

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearings will be held by the Waukesha County Board of Adjustment on Wednesday, April 9, 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 requests:

BA208: GERMAINE ALBERT (OWNER), MICHAEL ALBERT (APPLICANT) request a variance from the road setback provisions of the Waukesha County Shoreland Protection Ordinance to allow a lateral and vertical addition to the existing residence. The subject property is described as Lot 7, Thornwood, part of the NW ¼ of Section 31, T8N, R18E, Town of Merton. More specifically, the property is located at W338 N5395 Road N (Tax Key No. MRTT 0410.011).

BA209: RONALD AND SANDRA DRIES (OWNERS) request a variance from the shore setback provisions of the Waukesha County Shoreland Protection Ordinance to allow the construction of a detached garage and retaining walls. The subject property is described as part of Lot 27, Lakeside, part of Sections 12 and 13, T7N, R18E, Town of Delafield. More specifically, the property is located at W289 N3132 West Lakeside Drive (Tax Key No. DELT 0767.041.001).

BA210: THOMAS GIES AND KORENA SCHNEIDER (OWNERS) request a variance from the road setback provisions of the Waukesha County Shoreland Protection Ordinance to allow the construction of a new single-family residence with attached garage. The subject property is described as part of Lot 27, Lakeside, part of Sections 12 and 13, T7N, R18E, Town of Delafield. More specifically, the property is located at N31 W28771 Lakewood Lane (Tax Key No. DELT 0767.042).

For additional information concerning these public hearings, please contact Ken Smith for BA209 or BA210 and Kassie Slotty for BA208 of the Waukesha County Department of Parks and Land Use at 262-896-8399 or kasmith@waukeshacounty.gov or kslotty@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, March 26, 2025 and
Wednesday, April 2, 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 April 7, 2025.

AGENDA – FINAL
WAUKESHA COUNTY BOARD OF ADJUSTMENT

April 9, 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: **BA208: GERMAINE ALBERT (OWNER), MICHAEL ALBERT (APPLICANT)**
(Road setback)
Town of Merton

BA209: RONALD AND SANDRA DRIES (OWNERS)
(Shore setback)
Town of Delafield

BA210: THOMAS GIES AND KORENA SCHNEIDER (OWNERS)
(Road setback)
Town of Delafield

SUMMARY OF MEETING: March 12, 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 BA208, 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 April 7, 2025. See Board of Adjustment Meeting Documents heading for April 9, 2025. For questions regarding this agenda, please call (262) 896-8300 or email kslotty@waukeshacounty.gov for BA208 or kasmith@waukeshacounty.gov for BA209 and 2010.

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

DATE: April 9, 2025

FILE NO.: BA208

OWNERS/APPLICANT: Germaine A. Albert Revocable Trust
Michael Albert, POA
W338 N5395 Road N
Nashotah, WI 53058

TAX KEY NO.: MRTT 0410.011

LOCATION:

The subject property is described as Lot 7, Thornwood, part of the NW ¼ of Section 31, T8N, R18E, Town of Merton. More specifically, the property is located at Road N address cited above with frontage on Okauchee Lake.

REQUEST:

Variance from the **Section 3(h)(1)(C) Road Setback** provisions of the Waukesha County Shoreland Protection Ordinance to allow a lateral and vertical addition to the existing residence.

ZONING CLASSIFICATION: R-1 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 (Road N)	Riparian Frontage (Okauchee Lake)
Existing	62.3 ft.	202 ft. +/-	13,277	109 ft.	48 ft.
Required	150 ft. min.	n/a	43,560	30 ft. min	100 ft. min.

*Excluding the established 30-foot-wide road right-of-way of Road N.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

BA87:53: On May 20, 1987, the Board of Adjustment granted a variance from the Floor Area Ratio, Open Space, Road Setback and Floodplain Setback requirements to permit a new residence and attached garage on the property, provided all accessory buildings be removed. On June 17, 1987, the Board of Adjustment amended their action of May 20, 1987, to permit the owner to retain the outhouse on the property. The outhouse has since been removed.

BA88:97: On August 10, 1988, the Board of Adjustment granted a variance from the Shore Setback to permit the petitioner to retain a lakeside deck which was constructed without permits.

PENDING ACTIONS:

None.

PROPOSAL AND STAFF ANALYSIS:

The subject property is located on Road N, a public road, with frontage on Okauchee Lake. Nashotah Park is located to the south. The topography is relatively flat on the road (south) side of the property, with a gentle slope towards the lake. Additionally, the property is angled along the road so that the southwest portion of the residence is closest to the road. Several residences on this portion of Road N, including the adjacent properties have detached garages very close to Road N.

The subject property is approximately 13,277 square feet and served by private well and septic system. Improvements include a single-story residence with an exposed basement, an attached garage, a deck, lakeside patio and a boathouse. The residence is located in a conforming location. The house is unique in that the attached garage is located in the lower level of the residence, requiring a steep downward approach from the road elevation with two large retaining walls supporting the adjacent higher grade. There is a small catch basin at the bottom of the driveway to divert drainage, however the owner has expressed to staff it requires maintenance to keep it clear of debris.

The petitioner is proposing modifications to the existing residence to allow the owner to better age in place with an ADA layout. Proposed improvements include renovating the existing garage into living space and constructing an attached garage at grade, providing entry to the main level of the residence. The applicant is proposing to remodel the existing lower and main levels and add an upper level with additional bedrooms and bathrooms for live-in caregivers. An ADA ramp from the attached garage to the main entrance of the residence is also proposed. Compacted fill is proposed to fill in the driveway slope, over which the new garage will be constructed. The proposed garage will be smaller than the existing garage and will extend into the road setback by 101 square feet.

A site plan showing existing and proposed improvements is attached as Exhibit A. Building plans showing the proposed improvements are attached as Exhibit B.

The table below summarizes the existing and proposed improvements.

	Basement (sq. ft.)	1 st Floor (sq. ft.)	2 nd Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.) (BH)	Beds	Baths
Existing	844	1510	NA	647 in basement	186	2	2
Proposed	1510 (new living space converted from old garage) (+666)	1510	2097 (+2097, incl. attic space)	588 (-59)	No change	3 (+1)	4 (+2)

The proposed lateral and vertical expansion to construct an attached garage and second story requires a variance from the Road Setback provisions of the Waukesha County Shoreland Protection Ordinance as summarized in the following table.

PROVISION	SPO	EXISTING	NON-CONFORMING? 3.17/ 3(o) (Y/N/NA)	PROPOSED	REQUIRED	VARIANCE/SPECIAL EXCEPTION? (Y/N/S.E./V)
ROAD SETBACK	3 (h) (1) (C)	60'	N	43.5'	50'	Y/V
OFFSET (SW)	3 (h) (3) (A)	13.05'	N	13.05'	10'	N
OFFSET (NE)	3 (h) (3) (A)	15.76'	N	15.76'	10'	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,728.4 SF (13.02%)	N	2,314 SF (17.43%)	Max 2,323.48 SF (17.5%)	N
ACCESSORY FOOTPRINT	3 (j) 4	186.35 SF (1.40%)	N	No change	No change	N
BLDG HEIGHT	3 (i)			35'	35'	N
SHORE SETBACK	3 (h) (2)	52.75'	N	No change	50.78' (w/ averaging)	N
IMPERVIOUS SURFACE	3 (t)	Approx. 4,512 SF (33.98%)- grandfathered	Y	4,786 (36%)	Approx. 4,512 SF (33.98%)- grandfathered	N-will utilize TIS

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit C.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **conditional approval** of the request for a variance from the road setback requirements of the Waukesha County Shoreland Protection Ordinance to allow a lateral and vertical addition to the existing residence. 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. A grading plan shall be submitted to and approved by the Planning and Zoning Division prior to the issuance of a Zoning Permit. The grading plan shall show existing and proposed grades around the proposed addition to ensure adverse drainage will not impact adjacent properties.
2. The proposed addition shall be no closer than 43.5 ft. to the 30 ft. established right-of-way of Road N.

3. A Stormwater Permit for Treated Impervious Surface shall be issued by Land Resources prior to the issuance of a Zoning Permit.

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.**

Although the existing residence is conforming to the dimensional requirements of the Ordinance, there are a number of unique site and neighborhood conditions that cause difficulty in making improvements to the site. The following justifications are reasons our office is recommending approval, as indicated in the Staff Analysis:

- Along this stretch of Road N, several properties have detached garages 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. The proposed attached garage would be located more than 40 ft. from Road N which is set back further than many of the nearby improvements that encroach upon the typical road setback.
- The proposed garage is smaller than the existing garage and the owners are seeking relief for 101 square feet to encroach into the required road setback area.
- This portion of Road N is a dead end and serves three (3) residences. Historically, it was utilized as a driveway. Although it is a public road, it serves more as a private road, which would require a 20 ft. setback, rather than 50 ft.
- The existing lower level attached garage presents a drainage challenge to the existing residence. Drainage from the road goes onto the subject property to the side yard or down the driveway where there is a small French drain that requires maintenance to prevent flooding during heavy rains.
- The house is not oriented parallel to the road, but rather to the lake, which presents a challenge for a direct lateral expansion that is parallel to the house to conform to the required road setback.
- Constructing a one car detached garage near the home could cause conflicts with the location of the existing holding tank.

- 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.**

As conditioned, the addition will not adversely affect the public interest and welfare or be detrimental to nearby properties or natural resources. Many properties on this stretch of Road N have improvements very close to Road N, therefore, the proposal is not expected to have an adverse aesthetic impact.

Respectfully submitted,

Reviewed and approved by:



Kassie Slotty
Land Use Specialist
Phone: 262-896-8300



Jason Fruth
Planning and Zoning Manager

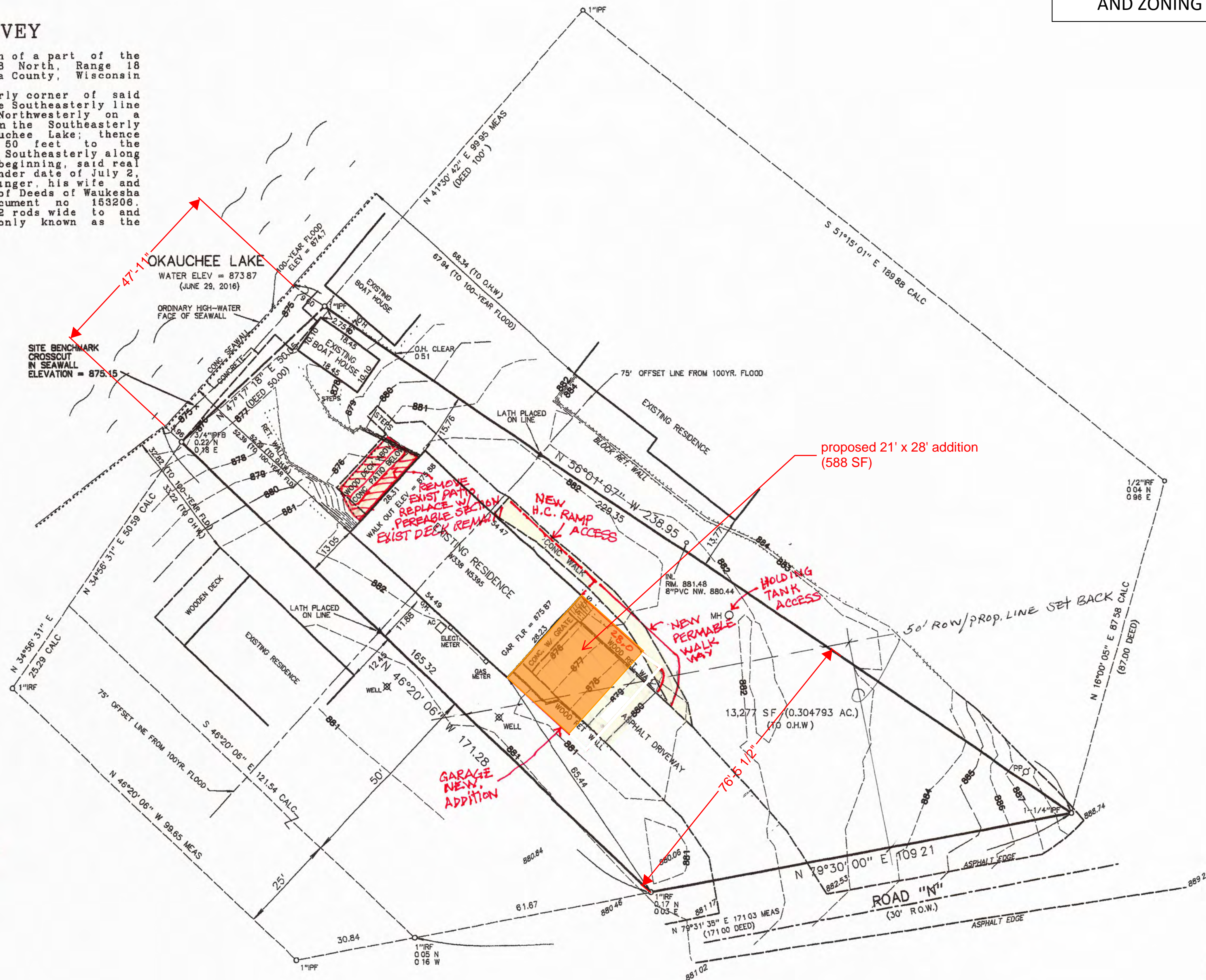
Exhibits: Exhibits A-C

TOPOGRAPHIC SURVEY

Lot 7 in Thornwood, being a subdivision of a part of the Northwest 1/4 of Section 31, Township 8 North, Range 18 East, in the Town of Merton, Waukesha County, Wisconsin excepting therefrom the following:
Commencing at a point in the Southwesterly corner of said Lot 7, running thence Easterly along the Southeastery line there of 61.04 feet to a point, thence Northwesterly on a line parallel and 50 feet distant from the Southeastery line thereof to the shore line of Okauchee Lake; thence Southwesterly along said shore line 50 feet to the Southwesterly line of said Lot 7; thence Southeastery along said Southeastery line to the place of beginning, said real estate having been previously conveyed under date of July 2, 1923, to Frank Rubringer and Marie Rubringer, his wife and recorded in the office of the Register of Deeds of Waukesha County on October 3, 1927, bearing document no 153208. Together with a perpetual right-of-way 2 rods wide to and from said lot to the highway, commonly known as the Milwaukee and Watertown Plank Road.

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WAUKESHA COUNTY PLANNING
AND ZONING DIVISION

SCALE 1"=20'



HARD SURFACE CALCULATIONS

LOT AREA TO ORDINARY HIGH-WATER = 13,277 SF.

RESIDENCE: 1,540 SF + 784 = 2324
BOAT HOUSE: 186 SF
CONC SEAWALL & LANDING: 314 SF
CONC PATIO: 182 SF
DRIVEWAY & WALKS: 1,804 SF

TOTAL 4,026 SF

4026/13277 = 0.303231

COVERAGE = 30.323%

GREENSPACE = 69.677%

SURVEYED BY
MICHAEL W BUECHL, INC.
233 OAKTON AVE.
PEWAUKEE, WISCONSIN 53072
PHONE
1-262-891-4444

I have surveyed the above described property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements, roadways and visible encroachments.
This survey is made for the exclusive use of the present owners of the property, also those who purchase, mortgage or guarantee the title thereto, within one year from date hereof, and to them I warrant the accuracy of said survey and map.

Michael W Buechl
PROFESSIONAL LAND SURVEYOR NO S-1108
STATE OF WISCONSIN

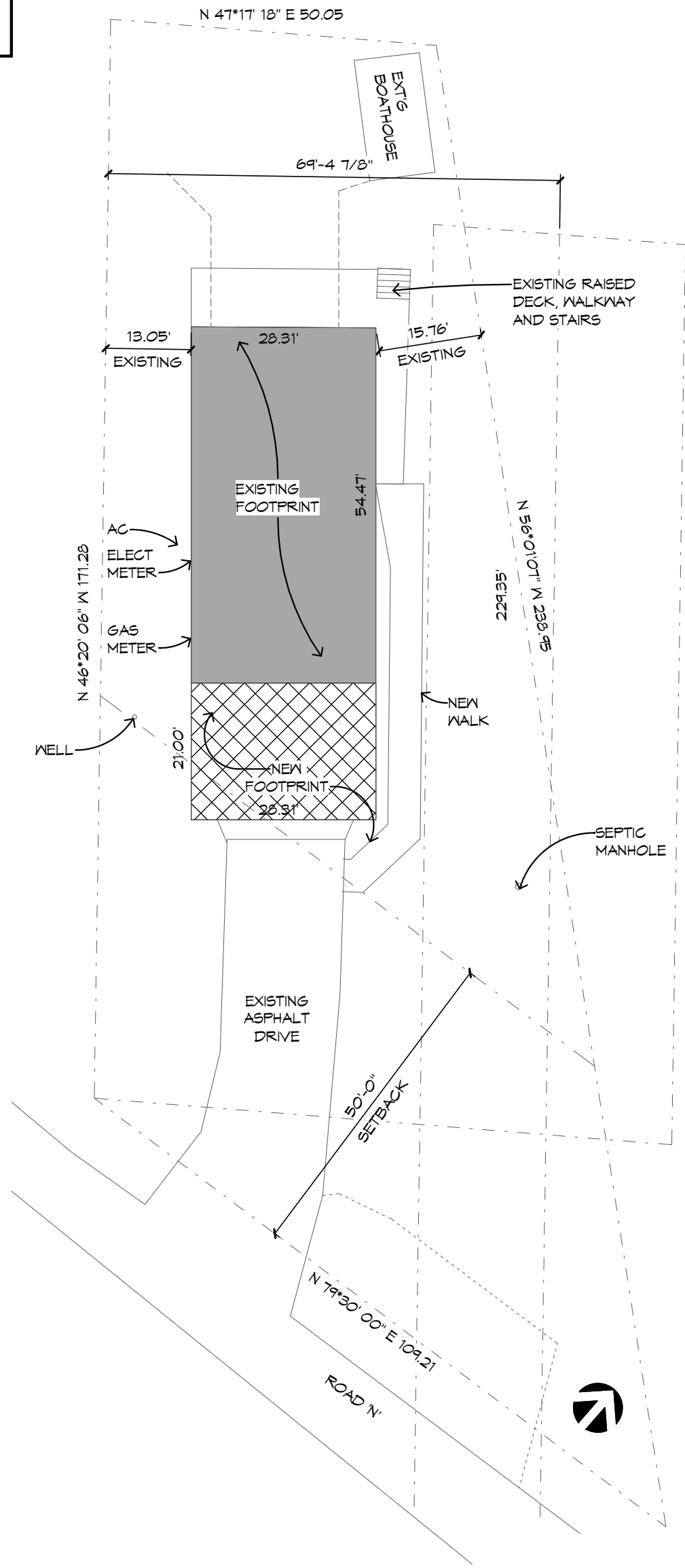


* DEMO, REMOVAL IN YELLOW

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WAUKESHA COUNTY PLANNING
AND ZONING DIVISION



3D VIEW



SITE PLAN

1" = 20'-0"

STATISTICS

• OCCUPANCY	SINGLE FAMILY RESIDENTIAL		
• CONSTRUCTION TYPE	TYPE B - WOOD FRAME		
• APPLICABLE CODES	WISCONSIN UNIFORM DWELLING CODE SPS 520 - SPS		
	WAUKESHA SHORELAND PROTECTION ORDINANCE ZONING R-1		
• AREA	EXISTING	NEW	TOTAL
1. LOWER LEVEL	244 SF	647 SF	1,510 SF
2. MAIN LEVEL	1,510 SF	---	1,510 SF
3. UPPER LEVEL	---	1,058 SF	1,058 SF
4. OVERALL	2,394 SF	2,500 SF	4,894 SF
5. GARAGE	647 SF	554 SF	---
SITE COVERAGE =	LOT = 13,211 SF / FOOTPRINT = 2310 SF = 17.4%		
BUILDING HEIGHT =	34'-11" (MAX ALLOWED - 35'-0")		
OWNER:	MICHAEL & ARUNA ALBERT		
	WISCONSIN ROAD N		
	NASHOTAH, WISCONSIN 53056		
LOCATION - TOWN OF	MERTON		



LOCATION MAP



VICINITY MAP

RESIDENCE ADDITION

W388N5395 Road N
Nashotah, Wisconsin

PERMIT SET

03/09/2025 2:14:15 PM

As indicated
COVER SHEET AND
STATS

09 MAR 2025

SHO HAUS Design
459 Wood Street Oconomowoc, WI 53066
414.315.1612

RESIDENCE ADDITION

W388N5395 Road N
Nashotah, Wisconsin

PERMIT SET
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As indicated
A1.0 - 1/4" LOWER LEVEL
DEMO PLAN

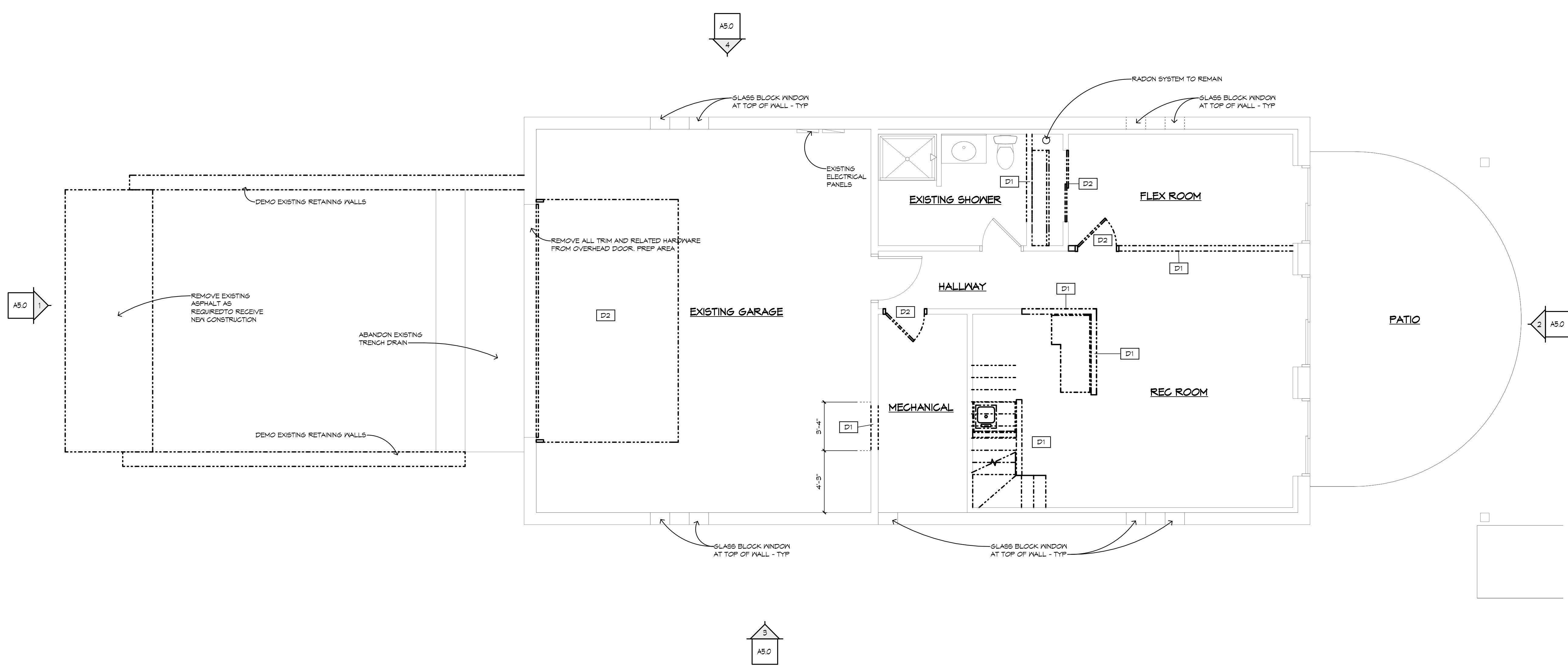
09 MAR 2025
SHO HAUS Design
459 wood Street Oconomowoc, WI 53066
414.315.1612

DEMOLITION NOTES

- 1 REMOVE WALL, PORTION OR WALL, AS SHOWN ON PLAN.
- 2 REMOVE DOOR, FRAME AND RELATED HARDWARE
- 3 REMOVE WINDOW AND FRAME, SALVAGE FOR REUSE.
- 4 REMOVE KITCHEN APPLIANCES, VERIFY WITH OWNER AS TO SALVAGE.
- 5 REMOVE KITCHEN CABINETS AND TOPS, VERIFY WITH OWNER AS TO SALVAGE.
- 6 REMOVE PLUMBING FIXTURES, TERMINATE EXISTING OR PREP FOR NEW CONNECTION BASED ON NEW DESIGN.
- 7 REMOVE EXTERIOR SIDING, PREP AREA TO RECEIVE NEW CONSTRUCTION.
- 8 REMOVE FLOORING FINISHES AS NEEDED TO RECEIVE NEW CONSTRUCTION.
- 9 REMOVE ROOF SHINGLES, GUTTER, SOFFIT, PREP EXISTING ROOF STRUCTURE TO RECEIVE NEW CONSTRUCTION AND MAINTAIN EXISTING CEILING HEIGHT.

6'-6" **
6'-6" **
PLUS OR MINUS - FOR REFERENCE ONLY.

REMOVE ALL SIDING ON EXISTING EXTERIOR WALLS THAT REMAIN. PREP WALLS TO RECEIVE NEW WEATHER BARRIER AND EXTERIOR FINISHES TO MATCH NEW CONSTRUCTION.



1/4" BASEMENT DEMO FLOOR PLAN
1/4" = 1'-0"

RESIDENCE ADDITION

W388N5395 Road N
Nashotah, Wisconsin

PERMIT SET

03/09/2025 2:14:55 PM

As indicated
A1.1 - 1/4" MAIN FLOOR
AND 1/8" ROOF DEMO
PLANS

09 MAR 2025

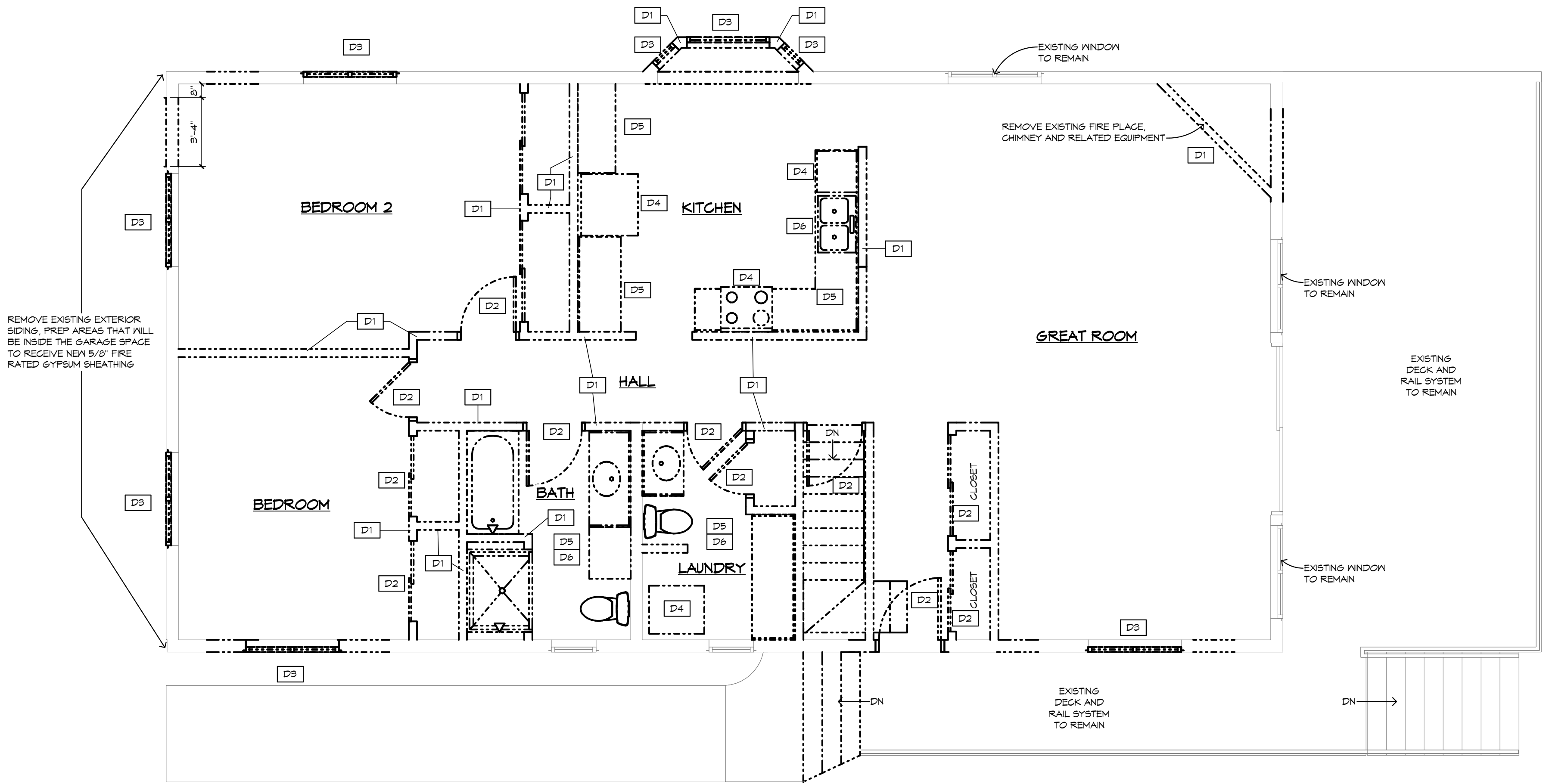
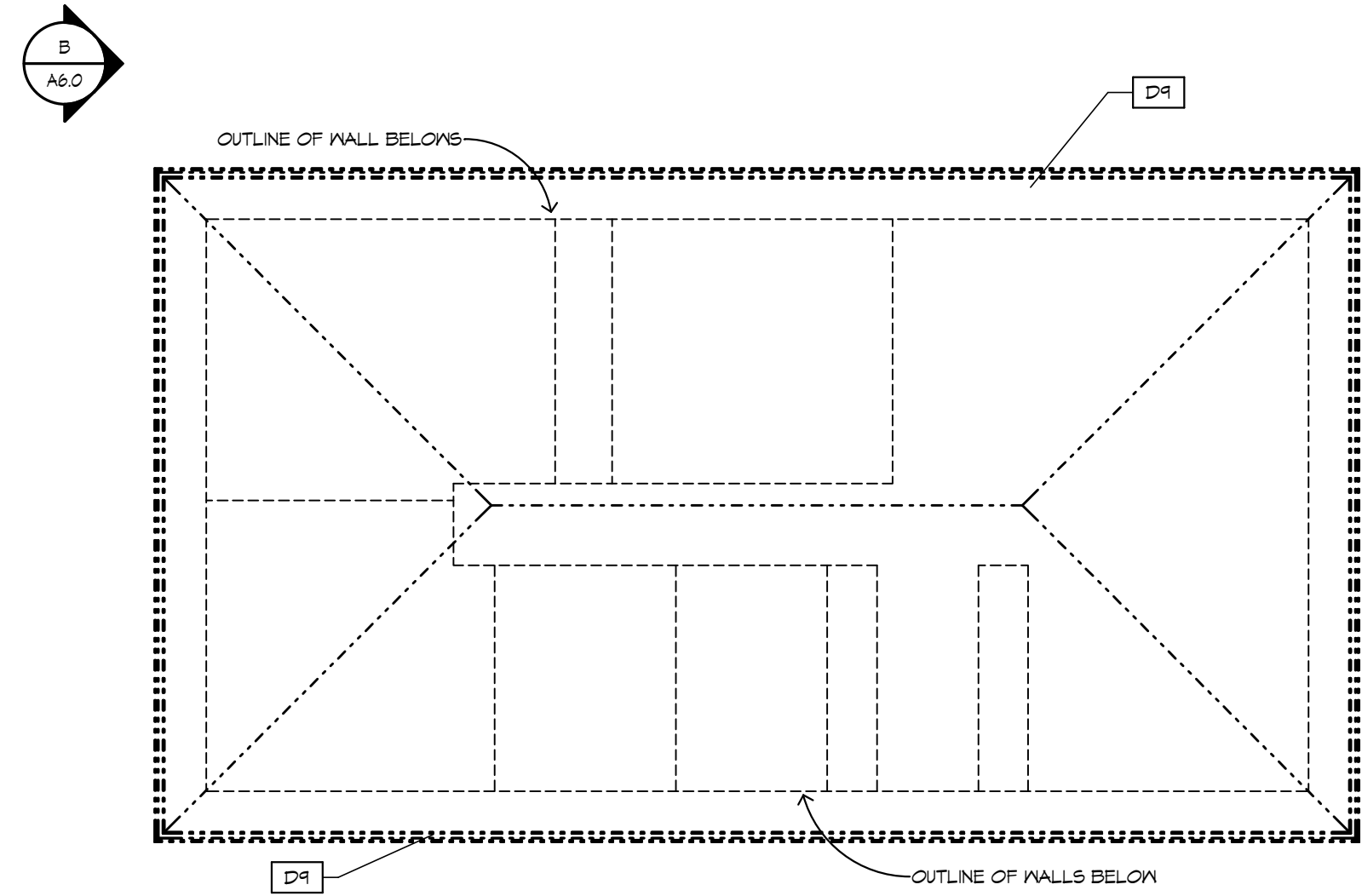
SHO HAUS Design
459 wood Street Oconomowoc, WI 53066
414.315.1612

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 - 3 REMOVE WINDOW AND FRAME, SALVAGE FOR REUSE.
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 - 9 REMOVE ROOF SHINGLES, GUTTER, SOFFIT, PREP EXISTING ROOF STRUCTURE TO RECEIVE NEW CONSTRUCTION AND MAINTAIN EXISTING CEILING HEIGHT.
- REMOVE ALL SIDING ON EXISTING EXTERIOR WALLS THAT REMAIN. PREP WALLS TO RECEIVE NEW WEATHER BARRIER AND EXTERIOR FINISHES TO MATCH NEW CONSTRUCTION.
- DIMENSIONS SHOWN AS ROUGH OPENINGS FOR SPECIFIC PRODUCTS BASED ON CURRENT INFORMATION AVAILABLE AT TIME OF DRAWING PREPARATION. CONTRACTOR TO VERIFY AS APPROPRIATE.
- PLUS OR MINUS - FOR REFERENCE ONLY.

6'-6" ±

6'-6" ±



1 MAIN FLOOR DEMO PLAN
A1.1 1/4" = 1'-0"

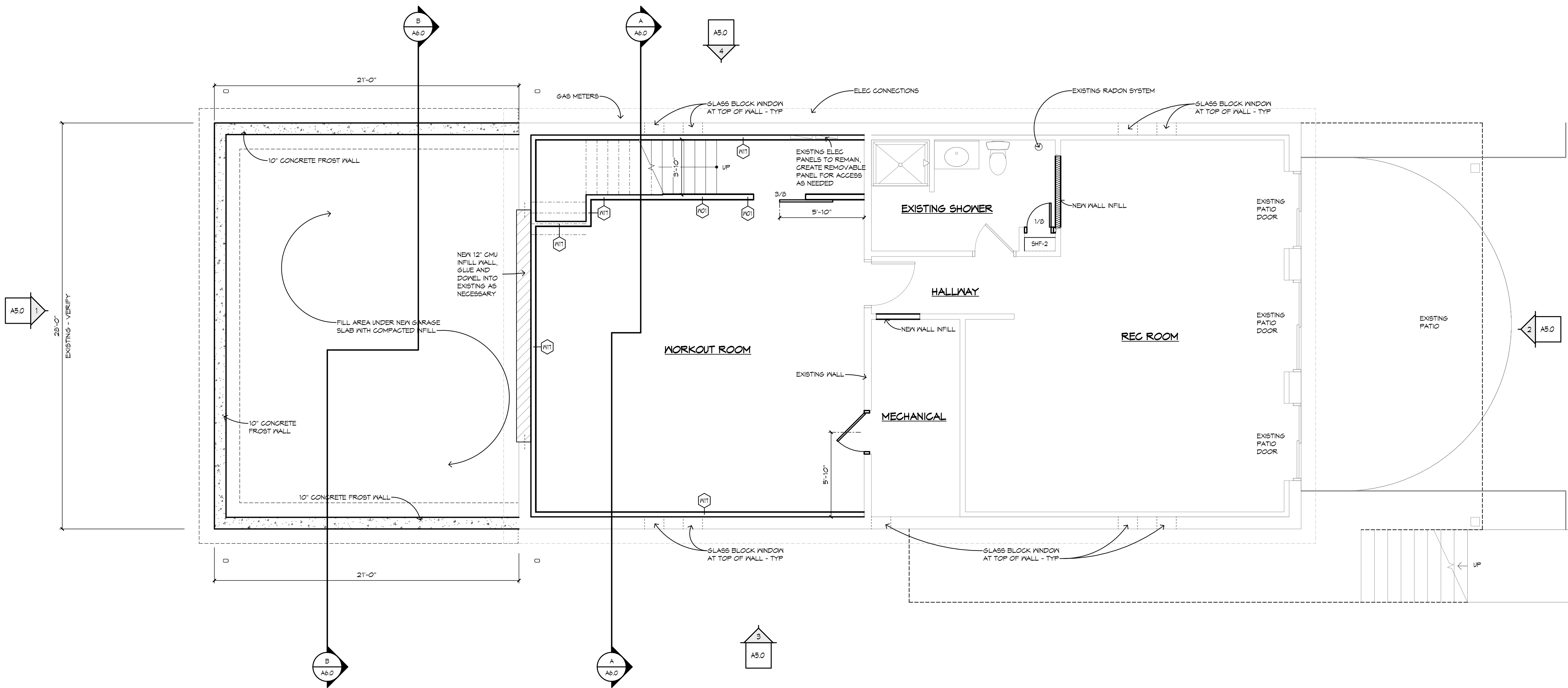
2 ROOF DEMO PLAN
A1.1 1/8" = 1'-0"

ROOF PLAN GENERAL NOTES:

- GUTTERS AND DOWNSPOUTS TO BE PREFINISHED ALUMINUM.
R.V. - RIDGE VENT
D.S. - DOWNSPOUT
PROVIDE CONCRETE SPLASH BLOCKS AT ALL DOWNSPOUTS AT GRADE.
INDICATES ICE AND WATER SHIELD.
PROVIDE RIDGE VENT AT ALL RIDGES.
PROVIDE GUTTERS AND DOWNSPOUTS AT ALL FASCIAS.
PROVIDE ICE AND WATER SHIELD AT ALL EAVES AND VALLEYS.

FLOOR PLAN GENERAL NOTES:

1. DIMENSIONS AT EXTERIOR WALLS ARE TO FACE OF BRICK OR SHEATHING. ALIGN WITH FOUNDATION WALL BELOW.
2. ALL OTHER DIMENSIONS ARE TO FACE OF STUD.
3. VERIFY ALL ROUGH AND MASONRY OPENINGS (M.O.) WITH APPROVED SHOP DRAWINGS.
4. FIELD VERIFY ALL TOPS, MIRRORS AND CABINETRY DIMENSIONS.
5. VERIFY WALL CONSTRUCTION WITH WALL TYPES.
DIMENSIONS SHOWN AS ROUGH OPENINGS FOR SPECIFIC PRODUCTS BASED ON CURRENT INFORMATION AVAILABLE AT TIME OF DRAWING PREPARATION. CONTRACTOR TO VERIFY AS APPROPRIATE.
PLUS OR MINUS - FOR REFERENCE ONLY.



LOWER LEVEL/FOUNDATION PLAN
1/4" = 1'-0"

RESIDENCE ADDITION

W388N5395 Road N
Nashotah, Wisconsin

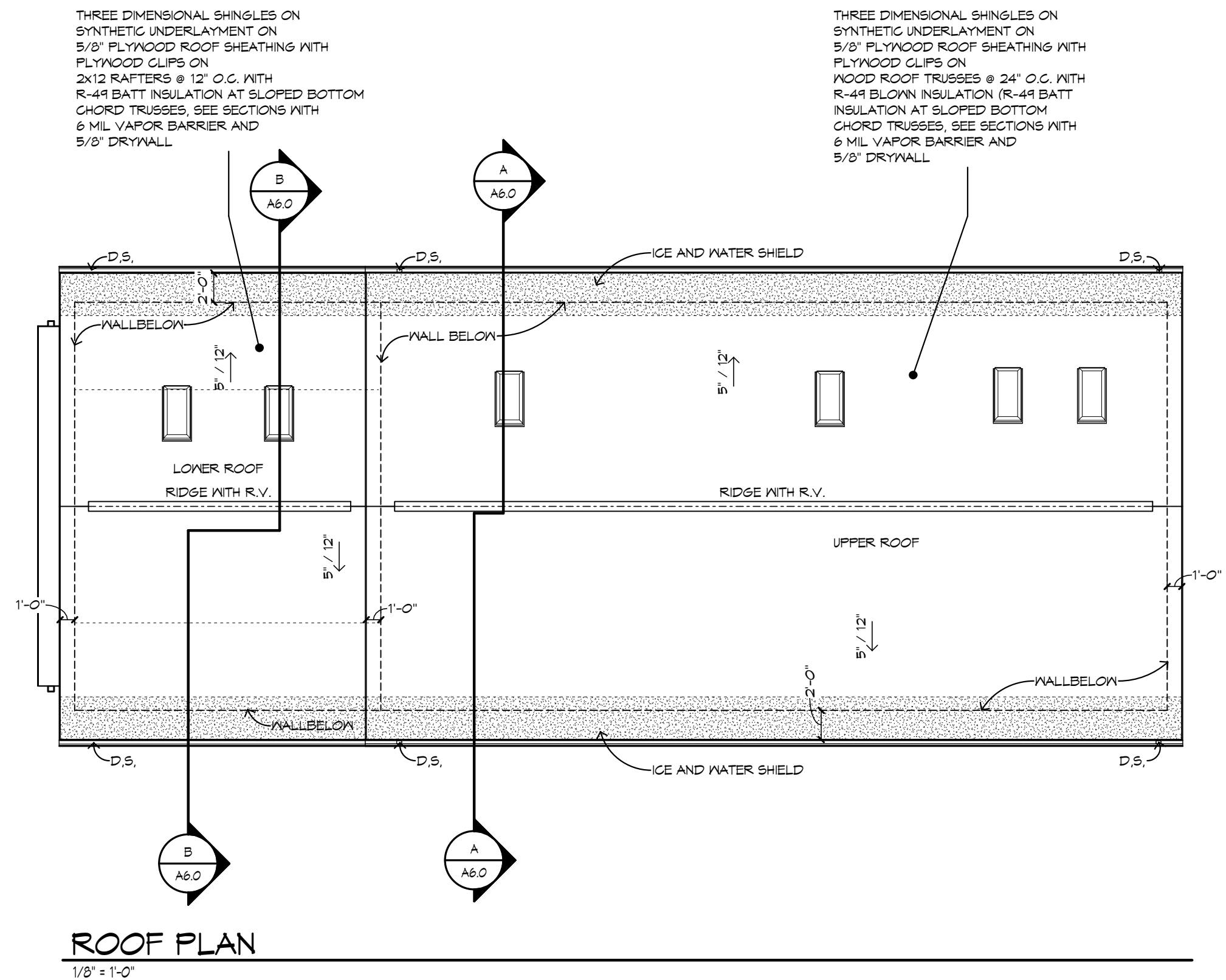
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As indicated
A2.0 - 1/4" LOWER LEVEL
FLOOR PLAN

09 MAR 2025

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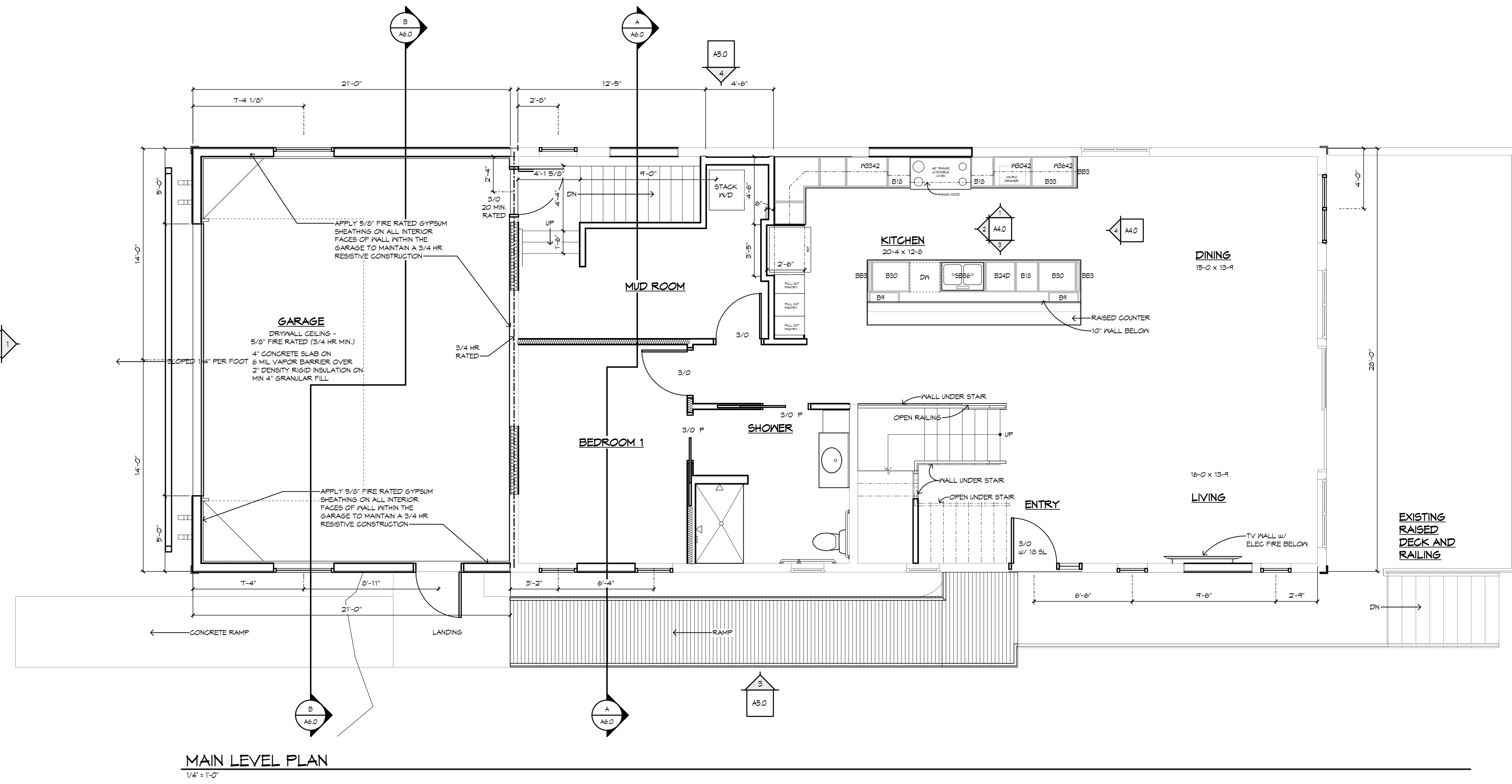


ROOF PLAN GENERAL NOTES:

- GUTTERS AND DOWNSPOUTS TO BE PREFINISHED ALUMINUM.
R.V. - RIDGE VENT
D.S. - DOWNSPOUT
PROVIDE CONCRETE SPLASH BLOCKS AT ALL DOWNSPOUTS AT GRADE.
INDICATES ICE AND WATER SHIELD.
PROVIDE RIDGE VENT AT ALL RIDGES.
PROVIDE GUTTERS AND DOWNSPOUTS AT ALL FASCIAS.
PROVIDE ICE AND WATER SHIELD AT ALL EAVES AND VALLEYS.

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PLUS OR MINUS - FOR REFERENCE ONLY.



RESIDENCE ADDITION
W388N5395 Road N
Nashotah, Wisconsin

PERMIT SET
03/09/2025 2:15:02 PM

As indicated
A2.1 - 1/4" MAIN LEVEL
FLOOR PLAN

RESIDENCE ADDITION

W388N5395 Road N
Nashotah, Wisconsin

PERMIT SET

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As indicated
A2.2 - 1/4" UPPER LEVEL
FLOOR PLAN

09 MAR 2025

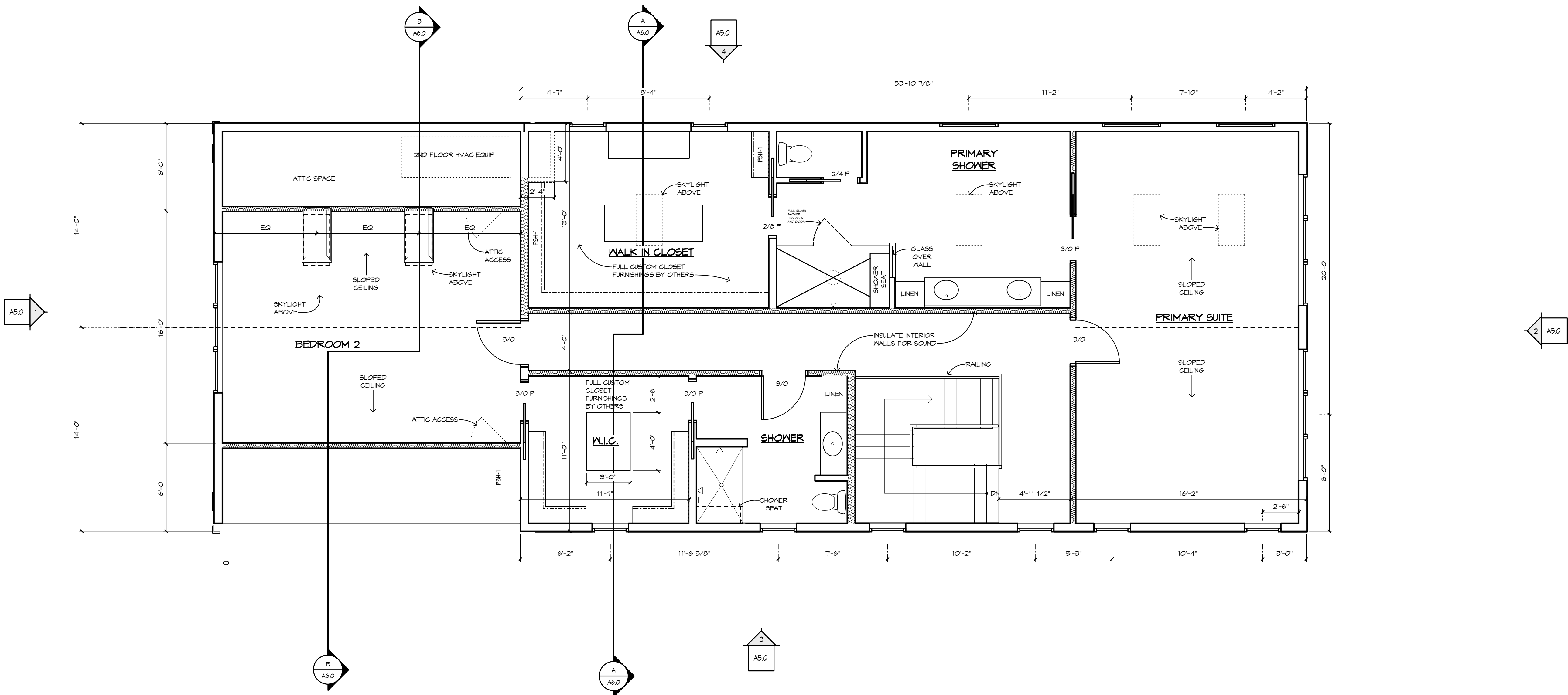
SHO HAUS Design
459 wood Street Oconomowoc, WI 53066
414.315.1612

ROOF PLAN GENERAL NOTES:

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D.S. - DOWNSPOUT
PROVIDE CONCRETE SPLASH BLOCKS AT ALL DOWNSPOUTS AT GRADE.
INDICATES ICE AND WATER SHIELD.
PROVIDE RIDGE VENT AT ALL RIDGES.
PROVIDE GUTTERS AND DOWNSPOUTS AT ALL FASCIAS.
PROVIDE ICE AND WATER SHIELD AT ALL EAVES AND VALLEYS.

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DIMENSIONS SHOWN AS ROUGH OPENINGS FOR SPECIFIC PRODUCTS BASED ON CURRENT INFORMATION AVAILABLE AT TIME OF DRAWING PREPARATION. CONTRACTOR TO VERIFY AS APPROPRIATE.
PLUS OR MINUS - FOR REFERENCE ONLY.



UPPER FLOOR PLAN
1/4" = 1'-0"

RESIDENCE ADDITION

W388N5395 Road N
Nashotah, Wisconsin

PERMIT SET

03/09/2025 2:15:12 PM

As indicated
A5.0 - EXTERIOR
ELEVATIONS

09 MAR 2025

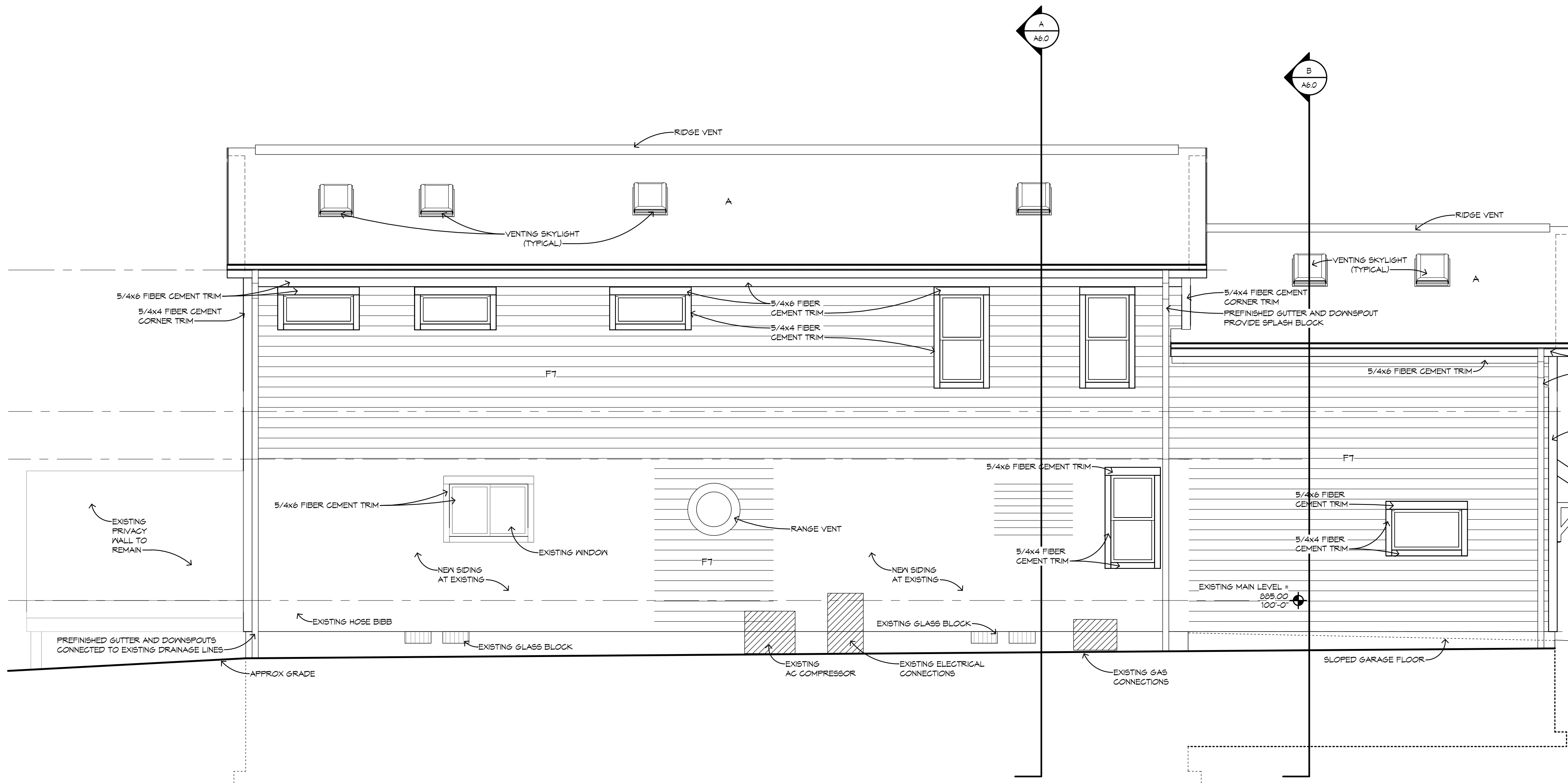
SHO HAUS Design
459 Wood Street Oconomowoc, WI 53066
414.315.1612

EXTERIOR ELEVATION GENERAL NOTES

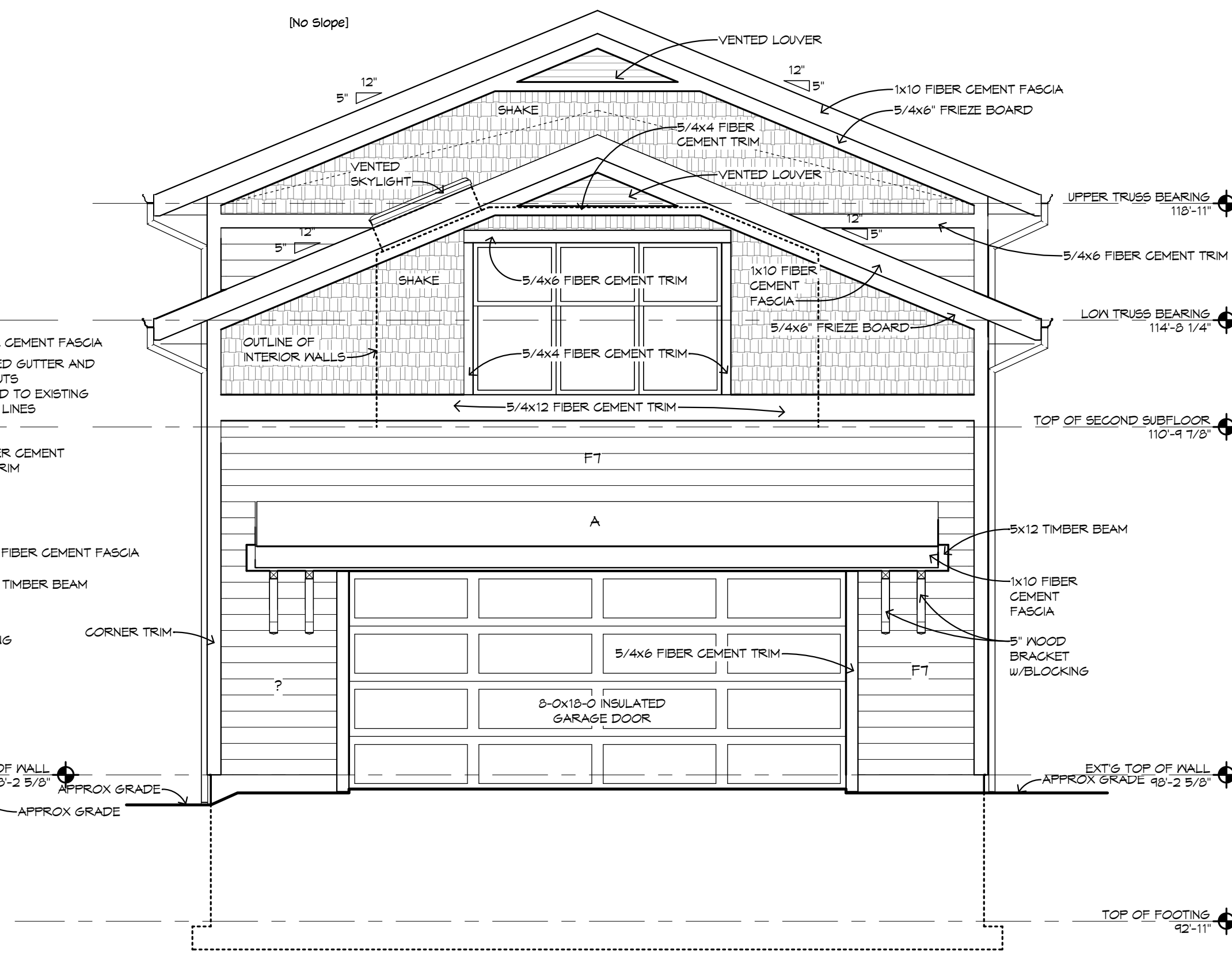
1. PROVIDE CONCRETE SPLASH BLOCKS AT ALL DOWNSPOUTS WHICH SPILL ONTO GRADE OR ROOFS.
2. ALL CONDUIT, METERS, VENTS, ETC. TO BE PAINTED TO MATCH ADJACENT SURFACE.
3. GUTTERS AND DOWNSPOUTS ARE PREFINISHED ALUMINUM. PROVIDE SPLASH BLOCKS AT ALL DOWNSPOUTS UNLESS CONNECTION TO STORM ALL READY EXIST.
4. PROVIDE FIBER CEMENT BLOCK BEHIND ALL FIXTURES AND BRACKETS.
5. SEE SHEET XX10.0 FOR WINDOW AND DOOR SCHEDULE.

EXTERIOR ELEVATION KEY NOTES:

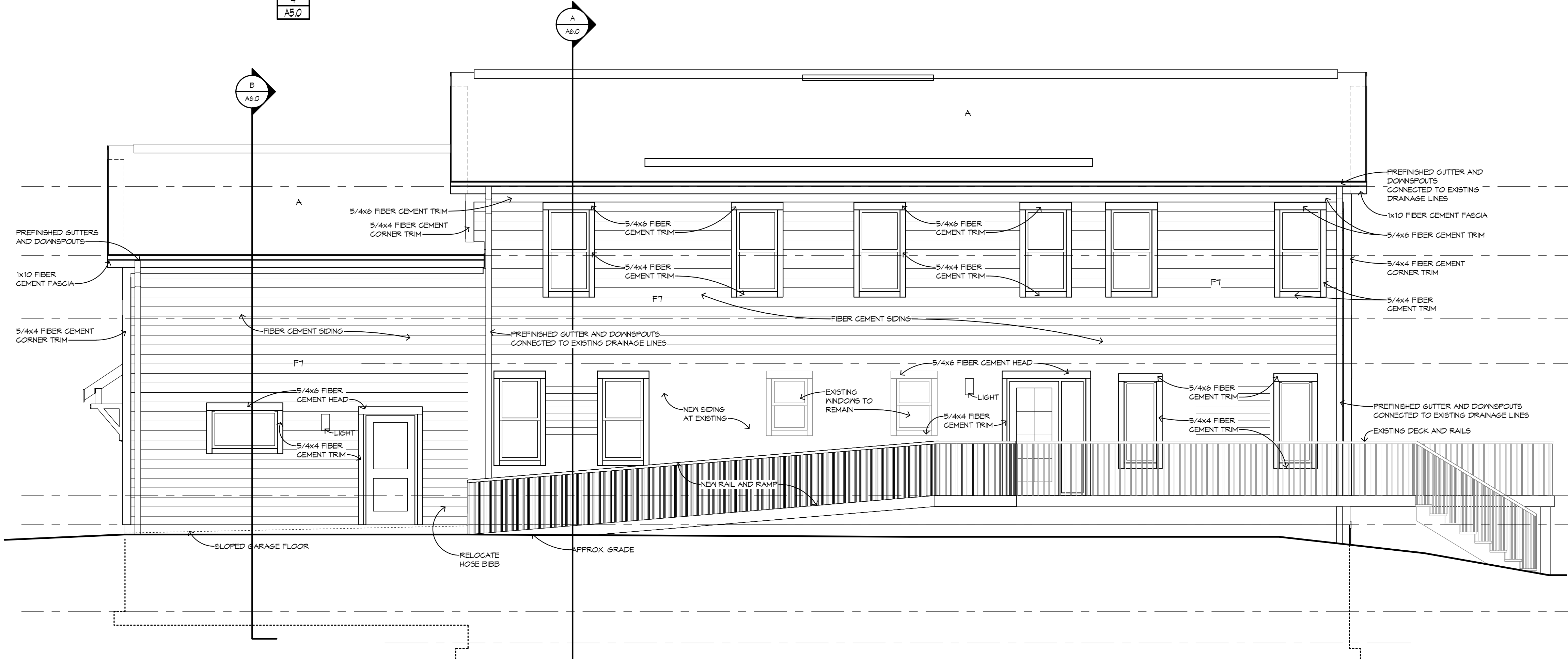
- A THREE DIMENSIONAL ASPHALT SHINGLES
- S FIBER CEMENT SHAKE
- F1 FIBER CEMENT LAP SIDING - T EXPOSURE



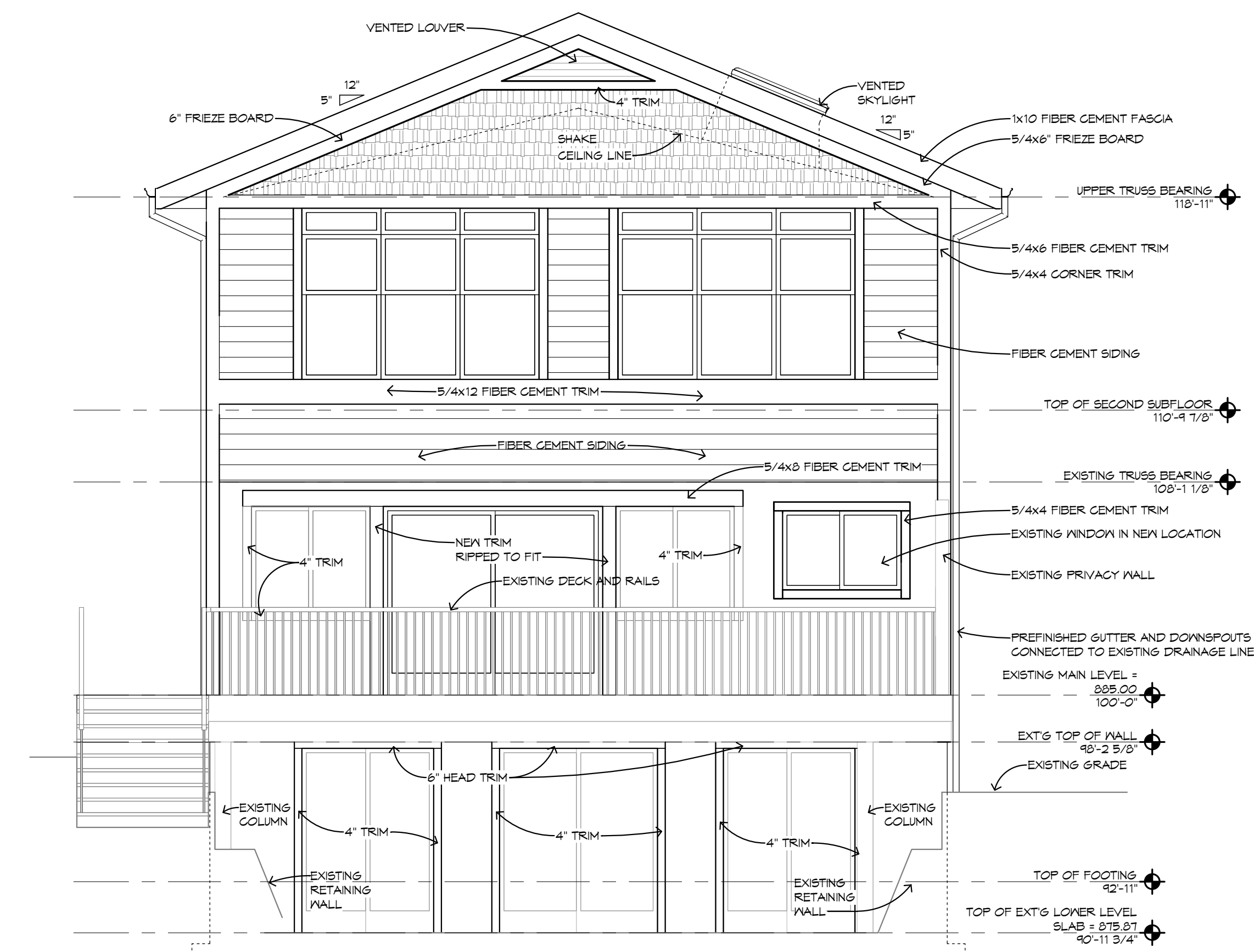
SOUTHWEST ELEVATION



ROAD ELEVATION



NORTHEAST ELEVATION



LAKE ELEVATION

EXHIBIT C

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.

Currently my mothers health conditions make the access not feasible. The current garage is underneath the 1st floor with a very steep approach into the garage. Making certain vehicles unable to access. And followed by walking up stairs from lower basement level to 1st floor from that level. The steepness of the garage driveway makes access sometimes unavailable due to winter weather. The construction of the residence was done by previous owners.

The purpose is to make accessibility for my mother. and handicap accessibility. Since having to sell her former property 2 doors away for her care and being unable to access as well, besides needing 24 hr care and monitoring.

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.

Granting the variance would not adversely affect anyone. The adjacent property across the road is left natural by the Nashotah Park Commission. Our neighbors have been, all of my life some 40+ years are elderly as well and have expressed no objections, nor concerns as it does not affect them.

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.

By the lack of going thru the improvements as is the property is not feasibly accessible to my mother. The idea was for her to be with us and remodel/adjust the residence for her failing health and live her final years with myself and wife her only son. Without the changes proposed the house does not have suitable access nor functionality on the 1st floor for her to live. Along with the changes to accommodate to having a live-in health care worker to assist her from time to time. The garage access and lack of a handicap entry to the main door make it impossible for her at this time to live and access.

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

DATE: April 9, 2025

FILE NO.: BA209

OWNERS: Ronald and Sandra Dries
W289 N3132 West Lakeside Drive
Pewaukee, WI 53072

TAX KEY NO.: DELT 0767.041.001

LOCATION:

The subject property is described as part of Lot 27, Lakeside, part of Sections 12 and 13, T7N, R18E, Town of Delafield. More specifically, the property is located at the West Lakeside Drive address cited above.

REQUEST:

Variance from **Section 3(h)2, Shore Setback** provisions of the Waukesha County Shoreland Protection Ordinance to allow the construction of a detached garage and retaining walls.

ZONING CLASSIFICATION: R-3 Residential, PEC, and DOD Delafield Shoreland Overlay Districts.

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 (Lakeside Drive)	Riparian Frontage (Unnamed Intermittent Stream)
Existing	160 ft. +/-	313 ft. +/-	50,483	140.12 ft.	178.29 ft.
Required	120 ft. min.	n/a	14,000 (sewered)	30 ft. min	100 ft. min.

*Excluding the established 30 ft. wide road right-of-way of Lakeside Drive.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

None.

PENDING ACTIONS:

The applicant is currently pursuing a certified survey map to remove an internal lot line.

PROPOSAL AND STAFF ANALYSIS:

The subject property is in an area of wooded rolling hills north of the central portion of Pewaukee Lake in the Town of Delafield. Lakeside Drive, the public right-of-way the subject property is on, runs perpendicular to Pewaukee Lake and landowners on this street enjoy full to partial lake views in a natural aesthetic. The subject property is heavily wooded, part of a Primary Environmental Corridor, and is at the bottom of a steep hill. The Southeastern Wisconsin Regional Planning Commission (SEWRPC) has determined the area including the subject property to be an environmental corridor since at least 1985.

A channel splits the subject property in two, requiring a bridge to access the dwelling with an automobile from the road. The channel, host to an intermittent stream, was deemed a Navigable Waterway in 1993. The owner attests that since the development of the Lost Creek Subdivision whose plat was recorded on September 18, 1996, the channel carries little water even on rainier days. The Planning and Zoning Division staff confirmed the channel to be a navigable waterway as defined in Wisconsin Statutes in December 2024.

The dwelling with an attached garage was constructed between 1990 and 1995 according to historic aerial imagery. The dwelling could not be built today at its current location without a variance due to its proximity to the intermittent stream. The owner proposes to build a 978 square foot detached garage for personal storage 22 ft. north of the existing dwelling. Due to the topography, a retaining wall six to eight feet tall is necessary. The owner would pave the area at the foot of the new retaining wall, south of the proposed construction site. To make way for the improvements, five trees within the environmental corridor must be removed, including three oak priority trees. At issue is construction of the proposed detached garage within the 75-foot shore setback of the navigable waterway on the property.

The table below summarizes the existing and proposed improvements. A site and grading 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	958	1,762	n/a	0	3	3
Proposed	No change	No change	No change	987	No change	No change

The proposed detached garage requires variances from the shore setback 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)	157.57' (House)	N	145.42' (Garage) No change (House)	35 ft. (sewered)	N
OFFSET (N)	3 (h) (3) (A)	82.12' (House)	N	20.29' (Garage) No change (House)	14 ft. (sewered)	N
OFFSET (S)	3 (h) (3) (A)	16.52' (House)	N	94.99 (Garage) No change (House)	14 ft. (sewered)	N
OFFSET (E)	3 (h) (3) (A)	184.94' (House)	N	43.79' (Garage) No change (House)	14 ft. (sewered)	N
OFFSET - BUILDING SEPARATION	3 (h) (3) (A)	N/A	N/A	22'	10 ft.	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,768 sq. ft.	N	2,749 sq. ft.	8,834 sq. ft. (17.5%)	N
ACCESSORY FOOTPRINT	3 (j) 4	0	N/A	987 sq. ft. (1.9%) (Detached Garage)	1,009 sq. ft. (2%)	N
BLDG HEIGHT	3 (i)	N/A	N/A	17.81' (Garage) No change (House)	Primary Structure: 42' Acc. Structure: 18'	N
SHORE SETBACK	3 (h) (2)	48.22' (House)	Y	42' (Garage) No change (House)	75'	Y
IMPERVIOUS SURFACE	3 (t)	5,674 sq. ft. (11.24%)	N	7,434 sq. ft. (14.73%)	15,144 sq. ft. (30%)	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 shore setback requirements of the Waukesha County Shoreland Protection Ordinance to allow the construction of a detached garage and retaining walls. 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. The petitioner shall plant a minimum of three ironwood trees (*Ostrya virginiana*) to replace the three oak priority trees to be removed for the detached garage. The trees must have a minimum of 2” diameter at breast height and must be planted no later than May 31, 2026. A deed restriction shall be recorded with the Register of Deeds regarding the tree cutting plan to clarify that the trees must be maintained over time and shall be recorded prior to issuance of any permits.
2. The petitioner shall record a deed restriction with the Register of Deeds noting the disturbance envelope of the Primary Environmental Corridor as defined and regulated in the Shoreland Protection Ordinance. The disturbance area deed restriction may be recorded concurrently with the tree cutting plan.
3. The petitioner shall remove the existing polystructure from the premises prior to issuance of any permits.
4. The petitioner shall finish the certified survey map process to remove an internal lot line prior to issuance of any permits.

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 steep topography on most of the parcel renders it impractical to build further away from the intermittent stream. Siting the detached garage closer to the road would require a variance from 75-foot shore and 35-foot road setback requirements and would generally be out of character for the neighborhood; it would further require felling of more trees within the environmental corridor than what the applicant currently proposes.

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 proposed location limits the disturbance of the existing topography and natural area and minimizes further disturbance of the Primary Environmental Corridor than would otherwise occur under a strict reading of the Shoreland Protection Ordinance. Further, as stormwater management from development of the circa 1996 Lost Creek Subdivision to the north

appears to have rendered the intermittent stream defined as a navigable waterway more intermittent, a modest addition of impervious surface near the channel is unlikely to affect natural habitat in the vicinity or water quality downstream in Pewaukee Lake. Therefore, approval of the request to construct an accessory structure would not adversely affect the natural resources as conditioned with compensatory plantings. The natural aesthetic of the area should not be altered significantly nor should neighboring properties be affected.

Respectfully submitted,

Reviewed and approved by:

Ken Smith

Jason Fruth

Ken Smith
Senior Land Use Specialist
Phone: 262-896-8300

Jason Fruth
Planning and Zoning Manager

Exhibits: Exhibits A – Site & Grading Plan
 B – Building Plan
 C – Petitioner Comments

\\\\Wcg.WaukeshaCounty.Gov\\Files\\Depts\\PRKANDLU\\Planning And Zoning\\Board Of Adjustment\\PROJECT FILES\\Towns\\Delafield\\BA209 Dries\\Staff Report & Exhibits_Decision Sheet\\BA209 Dries Staff Report.Doc

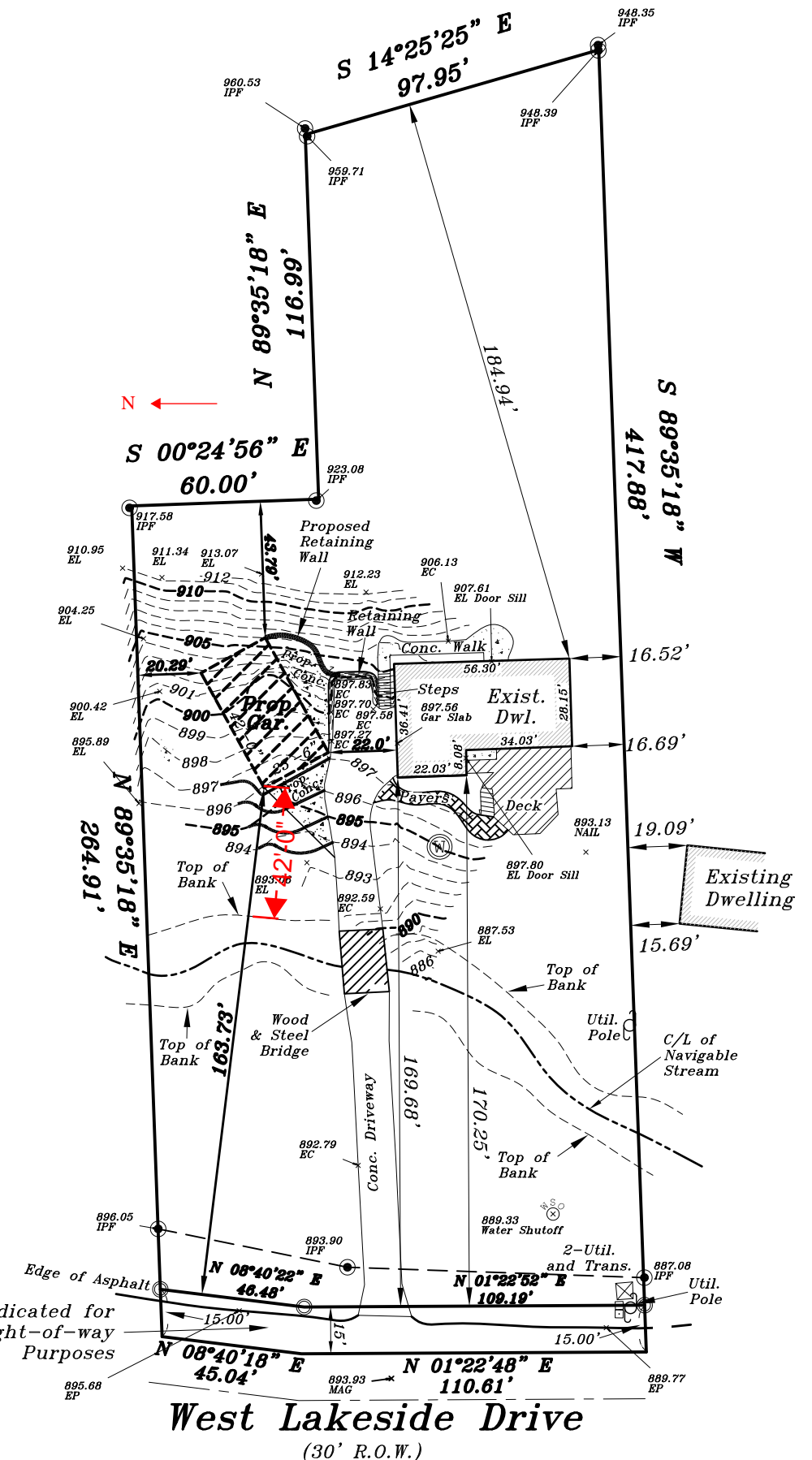


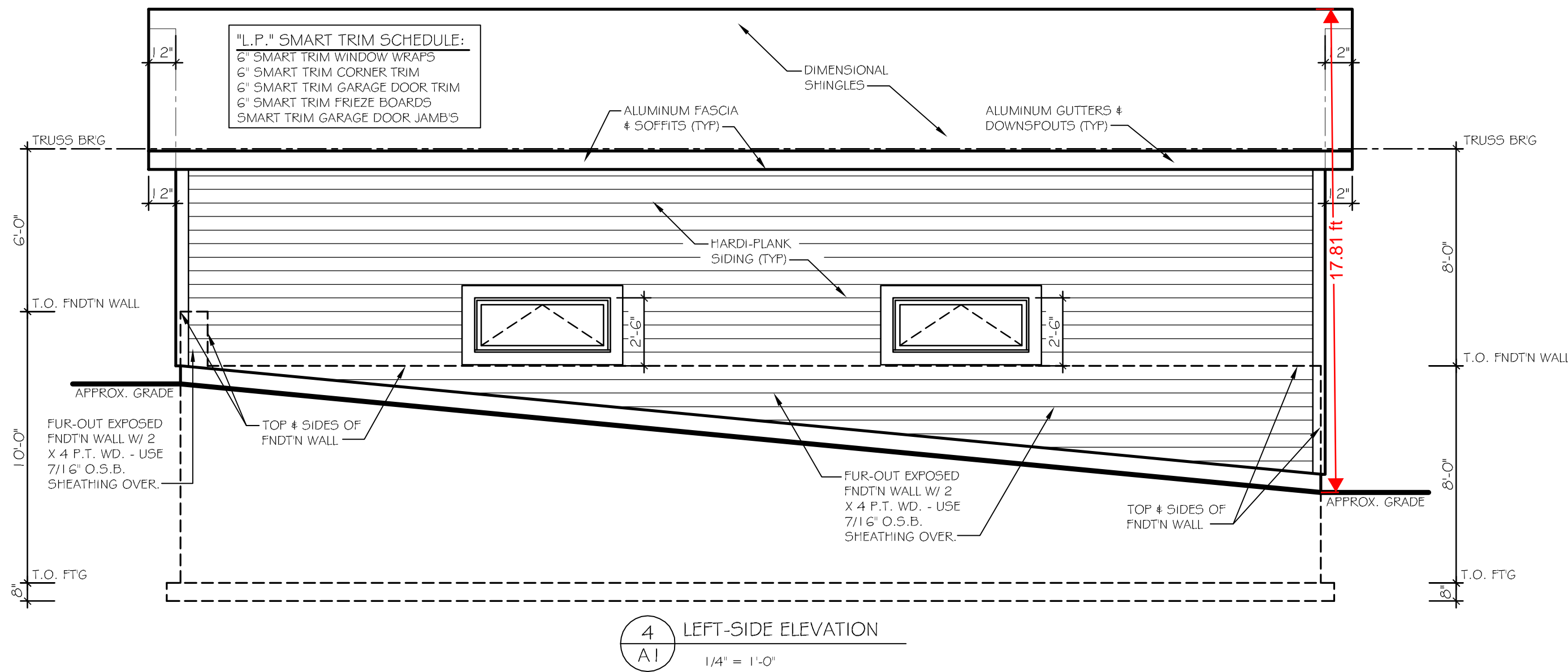
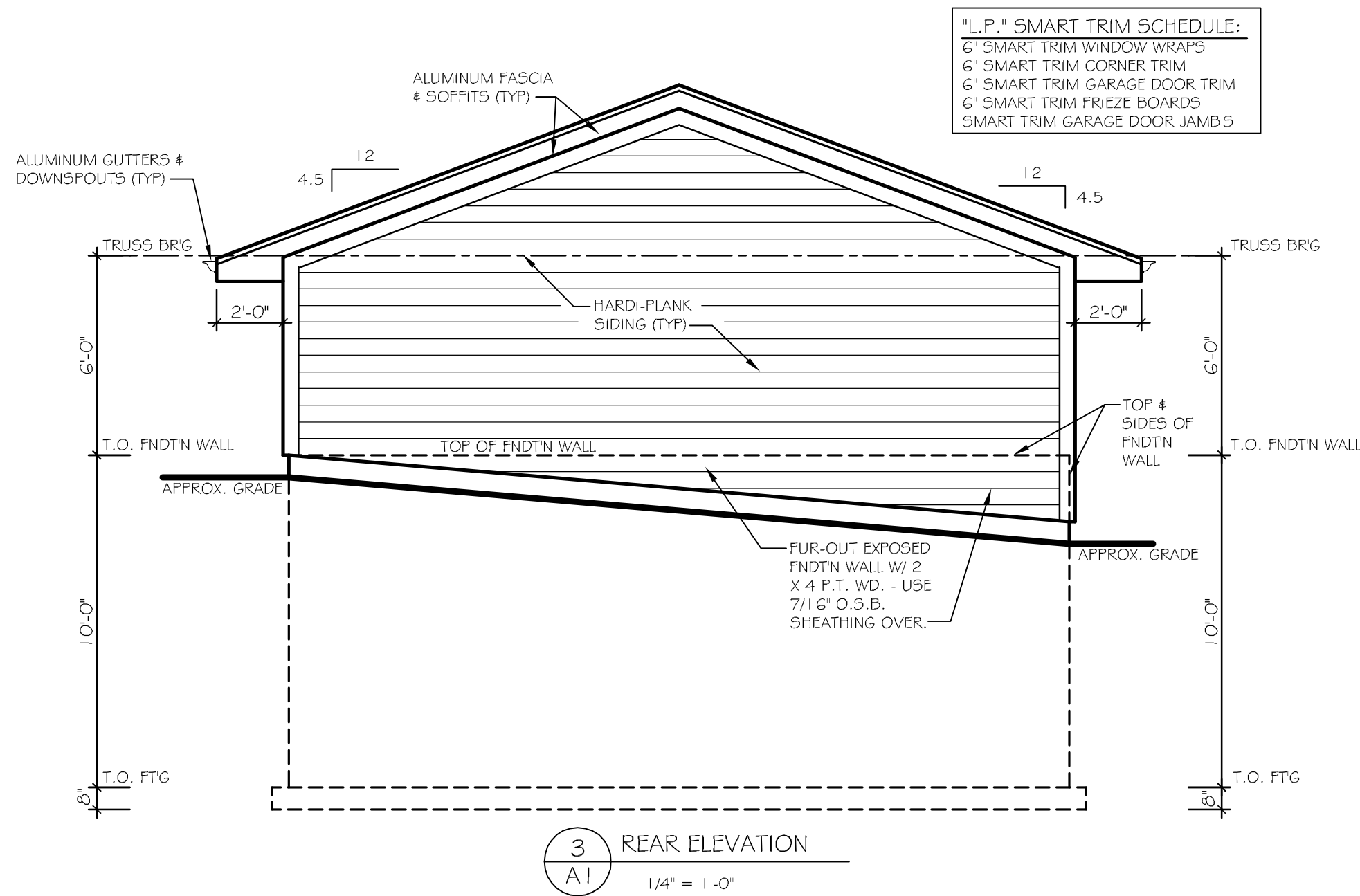
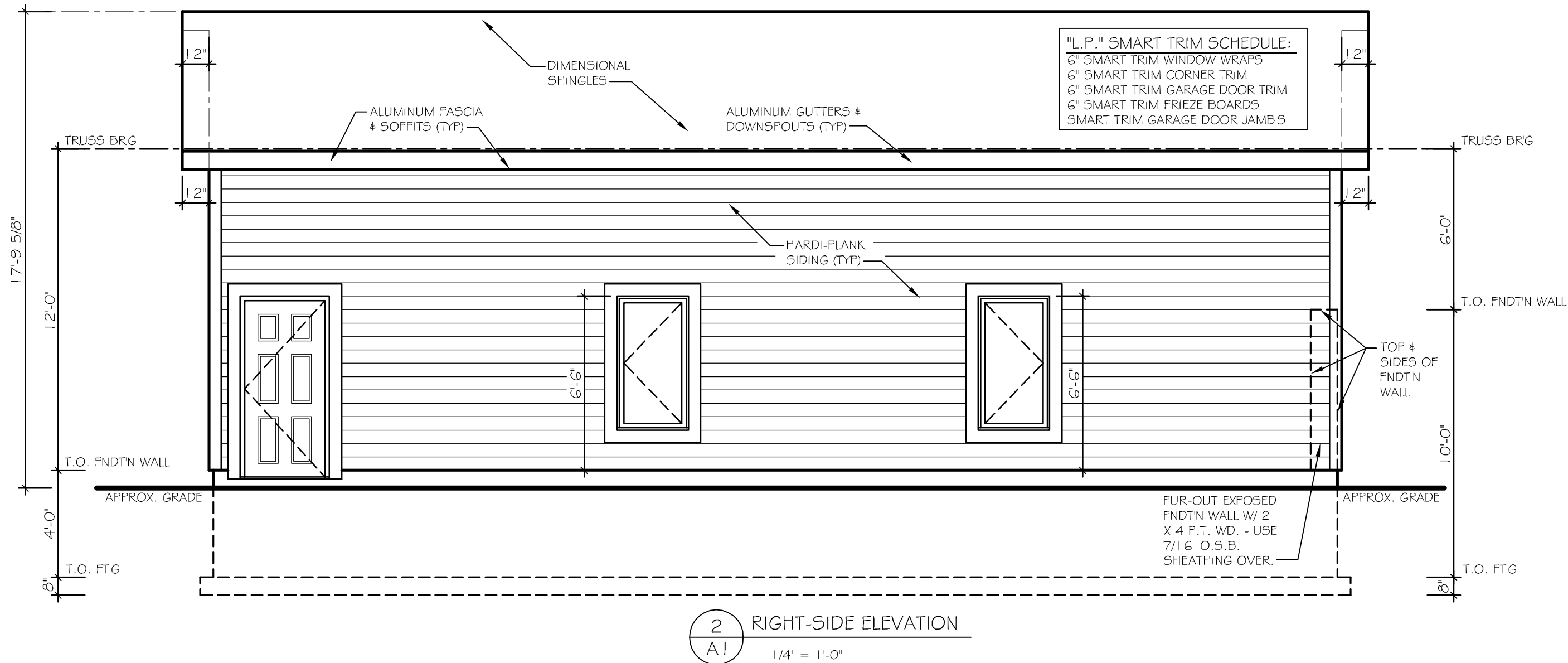
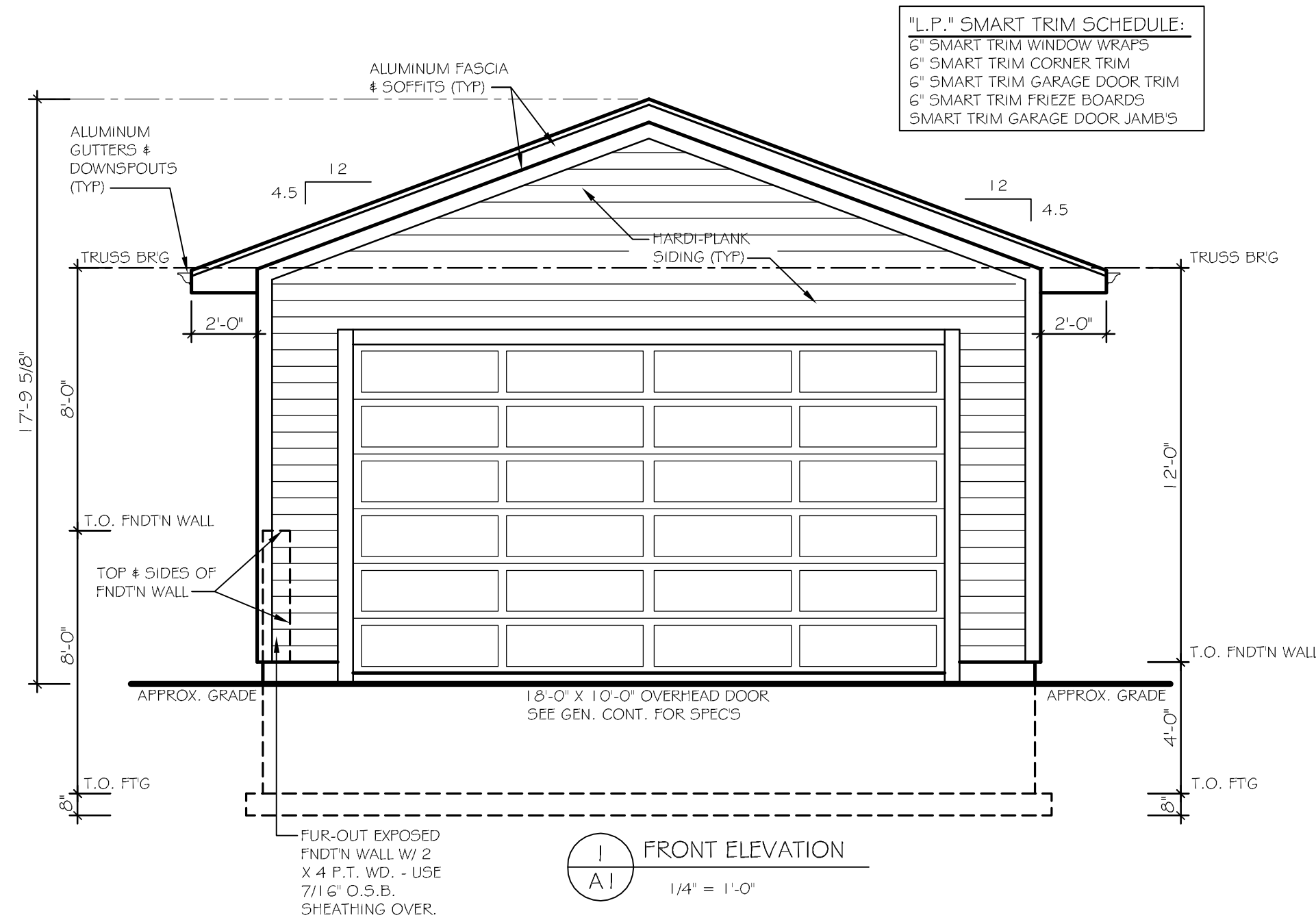
Exhibit B

Received by Waukesha County
Dept. of Parks & Land Use
02/10/2025

REVISIONS	BY
01-20-2025	JML

OWNERS APPROVAL:

DATE:



A RESIDENCE FOR:

RON DRIES

W289 N3132 WEST LAKESIDE DRIVE
PEWAUKEE, WISCONSIN

DETACHED GARAGE

JOB NO.

DRAWN BY: JML
PLAN DATE: 07-02-24
STRUCTURAL REVIEW
DATE: JML
BY: 07-02-24

SHEET:

A1

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.

Would like a variance on the placement of the new garage due to the unique terrain of the lot. The grade increases significantly not allowing the garage to move further back on the lot. This should also decrease the amount of tree's needed to be removed. (Note: There has not been any significant water (less than a couple of inches) in the drainage ditch (Navigable Water Way) since the holding ponds where created in the new subdivision at the top of the hill, which was built between 1996 and 1998.)

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.

I have had a vinyl garage for years. A permanent structure will greatly increase the appearance of the property.

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.

I purchased the additional property to my north in 2002 to build a storage garage so I would not have to leave my boat and trailer and other yard equipment outside creating a eye sore for my neighbors. This was prior to the land being designated as a Primary Environmental Corridor. I had full intent to build this garage at that time but could not fit it into the budget until now.

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

DATE: April 9, 2025

FILE NO.: BA210

OWNERS: Thomas Gies and Korena Schneider
N62 W23346 Silver Spring Drive, Unit 112
Sussex, WI 53089-3845

TAX KEY NO.: DELT 0767.042

LOCATION:

The subject property is described as part of Lot 27, Lakeside, part of Sections 12 and 13, T7N, R18E, Town of Delafield. More specifically, the property is located at N31 W28771 Lakewood Lane.

REQUEST:

Variance from **Section 3(h)(1)(C) Road Setback**, provisions of the Waukesha County Shoreland Protection Ordinance to allow the construction of a new single-family residence with attached garage.

ZONING CLASSIFICATION: R-3 Residential and DSO Delafield Shoreland Overlay Districts.

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 (Lakewood Lane)	Riparian Frontage (Lake or river name)
Existing	87 ft. +/-	139 ft. +/-	11,925	85 ft.	N/A
Required	84 ft. min. (sewered)	n/a	14,000 (sewered)	30 ft. min	N/A

*Excluding the established 30 ft. wide road right-of-way of Lakewood Lane.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

None.

PENDING ACTIONS:

None.

PROPOSAL AND STAFF ANALYSIS:

The subject property is in an area of steep terrain, north of Pewaukee Lake in the Town of Delafield. The subject property and others on Lakewood Lane are atop a steep hill and enjoy partial to full distant views of Pewaukee Lake. Areas below the hill's summit are generally wooded. Lakewood Lane is relatively dense and has many nonconforming lots. The subject property is an irregularly shaped parcel and contains slopes exceeding 20%, making it more challenging to build on. A dwelling previously stood on the site which was constructed prior to 1941 based on historic aerial imagery. The dwelling was razed between 2000 and 2005, and the parcel has been vacant ever since.

There have been at least two unsuccessful attempts to build on the site. In October 2017, the owners at the time applied for a Conditional Use, CU-1642, relating to land altering activities for the purpose of constructing a new single-family home with an attached garage. The new home would have been set back 18.5 feet from the right-of-way and would have moderated part of the slope behind the house. The owners withdrew their application prior to the joint public hearing and later sold.

Later in May 2021, the Park and Planning Commission approved Conditional Use CU55 for land altering activity for the property owners at the time. The owners would have built a new single-family home with an attached garage set back 30.88 feet from the right-of-way. Several retaining walls would have helped support the new structure and provided a small, terraced backyard immediately behind the new home. Conditions of the Conditional Use Permit included proper erosion and stormwater management, a grading plan, and creation of a rain garden to prevent adverse drainage to the property to the south. The homeowners never moved forward with the project.

Properties at the slope's summit on Lakewood Lane have required variances to enable development. A new home was built on the property to the east in 2013 after the Board of Adjustment approved a variance for relief from road setback provisions on July 10, 2013, in BA_13_010, which allowed for the new home to be set back 10 feet from the right-of-way. A previous home on that property may have been within the then 33-foot right-of-way. The Board of Adjustment granted a variance for construction of a new garage 11 feet from the right-of-way in BA74:94, approved on October 2, 1974.

Further to the west of the subject property, a new home was granted a variance from the offset provisions of the Shoreland Protection Ordinance due to the steep slope in BA_02_085, which the Board granted on September 11, 2002.

Returning to the subject parcel, the Town Planner/Engineer has reviewed the proposal and indicated general support for a variance from the road setback but believes a 10-foot setback is too close to the roadway for parked cars and would not allow sufficient space for snow storage in winter. The Town Planner/Engineer supports a variance allowing for a 15-foot setback from the right-of-way. The Town Planner/Engineer's comments are attached as Exhibit D.

The owners have communicated a willingness to allow snow storage on the street side of their property and oppose setting the dwelling further back for the subsequent engineering requirements and fill necessary to alter the landscape to make construction feasible. If the Board of Adjustment approves this variance, it must determine the setback distance appropriate for the parcel.

The table below summarizes the existing and proposed improvements. A site and grading 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	N/A	N/A	N/A	N/A	N/A	N/A
Proposed	864	1,205	841	N/A	4	2.5

The proposed second story addition requires variances from the road setback 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)	N/A	N/A	10'	35'	Y
OFFSET (E)	3 (h) (3) (A)	N/A	N/A	14.3'	14'	N
OFFSET (W)	3 (h) (3) (A)	N/A	N/A	14.3'	14'	N
OFFSET (S)	3 (h) (3) (A)	N/A	N/A	79.1'	14'	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	N/A	N/A	1,743 sq. ft. (14.6%)	2,086 sq. ft. (17.5%)	N
MINIMUM FLOOR AREA	3 (j) (1)	N/A	N/A	2,948 sq. ft.	First Flr: 850 sq. ft. Total: 1,100 sq. ft.	N
BLDG HEIGHT	3 (i)	N/A	N/A	33.75'	42'	N

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit C.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **conditional approval** of the request for a variance from the road setback provisions of the Waukesha County Shoreland Protection Ordinance to allow the construction of a new single-family residence with attached 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. Subject to documentation being submitted to the Town Planner and Waukesha County Planning and Zoning Division Staff that a Stormwater Permit has been reviewed and approved by the Waukesha County Land Resources Division (LRD) prior to the issuance of a Conditional Use Permit. This shall include retaining a qualified professional to oversee the grading, erosion control, and sediment control components of the approved plan, prior to the issuance of a Conditional Use Permit. The LRD review may necessitate further design changes.
2. The home must be located a minimum of 15' from the road right of way.

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 steep topography of the subject parcel renders it impractical to comply with road setback requirements. The terrain becomes more steep moving away from the road. Building closer to the right-of-way will minimize disruption of the slope and the amount of fill required to develop the parcel. The Town Engineer advised that a 10' setback would leave any parked vehicles very close to the road edge and recommended that a 15' setback be provided to not obstruct snow plowing and to minimize encroachment upon the roadway. A 15' setback would still provide considerable relief but would minimize home siting and grading difficulties while balancing road separation concerns.

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.**

A dwelling nearer to the right-of-way would be consistent with the overall development pattern and not be out of character for the neighborhood on Lakewood Drive. As previously stated, building closer to the right-of-way will minimize disruption of the slope and the amount of fill required to develop the parcel.

Respectfully submitted,

Reviewed and approved by:

Ken Smith

Jason Fruth

Ken Smith
Senior Land Use Specialist
Phone: 262-896-8300

Jason Fruth
Planning and Zoning Manager

Exhibits: Exhibits A – Site and Grading Plan
 B – Building Plan
 C – Petitioner Comments
 D – Town Planner Comments

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Exhibit A

Plat of Survey

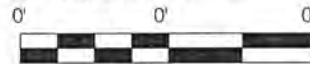
Property Description: Document No. 4777718

Received by Waukesha County
Dept. of Parks & Land Use
03/21/2025

LAND SURVEYS INC.

21005 Watertown Rd., Suite A2
Waukesha, WI 53186 (262) 312-1034
landsurveysinc.com

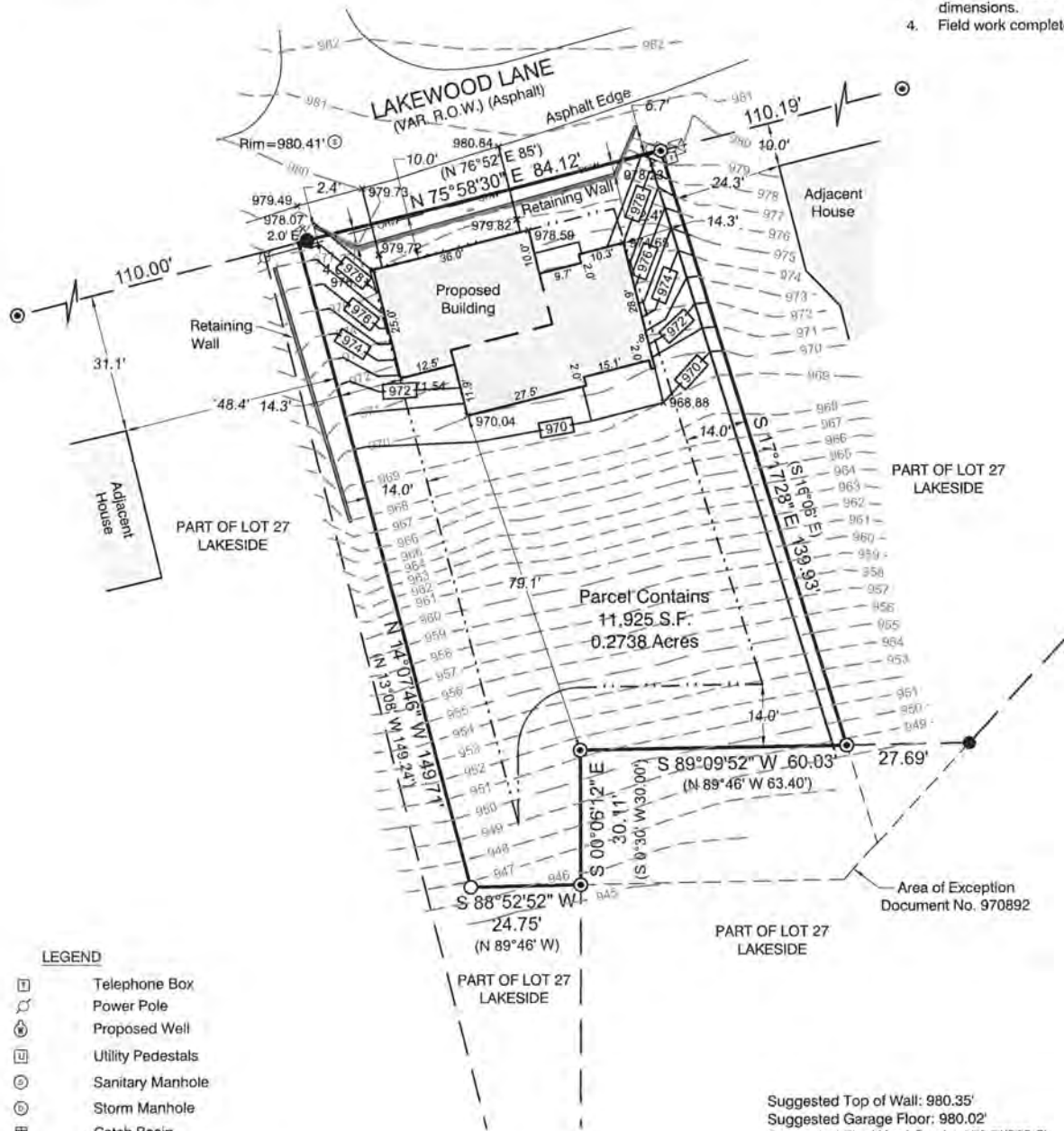
Graphic Scale 1" = xxx'



ALL THAT PART OF LOT 27, IN LAKESIDE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 12 AND THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 18 EAST IN THE TOWN OF DELAFIELD, WAUKESHA, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT A POINT IN THE SOUTH LINE OF SAID 1/4 SECTION, SAID POINT BEING SOUTH 89 DEGREES 19 MINUTES 30 SECONDS EAST 1133.64 FEET OF THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE NORTH 13 DEGREES 08 MINUTES WEST 91.76 FEET TO A POINT; THENCE SOUTH 89 DEGREES 46 MINUTES EAST 10.28 FEET TO A POINT, THIS POINT BEING THE PLACE OF BEGINNING OF THE PARCEL ABOUT TO BE DESCRIBED; THENCE NORTH 13 DEGREES 08 MINUTES WEST 149.24 FEET TO A POINT; THENCE NORTH 76 DEGREES 52 MINUTES EAST 85 FEET TO A POINT; THENCE SOUTH 16 DEGREES 06 MINUTES EAST 164.45 FEET TO A POINT; THENCE SOUTH 44 DEGREES 03 MINUTES WEST 11.10 FEET TO A POINT; THENCE NORTH 89 DEGREES 46 MINUTES WEST 85.50 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO FRANCIS A. BOWERS AND DOROTHY BOWERS, HIS WIFE, IN WARRANTY DEED DATED OCTOBER 12, 1976 AND RECORDED OCTOBER 13, 1976 IN REEL 204, IMAGE 728, AS DOCUMENT NO. 970892.

Notes:

- A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
- Outside diameter measured on all monuments. Set monuments are 1.50lbs/Lineal Foot.
- () Indicates recorded as bearings and dimensions.
- Field work completed on 01/28/25.



LEGEND

- Telephone Box
- Power Pole
- Proposed Well
- Utility Pedestals
- Sanitary Manhole
- Storm Manhole
- Catch Basin
- 3/4" Iron Rod Found
- 1" Iron Pipe Found
- 3/4"x18" Iron Rod Set
- x 733.57 Existing Spot Grade
- 735 Proposed Grade
- 735 Proposed Contour
- 735 Existing Contour
- Building Setback Line
- Overhead Wires
- Existing Storm Sewer
- Proposed Sump Drain
- Proposed Water Line
- Proposed Sewer Line
- Proposed Gas Line
- Proposed Electric Line
- Proposed Silt Fence

REVISIONS

- 02-27-25 push house forward
- 03-07-25 compute proposed grading

PREPARED FOR:

Tom Glas and Korena Schneider
N62 W23346 Silver Spring Drive,
Apartment #112F
Sussex, Wisconsin 53089

JOB SITE:

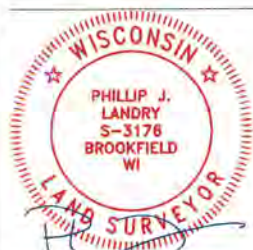
N31 W28771 Lakewood Lane
Pewaukee, Wisconsin 53072

BEARINGS ARE REFERENCED TO
WI STATE PLANE COORD. SYS.
SOUTH ZONE NAD 83 (2011),
SOUTH LINE OF LAKEWOOD LANE
BEARS N 75°58'30" E (N 76°52' E)

Drawn By: JC Job# 25026
Sheet 01 of 01

SURVEYOR'S CERTIFICATE

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.



Dated this 7th Day of March, 2025.
Phillip J. Landry S-3176

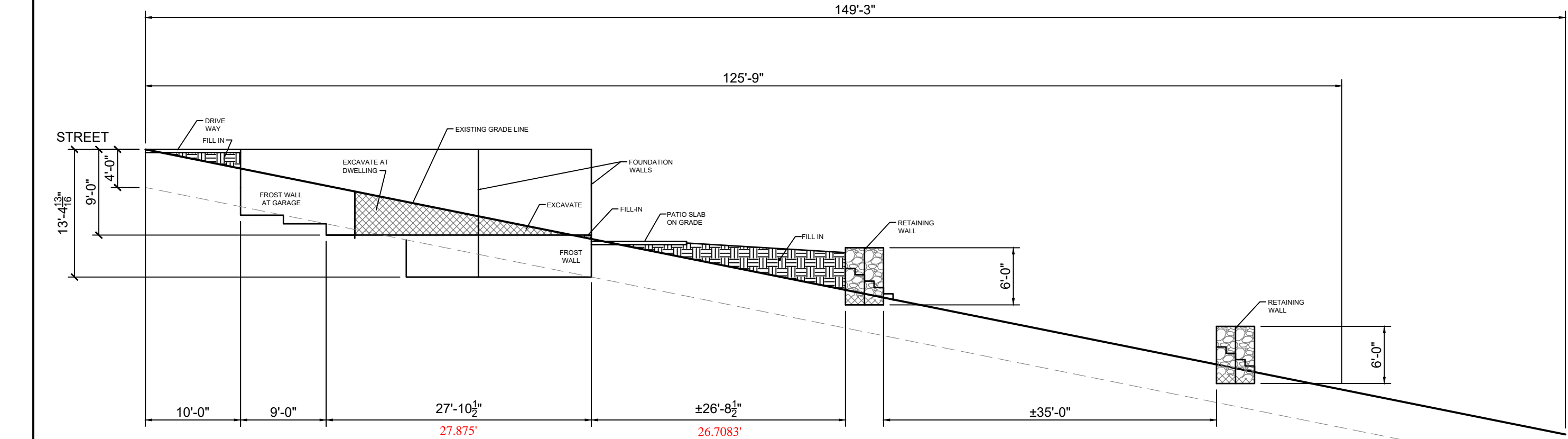
Suggested Top of Wall: 980.35'
Suggested Garage Floor: 980.02'
Suggested Final Yard Grade: 979.7/970.2'
Suggested Top of Footing: 970.85'
(Assuming 9.5' Poured Wall-check plans)
Sewer invert elevations to be verified by sewer contractor

SHEET LIST		
SHEET NO.	DESCRIPTION	SCALE
CV	COVER SHEET - SCHEDULES AND SURVEY	VARIES
A0	BASEMENT / FOUNDATION PLAN	1/4" =1'-0"
A1	MAIN FLOOR PLAN	1/4" =1'-0"
A2	SECOND FLOOR PLAN AND ROOF PLAN	1/4" =1'-0"
A3	EXTERIOR ELEVATIONS	1/4" =1'-0"
A4	CUT SHEETS AND DETAILS	1/2" =1'-0"
E1	ELECTRICAL PLANS (ALL LEVELS)	1/4" =1'-0"
I1	INTERIOR ELEVATIONS	1/2" =1'-0"
I2	INTERIOR ELEVATIONS	1/2" =1'-0"

Exhibit B

DOOR SCHEDULE														
Quantity	DOOR							FRAME			FIRE RATING LABEL	HARDWARE		
	MARK	Type	Transom	SIZE		MATL	GLAZING	MATL	DETAIL			SET NO	KEYSIDE RM NO	
				WD	HGT				HEAD	JAMB				SILL
LEVEL: BASEMENT														
1	1	DOUBLE SLIDING PATIO-FULL LITE	YES	12'-0"	8'-0"	---	---	---	---	---	---	---	---	
1	2	SINGLE HINGED	NO	3'-0"	6'-8"	---	---	---	---	---	---	---	---	
LEVEL: MAIN														
1	3	OVERHEAD SECTIONAL	NO	16'-0"	8'-0"	---	---	---	---	---	---	---	---	
1	4	OVERHEAD SECTIONAL	NO	8'-0"	8'-0"	---	---	---	---	---	---	---	---	
1	5	DOUBLE SLIDING PATIO-FULL LITE	YES	12'-0"	8'-0"	---	---	---	---	---	---	---	---	
1	6	SINGLE HINGED-FULL LITE	NO	3'-0"	6'-8"	---	---	---	---	---	---	---	---	
1	7	SINGLE HINGED	NO	3'-0"	6'-8"	---	---	---	---	---	---	---	---	
2	8	SINGLE HINGED	NO	2'-8"	6'-8"	---	---	---	---	---	---	---	---	
LEVEL: SECOND														
1	9	DOUBLE SLIDING PATIO-FULL LITE	YES	12'-0"	8'-0"	---	---	---	---	---	---	---	---	
1	10	DOUBLE SLIDING DOOR	NO	6'-0"	6'-8"	---	---	---	---	---	---	---	---	
11	11	SINGLE HINGED	NO	2'-8"	6'-8"	---	---	---	---	---	---	---	---	
1	12	SINGLE HINGED	NO	2'-0"	6'-8"	---	---	---	---	---	---	---	---	

WINDOW SCHEDULE						
Quantity	TAG	STYLE	SIZE		MATERIAL	Remarks
			Width	Height		
5	A	Casement - Double	5'-6"	4'-6"	---	---
3	B	Casement	2'-8"	4'-6"	---	---
3	C	Casement with Transom	2'-8"	4'-6"	---	---
2	D	Casement - Triple with Transoms	8'-4"	4'-6"	---	---
1	E	Awning	3'-6"	2'-0"	---	---
2	F	Awning - Double	6'-2"	2'-0"	---	---
4	G	PICTURE (G)	1'-9"	6'-0"	---	---
1	H	PICTURE (H)	3'-0"	6'-0"	---	---

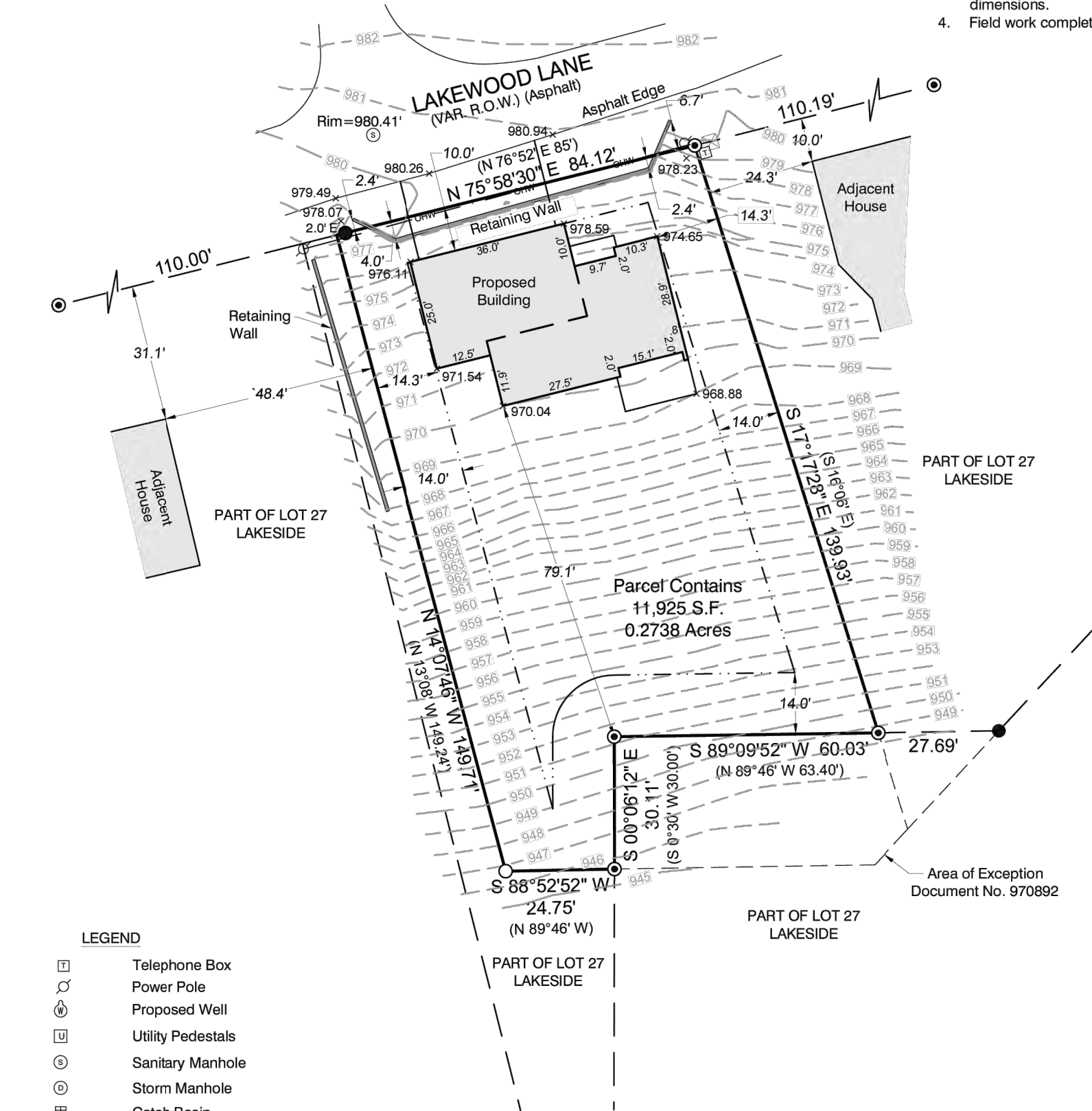


LOT CROSS SECTION
SCALE: 3/32" = 1'-0"

Plat of Survey

Property Description: Document No. 4777718

ALL THAT PART OF LOT 27, IN LAKESIDE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 12 AND THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 18 EAST IN THE TOWN OF DELAFIELD, WAUKESHA, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT A POINT IN THE SOUTH LINE OF SAID 1/4 SECTION, SAID POINT BEING SOUTH 89 DEGREES 19 MINUTES 30 SECONDS EAST 1133.64 FEET OF THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE NORTH 13 DEGREES 08 MINUTES WEST 91.76 FEET TO A POINT; THENCE SOUTH 89 DEGREES 46 MINUTES EAST 10.28 FEET TO A POINT, THIS POINT BEING THE PLACE OF BEGINNING OF THE PARCEL ABOUT TO BE DESCRIBED; THENCE NORTH 13 DEGREES 08 MINUTES WEST 149.24 FEET TO A POINT; THENCE NORTH 76 DEGREES 52 MINUTES EAST 85 FEET TO A POINT; THENCE SOUTH 16 DEGREES 06 MINUTES EAST 164.45 FEET TO A POINT; THENCE SOUTH 44 DEGREES 03 MINUTES WEST 11.10 FEET TO A POINT; THENCE NORTH 89 DEGREES 46 MINUTES WEST 85.50 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO FRANCIS A. BOWERS AND DOROTHY BOWERS, HIS WIFE, IN WARRANTY DEED DATED OCTOBER 12, 1976 AND RECORDED OCTOBER 13, 1976 IN REEL 204, IMAGE 728, AS DOCUMENT NO. 970892.



- LEGEND
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 - Proposed Electric Line
 - Proposed Silt Fence

REVISIONS

02-27-25 push house forward

PREPARED FOR:
Tom Gies and Korena Schneider
N62 W2348 Silver Spring Drive,
Apartment #112F
Sunapee, Wisconsin 53089

JOB SITE:
N31 W28771 Lakewood Lane
Pewaukee, Wisconsin 53072

BEARINGS ARE REFERENCED TO
WI STATE PLANE COORD. SYS.
SOUTH ZONE NAD 83 (2011).
SOUTH LINE OF LAKEWOOD LANE
BEARS N 75°59'30" E (N 76°52' E)

Drawn By: JC | JCS# 25026
Sheet 01 of 01

SURVEYOR'S CERTIFICATE

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (Ac7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

PHILLIP J. LANDRY
S-3175
BROOKFIELD
WI

Dated this 27th Day of February, 2025:
Phillip J. Landry S-3175

RECEIVED 03/05/2025 BY
WAUKESHA COUNTY PLANNING
AND ZONING DIVISION

-IMPORTANT NOTE-

THIS DOCUMENT HAS BEEN PREPARED AS AN INSTRUMENT OF PROFESSIONAL SERVICE. THE IDEAS / DESIGNS INCLUDED HEREIN ARE THE SOLE PROPERTY OF THE DRAFTER, AND ARE PROTECTED UNDER COPYRIGHT. THEY MAY NOT BE USED OR REPRODUCED WITHOUT EXPRESSED WRITTEN CONSENT OF THE DRAFTER AND FULL PAYMENT OF ANY ASSOCIATED DESIGN FEES.

THESE DOCUMENTS ARE CREATED FOR OBTAINING PERMITS AND/OR REVIEW BOARD APPLICATIONS.

THESE DOCUMENTS ARE NOT FOR CONSTRUCTION, AND ALL DIMENSIONS ARE SUBJECT TO JOB-SITE VERIFICATION.

NEW SINGLE FAMILY RESIDENCE FOR:

GIES & SCHNEIDER
N31W28771 LAKEWOOD LN
PEWAUKEE, WI 53072

File Name:
N31W28771
LAKEWOOD
LN-03-04-25
Date: 3/4/2025
Drawn By: KORENA

SHEET
01 OF 09

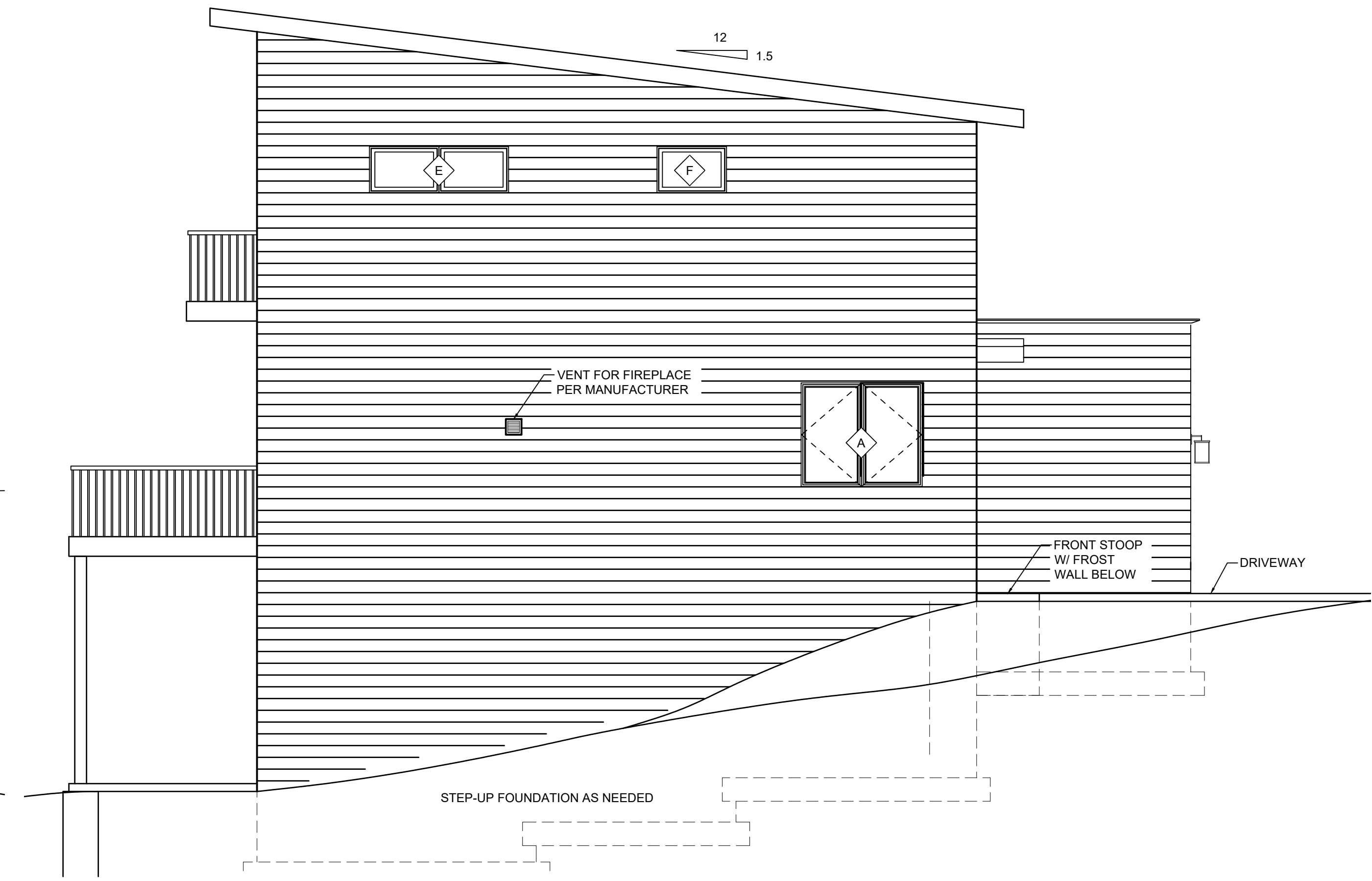
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Sheet size: 24x36

SHEET
CV

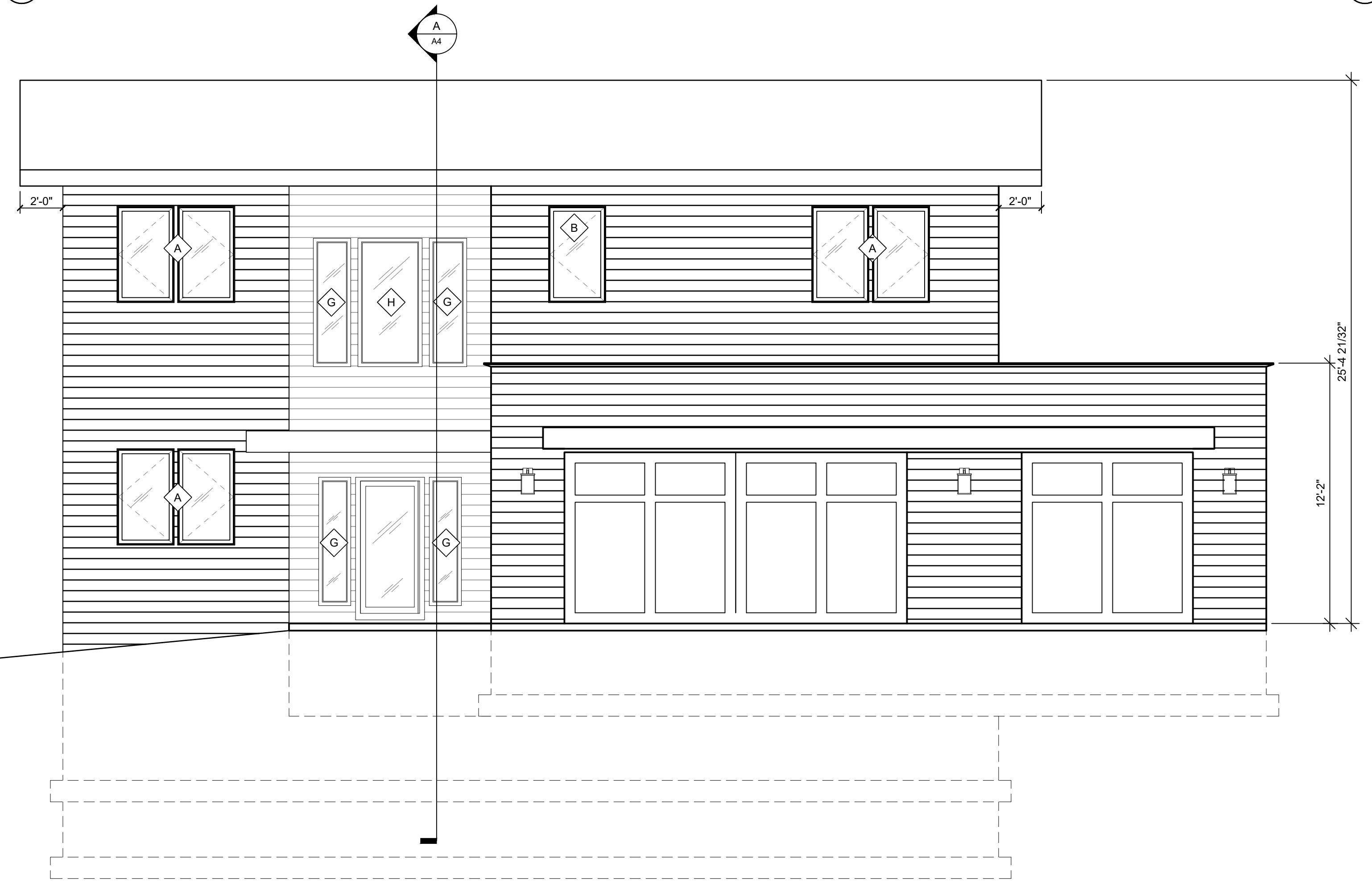
PROPOSED
LOT
LAYOUT



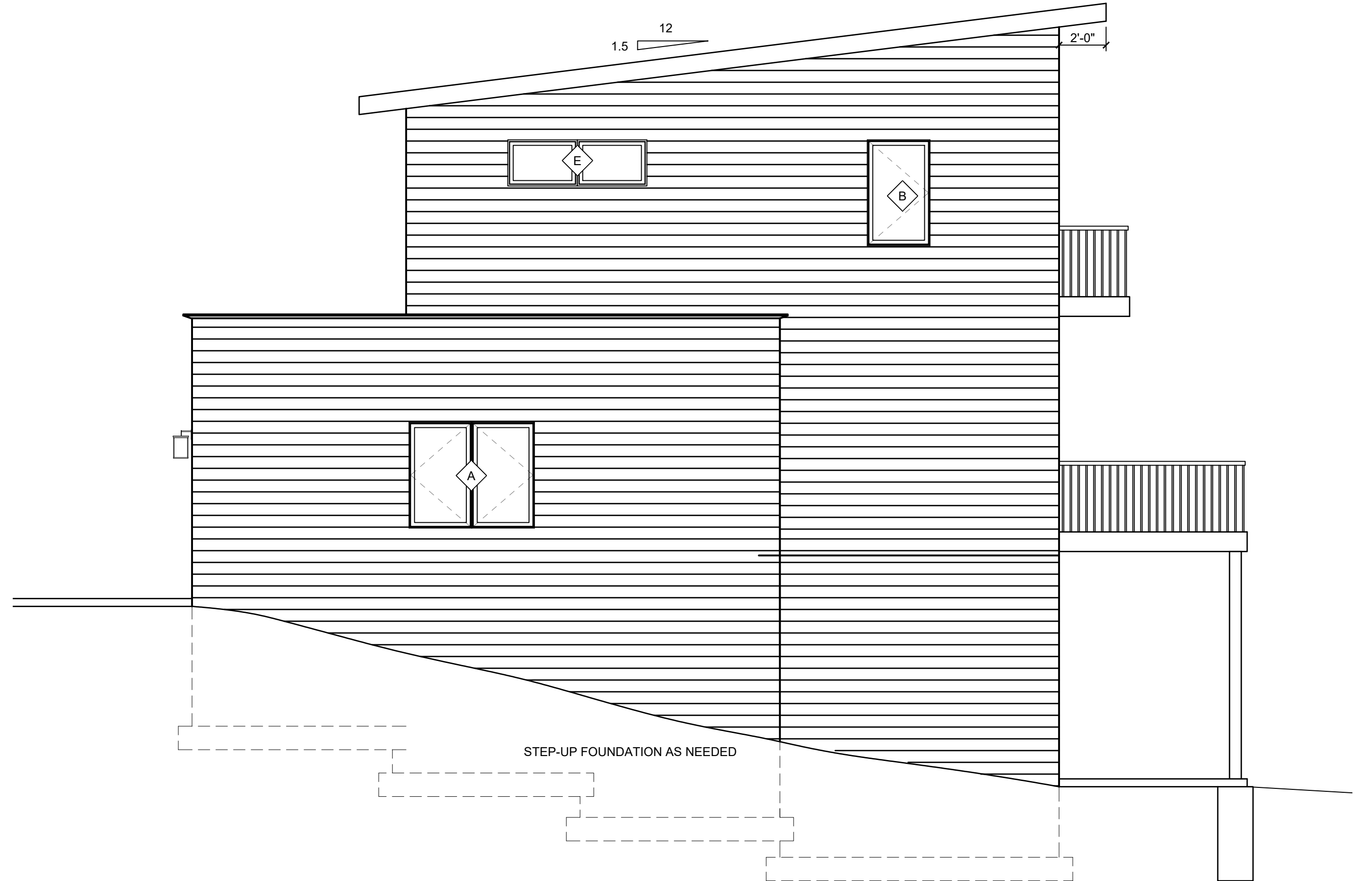
A BACK ELEVATION - SOUTH
SCALE: 1/4" = 1'-0"



B SIDE ELEVATION - EAST
SCALE: 1/4" = 1'-0"



C FRONT ELEVATION - NORTH
SCALE: 1/4" = 1'-0"



D SIDE ELEVATION - WEST
SCALE: 1/4" = 1'-0"

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NEW SINGLE FAMILY RESIDENCE FOR:

GIES & SCHNEIDER

N31W28771 LAKEWOOD LN

PEWAUKEE, WI 53072

File Name:
N31W28771
LAKEWOOD
LN-03-04-25
Date: 3/4/2025
Drawn By: KORENA

SHEET
05 OF 09

SHEET
A3

Scale: 1/4" = 1'-0"
Sheet size: 24x36

ELEV.

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

Exhibit C

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.

See attached surveyor's explanation of lot usage and reason for front setback encroachment.

Encroachment of front setback is necessary due to steep slope of lot. Front set back does not allow for driveway to be constructed without unsafe slope and improper water flow towards house and additional land disruption will be required.

Result of approved variance: house will sit on virgin soil and have a solid foundation without a great deal of land disturbance and driveway will avoid being constructed on drastic slope towards house.

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.

No general public or common use structures will be affected due to requested 10'-0" setback. EPDM roof will be installed to achieve a low roof line for neighbors across the street in order to reduce obstruction of view.

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.

~~Backyard will not be functional for a single family home if variance is not granted. The slope at the back of the lot is greater than the mid section where the house is proposed to sit. Also, the driveway in winter would be rendered dangerous or simply useless due to snow and ice on a steep slope.~~

Exhibit D

Kenneth Smith

From: Barbeau, Tim <Tim.Barbeau@raSmith.com>
Sent: Friday, March 21, 2025 12:58 PM
To: Kenneth Smith
Subject: RE: Delafield Vacant Lot

CAUTION: This email originated from an unverified external source. Verify the legitimacy of the email before clicking links or opening attachments. If you believe this email is malicious in nature, please report it by using the Phish Alert button in Outlook.

Hi Ken,

I was able to do a site visit and also look at the plans (they were very helpful). The aerial photos do not reflect the actual conditions on site. The survey shows the front lot line to be 8 to 10 feet from the pavement edge, whereas the aerial showed it at 5 to 6 feet from the pavement edge.

I still recommend that the setback be an additional 5 feet from the front lot line (total of 15 feet). That would result in the distance between the garage and the pavement to be approximately 24 feet. Since a full-size car is approximately 16 feet long, a car parked in the driveway will be close to being all within the property (depending on how close the car is to the garage door) and not extending substantially into the right-of-way. That also results in the space between a parked car and the pavement to be 6 feet which allows space for snow removal on the road. Without the extra 5 feet, cars parked in the driveway will end up close to the edge of the pavement, which is not ideal.

If the setback is moved 5 feet south, the house grade could lower a bit to reduce fill, but there may need to be a trench drain in front of the garage or a sloped swale in the concrete to address water coming off the road and driveway.

I would be open to consider other options if the County or owner has another idea.

Tim G. Barbeau, P.E., P.L.S., Associate
Town of Delafield Engineer



16745 West Bluemound Road, Brookfield, WI 53005-5938
direct: 262-317-3307
fax: 262-781-8466

From: Kenneth Smith <kasmith@waukeshacounty.gov>
Sent: Friday, March 21, 2025 10:38 AM
To: Barbeau, Tim <Tim.Barbeau@raSmith.com>
Subject: RE: Delafield Vacant Lot

Hi Tim,

It was nice speaking with you. Please see attached for the proposal on DELT0767042 on Lakewood Lane. The owners have applied for a variance from the road setback for 10'. Due to the narrowness of the road and ROW,