

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearing will be held by the Waukesha County Board of Adjustment on Wednesday, September 9, 2026, at 5:00 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:

BA242: WES GOLLA (OWNER) requests variances from the accessory building footprint and unorthodox structure provisions of the Waukesha County Shoreland Protection Ordinance to retain an accessory structure. The subject property is described as Lot 1, Certified Survey Map No. 10407, a redivision of Lots 3-4, Block B Elmhurst Addition, and right of way to lake and part of the NE ¼ of Section 23, T7N, R18E, Town of Delafield (Tax Key No. DELT 0809.027.001).

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, August 26, 2026 and
Wednesday, September 2, 2026

Staff reports and meeting materials will be located on the Waukesha County Planning and Zoning Division webpage at [Meeting Information | Waukesha County](#) under Board of Adjustment Meeting Documents, no later than September 7, 2026.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearings will be held by the Waukesha County Board of Adjustment on Wednesday, September 9, 2026, at 6:00 p.m., in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha, Wisconsin, 53188, to consider the following requests:

BA243: ANNETTE AND NATHAN VERNON (OWNERS), ALLEN BUILDERS (APPLICANT)

request variances from the shore setback and offset provisions of the Waukesha County Shoreland Protection Ordinance to construct a landing and walkway along the southern lot line. The subject property is described as the N ½ of Lot 4, Thornwood, part of the NW ¼ of Section 31, T8N, R18E, Town of Merton. More specifically, the property is located at W338 N5429 Road N (Tax Key No. MRTT 0410.006).

BA244: VICKI A. TADYCH (OWNER), MILLER MARRIOTT CONSTRUCTION CO, LLC (APPLICANT)

requests a variance from the building footprint provisions of the Waukesha County Shoreland Protection Ordinance to permit the construction of a new single-family residence. The subject property is described as part of the NE ¼ and SW ¼ of Section 36, T5N, R17E, Town of Eagle. More specifically, the property is located at W345 S10789 S. Shore Drive (Tax Key No. EGLT 1871.993).

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

All interested parties will be heard.

WAUKESHA COUNTY BOARD OF ADJUSTMENT
Richard Bayer, Chairman

Legal notice to be published in
the West Now on
Wednesday, August 26, 2026 and
Wednesday, September 2, 2026

Staff reports and meeting materials will be located on the Waukesha County Planning and Zoning Division webpage at [Meeting Information | Waukesha County](#) under Board of Adjustment Meeting Documents, no later than September 7, 2026.

AGENDA – FINAL
WAUKESHA COUNTY BOARD OF ADJUSTMENT

September 9, 2026, 5:00 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:

(5:00 pm) **BA242: WES GOLLA (OWNER)**
Town of Delafield
(Accessory building footprint) (Unorthodox structure)

(6:00 pm) **BA243: ANNETTE AND NATHAN VERNON (OWNERS), ALLEN BUILDERS (APPLICANT)**
Town of Merton
(Shore setback) (Offset)

(Immediately following BA243) **BA244: VICKI A. TADYCH (OWNER), MILLER MARRIOTT CONSTRUCTION CO, LLC (APPLICANT)**
Town of Eagle
(Building footprint)

SUMMARY OF MEETING: August 12, 2026

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 BA243, 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 September 7, 2026. See Board of Adjustment Meeting Documents heading for September 9, 2026. For questions regarding this agenda, please call (262) 896-8300 or email Emily Goodman at egoodman@waukeshacounty.gov for BA243 or Jacob Heermans at jheermans@waukeshacounty.gov for BA242 and BA244.

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

DATE: September 9, 2026

FILE NO.: BA242

OWNERS: Wes Golla
W292 N2104 Elmhurst
Drive Pewaukee, WI 53072

TAX KEY NO.: DELT 0809.027.001

LOCATION:

The property is described as Lot 1, Certified Survey Map No. 10407, a redivision of Lots 3-4, Block B Elmhurst Addition, and right of way to lake and part of the NE ¼ of Section 23, T7N, R18E, Town of Delafield. More specifically, the property is located at the Elmhurst Drive address cited above.

REQUEST:

Variances from **Section 3(j)(4) Maximum Accessory Building Footprint and Unorthodox Structure** provisions of the Waukesha County Shoreland Protection Ordinance to retain an accessory structure.

ZONING CLASSIFICATION: R-3 Residential District

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

	Average Lot Width	Lot Size (sq. ft.)	Road Width	Lot Depth
Existing	160.5 ft. +/-	39,484	40 feet	249 feet
Required	84 ft. min.	14,000 (sewered)	30 feet	NA

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

CASE NO: BA07:035 On June 13, 2007, the Board of Adjustment granted a variance from the Creation of Buildings on a Private Street or Way/Lots not Abutting a Public Road requirements of the Waukesha County Shoreland Protection Ordinance to permit the reconfiguration of the previous three lot configuration of a parcel into two parcels.

PENDING ACTIONS:

VL610: There is an active violation file for this property regarding junk, heavy commercial equipment, and the structure in question. Over the past several months, the applicant has made significant progress in removing junk and unauthorized equipment from the site.

PROPOSAL AND STAFF ANALYSIS:

The petitioner is seeking a variance to be able to place a detached accessory building on the property. Until recently, the same structure was located on site. The petitioner removed the structure from the property and relocated it off-site as he awaits a decision by the Board. The structure is approximately 8' wide by 30' long. The structure has the appearance of a long, narrow shed with windows and the petitioner indicates it is used as a greenhouse. When the structure was located on the property, it was elevated on tires (see photos in Exhibit B). In November 2025, staff received complaints from several neighbors related to junk, trailers, unlicensed vehicles and commercial equipment on the property. Most of these items have since been removed or properly stored.

During the violation resolution process, staff communicated with the property owner that zoning and building permits are required for any structures or buildings prior to placement on the site. Staff sent along a zoning permit application and GIS aerial of the site to be marked up by the applicant to show the proposed location of the subject structure. The applicant submitted a draft zoning permit application on December 17, 2025, attached as Exhibit D., however, the application was not completed with a fee because the structure did not comply with accessory building footprint provisions and needed consideration by the Town of Delafield Plan Commission because of its unconventional design.

Staff conducted a site inspection on February 17, 2026, to verify further complaints from neighboring properties about the state of the subject property. Staff observed the greenhouse structure on-site and took photographs documenting its location. A violation letter was sent to the owner on March 6, 2026 indicating that approval for the structure would require a review of the Town of Delafield Plan Commission to determine whether the design or appearance of the structure is unorthodox or of abnormal character in a way that would have an adverse effect on nearby properties or affect the general desirability of the neighborhood (Section 3(d)(3)(B)).

On May 5, 2026, the Town of Delafield Plan Commission held a meeting to consider the request. The Plan Commission deemed the structure to be unorthodox, meaning that a Zoning Permit could not be approved for the proposed structure in its existing condition.

On June 18, 2026, the owner of the property applied for a variance to seek approval to be able to again place the structure on the property. The petitioner is requesting relief from the Unorthodox Structure decision by the Town and variance from the maximum accessory building footprint regulations.

The table below summarizes the existing and proposed improvements. A Certified Survey Map from May 2007 on file was used to determine the approximate size of the existing single-family residence and attached garage on the property. A site plan showing existing and proposed improvements is attached as Exhibit A. The applicant has submitted pictures of the structure, but no building plans or drawings have been submitted. Pictures of the structure are attached as Exhibit B.

	Residence (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)
Existing	1,519	663.87	918
Proposed	No change	No change	1,158 (+240)

The proposed accessory building requires variances from the Maximum Accessory Building Footprint provisions and Section 3(d)(3)(B) abnormal/unorthodox structure 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	50 feet +	35 feet	N
OFFSET (N)	3 (h) (3) (A)	N/A	N	20 feet +	14 feet	N
OFFSET (S)	3 (h) (3) (A)	N/A	N	20 feet +	14 feet	N
OFFSET (E)	3 (h) (3) (A)	N/A	N	<5 feet; Must be 20 feet.	14 feet	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	3,282 sq ft	N	3,522 sq ft	17.5% max (6,910 sq ft)+-	N
ACCESSORY FOOTPRINT	3 (j) 4	918 sq ft	Y	1,158 sq ft	2% max (789 sq ft)	Y
BLDG HEIGHT	3 (i)	N/A	N	13 feet	18 feet 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 variances from the accessory building footprint and unorthodox structure requirements of the Waukesha County Shoreland Protection Ordinance to retain an accessory structure. 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 owner is currently able to use the property for a permitted purpose. The existing 1,519 sq. ft. residence well exceeds the minimum required living space required by the ordinance, which is 1,100 sq. ft. The property also contains an attached garage that can accommodate two vehicles and storage. In addition, there is a large, detached pole barn type accessory building (918 sq. ft.) present on the property. The existing 918 sq. ft. accessory building is 129 sq. ft. larger than what could be permitted today. Furthermore, the principal structure on the property could be further expanded to provide additional storage or greenhouse type space. Therefore, it has not been demonstrated that the accessory building footprint ordinance requirements create unnecessarily burdensome conditions for the permitted use of the property.

In addition, the building has been deemed unorthodox by the Town of Delafield. The appearance of the building on wheels is quite unconventional and is not a design that is typically observed in a residential neighborhood. There are other solutions that could be pursued to grow produce while providing protection from deer browsing. Many individuals use low visibility type barriers such as fishing line strung between posts to deter deer.

- 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 ordinance sets forth maximum accessory structure footprint rules to create a level of consistency in neighborhoods and for properties that are similarly zoned. The footprint rules are intended to prevent negative aesthetics by limiting the total size of accessory structures on a site. The subject building has an unconventional appearance, in part, because it has been elevated on some sort of trailer or tire support system. As noted previously, the Town of Delafield deemed the structure to be unorthodox. Staff believe that the granting of the variance could adversely affect the general public welfare by allowing for a single property to have a disproportionate amount of accessory building space which contributes to yard clutter, removes open space and causes neighbors to have views of an abnormal structure.

Respectfully submitted,



Jacob Heermans
Senior Planner
Phone: 262-896-8300

Reviewed and approved by:



Jason Fruth
Planning and Zoning Manager

Exhibits: Exhibits A-D

EXHIBIT B











EXHIBIT C

This all started when my neighbors built a new house across the street. The road was covered in cars, trucks and concrete trucks. I told the guys they could park in my backyard. So the block could drive on Elmhurst Dr. I had no idea Pete and Mary were bothered with cars parking in my backyard. I spent the last two years with no job to take care of my mother. Driving 1 hour every day to take care of my mother. Also driving 1 hour home every day. Mom passed and I have inherited her house, still not in my name. So having my own home in Teresa, WI, I can't afford 3 homes. I started moving into the Elmhurst house. As I am bringing all my stuff from the Teresa home, which I sold, to my home on Elmhurst Dr, Pete and Mary started to video tape me doing anything in my yard. She came to Park and Rec and Town of Delafield to complain about my yard. Then Park and Rec sent a letter out to the wrong address, telling me that they were getting a warrant to come on my land. Wrong Address. So I went down to the Town of Delafield. They said I had to go and see Waukesha County Park and Rec. I said OK. I asked Waukesha County about putting up a fence so they wouldn't be able to see my stuff as I am moving in. Town of Delafield and Waukesha County Park and Rec said no fence. Yet, my neighbor has a 7 foot fence. I asked about a burm. I was told no. I would need more space for a burm. I asked if I could plant trees. Yes, was the response. I looked into it. It is very expensive. I bought a tree spade. I put a license plate on the tree spade because I was told they needed plates by Evan at Park and Rec. I did that. It was expensive. Then Park and Rec tells me I cant have the tree spade on my land, it is commercial. After I put \$600 in tires on the Tree Spade, to be able to plant trees on the Elmhurst Dr property.

Greenhouse

Evan says bring in the lot survey and where you want the green house so I did. Cash in hand to pay for a permit. Evan says no permit was needed. Sent me a voicemail message telling me I can have my greenhouse. Sorry about the confusion. I went out and bought the greenhouse shelves for \$2000. Order the dirt for \$500. Then Park and Rec told me the greenhouse has to go. Evan then tells me, I have to get a variance from the Town of Delafield. I put in a request for the variance. A meeting was set. I was not told that I needed to be there. I was told \$120 per hour for each person on the board of Delafield. I asked Delafield what she needed from me. I sent her 9 pictures and letters explaining that it is not commercial and it is for my garden. The board members never got the pictures of the letters. I paid to have the pictures printed at Walgreens for each board member at the meeting. The meeting started with Delafield saying the meeting is closed to all public at this time. There will be no comments at this time during this meeting from anyone. But, let's Pete speak at the meeting. I was not there. I was told this was a meeting with the members of the board only. I could not defend myself. Pete and Mary who spoke at the meeting, told the board I was running a still and making fertilizer. How I was stopped and shut down on Rob Thomas' property by the police. All lies and that is when the board made up their minds about my greenhouse. Pete and Mary slandered my name on youtube for the whole world to see. As my mom was home, in her last years, I started building my greenhouse. It went very well but when I finished it in the fall, It was too hot to work in it during the summer. During the summer, I built a covered hay wagon. I called it the Farm Wagon. I started selling eggs, plants, trees, and vegetables. The eggs were from mom's chickens. My mom had cameras on the chickens to ensure they were taken care of. Which then park and rec told me I could not keep the birds. They are gone. I had to clean the coop. I

brought the shelves out of the coop to be cleaned. The neighbors complained again. Park and Rec then tells me I can not have the covered wagon. I took all the signs off the covered hay wagon and added church pews to the hay wagon. Then park and rec told me the hay wagon needed to go. It is now in storage. The covered hay wagon is for our plants for our vegetables and flowers to grow so the deer do not eat them. So, I don't have to have a 20 X 40 garden in my backyard. I grow in the greenhouse and a covered hay wagon so the deer can not reach it. Should the house behind my house have to look at a garden with a 7 foot fence around my garden. Or do you think they would like to look at the greenhouse and hay wagon full of plants. The house behind me has to look at Pete and Mary's 60 x 20 Garden with a make shift fence to keep the deer out. It looks like shit.

Evan at Park and Rec says the RV needs to be running and licensed so I did. Then he wanted it moved so I did. Now it pisses off a different neighbor who can no longer see the lake. Glen and Jackie started complaining and throwing all her lawn and patio debris on mom's land in piles. I asked her to stop, she said move that junk(the RV). now just a little history with Glen and Jackie. One winter morning, I came to Mom's. I went outside to pick eggs. It was very cold out. My girl and I heard someone calling my name and saying help. There Jackie is laying on the wet snow with a broken hip. I called her husband and 911 for her. The same Jackie and Glen who helped themselves to all the eggs for free off the wagon as they needed. Gave Jackie and Glen jelly grown from mom's land where we grow raspberries and blackberries. One of Glen's dogs killed one of my mom's birds. Glen offered to pay, i told him no, it is not the dogs fault. They should never have been out of the coop. It was not a big deal. I didn't tell mom.

The greenhouse is where my family and my brother's family grows our vegetables, plants, flowers and trees for our land and food for the year. The greenhouse was built on a trailer so it can be moved for spring time planting. The greenhouse has a garage door on the front so you can fill all the shelves with plants, trees and water. Using over 400 bags of dirt, we don't move them by hand. We buy by the pallet. We lift the pallet with the forklift to the garage door. We move from there into the bins for use. At close to 60 years old, I cannot lift much any more. It is hard being diabetic. The insulin eats your muscles. We put plants in the hay wagon so the deer do not eat our plants. The hay wagon will not be used for selling anything again. We need our greenhouse back home and our hay wagon and water tank to save my well for watering.

This is a list of what Waukesha county park and Rec has me remove from my land

- One green house
- One hay wagon
- One water tank
- One tree spade
- \$700 worth of pots and trays
- All of my mother's Chickens Ducks and Turkeys
- All of my canning for the year
- All of my flowers
- Over 40 trees

EXHIBIT D

Office Use Only

ZP Appl No. _____

Zoning Permit Application

Waukesha County Department of Parks and Land Use Planning and Zoning Division

515 W. Moreland Blvd. Room AC260 Waukesha, Wisconsin 53188 (262) 896-8300
Email pod@waukeshacounty.gov Website www.waukeshacounty.gov/planningandzoning

Please complete this application and submit it to the Planner of the Day (pod@waukeshacounty.gov) along with any supplemental information and plans. An invoice number will be provided to you after the initial intake review to pay the required application fee. An updated fee schedule is available here: <https://www.waukeshacounty.gov/parks-and-land-use/planning-and-zoning/division-fees/>

Tax Key No(s). DEIT 0809 027 001

Address of Premises W292 N2104 ELMHURST DRIVE PEWAUKEE 53072

Property Owner

Name WESLEY GOLLA
Email LIVEFISHING@GMAIL.COM
Phone No. 262-957-7198

Applicant/Agent

Name SAM E
Email ↓
Phone No. ↓

Scope of Work (check all that apply)

- ☐ Interior Remodeling ☐ Addition to Principal Structure ☐ Accessory Building (New/Remodel) ☐ New Residence ☐ Deck/Patio/Walkway
☐ Boathouse (New/Remodel) ☐ Swimming Pool ☐ Multi-Family ☐ New Industrial/Commercial ☐ Cellular/Co-Location ☐ Sign
☒ Other Mobil. greenhouse

Description of proposed work to be completed: Build greenhouse on trailer frame with axles and wheels

Sanitary Facilities (check one) Public Sewer ☐ Septic/Holding Tank ☐ Sanitary Permit No. (new construction) N/A

Existing Structure(s) ☐ Check if vacant

Principal Structure 1st floor (sq. ft.) _____ 2nd floor (sq. ft.) _____
Att. Garage (sq. ft.) _____ Basement (sq. ft.) _____ Exposed Y N Partial _____
Structure Size Height _____
No. of Bedrooms _____ No. of Bathrooms _____
Other structures (type/sq. ft.) _____

Proposed Structure(s) only include new sq. ft. for additions

Principal Structure 1st Floor (sq. ft.) N/A 2nd floor (sq. ft.) N/A
Att. Garage (sq. ft.) _____ Basement (sq. ft.) _____ Exposed Y N Partial _____
Structure Size Height 13'
No. of Bedrooms 0 No. of Bathrooms 0
Other Structures (type/sq. ft.) _____

Building Footprint (all roofed structures) _____
**(exclude area of 2' overhang or less for building footprint calculation)

Accessory Building Footprint 8' x 30' Total B.F. % _____

Size of Lot Average Width _____ Total Area (excluding established road ROW) _____

Applicant Certification

By accepting and acknowledging this form, the owner agrees that the foregoing information is true and accurate to the best of his/her knowledge; it is hereby agreed that for and in consideration of the issuance of a Zoning Permit that the foregoing work will be carried out as defined in this application; that all applicable ordinances or codes of the state, county, and municipality will be complied with in carrying out the proposed work stated in the application; and that work will not commence before a building permit has been obtained from the local/town building inspector. If any changes or deviations are made from the original application, a new permit is required. Failure to comply with the permit as issued will result in the revocation of the permit or other penalties. Further, by accepting and acknowledging this form, the owner or his/her authorized agent is giving their consent for the Dept. of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.; and serves as acceptance of the wetland statement included on the Property Owner letter issued with the Zoning Permit.

Owner Signature: Wes Golla Date: 12-17-25

Zoning Permit Worksheet

The Applicant is responsible for filling out the "Proposed" section on the below table for the improvements specified above.

	Structure 1 (please specify) ()			Structure 2 (please specify) ()			
	Existing	Proposed	Required	Existing	Proposed	Required	Notes
Road Setback							
Offset ()		15 Feet					
Offset ()							
Offset ()							
Total Building Footprint							
Accessory Building Footprint							
Building Height							
Shore Setback							
Wetland Setback							
Floodplain Setback							
Impervious Surface							

***If more than two (2) structures are proposed, please attach an additional page

For Office Use Only

Fee Pd.: \$ _____ Receipt No.: _____ ATF Y__N__ Reviewed by: _____ PSE Approved: Y__N__NA__

X-Ref: BOA File No. _____ SPPO File No. _____ CU File No. _____

Nonconforming Structure Y__N__ Zoning District(s): _____

☐ Shoreland Protection Ordinance
 ☐ Zoning Code
 ☐ Other

Application Status

☐ Approved
 ☐ Denied

Signature of Zoning Administrator

Date

Date Stamp:

Received

Dept of Parks and Land Use



Legend

- ☐ Municipal Boundary
- Points of Interest
- Parcel_Dimension_2K
- Note_Text_2K
- Lots_2K
 - ☐ Lot
 - ☐ Unit
 - ☐ General Common Element
 - ☐ Outlot
- SimultaneousConveyance
 - ☐ Assessor Plat
 - ☐ CSM
 - ☐ Condominium
 - ☐ Subdivision
- Cartoline_2K
 - EA-Easement_Line
 - PL-DA
 - PL-Extended_Tie_line
 - PL-Meander_Line
 - PL-Note
 - PL-Tie
 - PL-Tie_Line
 - <all other values>
- Road Centerlines_2K
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_Labels
- Waterlines_2K_Labels

0 53.29 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes:

Printed: 12/16/2025



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

DATE: September 9, 2026

FILE NO.: BA243

OWNERS: Annette and Nathan Vernon
2051 Hidden Reserve Circle
Mequon, WI 53092

APPLICANT: Allan Builders
N118 W18531 Bunsen Drive
Germantown, WI 53022

TAX KEY NO.: MRTT 0410.006

LOCATION:

The subject property is described as the N ½ of Lot 4, Thornwood, part of the NW ¼ of Section 31, T8N, R18E, Town of Merton. More specifically, the property is located at W338 N5429 Road N, with frontage on Okauchee Lake.

REQUEST:

Variances from **Section 3(h)2 Shore Setback and Section 3(h)(3)(A) Offset** provisions of the Waukesha County Shoreland Protection Ordinance to construct a landing and walkway along the southern lot line.

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	35 ft. +/-	234 ft. +/-	7,808	33 ft.	49 ft.
Required	150 ft. min. (unsewered)	n/a	43,560 (unsewered)	30 ft. min	100 ft. min.

*Excluding the established 20 ft. wide road right-of-way of Road N.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

BA81:1 : On January 28, 1981, The Board of Adjustment granted a variance from the open space requirements, floor area ratio, offset, and shore setback requirements to permit the construction of a new home.

BA85:85: On August 28, 1985, The Board of Adjustment granted a variance from the open space requirements, floor area ratio, offset, and road setback requirements to permit the construction of an attached garage.

PENDING ACTIONS:

None.

PROPOSAL AND STAFF ANALYSIS:

The subject parcel, which is served by septic, is located on the north side of Road N with frontage on Okauchee Lake. A zoning permit was submitted and approved in August 2025 to raze the existing structure and construct a new lakeside residence with an attached garage. The parcel is zoned R-1 Residential and is severely nonconforming to the district lot size requirements (7,808 existing vs 43,460 required). The parcel is severely nonconforming to the required width (35' existing vs 150' required). The ordinance allows a reduced offset of 5' for parcels with a width of 35' or less.

The parcel is long and narrow, and the proposed home design reflects those constraints. From the public right-of-way, the garage is the primary visible feature; the home does not include a traditional front-facing entry, with the front door instead located on the south side of the structure. In June 2026, staff were contacted by the builder regarding grades near this entrance. The approved plans include stairs leading from the door down toward the finished grade, however, the grades did not match the approved Plat of Survey, resulting in a significant gap between the bottom of the stairs and the ground (see Exhibit A and Exhibit B).

The petitioners have revised the stair design and plan to construct a 1 ft. wide retaining wall along the south property line, along with a landing at the bottom of the stairs and a walkway in order to provide access to the front door. The tallest height of the wall will be 23 inches. Per the Shoreland Protection Ordinance, a retaining wall is a structure 24 inches or taller, thus this wall can be permitted via zoning permit and does not need to obtain additional approvals (Exhibit C). The wall will be 6 inches off of the southern property line and landscaping will be provided along the wall face to provide additional screening. A slight amount of fill is proposed between the retaining wall and the principal structure.

The petitioners request for a variance from the offset and shore setback requirements stem from the landing and the walkways. The landing will be 6" off the lot line and sits upon the retaining wall. A walkway located 3.6' from the lot line will lead from the landing to the front driveway. The walkway is 3' wide. The landing and walkway will be made of concrete. Additionally, the petitioners are proposing to add stepping stones (2' x 2' stones) to create a walkway to the shore side of the home.

The parcel previously had 4,015 sq. ft. (51.4%) impervious surface. The redevelopment of the property has significantly decreased the amount of impervious surfaces to 3,412 (43.7%). The total amount of impervious surfaces remains below 4,015 and is therefore compliant with the impervious surface provisions of the ordinance.

The table below summarizes the existing structure.

	1 st Floor (sq. ft.)	2 nd Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	903	1,330	426	na	3	3
Proposed	No change	No change	No change	na	No change	No change

The proposed walkway and landing requires variances from the Offset and 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)	70.5' (House)	N	NC	50'	N
OFFSET (N)	3 (h) (3) (A)	5.3' (House) 5' (Patio)	N	NC	5'	N
OFFSET (S)	3 (h) (3) (A)	5.9' (House) 5.9' (Patio)	N	NC (House) 3.6' (Walkway to driveway) 6" (Landing)	5'	Y - Variance
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,330 (17.03%)	N	NC	1,366 (17.5%)	N
BLDG HEIGHT	3 (i)	15.6'	N	NC	35'	N
SHORE SETBACK	3 (h) (2)	59.9'(House) 51.4' (Patio) utilizing averaging	N	NC (House and Patio) 55.7' (stepping stones)	75' for walkways	Y - Variance
IMPERVIOUS SURFACE	3 (t)	4,015 SF (51.4%)	Y	3,412 (43.7%)	Grandfathered in at 51.4%	N

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit D.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **approval** of the request for a variance from the offset requirements to construct a landing and walkway to the front of the house and **denial** of the request for a variance from the offset and shore setback to construct stepping stones towards the shore side of the home. 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 walkway to the front of the house shall be no closer than 3.6' from the southern lot line.
2. The landing shall be no closer than 6" from the southern lot line.
3. The Landscape and Drainage plan must comply with the proposal submitted by Terra Tec Landscapes, INC on July 24, 2026, which includes retaining wall landscape screening and drainage accommodations.

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 subject property does not conform to the average lot width requirements (35' existing vs 120' required). The narrow configuration of the parcel substantially limits the building design and site layouts available. When accounting for the required 5' offsets, the petitioners had 25' available in width where the home and garage could be placed. The petitioners designed a two-car garage that meets the minimum standards at 20'7" thus pushing the design of the front door to the side of the house. The immediately adjacent parcel was redeveloped in 2021 and was designed in a comparable long, narrow configuration with a front-facing garage and side-facing entrance. Other nearby parcels retain their original lake cottages and have not been redeveloped. However, if they were redeveloped, we would expect similar site designs.

The request of the landing and walkway to the driveway are due to the grades being completed incorrectly, which has created an uneven condition along the southern property line and prevented access to the stairs, due to the approximately 5 foot gap from the stairs to the ground. The petitioners have worked closely with Planning and Zoning staff to minimize the encroachment into the offset as much as possible. Strict compliance with the offset provisions of the ordinance would prevent the petitioners reasonable use of their property, as the door serves as the point of ingress and egress for the front of the home. There is only one other door for ingress and egress which is located on the shore side of the home.

When there is a pattern of development where existing structures/patios on adjacent structures have a shore setback of less than 75', the ordinance allows for averaging to be utilized to determine the required shore setback for new development. Utilizing these provisions, the home and patio have been lawfully placed closer than 75'. However, the shore setback averaging provisions do not apply to walkways. It has not been demonstrated that the stepping stones are necessary to provide reasonable use of the property. If a walkway

to the shore side of the house is desired, a woodchip walking path or other pervious material could be utilized instead of landscape stones.

- 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 walkway has historically existed along the south side of the residence. The prior walkway consisted of a series of concrete walkway/landing sections connected by stairs, occupied the full offset area, and did not include drainage measures to manage runoff. The proposed design, while encroaching into the offset, reduces the extent of the walkway and leaves a portion of the offset area open. Additionally, installation of a trench drain is intended to collect runoff from the walkway area and direct drainage to remain on the subject property, further limiting the potential for off-site drainage impacts (Exhibit E). The neighbors to the south have submitted a letter of support (Exhibit F) for the current proposal. Staff believes that these additions do not pose any risk to the general public health, safety, and welfare, and this request may be approved

The proposal for the stepping stones is not consistent with the Shoreland Protection Ordinance which aims to minimize additional development and impervious surfaces within 75' of the shore. While the Ordinance allows for flexibility from the shore setback provisions for walkways, this is only when unique conditions, such as significantly steep slopes, prevent access to the Navigable Waterway. Access to other portions of the property, such as to the rear of the house, do not qualify for exemption. In contrast, the proposed walkway from the driveway to the side entry door would occupy an already developed area of the parcel and therefore represents a minor encroachment into the off sets.

Respectfully submitted,

Emily Goodman

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

Reviewed and approved by:

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Exhibits: Exhibit A- Approved Zoning Permit Site and Grading Plan
Exhibit B – Proposed Site and Grading Plan
Exhibit C – Elevations with retaining wall
Exhibit D – Petitioners Comments
Exhibit E – Landscape plan and narrative
Exhibit F – Letter from Neighbor

Plat of Survey

Property Description: Document No. 4799743
The Northerly 1/2 of Lot 4, in Thornwood, Situated in the Northwest 1/4 of Section 31, in the Township 8 North, Range 18 East, in the Town of Merton, Waukesha County, Wisconsin,

RECEIVED 07/24/2026
DEPT PARKS & LAND USE

Existing Impervious Surface
Lot Area to O.H.W.M.: 7,808 S.F.
Buildings (includes overhangs): 1,491 S.F. (19.1%)
Proposed Impervious Other: 2,524 S.F. (32.3%)
(Decks, Driveway, Retaining Wall, Conc. & Brick)
Total Proposed Impervious: 4,015 S.F. (51.4%)

Proposed Impervious Surface
Lot Area to O.H.W.M.: 7,808 S.F.
Buildings (excludes 1.0' overhangs): 1,379.5 S.F. (17.7%)
Proposed Impervious Other: 1,803.7 S.F. (23.1%)
(Decks, Driveway, Retaining Wall, Conc. & Brick)
Total Proposed Impervious: 3,183.2 S.F. (40.8%)

LEGEND

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Proposed Well
Existing Well
Utility Pedestals
Power Pole
Air Conditioner
Septic Clean Out
1" Iron Pipe Found
Existing Spot Grade
Proposed Grade
Proposed Contour
Existing Contour
Building Setback Line
Proposed Gas Line
Proposed Electric Line
Proposed Sewer Line
Proposed Silt Fence

NORTH 1/2 LOT 4
Parcel Contains
To Meander
7,433 S.F.
0.171 Acres
To O.H.W.M.
7,808 S.F. ±
0.180 Acres ±

Suggested Top of Wall: 888.92'
Suggested Garage Floor: 888.58'
Suggested Exposure: 879.92'
Suggested Final Yard Grade: 888.25'
Suggested Top of Footing: 879.92'
(Assuming 9' Poured Wall-check plans)
Sewer invert elevations to be verified by sewer contractor

Graphic Scale 1" = 30'

0'

30'

60'

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.
- () Indicates recorded as bearings and dimensions.
- Proposed elevations shown on this drawing are suggested grades and should be verified by the owner and/or the builder and approved by the building inspector.
- Contractors must verify at least two benchmarks shown hereon.
- Field work completed on 04-29-25.
- Any lands below the Ordinary High Water Mark (O.H.W.M.) of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1, of the State Constitution.
- Floodplain is per FEMA Firm Map No. 55133C0156G, map revised November 5, 2014.
- The O.H.W.M. (Ordinary High Water Mark) is an approximate location as shown on a plat of survey by Land Tech dated 01-27-2025 and field located on 04-29-25.
- Maximum building footprint per Shoreland Protection ordinance = 17.5% of lot size.
- Impervious Surface Limit without mitigation = 30%.
- Building Setbacks
Front/Road (Sewered) = 35'
Side = 5'
Rear/Shoreline (Shoreland Protection Ordinance averaging = 45.23'

EXHIBIT A

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

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, it's 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 15th Day of May 2025:
John M. Schulz S-3253

REVISIONS
08-08-25 Added proposed utilities

PREPARED FOR:

Victory Homes of Wisconsin, Inc.
N118W18531 Bunsen Dr
Germantown, WI 53022

VERNON RESIDENCE

BEARINGS ARE REFERENCED TO THE WEST LINE OF ROAD "N" WHICH BEARS S 35°57'29" W

Drawn By: JS Job# 25199
Sheet 1 of 1

Landscape Layout

LAND SURVEYS INC.

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

PREPARED FOR:

Victory Homes of Wisconsin, Inc.
N118W18531 Bunsen Dr
Germantown, WI 53022

VERNON RESIDENCE

BEARINGS ARE REFERENCED TO
THE WEST LINE OF ROAD "N"
WHICH
BEARS S 35°57'29" W

RECEIVED 08/10/2026
DEPT PARKS & LAND USE

Property Description: Document No. 4799743

The Northerly 1/2 of Lot 4, in Thornwood, Situated in the
Northwest 1/4 of Section 31, in the Township 8 North,
Range 18 East, in the Town of Merton, Waukesha County,
Wisconsin,

NORTH 1/2 LOT 4

Parcel Contains
To Meander
7,433 S.F.
0.171 Acres
To O.H.W.M.
7,808 S.F. ±
0.180 Acres ±

Existing Impervious Surface

Lot Area to O.H.W.M.: 7,808 S.F.
Buildings (includes overhangs): 1,491 S.F. (19.1%)
Proposed Impervious Other: 2,524 S.F. (32.3%)
(Decks, Driveway, Retaining Wall, Conc. & Brick)
Total Proposed Impervious: 4,015 S.F. (51.4%)

Proposed Impervious Surface

Lot Area to O.H.W.M.: 7,808 S.F.
Buildings (excludes 1.0' overhangs): 1,379.5 S.F. (17.7%)
Proposed Impervious Other: 1,799 S.F. (23%)
(Decks, Driveway, Retaining Wall, Sidewalk, Conc. & Brick)
Total Proposed Impervious: 3,178.5 S.F. (40.7%)

LEGEND

- Septic Clean Out
- Proposed Well
- Proposed Stepping Stones
- Existing Well
- Utility Pedestals
- Power Pole
- Air Conditioner
- 1" Iron Pipe Found
- Existing Spot Grade
- Proposed Grade
- Proposed Contour
- Existing Contour
- Building Setback Line

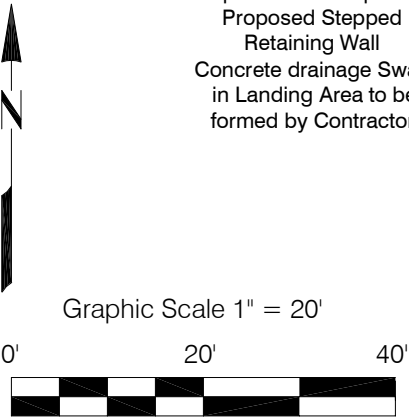
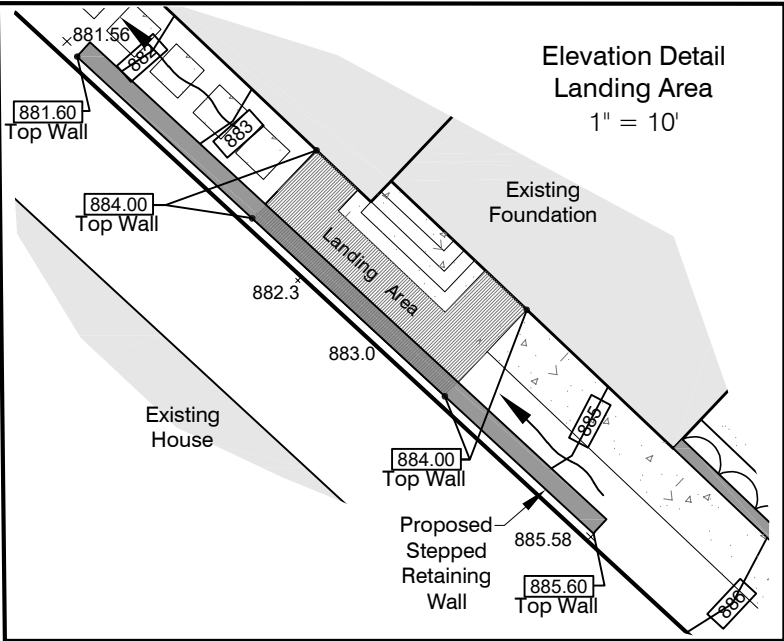
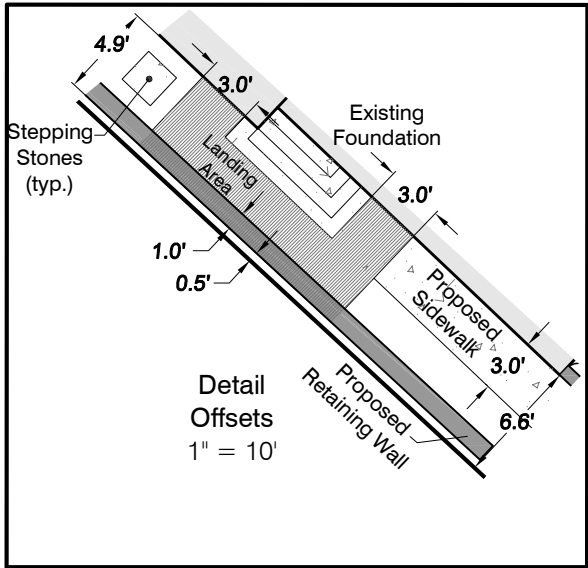
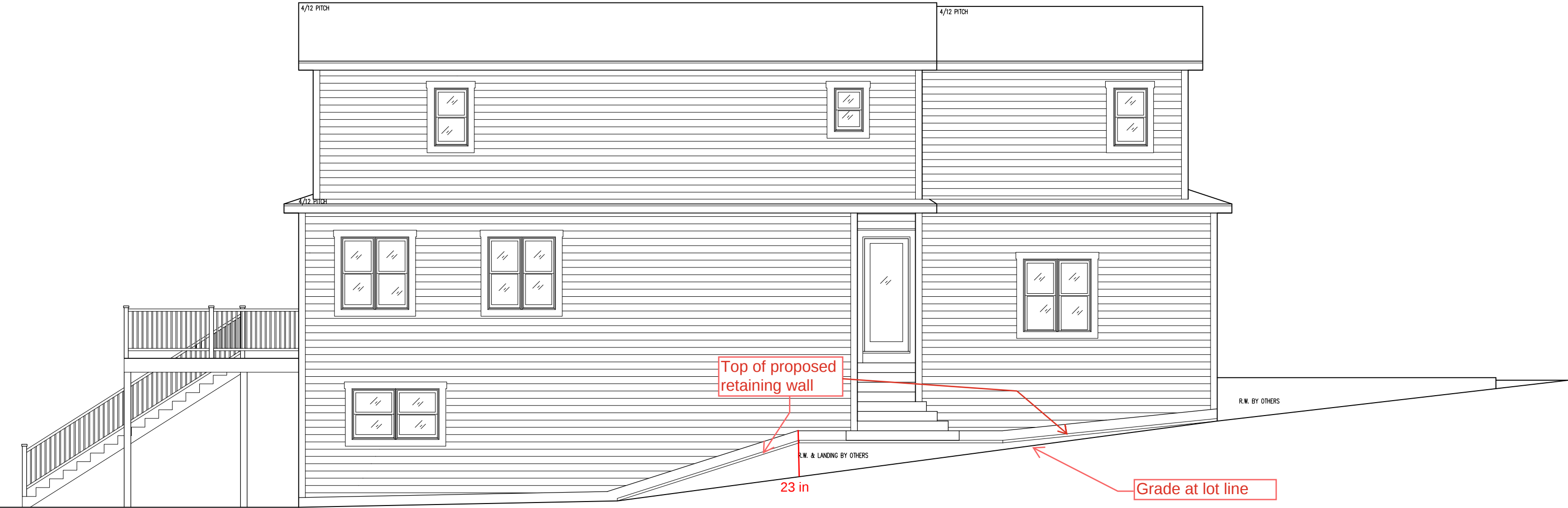


EXHIBIT C

RECEIVED 08/10/2026
DEPT PARKS & LAND USE



LEFT ELEVATION
1/4"=1'-0"

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.

The width of this lot is 33.24' wide, and we've designed a home that is just 22'1" wide in order to make the most efficient use of available space. Since the building was not wide enough to fit a Front Door entrance on the front of the house, even with a minimal garage width as part of the design, a side entrance was the only option. The grade slopes along the side lot line from a higher elevation near the road, down alongside the home toward the shore. A poured concrete sidewalk that would be able to be maintained with snow clearing in mind is needed to access the Front Door of the home. The grade that the sidewalk would need to be constructed upon would need to be created by adding a short retaining wall along a portion of the lot line between the North 1/2 and South 1/2 of Lot 4. The Front Door is needed as one of two required code compliant exits on the 1st floor per Wisconsin State Building Code SPS 321.03(1)(a)(b).

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.

Careful design and planning has gone into the proposed landscape plan for the sidewalk, and retaining wall. Every effort has been made to minimize the height, extents of the wall, and walkway to minimize any perceived impact to neighboring properties. Measurements used to figure step heights for the stairs on the house needed to access the Front Door have all been checked and will be set to the minimal extension necessary per building code in order to eliminate impact beyond what is necessary. (Max 8"rise and 9"run on stairs on house) Storm-water management by way of drain-tile and storm drain piping has been planned to contain all storm runoff from the proposed features. Natural vegetative plantings will be used to decorate the outward facing surface of the retaining wall.

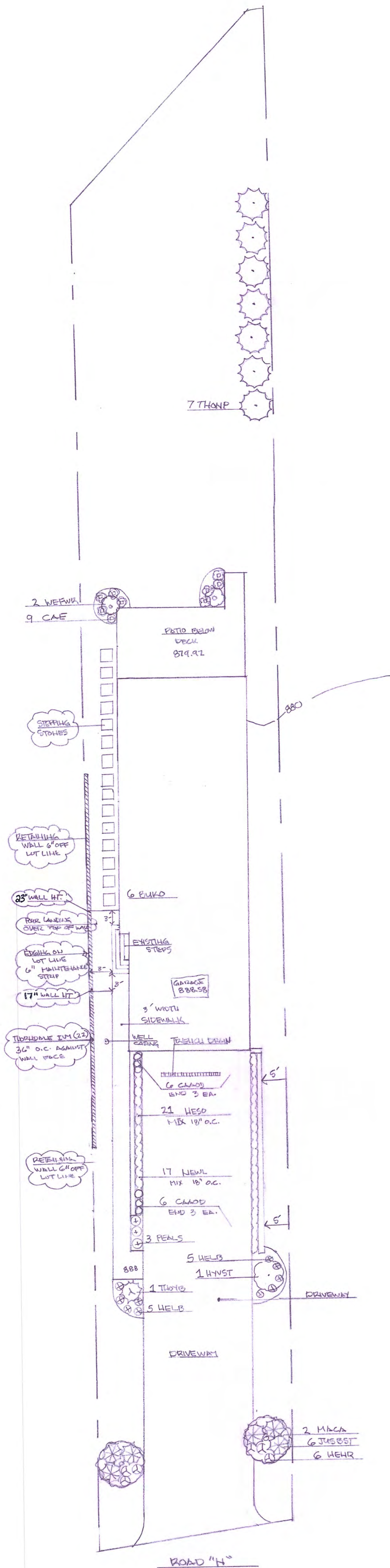
PLANTINGS, STRUCTURES, AND OTHER REPRESENTATIONS SHOWN ON THIS PLAN ARE FOR THE PURPOSE OF CONVEYING LANDSCAPE DESIGN FEATURES. REFER TO PREPARED CONTRACT DOCUMENTS FOR SPECIFIC ITEMS INCLUDED IN ANY PARTICULAR PHASE OF LANDSCAPE CONSTRUCTION.

EXHIBIT E

RECEIVED 07/24/2026

DEPT PARKS & LAND USE

THIS DRAWING IS MADE SOLELY FOR THE INDIVIDUAL NAMES HEREIN AND IS PROPERTY OF TERRATEC. ANY UNAUTHORIZED USE OR DUPLICATION IS IN VIOLATION OF THE COPYRIGHT LAWS AND SUBJECT TO PROSECUTION.



LANDSCAPE DEVELOPMENT FOR

Annette & Nate Vernon

W338N5429 Road N.

Merton, WI



2433 SLINGER ROAD
RICHFIELD, WI 53076

(262) 644-5488
FAX(262) 644-8621

LANDSCAPE
ARCHITECTURE

DRAWN BY: **SFE**

DESIGN BY:

DATE:

REVISED: **7/26/2026**

SCALE:

SHEET:



Date: 6/26/2026

Emily Goodman
Senior Land Use Specialist
Department of Parks and Land Use
Planning and Zoning Division

Project and Location: Vernon Residence Wall and Access Pathway
Annette & Nate Vernon
W338N5429 Road N.
Merton, WI

Hello Emily-as requested, following is the revised plan as well as the explanation of water management for the Vernon Property;

1. Roof water and driveway water to be captured in PVC drained into subsoil along the PVC runs with perforated PVC drainpipes, overflow to be emitted in lakeside yard.
2. Retaining walls along driveway are designed to channel driveway water toward driveway trench drain and filter into subsoil through the perforated PVC system, which is carrying the roof water.
3. Retaining wall required to support the access pathway is located 6" off the lot line. and along the foundation is designed to channel the access pathway water toward the perforated PVC system along the foundation which carries the driveway and roof water.
4. The retaining wall to support the access pathway will be vegetated with Thorndale Ivy and protected with a maintenance strip.

Please review and respond as accepted.

Thank you.

Sincerely,

John



John Erdmann
Terra Tec Landscapes, Inc.
2433 Slinger Road
Richfield, WI 53076
O:262-644-5488
F:262-644-8621
C:262-424-2097
john@terrateclandscapes.com

Re: Vernon Property – Proposed Retaining Wall / Site Plan

To Whom It May Concern:

We have reviewed the revised plans provided by Victory regarding the proposed retaining wall and access to the Vernon residence adjacent to our property on Okauchee Lake.

First, we want to be clear that we value Nate and Annette as neighbors and want to be reasonable and supportive of finding a workable solution for access to their home. In that spirit, we are willing to acknowledge and not oppose the proposed retaining wall plan as specifically presented to us in the revised plans provided August 7, 2026. Any material change to the location, height, grading, drainage, or configuration of the proposed work would not be included in this acknowledgment.

That said, we remain frustrated that issues related to the design and construction of this home continue to require accommodation from us and potentially impact our property. Given the narrow nature of these lake lots, we believe appropriate access, setbacks, grading, drainage, privacy, and the impact on neighboring properties should have been carefully considered by the builder during the original design and construction process. We have already experienced impacts to our property and made accommodations throughout this project, and we are disappointed to again be placed in a position of accepting an additional impact in order to resolve an issue that reasonably should have been anticipated during the planning, approval process, and construction of the home.

Our primary concern with the proposed retaining wall remains water management. Victory has represented that the revised grading and drainage plan will contain water on the Vernon side of the property. Our acknowledgment is expressly based upon that representation and upon the understanding that the project will not increase or redirect stormwater runoff, drainage, erosion, or otherwise adversely impact our property. We expect the final construction, grading, and drainage to perform accordingly.

We also expect that all work associated with the retaining wall, grading, drainage, landscaping, and construction will remain entirely within the Vernon property unless we provide specific permission otherwise.

Nothing in this acknowledgment should be construed as a waiver of our rights as adjoining property owners should the completed work result in drainage, erosion, encroachment, or other adverse impacts to our property.

We hope this acknowledgment allows Nate and Annette to move forward with a reasonable solution while protecting both properties and maintaining the positive neighbor relationship that is important to us.

Sincerely,

Christopher and Shawn Hake

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

DATE: September 9, 2026

FILE NO.: BA244

OWNERS: Vicki Tadych
2282 W. Sycamore
Oak Creek, WI 53154

APPLICANT: Miller Marriott Construction Company
711 Wells Street
Delafield, WI 53018

TAX KEY NO.: EGLT 1871.993

LOCATION:

The subject property is described as part of the NE ¼ and SW ¼ of Section 36, T5N, R17E, Town of Eagle. More specifically, the property is located at W345 S10789 S. Shore Drive with frontage on Eagle Spring Lake.

REQUEST:

Variance from **Section 3(j)(5)(B), Maximum Building Footprint** provisions of the Waukesha County Shoreland Protection Ordinance to permit the construction of a new single-family residence.

ZONING CLASSIFICATION: R-3 Residential District

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

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (S Shore Dr)	Riparian Frontage (Eagle Spring Lake)
Existing	61.5 ft. +/-	222 ft. +/-	13,534	75 ft.	49.5 ft.
Required	120 ft. min.	n/a	20,000 (unsewered)	30 ft. min	100 ft. min.

*Excluding the established 50 ft. wide road right-of-way of South Shore Dr.

PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:

None.

PENDING ACTIONS:

None.

PROPOSAL AND STAFF ANALYSIS:

The subject property, which is served by a private sewage system and a private well, is located on the west side of South Shore Dr. with frontage on Eagle Spring Lake. The property is relatively flat with the lot sloping from the road to the lake with approximately 5' of grade change. The property contains a one-story single-family residence with an attached garage and boathouse. The property to the south is bisected by South Shore Dr. with the lakeside holdings currently vacant and free of improvements. It should be noted that the wooded portion of the lakeside lot to the south was acquired from the DNR and is deed restricted against future development.

The petitioners are proposing to remove the existing one-story residence to construct a new two-story, single-family residence. The existing boathouse is proposed to remain. The proposed residence will be slab on grade style construction and will not contain a basement

The table below summarizes the existing and proposed improvements. A site plan showing existing improvements is attached as Exhibit A. A site plan showing the proposed improvements is attached as Exhibit B. Building plans showing the proposed improvements are attached as Exhibit C.

	1 st Floor (sq. ft.)	2 nd Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	1,168	n/a	360	273	2	1
Proposed	1,780	1,237	636	No Change	3 (+1)	3 (+2)

The proposed residence requires variances from the Maximum Building Footprint 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)	76.55'	N	50.25	50' min	N
OFFSET (N)	3 (h) (3) (A)	10.67'	N	10.25'	10' min	N
OFFSET (S)	3 (h) (3) (A)	11.4'	N	17.60' (res) 16.32' (deck)	10' min (res) 5' (deck)	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,801 SF (13.3%)	N	2,689 SF (19.9%)	2,368 SF (17.5% Max)	Y
ACCESSORY FOOTPRINT	3 (j) 4	273 SF	N	273 SF	600 SF Max	N
MINIMUM FLOOR AREA	3 (j) (1)	1,168 SF Overall	N	1,551 SF 1 st Floor 2,643 SF Overall	850 SF 1 st Floor 1100 SF Overall	N
BLDG HEIGHT	3 (i)	18'	N	29.7'	35' Max	N
SHORE SETBACK	3 (h) (2)	75'	N	79.06' (res) 76.01' (deck)	75' Min	N
IMPERVIOUS SURFACE	3 (t)	2,762 SF (20.4%)	N	4,060 SF (30%)	4,060 (30% Max)	N

PETITIONERS' COMMENTS:

The petitioners' comments are attached as Exhibit D.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **approval** of the request for a variance from the building footprint requirements of the Waukesha County Shoreland Protection Ordinance to construct a new single-family 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. The overhang on the north side of the residence shall be reduced in size, in accordance with the approved building plans.

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 proposed residence exceeds the allowable building footprint by 48 square feet, however, the retention of the existing boathouse adds an additional 273 square feet for an overall footprint 321 sq feet over the maximum. The petitioners contacted staff for the parameters in which to design a new residence and were provided with incorrect information. Staff misinterpreted a provision and incorrectly advised that the building footprint calculation would be based upon the minimum lot size of the subject R-3 zoning district (20,000 sq. ft.) rather than the subject lot area (13,534). This resulted in the petitioner designing a home, in good faith, to comply with the footprint parameters that were provided by staff. The error was not caught until the new home plans, inclusive of detailed floor plans and elevations, were fully developed and paid for by the petitioner. Staff feels it would be unnecessarily burdensome to require the petitioners to re-design the home or remove the boathouse when they and their builder extended considerable effort, time and expense to comply with requirements provided by staff and because the overage is modest along with the limited storage options on site because of basement limitations.

The proposed residence is modest in scale and is complementary to the character of the surrounding neighborhood with cottage style features such as variable rooflines, shake style siding, cedar bracketing, window boxes and understated lighting. The proposed residence does not have a basement due to high groundwater conditions which limits storage space. The lack of basement availability represents a unique site condition, and staff feels that some building footprint relief to allow for the boathouse to be retained is appropriate.

- 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 slight increase in bulk is not out of character with the surrounding residences. The home is a variable one to two story design and less than 30' tall at its highest point. The residences on the south side of South Shore Dr. sit 40-50' higher in elevation than the subject lands, therefore, the improvements should not negatively impact the neighboring property owners' views of the lake. The adjacent lakeside parcel to the south contains close to 400' of frontage and is currently free of improvements. The minor increase in building area is unlikely to affect that parcel's views. The proposal meets the impervious surface standards and will not adversely impact the nearby natural resources or the lake.

Respectfully submitted,



Jacob Heermans
Senior Planner
Phone: 262-896-8300

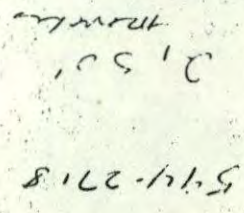
Reviewed and approved by:



Jason Fruth
Planning and Zoning Manager

Exhibits: Exhibits A-D

7000



PRELIMINARY LAYOUT

UNPLATTED LANDS BEING PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36,
TOWNSHIP 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

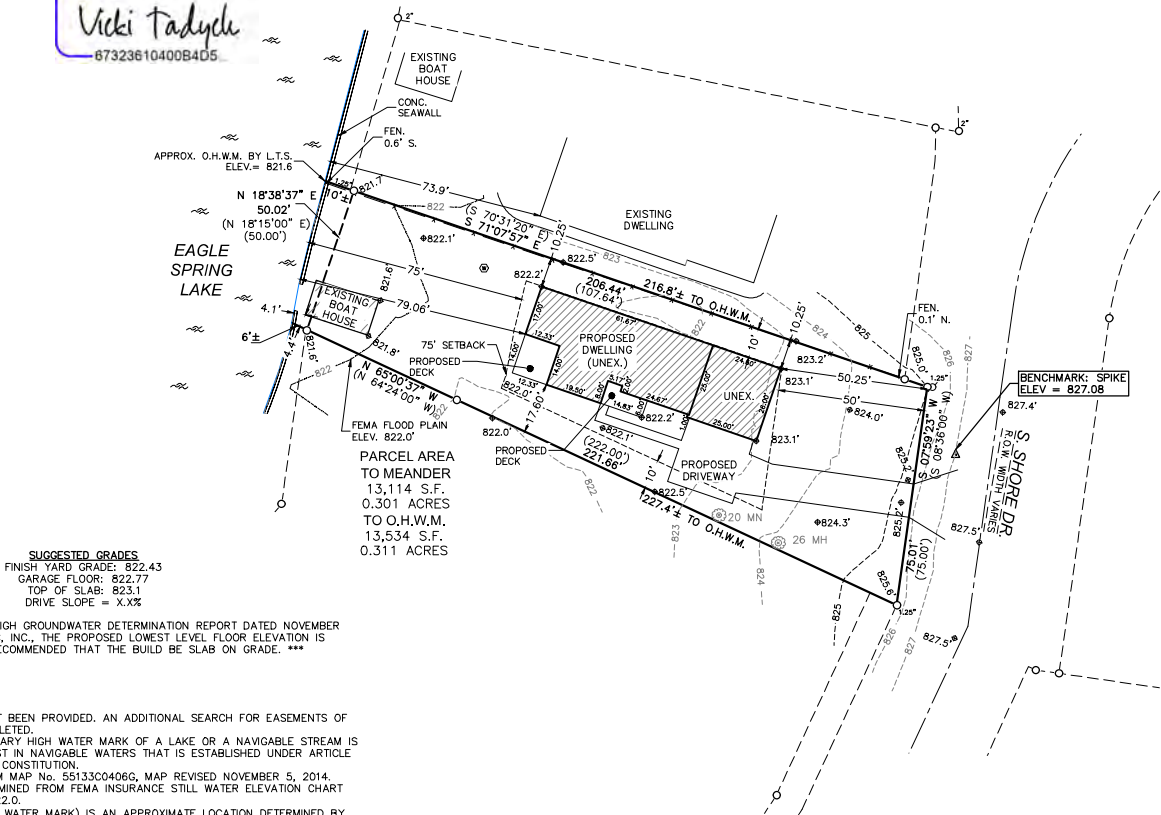
Exhibit B

Signed by: 7/25/2026

Mark Tadych
28E6947C29ED4C7

Signed by: 7/25/2026

Vicki Tadych
67323610400B4D5



SUGGESTED GRADES
FINISH YARD GRADE: 822.43
GARAGE FLOOR: 822.77
TOP OF SLAB: 823.1
DRIVE SLOPE = X.X%

*** PER FORM A SEASONAL HIGH GROUNDWATER DETERMINATION REPORT DATED NOVEMBER 30, 2021 DONE BY CGC, INC., THE PROPOSED LOWEST LEVEL FLOOR ELEVATION IS 823.1, AND IT IS RECOMMENDED THAT THE BUILD BE SLAB ON GRADE. ***

NOTES:

- A TITLE COMMITMENT HAS NOT BEEN PROVIDED. AN ADDITIONAL SEARCH FOR EASEMENTS OF RECORD HAS NOT BEEN COMPLETED.
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRN MAP No. 55133C0406G, MAP REVISED NOVEMBER 5, 2014. FLOODPLAIN ELEVATION DETERMINED FROM FEMA INSURANCE STILL WATER ELEVATION CHART 1% FLOOD CHANCE. ELEV.= 822.0.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR.
- ENTIRE PARCEL LIES WITHIN WAUKESHA COUNTY SHORELAND ZONING.

SETBACK REQUIREMENTS

FRONT YARD = 50'
SIDE YARD = 10'
O.H.W.M. = 75'

BUILDING DIMENSIONS SHOWN PER
FOUNDATION PLAN (OR PLANSET)
DATED 06/25/2026

LEGAL DESCRIPTION

ALL THAT PART OF THE NORTH EAST ONE QUARTER (NE 1/4) OF THE SOUTH WEST ONE QUARTER (SW 1/4) OF SECTION 36, TOWNSHIP NO. 5 NORTH, RANGE NO. 17 EAST, IN THE TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT ON THE NORTH AND SOUTH 1/4 LINE DISTANT SOUTH 657.96 FEET FROM THE CENTER OF THE SAID SECTION, AND THENCE WEST AT 90 DEGREES WITH SAID 1/4 LINE 50.0 FEET TO THE WEST LINE OF A PUBLIC ROAD, AND THENCE SOUTH 0 DEGREES 08' WEST ON SAID LINE 40.75 FEET TO AN ANGLE POINT IN THE SAID LINE, AND THENCE SOUTH 8 DEGREES 36' WEST ON SAID WEST LINE 75.0 FEET TO THE POINT OF COMMENCEMENT OF THE LANDS HEREIN DESCRIBED AT THE NORTHEAST CORNER THEREOF. THENCE NORTH 70 DEGREES 31' 20" WEST 107.64 FEET TO A POINT ON THE SHORE OF EAGLE SPRING LAKE; THENCE ON A MEANDER ON THE SAID SHORE SOUTH 18 DEGREES 15' WEST 50.0 FEET; THENCE SOUTH 64 DEGREES 24' EAST 222.0 FEET TO THE WEST LINE OF THE PUBLIC ROAD AFORESAID; THENCE NORTH 8 DEGREES 36' EAST 75.0 FEET TO THE POINT OF COMMENCEMENT. ALSO CONVEYING ALL LANDS BETWEEN THE AFORESAID MEANDER LINE AND THE LATERAL LINES OF THE DESCRIBED AREA EXTENDED TO THE LOW WATER MARK OF THE SAID LAKE.

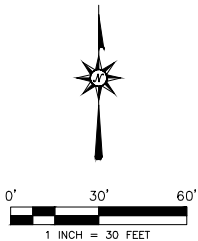
EXISTING IMPERVIOUS AREA (SQ. FT.)
DWELLING = 1,801
PATIO(S) = 216
DRIVEWAYS (INCL. PAVED, CONCRETE, GRAVEL AND COMPACTED AREAS) = 389
MISCELLANEOUS IMPERVIOUS SURFACES = 15
TOTAL IMPERVIOUS SURFACE AREA = 2,762
LOT SIZE = 13,534
TOTAL PERCENT IMPERVIOUS SURFACE = 20.4%

POST-PROJECT IMPERVIOUS AREA (SQ.FT.)
DWELLING = 2,187
BOAT HOUSE = 273
PATIO(S) = 272
DRIVEWAYS (INCL. PAVED, CONCRETE, GRAVEL AND COMPACTED AREAS) = 1,313
MISCELLANEOUS IMPERVIOUS SURFACES = 15
TOTAL IMPERVIOUS SURFACE AREA = 4,060
LOT SIZE = 13,534
TOTAL PERCENT IMPERVIOUS SURFACE = 30.0%

LEGEND

- FOUND 1" IRON PIPE OR NOTED
- △ CONTROL POINT BENCHMARK
- ⊙ WELL
- ⊙ SEPTIC VENT
- ⊙ SEPTIC CLEANOUT
- ⊙ UTILITY POLE
- ⊙ OVERHEAD UTILITY
- ⊙ ELECTRIC METER
- ⊙ GAS METER
- ⊙ FLOOR ELEVATION
- ⊙ EXISTING SPOT GRADE
- ⊙ EXISTING CONTOUR
- ⊙ WIRE FENCE
- ⊙ AIR CONDITIONER
- ⊙ DECID. TREE WITH DIA.
- (R) RECORD DIMENSION

TREE SPECIES LEGEND	
DESIGNATION	TREE SPECIES
⊙	SHADU
⊙	MAPLE
⊙	NORWAY SPRUCE



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONS 2011) AND REFERENCED TO THE SOUTH LINE OF C.S.M. NO. 11360 MEASURED AS S 71°07'57"E.

VERTICAL DATUM IS NAVD 88 (GEOID 12A)

*** THIS MAP IS TO BE USED FOR PRELIMINARY PLANNING PURPOSES ONLY



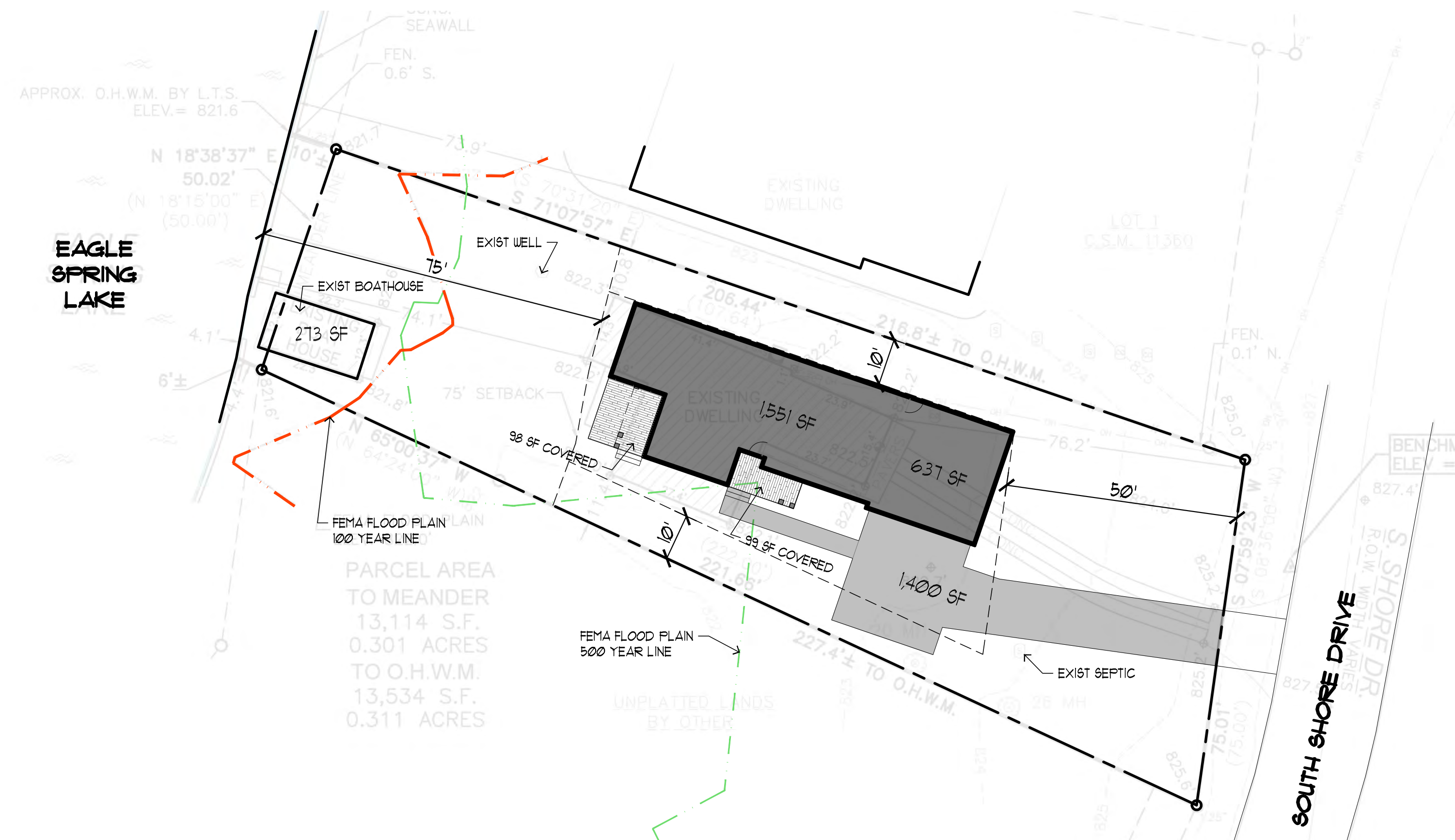
REV.	REV.	REV.	REV.

W345S10789 S. SHORE DR. MUKWONAGO, WISCONSIN TAX KEY: EGLT1871993	LOCATION
MTD	CHECKED BY
ODB	DRAWN BY

MILLER MARIOTT	CLIENT
TADYCH	PROJECT
PRELIMINARY LAYOUT	LAYOUT
25299_PRELIM.DWG	DRAWING

DATE	07/15/2026
JOB NO.	25299
SHEET	1 OF 1

Exhibit C



NORTH

PROPOSED SITE PLAN

SCALE : 1"=20'

SHEET INDEX

G1.0 COVER PAGE	A4.0 INTERIOR ELEVATIONS
A1.0 FOUNDATION PLAN	A5.0 SECTIONS
A1.1 FIRST FLOOR PLAN	A5.1 SECTIONS
A1.2 SECOND FLOOR & ROOF PLAN	E1.0 FIRST FLOOR
A3.0 EXTERIOR ELEVATIONS	ELECTRICAL PLAN
A3.1 EXTERIOR ELEVATIONS	E1.1 SECOND FLOOR
	ELECTRICAL PLAN

SQUARE FOOTAGES

1ST FLOOR AREA	1,551 SF
2ND FLOOR AREA	1,092 SF
TOTAL FIN FLOOR AREA	2,643 SF

GARAGE	636 SF
COVERED SIDE ENTRY	99 SF
PORCH (COVERED)	98 SF
TOTAL BUILDING AREA	2,385 SF

CONTACT INFORMATION

CONSTRUCTION MANAGER: MITCH ANDERSON PH: 920-609-0644
ARCHITECT: ANDREW POEPPPEL PH: 414-704-2812
INTERIOR DESIGNER: ANN PARKER PH: 414-803-9785
INSPECTOR: SCOTT JOHNSON
CLIENT: MARK & VICKI TADYCH

CLIENT SIGNATURE

SIGNATURE
DATE

SIGNATURE _____ DATE _____

PROJECT DATA

TOWN OF EAGLE - WAUKESHA COUNTY
ZONING : R-3 (SHORELAND ORDINANCE)
HEIGHT = MAX 35' (LOWEST EXPOSED TO RIDGE)
SITE AREA : 13,534 SF = 0.31 ACRES (PER SURVEY)
MINIMUM SITE AREA PER ORDINANCE : 20,000 SF
BUILDING AREA ALLOWED (17.5% OF 20,000) : 3,500 SF
BUILDING AREA SHOWN : 2,385 SF RESIDENCE
 273 SF BOATHOUSE

 2,658 SF TOTAL

TOTAL IMPERVIOUS ALLOWED (30% OF 13,534) = 4,060 SF
SIDEWALKS & DRIVE AREA SHOWN = 1,400 SF
TOTAL IMPERVIOUS SHOWN = 4,058 SF

COVER SHEET

CLIENT INITIALS:

miller marriott
ARCHITECTURE • DESIGN • BUILD

711 WELLS ST DELAFIELD, WI 53018
262.369.0531 www.millermarriott.com

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MARK & VICKI
TADYCH RESIDENCE
W345510789 S SHORE DR - TOWN OF EAGLE, WI

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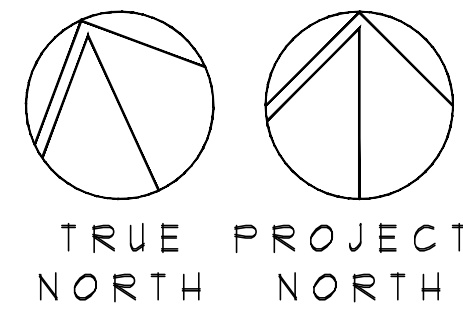
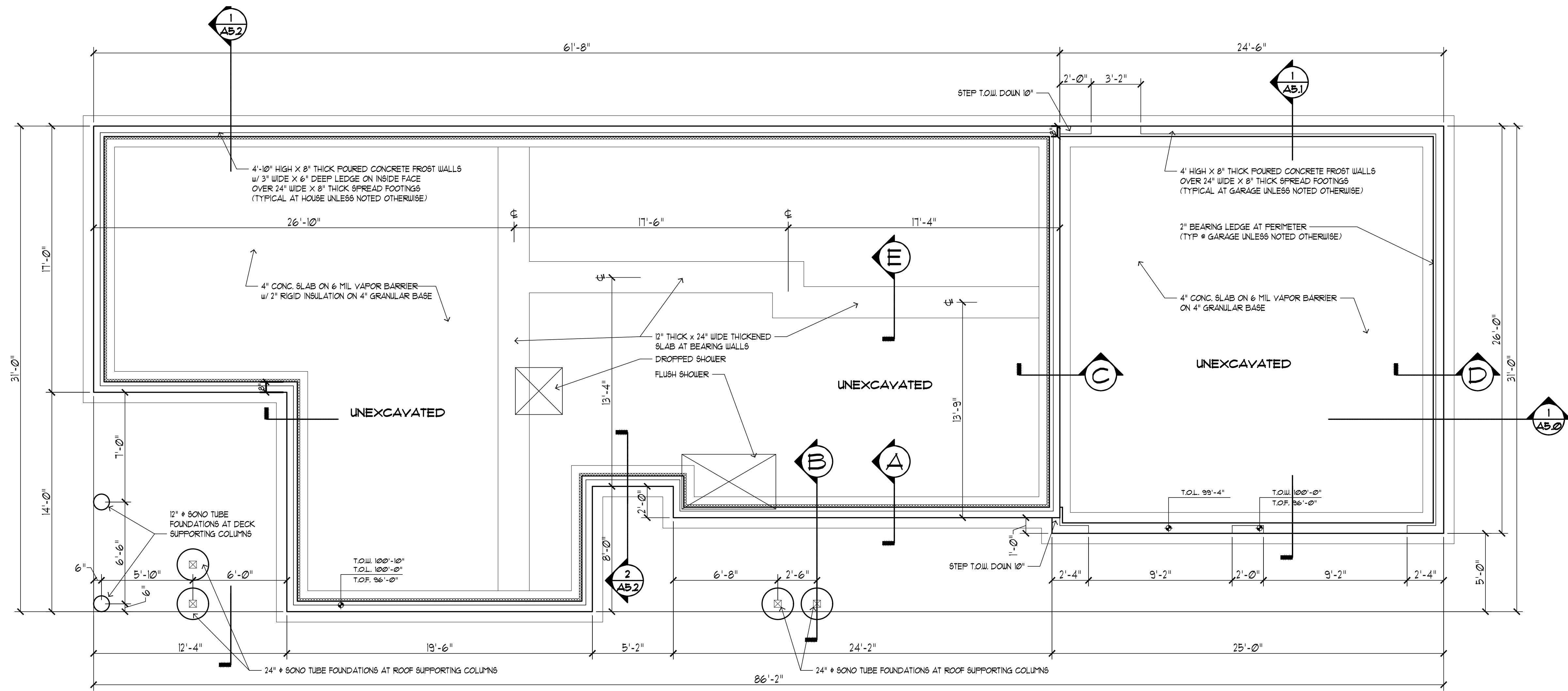
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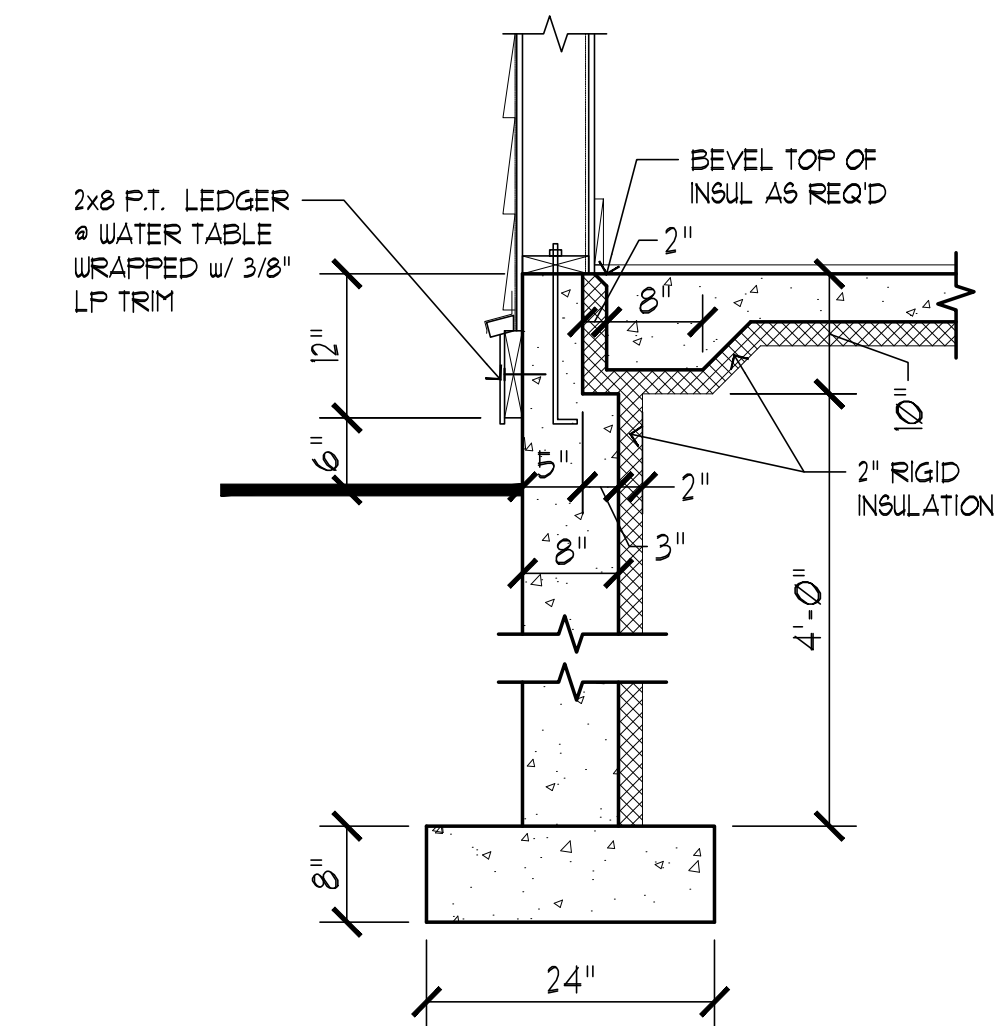
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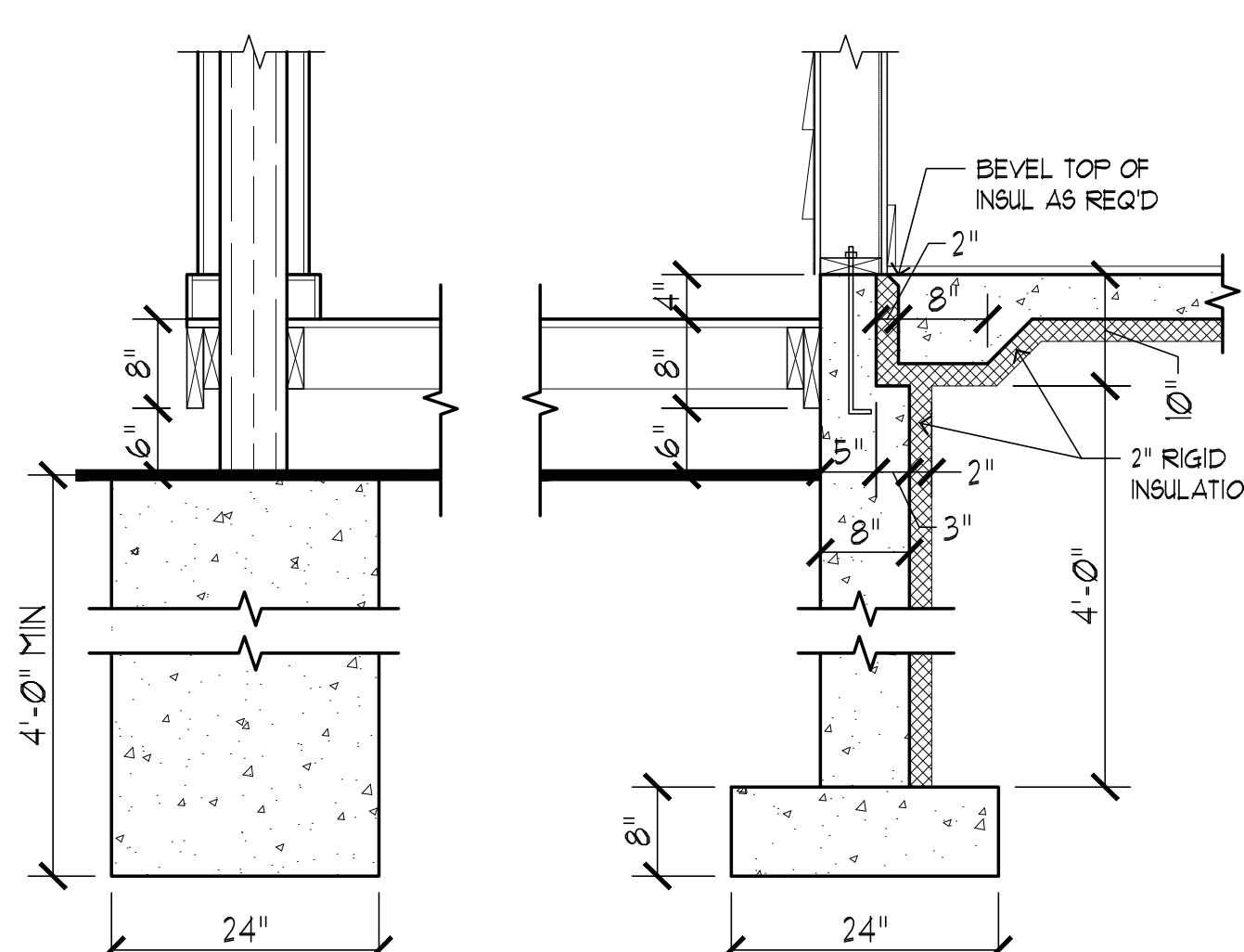


FOUNDATION PLAN

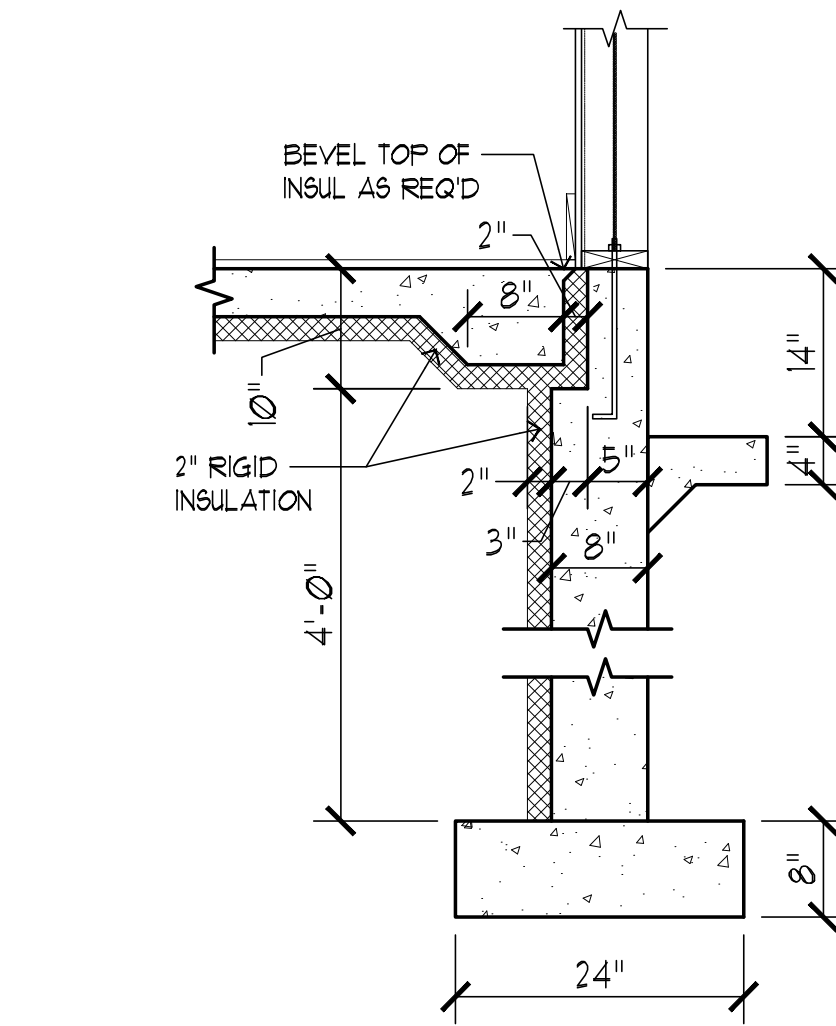
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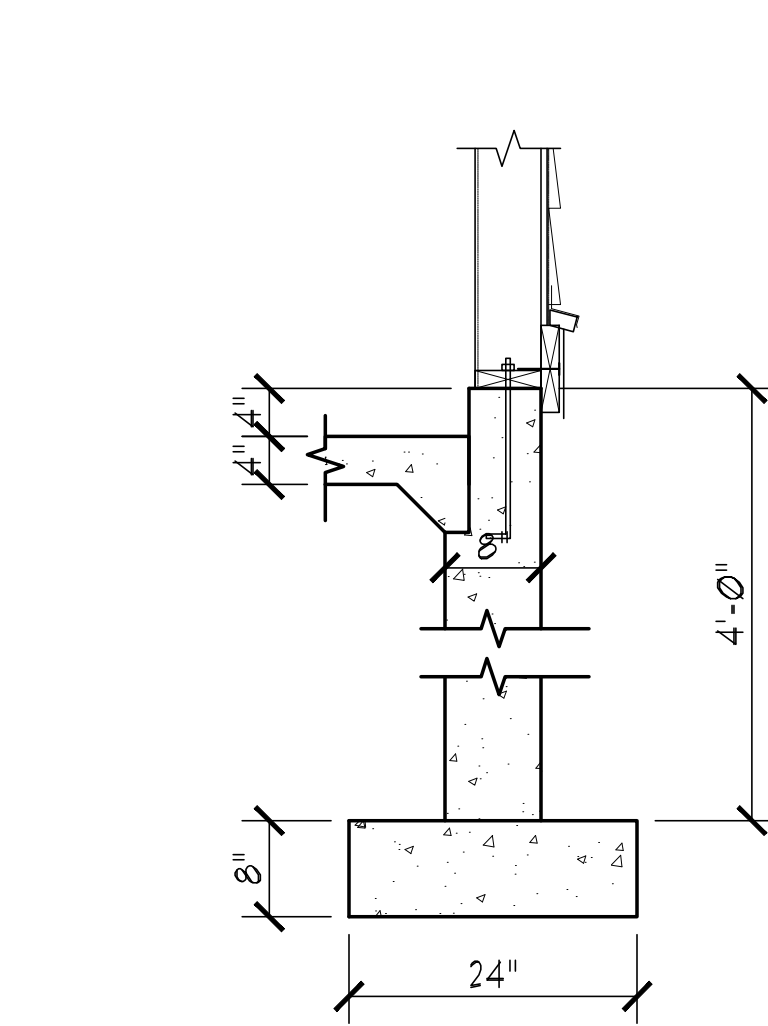
A TYPICAL FOUNDATION DETAIL
3/4" = 1'-0"



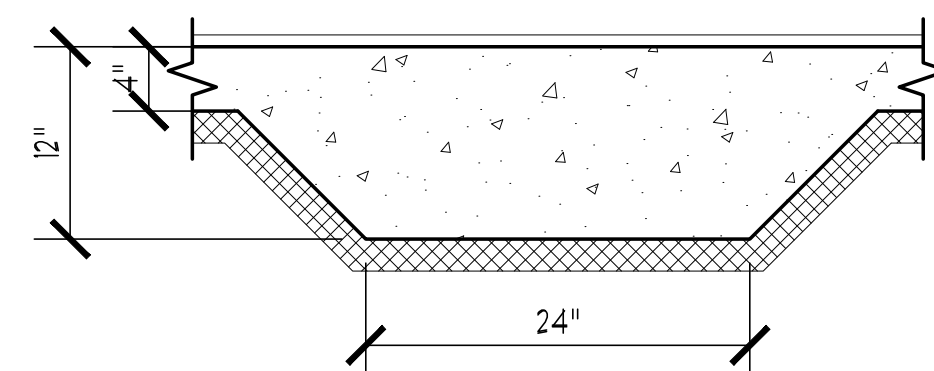
B PORCH TO FOUNDATION DETAIL
3/4" = 1'-0"



C TYPICAL FOUNDATION DETAIL
3/4" = 1'-0"



D GARAGE FOUNDATION DETAIL
3/4" = 1'-0"



E CONCRETE SLAB DETAIL
1" = 1'-0"

FOUNDATION PLAN
CLIENT INITIALS:

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MARK & VICKI
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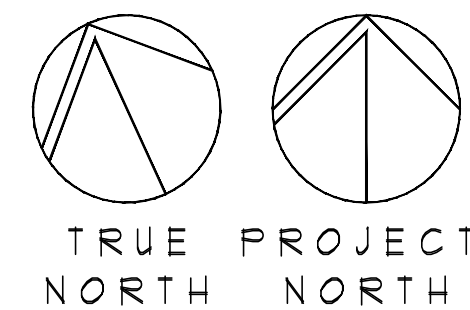
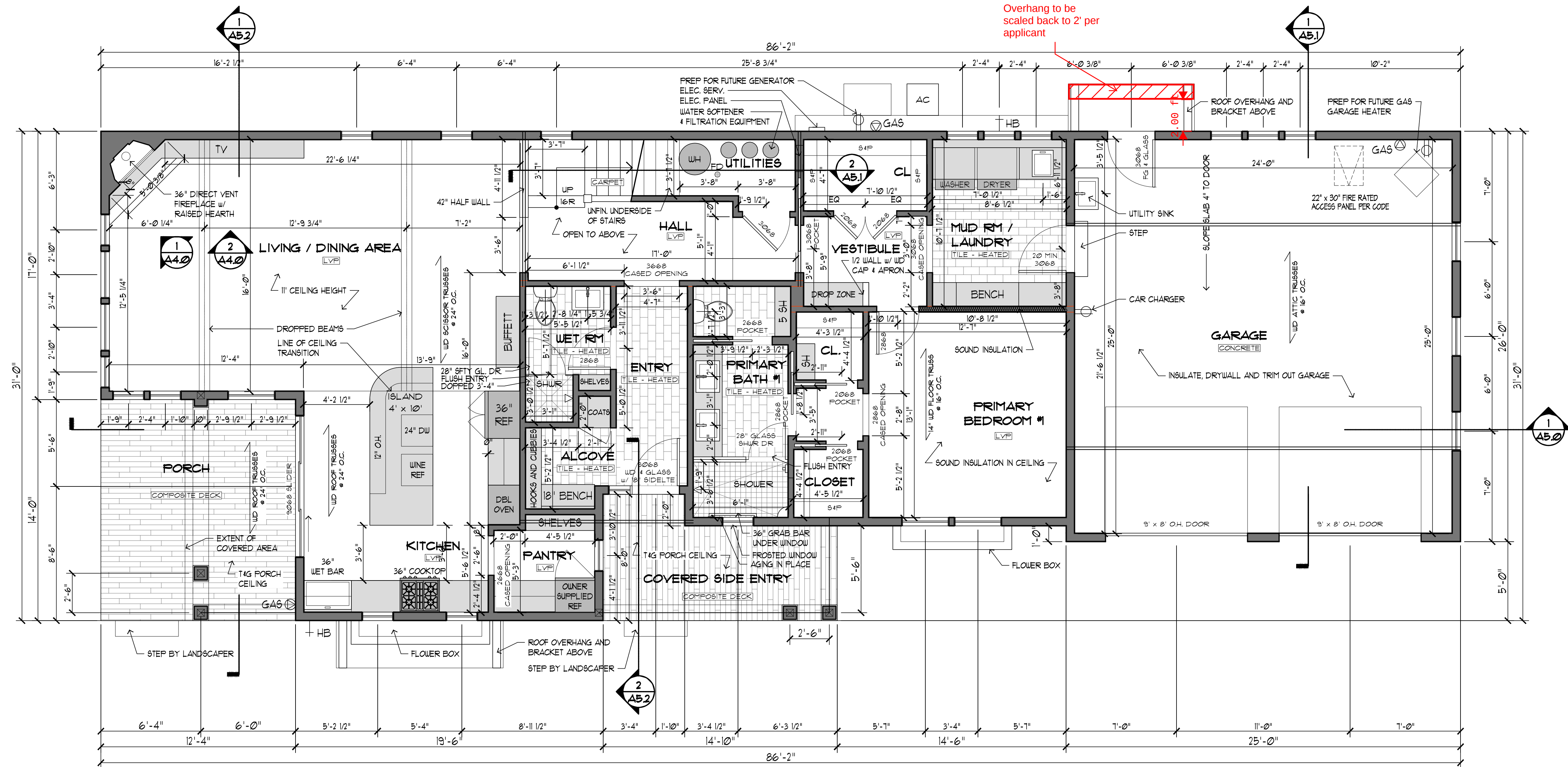
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REVIEWED BY (CONST):

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FIRST FLOOR PLAN

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

* TYP FIRST FLOOR CEILING HEIGHT 9'-0" (UNLESS NOTED OTHERWISE)

FIRST FLOOR PLAN

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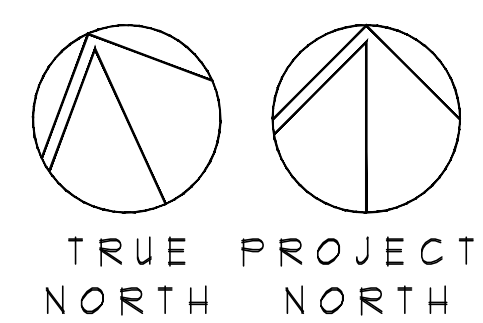
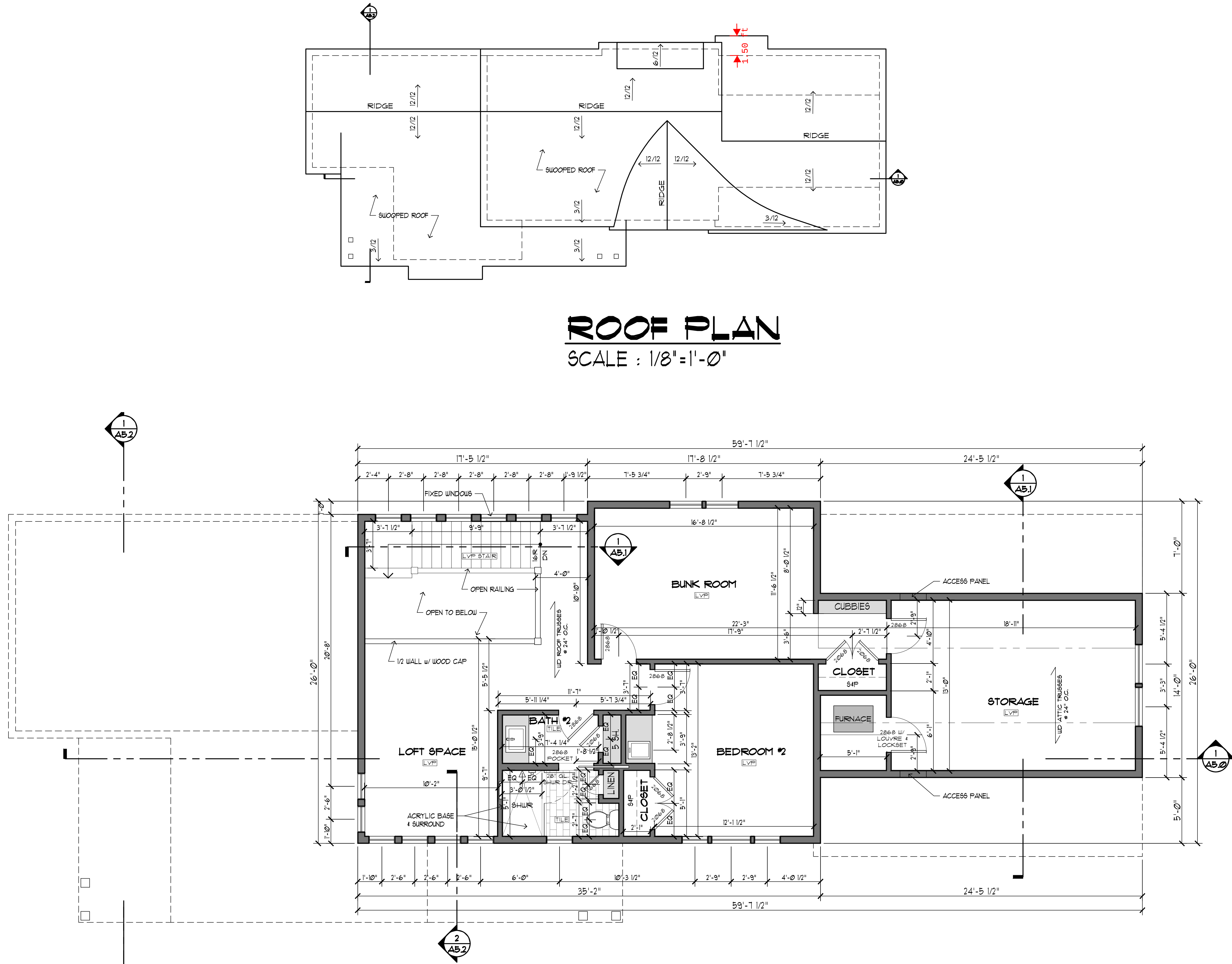
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SECOND FLOOR PLAN

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

* TYP SECOND FLOOR CEILING HEIGHT 8'-0" (UNLESS NOTED OTHERWISE)

SECOND FLOOR PLAN

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MARK & VICKI TADYCH RESIDENCE

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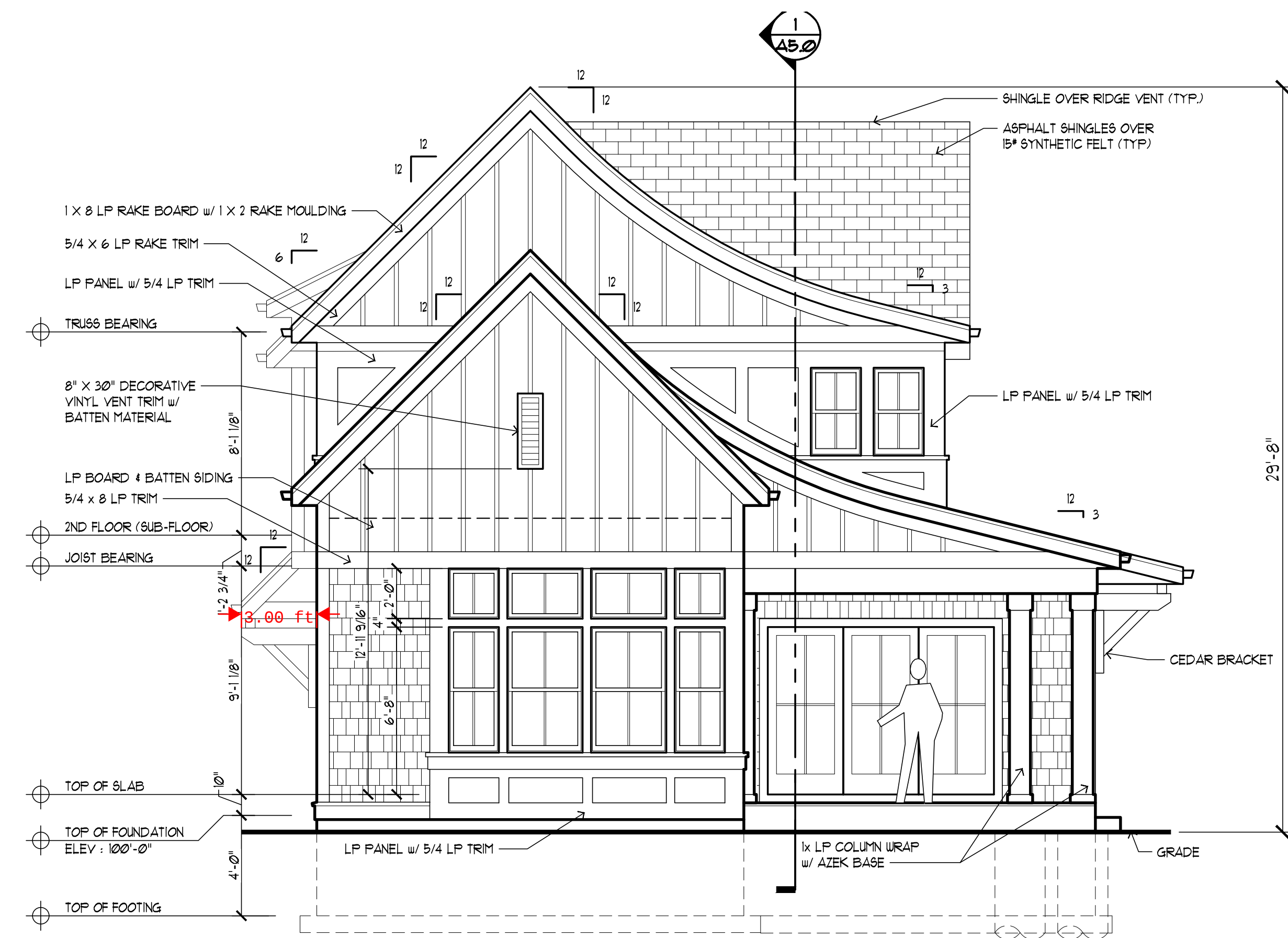
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FRONT ELEVATION (WEST - LAKE)
SCALE : 1/4"=1'-0"



SIDE ELEVATION (SOUTH)
SCALE : 1/4"=1'-0"

ELEVATIONS
CLIENT INITIALS:

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**MARK & VICKI
TADYCH RESIDENCE**
W345510789 S SHORE DR - TOWN OF EAGLE, WI

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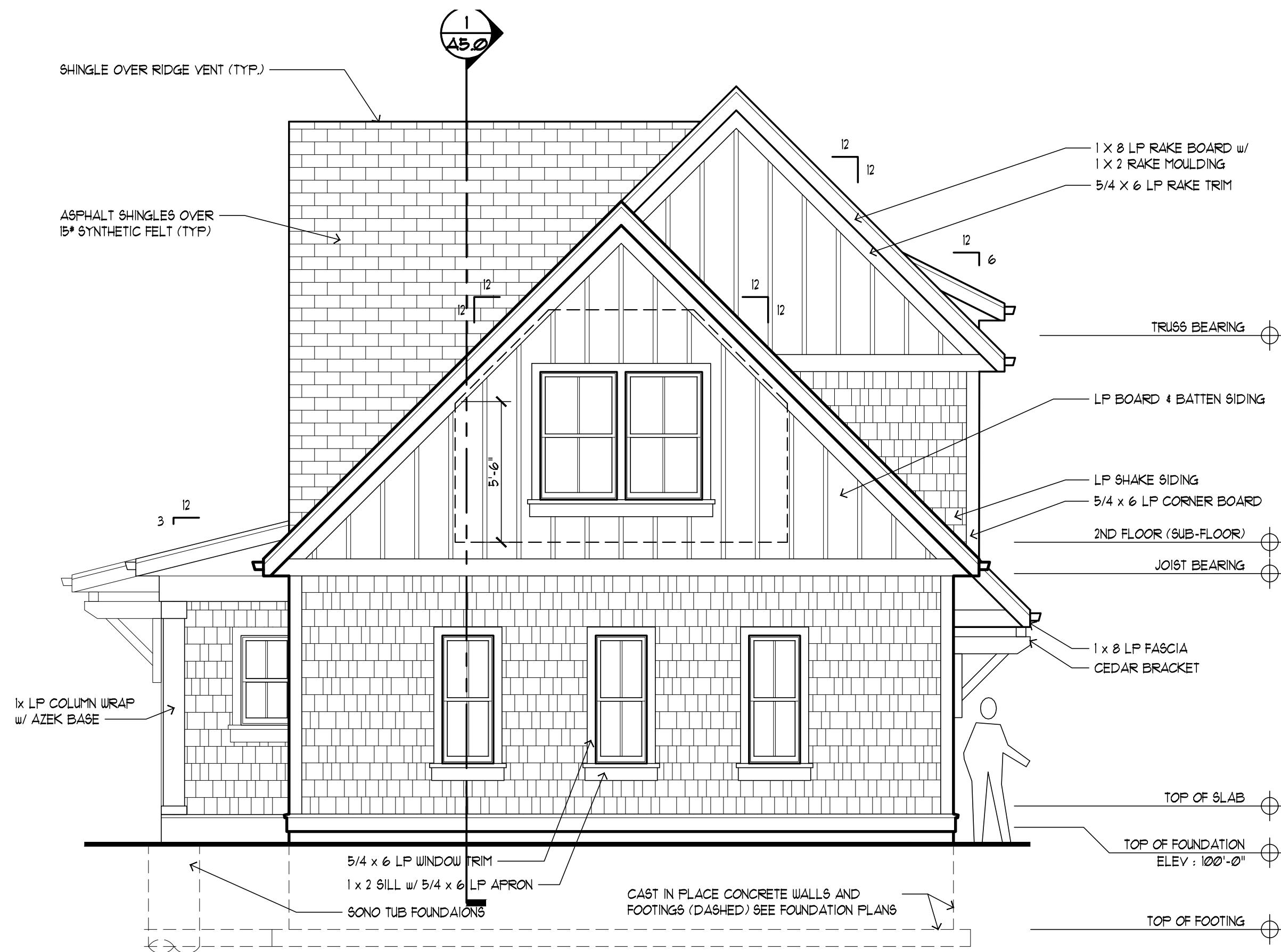
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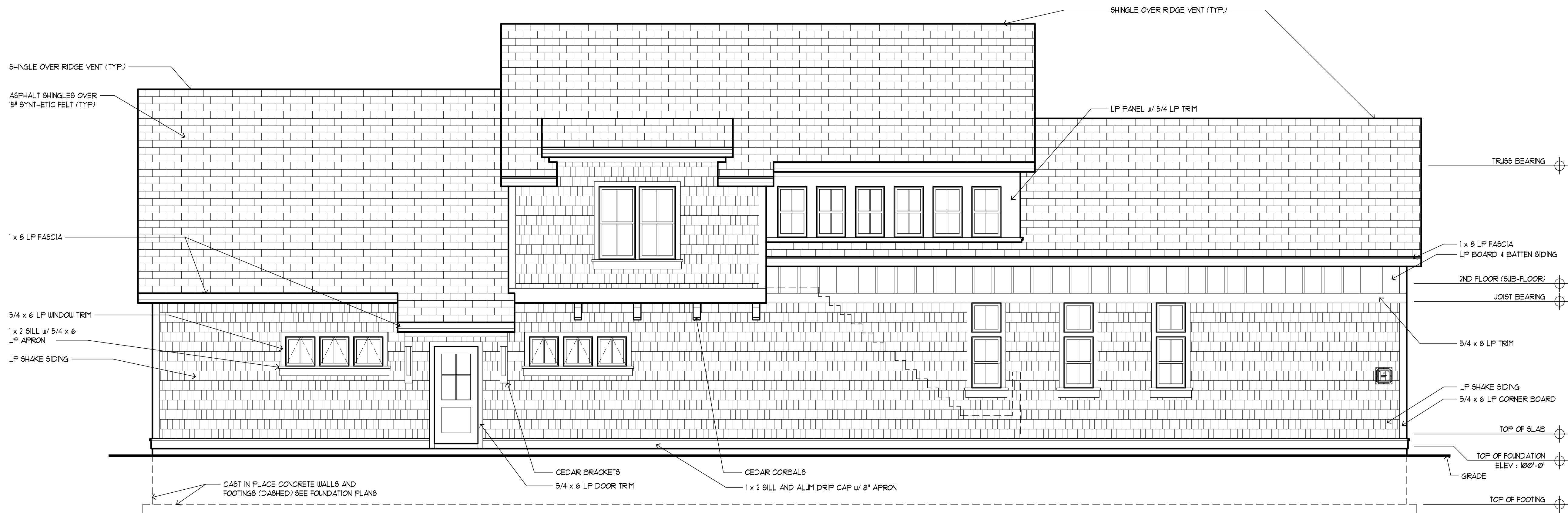
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REVISIONS:



REAR ELEVATION (EAST - STREET)

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



SIDE ELEVATION (NORTH)

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

ELEVATIONS

CLIENT INITIALS:

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Exhibit D

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.

The current ordinance is unclear regarding non conforming lots and allowable home sizes. Due to this we were given the incorrect home size from the county. We stayed conforming to the home size we were given and maintained the impervious necessary for our lot size.

If we reduce the home from the current size we would create hardship. This lot does not allow for a basement due to high ground water and therefore we had to install the mechanical system above grade. This has taken living space away and would not allow for a first floor primary if the home is reduced.

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 will not adversely affect the public. The project does not have a neighbor to the south and never will. This property is not buildable. To the north the neighbor has built a new home which is larger and taller than the one being proposed. Our project does not limit their site lines and is smaller in stature. Secondly the impervious surface being proposed is conforming.

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.

N/A