

MEETING: REGULAR MEETING OF THE BOARD OF ZONING APPEALS

DATE & TIME: Tuesday, May 14, 2024 at 5:30 PM

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

NOTICE: Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov 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.

AGENDA

- 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:**
 - A. August 9, 2023
- IV. **PUBLIC HEARINGS, 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 Ronald Peterson, property owner, for a variance from Section 17.16(3) of the Village's Zoning Code to reduce the minimum side yard building setback from 20 feet to 10 feet (a variance of 10 feet) for purposes of enlarging an attached garage on the property located at W132 N11267 Forest Drive, Germantown, WI.
 - 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 John Jordan, property owner, for a variance from Section 17.41(1)(b) of the Village's Zoning Code to increase the maximum area allowed for all detached accessory buildings on the property located at W215 N10314 Beech Drive, Colgate, WI, from 326 sqft to 624 sqft (a variance of 298 sqft) for purposes of constructing a detached accessory building.
- V. **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)250-4745 at least 2 days prior to the meeting.

MEETING:	REGULAR MEETING OF THE BOARD OF ZONING APPEALS
DATE AND TIME:	Wednesday, August 9, 2023 5:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

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:**

A. 7.13.2023 Minutes

Motion: Approve as presented with the addition of Ms. Huber being absent at the last meeting

Motioned By: Yao

Seconded By: White

On roll call vote:

Yes: Yao, White, Edwards

No:

Abstain: Huber

Approved (Yes 3, No 0, Abstained 1)

IV. **PUBLIC HEARINGS, DELIBERATION AND ACTION:**

Chairperson White read the public hearing notice.

Public Hearing opened: 5:40 pm.

Del Able, W148 N9665 Tree Top Drive, spoke in support of the requested variance.

Mike Christensen, W148 N8323 Albert Place, spoke in support of the requested variance.

Len Kastan, W159 N11449 Red Oak Circle, spoke in support of the requested variance.

Paul Koester, N77 W15448 Crossway Drive, spoke in support of the requested variance.

Ryle Vor, Hawkeye Court, spoke in support of the requested variance.

Chairperson White read an email in support of the requested variance from David and Sara Engles who lives near the site.

Chairperson White closed the hearing at 6:17 pm.

- 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 Excel Engineering, agent for Bethlehem Evangelical Lutheran Church, property owner, for a variance from Section 17.26(6)(a) of the Village's Zoning Code to reduce the minimum front/street yard building setback from 35 feet to 31 feet (a variance of 4 feet) for the property located at N108 W14290 Bel Aire Lane.

Chairperson White swore in Director Retzlaff. Retzlaff summarized the request.

Mike Christianson was sworn in by Chairman White. Mr. Christianson summarized his request. Kallie Ogi, Excel Engineering, spoke about the details of the project.

The Findings, Conclusions, Decision and Order were Deliberated.

1. **Is within the spirit of the zoning code.** The Board agreed unanimously.
2. **Are there exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot or parcel that do not apply to others.** The Board agreed unanimously that the long frontage and interesting shape of the lot created an unusual condition.
3. **Is the variance necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district.** The Board decided this is not necessary for the preservation of property rights.
4. **Will/will not the variance create substantial detriment to adjacent property and will be contrary to the public interest.** The Board decided that this variance would not be detrimental to an adjacent property or public interest. There was no evidence or testimony that an adjacent property would be affected, and there would be no impact on public safety.
5. **A literal enforcement of the terms of the Zoning Code would/would not result in practical difficulty or unnecessary hardship to the appellant/applicant.** The Board decided that this request is not due to any hardship from the applicant.

Motion: To Approve the Variance Appeal

Motioned By: Barry White

Seconded By: None

Motion Failed due to a lack of a second.

V. NEXT MEETING DATE:

VI. ADJOURNMENT:

Motion: To adjourn at 6:36 pm

Motioned By: Lilibeth Yao

Seconded By: Tim Edwards

Motion approved

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

Case No.	
Filing Date	3-11-2024
Fee Paid	\$ 570.00
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):

Appellant's or Applicant's Name: RONALD R. PETERSON	
Address: W132N11267 FOREST DR. GERMANTOWN	
Phone Number: [REDACTED]	
Appellant's or applicants' interest in property:	
Owner <input checked="" type="checkbox"/>	Tenant <input type="checkbox"/> Mortgagee <input type="checkbox"/> Agent <input type="checkbox"/>
Property Owner's Name: SAME	
Address:	
Phone Number:	
Address of Property: SAME	
Lot:	Block:
Tax Parcel No. GTNV	Zoning District:
Present use of the Property: RESIDENCE	
Proposed use of the Property: SAME	
Previous Appeal or Application (if any)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES, list date of hearing:	
Decision of Previous Hearing:	

Identify the PURPOSE for this appeal or application. Please mark the appropriate item below and provide the requested information. Attach a separate sheet if necessary.	
A <input type="checkbox"/>	Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.
Date of Decision or Order:	
Description of Decision or Order:	
Decision or order is erroneous because:	
B <input type="checkbox"/>	Request for Variance of Zoning/Building Code
Describe the requested variance and dimension of variance: <i>ADD ADDITIONAL GARAGE 10'</i>	
Explain how the variance, IF granted, is consistent with the spirit, purpose and intent of the Code: <i>WOULD HELP OWNER WITH PARTIAL DISABILITIES TO PARK LARGE TRACTOR WITH SNOW BLOWER IN INSTEAD OF CABANA IN BACK YARD</i>	
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: <i>WHEN, IF SNOWS IT IS VERY HARD TO GET TO THE CABANA.</i>	
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: <i>THE LOTS ARE VARY BIG</i>	

C <input type="checkbox"/>	Request for Interpretation of regulations of the Zoning Code or the District boundaries of the Zoning Map.
List applicable section(s) of the Zoning Code:	
Describe proposed use/activity/construction:	
Explain reasons supporting requested action:	
Has request been referred to Plan Commission? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If YES, give recommendation of Plan Commission: <p style="text-align: center;"><i>BUILD GARAGE BE HIND ^{SIDE} EXISTING HIND</i></p>	
D <input type="checkbox"/>	Permission for Temporary Use Permit
Describe use requested:	
Proposed commencement date:	
Proposed termination date:	

E <input type="checkbox"/>	A determination that an unspecified or unclassified use is permitted in a Zoning District
Describe use requested:	
Attach copy of recommendation of Village Plan Commission	
F <input type="checkbox"/>	Permission to substitute a MORE restrictive non-conforming use for an existing non-conforming use.
Attach copy of recommendation of Village Plan Commission.	
Attach copy of certification of Zoning Administrator to legality of present non-conforming use.	
Date of commencement of present use:	
Value of improvement on date use became non-conforming (attach documentation supporting value): \$	
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: 3-1 2024



 Signature of applicant or appellant

Tax key number: GTNV-243-003

Property address: W132 N11267 Forest Dr

Traffic / water / sanitary: Light / Well water / Septic

Legal description: LOT 3 BLK 1 FOREST HEIGHTS V492 P436

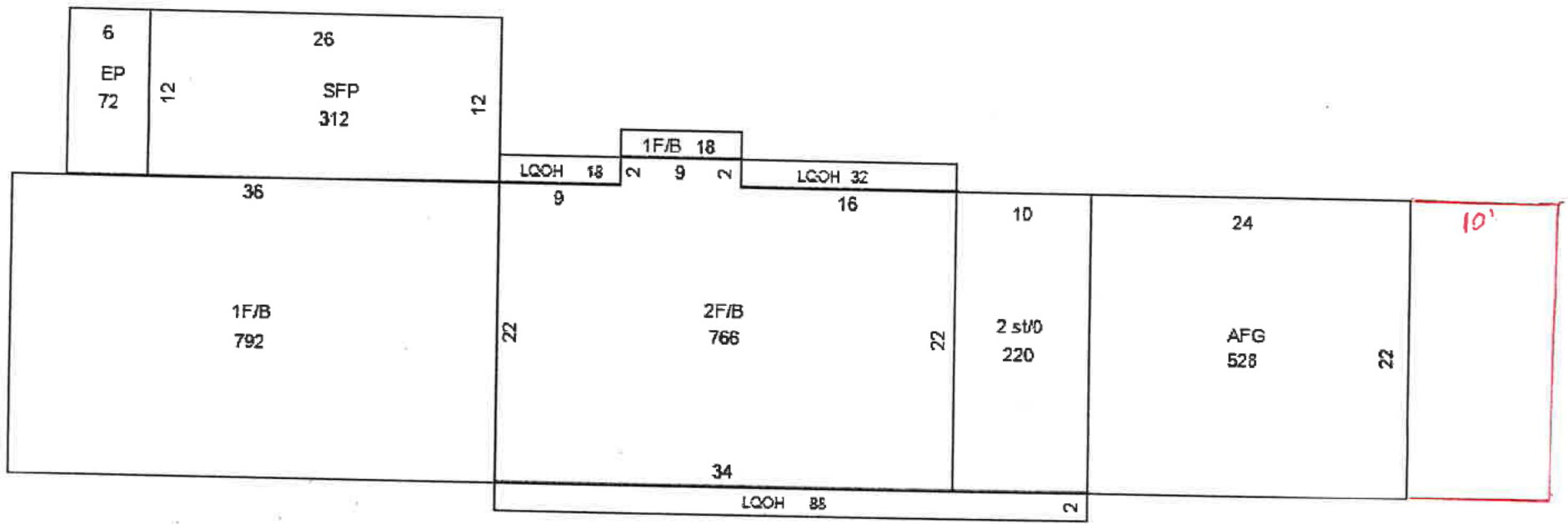
Summary of Assessment	
Land	
Improvements	
Total value	

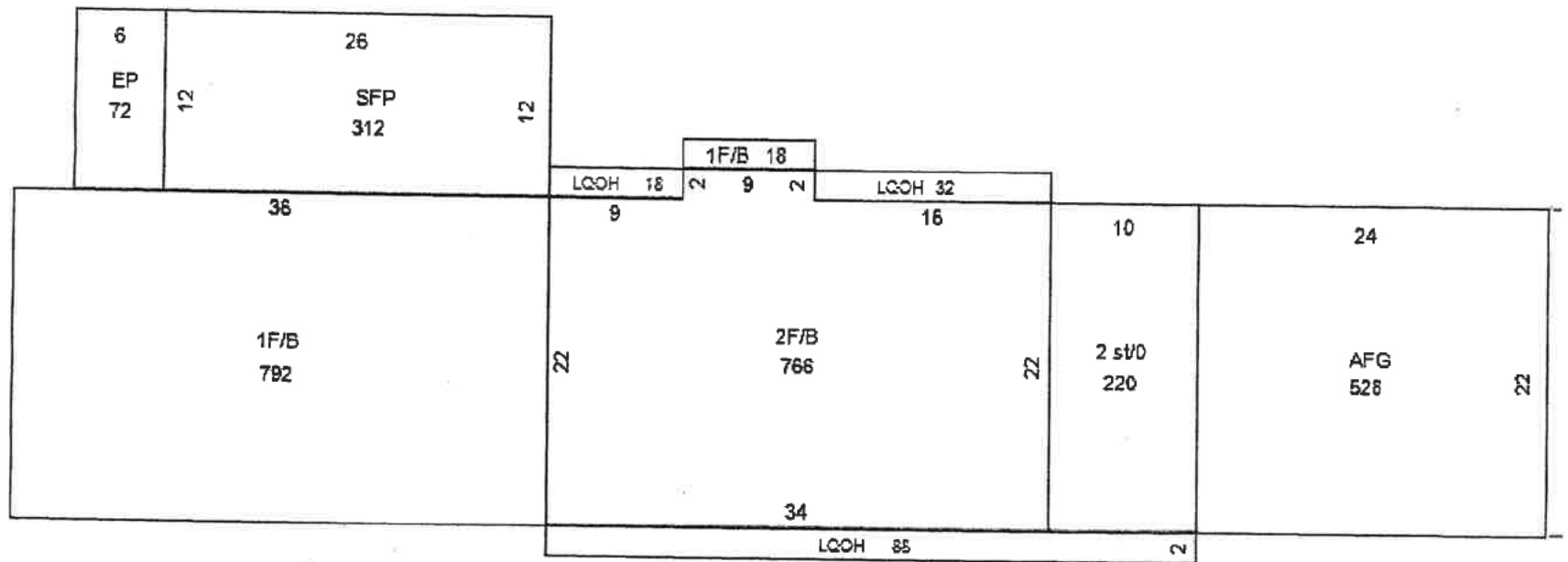
Qty	Land Use	Width	Depth	Square Feet	Acres	Land		Description	A
						Water Frontage			
1	Residential			45,302	1.040	None			

Residential Building			
Year built:	1965	Full basement:	1,576 SF
Year remodeled:		Crawl space:	
Stories:	2 story	Rec room (rating):	
Style:	Colonial (Pre 1980)	Fin bsmt living area:	
Use:	Single family	First floor:	1,796 SF
Exterior wall:	Wood	Second floor:	1,124 SF
Masonry adjust:	400 SF	Third floor:	
Roof type:	Asphalt shingles	Finished attic:	
Heating:	Gas, forced air	Unfinished attic:	
Cooling:	A/C, same ducts	Unfinished area:	
Bedrooms:	5	Enclosed porch	72 SF
Family rooms:	1	Garage	528 SF
Baths:	1 full, 1 half	Screen porch	312 SF
Other rooms:	4		
Whirl / hot tubs:			
Add'l plumb fixt:			
Masonry FPs:	1 stacks, 1 openings		
Metal FPs:			
Gas only FPs:		Grade:	C
Bsmt garage:		Condition:	Average
Shed dormers:		Energy adjustment:	No
Gable/hip dorm:		Percent complete:	100%



Total living area is 2,920 SF; building assessed value is \$





METRO ENGINEERING COMPANY
P. O. Box 249
Menomonee Falls, Wisconsin
Phone 251-7100

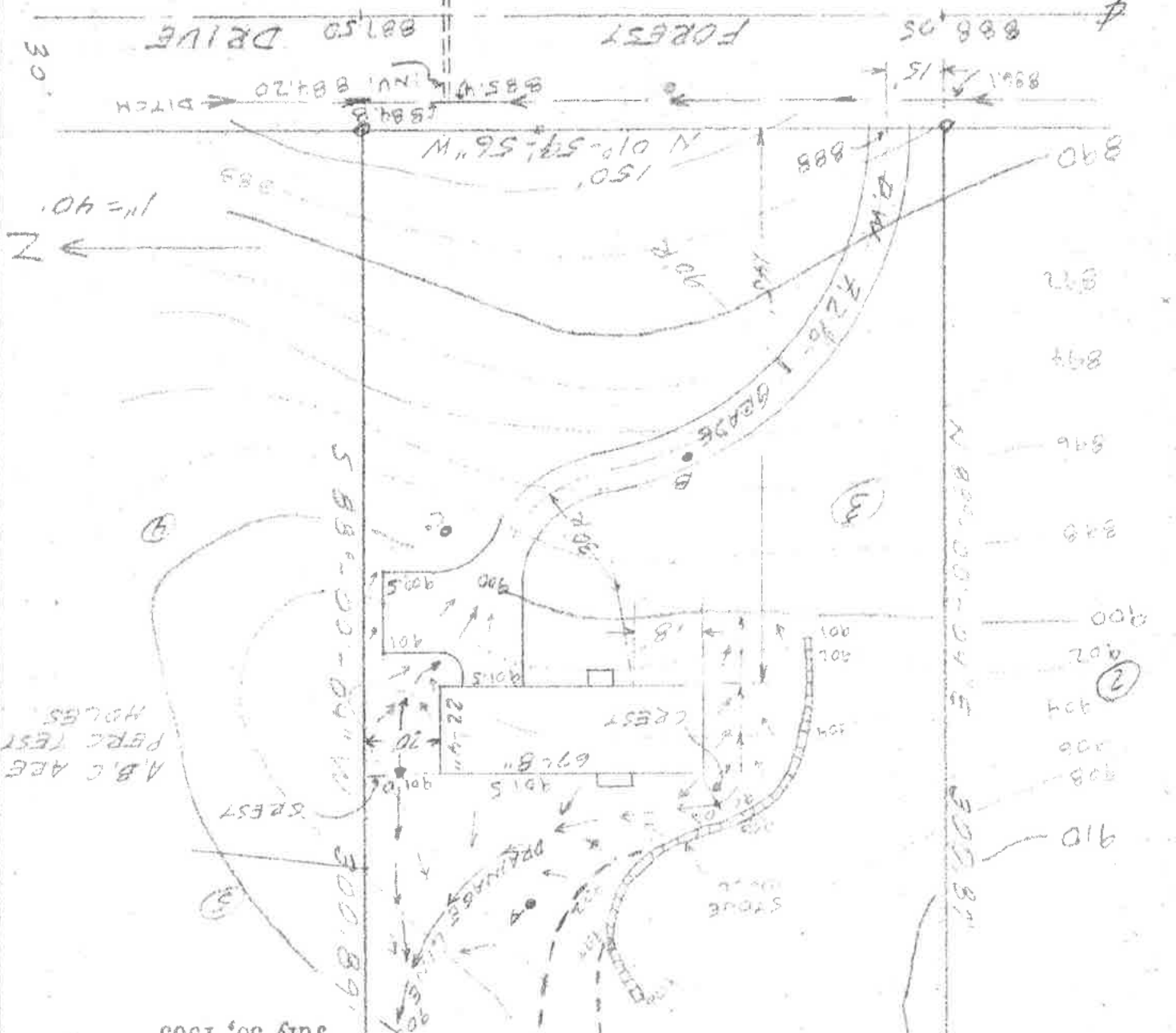
Alfred Wickesberg
Surveyor S-531



HOME MODEL;
DEERFIELD II (RADKE)

B.M. IRON PIPE
NE CORNER BL. 1
890.09

We certify that we have surveyed the above described property and that the plat drawn hereon is a true representation thereof and correctly shows the location of buildings and the exterior of buildings and the exterior property lines according to the official records.



July 30, 1965

Owner: Mr. and Mrs. Edward Ternant

DESCRIPTION: Lot 3, Block I, Forest Heights Subdivision, Village of Germantown, Washington County, Wisconsin.

PLAT OF SURVEY

Known as Forest Drive, Village of Germantown, Wisc.

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

Rec'd 3/11/24
✓ # 3319

BOARD OF ZONING APPEALS
NOTICE OF APPEAL OR APPLICATION

Case No. _____
Filing Date 3-11-2024
Fee Paid \$ 570.00
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: JOHN JORDAN [REDACTED]
Address: W215 N10314 BEECH DR. COLGATE, WI 53017
[REDACTED]

2. Appellant's or applicants' interest in property:
 Owner; () Tenant; () Mortgagee; () Agent.

3. Property Owner's Name: JOHN JORDAN
Address: W215 N10314 BEECH DR. COLGATE, WI 53017
Phone No.: 414-899-1255

4. Address of property: W215 N10314 BEECH DR. COLGATE, WI
Lot 2, Block 2, Tax Parcel No. GTNV312011 Zoning District: RS-4

5. Present use of the property: RESIDENTIAL - SINGLE FAMILY

6. Proposed use of the property: RESIDENTIAL W/ DETACHED GARAGE

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

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:
24' x 26' DETACHED GARAGE
DUE TO THE CONSTRUCTION LAYOUT OF THE HOUSE, IT IS IMPOSSIBLE TO ADD ON TO MY CURRENT 21' x 20' ATTACHED GARAGE
2. Explain how the Variance, IF granted, is consistent with the spirit, purpose and intent of the Code:
I AM IMPROVING MY PROPERTY,
IMPROVING CURBSIDE APPEAL, INCREASING PROPERTY VALUE
ADDING TO THE INADEQUATE STORAGE OF MY PROPERTY
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:
N/A

4. Describe what special conditions exist which cause practical difficulty or unnecessary hardship, IF variance is NOT granted:
FORCED TO STORE LAWN/GARDEN EQUIPMENT,
SNOW BLOWER, GRILLS, LAWN FURNITURE,
ETC., OUTSIDE BECAUSE CURRENT 21' x 20' GARAGE IS TOO SMALL
5. Explain why the variance **IS NECESSARY** for the preservation and enjoyment of substantial property rights possessed by other properties in the SAME district:

THIS WILL HELP KEEPING MY PROPERTY
NEAT + CLEAN. PARKING VEHICLES AND
ALL EQUIPMENT IN NEW GARAGE

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:
SAME AS ABOVE. INCREASE VALUE OF
PROPERTY - CURBSIDE APPEAL
MAKE PROPERTY MORE MARKETABLE

(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.

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: March 11, 2024

John J. Jordan
Signature of applicant or appellant

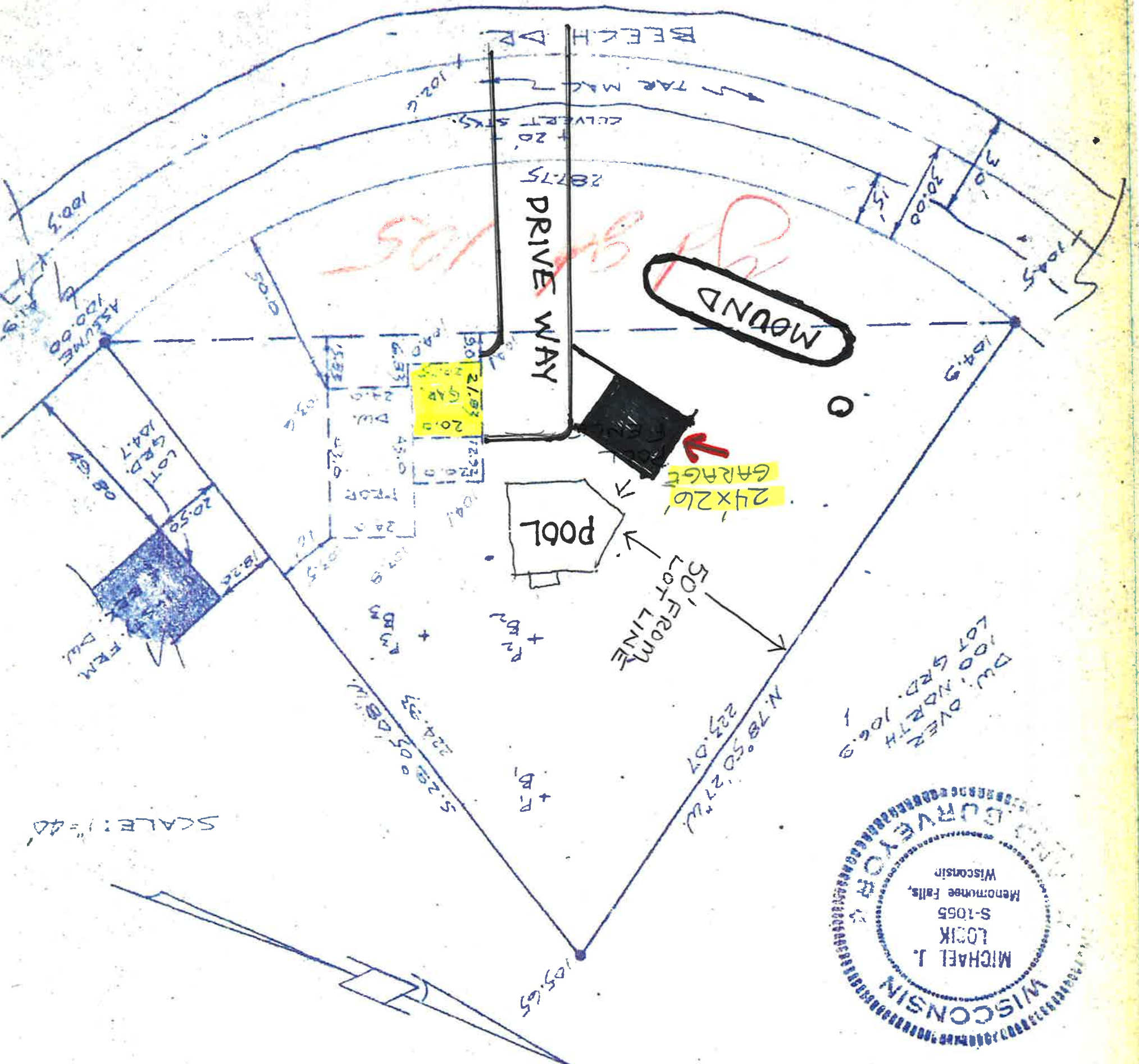
PREPARED FOR Steve Chevalier and Tri-Town Homes

LOCATION Beech Drive

DESCRIPTION OF PROPERTY of Section 31, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

CONDITIONALLY APPROVED VILLAGE OF GERMAN TOWN INSPECTION DEPARTMENT

BY *[Signature]* DATE 4-7-23



SCALE: 1"=40'

24' x 26' [REDACTED]
SIDING + TRIM TO REPLICATE
HOUSE



GABLEBG-09-04-07-010resz

13 / 24

24 x 26

SAMPLE IMAGE





NORTH

WEST

W



26'
GARAGE
24'

Google

Imagery ©2023 U.S. Geological Survey