

MEETING: REGULAR MEETING OF THE BOARD OF ZONING APPEALS

DATE & TIME: Wednesday, August 26, 2026 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. **MEETING MINUTES:**
 - A. BOZA Minutes 5-27-26
- IV. **PUBLIC HEARINGS:**
 - A. THE PURPOSE of said hearing will be to hear all parties, their attorneys or agents, concerning applications filed by Claudia M. and Harry A. Hoyen III; c/o Marcus J. Keidl, owners of the property located at W173N10722 Willow Wood Drive. Applicant is requesting an (1) appeal of a decision or order of the Zoning Administrator and request for interpretation of zoning code pertaining to the classification of yards (i.e. front, rear, side) for a corner lot, as defined under Section 17.08(58) of the Zoning Code; and (2) request for variance to reduce the rear yard building setback requirement from 35 feet to 15 feet for an addition in the Rs-5: Single-Family Residential District under Section 17.18(3) of the Zoning Code. (PUBLIC HEARING & ACTION)
- 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.

Notice is hereby given that a possible quorum of other boards, committees, and/or commissions may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of these bodies per State ex rel. Badke v Greendale Village Board, even though these bodies will not take formal action at this meeting.

MEETING:	REGULAR MEETING OF THE BOARD OF ZONING APPEALS
DATE AND TIME:	Wednesday, May 27, 2026 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.*
Chairman White called the meeting to order at 5:30pm.

- II. **ROLL CALL:**
Committee Members Barry White, Kristine Huber and Lilibeth Yao were present. Also present were Associate Planner Tanke and Administrative Coordinator Deb Remich.

- III. **MEETING MINUTES:**
 - A. BOZA Minutes 4-22-26
Motion: Approve with addition of total # of yes votes after final motion
Motioned By: Barry White
Seconded By: Kristine Huber
Yes: Kristine Huber, Barry White
No: None
Abstain: Lilibeth Yao
Motion Passed (Yes 2, No 0, Abstained 1)

- IV. **PUBLIC HEARINGS:**
 - A. THE PURPOSE of said hearing will be to hear all parties, their attorneys or agents, for or against a VARIANCE APPEAL from the maximum accessory building area (size) requirements under Section 17.41(1) of the Zoning Code filed by Greg Schmidt, Property Owner, located at N124W18420 Lovers Lane.
(PUBLIC HEARING & ACTION)
Chairman White read the public hearing notice and opened the public hearing at 5:32pm.
Chairman White swore in Associate Planner Yanke, who summarized the request for a variance to increase the size from 218' to 576' sqft of the proposed accessory building. There is a permit on file for the current structure from 1973 which means the original structure was compliant at that time. If this variance is not approved, then he would not be able to rebuild the same size building as that size is no longer allowed by Village Code.
Chairman White swore in Greg Schmidt, property owner stated that the reason for his variance request is that the current accessory building is old and in bad disrepair. He intends to use it for storing his car collection and needs the additional space to work

on his vehicles comfortably and safely. His property is not in a subdivision it's in a more rural part of the village and the zoning types surrounding his property and the variety of buildings are much larger. He doesn't think his proposed structure would stick out or be out of place in his neighborhood. This wouldn't cause a personal hardship for him, but without it, his options are very limited.

Chairman White asked if there was anyone that wanted to speak in favor or against the requested variances?

Josh Mislant who lives at N124W18440 Lovers Lane came forward to speak against the variance. He does not want to look out his window every day and see this huge structure. He feels this will cause his home value to go down.

Chairman White closed the public hearing at 5:56pm.

The Findings, Conclusions, Decision and Order were Deliberated.

Variance - Accessory Building variance for increased size.

1. The variance will not be consistent with the spirit of the zoning code, and they need to be conscious of how building will play out in this area in the future.
2. There are not exceptional conditions that apply because the applicant can still pursue his hobby, it is just inconvenient for him without a larger space.
3. The variance is not necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district.
4. The variance will create a detriment to adjacent properties. There are no safety concerns but the neighbors feel this would be detrimental to their property.
5. The literal enforcement of the terms of the Zoning Code would not result in practical difficulty or unnecessary hardship to the applicant in the use of the property.

Motion: Approve as presented

Motioned By: Barry White

Seconded By: None

Yes: None

No: None

Abstain: None

Motion Failed (Yes 0, No 0, Abstained 0)

V. ADJOURNMENT:

Chairman White adjourned the meeting at 6:08pm.



Planning Department
Jordan Yanke, Associate Planner
N112 W17001 Mequon Road P.O. Box 337
Germantown, WI 53022-0337
Telephone: (262) 250-4735
E-mail: jyanke@germantownwi.gov
Website: www.germantownwi.gov

MEMORANDUM

TO: Board of Zoning Appeals (BOZA) Members

FROM: Jordan Yanke, Associate Planner

DATE: August 20, 2026

RE: Variance Appeal Application
Property Address: W173N10722 Willow Wood Drive
Applicant/Owner: Claudia M. and Harry A. Hoyer III; c/o Marcus J. Keidl

Appeal/Request (1)

Appeal of a decision or order of the Zoning Administrator and Request for interpretation of Zoning Code

As detailed in the submitted materials, the applicant has requested an appeal of a decision or order of the Zoning Administrator and requests interpretation of the Zoning Code as it pertains to the classification of yards (i.e. front, rear, side) for a corner lot, as defined under Section 17.08(58) of the Zoning Code and listed below:

LOT, CORNER. *A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. On a corner lot, both streets shall be deemed front lot lines with side opposite the front entrance considered the rear yard.*

Staff Comments

In 2025, the Village received an original building permit application from the owner to expand the existing attached garage. Per site plan/plat of survey (attached) submitted with the permit application, the Village denied the application as it was determined by the Zoning Administrator that the garage expansion would encroach into the required 35' rear yard setback measured from the property's eastern (rear) lot line. The garage expansion is shown at 15' from subject lot line, which would result in a 20' encroachment. Given the **Lot, Corner** definition above and the fact that the existing home's front door entrance/walkway are located on the west side of the home facing the road (Willow Wood Drive) that the property has an assigned address to, staff determined the eastern lot line opposite the front entrance to be the rear lot line with an applicable 35' rear yard setback.

It's worth noting that the property is in the Rs-5: Single-Family Residential zoning district that has the following setbacks applied to principal buildings (Front – 35'; Side – 15'; Rear – 35'). For reasons stated in the applicant's submittals, staff's determination and classification of yards as it pertains to the property and the proposed garage expansion is being appealed, and interpretation of the Zoning Code is also requested by the Board of Zoning Appeals.

NOTE: *The Village Attorney has provided a memo (attached) to the Board of Zoning Appeals intended to provide guidance regarding the legal principles governing the interpretation of municipal ordinances.*

Appeal/Request (2)

Variance request to reduce the rear yard building setback requirement from 35' to 15' for an addition in the Rs-5: Single-Family Residential District under Section 17.18(3) of the Zoning Code

The applicant is seeking a variance to reduce the rear yard building setback requirement from 35' to 15' to allow for the expansion of an existing attached garage. The subject property is zoned Rs-5: Single-Family Residential District and is 0.37 acres in size (16,000 sqft) in size. Under Section 17.18(3) of the Zoning Code, properties located within the Rs-5 District are subject to a 35' rear yard setback.

Staff Comments

All other aspects of the proposed garage expansion are code compliant. Note that this variance has been submitted for consideration by the Board of Zoning Appeals pending the Board's decision on the first appeal item noted in the agenda materials and summarized in this memo above. If the Board rules in favor of the property owner and does not agree with the Zoning Administrator's interpretation of the classification and yard requirements of the Zoning Code as they apply in this particular case, then the variance request is irrelevant and no further consideration or action from the Board of Zoning Appeals is required regarding the variance request.

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

Case No.	
Filing Date	7/10/26
Fee Paid	\$ 50 ⁰⁰ / ₁₀₀
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:		Claudia M. Hoyen and Harry A. Hoyen III; c/o Marcus J. Keidl	
Address:		W173N10722 Willow Wood Drive, Germantown, WI 53022	
Phone Number:		(414) 745-4520 / (262) 783-6340	
Appellant's or applicants' interest in property:			
Owner	☒	Tenant	☐
Mortgagee	☐	Agent	☐
Property Owner's Name:		Claudia M. Hoyen and Harry A. Hoyen III; c/o Marcus J. Keidl	
Address:		W173N10722 Willow Wood Drive, Germantown, WI 53022	
Phone Number:		(414) 745-4520 / (262) 783-6340	
Address of Property:		W173N10722 Willow Wood Drive, Germantown, WI 53022	
Lot: 14 (Willow Wood Subdivision)	Block: N/A		
Tax Parcel No. GTNV 284014	Zoning District: RS-5		
Present use of the Property: Single-family residence with attached garage (one- & two-family dwelling use).			
Proposed use of the Property: Same single-family residential use; extension of the existing attached garage only (no change of use).			
Previous Appeal or Application (if any)?	Yes ☐	No	☒
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 ☒	Appeal of decision or order of Administrative Official and Request for Interpretation of Zoning/Building Code.
Date of Decision or Order: see Attachment A, Part I	
Description of Decision or Order: Denial of the building permit to extend the attached garage, based on the Village's determination that, under § 17.08(58), the "front entrance" is the pedestrian entry — classifying the east lot line as a front/rear yard subject to the 35-ft setback. See Attachment A, Part I.	
Decision or order is erroneous because: The term "front entrance" is undefined and ambiguous. Wis. Stat. § 895.463 and Wisconsin case law require the ambiguity to be resolved in favor of the free use of private property. The attached garage entrance qualifies as a "front entrance," which makes the east lot line a side yard (15-ft setback) that the proposed extension satisfies. Full argument: see Attachment A, Parts I–IV.	
B ☒	Request for Variance of Zoning/Building Code
Describe the requested variance and dimension of variance: Requested in the ALTERNATIVE to the appeal: a 20-foot area (dimensional) variance from the 35-foot front/rear-yard setback in the RS-5 district, to permit the proposed 15-foot setback from the east lot line, should the Board determine that the east line is not a side yard. Area variance only; the residential use is unchanged and no use variance is sought. See Attachment A, Part V.A.	
Explain how the variance, IF granted, is consistent with the spirit, purpose and intent of the Code: The proposed 15-foot setback satisfies the spacing, light, air, and fire-safety purposes that the setback regulations are designed to serve, and matches the 15-foot side-yard standard applicable to interior RS-5 lots. The use of the property does not change. See Attachment A, Part V.B.	
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: The lot is a corner lot. Under § 17.08(58) a corner lot has two front lot lines, which eliminates a side yard and reduces the buildable area in a way interior lots in the district do not face — a burden compounded by the Code's undefined term "front entrance." These are physical conditions unique to this parcel and were not created by the applicant. See Attachment A, Parts V.C and V.D.	
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 extension maintains a 15-foot setback consistent with the side-yard spacing found throughout the district. It abuts only the interior neighbor, is an accessory residential garage in keeping with neighborhood character, and has no effect on traffic, drainage, light, or air. See Attachment A, Parts V.E and V.F.	

C	☐	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 ☐ No ☐ If YES, give recommendation of Plan Commission:		
D	☐	Permission for Temporary Use Permit
Describe use requested:		
Proposed commencement date:		
Proposed termination date:		

G:\Clerk\Board of Zoning Appeal\BOZA Form Revised

Revised 2/15/96; 06/11/96; 01/30-98; 04/25/00, 11/15/05; 1/17/08, 4/6/2017, 8/2/2021

E ☐	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 ☐	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): \$	

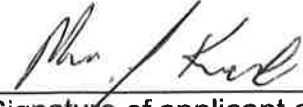
REQUIRED DOCUMENTATION

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: 7-10 2026


Signature of applicant or appellant

ATTACHMENT A

STATEMENT IN SUPPORT OF APPEAL AND APPLICATION FOR VARIANCE

Before the Village of Germantown Board of Zoning Appeals

Applicant / Owner: Claudia M. Hoyen and Harry A. Hoyen III; c/o Marcus J. Keidl
Property: W173N10722 Willow Wood Drive, Germantown, WI 53022
Tax Parcel: GTNV 284014 • Lot 14, Willow Wood Subdivision
Zoning District: RS-5
Counsel: Zimmer & Rens LLC

Introduction and Nature of the Request

This Statement is submitted in support of the combined application of Claudia M. Hoyen and Harry A. Hoyen III, in the care of Marcus J. Keidl (hereinafter “Mr. Keidl”), the owner of the property at W173N10722 Willow Wood Drive (Tax Parcel GTNV 284014), to the Village of Germantown Board of Zoning Appeals. By this application Mr. Keidl seeks, on Form Item A, an **appeal of the administrative determination and a request for interpretation** of the Zoning Code, and, on Form Item B and in the alternative, an **application for an area variance**. Both arise from the Village’s denial of a building permit to extend Mr. Keidl’s existing attached garage.

The proposed work is a 23’ × 28’ (644 square foot) extension of the existing attached garage, fifteen feet in height, on a corner lot in the RS-5 district. The only dispute concerns how the yards of the corner lot are designated under Germantown Zoning Code § 17.08(58) and § 17.08(85), and in particular the meaning of the undefined term “front entrance.”

Mr. Keidl’s primary position, set out in Parts I through IV below, is that the proposed extension **fully complies** with the Code and that no variance is necessary. He requests the variance addressed in Part V **only in the alternative** — to be reached only if the Board does not sustain the appeal and interpretation — so that both questions may be resolved at a single hearing.

I. The Term “Front Entrance” Is Not Defined in the Zoning Code and Is Therefore Ambiguous.

The Village’s objection rests on the definition of “Lot, Corner” in § 17.08(58) of the Germantown Zoning Code, which provides:

(58) LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. On a corner lot, both streets shall be deemed front lot lines with side opposite the front entrance considered the rear yard.

The Village reads “front entrance” to mean only the pedestrian walkway leading to the entry door of the home. On that reading, the rear yard is the side of the lot directly opposite the pedestrian entry — here, the east lot line — which would impose the 35-foot front/rear-yard setback and restrict the proposed extension. That reading is incorrect.

Chapter 17.08 of the Germantown Zoning Code sets out more than 120 separately enumerated definitions, which demonstrates the drafters’ intent to define terms of art whenever precision was required. Despite that exhaustive definitional framework, the term “front entrance” is **not defined anywhere** in the Code. The Code defines “setback or front yard” at § 17.08(85), “yard, front” at § 17.08(119), “yard, rear” at § 17.08(120), and “yard, side” at § 17.08(121), yet nowhere does it define or limit “front entrance.” That omission is significant.

Had the drafters intended “front entrance” to mean exclusively a pedestrian walkway or a particular door, they could have said so — and, given their demonstrated precision throughout Chapter 17.08, would have used narrower language such as “primary pedestrian entry door,” “front door,” or “main entry.” Instead, they chose the broader term “front entrance,” which encompasses any point of primary ingress to the structure, including an attached garage entrance that provides direct interior access to the dwelling.

II. Wisconsin Law Requires That Zoning Ambiguities Be Resolved in Favor of the Property Owner.

Because “front entrance” is undefined, it is ambiguous, and Wisconsin law is clear on how that ambiguity must be resolved. Wis. Stat. § 895.463 provides:

In any matter relating to a zoning ordinance ... enacted or enforced by a city, village, town, or county, the court shall resolve an ambiguity in the meaning of a word or phrase in a zoning ordinance ... in favor of the free use of private property.

This statutory command codifies a longstanding rule recognized by the Wisconsin Supreme Court in Cohen v. Dane County Board of Adjustment, 74 Wis. 2d 87, 91, 246 N.W.2d 112 (1976), which held that all ambiguity in the meaning of zoning terms must be construed in favor of the free use of private property, and that the provisions of a zoning ordinance, to operate in derogation of the common law, “must be in clear, unambiguous, and peremptory terms.” Id.

Because the Germantown Zoning Code does not define “front entrance,” and because that term reasonably encompasses the attached garage entrance, the ambiguity must be resolved in favor of Mr. Keidl’s reasonable interpretation and the free use of his property.

III. The Attached Garage Entrance Qualifies as a “Front Entrance” Under Any Reasonable Interpretation.

Even apart from the legal presumption favoring the property owner, the attached garage entrance is properly understood as the “front entrance” for purposes of § 17.08(58).

First, the term “entrance” in its plain and ordinary meaning refers to any opening or passage through which one may enter a building. An attached garage with a door providing direct interior access to the home is, by definition, an entrance to the dwelling. The Code uses the term “front entrance” — not “front door,” “pedestrian entry,” or “walkway entrance” — and that broader

phrasing naturally includes the garage, which serves as a primary means of ingress for the occupants.

Second, in modern residential construction, and particularly on suburban corner lots, the attached garage commonly functions as the principal point of daily entry and exit. Occupants routinely enter and leave through the garage rather than the pedestrian door. To confine “front entrance” to a walkway-accessed pedestrian door would elevate form over function and ignore how the home is actually used.

Third, the orientation of the structure supports this reading. The garage and its associated driveway present a prominent point of entry that orients the home and defines its practical “front” as experienced by the owner, visitors, and the public.

IV. Sections 17.08(85) and 17.08(58) Are Harmonious, and Both Support the Proposed Construction.

Section 17.08(85) defines “Setback or Front Yard” and expressly provides that “[c]orner lots shall have 2 such yards.” On a corner lot like this one, both street-facing sides are therefore front yards. Section 17.08(58) does not contradict that result; it completes it by identifying which of the remaining, non-street sides is the rear yard — namely, the “side opposite the front entrance.”

When the attached garage entrance is correctly recognized as the front entrance, the rear yard falls on the side of the lot opposite the garage, and the east lot line — toward which the extension is built — is a **side yard** subject to the 15-foot side-yard setback. The existing structure sits 38 feet from the east lot line; the 23-foot extension leaves a 15-foot setback, exactly satisfying the side-yard requirement. No variance is needed under this interpretation.

V. Application for an Area Variance (Submitted in the Alternative).

Mr. Keidl submits the following in the alternative, to be considered only if the Board concludes that the east lot line is a front or rear yard rather than a side yard. A variance application shall be heard together with the appeal so that the Board may decide both on the same evening and so that a second application need not be submitted; Mr. Keidl agrees and does not waive the appeal by also requesting the variance.

A. *The requested variance and its dimension.*

If the east lot line is treated as a front or rear yard, the applicable setback in RS-5 is 35 feet, and the proposed setback is 15 feet. Mr. Keidl therefore requests an **area (dimensional) variance of 20 feet** from the 35-foot front/rear-yard setback, to permit the proposed 15-foot setback from the east lot line. This is an area variance only. The residential use of the property does not change, and no use variance is sought — nor could one be granted, as § 17.52(3)(b) of the Code provides that use variances shall not be granted.

The governing standard for an area variance in Wisconsin is “unnecessary hardship,” which is satisfied where compliance with the setback would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. State ex rel. Ziervogel v. Washington County Board of Adjustment, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401. The board focuses on the purpose of the setback in deciding whether enforcement against this property would impose an unnecessary hardship. Requiring a 35-foot setback along an interior lot line — as though that line fronted a street, which it does not — renders the reasonable expansion of the attached garage unnecessarily burdensome and serves no purpose the 15-foot side-yard setback does not already serve.

B. *The variance is consistent with the spirit, purpose, and intent of the Code.*

Setback requirements exist to ensure adequate spacing between structures and lot lines for light, air, fire safety, and neighborhood character. The proposed 15-foot setback advances each of those purposes and is identical to the side-yard standard that the Code applies to interior lots throughout the RS-5 district. The variance preserves the intent of the district's regulations, and because the use of the property is unchanged, it would not permit any use that is not already a permitted residential use in RS-5.

C. *Exceptional conditions apply to this lot that do not apply generally in the district.*

The property is a corner lot. Under § 17.08(58), a corner lot has two front lot lines, which deprives it of a side yard that an ordinary interior lot enjoys and correspondingly reduces the area in which the owner may build. That physical configuration is shared by only a small minority of lots in the district and is the kind of lot-specific condition that supports an area variance. The burden is compounded here by the Code's use of the undefined term "front entrance," which leaves the placement of the rear yard — and thus the buildable envelope — uncertain. These are conditions of the land itself, not of the owner.

D. *The hardship is neither self-created nor based solely on economic considerations.*

The corner configuration of the lot and the dual-front-yard rule of § 17.08(58) predate Mr. Keidl's ownership and were not created by him; they are fixed features of the parcel and the ordinance. The request is not founded on economic gain or loss, but on the physical limitations the corner lot imposes on a reasonable, use-consistent improvement — the expansion of an existing attached garage.

E. *The variance is necessary to preserve property rights enjoyed by other lots in the district.*

Interior lots in the RS-5 district may extend a residence or attached garage to within 15 feet of an interior lot line under the side-yard standard. The requested variance does no more than afford Mr. Keidl the same ability to use the comparable portion of his lot that the dual-front-yard rule would otherwise deny him solely because his lot sits on a corner.

F. *The variance will not be a detriment to adjacent property, the public interest, or public safety.*

The extension maintains a 15-foot setback consistent with the side-yard spacing found throughout the district. It abuts only the interior neighboring parcel to the east; it does not face or encroach upon any street, and it has no effect on traffic, sight lines, drainage, light, or air. The improvement is an accessory residential garage that is fully in keeping with the character of the surrounding single-family neighborhood. Granting the variance would create no substantial detriment to any adjacent property and would not be contrary to the public interest or public safety.

VI. Relief Requested.

For the reasons stated above, Mr. Keidl respectfully requests that the Board, at a single hearing:

(1) sustain the appeal and interpret § 17.08(58) so that the attached garage entrance is the “front entrance,” the east lot line is a side yard, and the proposed garage extension complies with the 15-foot side-yard setback and the building permit is granted; or

(2) in the alternative, grant a 20-foot area variance from the 35-foot front/rear-yard setback to permit the proposed 15-foot setback from the east lot line.

Mr. Keidl frames the interpretation question as part of his appeal of the administrative determination under § 17.52(3)(a) and § 17.52(4) of the Code, which authorize the Board to hear

and decide appeals of the literal enforcement of the Code by the Zoning Administrator or Building Inspector, and to reverse, affirm, or modify the determination and direct issuance of the permit under § 17.52(3)(e).

Respectfully submitted,

Electronically signed by Attorney Michael Szinte

By: Counsel for Marcus J. Keidl,
Zimmer & Rens LLC
15850 W. Bluemound Rd., STE 204
Brookfield, WI 53005

FRONT YARD SCENARIO #1

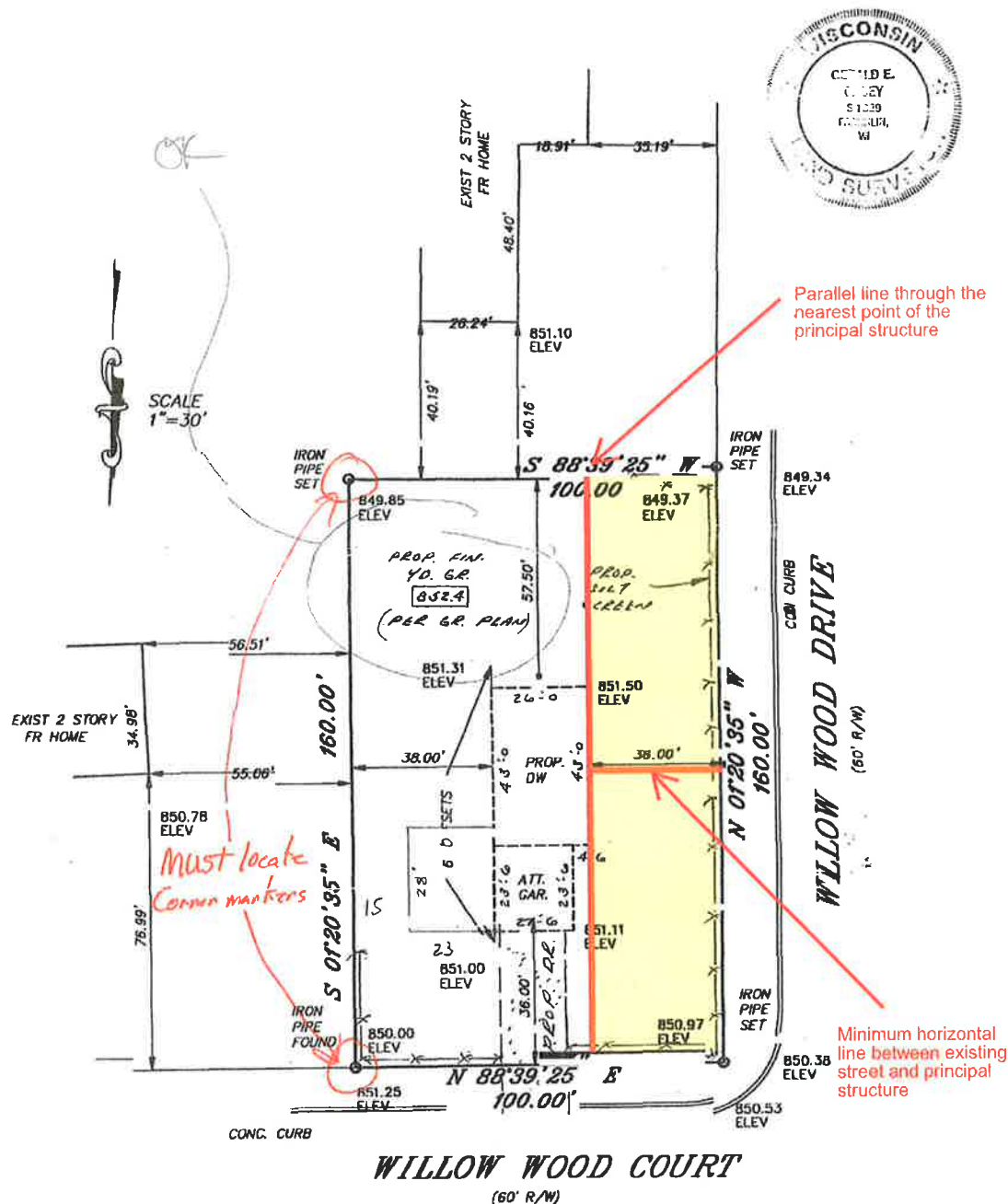
Kaerek Builders
Fields

PLAT OF SURVEY

LOCATION: Willow Wood Court, Germantown, Wisconsin

LEGAL DESCRIPTION: Lot 14 in WILLOW WOOD, being a part of the Northeast 1/4 of the Southeast 1/4 of Section 28, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.
May 9, 1998 Survey No. 89490

Survey No. 89490



METROPOLITAN SURVEY SERVICE, INC.
REGISTERED LAND SURVEYORS
8415 W. FOREST HOME AVE., SUITE 202, MALES CORNERS, WI 531
PH. 529-8380 FAX 529-9787

Grassed finished yard, 1st floor or top of foundation grade shown on this drawing is indicated grade and should be verified by owner and/or the builder

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 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 THERE TO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED [Signature]

PLAT OF SURVEY

Survey No. 89490



PROPERTY OWNER AUTHORIZATION

Designation of Authorized Representative — Village of Germantown Board of Zoning Appeals

The undersigned, Claudia M. Hoyen and Harry A. Hoyen III (collectively, the “Owners”), are the owners of record of the real property located at W173N10722 Willow Wood Drive, Germantown, WI 53022, identified as Tax Key / Parcel No. GTNV 284014 (the “Property”).

The Owners hereby authorize and designate **Marcus J. Keidl** as their authorized representative and agent in connection with an application to the Village of Germantown Board of Zoning Appeals (“BOZA”) for a zoning variance and any related zoning relief concerning the Property (the “Application”).

This authorization grants Marcus J. Keidl full authority to act on the Owners’ behalf with respect to the Application, including, without limitation, the authority to:

- (a) prepare, sign, file, and submit the Application and all supporting documents, plans, forms, exhibits, fees, and related materials;
- (b) serve as the primary point of contact for the Application and receive all correspondence, notices, and communications relating to it;
- (c) communicate and correspond with the Village of Germantown and its planning, zoning, building, and administrative staff, BOZA, and any other officials, boards, or agencies regarding the Application;
- (d) appear at, participate in, and speak on the Owners’ behalf at any hearings, meetings, or proceedings concerning the Application; and
- (e) take any other actions reasonably necessary or incidental to pursuing and obtaining a determination on the Application.

This authorization is effective as of the date set forth above and shall remain in effect until the Application is finally resolved or until revoked by the Owners in writing. The Owners may revoke this authorization at any time by delivering written notice to the Village of Germantown.

By signing below, the Owners certify that they are the owners of record of the Property and that they have read and authorized the foregoing.



Claudia M. Hoyen, Owner

Date: Jun 16, 2026



Harry A. Hoyen III (Jun 16, 2026 20:24:51 EDT)
Harry A. Hoyen III, Owner

Date: Jun 16, 2026

Property Owner Authorization Hoyen BOZA (MS 6-16-26)

Final Audit Report

2026-06-17

Created:	2026-06-16
By:	Michael Szinte (michael.szinte@zrlawyers.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7vtckdBMCygo1w8ppdP58YiKO2DYDEoK

"Property Owner Authorization Hoyen BOZA (MS 6-16-26)" History

-  Document created by Michael Szinte (michael.szinte@zrlawyers.com)
2026-06-16 - 4:37:05 PM GMT
-  Document emailed to Claudia Hoyen (hoyens4@gmail.com) for signature
2026-06-16 - 4:37:09 PM GMT
-  Document emailed to Harry A. Hoyen III (hoyens4@gmail.com) for signature
2026-06-16 - 4:37:10 PM GMT
-  Email viewed by Claudia Hoyen (hoyens4@gmail.com)
2026-06-17 - 0:21:25 AM GMT
-  Document e-signed by Claudia Hoyen (hoyens4@gmail.com)
Signature Date: 2026-06-17 - 0:22:36 AM GMT - Time Source: server - Signature Appearance Selected: MOBILE_IMAGE
-  Email viewed by Harry A. Hoyen III (hoyens4@gmail.com)
2026-06-17 - 0:23:45 AM GMT
-  Document e-signed by Harry A. Hoyen III (hoyens4@gmail.com)
Signature Date: 2026-06-17 - 0:24:51 AM GMT - Time Source: server - Signature Appearance Selected: MOBILE_DRAW
-  Agreement completed.
2026-06-17 - 0:24:51 AM GMT



Adobe Acrobat Sign

Village of

Germantown

Village of Germantown
Clerk Treasurer
N112W17001 MEQUON ROAD
Germantown, WI 53022
(262)250-4700
Welcome

07/10/2026 03:29PM PRAVINA P
001145-0032
Payment effective date 07/10/2026

MISCELLANEOUS

ZONING FEES (GENZON)

2026 GENZON

1 @ \$650.00

\$650.00

\$650.00

Subtotal

\$650.00

Total

\$650.00

Tenders

CHECK

Check Number 1590

\$650.00

Change due

\$0.00

Thank you for your payment

Village of Germantown COPY
DUPLICATE RECEIPT

To Village of Germantown Board of Zoning Appeals

From Brian C. Sajdak
Ian S. Lane

Date August 19, 2026

Re Marcus J. Keidl Building Permit Application – Ordinance Interpretation

Pursuant to your request, this memorandum is intended to provide the Village of Germantown Board of Zoning Appeals (“Board”) with guidance regarding the legal principals governing the interpretation of municipal ordinances.

I. Factual Background.

On April 13, 2026, Marcus J. Keidl (“Applicant”) submitted a building permit application (“Application”) for proposed work related to the property located at W173N10722 Willow Wood Drive, Germantown, Wisconsin 53022 (“Property”). According to the Application, the Applicant seeks a building permit to construct an extension to the Property’s existing attached garage. Based on the materials submitted with the Application, the proposed work would extend the existing garage to the east, thereby reducing the setback between the principal building and the Property’s eastern lot line.

The Property is currently zoned in the Village’s Rs-5 Single-Family Residential District (“District”). Importantly, principal buildings within the District are subject to the minimum setback requirements set forth in Section 17.18(3) of the Germantown Zoning Code. Specifically, Section 17.18(3) requires that principal buildings in the District comply with the following minimum setbacks:

Front Yard: Minimum 35 feet.

Side Yards: Minimum 15 feet.

Rear Yard: Minimum 35 feet.

Section 17.08(85) of the Germantown Zoning Code defines a “Front Yard” as “[a] yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line

parallel thereto through the nearest point of the principal structure. *Corner lots shall have 2 such yards.*” (Emphasis added.). Whereas typical lots have only one (1) front yard, corner lots are deemed to have two (2) front yards, each of which must comply with the 35-foot minimum setback required by Section 17.18(3).

Section 17.08(58) of the Germantown Zoning Code defines “Lot, Corner” as “[a] lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. On a corner lot, both streets shall be deemed front lot lines *with side opposite the front entrance considered the rear yard.*” (Emphasis added.) Accordingly, the two (2) sides of a corner lot abutting public streets are considered front yards that must have a 35-foot minimum setback. Additionally, under this definition, the “side opposite the *front entrance* is considered the rear yard” that must have a 35-foot minimum setback. Conversely, the side that is not opposite the front entrance is considered the side yard and is subject to the 15-foot minimum setback requirement.

It is undisputed that the Applicant’s Property is a corner lot within the meaning of the Germantown Zoning Code, as it abuts two (2) public streets: Willow Wood Court and Willow Wood Drive. If the eastern side of the Property is deemed to be the side yard, then the Applicant’s proposed garage extension would seemingly comply with the 15-foot minimum setback requirement. However, if the eastern side of the Property is deemed to be the rear yard, then the proposed garage extension would not comply with the 35-foot minimum setback required for rear yards.

The northern side of the Property abutting Willow Wood Court contains an existing driveway and attached garage. Within this garage is a door providing direct access to the interior of the residence. The western side of the Property abutting Willow Wood Drive contains a paved walkway leading to an exterior door that also provides direct access to the interior of the residence.

The Applicant alleges that the term “front entrance” in Section 17.08(58) of the Germantown Zoning Code is ambiguous because the Code does not provide a separate definition for the term. The Applicant therefore contends that the term “front entrance” should be broadly interpreted to include the door inside the garage. Under this interpretation, the southern side of the Property would be considered the rear yard, and the eastern side would be considered the side yard. As a result, the proposed garage extension

would only be required to comply with the 15-foot minimum setback applicable to side yards.

Conversely, if the exterior door on the western side of the Property is considered the “front entrance,” then the eastern side of the Property would be deemed the rear yard subject to the 35-foot minimum setback requirement. Under this interpretation, the proposed garage extension would not comply with the applicable rear yard setback requirements.

II. Principles of Municipal Ordinance Interpretation.

To start, the same principles used in interpreting state statutes apply when interpreting municipal ordinances. *See Stoker v. Milwaukee Cnty.*, 2014 WI 130, ¶ 17. Well-established Wisconsin case law provides that “statutory interpretation begins with the language of the statute. If the meaning of the statute is plain, we ordinarily stop the inquiry.” *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 2004 WI 58, ¶ 45. Statutory language is given its “common, ordinary, and accepted meaning” and must be interpreted within the context it is used. *Id.*, ¶ 45. Moreover, statutory language should be interpreted “to avoid absurd or unreasonable results.” *Id.*, ¶ 46. If the statutory language is clear, there is no ambiguity, and the statute must be applied according to its plain meaning. *See Bruno v. Milwaukee Cnty.*, 2003 WI 28, ¶ 20.

A statute is ambiguous only “if it is capable of being understood by reasonably well-informed persons in two or more senses.” *State ex rel. Kalal*, 2004 WI 58, ¶ 47. The test for ambiguity examines whether “reasonably well-informed persons *should have been* confused” and whether the statutory language “*reasonably* gives rise to different meanings.” *Bruno*, 2003 WI 28, ¶ 21 (emphasis added).

In determining the common and ordinary meaning of statutory text, dictionaries may be relied upon to ascertain the common and approved usage of words. *See State v. Sample*, 215 Wis. 2d 487, 499 (1998). Importantly, the use of dictionaries is not limited to situations where statutory language is ambiguous; rather, dictionaries may be used as a tool to determine the plain meaning of words and phrases. *See Figgs v. City of Milwaukee*, 121 Wis. 2d 44, 51(1984); *see also State ex rel. Smith v. City of Oak Creek*, 139 Wis. 2d 788, (1987) (consulting dictionaries to determine the usual meaning of words does not render statutory language ambiguous).

III. Extrinsic Sources of Interpretation.

As discussed above, statutory and ordinance interpretation begins with the plain language of the text. If the language is clear and unambiguous, the analysis ends, and extrinsic sources of interpretation may not be used to alter or contradict the text's plain meaning. *See State ex rel. Kalal*, 2004 WI 58, ¶ 46. Only when the language is ambiguous may extrinsic sources be consulted to determine the meaning of the language. *Id.*, ¶ 50. Common examples of extrinsic sources of interpretation include legislative history, evidence of legislative intent, and other materials outside of the text.

Importantly, however, dictionaries are generally not considered extrinsic sources of interpretation; rather they may be used as a tool to determine the common and ordinary meaning of words and phrases. *See Sample*, 215 Wis. 2d at 499. Accordingly, dictionaries may be consulted when determining the plain meaning of a statutory or ordinance provision, regardless of whether the language is ultimately determined to be ambiguous.

IV. Question for the Board of Zoning Appeals.

The question before the Board is whether the term “front entrance” in Section 17.08(58) of the Germantown Zoning Code is ambiguous. Specifically, the Board must determine whether the term could reasonably be interpreted to include both the exterior door on the western side of the Property and the door located within the garage, or whether it is limited to include only the exterior door.

If the Board determines that the term “front entrance” is ambiguous, then, Wis. Stat. § 895.463 directs that the ambiguous term must be interpreted “in favor of the free use of private property.” Accordingly, the door located inside the garage should be considered the “front entrance,” resulting in the eastern side of the Property being treated as a side yard subject to the 15-foot minimum setback requirement. Under this interpretation, the proposed garage extension would therefore be permitted as it would comply with the minimum setback for side yards.

However, if the Board determines that the term “front entrance” unambiguously refers only to the exterior door on the western side of the Property, then the eastern side of the Property would be subject to the 35-foot minimum setback requirement, and the proposed garage extension would not be permitted as it would not comply with the minimum setback for rear yards.

V. Other Considerations; Wisconsin Uniform Dwelling Code.

To aid the Board in making its determination, this section addresses how the door located within the Applicant's garage would be characterized under Wisconsin's Uniform Dwelling Code (Wis. Admin. Code chs. SPS 320–325).

Of importance, Wis. Admin. Code ch. SPS 321 prescribes various requirements related to the design and construction of single-family residential dwellings, such as the Applicant's residence. Wis. Admin. Code § SPS 321.03(1)(a) requires every residential dwelling to have at least two (2) "exit doors" accessible from the first floor, with only one (1) of those exit doors required to discharge directly to grade (i.e., outside at ground level). Section SPS 321.03(1)(c) further provides that one (1) of these exit doors may discharge from the interior of the residence into the garage, provided that the garage itself has a separate exit door that discharges directly to grade.

As applied to this case, the Applicant's garage does not appear to contain a separate door that discharges directly to grade. Rather, the garage contains only the door in question, which provides access from the garage to the interior of the Applicant's residence. Accordingly, under the Uniform Dwelling Code, the door connecting the garage to the residence would not qualify as an "exit door." Instead, only the exterior door located on the western side of the Applicant's residence abutting Willow Wood Drive would constitute an "exit door" under the Uniform Dwelling Code.



Untitled Project

JY

Share

Property



W173N10722 WILLOW WOOD
DR GERMANTOWN WI 53022
US

43.212308, -88.124372

43° 12' 44", -88° 7' 28"



Parcel Details

Area: 15968.26 ft²

FIPS Code: 55131

Locality: GERMANTOWN

Parcel APN: GTNV_284014

Postal Code: 53022

State: WI





NOTICE OF PUBLIC HEARING

VILLAGE OF GERMANTOWN BOARD OF ZONING APPEALS

Notice is Hereby Given that a Public Hearing will be held before the Board of Zoning Appeals in the Village Hall Board Room, N112W17001 Mequon Road, Germantown, WI on Wednesday, August 26, 2026, at 5:30pm.

The purpose of said hearing will be to hear all parties, their attorneys or agents, concerning the following applications:

- 1) APPEAL OF DECISION OR ORDER OF THE ZONING ADMINISTRATOR AND REQUEST FOR INTERPRETATION OF ZONING/BUILDING CODE; AND**
- 2) REQUEST FOR VARIANCE OF ZONING/BUILDING CODE**

Applications were filed by Claudia M. and Harry A. Hoyen III; c/o Marcus J. Keidl, owners of the property located at W173N10722 Willow Wood Drive, who are requesting an (1) appeal of a decision or order of the Zoning Administrator and request for interpretation of zoning code pertaining to the classification of yards (i.e. front, rear, side) for a corner lot, as defined under Section 17.08(58) of the Zoning Code; and (2) request for variance to reduce the rear yard building setback requirement from 35 feet to 15 feet for an addition in the Rs-5: Single-Family Residential District under Section 17.18(3) of the Zoning Code.

A copy of the applications and supporting documents are on file in the Community Development Department at Village Hall and available for public inspection during the hours of 8:00am-4:30pm Monday through Friday.

Date Submitted: August 4th, 2026.

Donna Ott, Village Clerk

Dates Published: August 12th and August 19th, 2026