



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Christie Dionisopoulos
Steve Michels
Clerk/Treasurer
Dan Green

**TOWN OF DELAFIELD BOARD OF APPEALS MEETING
THURSDAY, MARCH 25, 2021, 6:30 PM
DELAFIELD TOWN HALL - W302 N1254 MAPLE AVE., DELAFIELD, WI 53018**

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes from the June 29, 2020 meeting.
4. New Business
 - a. Discussion and necessary action on the request from petitioners William and Catherine James, W283N3917 Yorkshire Trace., Pewaukee, WI 53072, to consider a request for a variance from Section 17.04 5. H. A-2 RURAL HOME DISTRICT, 3. BUILDING LOCATION, b. setback of the Town Zoning Code which requires "50 feet minimum for all other buildings or structures." The request is to construct a 2,320 square foot swimming pool and patio 28 feet from the northerly side lot line of the parcel DELT0765.015. The amount of variance requested is 22 feet.
 - a. Public comment
 - b. Close of public comment
 - c. Deliberation, discussion and possible action by the Board
 - b. Discussion and necessary action on the request from petitioner Ronald Niemetschek, N47 W29111 CTH JK, for a variance from Section 17.04 5.H.3. b. which requires a 30-foot offset from the side lot line, in order to construct a 20 foot by 24 foot accessory structure. The requested offset is 10 feet from the side lot line resulting in a variance of 20 feet.
 - a. Public comment
 - b. Close of public comment
 - c. Deliberation, discussion and possible action by the Board
5. Adjournment

Daniel Green

Dan Green, Town Administrator

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, 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, contact Town Administrator Dan Green (262) 646-2398.

**TOWN OF DELAFIELD BOARD OF APPEALS MEETING
JUNE 29, 2020 @ 5:30 PM**

Call to Order

Chairperson Nancy Bonniwell called the meeting to order at 5:30 p.m.

Roll Call

Present were: Chairperson Nancy Bonniwell, Board members Rose Sasich, Robert Schieble, Richard Nowacki and Heather Shaw. Also present was Town Engineer Tim Barbeau, Building Inspector Dave Hendrix and Administrator Dan Green. Newly appointed alternate member Anthony Arbucias was also present.

Chairperson Bonniwell announced she would be taking the public hearing out of order.

New Business

Discussion and necessary action on the request from petitioners John Schroeder and Jennifer Janusiak, S3W5478 Maple Ave., Waukesha WI 53188, to consider a request for a variance from Section 17.04 4. H. A-2 RURAL HOME DISTRICT, 3. BUILDING LOCATION, b. Offset of the Town Zoning Code which requires "30 feet minimum for all other buildings or structures." The request is to construct an 840 square foot attached garage 24 feet from the northerly side lot line of the parcel DELT0854.997.007. The amount of variance requested is 6 feet.

Ms. Bonniwell read the request from Mr. Schroeder and Ms. Janusiak into the record. She also explained the factors for which the board may grant or deny a variance. She explained the applicant must present a hardship which cannot be self-induced and the must relate to a unique condition affecting the owner's land.

She explained this applicant is returning from their last variance request that was in December of last year. This request is different than their last in which they are seeking only a side yard setback variance and not a square footage variance. The chair opened the public comment portion of the meeting and asked the applicant to come forward.

Public comment

John Schroeder, S3W5478 Maple Avenue, introduced himself, his wife, a next-door neighbor and the Town Chairman who were present in support of his request. He explained that there were two packets distributed. The first is the original packet with the application and the second was a supplemental letter with aerial photos that illustrate the setback lines.

Mr. Schroeder explained that they purchased the home one year ago and always had the intent of putting up a 40'x50' workshop on the property. The property sits off of Maple Avenue about 600 feet and is not visible from the road. He explained that prior to the purchase of the home he was provided with two garage plans from the previous owner and he relied on those plans as a possibility of moving forward with the project. He also explained at the time the survey provided to him indicated a 20-foot setback, which he later found to be a 30-foot setback. He explained the request from December was for exceeding the maximum square footage. This

request would put the square footage within the code standards with their existing garage being 600 feet. He described his request being 2% of the building that would cut into the setback restrictions and that the variance he is looking for is actually 2 feet, not 6 feet.

Mr. Schroeder explained that his home sits slightly crooked on the lot and does not allow for a structure to fit anywhere else on the property. The Plan Commission has approved the operation of a home business with the knowledge that a 9-foot garage door would be required. He explained that the basis for the hardship is that the 5 acre lot has only 1.3-1.5 usable acreage as the rest is in conservancy. He also stated an open leach bed is on the southern portion of the lot. He did not feel the proposed site would have any adverse effect to the neighbors.

Chairperson Bonniwell asked the applicant if a garage could fit within the setback. The applicant explained he would not be able to fit his structure anywhere else as it would impede on the other setbacks if moved any other direction. He explained it would not be economically feasible to make the building any smaller and by taking off two feet of the building he would be losing 60 square feet of space.

Robert Schieble asked what the original request was. The original request was for an 1800 square foot structure which Ms. Bonniwell explained was too big and encroaching the offset. Heather Shaw asked if the applicant's work truck would not fit in the structure if it was 2 feet shorter. The applicant explained it would be difficult as there are stairs along the back of the structure. Ms. Bonniwell asked how big the work truck was which the applicant explained is over 8 feet tall.

Steven Elkin, W310S486 Maple Avenue, explained he is the neighbor directly to the south of the property. He explained he is a builder and carpenter and recommended not building a garage less than 28' as the truck is 22 to 23 feet long. He also spoke in favor of the garage in that location as no one would see it.

Close of public comment

Motion by Richard Nowacki to close the public comment portion of the meeting. Seconded by Robert Schieble. Motion passed unanimously.

Deliberation, discussion and possible action by the Board

Chairperson Bonniwell explained that there are different hardships indicated by the applicant than their original request. She opened the discussion to the board.

Robert Schieble stated he is going to vote the same way he did the last time, to approve the request. He stated he was upset that it was not approved the first time and the applicant had to redesign his building. He explained now the plans are closer to being in compliance and he meets all the hardships as far as he is concerned. He also stated the home is beautiful and you do not want to cut portions of the building off.

Rose Sasich stated the drawing submitted by the applicant was very helpful. She stated the applicant has made an effort to comply as much as possible. She explained the last time she voted "no" and felt it was too much being asked, but this time made more of an effort to meet

the setbacks. Chairperson Bonniwell asked if there was something specifically related to a hardship that she felt would make her in favor such as the conservancy areas and the restrictions on the property. Rose stated yes for that reason.

Richard Nowacki stated he supported all observations by the other members. He explained the lot was unique and that the use seems reasonable for the variance, particularly 2 feet.

Heather Shaw agreed that two feet is a minimal distance but did not think the board was required to make all vehicles to fit into accessory structures. She wanted to get more understanding why the applicant could not cut two feet off the back of the garage. She also agreed the home is beautiful and it seems like an obvious place to put it on the property.

Chairperson Bonniwell asked the applicant what else he plans to store in the garage besides work equipment and military vehicles. The applicant explained they are going to purchase a lift so they can store cars on top of each other. He explained that down the road their family will have two more drivers and will have a total of 5 vehicles. This structure, he stated, will be able to house all of his vehicles.

Rose Sasich stated for the record that she did not think the safety issue was a correct reason for a hardship. She stated that she knows many attorneys, including the chairperson, who do not have the same concern.

Chairperson Bonniwell commented that some people need to utilize off site storage when they have too many items to store on their property. She stated that the applicant could have made the garage smaller and could have met the offset requirement.

Motion by Robert Schieble to approve a 2-foot variance request from petitioners John Schroeder and Jennifer Janusiak to construct an 840 square foot attached garage 28 feet from the northerly side lot line based on discussion of the board. Seconded by Richard Nowacki. A roll call vote was taken.

Rose Sasich – yes

Robert Schieble – yes

Richard Nowacki – yes

Heather Shaw – yes

Nancy Bonniwell – no

The motion to approve the variance request passed 4-1.

Approval of Minutes from the February 19, 2020 meeting

The board discussed the Administrator emailing the minutes to the board for their review and comments in which the Administrator agreed.

Motion by Richard Nowacki to approve the minutes from the February 19, 2020 Board of Appeals meeting. Seconded by Rose Sasich. Motion passed 4-0 with Heather Shaw abstaining.

Adjournment

Motion by Robert Schieble to adjourn the June 29, 2020 Board of Appeals meeting at 6:08 p.m. Seconded by Richard Nowacki. Motion passed 5-0.

Respectfully submitted:

Daniel Green

Dan Green, CMC/WCMC
Administrator - Town Clerk/Treasurer

Minutes Approved:

APPLICATION FOR VARIANCE/APPEAL

Address of property for which variance is requested: W283N3917 Yorkshire Trace

Tax Key Number: DELT 0765 015

Owner Information:

Applicant Information:

William + Catherine James
Name

same
Name

W283N3917 Yorkshire Trace
Pewaukee, WI 53072
Address

same
Address

414-491-1233
Phone Number

same
Phone Number

cathyjames59@aol.com
E-mail

same
E-mail

Length of Ownership: 1 year

Choose One: Variance Appeal of Code Interpretation

Previous Appeal Date (if applicable): _____

Waukesha County Shoreland Jurisdiction (1000' of Lake or 300' of Stream): Yes No

Estimated Contractor Cost of Project: \$81,000 for pool, fence and patio

REQUIRED SUBMITTAL INFORMATION:

- Completed Application
- Survey/Plot to include the following:
 - a. Existing structures.
 - b. Proposed structures.
 - c. Location and dimension of buildings on adjacent properties.
- Note: All structures shown shall include dimensions, elevations and distance to lot lines.**
- Detailed plans of proposed construction, including floor plan and elevation views. Please include a written description of the proposed construction.
- Copy of most recent Tax Bill.
- Explanation, in writing, as to what **hardship or practical difficulty** the code is causing.
 - Note:** - Cost of project or financial reasons are not considered a hardship
 - Self-induced hardships are not considered a reason for granting a variance
 - Unnecessary hardships must relate to a unique condition affecting owner's land.
 - Granting of a variance due to hardship may not be contrary to public interest
- Eight (8) copies of all documents (preferred size to be no greater than 11" x 17")
- \$415.00 Fee

William + Catherine James 2/19/21
Signature of Applicant Date

PROPERTY INFORMATION:

Item	Existing	Proposed	For Office Use Only	
Zoning	A-2	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Present Use of Property	Residential	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Lot Size	3.01 acres	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Lot Width	384.47 ft	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Setback (Road Right-of-Way)	53 feet	28 feet	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Left Side)	53 feet	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Right Side)	210 feet	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Rear)	205 feet	same	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Setback (Lakeshore)			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Wetland/Floodplain)			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Open Space	89.20%	87.4%	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming

STRUCTURE INFORMATION:

Existing Structures						
	Type	Floor Area	Base Height	Overall Height	For Office Use Only	
1.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
2.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
3.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Proposed Structures						
	Type	Floor Area	Base Height	Overall Height	For Office Use Only	
1.	Pool + patio	2,370 sq. feet			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
2.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
3.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming

VARIANCES REQUESTED:

From Section No. (Be Specific)	Amount of Variance	Description
17.03.4, C	22 feet	Setback

TOWN OF DELAFIELD
PROFESSIONAL STAFF/FEES CHARGE BACK ACKNOWLEDGEMENT

PLEASE BE ADVISED

That pursuant to the Town of Delafield Code of Ordinances, The Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any other of the Town's professional staff results in a charge to the Town for that professional's time and services and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town. Also be advised that pursuant to the Town of Delafield code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also I have been advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are my responsibility.

Catherine A James 2/19/21
Signature of Property Owner Date

Please print:

Property Owner: William + Catherine James
Owner's Address: W283 N3917 Yorkshire Trace
Pewaukee, WI 53072
Parcel Number: DELT 0765 015
Property Address: W283 N3917 Yorkshire Trace
Pewaukee, WI 53072
Form Received by: _____
Date: _____

February 19, 2021

Town of Delafield Variance/Appeal Committee

Dear Members:

We respectfully seek a set back variance so we can install a pool on the left side of home.

There are several reasons for our request.

We think it's important to preserve the existing environmental corridor and not remove mature trees that are in the back of our house.


Our septic system is located in the back of our house.

Our backyard also slopes down.

We also cannot push the proposed pool closer to the side of the house because our well is located there. (The proposed plan does reflect the well set back requirements.)

We appreciate your consideration in this important matter for our family!

Regards,

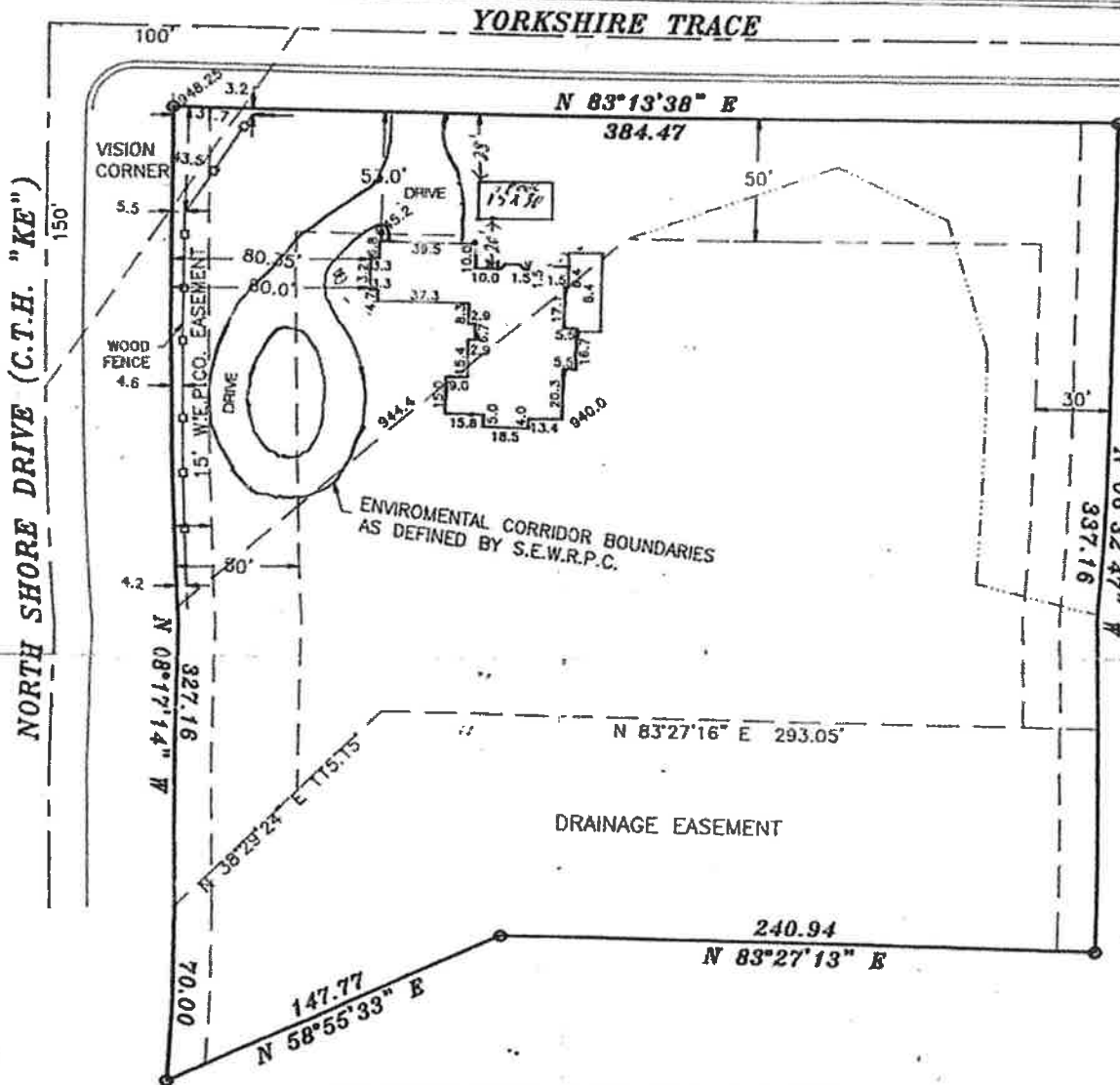
A handwritten signature in cursive script that reads "William and Catherine James". The signature is written in black ink and is positioned above the printed name.

William and Catherine James

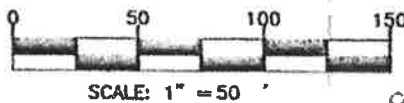
P.S. If you view our property, please note that the blue flags are for an Invisible Fence and not the location of the pool.

PLAT OF SURVEY

LOT 15 OF "YORKSHIRE HIGHLANDS" BEING A SUBDIVISION OF PART OF THE NE 1/4, NW 1/4, AND SW 1/4, OF THE NE 1/4 OF SECTION 12, T. 7 N., R. 18 E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



THE MAJORITY OF LOT 15 FALLS WITHIN ENVIRONMENTAL CORRIDOR BOUNDARIES AS DEFINED BY S.E.W.P.P.C. THEREFORE NO MORE THAN 15% OF THE LOT CAN BE DISTURBED W/ DRIVEWAYS, HOUSES SEPTIC SYSTEMS OR OTHER DISTURBANCE TO THE NATURAL ENVIRONMENT. THE BUILDABLE AREA CALCULATED FOR LOT 15 IS 19,754.85 S.F.



SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN
COUNTY OF WAUKESHA

I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE MAP HEREON 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 OWNER OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE THEREON, WITHIN ONE YEAR FROM THE DATE HEREOF, DATED THIS 30TH DAY OF SEPT., 1997

PREPARED BY:

LAND TECH ENGINEERING
510 HARTBROOK DRIVE HARTLAND, WI 53029
(414) 367-7599

PREPARED FOR:

L.C. HOMES INC.

REV. 10-10-1997
9-30-1997





Yorkshire Trace



1-12-21
Date
09
Revisions
Job Number



James Residence
W203 N2917 Yorkshire Trace
Pewaukee, WI 53072

18897 1837 Babylon, WI
Menomonee Falls, WI 53061
www.villanilandshapers.com



Preliminary Concept
Pool Landscape Plan

Dispersal
PAUL VOLKMAN
Liam M. Schaefer
Drew Kip

Tax Bill Details

VIEW THE ORIGINAL 2020 TAX BILL

Tax Key: **DELT0765015**

**2/19/2021 11:27:49 AM
WAUKESHA COUNTY
TOWN OF DELAFIELD**

Tax Year: **2020**

OWNER NAME AND MAILING ADDRESS

**WILLIAM T JAMES
CATHERINE A JAMES
W283N3917 YORKSHIRE TRCE
PEWAUKEE, WI 53072-3307**

PROPERTY ADDRESS

**W283N3917 YORKSHIRE TRCE
PEWAUKEE, WI 53072-3307**

Contact Us to Update Mailing Address

LEGAL DESCRIPTION

LOT 15 YORKSHIRE HIGHLANDS PT NE1/4 SEC 12 T7N R18E

ASSESSED VALUES

Tax Year:	2020	Exempt:	NO
Assessment Type:	FULL	Use Value Assessment:	NO
Assessment Ratio:	89.12%	Prior Taxes Due To:	

Values	Assessed	Est. Fair Market
Land	\$200,000.00	\$224,400.00
Improvement	\$605,000.00	\$678,900.00
Total	\$805,000.00	\$903,300.00

LINE ITEMS

Line Item Description	Tax Amount	Tax Rate Per \$1000 of Assessed Value
COUNTY OF WAUKESHA	\$1,807.89	2.2458322
TOWN OF DELAFIELD	\$1,058.03	1.3143274
HARTLAND LKSIDE 2460	\$3,907.34	4.8538382
ARROWHEAD U H S 2450	\$2,463.26	3.0599476
WAUKESHA TECH COLLEGE	\$317.21	0.3940459
GROSS GENERAL TAXES	\$9,553.73	11.8679913
SCHOOL TAX CREDIT	(\$1,372.03)	-1.7043831
FIRST DOLLAR CREDIT - 2450	(\$19.37)	
FIRST DOLLAR CREDIT - 2460	(\$30.73)	
LOTTERY CREDIT 2450	(\$47.47)	
LOTTERY CREDIT 2460	(\$75.30)	
NET GENERAL TAXES	\$8,008.83	10.1636082
GARBAGE / RECYCLING	\$213.00	213.0000000
TOTAL SPECIAL ASSESSMENTS	\$213.00	N/A
TOTAL TAX BILL	\$8,221.83	

2020 TAX BILL PAYMENT OPTIONS

Installments	Amount Due	Due By	Pay to Agency
Full Amount Due	\$8,221.83	1/31/2021	COUNTY
First Installment	\$4,156.83	1/31/2021	COUNTY
Second Installment	\$4,065.00	7/31/2021	COUNTY

2020 TAX YEAR TRANSACTIONS

Transaction	Effective	Paid To	Description	Tax	Interest	Penalty	Other Charges	Over Payment	Total
1/5/2021	1/5/2021	LOCAL	PAYMENT	(\$8,221.83)	\$0.00	\$0.00	\$0.00	\$0.00	(\$8,221.83)

ALL OUTSTANDING BALANCES DUE THROUGH FEBRUARY, 2021

There are no outstanding balances due.

This program accesses data from databases maintained by several County Departments and Local Municipalities. There may be inconsistencies in data depending on the date the information was gathered or the purpose for which it is maintained. Due to variances in sources and update cycles, there is no guarantee as to the accuracy of the data. For questions regarding Outstanding Taxes and Tax Payment records, contact the County Treasurer's office at (262)548-7029.

For Tax Listing and GIS Viewer related issues, please see our FAQs [click here](#). If you still have tax listing questions, contact: taxlisting@waukeshacounty.gov. If you still have GIS Viewer questions, contact: landinformation@waukeshacounty.gov.

The following browsers are supported:  This page run 2/19/2021 11:27:49 AM.



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Christie Dionisopoulos
Steve Michels
Clerk/Treasurer
Dan Green

TOWN OF DELAFIELD NOTICE OF PUBLIC HEARING

William and Catherine James, W283N3917 Yorkshire Trace., Pewaukee, WI 53072, has petitioned the Town of Delafield Board of Appeals to consider a request for variance from Section 17.04 5. H. A-2 RURAL HOME DISTRICT, 3. BUILDING LOCATION, b. setback of the Town Zoning Code which requires "50 feet minimum for all other buildings or structures." The request is to construct a 2,320 square foot swimming pool and patio 28 feet from the northerly side lot line of the parcel DELT0765.015. The amount of variance requested is 22 feet.

The request for variance is for the property known as Tax Parcel DELT0765.015. The property is zoned A-2 Rural Home District.

The public hearing on this request is scheduled for Thursday, March 25, 2021 at 6:30 p.m., at the Delafield Town Hall, W302 N1254 Maple Avenue, Delafield, WI 53018. At that time public comment will be accepted. The complete file can be viewed at the Town Hall during regular office hours: Monday through Friday between 8:00 am and 4:00 pm.

All interested parties will be heard.

Dan Green
Administrator, Clerk, Treasurer

Waukesha Freeman: Please run this notice in a column on 3/6/21 & 3/13/21.



LAND INFORMATION SYSTEMS DIVISION

Waukesha County GIS Map



Legend

- Municipal Boundary_2K
- FacilitySites_2K_Labels
- Lots_2K
- Lot
- Unit
- General Common Element
- Outlot
- SimultaneousConveyance
- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline_2K
- <all other values>
- EA-Easement_Line
- PL-DA
- PL-Extended_Tie_line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line
- Road Centerlines_2K
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_Labels
- Waterlines_2K_Labels

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

0 122.59 Feet

Notes:

Printed: 2/23/2021





- Legend**
- Municipal Boundary_2K
 - FacilitySites_2K_Labels
 - Lots_2K
 - Lot
 - Unit
 - General Common Element
 - Outlot
 - SimultaneousConveyance
 - Assessor Plat
 - CSM
 - Condominium
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 - Waterlines_2K_Labels

0 122.59 Feet

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Notes:

Printed: 2/23/2021



APPLICATION FOR VARIANCE/APPEAL

Address of property for which variance is requested: N47 W29111 County Road JK

Tax Key Number: DELT 0725-13

Owner Information:

Applicant Information:

Roland Niemetschek
Name

Same as owner
Name

N47 W29111 County Road JK
Hartland, WI 53029
Address

Address

262-227-1876
Phone Number

Phone Number

Rolniet@gmail.com
E-mail

E-mail

Length of Ownership: 36 years

Choose One: Variance Appeal of Code Interpretation

Previous Appeal Date (if applicable): _____

Waukesha County Shoreland Jurisdiction (1000' of Lake or 300' of Stream): Yes No

Estimated Contractor Cost of Project: \$15,000.00

REQUIRED SUBMITTAL INFORMATION:

- Completed Application
- Survey/Plot to include the following:
 - a. Existing structures.
 - b. Proposed structures.
 - c. Location and dimension of buildings on adjacent properties.

Note: All structures shown shall include dimensions, elevations and distance to lot lines.
- Detailed plans of proposed construction, including floor plan and elevation views. Please include a **written** description of the proposed construction.
- Copy of most recent Tax Bill.
- Explanation, **in writing**, as to what **hardship or practical difficulty** the code is causing.

Note: - Cost of project or financial reasons are not considered a hardship
 - Self-induced hardships are not considered a reason for granting a variance
 - Unnecessary hardships must relate to a unique condition affecting owner's land.
 - Granting of a variance due to hardship may not be contrary to public interest
- Eight (8) copies of all documents (preferred size to be no greater than 11" x 17")
- \$415.00 Fee

Roland Niemetschek
Signature of Applicant

3-11-21
Date

PROPERTY INFORMATION:

Item	Existing	Proposed	For Office Use Only	
Zoning	A-2		<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Present Use of Property			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Lot Size	3 acres		<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Lot Width	200'		<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Setback (Road Right-of-Way)	50'		<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Left Side)	30'		<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Right Side)	30'		<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Rear)			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Setback (Lakeshore)			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Offset (Wetland/Floodplain)			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Open Space			<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming

STRUCTURE INFORMATION:

Existing Structures					For Office Use Only	
	Type	Floor Area	Base Height	Overall Height		
1.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
2.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
3.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
Proposed Structures						
	Type	Floor Area	Base Height	Overall Height		
1.	Garage	480	9'-6"	20'-9"	<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
2.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming
3.					<input type="checkbox"/> Conforming	<input type="checkbox"/> Non-Conforming

VARIANCES REQUESTED:

From Section No. (Be Specific)	Amount of Variance	Description
17-04 5-H-3, b.	20ft	Reducing side offset from 30 to 10 feet.

TOWN OF DELAFIELD
PROFESSIONAL STAFF/FEES CHARGE BACK ACKNOWLEDGEMENT

PLEASE BE ADVISED

That pursuant to the Town of Delafield Code of Ordinances, The Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any other of the Town's professional staff results in a charge to the Town for that professional's time and services and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town. Also be advised that pursuant to the Town of Delafield code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also I have been advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are my responsibility.

Roland Niemetschek

Signature of Property Owner

3-11-21

Date

Please print:

Property Owner:

Roland Niemetschek

Owner's Address:

N47 W29111 Hwy Jk
Hartland, WI 53029

Parcel Number:

Tax key - DELT 0725-13

Property Address:

N47 W29111 Hwy Jk

Form Received by:

Date:

TO: Town of Delafield - Board of Appeals

3-11-21

FROM: Roland and Debra Niemetschek
rolniemet@gmail.com - 262-227-1876

RE: Request for variance at N47 W29111 County Road JK – Tax Key Number DELT 0725-13

Our desire is to construct a 20x24 detached garage. The property is just over 3 acres and is zoned A-2. Within that zoning, the setback for such a building is 30 feet from the side lot line. We are requesting a variance to reduce that side setback from our west lot line to 10 feet for the following reasons.

Even though the property is 3 acres in total, there is very little available building site. There is a significant hill of over 20 feet in elevation which cuts across the property at an angle that runs from southwest to northeast. This is viewable on the Waukesha County GIS site. This topography results in a buildable area of approximately only one third of an acre in the northwest corner of our lot. This was a significant restriction in the placement of the home when we built 36 years ago.

We would like to build this additional garage in the southwest corner of that buildable area. But the side setback requirement of 30 feet would make this unworkable. There is no other location on the property that would accommodate this building that could avoid the topography involved, as it falls off both to the south and the east. Hence the request for the variance.

The intent is to construct this accessory building just south of the end of our existing driveway. This would place the front of the garage at 112 feet back from the front (north) lot line, and 162 feet from the centerline of the road. The architecture and exterior finish of this garage would be compatible with our existing home.

For perspective, we had applied for and were granted a variance to 10 feet from our west lot line back in 1991, citing the same reasons. While we did not build at that time, it has always been our intent to do so. Currently we have a 2 car garage and given that many of the surrounding properties have 3 car garages, we feel this would be in keeping with that trend.

Thank you for your consideration.

Roland Niemetschek

RON N. [REDACTED]

TOWN OF DELAFIELD
WAUKESHA COUNTY, WI

FINDINGS OF FACT, DECISION
AND ORDER OF ZONING BOARD
OF APPEALS OF THE TOWN OF
DELAFIELD, WAUKESHA COUNTY
WISCONSIN

CASE NO. 91-006
FILED May 15, 1991
HEARING HELD MAY 8, 1991, AT 8:02 P.M.

The hearing was held at the Town Hall by the Town of Delafield Board of Appeals. Present for the Town of Delafield Appeals Board were:

A. Haubner, E. G. Porter, H. Stenborg, L. Williams,
R. Thomas, Chairman

FINDINGS OF FACT

The Board of Zoning Appeals of the Town of Delafield, having heard all of the testimony and considered the entire record herein, makes the following findings of fact:

1. By noticed petition, presentation of information, and by testimony,

Mr. Roland S. Niemetschek
N27 W29111 Hwy JK
Hartland, WI 53029

appeared to request variance from Sections 17.29(2)(b) Offset from the west lot line to build a 16' x 16', 256 sq. ft. accessory building for storage of lawn and garden equipment.

2. The property is described as Lot 13 of Delafield Estates North, Tax Key No. DELT 725 013, a redivision of Parcel 1 of Certified Survey Map No. 3402, and unplatted lands in the Northeast 1/4 of Section 2, T7N R18E. The property is in an A-2 zoning district (Rural Home District). The petitioner states that this property has a septic system and private well. The lot measures 210' wide and 600' deep, for a total of 130,000 sq. ft. of area.

3. Survey was done on September 6, 1983, by M. W. Buechl, S-1106.

4. The petitioner proposed to construct a 16' x 16' accessory building 10' from the west lot line of the property, where 30' is the minimum allowed by code. He wishes to store garden tools, mower, lawn furniture, bicycles, etc. No automobiles will be housed in this building. No business will be conducted in this building.

5. The cost of said project is estimated at \$1,500.00.

6. A neighbor,

Mr. Geoffrey Young
N47 W29251 Hwy JK
Hartland, WI 53029

appeared in opposition to the building site, not the erection of the building, and proposed building it on the east side of the petitioner's lot, where it would be out of Mr. Young's sight.

The proposed positioning of the building would be 10' from his and Mr. Niemetschek's common lot line.

The alternative leech bed site for the septic system is in the area where Mr. Young has proposed the building be and thus is not a good alternative.

7. The meeting adjourned at 8:50 P.M.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, and after questioning and deliberation, the Board of Appeals on the motion of L. Williams, seconded by H. Stenborg, moved to approve the variance as requested on the site the petitioner has requested, that is 10' from his west lot line and 125' from the center line of the road.

DECISION

On the basis of such findings of fact, and the record made herein, the Board of Appeals of the Town of Delafield determines:

VARIANCE. The variance, as described herein, is hereby granted. A. Haubner - against. L. Williams, G. Porter, H. Stenborg, and R. Thomas - in favor.

A. A literal enforcement of the terms of the Town of Delafield Zoning Ordinance will result in practical difficulty or unnecessary hardship to the petitioner because:

1. The terrain is such that this is the only practical place to erect the accessory building. The terrain has a severe drop-off across the entire property in back of the dwelling.

2. He desires to save a good number of mature oak trees.

3. The building would be at the end of the existing driveway with convenient access.

B. The variance will not be contrary to the public interest, and will be in accord with the spirit of the zoning ordinance because it will improve the appearance and neatness of the neighborhood.

C. The variance will cause substantial justice to be done because the neighbors will not be adversely affected and the building exterior will be compatible with the decor of the dwelling.

D. The variance will not adversely affect public safety or jeopardize public welfare because shrubs will be planted to hide the building at the lot line.

Time, if stayed by order of court or operation of law, shall not be counted to determine time for exercise of privileges granted.

ORDER

The petitioner, Mr. Roland S. Niemetschek, N27 W29111 Hwy JK, Hartland, WI 53029, is ordered to meet the conditions of the variances stated herein.

This order may be revoked by the Board of Appeals after notice and opportunity to be heard if any of the conditions or limitations imposed upon the granting of this variance are violated.

The privileges granted by this decision and order must be exercised within 6 months of the date of filing hereof by the petitioner for the property affected, by obtaining a building permit for the proposed accessory building.

DELAFIELD BOARD OF APPEALS

Date: *May 23, 1991*

Signed:

Robert G. Thomas
Robert G. Thomas, Chairman

Filed: *May 10, 1991*

Attest:

Helen L. Stenborg
Helen L. Stenborg,
Acting Secretary

(Review of this decision may be obtained by filing a petition for a writ of certiorari in any court of record in Waukesha County within 30 days after the date of filing shown above.)

TOWN OF DELAFIELD
WAUKESHA COUNTY

Fee \$ 25.00

4370

Building Permit

Valuation _____

Delafield, Wis., JULY 27, 1991

Permission is hereby granted ROLAND S NIEMETSCHER
(Owner)

to erect a ACCESSORY BUILDING
(Description)

16 feet front, by 16 feet deep feet high

on Lot No. 13, Block No. _____, Section NE 2, Highway DELAFIELD ESTATES NORTH

Known as No. N37 W3911 HWY JK
(Street)

This permit is granted upon the express condition that said owner agrees to faithfully comply with the rules and regulations established, or which may hereafter be established, covering the construction, heating, lighting, ventilation, drainage and water service of buildings; that said building should be located and built in strict accordance with description, plans, and plats, submitted to and approved by Building Inspector, and shall conform in all respects to the Ordinances of the Town of Delafield regulating the construction of buildings.

This permit may be revoked at any time upon violation of any of the provisions of said ordinance.

[Signature] Contractor [Signature] Building Inspector

PRINTED PRODUCTS - 958-2500

Setback from base setback line _____ sq. ft., acres

Offsets: Left _____ ft. Right _____ ft. Side _____ ft. Rear _____ ft.

- A plot survey, drawn to a reasonable scale, properly dimensional, and showing the following, is attached.
- (1) Boundaries and dimensions of the property.
- (2) Location of the center line of any abutting streets.
- (3) The high water line of any abutting street or lake.
- (4) Location and dimensions of all existing and proposed buildings on the property, and the setback of all existing buildings within 500 ft. of any proposed building.
- (5) Floor elevation of any proposed buildings in relation to:
 - (a) Any abutting streets
 - (b) Any abutting stream or lake

SEWAGE DISPOSAL

- Plan of proposed sewage disposal system is attached.
- Certified results of percolation tests are attached.
- Sanitary Permit No. _____

WATER SUPPLY

Type of Well _____

The undersigned states that the foregoing information is true and accurate to the best of his or her knowledge: It is hereby agreed that for and in consideration of the issuance of a building and zoning permit that the foregoing work will be carried out as defined in this application; that all applicable ordinances or codes of the state, county and town will be complied with in carrying out the proposed work stated on the application; that the work will not commence before a building permit has been obtained; and the building inspector will be notified before the building is occupied in order that an occupancy permit can be issued.

(Date) _____

(Signature of Applicant) _____

Fee _____

Bond _____

Total _____

Received By: _____

(Building Inspector)

Reinspection Fee \$10.00

- Application Approved
- Application is not approved because it does not comply with following provisions of the Town of Delafield Zoning Ordinance.

TOWN OF DELAFIELD — BUILDING INSPECTION

Application for Building & Zoning Permit

Permit No. 4376

TAX KEY NO. _____

NAME OF PETITIONER _____ ADDRESS _____

NAME OF OWNER HOWARD NIEMITZSCHER ADDRESS _____ Phone No. _____

ADDRESS OF PREMISES N. 7 W. 3TH 1148 JK ZONING CLASSIFICATION A-2 Phone No. _____

LEGAL DESCRIPTION OF PROPERTY:

Lot 12 Section 14 E 1/4 Sub, d. DELAFIELD 132422

- Application is hereby made for a building & zoning permit for the following use:
- Single family house w/att. garage of _____ sq. ft.
 - Garage
 - Remodeling
 - Addition To House
 - Deck: Open - Enclosed
 - Swimming Pool
- STORAGE BUILDING*

DESCRIPTION OF BUILDING OR STRUCTURE:

Width 11 ft., Depth 14 ft., Height _____ ft., _____ Stories

AREA: 1st Floor _____ sq. ft., Basement _____ sq. ft., Total _____ sq. ft.

2nd. floor _____ sq. ft.

TYPE OF CONSTRUCTION _____ APPROX. COST \$ 1500.00

Copy of plans & specifications clearly and accurately drawn on substantial paper or cloth are attached.

LOT SIZE AND LOCATION OF BUILDING:

Lot Width 10 ft., Lot Depth 600 ft., Lot Area _____ sq. ft., acres _____

Setback from base setback line 11.5 ft.

Offsets: ^{Left} Side _____ ft. ^{Right} Side 10 ft. Rear _____ ft.

- A plot survey, drawn to a reasonable scale, properly dimensional, and showing the following, is attached.
- (1) Boundaries and dimensions of the property.
 - (2) Location of the center line of any abutting streets.
 - (3) The high water line of any abutting street or lake.
 - (4) Location and dimensions of all existing and proposed buildings on the property, and the setback of all existing buildings within 500 ft. of any proposed building.
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 - (a) Any abutting streets
 - (b) Any abutting stream or lake

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- Certified results of percolation tests are attached.
- Sanitary Permit No. _____

WATER SUPPLY

Type of Well _____

The undersigned states that the foregoing information is true and accurate to the best of his or her knowledge: It is hereby agreed that for and in consideration of the issuance of a building and zoning permit that the foregoing work will be carried out as defined in this application; that all applicable ordinances or codes of the state, county and town will be complied with in carrying out the proposed work stated on the application; that the work will not commence before a building permit has been obtained; and the building inspector will be notified before the building is occupied in order that an occupancy permit can be issued.

(Date) _____

(Signature of Applicant) _____

Fee _____

Bond _____

Total _____

Received By: _____

(Building Inspector)

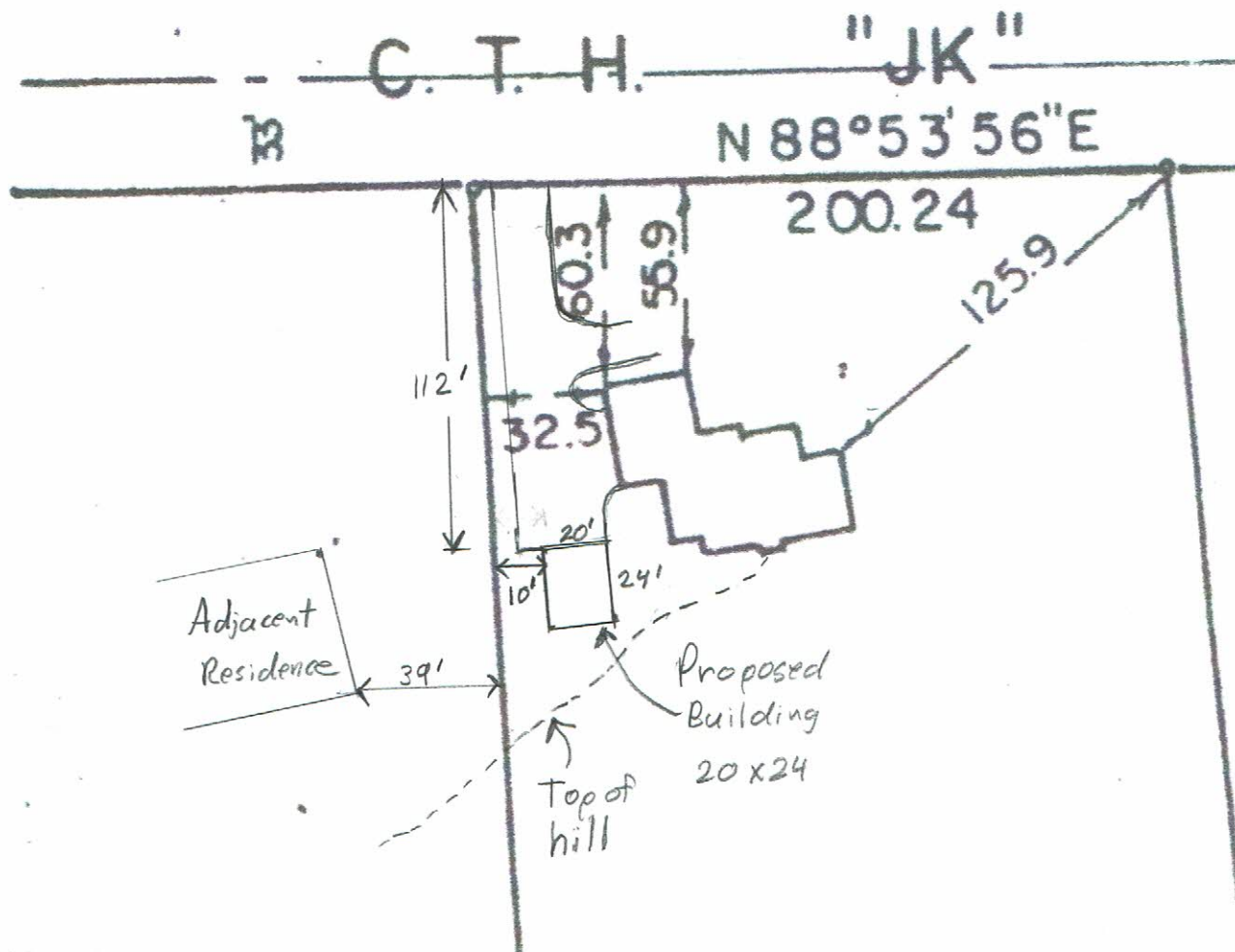
Reinspection Fee \$10.00

- Application Approved
- Application is not approved because it does not comply with following provisions of the Town of Delafield Zoning Ordinance.

Date September 6, 1983
Recertification

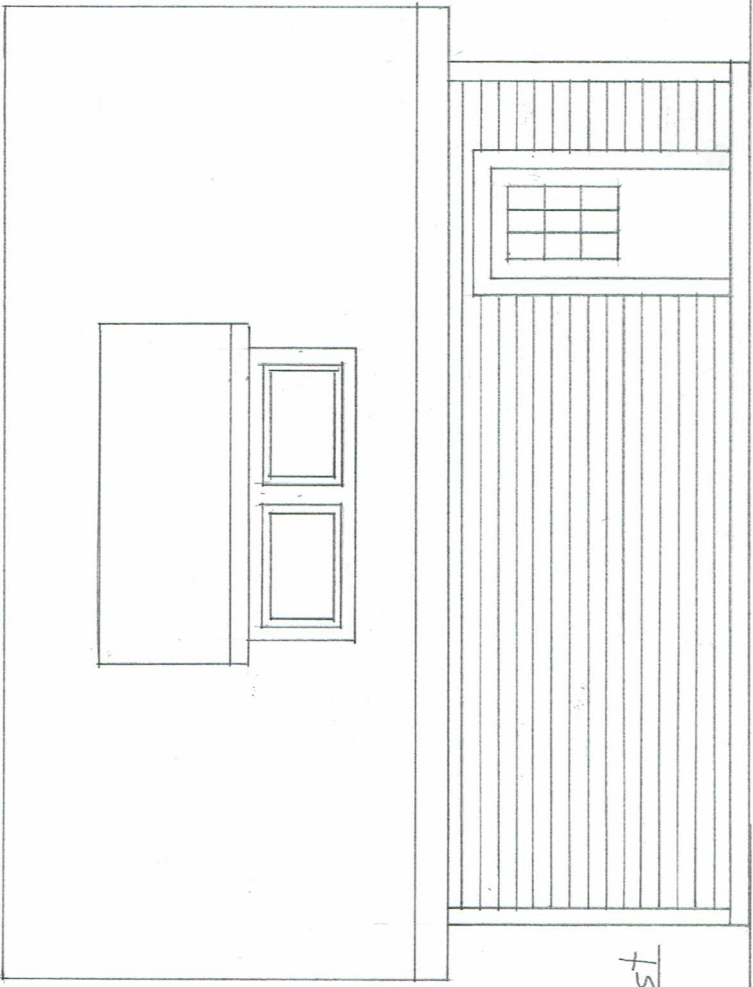
PLAT OF S

LOT 13, DELAFIELD ESTATES NORTH, being a red
Map No. 3464, Parcels 2 and 3 of Certified S
all in the Northeast 1/4 of Section 2, Townsh
of Delafield, Waukesha County, Wisconsin.

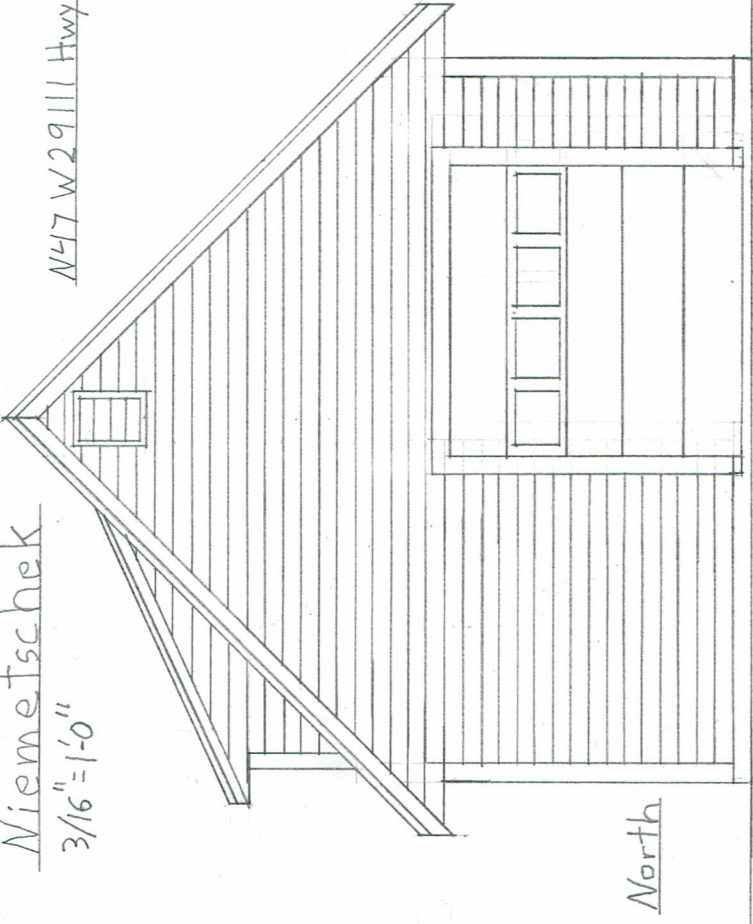


Niemietschek
3/16" = 1'-0"

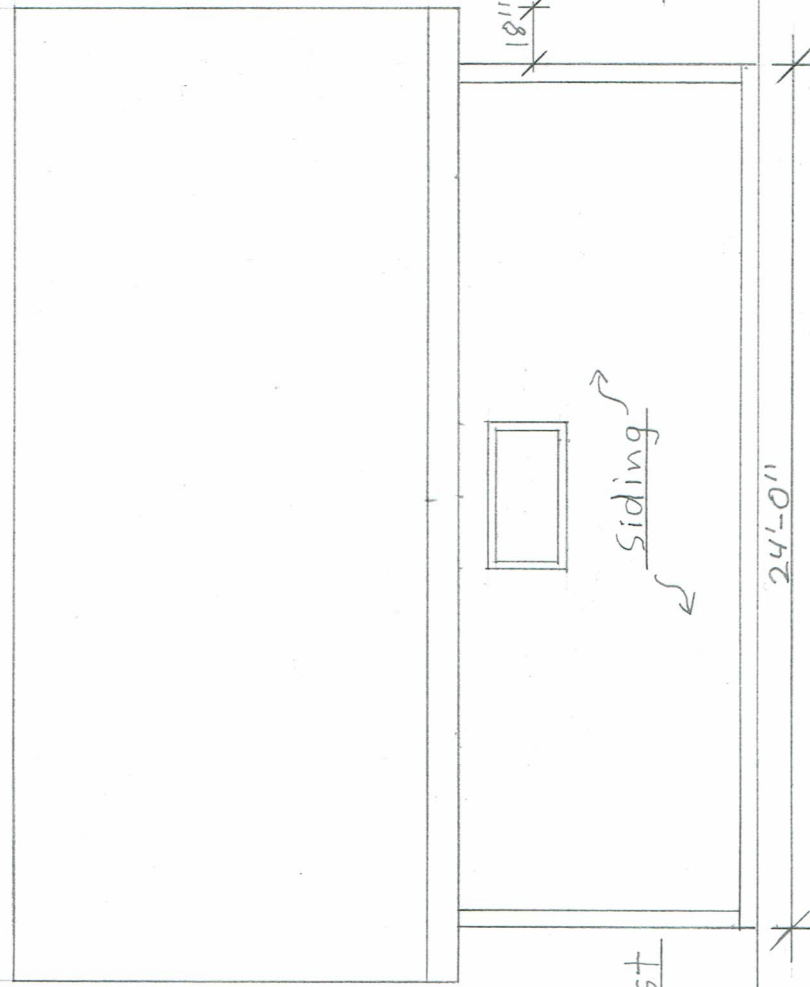
N47 W29111 Hwy JK



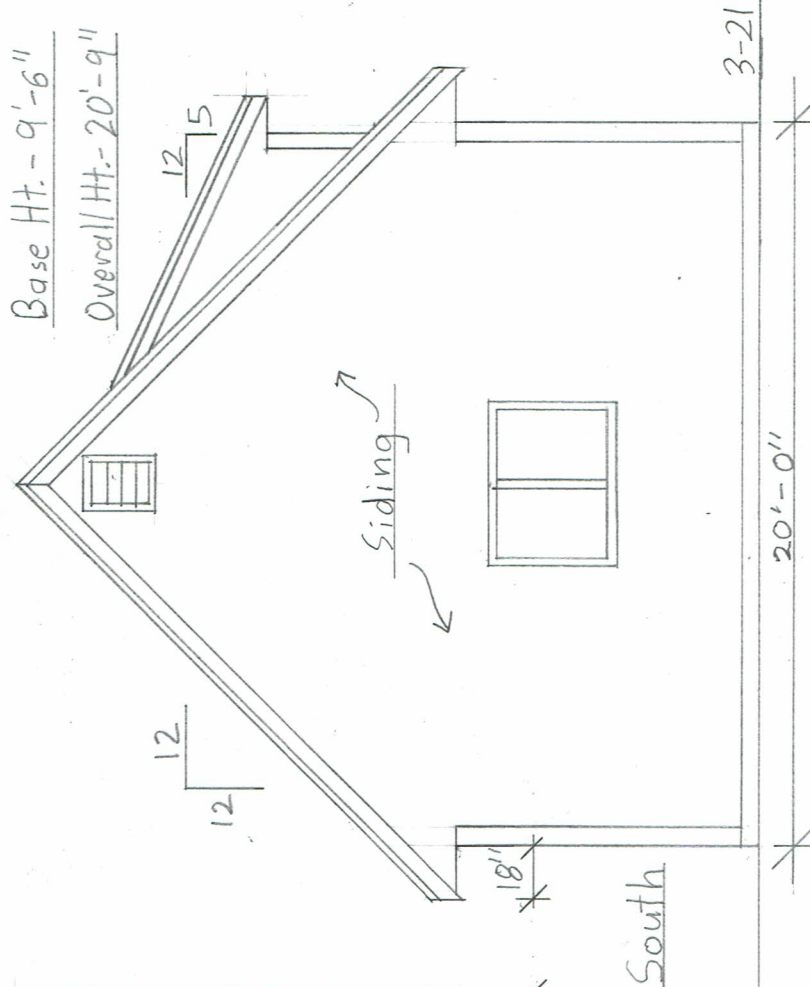
East



North



West



South

Base Ht. - 9'-6"

Overall Ht. - 20'-9"

12
12

12
15

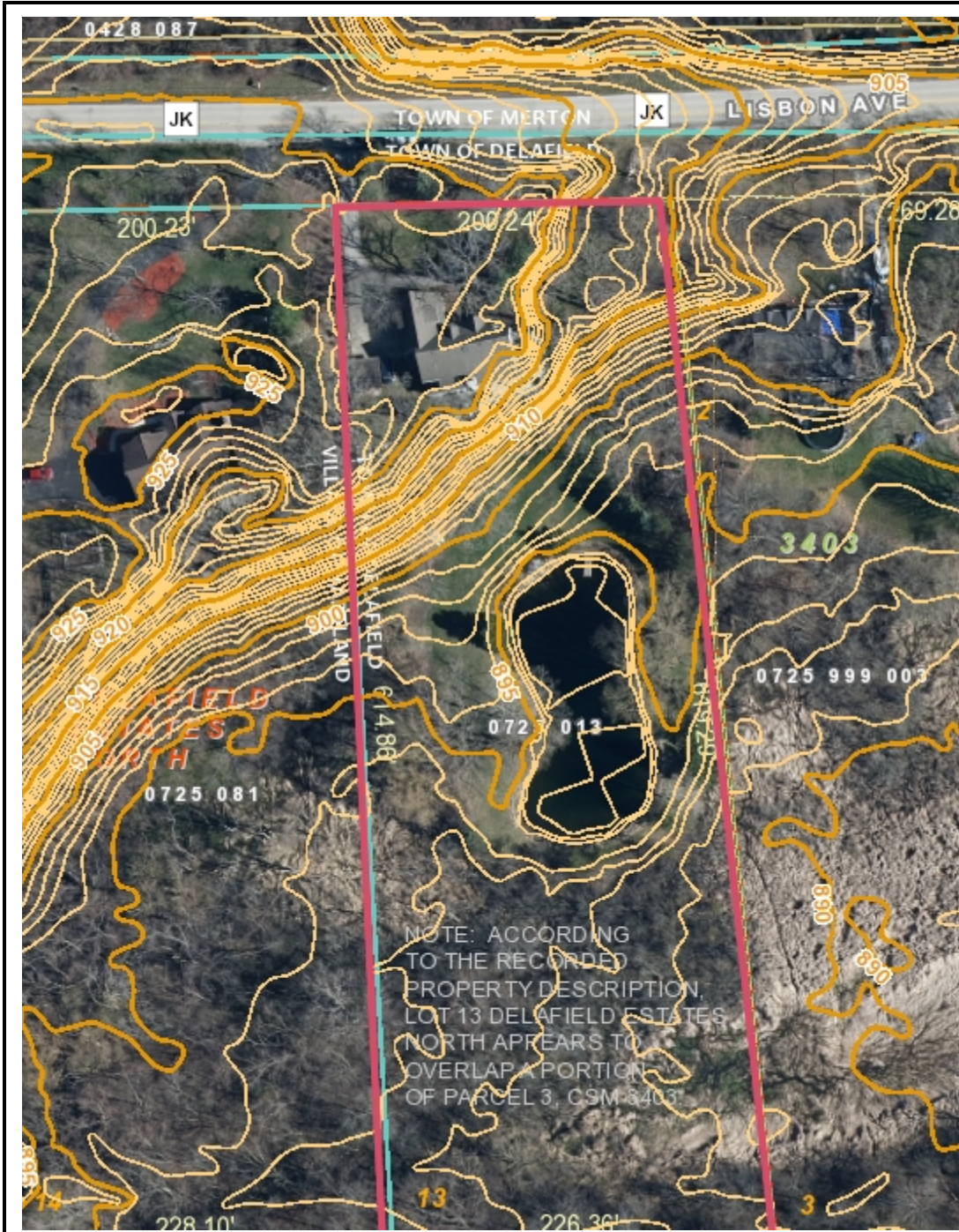
Siding

Siding

24'-0"

20'-0"

3-21



Legend

- Index Contours
- Intermediate Contour
- Municipal Boundary
- FacilitySites_2K_L
- Lots_2K
 - Lot
 - Unit
 - General Common
 - Outlot
- SimultaneousConv
 - Assessor Plat
 - CSM
 - Condominium
 - Subdivision
- Cartoline_2K
 - <all other values>
 - EA-Easement_Line
 - PL-DA
 - PL-Extended_Tie
 - PL-Meander_Line
 - PL-Note
 - PL-Tie
 - PL-Tie_Line
- Road Centerlines_
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_
- Waterlines_2K_La

0 100.00 Feet

Notes:

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

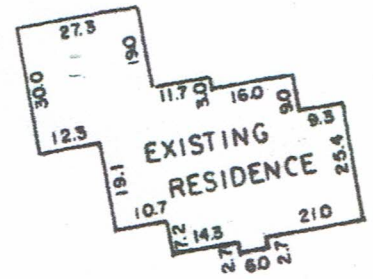
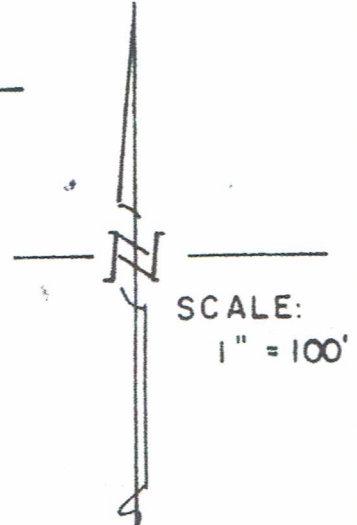
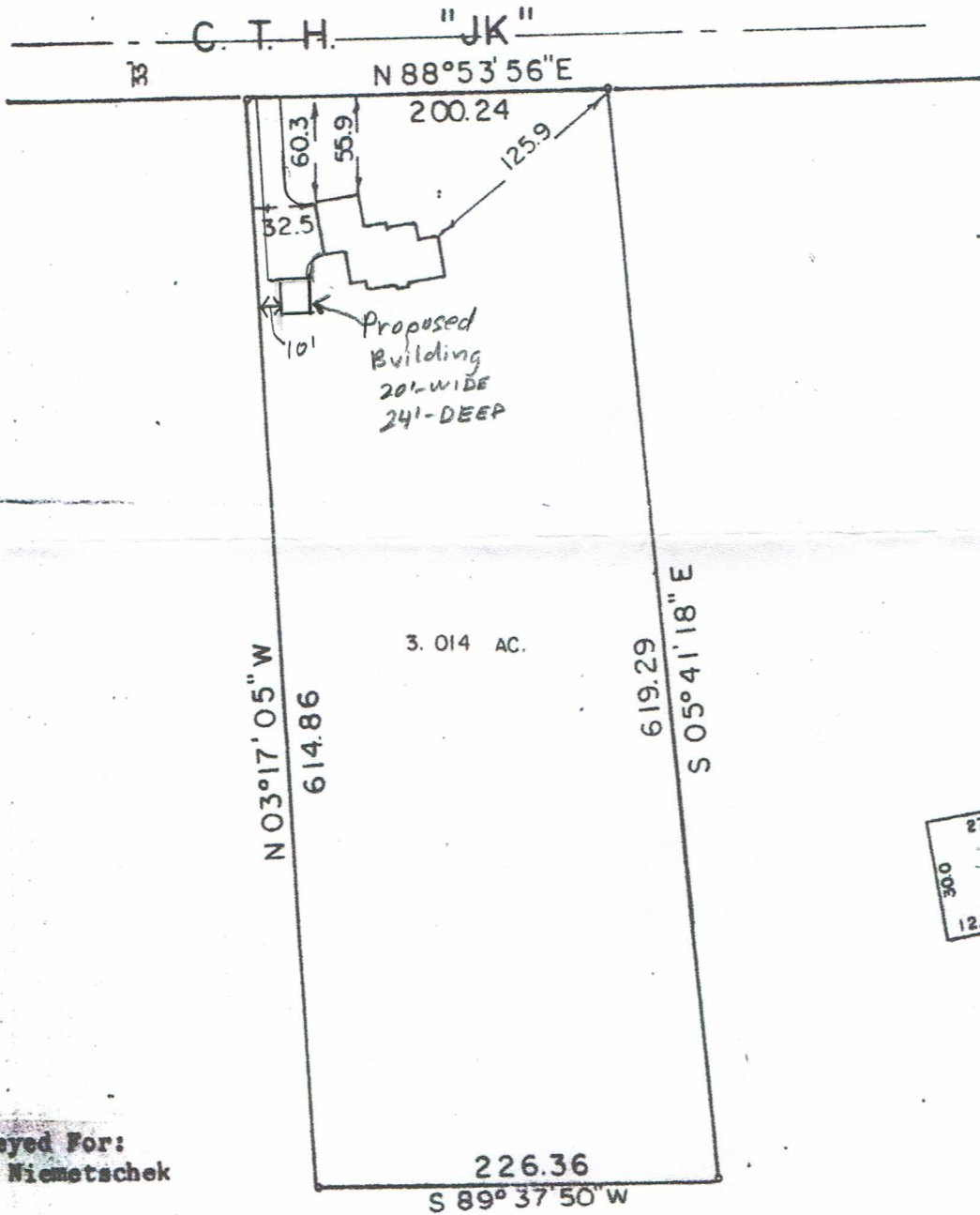


Date September 6, 1983
Recertification

PLAT OF SURVEY

Job No. DE -2028- W

LOT 13, DELAFIELD ESTATES NORTH, being a redivision of Parcel 1 of Certified Survey Map No. 3464, Parcels 2 and 3 of Certified Survey Map No. 3403, and unplatted lands all in the Northeast 1/4 of Section 2, Township 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.



BUILDING DETAIL

Surveyed For:
R. Niemetschek

I have surveyed the above described property, and the above map is a true representation thereof and





A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Christie Dionisopoulos
Steve Michels
Clerk/Treasurer
Dan Green

TOWN OF DELAFIELD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Delafield Board of Appeals on Thursday March 25, 2021, immediately following a hearing scheduled to begin at 6:30 p.m. at the Delafield Town Hall, W302 N1254 Maple Avenue, Delafield, WI 53018. The purpose of the hearing is to consider a request by Ronald Niemetschek, N47 W29111 CTH JK, for a variance from Section 17.04 5.H.3. b. which requires a 30-foot offset from the side lot line, in order to construct a 20 foot by 24 foot accessory structure. The requested offset is 10 feet from the side lot line resulting in a variance of 20 feet. The property is located at N47 W29111 CTH JK and is further described as Lot 13, Delafield Estates North. Tax Key No. DELT 0725-013.

For information regarding the public hearing, please contact Dan Green, Town Administrator/Clerk at (262) 646-2398.

All interested parties will be heard.

TOWN OF DELAFIELD
Nancy M. Bonniwell, Board of Appeals Chair
W302 N1254 Maple Avenue
Delafield, WI 53018

Waukesha Freeman. Please run this notice in a column on 3/12/21 and 3/19/21.



NOTE: ACCORDING TO THE RECORDED PROPERTY DESCRIPTION, LOT 13 DELAFIELD ESTATES NORTH APPEARS TO OVERLAP A PORTION OF PARCEL 9, CS#M8408.

Legend

- Municipal Boundary_2K
- Facility/Sites_2K_Labels
- Lots_2K
 - Lot
 - Unit
 - General Common Element
 - Outlot
- SimultaneousConveyance
 - Assessor Plat
 - CSM
 - Condominium
 - Subdivision
- Cartoline_2K
 - <all other values>
 - EA-Easement_Line
 - PL-DA
 - PL-Extended_Tie_Line
 - PL-Meander_Line
 - PL-Note
 - PL-Tie
 - PL-Tie_Line
- Road_Centerlines_2K
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_Labels
- Waterlines_2K_Labels

0 135.58 Feet

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Notes:

Printed: 3/9/2021





- Legend**
- Municipal Boundary_2K
 - FacilitySites_2K_Labels
 - Lots_2K
 - Lot
 - Unit
 - General Common Element
 - Outlot
 - SimultaneousConveyance
 - Assessor Plat
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 - EA-Easement_Line
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 - PL-Extended_Tie_line
 - PL-Meander_Line
 - PL-Note
 - PL-Tie
 - PL-Tie_Line
 - Road Centerlines_2K
 - Railroad_2K
 - TaxParcel_2K
 - Waterbodies_2K_Labels
 - Waterlines_2K_Labels



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Notes:
 Printed: 3/9/2021