

**VILLAGE OF GERMANTOWN  
N112 W17001 MEQUON ROAD  
GERMANTOWN, WI**

**MEETING: BOARD OF ZONING APPEALS**

**DATE AND TIME: WEDNESDAY, APRIL 14, 2021 5:30 p.m.**

**LOCATION: Germantown Village Hall Board Room  
N112 W17001 Mequon Road**

**NOTICE:** Pursuant to the current recommendation of the Centers for Disease Control and Prevention limiting the size of public gatherings, capacity within the Board Room will be limited. Members of the body and citizens may also attend the meeting virtually through the WebEx platform, Meeting #: 182 157 0544 Password: TjU5MwiK26C which can be accessed by phone at 408-418-9388 or by logging on at <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=mc0622e01b76733e7d0f19b73321e748b> Citizens wishing to view the meeting are encouraged to watch the live broadcast of the meeting through Channel 25 on Spectrum cable, or the livestream on the Village's website. Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to [comments@village.germantown.wi.us](mailto:comments@village.germantown.wi.us) by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL:**
- III. **APPROVAL OF MINUTES:** November 11, 2020 and March 10, 2021
- IV. **PUBLIC HEARING, DELIBERATION AND ACTION:**
  - A. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a VARIANCE APPEAL filed by, Jodi Kanzenbach, property owner, who is requesting a variance from Section 17.46(7)(b) of the Village's Zoning Code to allow an awning sign in a business zoning district to be located 2'6" into the public right-of-way for the property located at N116W16137 Main Street, Germantown.
  - B. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a VARIANCE APPEAL filed by, Janis Johnson, property owner, who is requesting a variance from Section 17.41(1)(b) of the Village's Zoning Code to allow a 2,000 sqft detached accessory building that is 1,065 sqft larger than the maximum allowance of 935 sqft for the property located at W140 N11585 Country Aire Drive, Germantown.
- V. **NEXT MEETING DATE AND TIME IF NEEDED:**  
Second Wednesday's of the month at 5:30 p.m.
- VI. **ADJOURNMENT**

**UPON REASONABLE NOTICE,** efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

Notice is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

**VILLAGE OF GERMANTOWN  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
March 10, 2021**

**CALL TO ORDER:** The meeting was called to order at 5:34 p.m. by Chairman White.

**ROLL CALL:** Chairman White, Hansen, Schodron, Edwards, Huber, Knop, Director Retzlaff, and Clerk Braunschweig. David Leszczynski, Agent for Andrew and Kim Reed.

**APPROVAL OF MINUTES:** November 11, 2020.

Motion (Hansen/) to table until next meeting with correct adjourn.

Motion Carried unanimously.

**PUBLIC HEARING.**

Chairman White read the public hearing notice. Hearing is to hear any and all parties, their attorneys or agents, for or against the **VARIANCE APPEAL** filed by **David Leszczynski, Agent for Andrew and Kim Reed**, property owner, who is requesting a variance from (Section 17) to reduce the front/street yard building setback from 110' to 65' for the property located at N118 W12789 Taylor Trail (Lot 11 of Woodland Ponds Estates Subdivision).

Chairman White described the meeting order and that normally the Village's information is given first and review of the Variance is given first and then the applicant may give sworn information.

Chairman White swore in Director Retzlaff.

Director Retzlaff gave history and background of the Variance Appeal for N118 W12789 Taylor Trail. This is to reduce the front setback from 110' to 65' for the property located at N118 W12789 Taylor Trail (Lot 11 of Woodland Ponds Estates Subdivision). A map of the subject property was shown and discussed. The zoning was reviewed as Rs-3. The current minimum required set back is 110 feet. The request is for the setback to be reduced to 65'. The ordinance was reviewed. If granted the house would still meet the normal 45' setback by 20'. The sideyard will have a 20' setback. The sideyards would meet these requirements. Discussion ensued of the sideyard setbacks setting the distance between dwellings. The building envelope was discussed. If the existing home butts right up to the setbacks there is not additional room. The map of the parcel and grade were discussed and shown in relation to the building placement. The mound system requirements are enforced by the County.

Chairman White swore in Andrew Reed, of 2121 North 83<sup>rd</sup> Street, Wauwatosa.

Mr. Reed spoke of the lot and the intention of building on the lot. He commented on their research of building on the lot. The offer is contingent on the approval of the reduced setback. Concerns of the placement of the garage and the subdivision covenants requirement a 3 car garage and minimum house size requirements. There could be an uneven and steep drive. The setback would be too close to the ravine. The 110' setback would place close to the mound system. It is undesirable to have too close to the house. He commented on the previous variance granted. Each lot has its own features. They have watched the neighbors house in built phases.

Chair White questioned the slope of the lot is away from the street. Slopes downward. Move from the left to the right, slopes to that direction. Discussion of the change in elevation ensued. Dependent on starting point. It is a steep slope.

Chair White swore in David Leszczynski of 3223 Fleur De Lis Drive, Mequon.

**David Leszczynski** reported the Slope is 10 feet.

**David Leszczynski pointed out the slope and grade. As the house is back will have to go around and fast and close to the ravine. Almost a straight drop of 10 feet. The garage doors were pointed out, drive way in the setback on the west side, left side of the picture.**

**David Leszczynski reported on the slope and grade 110 top of the foundation, 900 even, top of the foundation 65 is 909. There is a 9 foot difference. David Leszczynski referenced the pictures. David Leszczynski brought a letter from Shari Wagner with the same questions.**

**David Leszczynski, commented on visuals based on the land and the house next door.**

**Chairman White commented he drove by the area.**

**County 15 feet from the mound and cannot disturb the mound site. He discussed the digging of the basement and not to disturb the mound system area. David Leszczynski commented on the testing for the mound system. David Leszczynski commented that previously approved by Plan Commission with 45 foot setback and then the mound system tested to the appropriate area.**

**David Leszczynski commented the previous variance is not a detriment to the neighbors.**

**Sheri as the head of the homeowners association for Harvest Hills submitted a letter in favor of the variance. White will read at the end.**

**David Leszczynski, this is a unique lot and it is sought after, due to the slope and ravine.**

**This is a two story house. The other house is a single story with basement.**

Chair White opened the Public Hearing at 6:14p.m.

**Chair read the letter from Shari Wagner. The Harvest Hills HOA does not have any reasons to not allow the setback reduction and would look better aesthetically. There would be a hardship based on the ravine and mound system.**

Public hearing closed at 6:16 pm

Chair White explained that the Board will deliberate the findings and that the Board of Zoning of Appeals does not routinely grant requests.

The Findings, Conclusions, and Decision and Order were deliberated.

White commented that the request is in accordance with zoning code.

Huber commented the variance will be in accord and in the interest of the zoning code. Will still meet the 45' set back and side setback requirements. Lot 12 is in a different part of the cul de sac. Nothing in the zoning code that as long as requirements are met can look similar. Not contrary to the public interest or neighbor. The area to the West to remain natural.

White commented the slope does seem to be very steep and location of the septic. Not removing or not granting and moving the house might present insurmountable challenge with the location of the mound and digging without disturbing. Edwards agrees. Huber agrees, Kevin agrees. Hansen agrees.

The variance would be necessary for the preservation and enjoyment of substantial property rights. There was consensus of agreement among the Board.

Discussion ensued of the mound system placement. Could grant to move 45' up and move the house further north but not all the way. If the required location of the mound system would prevent from being built in accordance with the zoning code, preserve the right to build a house. Are we required to grant the least restrictive and amend the application to make the least possible variance to be appropriate. Rises or falls on their own merit. It is necessary for the preservation and enjoyment. Huber agrees, the mound system is needed to enjoy property rights, it is a requirement. Hansen was not convinced of the slope and contour. Concerned of house looking way higher than the neighbor. This variance from testimony is necessary for the preservation and enjoyment of substantial property rights. Necessary variance. Schodron agrees.

The variance will create substantial detriment to adjacent property and will be contrary to the public interest.

Discussion ensued that the variance is not detriment to neighbors. The variance will not create substantial detriment to adjacent property and will not be contrary to the public interest.

A literal enforcement of the terms of the Zoning Code would result in practical difficulty or unnecessary hardship to the appellant / applicant.

**Motion by Huber to approve the application for the variance as presented, second by Schodron.**

**Motion carried unanimously, roll call vote.**

**There will more than likely be two items for April 14, 2021 and one item for May 12, 2021. Chair White will not be at the April meeting.**

Chairman White stated next hearing will be as needed.

**Hansen motioned to adjourn the meeting at 6:35pm. Motion carried.**

*Respectfully Submitted,*

Deanna B. Braunschweig, WCMC/CMC

**VILLAGE OF GERMANTOWN  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
November 11, 2020**

**CALL TO ORDER:** The meeting was called to order at 5:34 p.m by Chairman White.

**ROLL CALL:** Chairman White, Hansen, Schodron, Edwards, Huber, Knop, and Yao. Assistant Planner Zandt, Director Retzlaff, and Clerk Braunschweig.

**APPROVAL OF MINUTES:** July 8, 2020.

Motion (Knop/Hansen) to approve minutes as presented for July 8, 2020, corrected to state Yao was present and Knop was absent. Motion Carried unanimously.

**PUBLIC HEARING.**

Chairman White read the public hearing notice. Hearing is to hear any and all parties, their attorneys or agents, for or against the for or against a **VARIANCE APPEAL** filed by **Josh Wirth, Agent for Robert Bennett**, property owner, who is requesting a variance from Section 17.41(6)(a) of the Village's Zoning Code in order to construct a retaining wall with a maximum height of 9 feet approximately 4 feet away from the side yard property line vs. the minimum requirement of 9 feet. **W130N11617 Harvest Ridge Road.**

Knop commented he does know Bennett from profession relationship and requested to be recused. Knop was then excused from the meeting.

Chairman White described the meeting order and that normally the Village's information and review of the Variance is given first and then Josh Wirth and Robert Bennett would have opportunity to give their point of view. Josh Wirth and Robert Bennett understood the order.

Chairman White swore in Director Retzlaff.

Director Retzlaff gave history and background of the Variance Appeal for **W130N11617 Harvest Ridge Road**. The property location and map were shown. This is known as lot 37 in the Harvest Hills Subdivision. The grading plan of the property was shown. The ordinance 17.41 (6) (a) of the construction of a retaining wall was reviewed. The retaining wall plan was shown. The location of the pedestrian path in relation to the proposed retaining wall was reviewed. Photos of the existing site were shown. The request is to reduce the required setback from 9 feet to 4 feet for a wall with a maximum height of 9 feet above yard grade versus a minimum of 9 feet required.

Chairman White swore in Josh Wirth N116 W 12711 Elm Lane Germantown.

Josh Wirth reported that the reason for the change from a double wall to a single wall is for more access to the drive way and side entrance to the garage. The vehicles are large to be able to get in the side entrance of the garage. The change in grade will be 8 feet.

Discussion ensued of the wall height and grade in relation to the grade. The house is already framed. There will be a barrier or fence on top of the retaining wall for safety and security. The length of the driveway and space was discussed.

The building inspector had questioned the builder of the house on the lot prior to building.

Chair White swore in Robert Bennett N76W176224 Sherwood Dr Menomonee Falls.

The purchases were not apprised by the builder that this was going to be a problem. The property owners drive a truck. The developer sent a letter in support of the wall. Mr. Bennett did not have a copy of the letter. Mr. Bennett stated he was blindsided.

Huber questioned if it could be changed to a front facing garage.

The original topography of the lot had changed. Fill was brought in that raised the level of the house.

Chair White swore in Deborah Galey N76W176224 Sherwood Dr Menomonee Falls.

Deborah Galey commented that there was an original landscaper that was presenting a two tier design with tall grass. They have a different landscaper.

Chair White opened the Public Hearing at 6:18 p.m.  
Public hearing closed at 6:20 p.m.

Chair White explained that the Board will deliberate the findings and that the Board of Zoning of Appeals does not routinely grant requests.

The Findings, Conclusions, and Decision and Order were deliberated.

White commented that the request is in accordance with zoning code.

The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district because he can still use the property.

The zoning code is to not impose onto a neighbor, next to the pedestrian pathway would not impose onto a neighbor. If the wall would fall it would not fall into the neighbor's lawn but into the right of way. This would not be contrary to the zoning code and public interest. Discussion ensued if the wall would fall and it is near the pathway. It is in the public interest for good aesthetics. Consensus is that the variance would not be contrary to public interest and would be in accord with the spirit of the zoning code.

There are not exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot or parcel, use, structure, or intended use that do not apply generally to other property or uses in the same district because there are always these types of structures.

Discussion ensued that the situation was avoidable. This particular area was paid attention too. Discussion that this is not in the control of the current owner, but created by the builder. The house is not finished and builder should have caught earlier. The ease of use of the garage. The extraordinary condition that allows the variance is the grade and elevation of the house. Nothing extraordinary about the lot itself but extraordinary with the house. The uniqueness is with the building. Edwards commented there are not extraordinary conditions. Schodron commented there are extraordinary conditions. Huber commented that there are extraordinary conditions created by the builder. Yao commented there not extraordinary conditions.

The variance would be necessary for the preservation and enjoyment of substantial property rights. There was consensus of agreement among the Board that the garage drive cannot be enjoyed without the variance.

Discussion that the variance would not create substantial detriment to adjacent property and would not be contrary to the public interest.

The variance will not create substantial detriment to adjacent property and will not be contrary to the public interest.

A literal enforcement of the terms of the Zoning Code would result in practical difficulty or unnecessary hardship to the appellant / applicant.

Comments that it would not result in difficulty or unnecessary hardship. Schodron commented that it would create in difficulty or unnecessary hardship. Yao commented it would be inconvenient for the homeowners. Huber commented it would be a difficult hardship for the homeowner. Two members commented it does create a hardship.

**MOTION (White/Schodron) to grant the variance appeal filed by Josh Wirth, Agent for Robert Bennett, property owner, variance from Section 17.41(6)(a) of the Village's Zoning Code in order to construct a retaining wall with a maximum height of 9 feet approximately 4 feet away from the side yard property line vs. the minimum requirement of 9 feet.**

**White, Schodron, and Huber voted aye.**

**Edward and Hansen voted nay.**

**Discussion ensued that Yao is an alternate and would not cast a vote.**

**Motion Carried.**

Chairman White stated next hearing will be as needed.

**MOTION by Hansen to adjourn the meeting at 7:38 p.m. White stated that adjournment does not require a second. Motion carried.**

*Respectfully Submitted,*

Deanna B. Braunschweig, WCMC/CMC

NOTICE OF PUBLIC HEARING

VILLAGE OF GERMANTOWN

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Zoning Appeals, Village of Germantown, WI:

Germantown Village Hall Board Room  
N112 W17001 Mequon Road  
Germantown WI 53022

Date and Time: **WEDNESDAY, APRIL 14, 2021 - 5:30 P.M.**

THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by, Jodi Kanzenbach, property owner, who is requesting a variance from Section 17.46(7)(b) of the Village's Zoning Code to allow an awning sign in a business zoning district to be located 2'6" into the public right-of-way for the property located at N116W16137 Main Street, Germantown.

A copy of the application and supporting documents are on file in the Clerk's office and available for public inspection during the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday and can be viewed on the Village website under Legal Notices of

<http://www.village.germantown.wi.us/>

The meeting will be on April 14, 2021 at 5:30 pm. Due to the ongoing social distancing recommendations from the CDC, details of how to attend the meeting will be contained on the Agenda when it is posted.

Citizens wishing to submit any public comments may do so by sending them by email to: [comments@village.germantown.wi.us](mailto:comments@village.germantown.wi.us) no later than 4:00 pm on the meeting date listed above.

Dated this 10th day of March 2021.

Village Clerk

Published: March 24<sup>th</sup> and March 31<sup>st</sup>

**VILLAGE OF GERMANTOWN**  
**OFFICE OF THE VILLAGE CLERK**  
N112 W17001 MEOUON ROAD/P. O. BOX 337  
GERMANTOWN WI 53022-0337

**BOARD OF ZONING APPEALS**  
**NOTICE OF APPEAL OR APPLICATION**

Case No. \_\_\_\_\_  
Filing Date \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Notice Mailed: \_\_\_\_\_  
Notices Published: \_\_\_\_ / \_\_\_\_

To: Board of Zoning Appeals  
Village of Germantown, Wisconsin

NOTICE IS HEREBY GIVEN that the undersigned hereby (appeals for relief from a decision of an administrative official) (applies for the following described right or privilege) :

1. Appellant's or Applicant's Name: JODI KANZENBACH BARLEY-POP  
Address: N116 W16137 MAIN ST. GERMANTOWN, WI 53022  
Phone No. : 262-339-0403
2. Appellant's or applicants' interest in property:  
(X) Owner; ( ) Tenant; ( ) Mortgagee; ( ) Agent.
3. Property Owner's Name: JODI KANZENBACH  
Address: 709 S. 2nd AVE, WEST BEND, WI 53095  
Phone No.: 262-339-0403
4. Address of property: N116 W16137 MAIN ST. GERMANTOWN, WI 53022  
Lot \_\_\_\_, Block<sup>a</sup> \_\_\_\_, Tax Parcel No, GTNV \_\_\_\_, Zoning District: \_\_\_\_\_
5. Present use of the property: PUB & RESTAURANT
6. Proposed use of the property: PUB & RESTAURANT
7. Previous Appeal or Application (if any)? Yes ( ) No (X)  
If YES, list date of hearing: \_\_\_\_\_ and Decision of previous hearing: \_\_\_\_\_

8. Identify the **PURPOSE** for this appeal or application. Please circle appropriate item below and provide the requested information. Attach a separate sheet, if necessary.

**(a) Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.**

1. Date of decision or order:  
\_\_\_\_\_
2. Description of decision or order:  
\_\_\_\_\_
3. Decision or order is erroneous because:  
\_\_\_\_\_  
\_\_\_\_\_

**(b) Request for Variance of Zoning/Building Code.**

1. Describe the requested variance and dimension of variance:  
THE REQUESTED VARIANCE IS AN AWNING  
ABOVE THE MAIN ENTRANCE. THE VARIANCE IS  
2' 6" INTO THE RIGHT OF WAY

2. Explain how the Variance, IF granted, is consistent with the spirit, purpose and intent of the Code:

THE PURPOSE OF THE AWNING IS TO  
DEFINE THE MAIN ENTRANCE.

3. Describe the exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot/parcel, use, structure, or intended use that **DO NOT** apply generally to other properties or uses in the SAME district:

SEE ATTACHED

4. Describe what special conditions exist which cause practical difficulty or unnecessary hardship, IF variance is NOT granted:

SEE ATTACHED

5. Explain why the variance **IS NECESSARY** for the preservation and enjoyment of substantial property rights possessed by other properties in the SAME district:

8.b.3 The Barley Pop Building is Set on a parcel of land that does not allow us to have signage that does not encroach over public sidewalk to define out Main Entrance. This Main Entrance has always been the Main entrance to the establishment for 30 plus years. Winter of 2019 our sign blew loose in a wind storm and we removed the sign at this time this time to ensure safety of guests and planned in spring of 2020 of replacement . Spring of 2020 was not business as normal with the corona virus and shut down of all bars and restaurants. During shut down we were at a loss down to less than 25% of our normal revenue. It has been an uphill battle for all of 2020 for the Barley Pop to stay in business and regain our customers as many other restaurants. Our original plan for 2020 was to start improving the outside of the Barley Pop to better the overall feel of Main St. With that being said it is something we would love to do but need revenue and to turn a profit to do that. You can clearly see with our other building across the street that we breathed new life into in 2019 to bring Germantown the Precinct Tap & Table. Our intentions are only to add value to the community. This variance to allow us an awning over our main entrance would define our entrance, add to the overall look, and give a way finding to the Barley Pop.

8.b.4 If this variance is not granted this will be a continual battle for new customers to find and access the Barley Pop. This may not seem like a big issue to many of you in the Germantown community that have known and loved the Barley Pop for many years, but for those that have never visited it is a continuing issue. Now more than ever we are gaining customers from outlying communities where restaurants and bars are still not open or have harsh restrictions put upon them. Our Industry is in great need of gaining new customers to stay in business as the pool of guests is smaller due to the pandemic.

8.b.5 The more business on Main St to keep it alive the better. This is a historic Main St nestled in a cozy community. Other businesses along this Main St have signs that extend out over public walkways.

8.b.6 If variance is granted I don't see anything but positive impact to define our Main Entrance and it will be properly installed by Cream City Awning of Kewaskum. I had an awning made and installed at my previous establishment in the city of West Bend that came out over a public walk way for 13 years. We never had an issue with said awning and it dressed up the whole look of the façade of the building.

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6. Explain how this variance, IF granted, **WILL NOT** create substantial detriment to adjacent property, **WILL NOT** be contrary to the public interest and **WILL NOT** endanger public safety and interest:

SEE ATTACHED

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**(c) Request for interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.**

1. List applicable section(s) of the Zoning Code: \_\_\_\_\_
2. Describe proposed use/activity/construction: \_\_\_\_\_  
\_\_\_\_\_
3. Explain reasons supporting requested action: \_\_\_\_\_  
\_\_\_\_\_
4. Has request been referred to Plan Commission? Yes ( ) No ( )  
If YES, give recommendation of Plan Commission: \_\_\_\_\_  
\_\_\_\_\_

**(d) Permission for Temporary Use Permit.**

1. Describe use requested: \_\_\_\_\_
2. Proposed commencement date: \_\_\_\_\_
3. Proposed termination date: \_\_\_\_\_

**(e) A determination that an unspecified or unclassified use is permitted in a Zoning District.**

1. Describe use requested:  
\_\_\_\_\_  
\_\_\_\_\_
2. Attach copy of recommendation of Village Plan Commission.

**(f) Permission to substitute a MORE restrictive non-conforming use for an existing non-conforming use.**

1. Attach copy of recommendation of Village Plan Commission.
2. Attach copy of certification of Zoning Administrator to legality of present non-conforming use.

18' 8" wide



Specifications:  
Body material selection - Sunbrella Avenues Midnight #4410-0000.  
Wing material selection - Sunbrella Black #4608-0000.  
Graphic color selection - White.  
Grey line represents valance line  
Graphic height - Aprox. 28"

2' high

10" rigid valance

3' 6" projection

**Building Permit; Barley Pop Awning**

9 messages

Jeff Retzlaff &lt;jretzlaff@village.germantown.wi.us&gt;

Mon, Oct 12, 2020 at 2:49 PM

To: "chefjanisse@gmail.com" &lt;chefjanisse@gmail.com&gt;

Cc: "germantowninspections@safebuilt.com" &lt;germantowninspections@safebuilt.com&gt;, Emily Zandt &lt;ezandt@village.germantown.wi.us&gt;, Rick Miller &lt;RMILLER@village.germantown.wi.us&gt;

Jodi:

Thank you for submitting a building permit application for the proposed awning. However, we need more information.

Can you clarify which entrance/building façade you want to install the awning? The west entrance (right side in the photo) is only about 1' away from the Main Street right-of-way. Projecting signs and awning signs like the one proposed are allowed to extend into setbacks, but not into the actual right-of-way. The info in the application indicates a 3'6" deep awning that would extend into the right-of-way about 2'6". I realize that there is an existing Barley Pop sign that extends over the sidewalk and into the right-of-way already, but this sign is non-conforming and could not be replaced in the same manner if it came down or needed structural improvement. As it stands, the proposed awning sign cannot be approved if it's intended for the west entrance... unless a variance was granted by the Board of Zoning Appeals (staff cannot issue variances).

The same problem does not apply if the awning is intended for the east entrance (left in the photo) where the building is setback further on the property and away from the right-of-way.

Please advise where the awning is proposed so Inspection Services can respond accordingly.

Thanks.

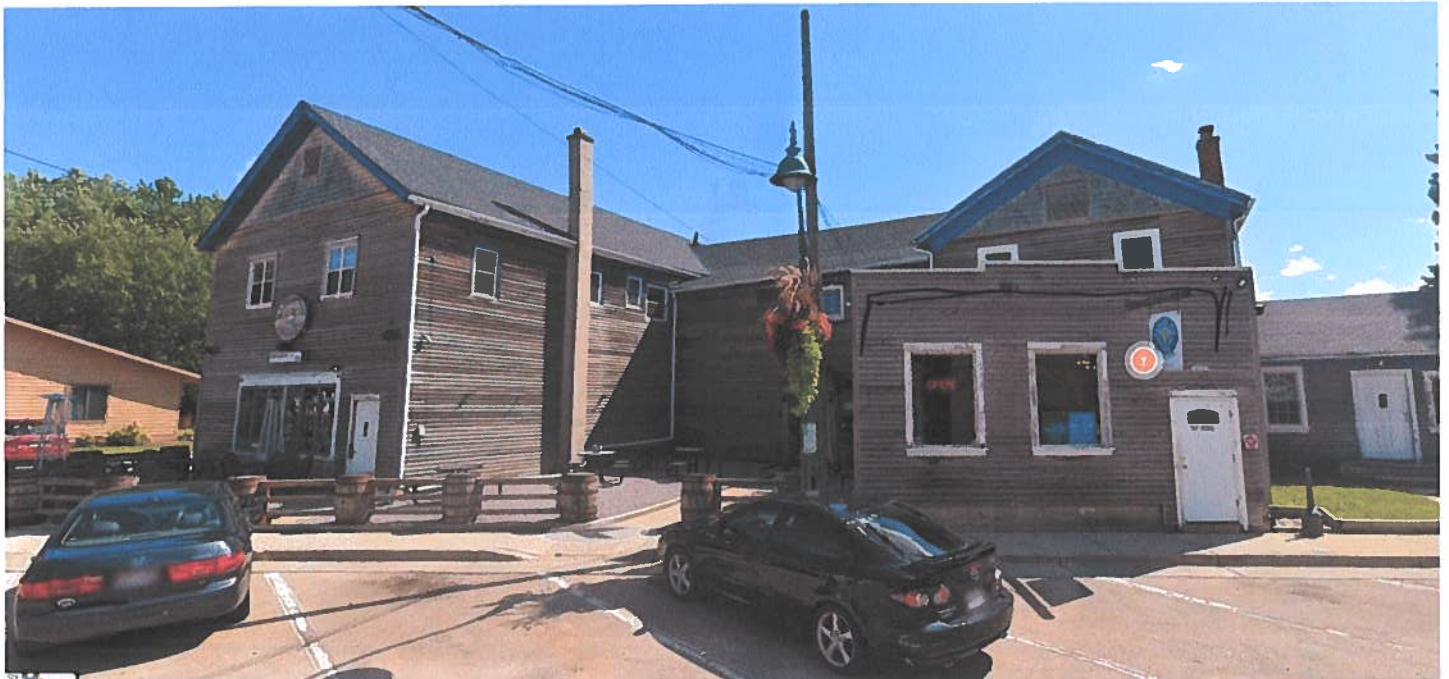
*Jeffrey W. Retzlaff, AICP*

*Director, Community Development Department*

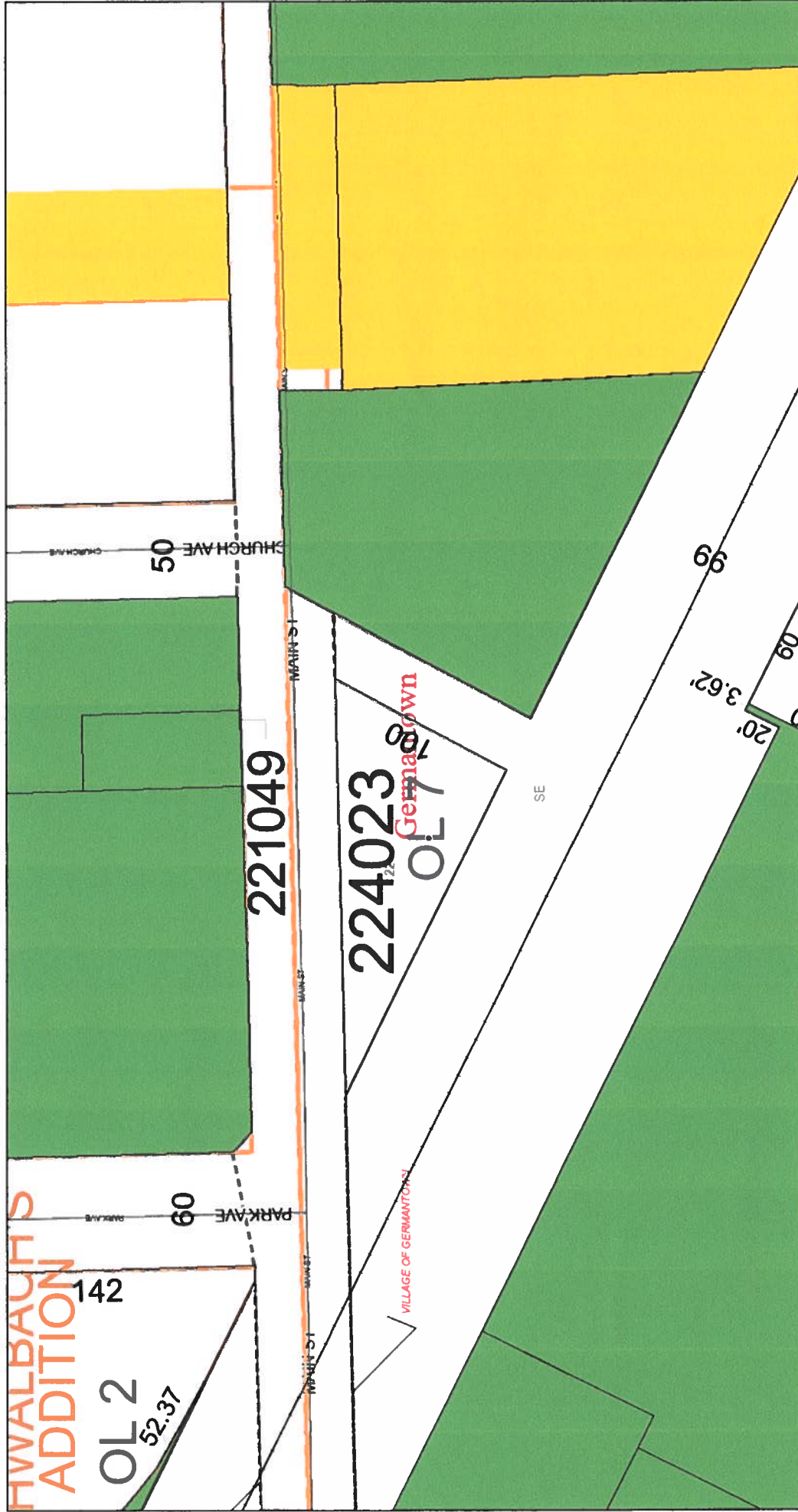
*Village Planner/Zoning Administrator*

*jretzlaff@village.germantown.wi.us*

*1-262-250-4735*

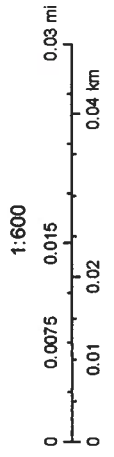


# Washington County Plat Finder



3/3/2021, 8:36:36 PM

- Road Centerline**
- City/Village Street
  - Railroad Centerlines
  - Current Parcel
  - CP Surveys
  - RP Surveys
- Recorded Plats**
- Benchmarks
  - Waterbody
  - WCArea
  - Centerline



Washington County GIS  
Washington County

3. Date of commencement of present use: \_\_\_\_\_
4. Value of improvement on date use became non-conforming (attach documentation supporting value): \$ \_\_\_\_\_
5. Present value of all existing improvements, additions and alterations since date use became non-conforming (attach documentation): \$ \_\_\_\_\_

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### REQUIRED DOCUMENTATION

Each appeal or application must be accompanied by:

- A. Current plat or survey of the lot/parcel, with complete details of the site, dimensioned, elevation data, easements, existing and proposed physical features, yards and setbacks, etc.
- B. Attachments as outlined above.
- C. Filing fee(s)
- D. Copy of decision or order which is the basis of this appeal/application.
- E. Name and Address of counsel IF appellant/applicant elects to be represented by counsel.
- F. Any additional fee of \$ \_\_\_\_\_ to cover the administrative costs if a contested case is requested.

**I hereby certify that the above application and/or appeal and all attachments hereto are true, correct and complete to the best of my knowledge and belief.**

Dated: 2/3/21, 20  

  
Signature of applicant or appellant



March 8, 2021

Germantown Village Board  
Germantown, WI

Village Board:

We understand that prior to winter of 2019, Barley Pop lost its awning and with the hit of the pandemic, they have postponed getting the awning put back up. Recently, we learned that they need Village Board approval to replace the awning because it will extend over the public sidewalk.

We are in full support of replacing the awning at Barley Pop as it will help to define the entrance and add old-world charm to their building, as many businesses on Main Street do. Gehl Food & Beverage stands behind our local businesses and supports their efforts to make their business a bit more attractive.

Cordially,

A handwritten signature in black ink, appearing to read "Craig Lemieux".

Craig Lemieux  
CEO

A handwritten signature in black ink, appearing to read "Alex Kerr".

Alex Kerr  
EVP / COO



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**MEMORANDUM**

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**TO:** Board of Zoning Appeals (BOZA) Members

**FROM:** Jeff Retzlaff, Zoning Administrator

**DATE:** April 5, 2021

**RE:** Variance Appeal; Barley Pop Restaurant  
Jodi Kazenbach, Applicant/Owner

**Background**

In October 2020, the Community Development Department advised the owner/operator of the Barley Pop restaurant that they would need to submit a variance application to the Board of Zoning Appeals (BOZA) in order to allow a new canopy/awning sign to be installed on the front elevation of the Barley Pop building because the proposed sign would project into the Main Street right-of-way at least 2'6". Section 17.46(7)(b) of the Village Zoning Code prohibits signs from extending into any public right-of-way:

*17.46(7)(b)*

*Projecting signs, awning signs, canopy signs and marquees shall not be externally lighted; shall not exceed 100 square feet in area for any one premises; shall not extend more than 5 feet into any required yard; shall not extend into any public right-of-way; shall be located not less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean center line grade of the abutting street; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.*

**Appeal/Request**

The applicant is seeking a variance to allow the proposed awning sign to encroach 2'6" into the Main Street right-of-way on the front (north) elevation of the building above the main entrance.

**Staff Comments**

The applicant indicates that the proposed sign is intended to replace the previous "projecting" sign that was damaged by weather. The previous sign (shown in the photo below) was a non-conforming sign because it, too, extended into the right-of-way. That sign appears to have been installed without Village approval. For these reasons, a replacement or new sign cannot be installed under the current sign regulations.

Board of Zoning Appeals  
April 14, 2021  
Zoning Code Variance Appeal; Barley Pop restaurant  
Jodi Kazenbach, Owner/Operator  
Page 2 of 2





4/8/2021

To the Board of Zoning Appeals,

The Highway Department has reviewed the request for a variance as it relates to the addition of a canopy / sign over the main entrance of the Barley Pop Pub. The perspective of the Highway Department is to allow the request with the stipulations listed below.

- 1) The canopy design and size does not change from what is outlined in the zoning appeals application. Any change must again come back to the Highway Department for additional approval.
- 2) The sign shall not encroach into the right-of-way a distance greater than 3'6" measured from the building.
- 3) The owner shall be solely responsible for any and all damage that may occur to the canopy as a result of said canopy being hit or otherwise damaged by vehicles, snow removal equipment, maintenance equipment or any other vehicle legally traveling or persons walking within the Main Street right-of-way.
- 4) Shall the need arise for work to take place within the right-of-way in which the canopy requires removal, the owner shall remove said canopy in a timely fashion and incur all cost for removal and re-installation.

**Scott Anderson**

**Village of Germantown**

**Highways, Parks, Buildings & Grounds**

NOTICE OF PUBLIC HEARING

VILLAGE OF GERMANTOWN

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Board of Zoning Appeals, Village of Germantown, WI:

Germantown Village Hall Board Room  
N112 W17001 Mequon Road  
Germantown WI 53022

Date and Time: **WEDNESDAY, APRIL 14, 2021 - 5:30 P.M.**

THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by, Janis Johnson, property owner, who is requesting a variance from Section 17.41(1)(b) of the Village's Zoning Code to allow a 2,000 sqft detached accessory building that is 1,065 sqft larger than the maximum allowance of 935 sqft for the property located at W140 N11585 Country Aire Drive, Germantown, WI.

A copy of the application and supporting documents are on file in the Clerk's office and available for public inspection during the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday and can be viewed on the Village website under Legal Notices of

<http://www.village.germantown.wi.us/>

The meeting will be on April 14, 2021 at 5:30 pm. Due to the ongoing social distancing recommendations from the CDC, details of how to attend the meeting will be contained on the Agenda when it is posted.

Citizens wishing to submit any public comments may do so by sending them by email to: [comments@village.germantown.wi.us](mailto:comments@village.germantown.wi.us) no later than 4:00 pm on the meeting date listed above.

Dated this 10th day of March 2021.

Village Clerk

Published: March 24<sup>th</sup> and March 31<sup>st</sup>

VILLAGE OF GERMANTOWN  
OFFICE OF THE VILLAGE CLERK  
N112 W17001 MEOUON ROAD/P. O. BOX 337  
GERMANTOWN WI 53022-0337

BOARD OF ZONING APPEALS  
NOTICE OF APPEAL OR APPLICATION

Case No. \_\_\_\_\_  
Filing Date \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Notice Mailed: \_\_\_\_\_  
Notices Published: \_\_\_\_ / \_\_\_\_

To: Board of Zoning Appeals  
Village of Germantown, Wisconsin

NOTICE IS HEREBY GIVEN that the undersigned hereby (appeals for relief from a decision of an administrative official) (applies for the following described right or privilege) :

1. Appellant's or Applicant's Name:

Janis Johnson

Address:

W140 N11585 Country Acre Drive Germantown, WI 53022

Phone No. : 262-384-1929

2. Appellant's or applicants' interest in property:

Owner; ( ) Tenant; ( ) Mortgagee; ( ) Agent.

3. Property Owner's Name: Janis Johnson

Address: W140 N11585 Country Acre Drive Germantown, WI 53022

Phone No.: 262-384-1929

4. Address of property: W140 N11585 Country Acre Drive Germantown, WI 53022

Lot \_\_\_\_\_, Block \_\_\_\_\_, Tax Parcel No. GTNV 234991, Zoning District: RS-2

5. Present use of the property: Residential

6. Proposed use of the property: Residential

7. Previous Appeal or Application (if any)? Yes ( ) No (X)

If YES, list date of hearing: \_\_\_\_\_ and Decision of previous hearing: \_\_\_\_\_

8. Identify the **PURPOSE** for this appeal or application. Please circle appropriate item below and provide the requested information. Attach a separate sheet, if necessary.

(a) Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.

1. Date of decision or order:  
\_\_\_\_\_
2. Description of decision or order:  
\_\_\_\_\_
3. Decision or order is erroneous because:  
\_\_\_\_\_  
\_\_\_\_\_

(b) Request for Variance of Zoning/Building Code.

1. Describe the requested variance and dimension of variance:  
Asking for additional square footage in regards to a larger secondary outbuilding. Per RS-2 code and with current existing 864 sq ft accessory structure, we are permitted for an additional 935 sq ft structure. Asking for an additional 1,100 sq ft.
2. Explain how the Variance, IF granted, is consistent with the spirit, purpose and intent of the Code: (2,000 sq ft total)  
IF the variance is granted, it would be consistent with the current RS-2 zoning code, in that the larger building would be located in a residential setting that is meant to be good towards a more rural and country way of living. The building would not look out of place compared to the surrounding properties. The code would be maintained in my opinion even with the extra square footage.
3. Describe the exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot/parcel, use, structure, or intended use that **DO NOT** apply generally to other properties or uses in the SAME district:  
Though zoned as RS-2, this parcel is in a very country/rural setting that is surrounded by large fields/woods. Both adjacent neighbors are zoned A-1, with large outbuildings. This particular RS-2 zoned property is an ideal candidate compared to others of the same distinction, which is why a larger secondary outbuilding would not look out of place.
4. Describe what special conditions exist which cause practical difficulty or unnecessary hardship, IF variance is NOT granted:  
If variance is not granted, valuable space that could be utilized for storage and other beneficial means will be forfeited. Such examples would include work spaces, car and equipment storage, personal item storage, etc.
5. Explain why the variance **IS NECESSARY** for the preservation and enjoyment of substantial property rights possessed by other properties in the SAME district:

*I believe the variance to be necessary due to the rural nature of the property, and the agricultural distinction of the surrounding properties. The district is a mix of rural fields/pastures and larger subdivisions. The unique mixture and location of the district makes the request for variance location ideal.*

6. Explain how this variance, IF granted, WILL NOT create substantial detriment to adjacent property, WILL NOT be contrary to the public interest and WILL NOT endanger public safety and interest:

*The additional square footage requested will not harm adjacent properties as they are A-1 and have large fields/buildings. The larger building would fit in with the surrounding area due to the rural location. The building would not cause harm to public safety and will not contradict the public interest.*

(c) Request for interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.

1. List applicable section(s) of the Zoning Code:            $\emptyset$
2. Describe proposed use/activity/construction:            $\emptyset$             
\_\_\_\_\_
3. Explain reasons supporting requested action:            $\emptyset$             
\_\_\_\_\_
4. Has request been referred to Plan Commission? Yes ( ) No ( )  
If YES, give recommendation of Plan Commission:            $\emptyset$             
\_\_\_\_\_

(d) Permission for Temporary Use Permit.

1. Describe use requested:            $\emptyset$
2. Proposed commencement date:            $\emptyset$
3. Proposed termination date:            $\emptyset$

(e) A determination that an unspecified or unclassified use is permitted in a Zoning District.

1. Describe use requested:  
           $\emptyset$             
\_\_\_\_\_
2. Attach copy of recommendation of Village Plan Commission.

(f) Permission to substitute a MORE restrictive non-conforming use for an existing non-conforming use.

1. Attach copy of recommendation of Village Plan Commission.
2. Attach copy of certification of Zoning Administrator to legality of present non-conforming use.

3. Date of commencement of present use: \_\_\_\_\_
4. Value of improvement on date use became non-conforming (attach documentation supporting value): \$ \_\_\_\_\_
5. Present value of all existing improvements, additions and alterations since date use became non-conforming (attach documentation): \$ \_\_\_\_\_

\*\*\*\*\*

**REQUIRED DOCUMENTATION**

Each appeal or application must be accompanied by:

- A. Current plat or survey of the lot/parcel, with complete details of the site, dimensioned, elevation data, easements, existing and proposed physical features, yards and setbacks, etc.
- B. Attachments as outlined above.
- C. Filing fee(s)
- D. Copy of decision or order which is the basis of this appeal/application.
- E. Name and Address of counsel IF appellant/applicant elects to be represented by counsel.
- F. Any additional fee of \$ \_\_\_\_\_ to cover the administrative costs if a contested case is requested.

**I hereby certify that the above application and/or appeal and all attachments hereto are true, correct and complete to the best of my knowledge and belief.**

Dated: 3/3, 2021

  
Signature of applicant or appellant

Dear Germantown Board of Zoning Appeals,

We are coming to you as a family today to request a variance in regards to the total square footage of a second accessory building on our RS-2 zoned property in Germantown. Currently, the parcel has one detached accessory building totaling 864 square feet. Per the RS-2 zoning code (Up to 2 detached accessory structures totaling no more than 1.75% of the total lot area), that would leave 935 square feet for an additional outbuilding per the acreage and square footage calculation. We are coming to the Board to request additional square footage than permitted for the proposed secondary detached structure. We would like for the second detached outbuilding to be larger in the way of 1,065 square feet in addition to the permitted 935 square feet, or 2,000 square feet total. Initial plans for the 935 square foot building have been sketched by a local contractor, and the additional square footage if approved by the Board would be factored into newer renderings once available. The reasons for the additional square footage would be very beneficial to our family are outlined below.

The extra square footage if granted by the Board of Zoning Appeals would allow for more beneficial use of the Johnson family parcel. Currently, the area where the building would be constructed is made up of wind-blown trees and over grown grasses/weeds. The new building would allow for the area that is currently not being used in any beneficial manner to have a new and important presence on the property. The larger building would allow for additional storage of land maintenance equipment, trailers, and vehicles, which would help the items to retain value due to being kept out of the elements. It would also help the appearance of the property since these items would be able to be parked indoors instead of outside all year long. Some of these noted items such as trailers cannot fit in the current outbuilding due to size, and would have a hard time fitting into a secondary outbuilding with the current permitted square footage. The extra square footage would also allow for more storage of personal related items that are important to the family and the property. This would also help to preserve item integrity due to the extended storage space. Lastly, the larger building if permitted would allow for an increased beneficial work space area for projects and home improvement initiatives.

If the variance is granted, it would be consistent with the current RS-2 zoning code in that the larger outbuilding would be located in a rural residential setting that is meant to be geared toward a country way of life. The secondary detached outbuilding would not look out of place due to the large amount of outbuildings contained within the surrounding vicinity of the Johnson property. We also believe the extra square footage would not damage any appearance to the property or surrounding properties due to the rural location it is being proposed to be constructed in. Though the Johnson property is zoned RS-2, it is unique in the way that the entire property is surrounded by adjacent neighboring parcels that are zoned agricultural A-1. The entire Johnson property is surrounded by large open fields and wood lines, which would make a larger building unobtrusive to any neighbors. Each of the neighbors to the Johnson property have large outbuildings due to their agricultural zoning code. Frank Waldron, owner of Country Aire Kennels, and directly South of the Johnson properties has several large outbuildings on the parcel. Sony Cho, directly North of the Johnson property has one larger outbuilding on the parcel due to the agricultural zoning. This particular RS-2 zoned property is an ideal candidate for a square footage variance as compared to others of the same distinction, due to its unique location and neighbors.


February 2021

We believe the square footage variance requested to the RS-2 zoning code is necessary due to the rural nature of the Johnson parcel and the agricultural distinction of the adjacent surrounding properties. These properties include the Waldrons, Chos, Martins, and Friedenfeld Park. Each of these surrounding properties are unique but also similar in appearance, which is why we believe a larger secondary outbuilding would not look out of place. The district that the larger building would be constructed in is also unique as it is a mix of rural residential properties, agricultural properties, and newer subdivisions. This unique mixture makes the parcel an ideal candidate for a variance as it will fit in with the surrounding community. The additional square footage will in no way harm any adjacent properties as it will be located in the back corner of the Johnson property and comply with the necessary setback requirements outline by the Village. The larger building would also in no way harm any public safety or be contradictory to any public interest.

In closing, the requested square footage variance for a secondary outbuilding on the Johnson family RS-2 zoned parcel will be beneficial and will not harm any adjacent land or wildlife. The larger building would be surrounded by open fields and tree lines, and would fit in with the surrounding community. Both of the immediate neighbors to the parcel are zoned in the agricultural district, which would help the building size to fit in with the area. The extra square footage would help to maintain privacy for any noise or sounds that could be in the area with the progress of the new Wrenwood subdivision. The building would also allow for larger beneficial uses such as equipment storage and project workspace. It would turn an otherwise unused portion of the parcel into a beneficial space for our family to utilize for decades to come.

We appreciate the time and consideration of the Board to this matter. Our late father and husband, Ron Johnson, was a Germantown District 2 Trustee for many years so we understand the tough decisions that have to be made in the best interest of the community.

Thank you for your time,



Janis Johnson



Brad Johnson

### **Reasons for Requested Variance on Pole Shed Square Footage**

- Johnson property is surrounded by large fields and woods.
- Both immediate next door neighbors to the North and South are zoned A-1 agricultural.
- Neighbor to the South (Waldron) has a large pole shed due to acreage. Neighbor to the Northeast has 2 large pole sheds. Neighbors in close vicinity at the end of Country Aire Dr. have large pole sheds as well.
- Due to other accessory buildings and pole sheds in the close vicinity of Johnson property, a larger pole shed would fit in with the surrounding area. A larger shed would not look out of place with properties around the Johnson parcel.
- Extra square footage if permitted by the Village of Germantown would allow for more storage and workspace.
- Extra square footage would not harm wildlife or land.
- A larger building would help to block sounds of newer Wrenwood subdivision.
- Extra square footage would allow for more beneficial use of property.

### **Current Zoning of Johnson Parcel**

- GTNV\_234991
- Zoned RS-2 Single-Family Residential

### **Surrounding Land (Zoning & Accessory Buildings)**

#### **1. Frank Waldron (Country Aire Kennels)**

- Land parcel directly South and West of property. Large open fields and large tree line surrounding Johnson property where pole shed would be proposed for construction.
- GTNV\_234992
- Zoned A-1 Agricultural
- Property has large pole shed and accessory buildings due to zoning and acreage.

#### **2. Sony Cho**

- Land parcel directly North of property. Large open fields surrounding Johnson property where pole shed would be proposed for construction.
- GTNV\_231999
- Zoned A-1 Agricultural
- Property has accessory buildings due to zoning and acreage.

### **3. Annette Martin**

- Land parcel directly Northeast of property. Larger property across the street from Johnson property where pole shed would be proposed for construction.
- GTNV\_242991
- Zoned RS-1 Single Family Residential
- Property has two large pole sheds due to previous owner (Robert Aiken) and additional acreage that used to be associated with the parcel prior to sale.

### **4. Friedenfeld Park**

- Land parcel directly East of property. Large Village Park across the street from Johnson property where pole shed would be proposed for construction.
- GTNV\_243973
- Zoned I-Institutional
- Property is large in acreage for multi-use purposes in regards to Village activities.

### **5. Robert Aiken**

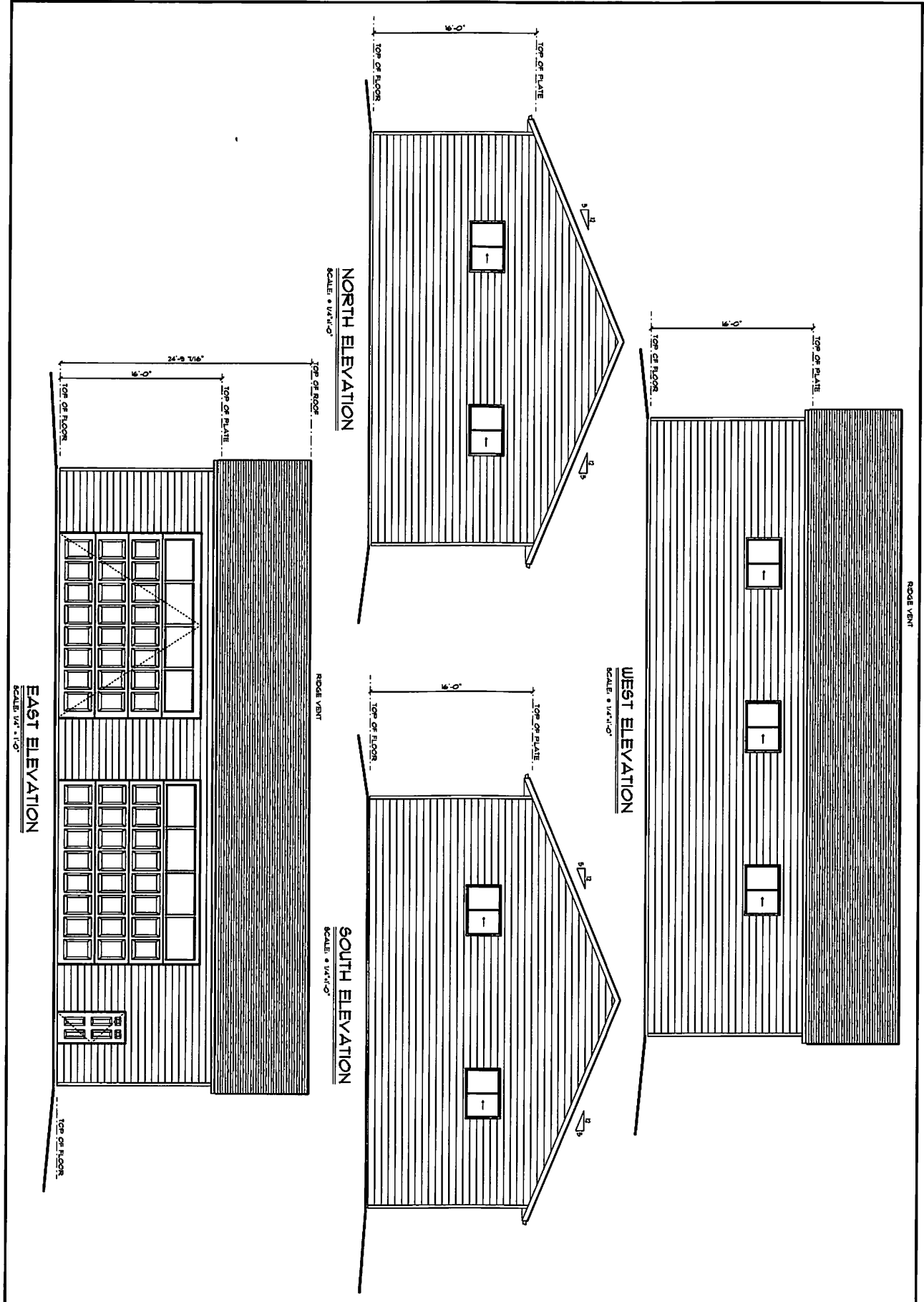
- Land parcel directly Northeast of property. Large property across and up the street from Johnson property where pole shed would be proposed for construction.
- GTNV\_242998
- Zoned A-1 Agricultural
- Property has large acreage of open fields and woods.

### **6. Bruce Bernarde**

- Land parcel Northeast of property at the corner of Friestadt Road and Country Aire Dr. Larger parcel at the end of the street from Johnson property where pole shed would be proposed for construction.
- GTNV\_242997
- Zoned A-1 Agricultural
- Property has large pole shed due to zoning and acreage.

### **7. Edward Bernarde**

- Land parcel North of property at the end of Country Aire Dr. on Friestadt Road. Larger property at the end of the street from Johnson property where pole shed would be proposed for construction.
- GTNV\_133994
- Zoned A-2 Agricultural
- Property has large pole shed due to zoning and acreage.



ROOF VENT

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

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

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

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

ISSUED:  
1/2/11

APPROVED:

OWNERS:  
JAN JOHNSON  
140 N1585 COUNTRY AIRE DR.  
GERMANTOWN WI 53022  
P.262-384-1928

PROJECT:

**JOHNSON  
DET. GARAGE**

DRAWING TITLE  
ELEVATIONS

DR. NO.  
24/20

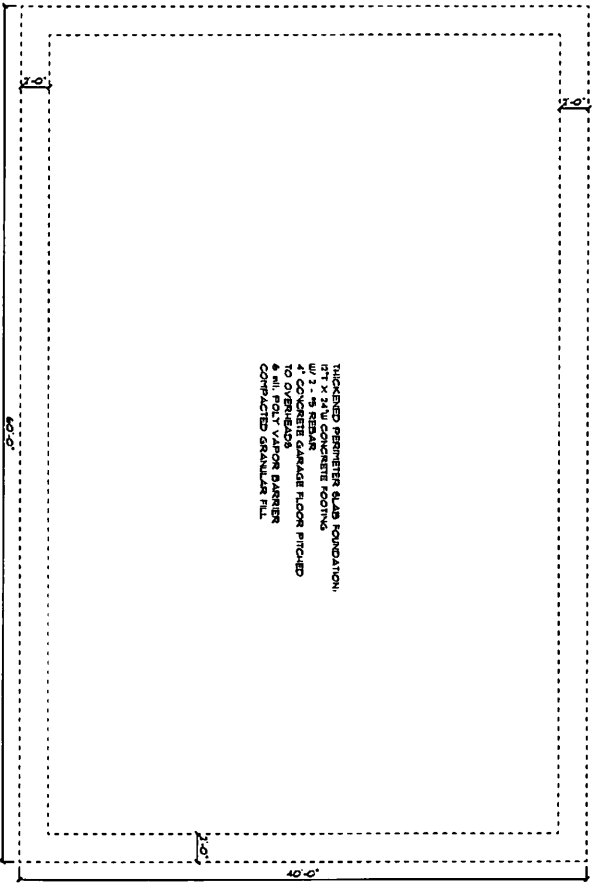
DATE:  
1/26/20

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

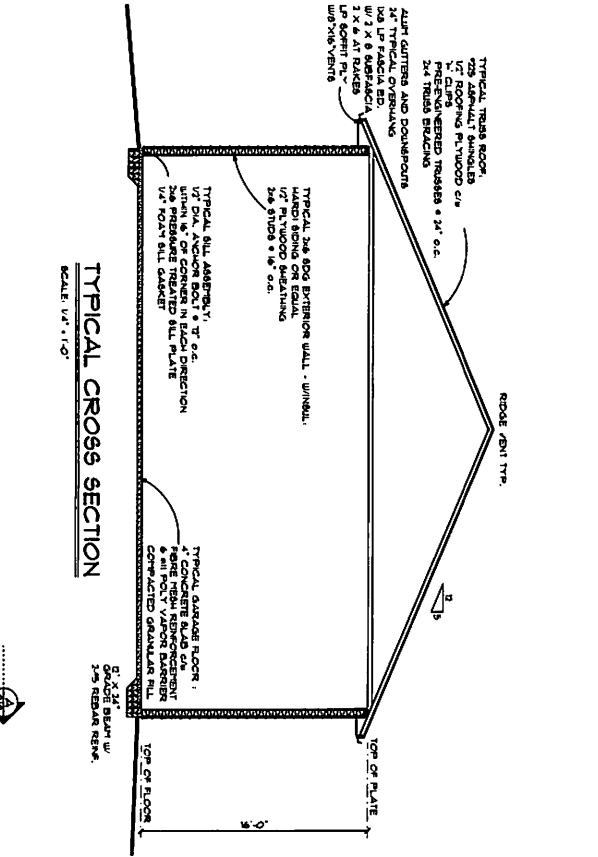
DRAWN BY:  
D.S.

SHEET:

2.1



THICKENED PERIMETER SLAB FOUNDATION:  
 4" CONCRETE SLAB ON 2" REBAR  
 4" CONCRETE GARAGE FLOOR FINISHED TO DRIVEWAYS  
 2" POLYETHYLENE BARRIER  
 COMPACTED GRANULAR FILL

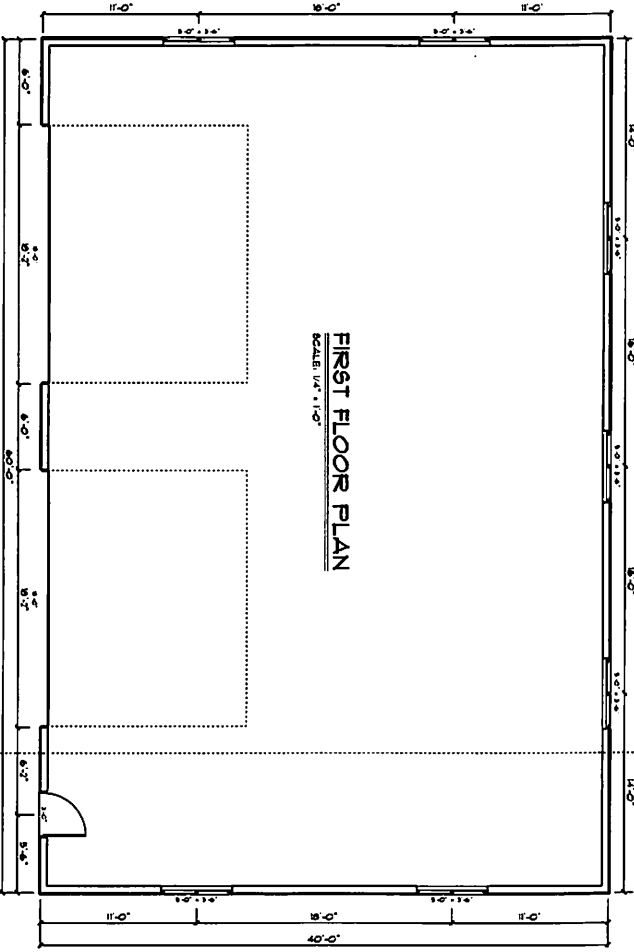


TYPICAL TRUSS ROOF:  
 225 ADHESIVE SHEETED  
 1/2" ROOFING PLYWOOD C/S  
 PRE-ENGINEERED TRUSSES @ 24" O.C.  
 2X4 TRUSS BRACING  
 2X4 TYPICAL CYBRALING  
 2X4 GIRTERS AND POLEPOINTS  
 1/2" X 6 BASKETRA  
 1/2" X 6 BASKETRA  
 2" POLYETHYLENE BARRIER  
 4" CONCRETE SLAB ON 2" REBAR  
 4" CONCRETE GARAGE FLOOR FINISHED TO DRIVEWAYS  
 2" POLYETHYLENE BARRIER  
 COMPACTED GRANULAR FILL

TYPICAL 2x6 AND BUTTRESS WALL - UNFIN. WALL  
 LAPPED BIRMS ON EQUAL  
 1/2" PLYWOOD SHEATHING  
 2x6 STUDS @ 16" O.C.

TYPICAL GABLE ASSEMBLY:  
 2x6 STUDS @ 16" O.C.  
 2x6 PRESSURE TREATED GILL PLATE  
 1/2" POLY BELL GASKET

**TYPICAL CROSS SECTION**  
SCALE: 1/4" = 1'-0"



REVISED: 1/2/71	APPROVED:	OWNER: L.H. JOHNSON 1160 NISSAN COUNTRY AIRE DR. GERMANTOWN, IN 46032 P. 262-364-1929	PROJECT: <b>JOHNSON DET. GARAGE</b>
DRAWING TITLE: FLOOR PLANS			
DR. NO. 24/70			
DATE: 10/70			
SCALE: 1/4" = 1'-0"			
DRAWN BY: E.L.			
11			

REGIONAL CONSULTING ENGINEERS, INC.

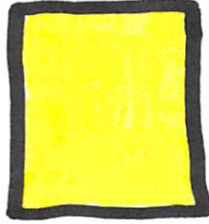
PROFESSIONAL ENGINEERS AND SURVEYORS

4842 NO. 88TH ST.

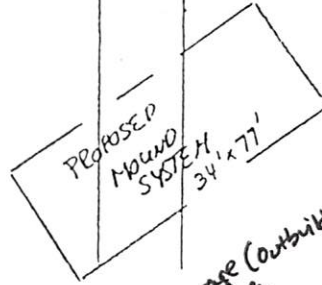
875.6 MILWAUKEE, WISCONSIN N 2 05-02W PHONE 464-4638

205.74 878.2

PLAT OF SURVEY



Proposed location of Outbuilding #2

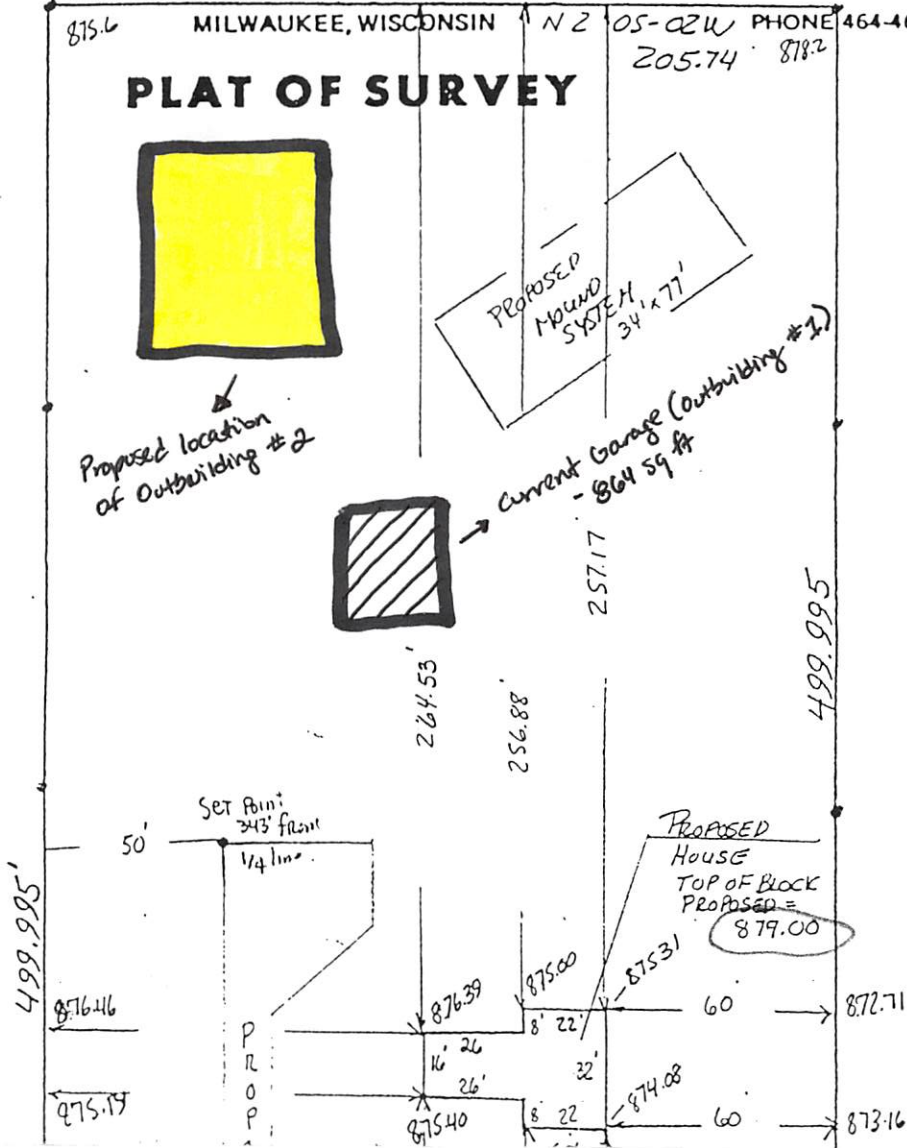


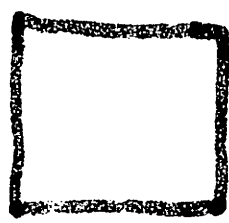
PROPOSED MOUND SYSTEM 34' x 77'



Current Garage (Outbuilding #1) - 864 59 sq ft

ap # 3251 as recorded in the office of county in Volume 19 of Certified Survey Number 531671, being a land division of Section 23, Township 9 North, Range 20 ngton County, Wisconsin





DESCRIPTION: Lot 1 of Certified Survey  
 the Register of Deeds for Washington  
 Maps, Pages 138 through 141 as Document  
 a part of the NE 1/4 of the SE 1/4  
 East in the Village of Germantown, Wash  
 OWNER: Ron Johnson

S 88-40-51W

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219.42

211.08

210.78

N 88-40-51E

STATE OF WISCONSIN }  
 COUNTY OF MILWAUKEE } SS.

I HAVE SURVEYED THE ABOVE-DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, 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 DATE HEREOF - AND AS TO THEM I CERTIFY THE ACCURACY OF SAID SURVEY AND MAP.

NOTE: AN AGREEMENT EXISTS BETWEEN REGIONAL CONSULTING ENGINEERS, INC. AND THE LENDING INSTITUTION TO OMIT THE RESETTING OF ANY MISSING LOT CORNER PIPES ON THIS SURVEY UNLESS SPECIFICALLY REQUESTED AT THE TIME OF SURVEY ORDER PLACEMENT.

DATED THIS 14th DAY OF September 19 88

JOB NO

88508

*Robert M. [Signature]*  
 SURVEYOR

*Quwert STAKED IN DITCH*  
*East line of 1/4 Sec = E County Line Drw*  
 B4 B14.04

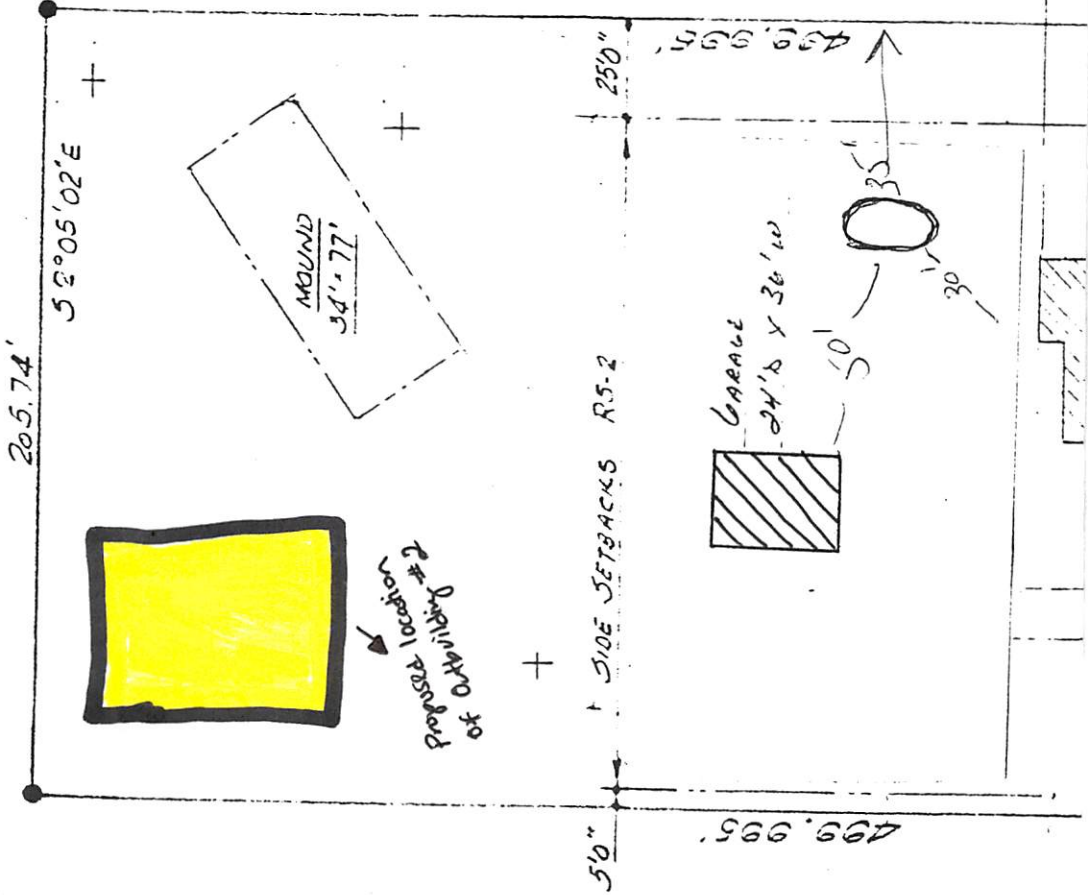
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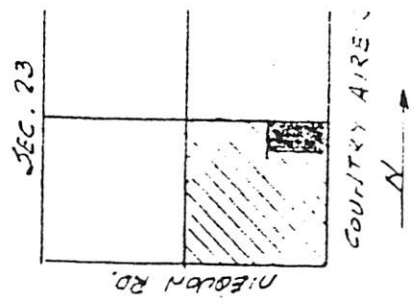
88-40-51W  
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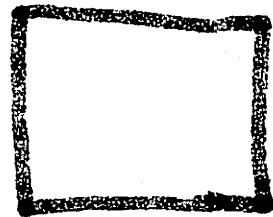
• = #6 bar x 24"  
 @ 1.5 ft / ft

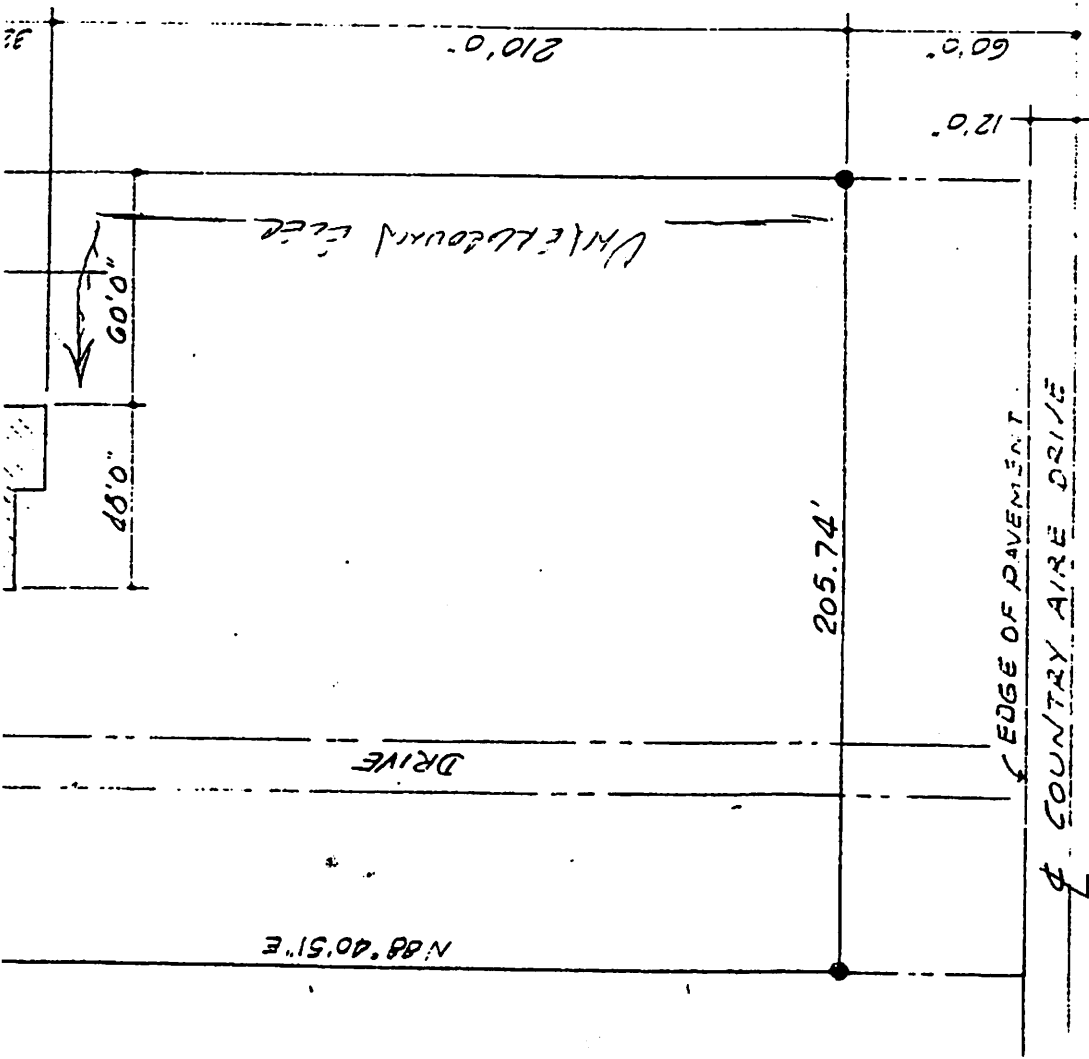




NO  
MILITARY  
OR AIRFIELD







PLAT LAYOUT

SCALE 1" = 50'0"



**MEMORANDUM**

**TO:** Board of Zoning Appeals (BOZA) Members

**FROM:** Jeff Retzlaff, Zoning Administrator

**DATE:** April 5, 2021

**RE:** Variance Appeal; W140 N11585 Country Aire Drive  
Janis Johnson, Applicant/Owner

**Background**

In February 2021, the Community Development Department was presented with a variance application from the property owner. Although the owner had not actually submitted a building permit application for the proposed detached accessory building, they were advised that given the size of the building a permit would have been denied. Consequently, the owner was advised that they would need to obtain a variance from the Board of Zoning Appeals (BOZA) in order to construct the proposed 2,000 sqft detached accessory building that would be 1,065 sqft larger than the maximum allowance of 935 sqft for this property.

Section 17.41(1)(b) of the Zoning Code regulates the number and size of detached accessory buildings allowed on residential property. The subject property is in an Rs-2: Single-Family District with an allowance for up to two (2) detached buildings totaling not more than 1.75% of the total area of the property. In this case, the maximum area allowed is 1,799 total sqft for a 2.36-ac property. There is one existing detached building with 864 sqft. Therefore, the maximum area allowed for a second detached building is 935 sqft.

**Appeal/Request**

The owner is seeking a variance from Section 17.41(1)(b) in an amount of 1,035 sqft in order to construct a second detached accessory building with a total area of 2,000 sqft.

**Staff Comments**

None.