

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearing will be held by the Waukesha County Board of Adjustment on Wednesday, August 13, 2025, 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 request:

BA216: CHRISTOPHER AND SHANNON STAPLES (OWNERS), TERRY DOYLE, KINGFOGL CONSTRUCTION (APPLICANT) request a variance from the offset requirements of the Waukesha County Shoreland Protection Ordinance to construct a new single-family residence with an attached garage. The subject properties are described as Lots 19 and 20, Darrah's Point, part of the SE ¼ of Section 19, T8N, R18E, Town of Merton. More specifically, the properties are located on Road L (Tax Key No's. MRTT 0364.044 and MRTT 0364.045).

For additional information concerning this public hearing, please contact Jacob Heermans of the Waukesha County Department of Parks and Land Use at 262-896-8300 or jheermans@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, July 30, 2025, and
Wednesday, August 6, 2025

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 August 11, 2025.

AGENDA – FINAL
WAUKESHA COUNTY BOARD OF ADJUSTMENT

August 13, 2025, 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: **BA216: CHRISTOPHER AND SHANNON STAPLES (OWNERS),**
TERRY DOYLE, KINGFOGL CONSTRUCTION (APPLICANT)
Town of Merton
(Offset)

SUMMARY OF MEETING: July 9, 2025

OTHER ITEMS REQUIRING BOARD ACTION: None

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. Following the public hearing portion request of BA216, the Town of Merton Board of Adjustment will also deliberate and make recommendations on the variances/special exceptions presented, which may continue in a separate room open to the public. The chairman shall announce to those present the recommendations or decisions made.

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 August 11, 2025. See Board of Adjustment Meeting Documents heading for August 13, 2025. For questions regarding this agenda, please call (262) 896-8300 or email jheermans@waukeshacounty.gov.

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

DATE: August 13, 2025

FILE NO.: BA216

OWNERS: Shannon and Christopher Staples
N52 W16778 Oak Ridge Trail
Menomonee Falls, WI 53051

APPLICANT: Terry Doyle
Kingfogl Construction
13703 W Greenfield Ave
New Berlin, WI 53151

TAX KEY NOs.: MRTT 0364.044 and MRTT 0364.045

LOCATION:

The property is described as Lots 19 and 20, Darrah's Point, part of the SE ¼ of Section 19, T8N, R18E, Town of Merton. More specifically, the properties are located on Road L at the tax key numbers noted above with frontage on Okauchee Lake.

REQUEST:

Variance from **Section 3(h)(3)(A) Offset** provisions of the Waukesha County Shoreland Protection Ordinance to permit a new single-family residence with an attached garage.

ZONING CLASSIFICATION: R-3 Residential District, EC Environmental Corridor, C-1 Conservancy (Wetlands)

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. The information below reflects the lots being merged via a Certified Survey Map.

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (Road L)	Riparian Frontage (Okauchee Lake)
Existing	143 ft. +/-	114.3 ft. +/-	15,760	143.7 ft.	157 ft.
Required	120 ft. min.	n/a	20,000 (unsewered)	n/a (private road)	100 ft. min.

*Excluding the established 30 ft. wide road right-of-way of Road L.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

None.

PENDING ACTIONS:

None.

PROPOSAL AND STAFF ANALYSIS:

The subject property, which will be served by a private septic system and a private well, is located on the east side of Road L with frontage on Okauchee Lake. The topography adjacent to the road is relatively flat with steeper slopes adjacent to Okauchee Lake. The property is vacant and does not contain any improvements. It should be noted that the property is two (2) legal lots of record, and a Certified Survey Map (CSM) will need to be completed to remove the common lot line and redescribe the property as one lot of record.

The petitioners are proposing to construct a new single-family residence with an attached garage and covered decks. The petitioners originally proposed to construct a single-family residence on Lot 20, however, the lot was not sufficiently sized to allow for an on-site septic system, and a variance was sought from the Land Use Parks and Environmental Committee (LUPE) for a holding tank. The holding tank variance was denied, and it was recommended that the petitioners investigate other options such as reducing the home size or acquiring the adjacent lot (Lot 19) in order to accommodate an on-site septic system. The petitioners have acquired the adjacent lot and can accommodate an on-site septic system, however, the increased lot size requires a greater offset from the south lot line than if the lots were developed separately. Additionally, the proposed structure must meet the required offset from the proposed septic field.

The table below summarizes the existing and proposed improvements. A site plan showing 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.)	3 rd Floor (sq. ft.)	Basement (sq. ft.)	Att. Garage (sq. ft.)	Beds	Baths
Existing	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Proposed	1037	1665	1665	n/a	628	3	3.5

The proposed residence requires variances from the Offset provisions of the Waukesha County Shoreland Protection Ordinance as summarized in the following table. Staff has the ability to administratively flex the required road setback to achieve a 30-foot-deep building envelope, therefore, road setback relief is not required.

PROVISION	SPO	EXISTING	NON- CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
ROAD SETBACK	3 (h) (1) (C)	n/a	N/A	10'4	20' min (private road)	N
OFFSET (N)	3 (h) (3) (A)	n/a	N/A	73'8	20' min	N
OFFSET (S)	3 (h) (3) (A)	n/a	N/A	10'4	20' min	Y
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	n/a	N/A	1,678 SF (10.6%)	2,768 SF (17.6% max)	N
MINIMUM FLOOR AREA	3 (j) (1)	n/a	N/A	912 SF 1 st Floor 3687 Overall	850 SF 1 st Floor 1100 SF Overall	N

BLDG HEIGHT	3 (i)	n/a	N/A	34'11-3/4	35' max	N
SHORE SETBACK	3 (h) (2)	n/a	N/A	75'5	75' min	N
WETLAND SETBACK	3 (h) (2)	n/a	N/A	70.2'	75' min	N
IMPERVIOUS SURFACE	3 (t)	n/a	N/A	2,453 SF (15.6%)	4,746 (30% max)	N

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit C.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **denial** of the request for a variance from the Offset requirements of the Waukesha County Shoreland Protection Ordinance to construct a single-family residence with an attached garage. This recommendation is based upon the analysis of the below tests for a variance as described below.

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 R-3 District requires a minimum home size of 1,100 sq. ft., which the proposed home exceeds with over 3,600 sq. ft. of living space across three floors and 600 sq. ft. of enclosed parking. If the home were reduced in size to comply with the required offset, the home would still well exceed the minimum home size requirement while still incorporating enclosed parking. While there are environmental features that limit the building envelope, the petitioners can still construct a sizeable residence without any relief. This clearly demonstrates that the petitioners are able to utilize the property for a permitted single-family residential purpose. Additionally, while no basement is proposed due to high groundwater conditions in the area, it is not a unique condition, and other residences have recently been constructed on this stretch of Road L without a basement while also combining multiple lots to accommodate on-site septic systems.

The proposed residence is uniquely situated at an angle to allow for enclosed parking and additional off-street parking, however, as noted above, the structure could be reduced in size to eliminate the need for the requested relief.

- 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 offset provisions exist, in part, to provide open space between structures, ensure that there is adequate space between structures and property boundaries to ensure adequate drainage can be provided and to allow reasonable repair and maintenance of structures. The offset standards create consistency in permissible building locations within side yards. This provides neighbors with certainty regarding future separation distances from neighboring structures and contributes to the development pattern and aesthetics of neighborhoods. By combining the lots and locating the septic field to the north of the home, there is a substantial buffer on the north side of the residence, and while the offset is proposed to be reduced on the south side of the home, there is still adequate room for drainage and general property maintenance. The home to the south is proposed to be constructed at a conforming offset (20') which would provide 30' of separation between the proposed home and the future residence to the south which would not negatively impact the neighboring property or nearby natural resources.

Respectfully submitted,

Reviewed and approved by:

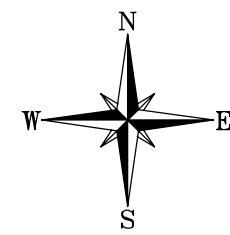
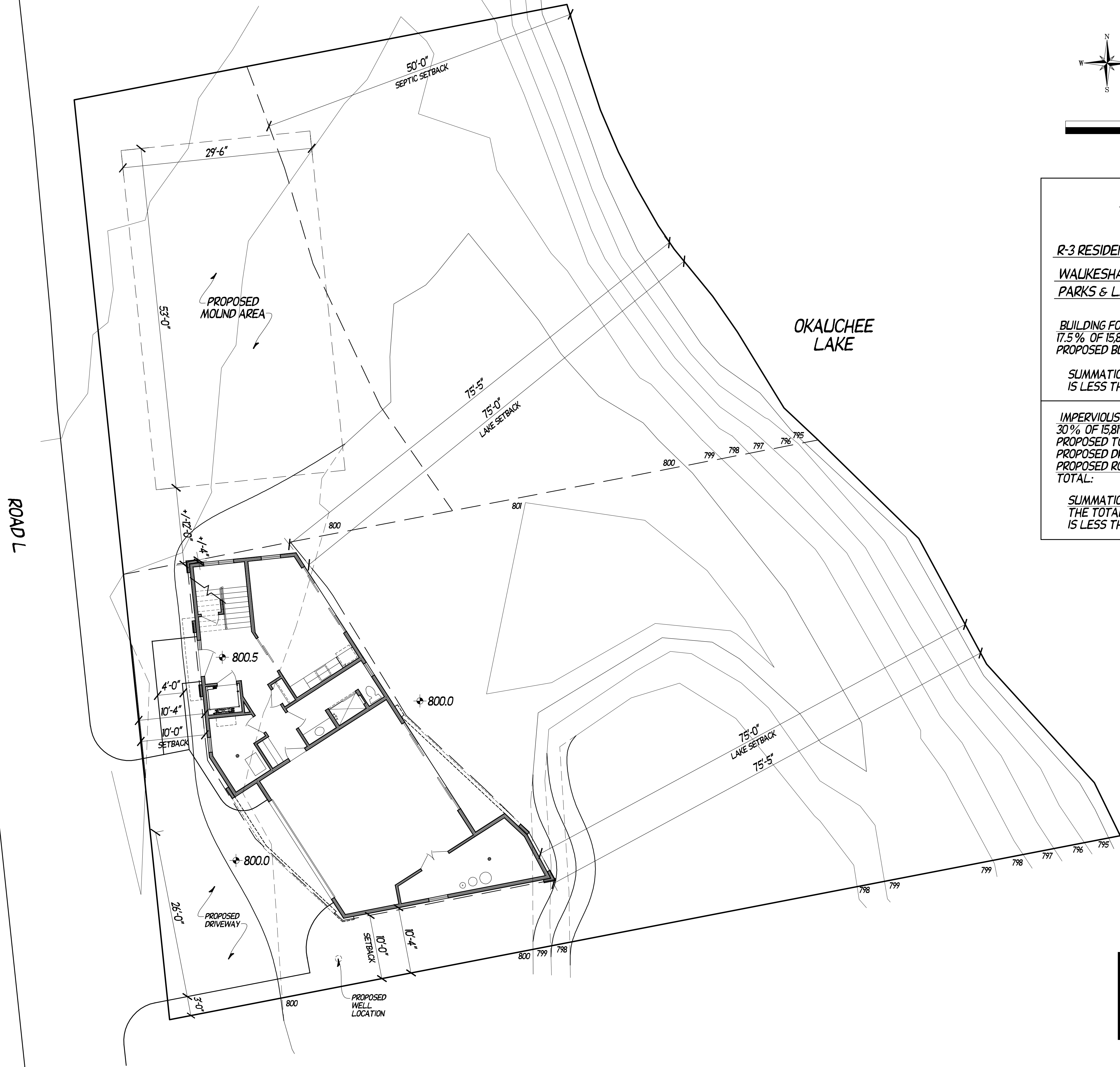


Jacob Heermans
Senior Planner
Phone: 262-896-8300



Jason Fruth
Planning and Zoning Manager

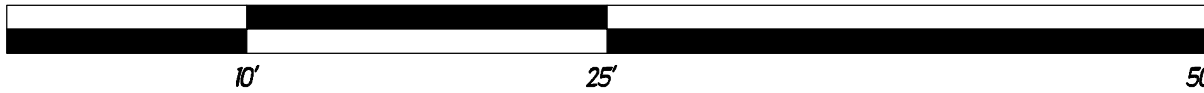
Exhibits: Exhibits A-C



PROPOSED SITE PLAN

SCALE: 1/8"=1'-0"

NOTE:
INFORMATION ON SITE PLAN IS ONLY APPROXIMATE.
REFER TO APPROVED SURVEY PLAN FOR ACTUAL
BUILDING LOCATION AND GRADING PLAN.



LOT INFORMATION

LOT AREA = +/- 15,819 SQ.FT.

R-3 RESIDENTIAL

WALKESHA COUNTY:

PARKS & LAND USE / PLANNING & ZONING:

BUILDING FOOTPRINT = 17.5 %
17.5 % OF 15,819 SQ.FT. = 2,768 SQ.FT.
PROPOSED BUILDING FOOTPRINT: = 1,539 SQ.FT.

SUMMATION: THE TOTAL BUILDING FOOTPRINT OF 1,539 SQ.FT.
IS LESS THAN THE 2,768 SQ.FT. ALLOWED

IMPERVIOUS SURFACE = 30 %
30 % OF 15,819 SQ.FT. = 4,746 SQ.FT.
PROPOSED TOTAL BUILDING FOOTPRINT: = 1,539 SQ.FT.
PROPOSED DRIVEWAY & WALKWAY: = 824 SQ.FT.
PROPOSED ROOF OVERHANGS: = 90 SQ.FT.
TOTAL: = 2,453 SQ.FT.

SUMMATION:
THE TOTAL PROPOSED IMPERVIOUS SURFACES OF 2,453 SQ.FT.
IS LESS THAN THE 4,746 SQ.FT. ALLOWED

Exhibit A

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OWNER & PROJECT LOCATION
CHRISTOPHER & SHANNON STAPLES
LOT - 20 DARRAH'S POINT ROAD - L
OCONOMOWOC, WI
TOWN OF MERTON, WALKESHA COUNTY

2/10/25 2/14/25 4/17/25
4/24/25 4/25/25 6/6/25 (2)

DESIGNED BY
B. TOM
COMPLETION DATE
NOT COMPLETE ADS X
REVISIONS


ARCHITECTURAL
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SERVICES
INC.
www.architecturaldevelopment.com
150 NORTH SUNNY SLOPE RD STE 260
BROOKFIELD, WI 53005
(262) 787-1701

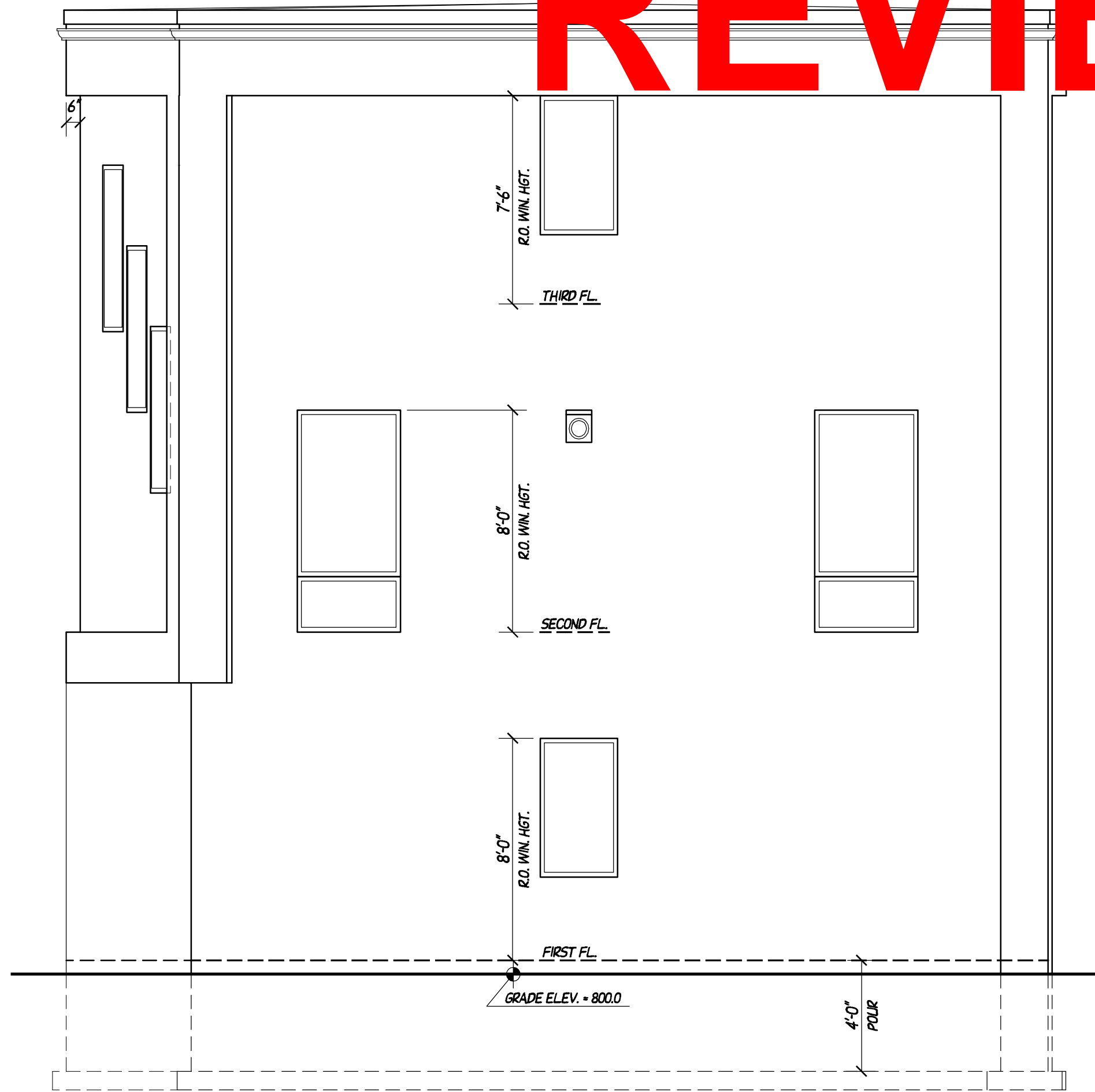
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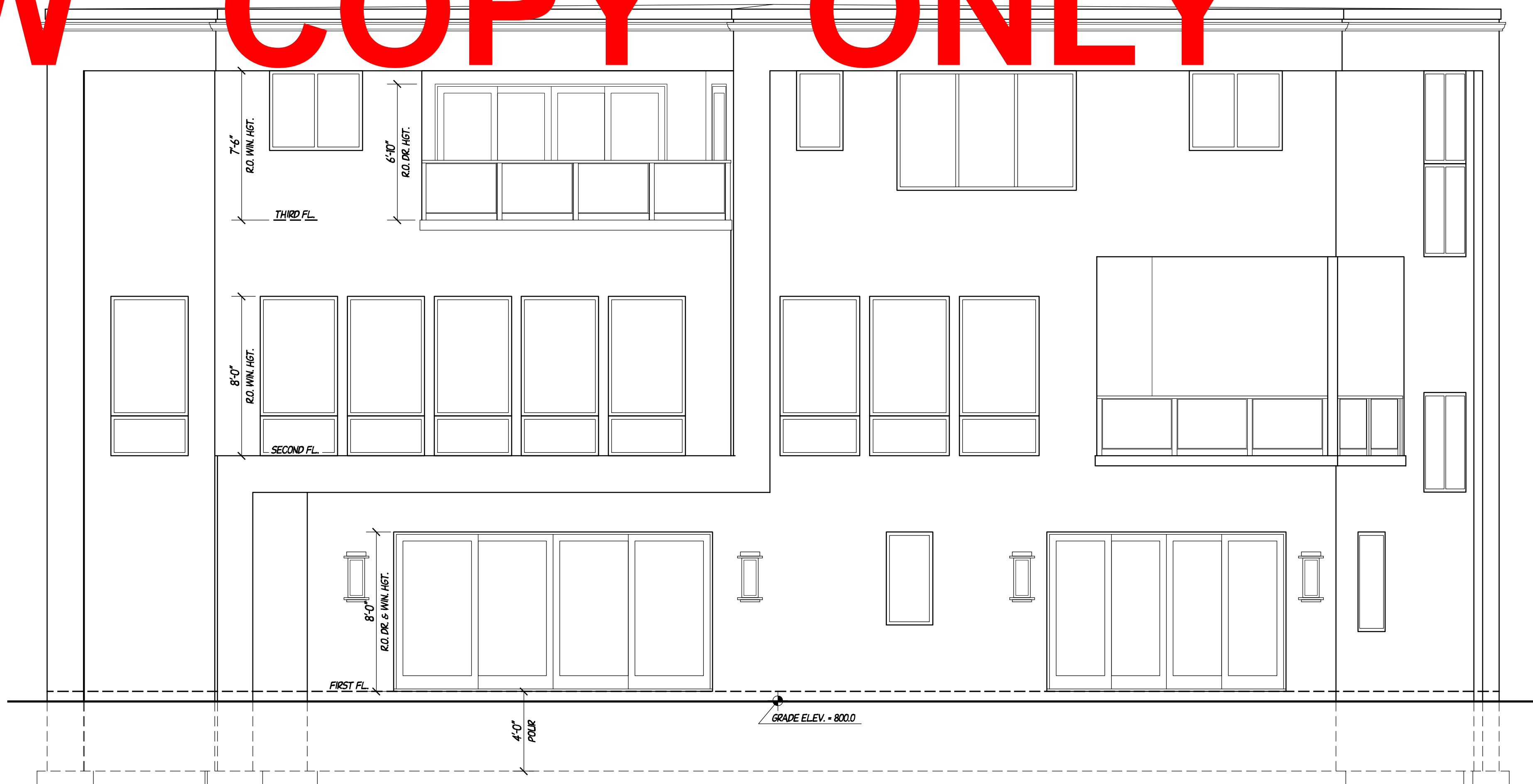
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KINGFOGL CONSTRUCTION CO.
13703 W. GREENFIELD AVE.
NEW BERLIN, WI 53951
OFFICE: 262-781-4488 FAX: 414-374-9242
JAY CELL: 262-603-3359

OWNER & PROJECT LOCATION
CHRISTOPHER & SHANNON STAPLES
LOT - 20 DARRAH'S POINT ROAD - L
OCONOMOWOC, WI
TOWN OF MERTON, WAUKESHA COUNTY

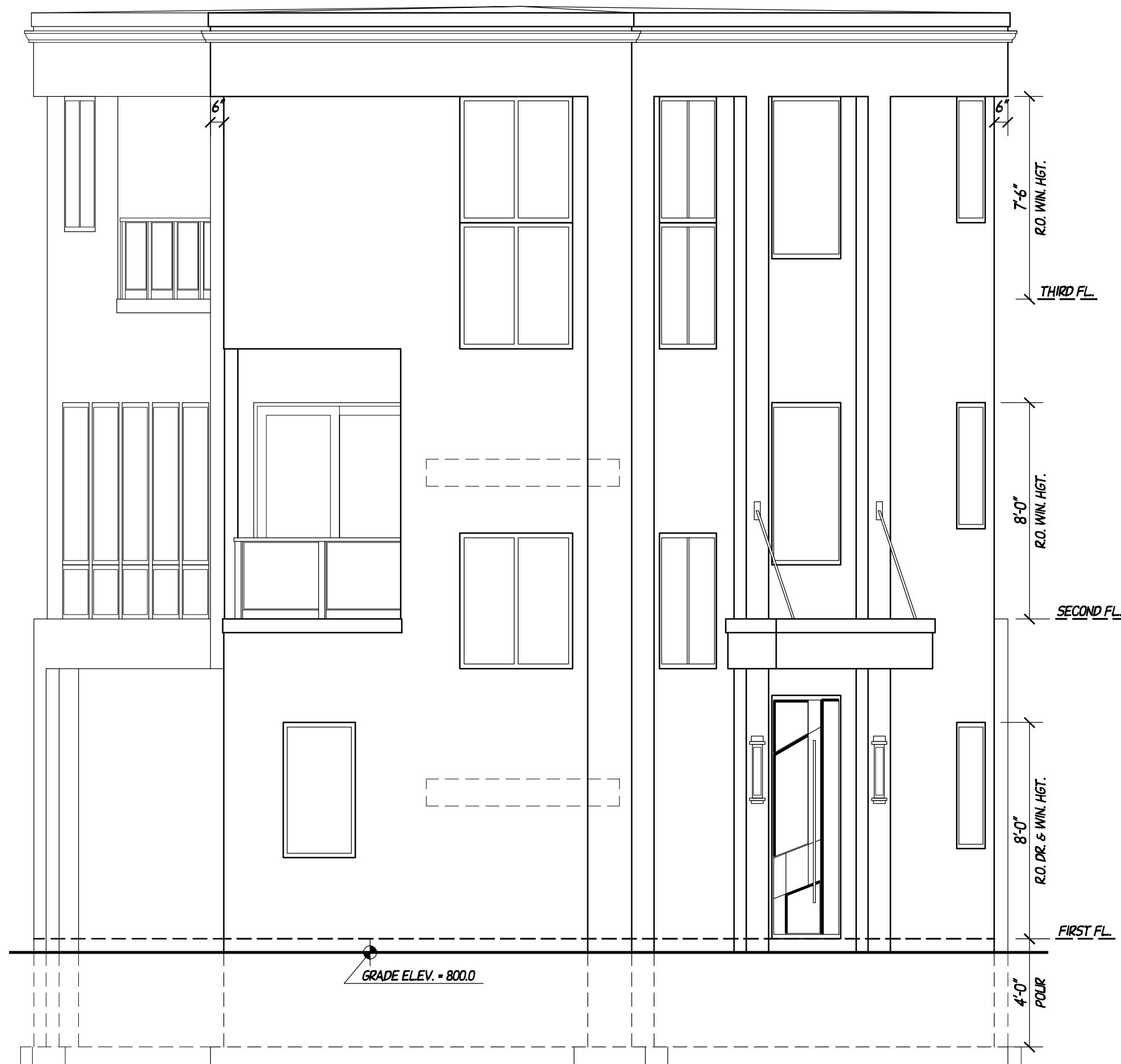
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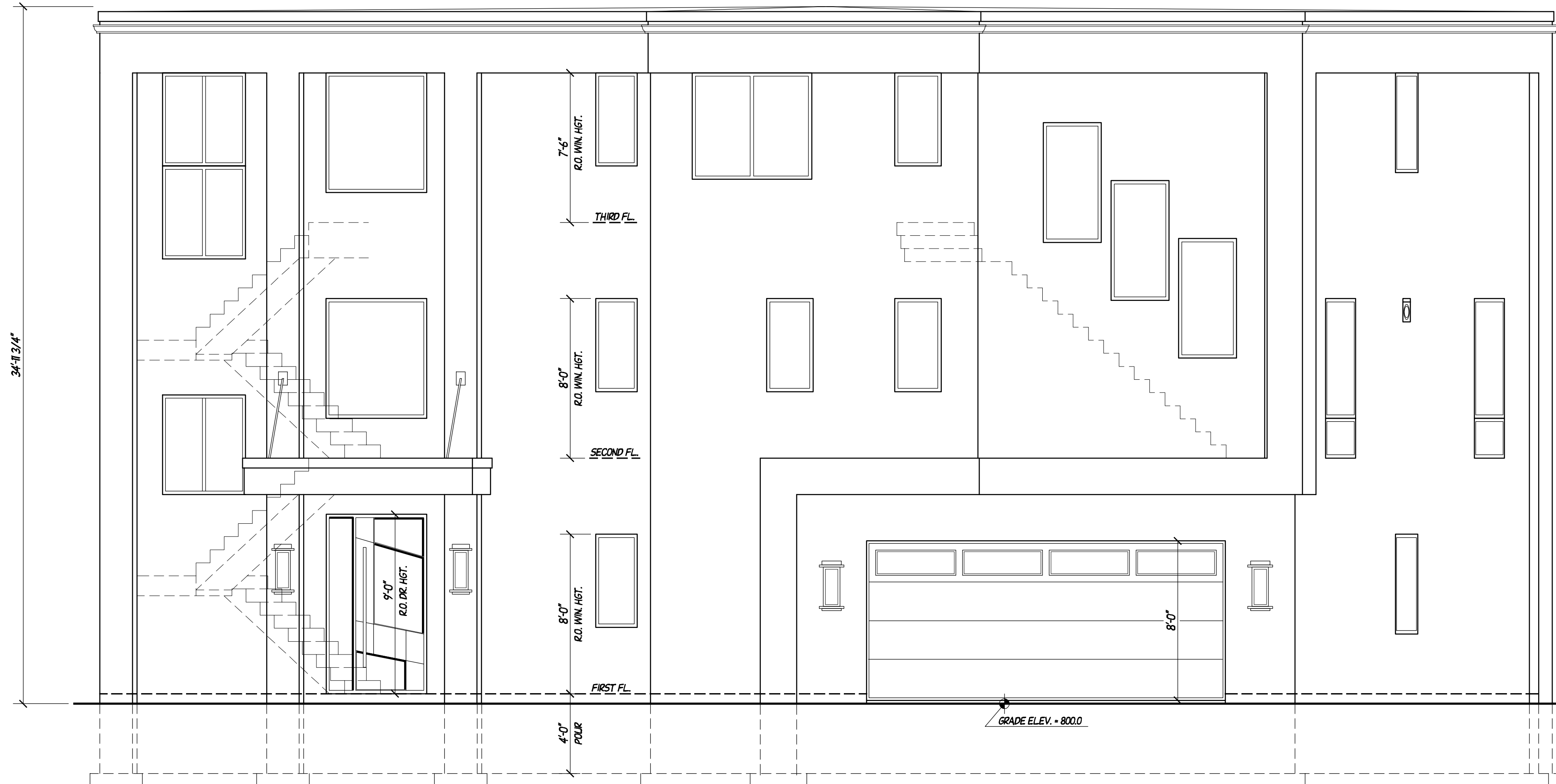
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SCALE: 1/4"=1'-0"



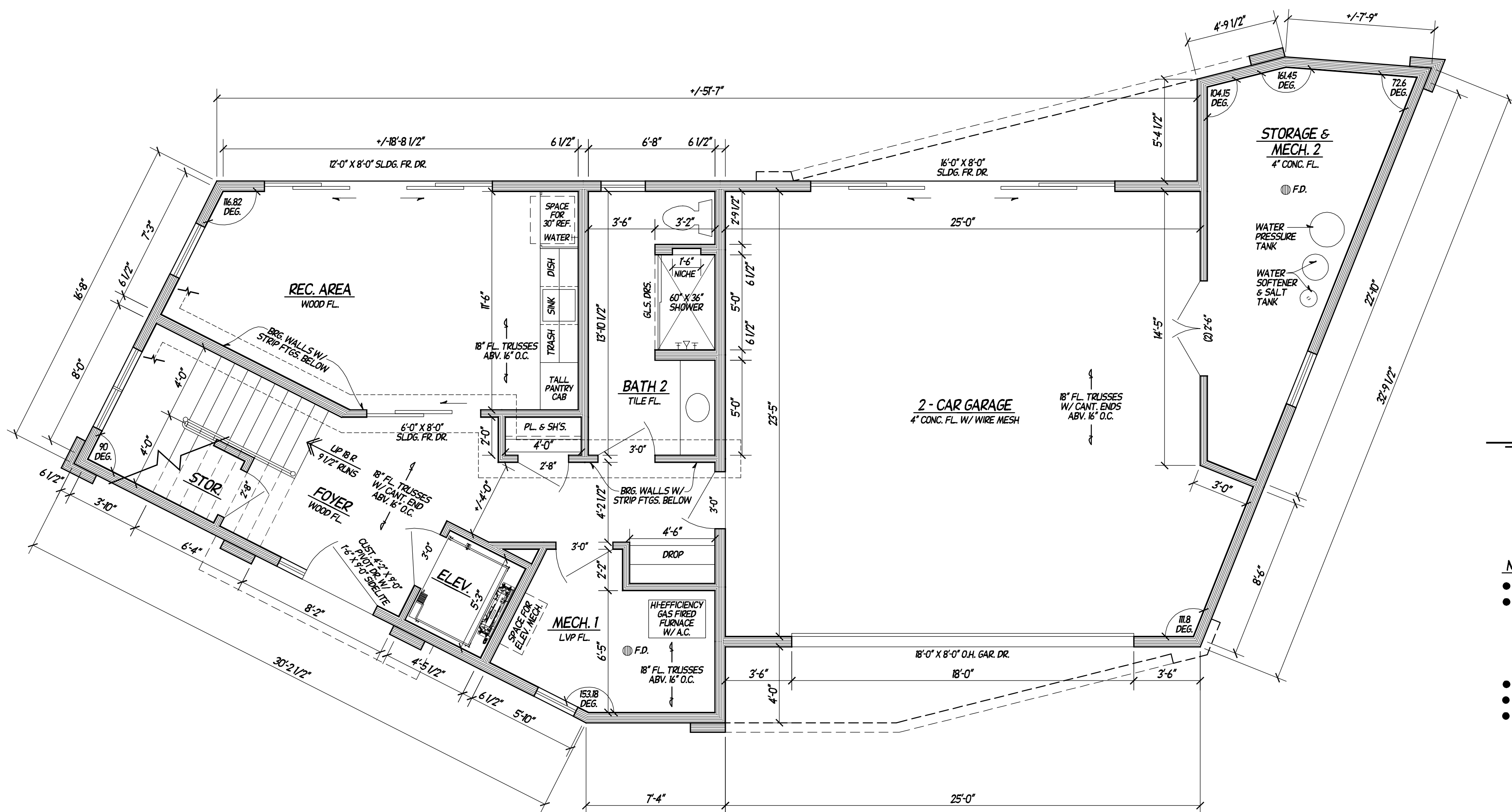
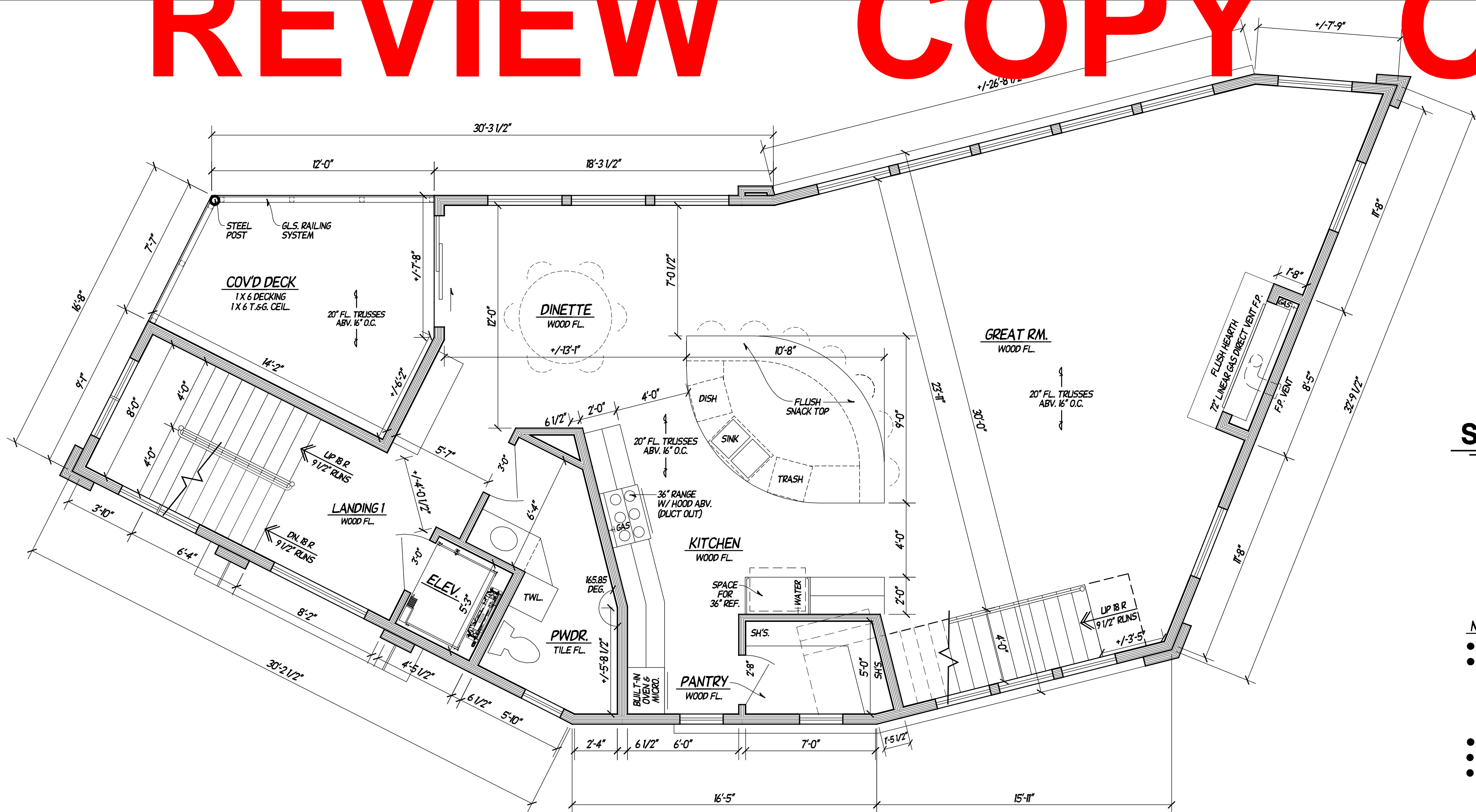
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SCALE: 1/4"=1'-0"

Exhibit B

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TOWN OF MERTON, WALKESHA COUNTY

COMPLETION DATE
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M.I.V.

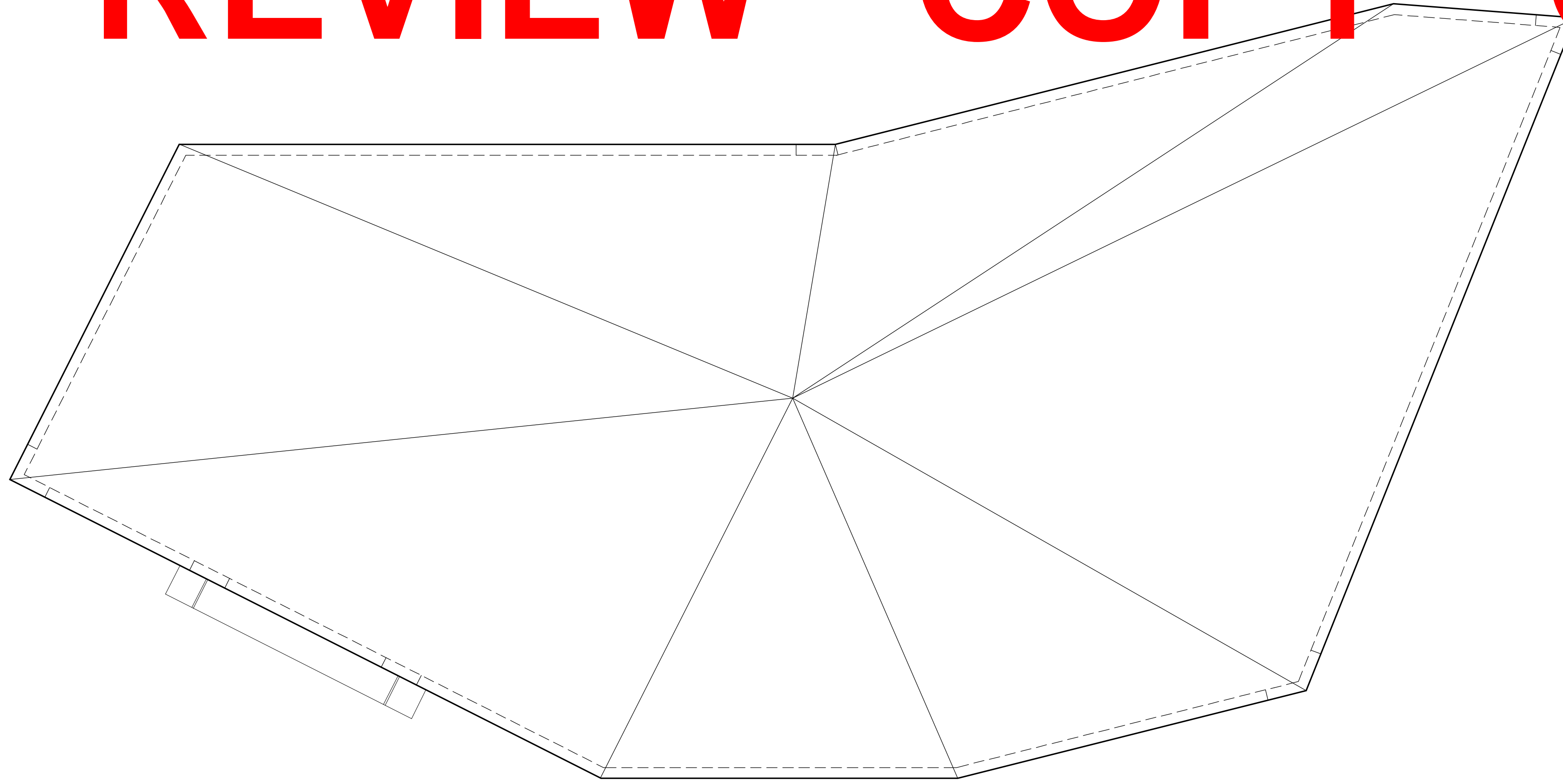
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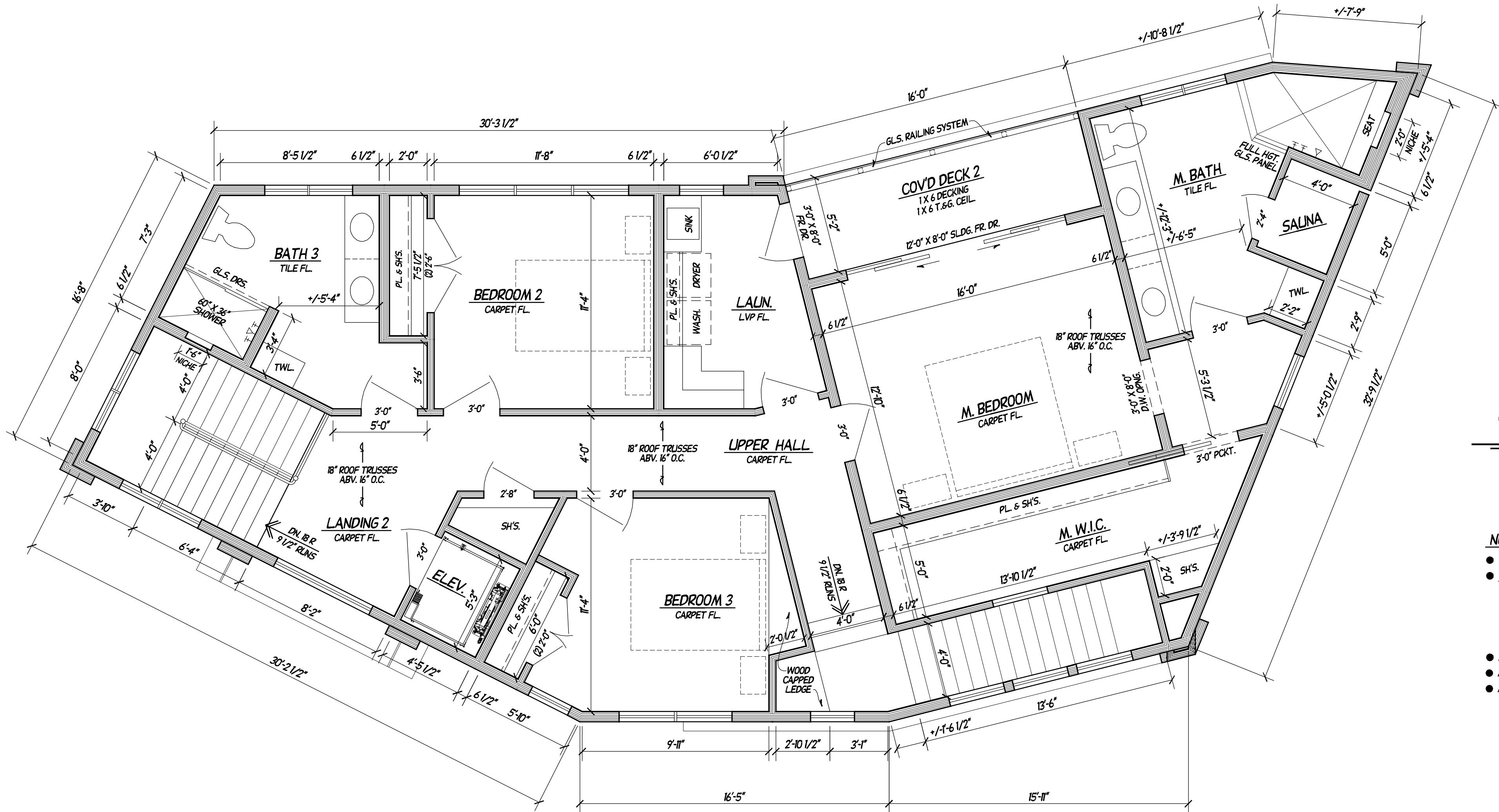
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3 OF 5

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ROOF PLAN

SCALE: 1/4"=1'-0"



THIRD FLOOR PLAN

SCALE: 1/4"=1'-0"

FINISHED LIVING AREA: 1377 SQ.FT.
COVERED DECK 2: 83 SQ.FT.

NOTES:

- 9'-0" THIRD FL. WALL HGT., EXCEPT WHERE NOTED.
- WIN. NOTES:
 - ALL WINDOW NUMBERS INDICATE APPROX. FRAME SIZE (IN INCHES), 7'-6" R.O. WIN. HGT., EXCEPT WHERE NOTED.
 - ALL WIN. & DR. R.O. HGT'S. ARE +/- VERIFY ACTUAL R.O. HGT'S. W/ WIN & DR. MANUF. ADJ. AS REQUIRED.
- ALL INT. DOORS TO BE 8'-0" R.O. HGT., EXCEPT WHERE NOTED.
- ALL WALL DIMENSIONS REFER TO FINISH WALL SIZES.
- ALL ANGLED WALLS SHOWN AS NOTED ON PLAN.

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OCCONOMOWOC, WI
TOWN OF MERTON, WALKESHA COUNTY

2/10/25 2/14/25 4/17/25
4/24/25 4/25/25 6/6/25 (2)

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M.I.V.		
CHECKED		
B. TOM		

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www.architecturaldevelopmentandservices.com
150 NORTH SUNNY SLOPE RD STE 260
BROOKFIELD, WI 53005
(262) 787-1701

JOB NUMBER
182925-D
SHEET NO.
4 OF 5

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.

At the March 18, 2025, Plan Commission meeting—a meeting attended by landowners Chris and Shannon Staples and Kingfogl (KF) Builder—the Commission denied approval for a variance to install a holding tank on Lot 20. The Staples were informed that a conventional septic or mound system would be required instead. To comply with Waukesha County Ordinance and allow for the installation of a mound system, the Plan Commission and Waukesha County recommended that Staples purchase the adjacent Lot 19, located directly north of Lot 20. This would provide sufficient space for both their new home and the required mound system within the combined building envelope. In response, Staples purchased Lot 19 and now owns both Lot 19 and Lot 20 in Darrah's Point. They have invested approximately \$450,000 (Four Hundred Fifty Thousand and 00/100) in total, including property acquisition, architectural plans, and surveys. Lot 19 will be used exclusively for the mound system, while Lot 20 will be used for the construction of their new home.

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 Staples are requesting that the south lot line offset (side yard setback) for Lot 20 remain at 10 feet, rather than the required 20-foot minimum as specified in Section 25-R-3 of the Residential District (4) Offset Ordinance. The neighboring property owner of Lots 21 and 22—whom the reduced setback would most directly impact—has expressed no objection to the proposed reduction from 20 feet to 10 feet along their shared lot line. Additionally, Staples (the owners of Lots 19 and 20) are in full agreement that the owners of Lots 21 and 22 may also utilize a 10-foot side yard setback along the adjoining lot line, instead of the currently required 20-foot setback. Due to the narrow and compact nature of these lots, combined with existing wetland setback constraints, the available building envelopes are significantly limited. This variance would provide greater flexibility for reasonable residential development while maintaining neighborhood harmony and mutual consent among affected property owners.

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

An **Use Variance** is the authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. 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. **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 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.