

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearings will be held by the Waukesha County Board of Adjustment on Wednesday, March 12, 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:

**BA204: CATHY M KOSSOW REVOCABLE TRUST (OWNER), JONATHAN SCHATTNER (APPLICANT)** requests a variance from the non-conforming to offset provisions of the Waukesha County Shoreland Protection Ordinance to remove and reconstruct a slightly larger second story of the principal residence. The subject property is described as Lot 1, Block 2, Map of Resurvey of Halls Park on Lake Keesus, located in part of the NW ¼ of Section 13, T8N, R18E, Town of Merton. More specifically, the property is located at N81 W28718 Park Drive (Tax Key No. MRTT 0335.038).

**BA207: KYLE SCHMIT AND CASSANDRA HENNING (OWNERS), GPR BUILDERS, LLC (APPLICANT)** requests a special exception from the nonconforming to the offset provisions of the Waukesha County Shoreland Protection Ordinance to permit an addition to the existing principal residence. The subject property is described as part of the NE ¼ of Section 34, T5N, R18E, Town of Mukwonago. More specifically, the property is located at W303 S10521 Sandy Beach Road (MUKT 2005.963).

**For additional information concerning these public hearings, please contact Ken Smith for BA204 or Rebekah Leto for BA207 of the Waukesha County Department of Parks and Land Use at 262-548-7790 or [kasmith@waukeshacounty.gov](mailto:kasmith@waukeshacounty.gov) or [rleto@waukeshacounty.gov](mailto:rleto@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, February 26, 2025 and  
Wednesday, March 5, 2025

*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> under Board of Adjustment Meeting Documents, no later than March 10, 2025.*

**AGENDA – FINAL**  
**WAUKESHA COUNTY BOARD OF ADJUSTMENT**

March 12, 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:**        **BA204: CATHY KOSSOW (OWNER), JONATHAN SCHATTNER (APPLICANT)**  
Town of Merton  
(Non-conforming to offset)

**BA207: KYLE SCHMIT AND CASSANDRA HENNING (OWNERS), GPR BUILDERS, LLC (APPLICANT)**  
Town of Mukwonago  
(Special exception – Non-conforming to offset)

**SUMMARY OF MEETING:** December 11, 2024

**OTHER ITEMS REQUIRING BOARD ACTION:**

- **BA150: JACOB ROY (OWNER)**  
Town of Delafield  
(Request for an extension of approval)
  
- Election of officers

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 BA204, 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.

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

**DATE:** March 12, 2025

**FILE NO.:** BA204

**OWNERS:** Cathy M. Kossow  
 W288 W8089 Park Avenue  
 Hartland, WI 53029

**APPLICANT:** Johnathan P. Schattner  
 10802 7 Mile Road  
 Caledonia, WI 53108

**TAX KEY NO.:** MRTT 0335.038

**LOCATION:**  
 The subject property is described as Lot 1, Block 2, Map of Resurvey of Halls Park on Lake Keesus, located in part of the NW ¼ of Section 13, T8N, R18E, Town of Merton. More specifically, the property is located at N81 W28718 Park Drive with frontage on Lake Keesus.

**REQUEST:**  
 Variance from **Section 3(o) Non-Conforming to Offset** provisions of the Waukesha County Waukesha County Shoreland Protection Ordinance to remove and reconstruct a slightly larger second story of the principal 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 (Park Drive)	Riparian Frontage (Lake Keesus)
Existing	70.76 ft. +/-	178.75 ft. +/-	Total: 13,752 Main Lot: 13,012 Outlot: 740	63.41 ft.	North: 78.27 ft. South: 61.82 ft.
Required	120 ft. min.	n/a	20,000 (unsewered)	30 ft. min	100 ft. min.

\*Excluding the established 20 ft. wide road right-of-way of Park Drive.

**PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:**

BA84:052: On June 27, 1984, the Board of Adjustment granted a variance for the construction of a 20’x22’ detached garage on the subject property, approximately 8 feet from Park Drive.

BA93:018: On April 28, 1993, the Board of Adjustment granted a variance for the expansion of the dwelling’s second story by 256 square feet for a third bedroom and two closets. The Board conditioned approval subject to the removal of an outhouse, removal of two out of three sheds, and rescindment of the previously granted detached garage.

**PENDING ACTIONS:**

None.

**PROPOSAL AND STAFF ANALYSIS:**

The subject property is located on a hilly peninsula, which is the larger of two peninsulas which create three bays on the south end of Lake Keesus. The property is bisected by Park Drive. Property owners on this peninsula generally enjoy lake views from at least two sides of their homes. Most lots are relatively dense and narrow, with dwellings sitting close to lot lines, non-conforming to the current R-3 Residential zoning district regulations. As the house sits on a peninsula, Park Drive dead-ends. The subject dwelling is atop the hill on the peninsula and commands views of a bay on Lake Keesus and the more open part of the lake. On the other side of Park Drive is a thin strip of barren land also owned by the applicant. There is evidence of substantial tree cutting on the property without a permit history.

The home is located 54.6 feet from Lake Keesus with an attached garage. The dwelling is nonconforming to the shore setback and west offset and was previously granted a variance to expand the second floor under the former floor area ratio regime. The petitioner proposes an interior and exterior remodel. The architectural style of the home would change from being something more traditional to a more contemporary postmodern. As part of the remodeling, the current second floor would be removed and replaced with one approximately 127 square feet larger, within the current building footprint. The project would create a new first floor balcony in place of what is effectively a walkway, and a reconstructed second floor would have a larger balcony than presently exists.

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

	1 <sup>st</sup> Floor (sq. ft.)	2 <sup>nd</sup> Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	1,470	561	781	0	4	3
Proposed	No change	688 (+127)	No change	No change	No change	No change

The proposed second story addition requires variances from the Offset 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)	91.07'	N	No change	34.91' (with averaging)	N
OFFSET (E)	3 (h) (3) (A)	18.9'	N	18.9'	10'	N
<b>OFFSET (W)</b>	<b>3 (h) (3) (A)</b>	<b>3.3'</b>	<b>Y</b>	<b>3.3'</b>	<b>10'</b>	<b>Y</b>
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1575 SF (11.6%)	N	No change	17.5%	N
MINIMUM FLOOR AREA	3 (j) (1)	1470 SF	N	Second Flr: +127 sq. ft.	First Flr: 850 sq. ft. Total 1,100 sq. ft.	N
BLDG HEIGHT	3 (i)	25.42'	N	27.75'	35'	N
SHORE SETBACK	3 (h) (2)	54.6'	Y	No change	71.4' (with averaging)	N, vertical permitted by right
IMPERVIOUS SURFACE	3 (t)	4,672 SF (34.4%)	Y	No change	4,070.9 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 non-conforming to offset requirements of the Waukesha County Shoreland Protection Ordinance to remove and reconstruct a slightly larger second story of the residence. This recommendation is based upon the analysis of the below tests for a variance, as described below. We recommend this approval be subject to the following condition:

**CONDITION:**

1. The petitioner shall plant a minimum of two Priority Trees within 35' of the north shore of the property to offset the previous tree cutting in this same area. The trees must be a minimum of 2" diameter at breast height and must be planted no later than October 15, 2025. A deed restriction shall be recorded to clarify that the trees must be maintained over time.

**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 landowner is unable to acquire land further to the west as much of that land encompasses the septic system for the western neighbor. The net minor change to the second floor is a minimum relief and more practical than building a new dwelling more centered in the lot both east-west and north-south to comply with the shore setback and offset requirements. A strict reading of these requirements would bring a new dwelling much closer to the eastern neighbor. While the current dwelling is only 3.3' from the western lot line, the dwelling to the west's offset is greater than 40 feet, approximately 4x the legal requirement of 10 feet. Further, the razing of the current structure and construction of a new dwelling would create a significant temporary disturbance on the existing slope.

- 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 indicated above, modifying the existing structure limits disturbance of the existing topography and allows greater separation between neighbors than would otherwise occur under a strict reading of the Shoreland Protection Ordinance. Therefore, approval of the request to construct an addition would not adversely affect natural resources or the neighboring properties.

Respectfully submitted,

Reviewed and approved by:

*Ken Smith*

*Jason Fruth*

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

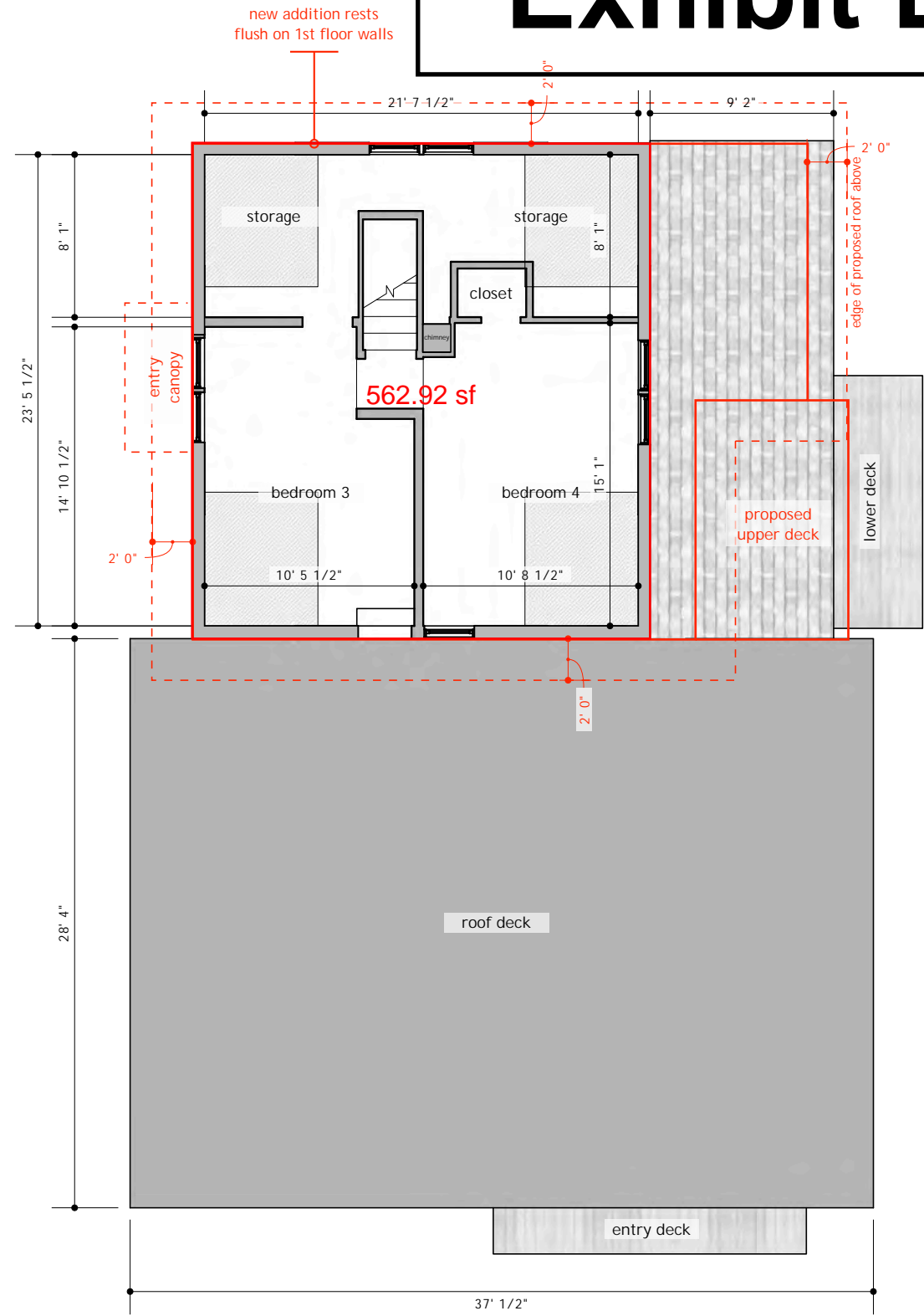
Jason Fruth  
Planning and Zoning Manager

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

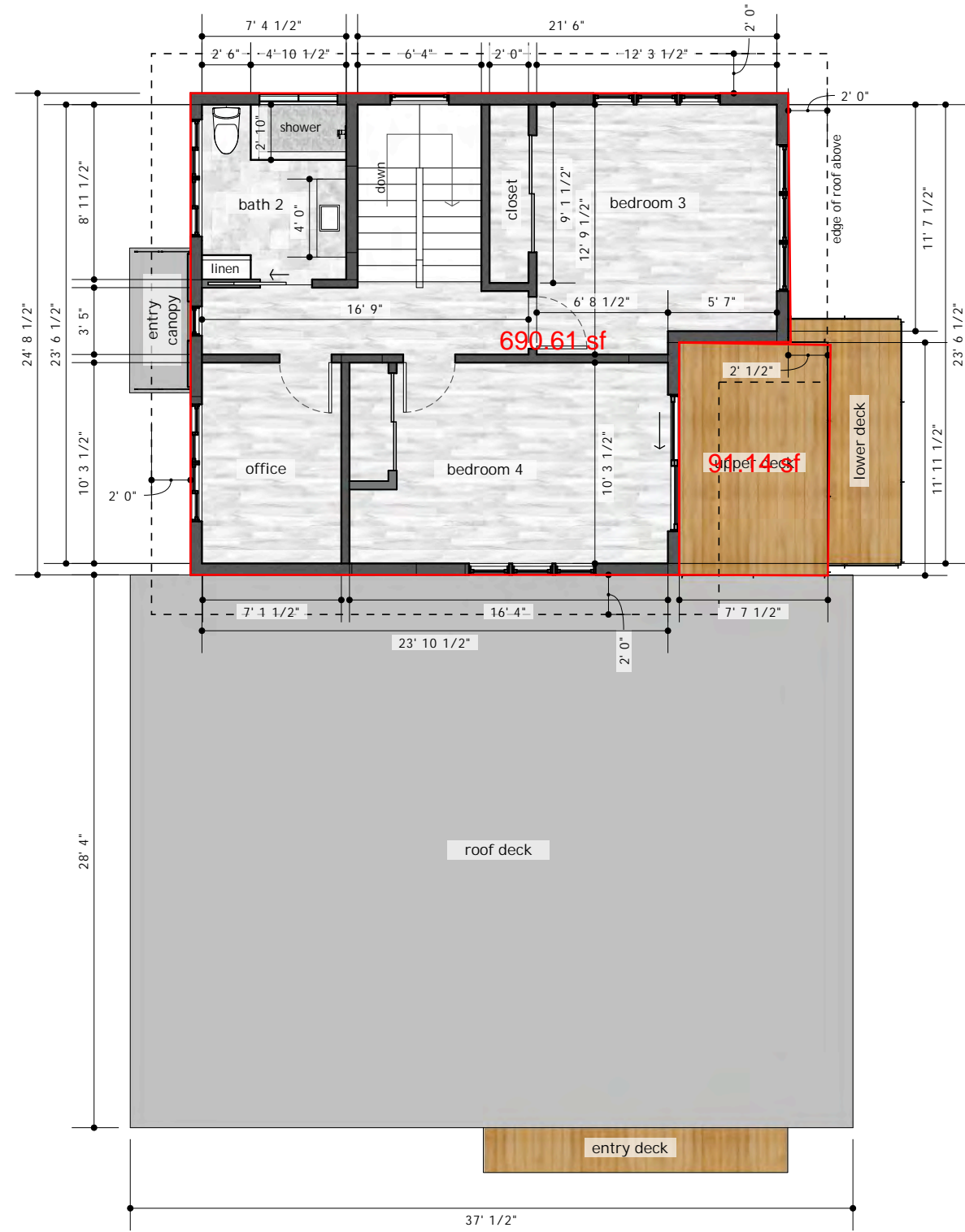




# Exhibit B



2nd floor plan - as-built  
scale: 1" = 8'



2nd floor plan - v3.0  
scale: 1" = 8'

CONCEPTUAL DRAWINGS - FOR REVIEW ONLY - NOT FOR CONSTRUCTION



**wells  
design**

**RESIDENTIAL  
REMODELING  
SOLUTIONS**

8609 W. Hawthorne Ave.  
Wauwatosa, WI 53226  
414-333-0837  
wellsdesign@mac.com

12.06.24

Csathy Kossow  
N81W28718 Park Drive  
Hartland, WI 53029

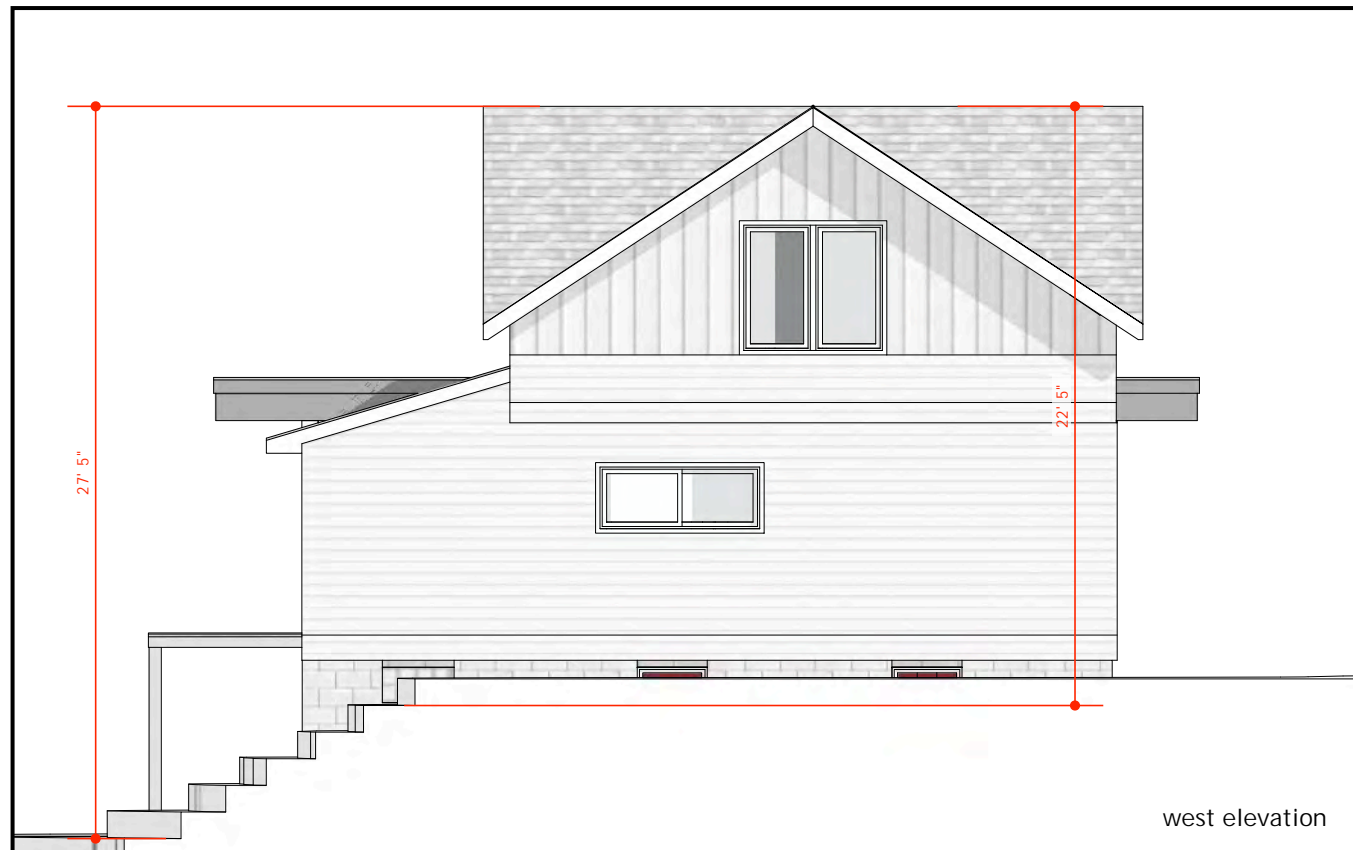
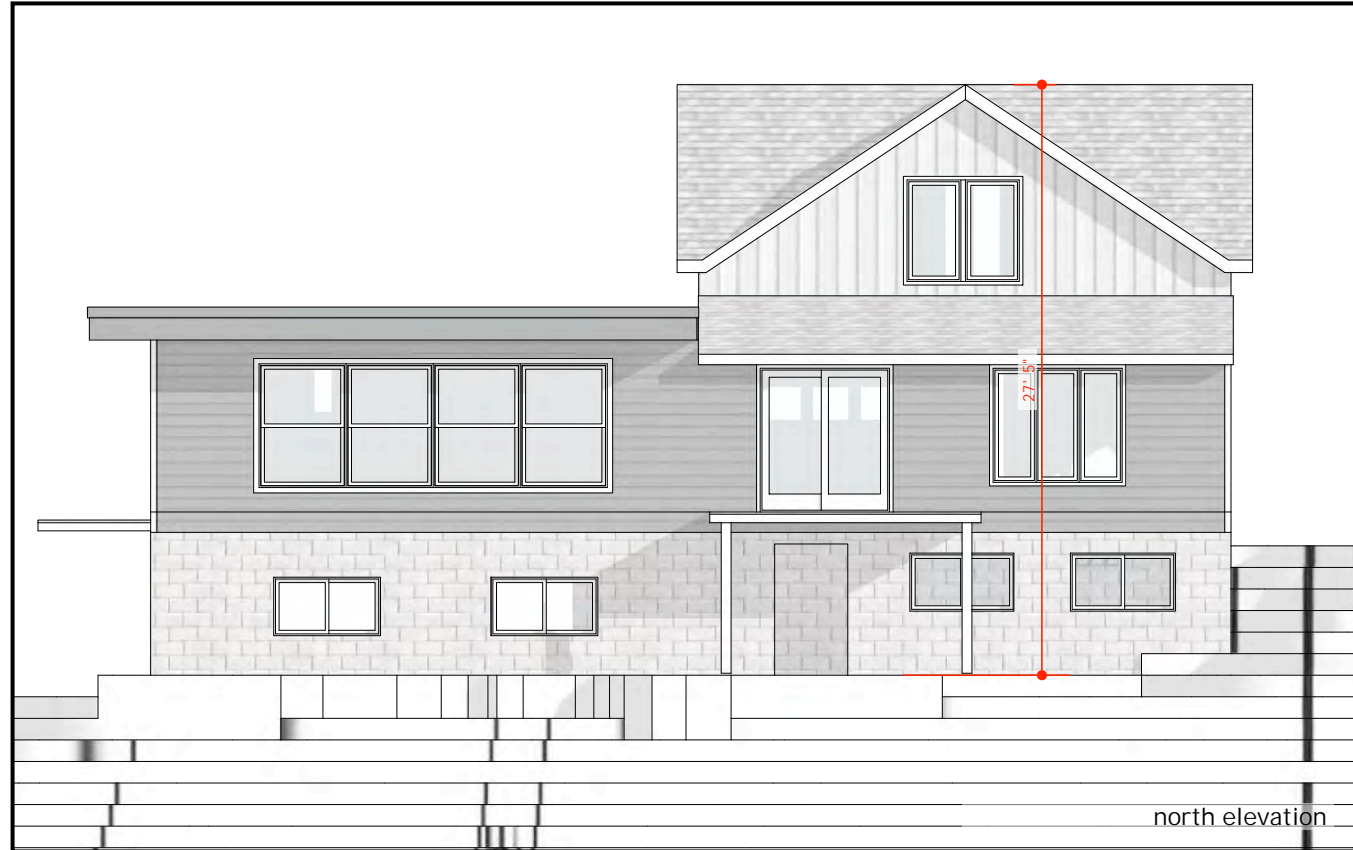
**Kossow - 2nd floor addition**  
**2nd floor plans - as-built & v3.0**  
**scale: 1" = 8'**

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# Existing Elevations



CONCEPTUAL DRAWINGS - FOR REVIEW ONLY - NOT FOR CONSTRUCTION



**wells  
design**

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8609 W. Hawthorne Ave.  
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12.06.24

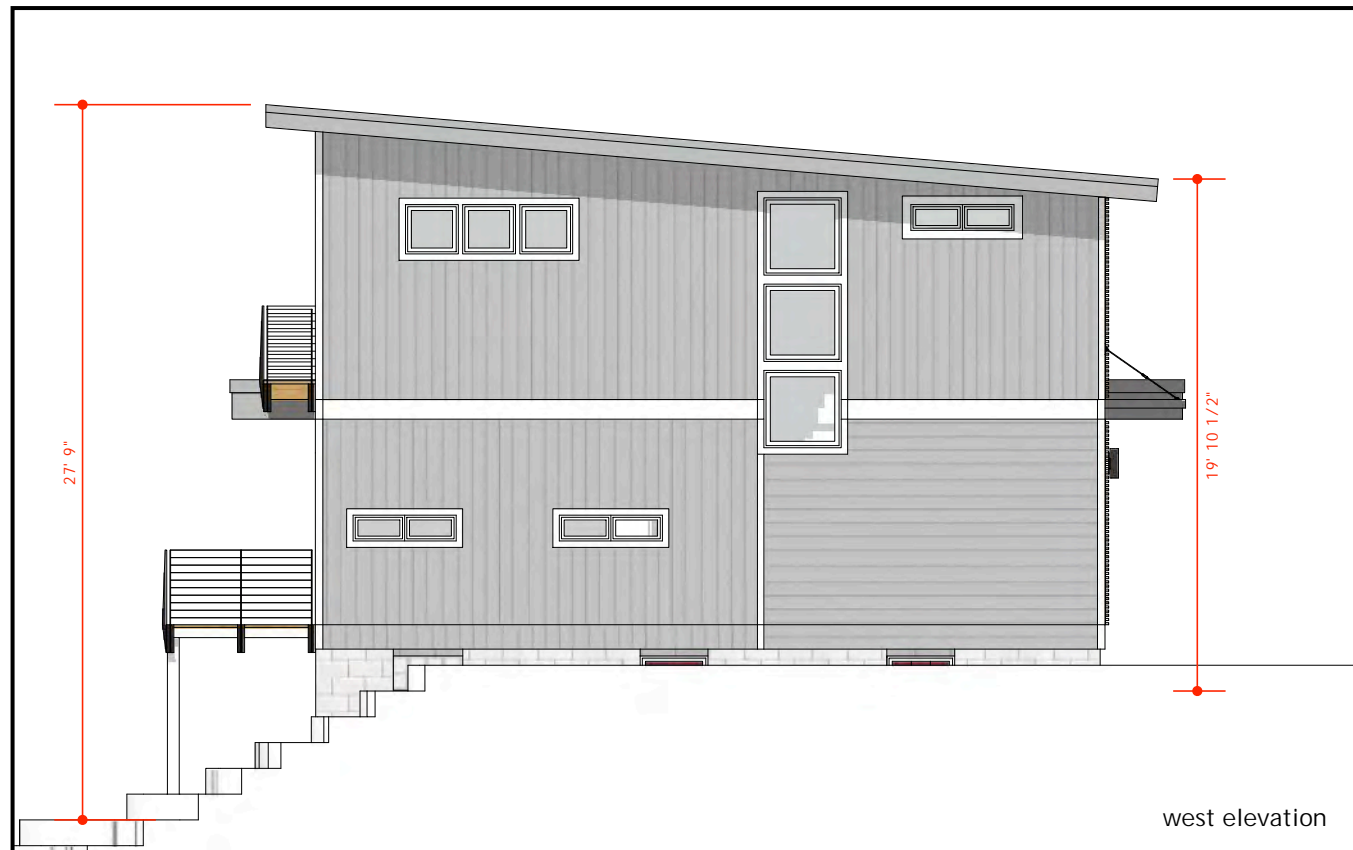
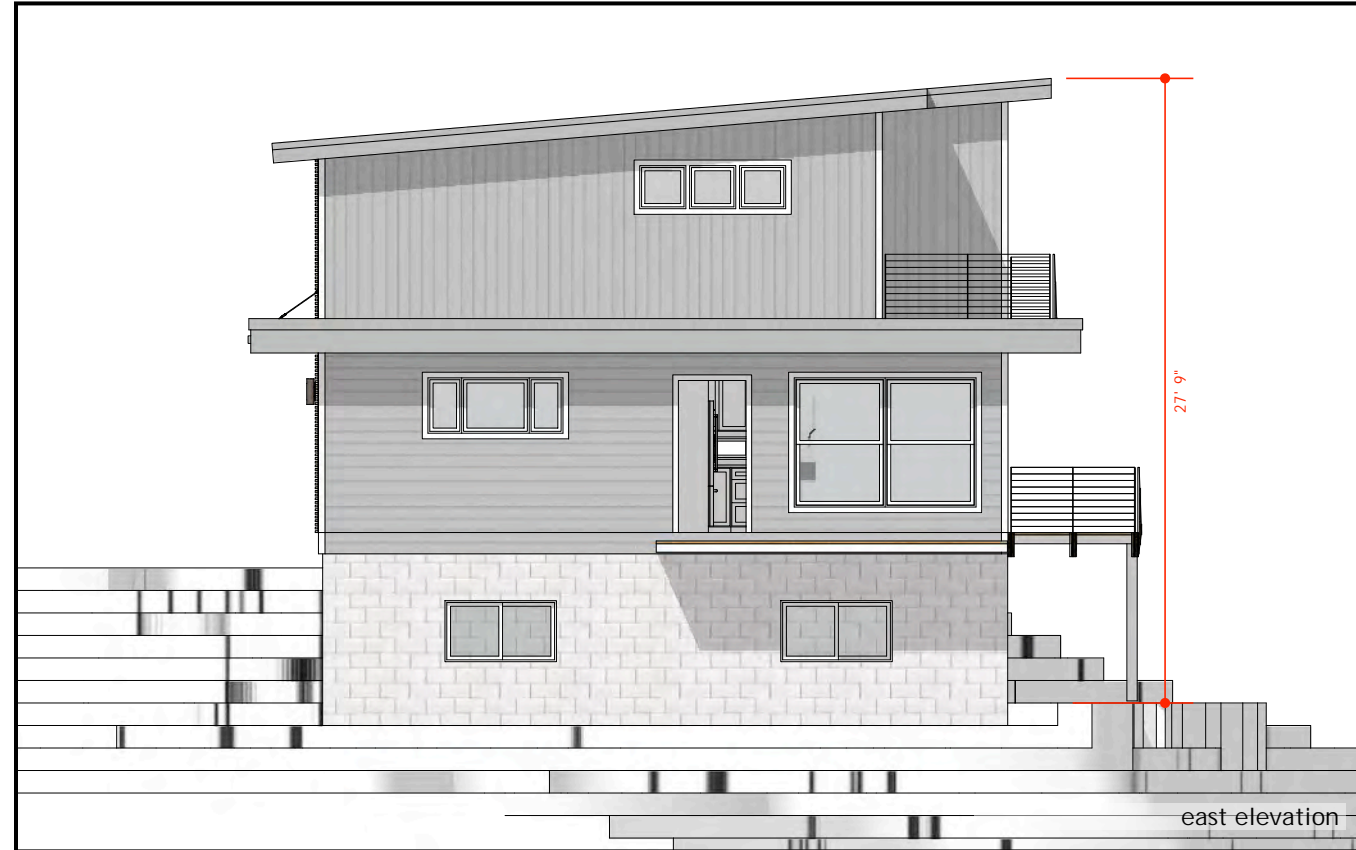
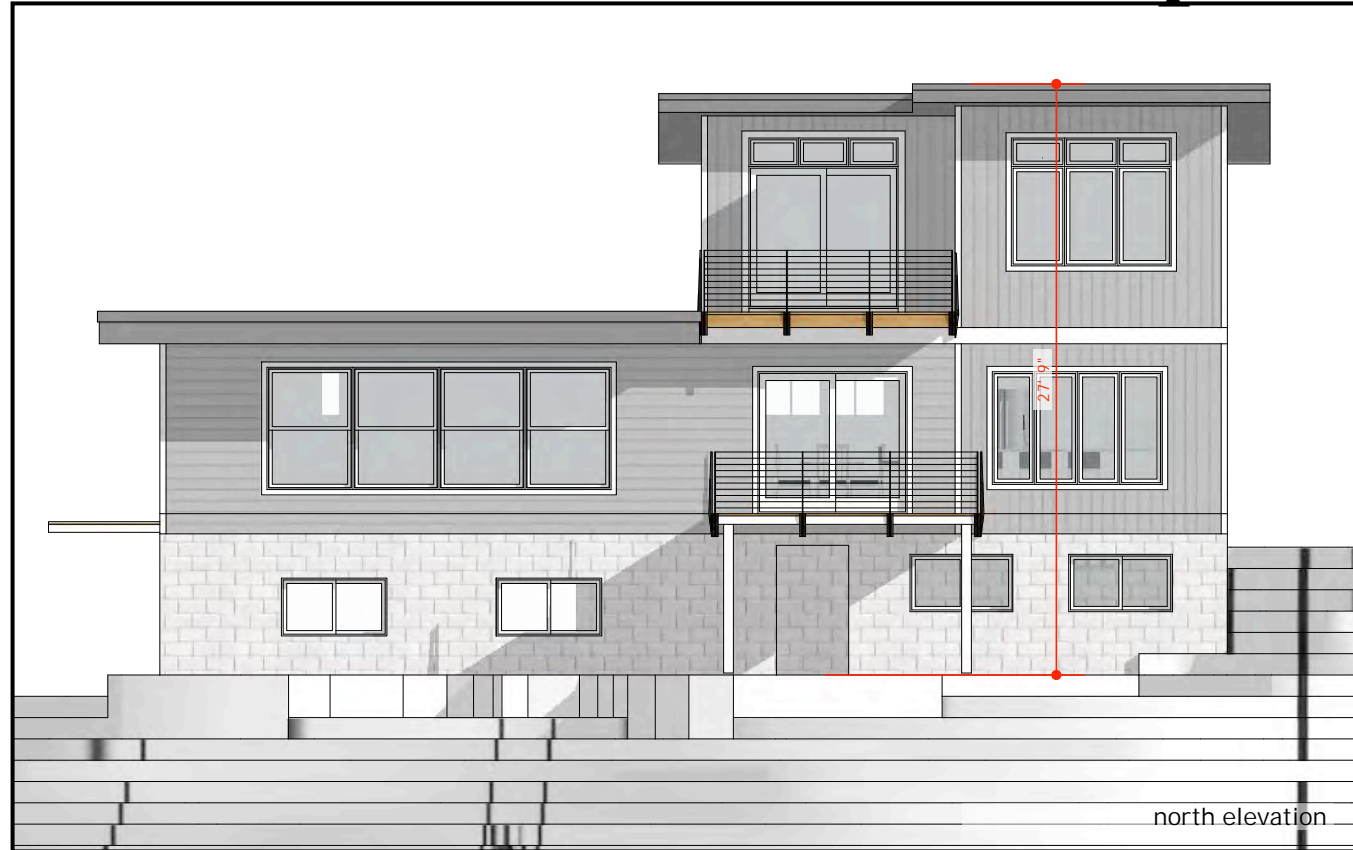
Cecily Kossow  
N81W28718 Park Drive  
Hartland, WI 53029

**Kossow - 2nd floor addition**  
**as-built - elevations**  
**scale: none**

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# Proposed Elevations



CONCEPTUAL DRAWINGS - FOR REVIEW ONLY - NOT FOR CONSTRUCTION



**wells  
design**

**RESIDENTIAL  
REMODELING  
SOLUTIONS**

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12.06.24

Cecathy Kossow  
N81W28718 Park Drive  
Hartland, WI 53029

**Kossow - 2nd floor addition**  
**v3.0 - elevations**  
**scale: none**

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# Exhibit C

RECEIVED 01/08/2025 BY  
WAUKESHA COUNTY PLANNING  
AND ZONING DIVISION

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE  
PLANNING AND ZONING DIVISION  
515 W. Moreland Blvd. Room AC230  
Waukesha, Wisconsin 53188  
(262) 548-7790

Email [pod@waukeshacounty.gov](mailto:pod@waukeshacounty.gov) Website [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning)

## VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS TO THE WAUKESHA COUNTY BOARD OF ADJUSTMENT

**Office Use Only:** Fee Pd: \$725 ATF: Y \_\_\_ N  Receipt No: 50423 BOA File No.: BA204

Shoreland/Floodland Protection Ordinance  County Zoning Code \_\_\_ Airport Height Ordinance \_\_\_

Zoning District(s) R-3, FPO at shore

Application is hereby made for a Variance (V), Special Exception (SE) and/or Appeal (A) from the following section(s):

Road Setback  Offset  Shore Setback  Floodplain Setback  C-1 (EFD)  Wetland Setback

Bldg. Footprint  Accessory Bldg. Footprint  Min. Floor Area  Bldg. Height  Impervious Surface

Work beyond 50% Value  Other (list) \_\_\_\_\_

Nonconforming Structure Improvements (specify) NC to offset; remodel second story

Town Merton Address of Subject Property N81W28718 Park Drive

Tax Key No(s). MRTT0335038 Section 13 Legal Description Lot, 1, Block 2, Map of Resurvey  
of Hall's Park on Lake Keesus

<u>Cathy M. Kossow</u>	<u>W288W8089 Park Ave</u>	<u>Hartland</u>	<u>WI 53029</u>	<u>(262) 538-1154</u>
Owner	Mailing Address	City	State Zip	Daytime Phone No.

<u>Jonathan P. Schattner</u>	<u>10802 7 Mile Road</u>	<u>Caledonia</u>	<u>WI 53108</u>	<u>(262) 902-2782</u>
Applicant (if different from above)	Mailing Address	City	State Zip	Daytime Phone No.

Email address and/or fax number if you would like a copy of the staff report forwarded to you prior to the meeting:  
jschattner1@gmail.com & ckassow@wi.rr.com

Describe the proposed construction/request and use in detail:

Request a variance to remove an existing 24.66' x 22.75' second story and construct a 12.75' x 30.58' and 11.92' x 25' second story addition with 2.0' roof overhang to an existing single family residence with an attached garage at N81W28718 Park Drive, located in Section 13, Township 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin.

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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 ordinance creates an unnecessary hardship on the property owner of the home, as the existing residence is 50-60 years old and has always been a four bedroom home. Due to the topography the lot the property owner is limited to a vertical expansion.

The property owner would not able to purchase addition land along west line of the subject property to make her residence comply with the side yard setback. The property owner to the west has an existing on-site sanitary system located along the east line of his property.

The existing roof on the second story addition is need of repair and the owner would like to redesign the second-story addition of the bedrooms/stairways to be in compliance with the State of Wisconsin Uniform Dwelling Code.

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). The proposed second story addition to the existing single family residence will have no impact on the abutting property owners view within the shoreland area of Keesus Lake.

B) The proposed addition will be constructed within the dimensions of the existing first floor roof line of the existing residence and will not be within the existing street, side and shoreyard setbacks as shown on the plat of survey.

C). This second story addition will have no impact on the shoreland/floodplain of Keesus Lake.

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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.

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

**DATE:** March 12, 2025

**FILE NO.:** BA207

**OWNERS:** Kyle Schmit and Cassandra Henning  
 W303 S10521 Sandy Beach Road  
 Mukwonago, WI 53149

**APPLICANT:** GPR Builders, LLC  
 431 West Main Street  
 Waukesha, WI 53186

**TAX KEY NO.:** MUKT 2005.963

**LOCATION:**

The subject property is described as part of the NE ¼ of Section 34, T5N, R18E, Town of Mukwonago. More specifically, the property is located at W303 S10521 Sandy Beach Road.

**REQUEST:**

Special Exception from **Section 3(o) Non-Conforming to Offset** provisions of the Waukesha County Shoreland Protection Ordinance to permit an addition to the existing principal residence.

**ZONING CLASSIFICATION:** R-2 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	Average Lot Depth	Lot Size* (sq. ft.)	Road Frontage (Sandy Beach Road)
Existing	187 ft. +/-	275 ft. +/-	49,177 SF	203 ft.
Required	120 ft. min.	n/a	30,000 (unsewered)	30 ft. min

\*Excluding the established 66 ft. wide road right-of-way of Sandy Beach Road.

**PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:**

None.

**PENDING ACTIONS:**

None.

**PROPOSAL AND STAFF ANALYSIS:**

The subject property is located west of Upper Phantom Lake on the northwest side of Sandy Beach Road, a dead-end road. This area was not developed as platted in 1929 and many of the smaller lots have been combined into larger lots under one tax key. Most of the residences on the west side of the road are located near the road. The properties on the east side of Sandy Beach Road have a steep slope, with structures located closer to the shore.

The property is approximately 49,000 square feet and relatively flat. There are many mature trees behind the residence and one large oak near the road. The property contains a one-story single-family residence with an attached garage via breezeway, a rear deck and two nonconforming sheds. The property is served by private well and sewage system. The existing house is nonconforming to the required offset along the north lot line. The two sheds appear to be unpermitted and are also nonconforming to the north lot line. The subject parcel recently recorded a Certified Survey Map (CSM) (CSM No. 12639) to combine multiple nonconforming parcels into one legal lot of record.

The petitioner is proposing to construct a 756 sq. ft. one-story addition to the southwest side of the existing residence. Three new bedrooms are proposed within the addition. One of the existing bedrooms is being reconfigured to accommodate a bathroom and a small office. The Ordinance states that for structures located between five (5) and ten (10) feet from the offset, lateral expansions that do not exceed 50% of the existing building footprint require a Special Exception from the Board of Adjustment. The proposed addition is less than 50% of the existing building footprint.

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

	1 <sup>st</sup> Floor (sq. ft.)	2 <sup>nd</sup> Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	1,280	na	440	138 (two sheds)	2	1
Proposed	2,036 (+756)	na	No Change	No Change	4 (+2)	3 (+2)

The proposed addition requires a Special Exception from the Nonconforming to the Offset 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)	34'	N	30'	29.75' (with averaging)	N
OFFSET (N)	3 (h) (3) (A)	5.14'	Y	5.14' (66' +/- addition)	20'	SE

PROVISION	SPO	EXISTING	NON-CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
OFFSET (S)	3 (h) (3) (A)	131'	N	107.47'	20'	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,858 SF (3.79%)	N	2,631 SF total (5.37%)	8,574.3 SF (17.5%)	N
BLDG HEIGHT	3 (i)	17.5'	N	18.25'	42'	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 special exception from the nonconforming to the offset provisions of the Waukesha County Shoreland Protection Ordinance to permit an addition to the existing principal residence. This recommendation is based upon the analysis of the below tests for a special exception, as described below. We recommend that this approval be subject to the following conditions:

**CONDITIONS:**

1. The existing vegetative screening along the north property line shall be maintained or replaced by the property owner unless the neighbor agrees the screening is not desired, prior to any vegetative screening being removed.
2. The two sheds on the property shall obtain a Zoning Permit and be relocated to a conforming location, prior to the issuance of a Zoning Permit for the addition to the principal residence.

**SPECIAL EXCEPTION TEST CRITERIA ANALYSIS**

**The Ordinance defines Special Exception as a request for a minor adjustment to the requirements of the Ordinance only where specifically authorized by the Ordinance, owing to special conditions of the property. The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a special exception will not harm the public interest.**

The subject lot is a conforming lot and is over one acre in size. Based on historic aerial photographs, the property was developed by 1963. The existing residence is located closer to the road and the north lot line. The subject residence location was likely chosen because the development of the riparian parcel across the street, which was prior to 1941, allowed for a clear view of the lake from the subject property. A conforming building envelope would not likely allow for a view of the lake and might require the removal of several mature trees in the middle of the lot. No trees are required to be removed for the proposed addition. There is a line of arborvitae on the north lot line that screens most of the existing residence from the

neighboring property. The addition is located over 66 ft. from the north lot line and should have no negative impacts on the adjacent neighbor. The residence to the south cannot be seen from the subject lot due to a tall fence and dense row of arborvitae. Permitting the addition is a minor adjustment to the Ordinance requirements that does not appear to impact nearby properties or natural resources. In addition, as conditioned, the sheds will be removed off the north lot line, providing additional space between structures on the two adjacent properties.

Respectfully submitted,

Reviewed and approved by:



Rebekah Leto  
Senior Planner  
Phone: 262-548-7790

Jason Fruth  
Planning and Zoning Manager

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



**EXHIBIT A**

**PLAT OF SURVEY**

RECEIVED 02/11/2025 BY  
WAUKESHA COUNTY PLANNING  
AND ZONING DIVISION

**LOCATION:** W303 S10521 Sandy Beach Road, Mukwonago, Wisconsin

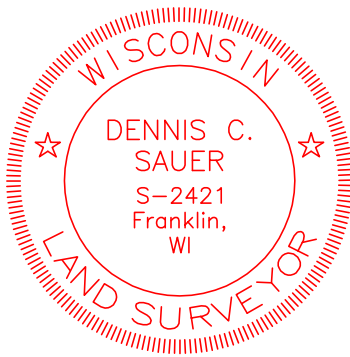
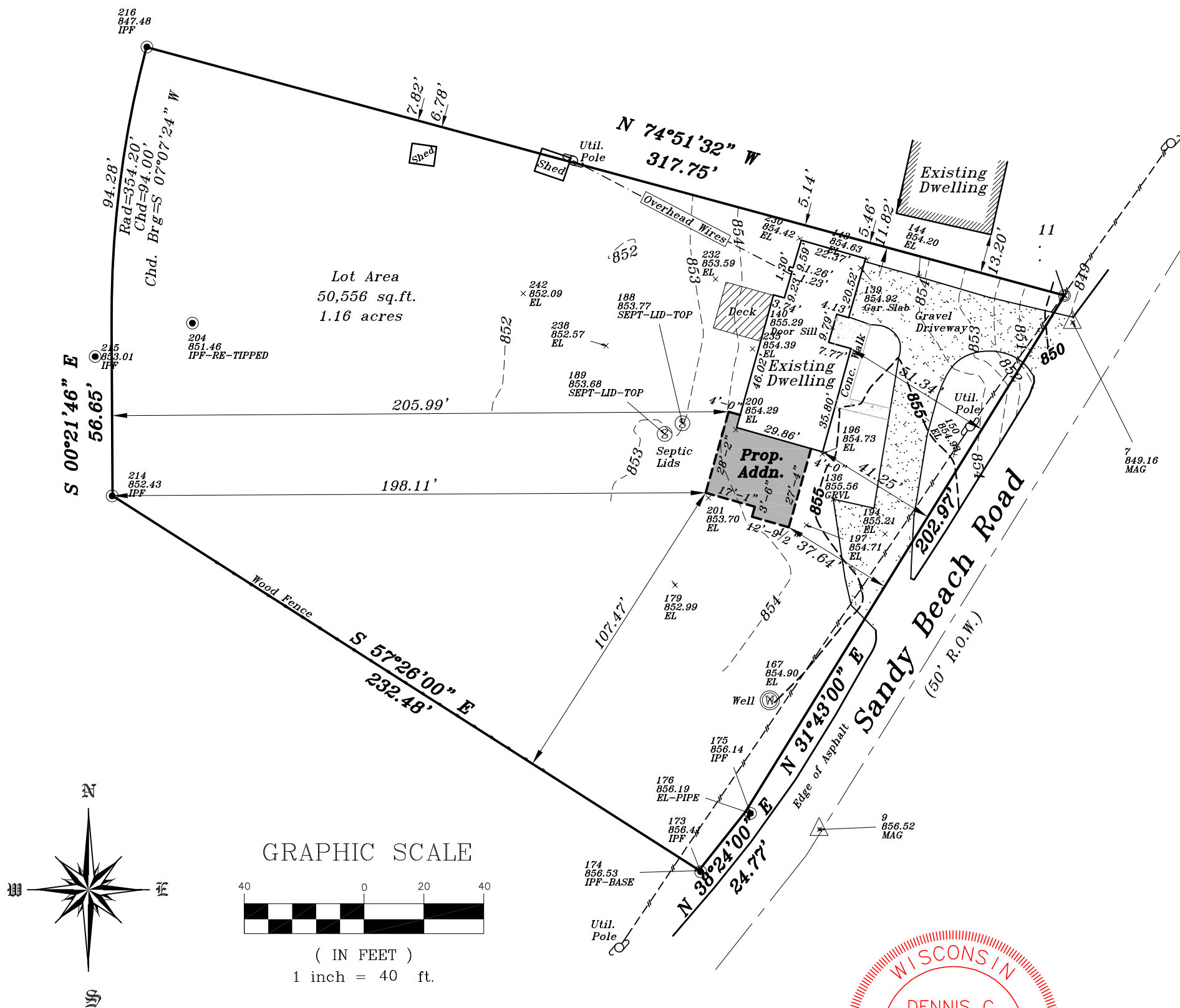
**LEGAL DESCRIPTION:**

That part of the Northeast 1/4 of Section 34, Township 5 North, Range 18 East, Town of Mukwonago, Waukesha County, Wisconsin, bounded and described as follows to-wit:

Commencing at a point, 880.06 feet North of the South line and 646.41 feet East of the West line of said Northeast 1/4 of Section 34, said point beginning being in the North line of an existing Town Road; thence North on a line 306.53 feet to the place of beginning of the lands to be described; thence South 57° 26' East on a line, 232.48 feet to a point; thence North 38° 24' East on a line, 24.77 feet to a point; thence North 31° 43' East on a line, 202.97 feet to a point; the last two described courses being on and along the North line of an existing Town Road; thence North 74° 51' 32" West on a line, 317.75 feet to a point; thence South 7° 7' 24" West on a line, 94.00 feet to a point; thence South on a line, 56.64 feet to the place of beginning.

July 18, 2024  
February 11, 2025 Revised Proposed Addition (Not Staked)

Survey No. 115203



**METROPOLITAN SURVEY SERVICE, INC.**

**PROFESSIONAL LAND SURVEYORS**

8482 South 76th Street  
Franklin, Wisconsin 53132  
PH. (414) 529-5380  
survey@metropolitansurvey.com  
www.metropolitansurvey.com



- — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set

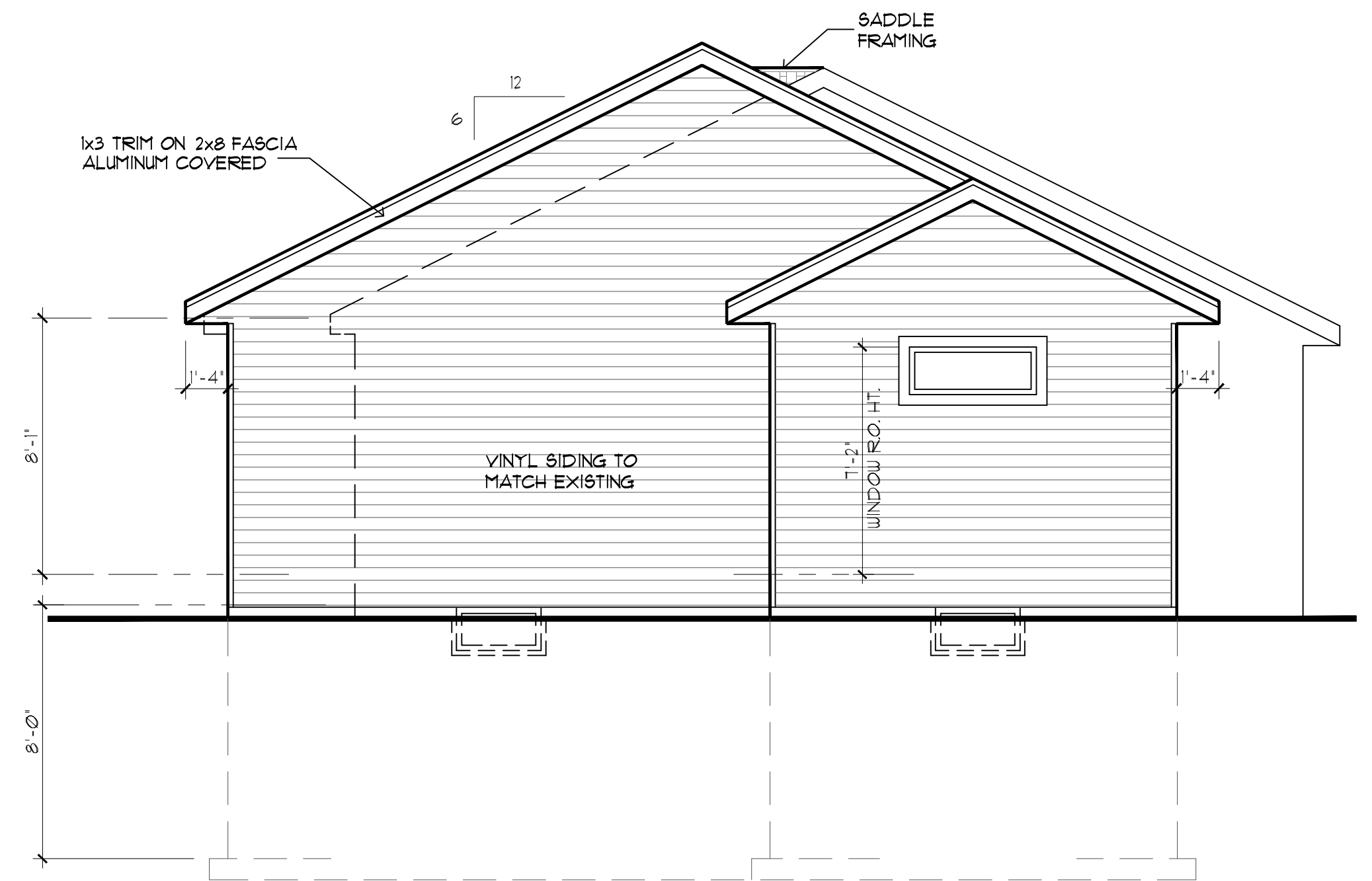
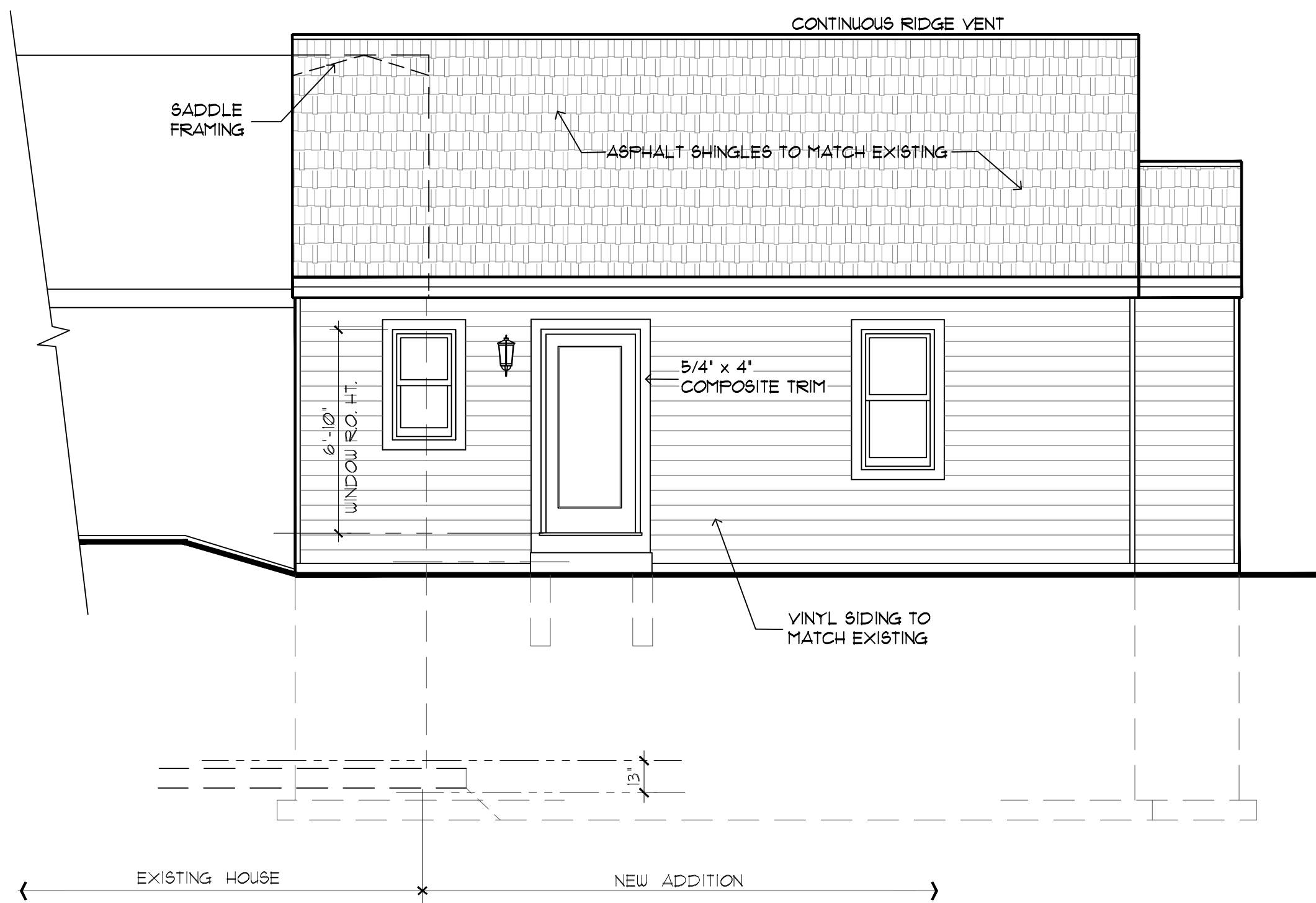
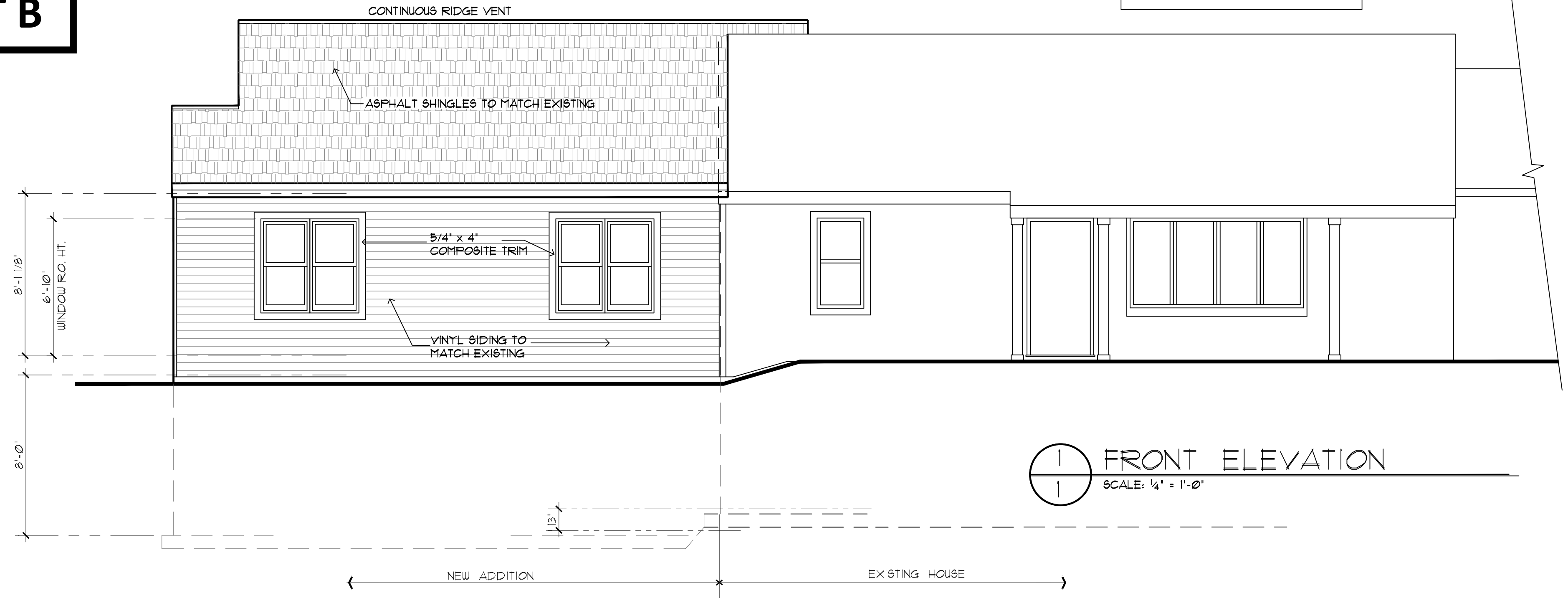
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES,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

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

SIGNED Dennis C. Sauer  
**Dennis C. Sauer**  
Professional Land Surveyor S-2421

# EXHIBIT B

RECEIVED 02/12/2025 BY  
WAUKESHA COUNTY PLANNING  
AND ZONING DIVISION

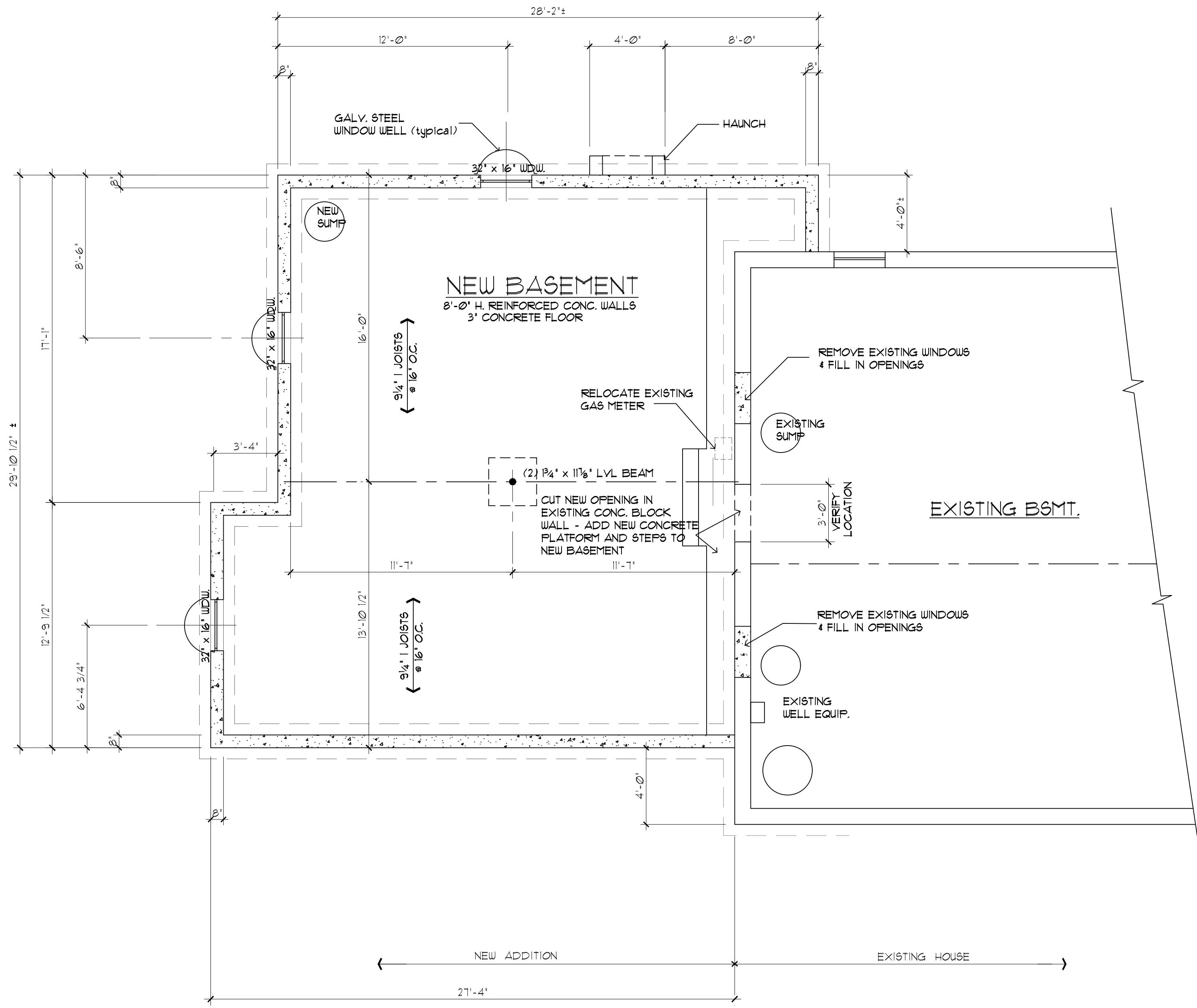


3 REAR ELEVATION  
SCALE: 1/4" = 1'-0"

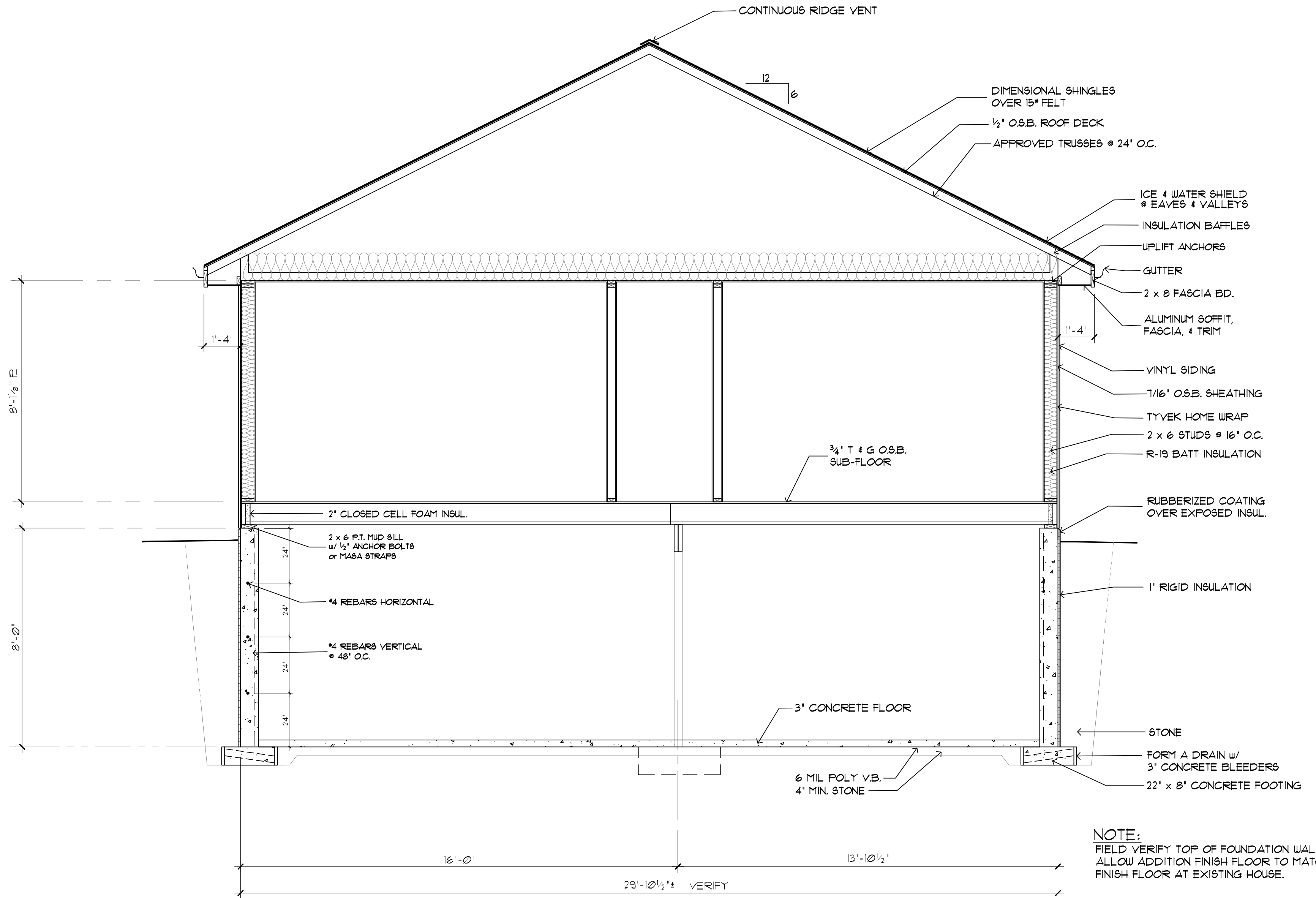
2 SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

SCHMIT RESIDENCE  
W3035 10521 Sandy Beach Rd.  
Mukwonago, WI  
GPR BUILDERS  
6-21-24  
REV. 1-30-24  
REV. 2-7-25  
Sheet 1 of 4





1 BASEMENT PLAN  
 3 SCALE: 1/4" = 1'-0"



1 BUILDING SECTION  
4 SCALE: 3/8" = 1'-0"

NOTE:  
FIELD VERIFY TOP OF FOUNDATION WALL TO  
ALLOW ADDITION FINISH FLOOR TO MATCH  
FINISH FLOOR AT EXISTING HOUSE.

SCHMIT RESIDENCE  
W3035 10521 Sandy Beach Rd.  
Mukwonago, WI

GPR BUILDERS

6-21-24  
REV. 1-30-24  
REV. 2-1-25  
Sheets 4 of 4

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.

---

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

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

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

---

**ITEMS THAT MUST ACCOMPANY ALL VARIANCES AND SPECIAL EXCEPTIONS:**

1. One electronic copy of an **accurate** site plan/map (a plat of survey is preferred) **drawn to scale** showing the following:
- The boundaries and dimensions of the subject property.
  - The location and dimensions of **all** existing **and** proposed structures **and** buildings on the property.
  - The location and dimensions of **all** buildings **and** structures on adjacent properties.
  - The location and centerline of **all** abutting streets.
  - The 100-year floodplain, wetland boundary, **and** the ordinary high water mark of any water body which the lot abuts.
- NOTE:** Maps, plans and surveys shall **not** be reduced, enlarged, or faxed as these functions alter the scale. The scale of the map shall **not** be altered.
2. A zoning permit, impervious surface worksheet, nonconforming use and structure value worksheet, building plans, grading plan and/or Environmental Health approval may also be required.
3. The required filing fee, payable to the Waukesha County Department of Parks and Land Use. Once the public notice has been sent, this fee is nonrefundable.
- Application must be **complete** upon submittal. Once the public notice has been sent, **no changes to the request may be made**. If any changes or deviations from the original application are desired after the public notice has been sent, a new application will be required.
  - Variations from multiple ordinance provisions may be requested as part of a single application, but only one proposal may be made per application. Each alternative proposal will be considered a separate request and require a separate application packet and fee.



**Waukesha County**  
*Department of Parks and Land Use*

**MEMORANDUM**

To: Waukesha County Board of Adjustment

From: Rebekah Leto, Senior Planner

Date: March 12, 2025

Subject: Extension request of Jacob Roy (BA150) of W298 N2808 Shady Lane, known as Lot 1 of Certified Survey Map 12553, Town of Delafield.

---

On January 11, 2023, the Waukesha County Board of Adjustment heard a request from the petitioner for variances from Section 3(o) Nonconforming to the road setback back and Section 3 (h) (3) (A) and Section 37(d) Building Separation provisions of the Waukesha County Shoreland Protection Ordinance to permit a vertical and lateral addition to the residence and a new deck. The staff report and exhibits are attached as Exhibit A. The road setback variance was approved and the building separation variance was denied, as was recommended by staff, subject to several conditions. The conditions of approval were as follows:

1. The height of the residence shall not exceed 35 ft., as measured from the lowest exposed point to the peak of the roof. Prior to the issuance of a Zoning Permit, revised building plans shall be submitted to the Planning and Zoning Division that demonstrate the proposal complies with height requirements.
2. The residence shall maintain a 10 ft. separation from the detached garage, as measured from each overhang. Prior to the issuance of a Zoning Permit, a revised site plan shall be submitted to the Planning and Zoning Division that illustrates the addition meets these requirements.
3. A Grading Plan prepared by a professional surveyor, landscape architect or engineer shall be submitted showing existing and proposed grades. The Grading Plan shall be reviewed and approved by the Planning and Zoning Division prior to the issuance of a Zoning Permit to ensure that no adverse drainage is created.
4. To ensure the expanded portion of the basement complies with the Basement Wetness standards of the Ordinance, a Form A soil test completed by a Certified Soil Tester or a Soil Scientist shall be completed and submitted to the Waukesha County Department of Parks and Land Use for review and approval of a basement floor elevation, prior to the issuance of a Zoning Permit, unless an exemption is granted by the Waukesha County Land Resources Division.
5. A Certified Survey Map shall be reviewed and approved by the Town of Delafield, Waukesha County Planning and Zoning Division and any extra-territorial review authority. The approved Certified

**Planning and Zoning**

515 W Moreland Blvd., AC 230 • Waukesha, Wisconsin 53188-3878

Phone: (262) 548-7790 • Fax: (262) 896-8071 • [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning)

***BA150 Roy (Memo-March 12, 2025)***

Survey Map shall be recorded by the owner in the Waukesha County Register of Deeds, prior to the issuance of a Zoning Permit. A Certified Survey Map has been submitted to Waukesha County Planning and Zoning Division for review. ***A Certified Survey Map was recorded on March 27, 2024.***

In December, the petitioner requested a two-year extension of the road setback variance from the Board of Adjustment to allow more time to complete the project. The petitioner expressed issues with finding a good contractor, prices of materials going up and personal financial setbacks. The Rules of Procedure of the Waukesha County Board of Adjustment provide that, upon written application of the Appellant, without additional fee and for good cause as determined by the Board, a two-year extension may be granted if the permit is not exercised or obtained within the time allowed.

Since the January 11, 2023 public hearing, the required Certified Survey Map (CSM) has been recorded in the Register of Deeds. The request to extend the deadline allows the petitioners adequate time to meet the required conditions and does not negatively impact adjacent property owners. Therefore, staff recommends **approval** of the request to extend the Board of Adjustment approval and recommends the Board consider an extension of two years to March 12, 2027.

Exhibit A: BA150, January 11, 2023 Staff Report and Recommendation



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

**DATE:** January 11, 2023

**FILE NO.:** BA150

**OWNER:** Jacob M. Roy  
W298 N2808 Shady Lane  
Pewaukee, WI 53072-4211

**TAX KEY NO.:** DELT 0774.047

**LOCATION:**

The property is described as all of Lot 19 and the southerly 10 ft. of Lot 18 of Re-Survey of Lots 7, 8, 11, 13, 15, 16, 18-24 of the Continuation of Plat of Blatz's Oakwood Grove, being part of the SW ¼ of the NW ¼ of Section 14, T7N, R18E, Town of Delafield. More specifically, the property is located at W298 N2808 Shady Lane.

**REQUEST:**

Variance from **Section 3(o) Non-Conforming to Road Setback** requirements, as well as **Section 3 (h) (3) (A) and Section 37(d) Building Separation** provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit a vertical and lateral addition to the residence and a new deck.

**ZONING CLASSIFICATION:** R-3 Residential District and Delafield Shoreland Overlay District (DSO)

**LOT CONFIGURATION:** The property is rectangular in shape and contains variable topography. The property is comprised of portions of platted lots. Therefore, a Certified Survey Map is required to combine the parcels into one legal lot of record. The existing and required average lot width, average lot depth and lot size are shown in the following table.

	Average Lot Width	Average Lot Depth	Lot Size* (sq. ft.)
Existing	60 ft. +/-	220 ft. +/-	15,445.8.
Required	84 ft. min. (sewered)	n/a	14,000 (sewered)

\*Excluding the established 33 ft. wide road right-of-way of Shady Lane.

**PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:**

None.

**PENDING ACTIONS:**

None.

**PROPOSAL AND STAFF ANALYSIS:**

The property is located on Shady Lane, a small, local road that dead ends on the north shore of Pewaukee Lake. While not a riparian parcel, the property holds lake access rights through the subdivision. Some properties in the neighborhood have been more recently redeveloped into modest sized homes with attached garages, while others maintain older residences with detached garages. The neighborhood consists of variable sized and shaped lots, with most development located close to the road.

The property contains a one-story single-family residence, deck and detached garage and is served by sewer. The residence is nonconforming to the required road setback but meets all other size and locational requirements of the Ordinance. The improvements are located on the southwest half of the property, which has more gentle topography, whereas the northeast half of the property contains a wooded knoll with slopes more than 20%.

The petitioner is proposing significant improvements to the existing residence, including a lateral expansion of the first floor living area, a new one-car attached garage at the rear of the residence, a new deck, and a second story addition with a covered porch. The table below summarizes the existing and proposed improvements. A site plan showing existing and proposed improvements is attached as Exhibit A. Building plans showing the proposed improvements are attached as Exhibit B.

	1 <sup>st</sup> Floor (sq. ft.)	2 <sup>nd</sup> Floor (sq. ft.)	Att. Garage (sq. ft.)	Accessory Bldgs. (sq. ft.)	Beds	Baths
Existing	1,107*	0	0	682	3	2
Proposed	1,396*	1,489	381	No change	5 (+2)	3 (+1)

\*Excluding a 33 sq. ft. covered front porch

The two adjacent residences are located 11.7 ft. and 11.85 ft. from the road right of way. The subject residence is located 10.2 ft. from the road right of way when measured to the outside wall, but only 6.6 ft. to the edge of the covered front porch. Because the subject residence is located closer to the road than its two adjacent neighbors, the Ordinance does not provide a reduced road setback through averaging of adjacent like structures. In addition, because the residence is located within 20 ft. of the road right of way, no vertical or lateral expansions to the residence can be made without a variance from the non-conforming to road setback provisions.

The Ordinance requires a 10-foot separation between accessory buildings and principal structures, as measured from each structure’s overhang. The addition to the rear of the residence, which is a proposed one car attached garage (15 ft. wide x 24 ft. deep), is located 10.1 ft. from the outside wall of the detached garage. According to the building plans, the overhang of the attached garage is 1.5 ft., and the detached garage overhang is estimated to be one foot, which would result in less than the minimum separation required between the two structures.

The building plans indicate the proposed height of the residence to be 35 ft. 10 inches, where 35 ft. is the maximum height permitted. The petitioner indicated prior to the noticing of this variance request that the height of the residence will be reduced to comply with the maximum height provisions. Therefore, no height variance is being requested.

The proposed improvements require variances from the non-conformance to road setback provisions and the building separation requirements of the Waukesha County Shoreland and Floodland Protection Ordinance as summarized in the following table.

PROVISION	SFPO	EXISTING	NON-CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
ROAD SETBACK	3 (h) (1) (C)	10.2 ft. (res.) 6.65 ft. (stoop)	Y	11.8 ft. (addition)	35 ft.	Y
OFFSET (NW)	3 (h) (3) (A)	15.7 ft.	N	15.7 ft.	10 ft.	N
OFFSET (SE)	3 (h) (3) (A)	25.8 ft.	N	13.8 ft.	10 ft.	N
OFFSET - BUILDING SEPARATION	3 (h) (3) (A)	25.6 ft. +/-	N	Approx. 7.5 ft. b/w overhangs	10 ft. between overhangs	Y
DSO-BUILDING SEPARATION	37(d)	25.6 ft. +/-	N	Approx. 7.5 ft. b/w overhangs	10 ft. between overhangs	Y
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	2,690 sq. ft.	N	2,690 sq. ft. (17.4%)	2,703 sq. ft. (17.5% max.)	N
ACCESSORY FOOTPRINT	3 (j) 4	682 sq. ft.	N	682 sq. ft.	750 sq. ft. max.	N
MINIMUM FLOOR AREA	3 (j) (1)	1,107 sq. ft.	N	1,396 sq. ft. (first floor) 2,885 sq. ft. (overall)	850 sq. ft. (first floor) 1,100 sq. ft. (overall)	N
BLDG HEIGHT	3 (i)	20 ft.	N	35 ft. (to be reduced)	35 ft. max.	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 non-conformance to road setback provisions and **denial** of the request for a variance from the building separation requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit vertical and lateral additions to the residence and a new deck. 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 height of the residence shall not exceed 35 ft., as measured from the lowest exposed point to the peak of the roof. Prior to the issuance of a Zoning Permit, revised building plans shall be submitted to the Planning and Zoning Division that demonstrate the proposal complies with height requirements.
2. The residence shall maintain a 10 ft. separation from the detached garage, as measured from each overhang. Prior to the issuance of a Zoning Permit, a revised site plan shall be submitted to the Planning and Zoning Division that illustrates the addition meets these requirements.
3. A Grading Plan prepared by a professional surveyor, landscape architect or engineer shall be submitted showing existing and proposed grades. The Grading Plan shall be reviewed and approved by the Planning and Zoning Division prior to the issuance of a Zoning Permit to ensure that no adverse drainage is created.
4. To ensure the expanded portion of the basement complies with the Basement Wetness standards of the Ordinance, a Form A soil test completed by a Certified Soil Tester or a Soil Scientist shall be completed and submitted to the Waukesha County Department of Parks and Land Use for review and approval of a basement floor elevation, prior to the issuance of a Zoning Permit, unless an exemption is granted by the Waukesha County Land Resources Division.
5. A Certified Survey Map shall be reviewed and approved by the Town of Delafield, Waukesha County Planning and Zoning Division and any extra-territorial review authority. The approved Certified Survey Map shall be recorded by the owner in the Waukesha County Register of Deeds, prior to the issuance of a Zoning Permit. A Certified Survey Map has been submitted to Waukesha County Planning and Zoning Division for review.

**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 Ordinance does not provide road setback averaging for additions to existing improvements when the structure to be modified is the most nonconforming, even if all the proposed improvements meet the required setback as with this proposal. As the most nonconforming structure amongst the adjacent residences, the Code does not allow any vertical or lateral

expansions to the subject residence without a variance from the nonconforming to the road setback provisions. The intent of this provision is to preserve the pattern of development along the road and not perpetuate severely nonconforming structures. However, if the petitioner were to tear down the existing nonconforming residence and rebuild, road setback averaging would be available since both adjacent residences are non-conforming to the required road setback. Therefore, averaging would allow a new principal residence to be constructed at the road setback of the proposed addition, which is approximately 1.5 ft. further than the closest point of the existing residence. Given that the proposed addition complies with the average setback of both adjacent residences, it would be unnecessarily burdensome to require the petitioner to redevelop the property to achieve the additional living and storage space proposed.

However, there is no justification for a building separation variance. Building separation is measured from overhang to overhang of each structure. The distance between the outside walls of the proposed attached garage addition and the existing detached garage is 10.1 feet; however, when accounting for the overhangs, there is less than 10 ft. of separation. If the petitioner desires to maintain the proposed width of the attached garage, it could be shifted to the south and would meet all offset and building separation requirements. Alternatively, the garage could be reduced in width.

**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 property contains a large, wooded area and a steep slope in the undeveloped portion of the property. The proposed improvements are limited to the already disturbed area that should negate any adverse impacts to scenic beauty. The proposed addition is in line with the adjacent like structures and most other properties in the neighborhood with improvements close to the road. The petitioners will need to submit a grading plan to Planning and Zoning staff for approval to ensure no adverse drainage is caused. Therefore, as conditioned, a road setback variance will not adversely affect the general public or nearby properties.

The building separation requirements exists to provide safe access around structures for fire and safety, and access for maintenance. Given that there are number of design changes that would provide the additional parking/storage space sought and comply with building separation, no demonstration of hardship has been demonstrated by the petitioner to justify offset relief.

Respectfully submitted,

Reviewed and approved by:

*Rebekah Leto*

*Benjamin Greenberg*

Rebekah Leto  
Senior Planner  
Phone: 262-548-7790

Ben Greenberg  
Senior Planner

- Exhibits: Exhibit A Proposed Plat of Survey
- Exhibit B Building Plans
- Exhibit C Petitioner Comments



**EXHIBIT B**



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

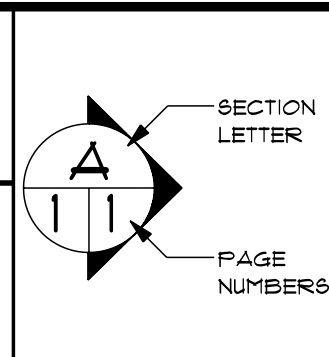


**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"

WHILE EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THESE PLANS, IT IS THE BUILDERS RESPONSIBILITY TO VERIFY ALL DIMENSIONS IN THE FIELD.  
  
DO NOT SCALE THESE PLANS.

**KANGAS BUILDERS**  
N6335 STONEWOOD DR  
WATERTOWN, WI 53094  
KANGASTYLER@YMAIL.COM  
PHONE: (920)699-2185  
FAX:  
MOBILE:

**RAS DRAFTING SERVICES**  
621 COTTAGE CT  
COTTAGE GROVE, WI 53521  
RASDRAFTINGSERVICES@GMAIL.COM  
PHONE: 608.448.3129  
MOBILE:



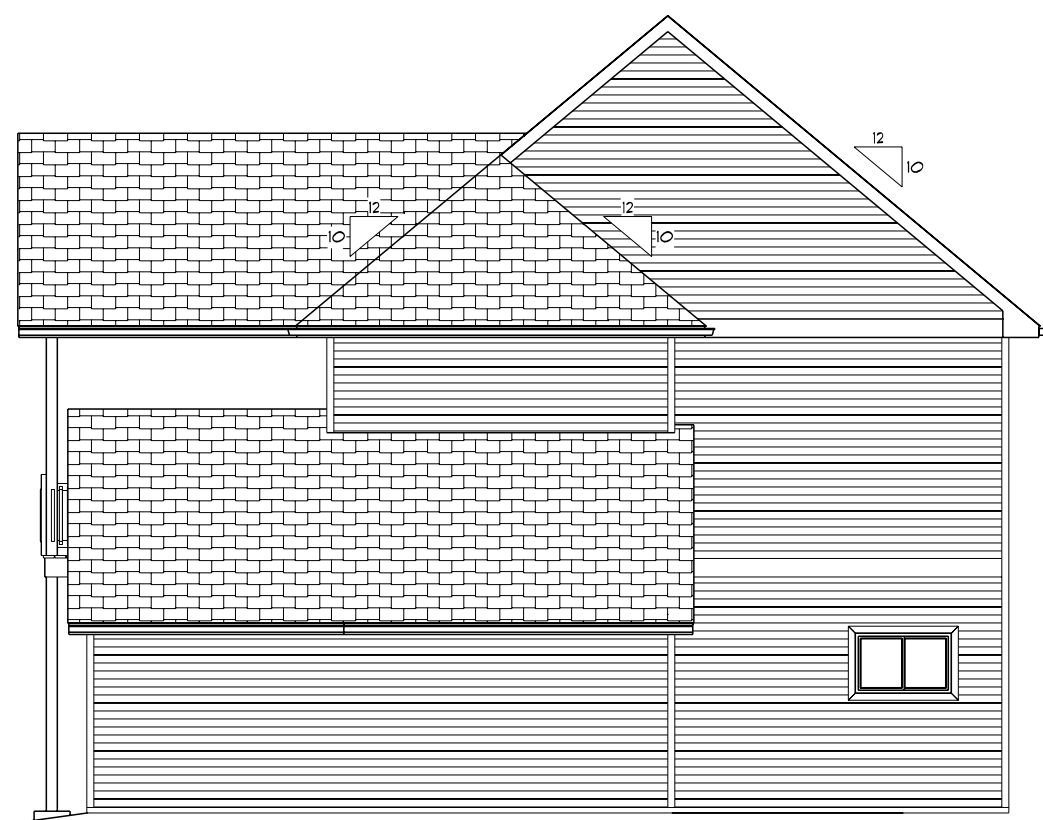
**JACOB ROY**  
W298N2808 SHADY LN.  
PEWAUKEE, WI 53102  
PHONE:  
MOBILE: JACOB.ROY15@YAHOO.COM

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SCALE: AS NOTED  
DATE: 10/13/2022

PAGE: 1 / 7  
FRNT & LFT ELEVATIONS



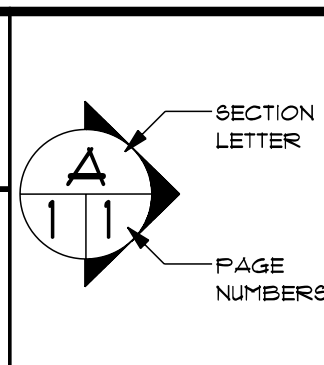
**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
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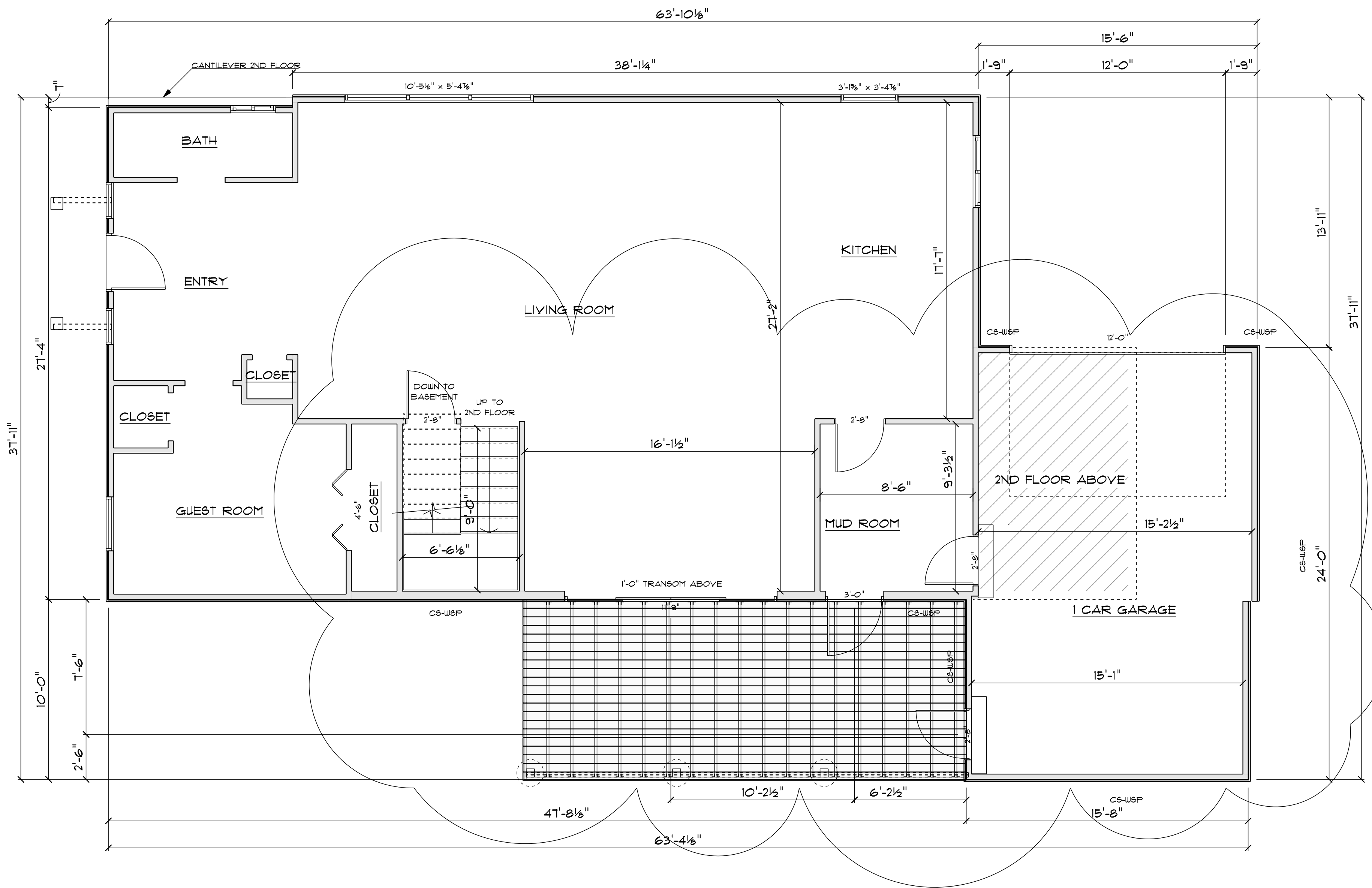
WHILE EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THESE PLANS, IT IS THE BUILDERS RESPONSIBILITY TO VERIFY ALL DIMENSIONS IN THE FIELD.  
  
DO NOT SCALE THESE PLANS.

**KANGAS BUILDERS**  
N6335 STONEWOOD DR WATERTOWN, WI 53094  
KANGASTYLER@MAIL.COM  
PHONE: (920)699-2785  
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621 COTTAGE CT COTTAGE GROVE WI 53527  
PHONE: 608.445.3729  
MOBILE:  
RASDRAFTINGSERVICES@GMAIL.COM



**JACOB ROY**  
W298N2808 SHADY LN. PEWAUKEE WI 53102  
PHONE:  
MOBILE: JACOB.ROY15@YAHOO.COM  
  
DRAWN BY:  
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DATE: 10/13/2022  
  
PAGE: 2 / 7  
RIGHT & REAR ELEVATIONS





☁️ 1ST FLOOR  
NEW ADDITION

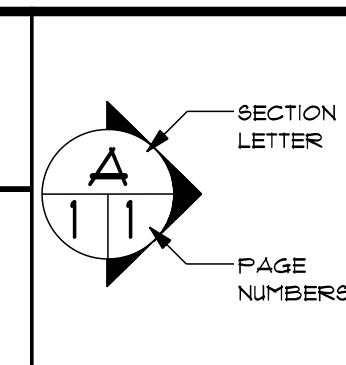
BRACING METHOD				
MATERIAL	MIN. WIDTH	MATERIAL THICKNESS	MIN FASTNERS	MAX SPACING
CONTINUOUS SHEATHED WOOD STRUCTURAL PANEL - (CS-WSP)	30"	1/16"	6d COMMON NAIL OR 8d BOX NAIL (2-3/8" LONG x .113" DIAMETER) OR 7/16" - OR 1/2" - CROWN 16-GAGE STAPLES 1-1/4" LONG	6" EDGES, 12" FIELD (NAILS) 3" EDGES, 6" FIELD (STAPLES)

**1ST FLOOR**  
SCALE: 1/4" = 1'-0"

WHILE EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THESE PLANS, IT IS THE BUILDERS RESPONSIBILITY TO VERIFY ALL DIMENSIONS IN THE FIELD.  
  
DO NOT SCALE THESE PLANS.

**KANGAS BUILDERS**  
PHONE: (920)699-2785  
FAX:  
621 COTTAGE CT  
COTTAGE GROVE  
WI  
53527  
R4SDRAFTINGSERVICES@GMAIL.COM

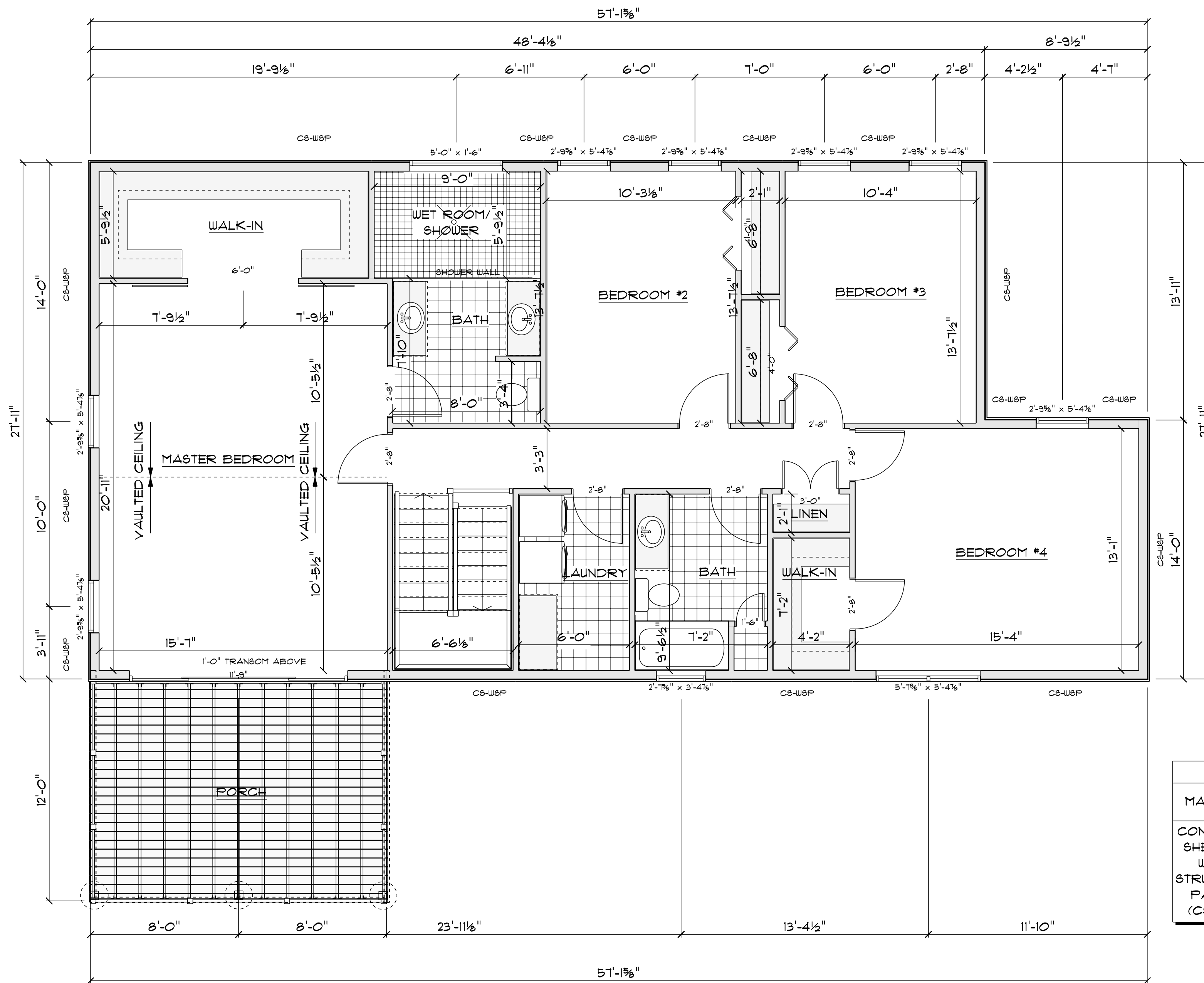
**RAS DRAFTING SERVICES**  
PHONE: 608.445.3129  
MOBILE:  
R4SDRAFTINGSERVICES@GMAIL.COM



**JACOB ROY**  
PHONE:  
W298N2808 SHADY LN.  
PEWAUKEE  
WI  
53102  
JACOB.ROY15@YAHOO.COM

DRAWN BY:  
SCALE: 1/4" = 1'-0"  
DATE: 10/13/2022

PAGE:  
3 / 7  
FIRST FLOOR

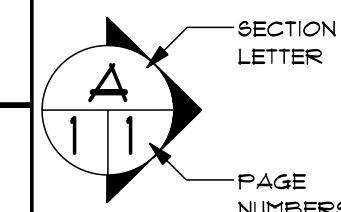


BRACING METHOD				
MATERIAL	MIN. WIDTH	MATERIAL THICKNESS	MIN FASTNERS	MAX SPACING
CONTINUOUS SHEATHED WOOD STRUCTURAL PANEL - (CS-WSP)	30"	7/16"	6d COMMON NAIL OR 8d BOX NAIL (2-3/8" LONG x .113" DIAMETER) OR 7/16" - OR 1/2" - CROWN 16-GAGE STAPLES 1-1/4" LONG	6" EDGES, 12" FIELD (NAILS) 3" EDGES, 6" FIELD (STAPLES)

**2ND FLOOR**  
SCALE: 1/4" = 1'-0"

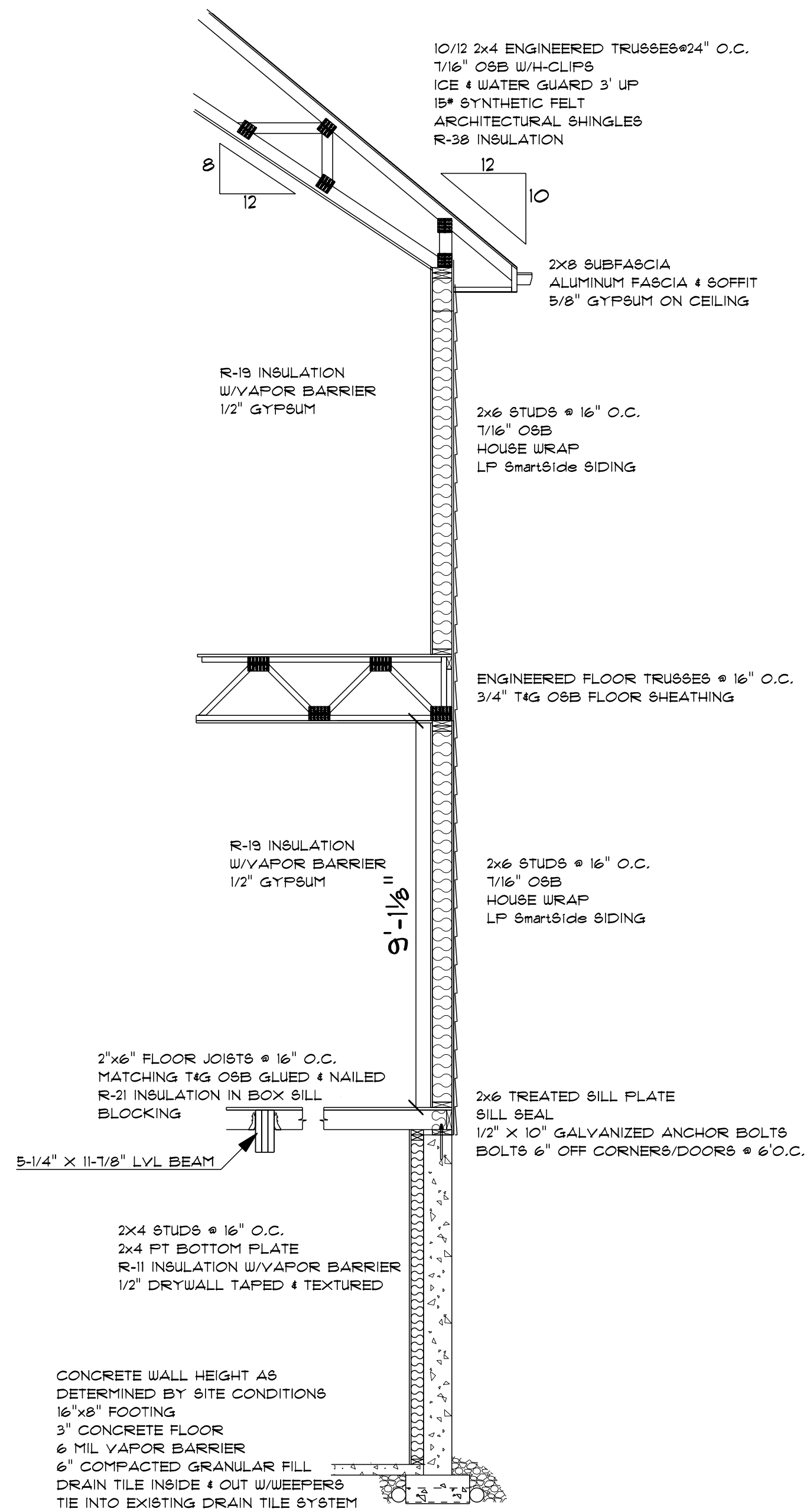
WHILE EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THESE PLANS, IT IS THE BUILDERS RESPONSIBILITY TO VERIFY ALL DIMENSIONS IN THE FIELD.  
DO NOT SCALE THESE PLANS.

**KANGAS BUILDERS**  
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621 COTTAGE CT  
COTTAGE GROVE WI 53527  
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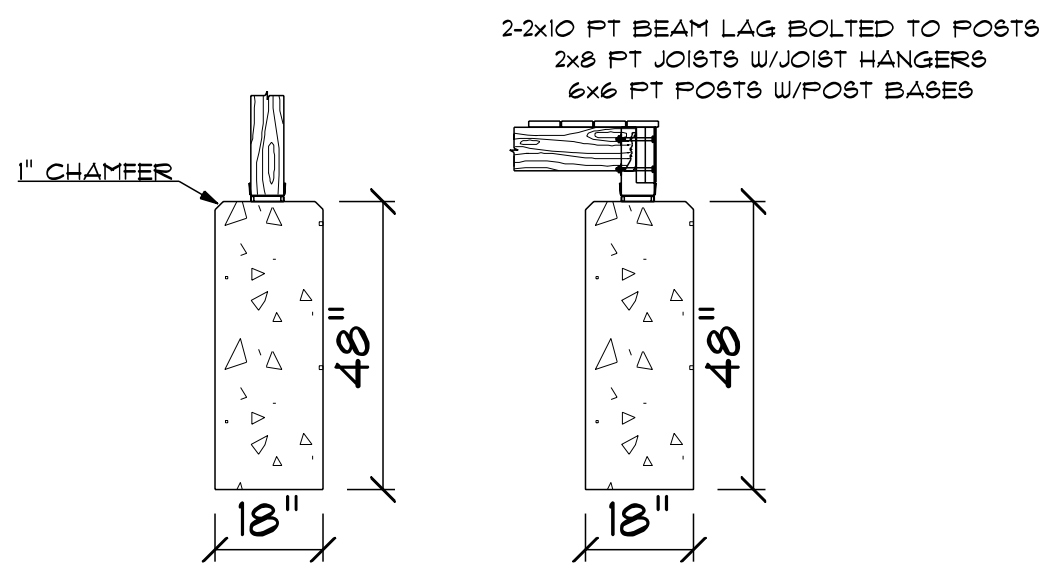
**JACOB ROY**  
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MOBILE: JACOB.ROY15@YAHOO.COM  
DRAWN BY:  
SCALE: 1/4" = 1'-0"  
DATE: 10/13/2022  
PAGE: 4 / 7  
2ND FLOOR



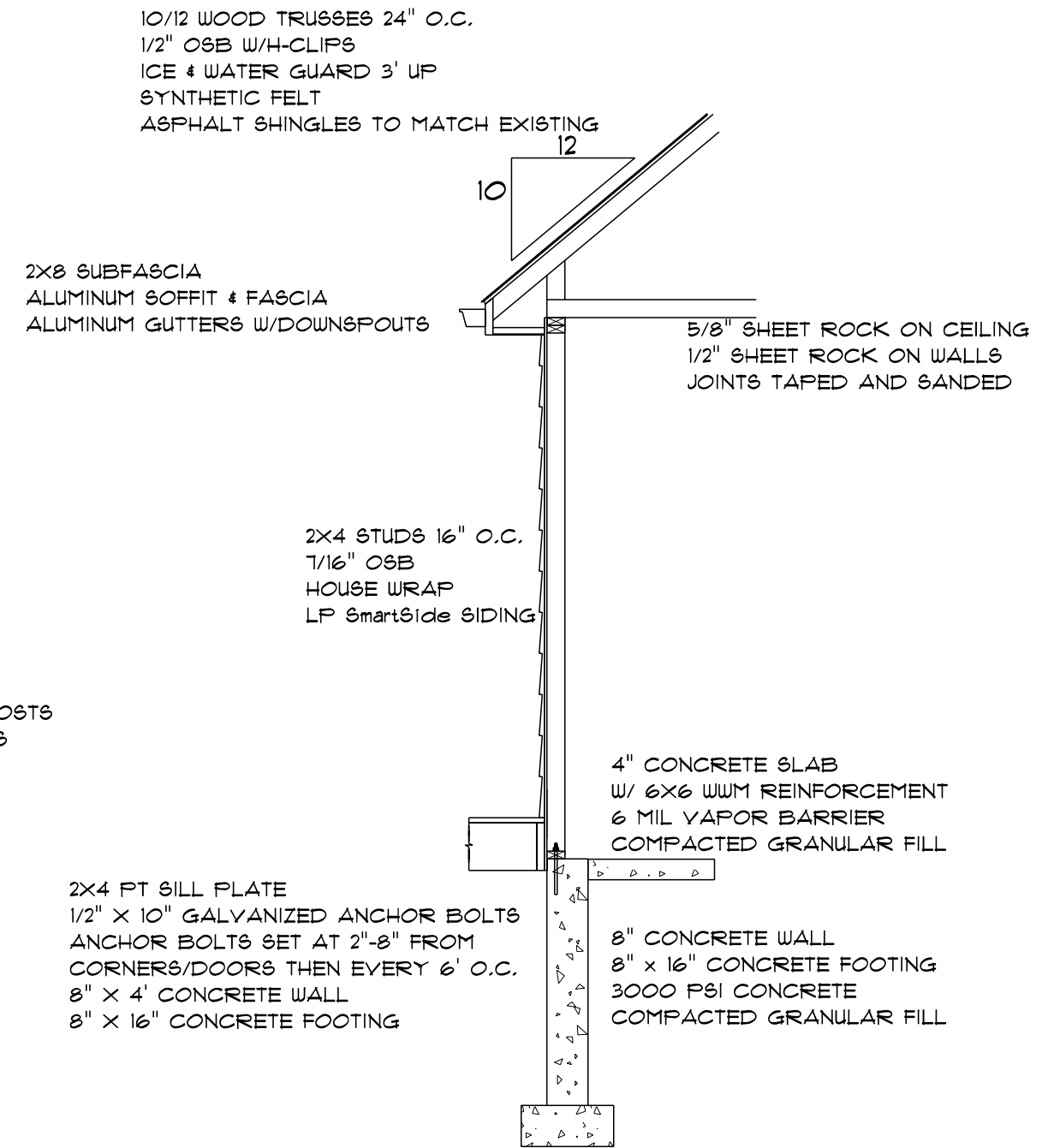


**CROSS SECTION**

SCALE: 3/8" = 1'-0"



**PORCH/DECK  
 FOUNDATION DETAILS**



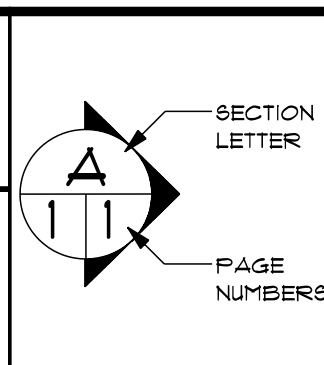
**GARAGE CROSS SECTION**

SCALE: 3/8" = 1'-0"

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 DO NOT SCALE THESE PLANS.

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DRAWN BY: \_\_\_\_\_  
 SCALE: 3/8" = 1'-0"  
 DATE: 10/13/2022

PAGE: 6 / 7  
 CROSS SECTIONS

## 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.

Please consider me for this variance. I'm not making the footprint any more non-conforming. This project will not negatively affect anyone in the neighborhood. I am looking to beautify the neighborhood with some newer updating on my current residence.

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 will not adversely affect neighbors. I will still meet my setbacks. I am currently only 1' different from my neighbors.

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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.