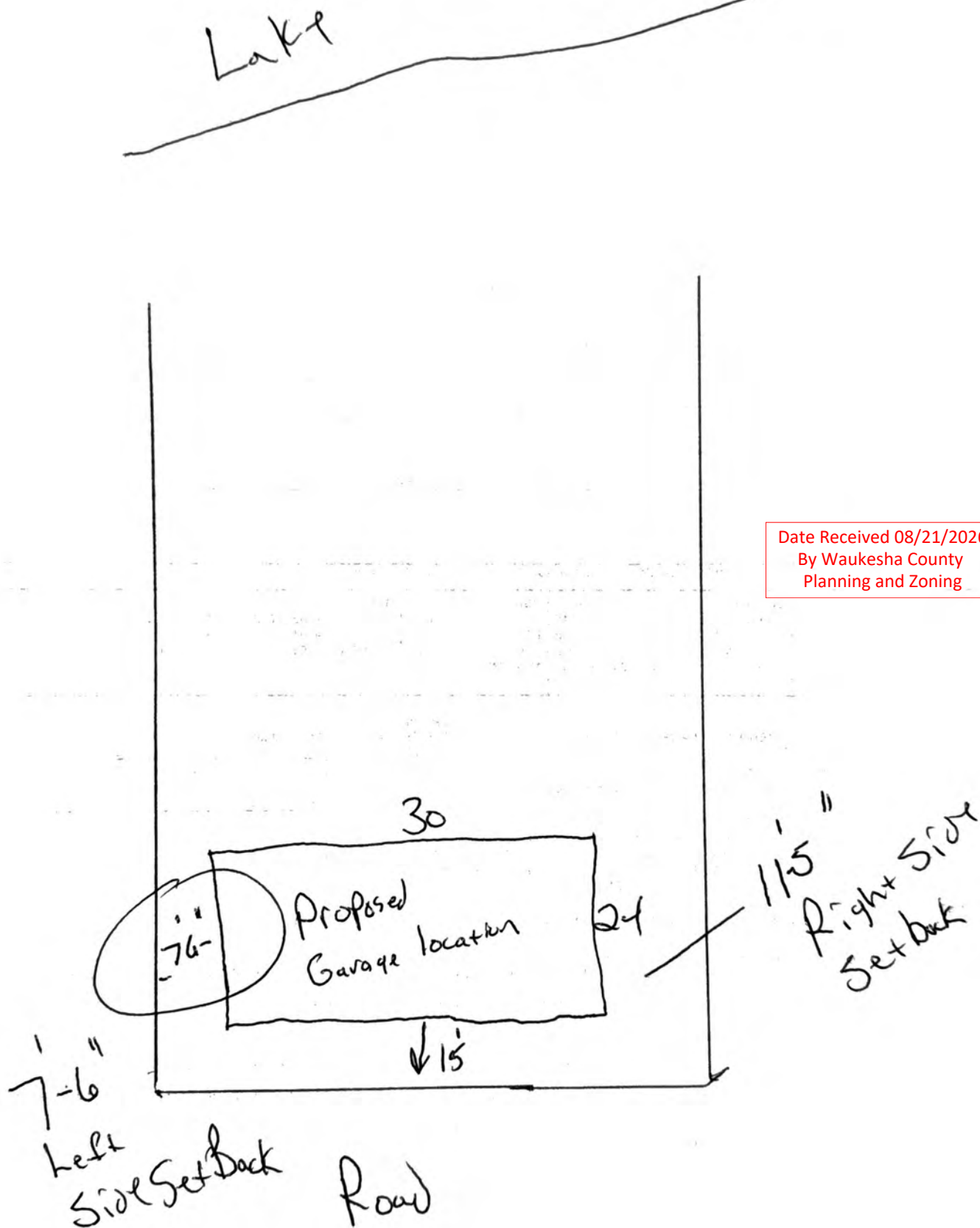


I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

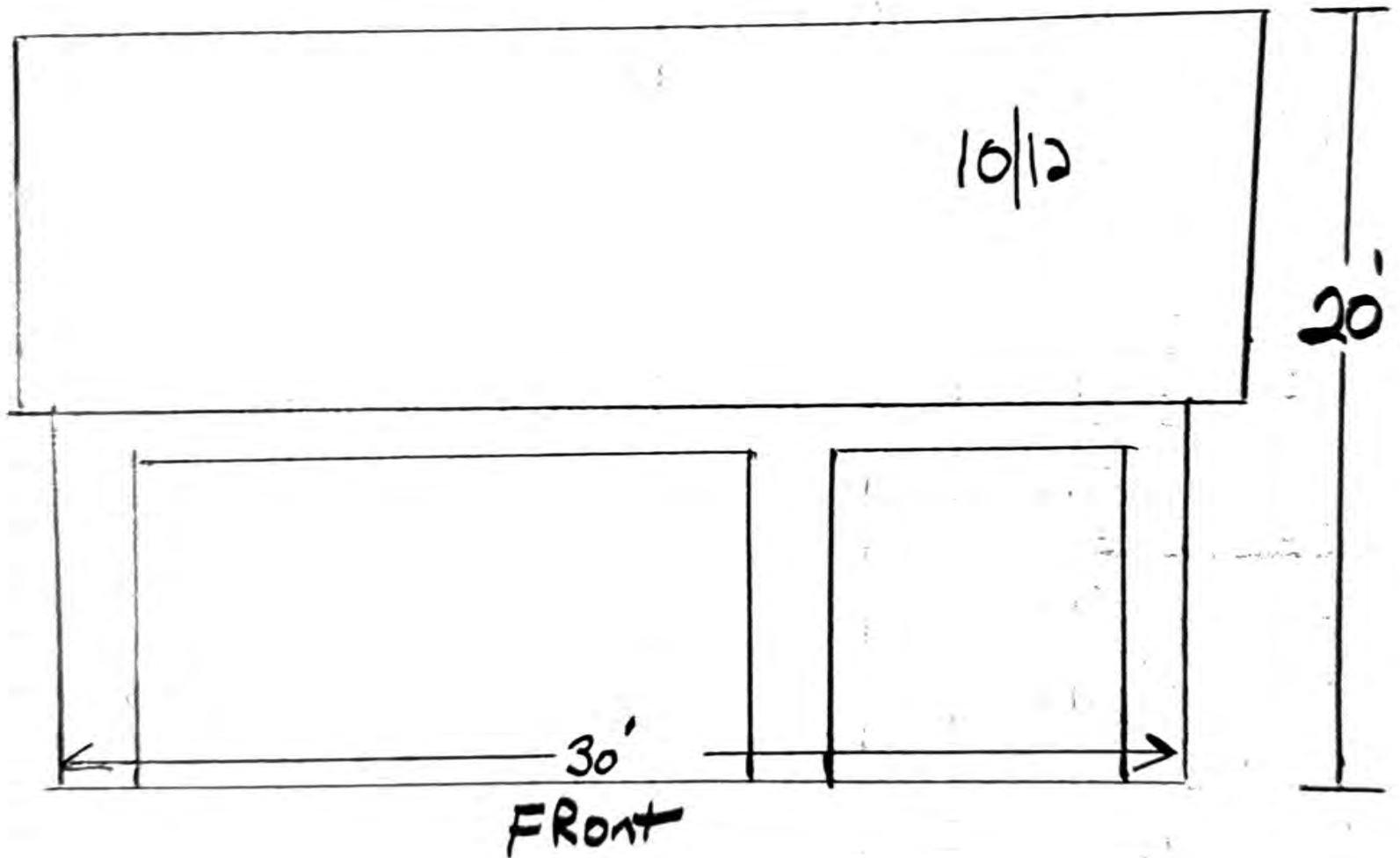
SIGNED *William R. Henrichs*
William R. Henrichs, Registered Land Surveyor S-2418

EXHIBIT B

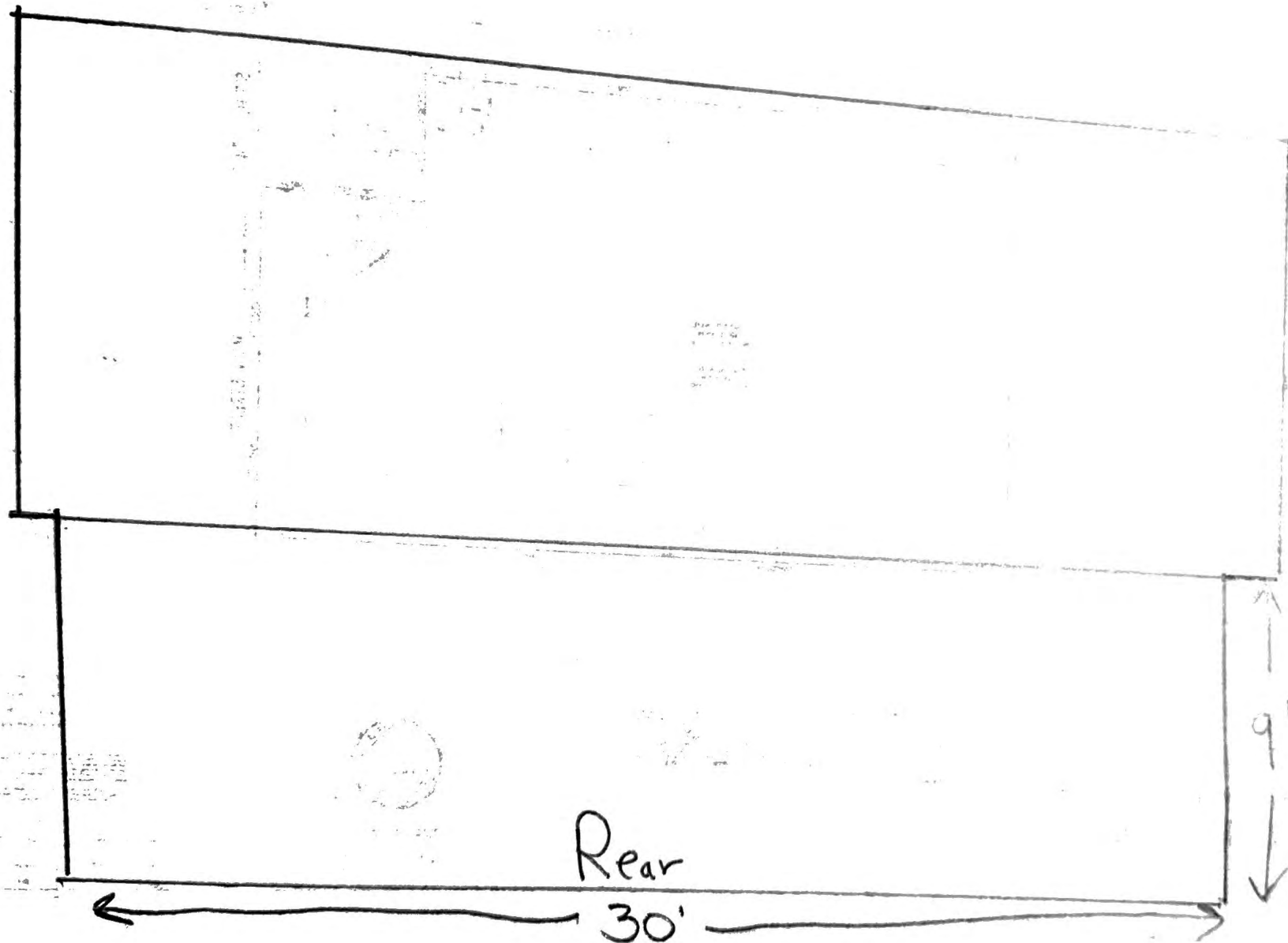


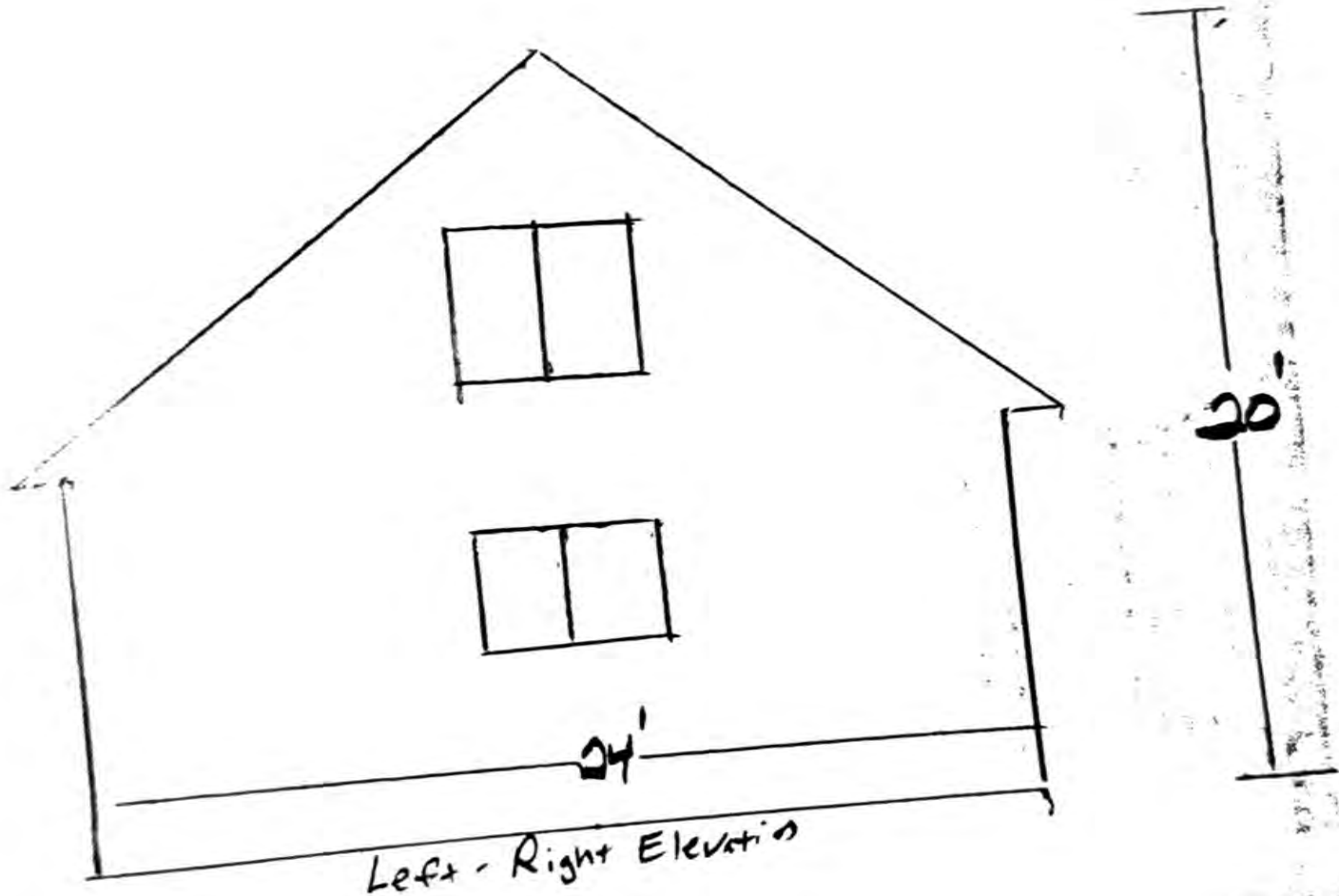
Date Received 08/21/2026
By Waukesha County
Planning and Zoning

1/4" = 1'



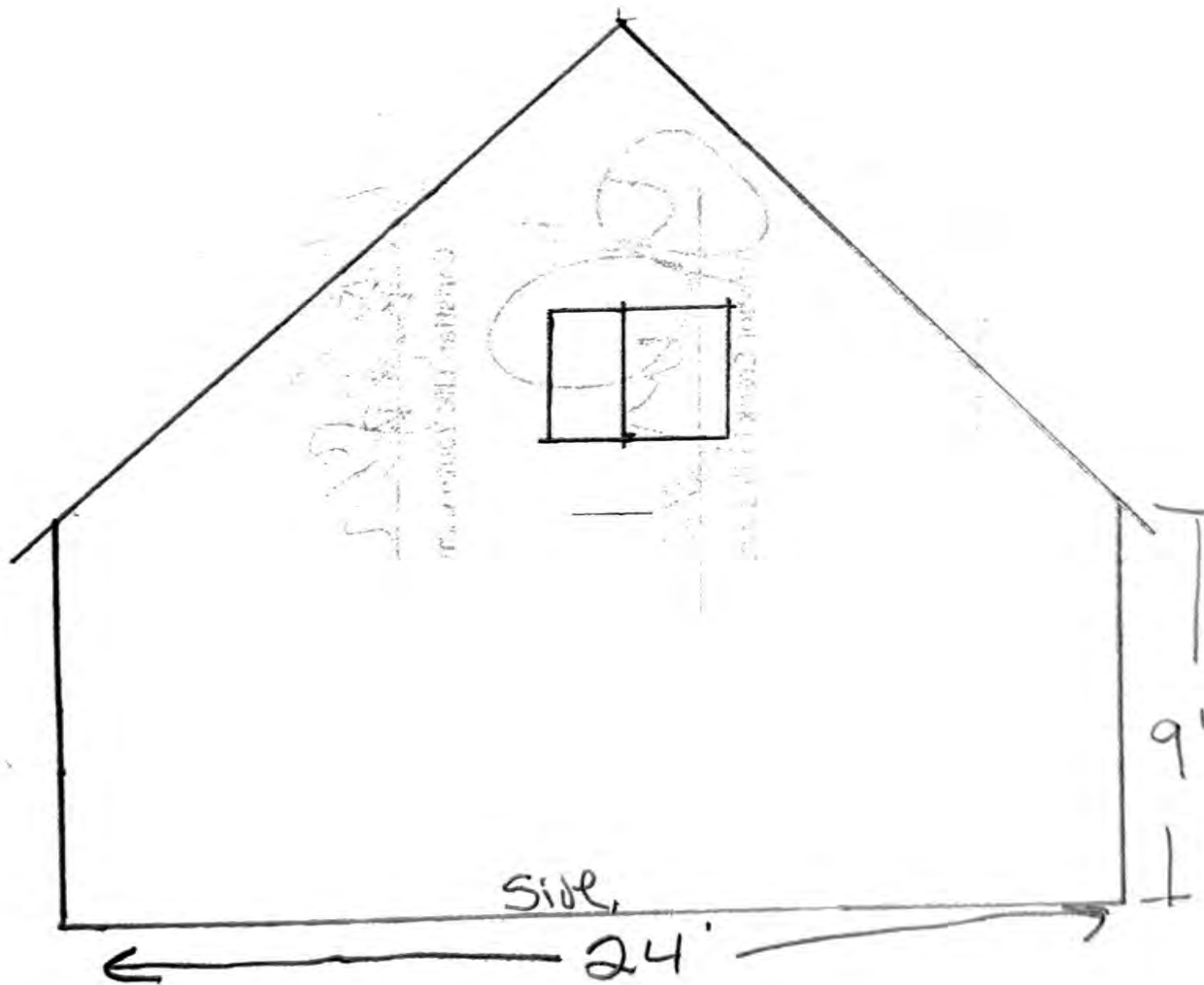
VIEW FROM ROAD ROW

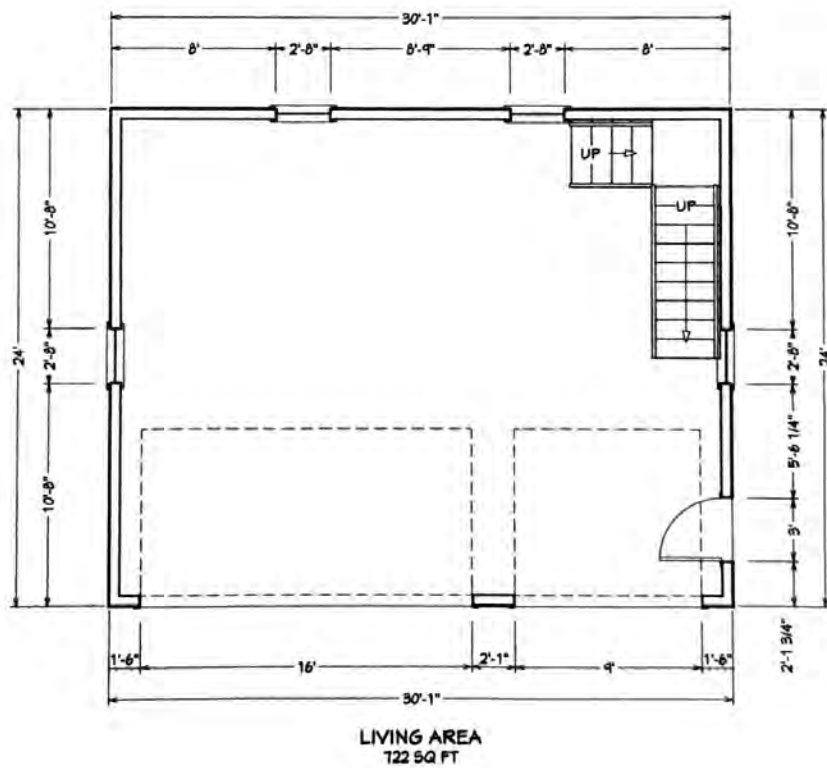




RECEIVED 09/22/2026

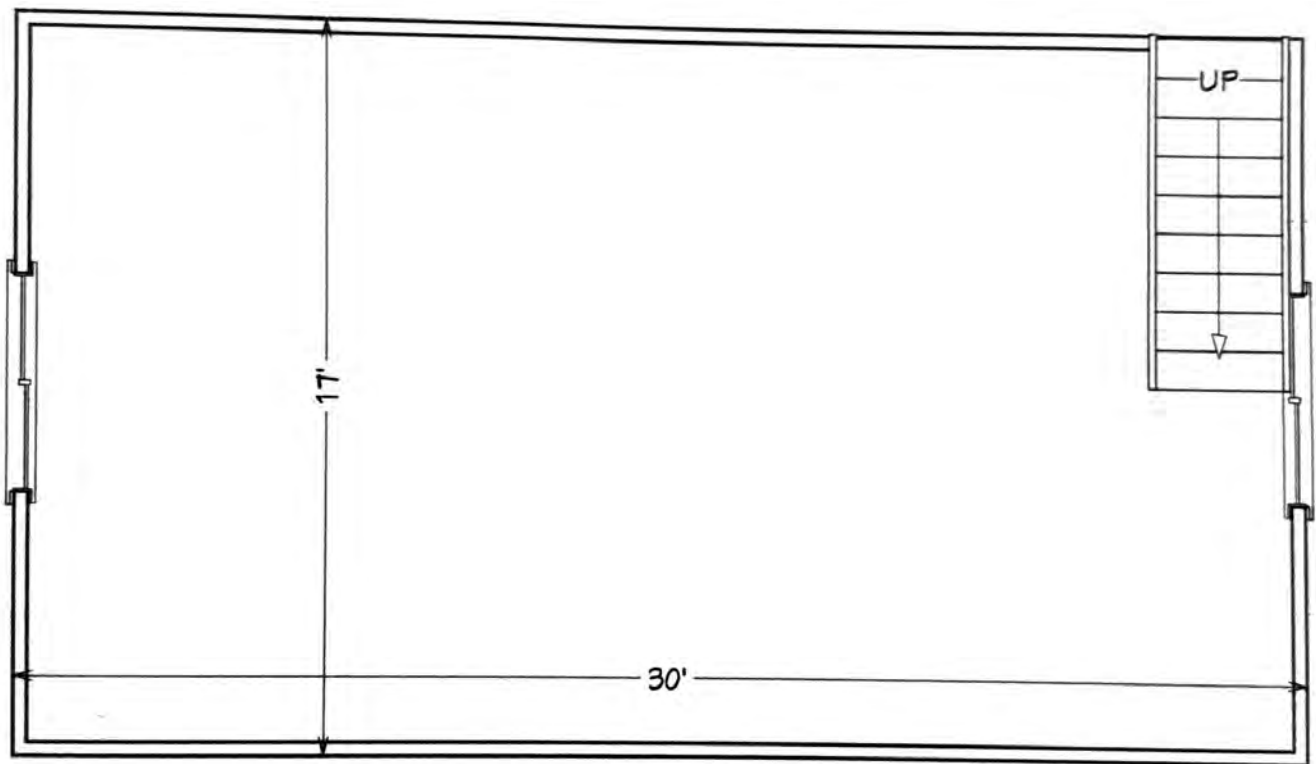
DEPT PARKS & LAND USE





RECEIVED 09/18/2026
DEPT PARKS & LAND USE

2nd Floor layout



Complete this Section for **AREA VARIANCE** requests only.

An **Area Variance** is a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure. The request must be justified by the applicant using **ALL** of the following criteria in accordance with *Section 59.694, Wis. Stats.* and the Waukesha County Shoreland & Floodland Protection Ordinance/Zoning Code. The applicant is responsible for justifying each variance type requested (i.e. offset and shore setback). **Attach additional sheets if necessary.**

1. **Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving that the unnecessary hardship is based on special conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary, and the purposes of the Ordinance shall be observed.
2. **The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area.** Lack of local opposition does not mean a variance will not harm the public interest.

APPLICANT IS APPLYING FOR AN AREA VARIANCE PLEASE SEE
DESCRIPTION ABOVE

1. **Compliance with the ordinance would cause the owner to experience an unnecessary hardship.** Unnecessary hardship is proven by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a Variance. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Slope of Property Does Not Allow For a Attached Garage
Or Normal Street Setbacks

2.

The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.

Neighbors Have an Attached Garage 15' off the Street

Neighbors on each Side are 12-15' off the Street with their Homes

Date Received 08/21/2026
By Waukesha County
Planning and Zoning

Complete this Section for **SPECIAL EXCEPTION** requests only.

A **Special Exception** is a minor adjustment to the requirements of the Ordinance, where specifically authorized, and is justified by special conditions of the property. A request must be justified by the applicant using the following criteria. **Attach additional sheets if necessary.**

1.

The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a special exception will not harm the public interest. When reviewing a special exception request from the minimum floor area provisions, the proposed building shall not be of such character or quality as to depreciate the property values of the surrounding area.