



**TOWN OF LISBON**  
W234 N8676 Woodside Rd.  
Lisbon, WI 53089

**NOTICE  
ZONING BOARD OF APPEALS PUBLIC HEARING  
TOWN OF LISBON, WISCONSIN**

The Board of Appeals will deliberate and render decision(s) on the special exception(s) requested below. The Chairman of the Zoning Board of Appeals hereby calls a meeting to be held to consider these matters, at the **Lisbon Town Hall, W234N8676 Woodside Road at 5:00 P.M. on Monday, March 23, 2020** and should said meeting be cancelled or adjourned, the hearing will be re-noticed.

**BOA HEARING #1:**

James Gutzmann has filed with the office of the Clerk and the Zoning Board of Appeals, requesting Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to R-1 Single Family Residential District setbacks:

- Section 16(e)(1) in R-1 Zoning, offset of the Zoning Ordinance requires a minimum of 20 feet from the side lot line to the roof line of the house or accessory building;
  - Applicant is requesting a 4.6 foot variance to construct an attached garage 15.4 feet from the side lot line.

**The property is described as follows:**

**Tax Key No:** LSBT 0272.010  
**Legal Description:** LOT 10 LYNNDALE FARMS EAST PT SE1/4 SEC 32 T8N R19E  
**Property Address:** W264N4857 BAYBERRY DRIVE

The Zoning Board of Appeals in acting on variations and modifications of the Zoning Ordinance, or appeals from action taken by the Building Inspector, hears all cases at public hearings at which interested parties have a right to be heard. If it is inconvenient to appear at the hearing, file your objections by letter, containing your name and address, stating fully what the objection is and the reason for such objection. You may also email your letter of objection to Interim Town Clerk Rick Goeckner, [interimclerk@townoflisbonwi.com](mailto:interimclerk@townoflisbonwi.com)

John Gehrke, Chairman  
Zoning Board of Appeals

Publish: Lake Country Now & Northwest Now – Wednesdays, March 4 and 11, 2020



**TOWN OF LISBON**  
W234 N8676 Woodside Rd.  
Lisbon, WI 53089

**Agenda**  
**Zoning Board of Appeals Public Hearings & Regular Meeting**  
**Town of Lisbon, Town Hall**  
**Monday, March 23, 2020**  
**5:00 P.M.**

**Public Hearing** to solicit public comments on the request from James Gutzmann requesting Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to R-1 Single Family Residential District setbacks, for the property located at W264N4857 Bayberry Drive, LSBT 0272.010:

- Section 16(e)(1) in R-1 Zoning, offset of the Zoning Ordinance requires a minimum of 20 feet from the side lot line to the roof line of the house or accessory building; Applicant is requesting a 4.6 foot variance to construct an attached garage 15.4 feet from the side lot line.

**Adjourn Public Hearing.**

- 1. Call Zoning Board of Appeals to Order.**
- 2. Roll Call.**
- 3. Discussion and necessary action to approve the December 9, 2019 Zoning Board of Appeals Public Hearing and Regular Meeting minutes.**
- 4. New Business.**
  - A. Discussion and necessary action on the request from James Gutzmann requesting Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to R-1 Single Family Residential District setbacks, for for the property located at W264N4857 Bayberry Drive, LSBT 0272.010; Section 16(e)(1) in R-1 Zoning, offset of the Zoning Ordinance requires a minimum of 20 feet from the side lot line to the roof line of the house or accessory building; Applicant is requesting a 4.6 foot variance to construct an attached garage 15.4 feet from the side lot line.

**5. Adjournment.**

John Gehrke  
Chairman

Rick Goeckner, MMC  
Interim Town Clerk

Copies of the exhibits are available at the Lisbon Town Hall or on the Town's website, <http://townoflisbonwi.com/AgendaCenter> for review. All interested parties will have the opportunity to be heard at said time and place.

**NOTICE:** It is possible that members of and possibly a quorum of members 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.

**NOTE:** Please notify the Town of Lisbon 72 hours in advance if you plan to attend and will need an interpreter or assistive hearing device.

**MEMBERS:** Please notify Town Hall at 262-246-6100 if you are unable to attend the meeting.

Posted: 2020-03-16  
X Website

Clerk: RG  
X Town Hall Bulletin Boards (2)

X Sent to Newspapers

# NOT APPROVED

**Minutes of the Zoning Board of Appeals Public Hearings & Regular Meeting  
Town of Lisbon, Town Hall  
Monday, December 9, 2019  
5:00 P.M.**

A Public Hearing was held by the Town of Lisbon Zoning Board of Appeals at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 and was called to order by the Board of Appeals Chairman John Gehrke at 5:00 P.M. BOA Chairman Gehrke read the notice of public hearing as published in the Lake Country Now and Northwest Now papers, on the Town's website and on the Town Hall posting boards.

**Public Hearing to solicit public comments on the request from John Smaglik requesting Special Exceptions from the following sections of the Town of Lisbon Zoning Code, related to M-2 General Industrial District offsets, for the property located at W220N7071 Town Line Rd, LSBT 0237.981.002 for a 113' 7" foot side offset variance and a 100' 1" rear offset variance to construct a 60'x80'x16' storage building.**

**Public Hearing Comments.**

**Jerry Neumann, 7082 Town Line Road, Lannon,** stated this is a good use for the property. He explained the residents who live north of the lot built this building in 1959 and there used to be an industrial building behind it. He stated the new structure will improve the property value and give more tax money to the Town and was in favor of granting the variance.

Charlie Koch asked the applicant what type of landscaping was being used. Mr. Smaglik explained that there are trees planted on the north and the west side of the property. Chairman Gehrke asked when the last time he was on the property. Mr. Smaglik explained he doesn't make much money there and doesn't spend a lot of time at the property.

**Adjourn Public Hearing.** The public hearing was closed at 5:07 P.M.

**Call Zoning Board of Appeals to Order.**

BOA Chairman Gehrke called the Zoning Board of Appeals meeting to order at 5:07 P.M. Roll Call: Present: BOA Chairman John Gehrke, BOA Members Dennis Plotecher and Charlie Koch. Also present: Building Inspector Bryan Oelhafen and Town Clerk Dan Green.

**Discussion and necessary action to approve the October 22, 2019 Zoning Board of Appeals Public Hearing and Regular Meeting minutes.**

*Motion by BOA Member Plotecher to approve the October 22, 2019 Zoning Board of Appeals Public Hearing and Regular Meeting minutes. Seconded by BOA Chairman Gehrke. Motion carried 3-0.*

**New Business.**

**Discussion and necessary action on the request from John Smaglik, for a special exception from the following section of the Town of Lisbon Zoning Code, related to construction of a storage building for the property located at W220N7071 Town Line Road, LSBT 00237.981.002; Section 32(f)(2) in M-2 Zoning, offset of the Zoning Ordinance requires a minimum of 200 feet from a residential or agricultural zoning district where a lot abuts on a zoning district boundary line where buildings or uses are not permitted in the more restrict zoning district; applicant is requesting a 113' 7" foot side offset variance and a 100' 1" rear offset variance.**

John Smaglik stated he has been in business 26 years and has been in Lisbon for 21 years. He bought the property in 2007 and knew it would be a good value. He had a lot of dead trees he needed to remove from the property. He put a fence around it to help buffer from the neighbors. The Carlsons who border the property to the north, originally building structure in 1959. He thought this would be a good time to upgrade the building and get his business back into full swing. The intention is to revive the existing building and keep the well and hopefully the holding tank. He also wants to clean up the property and bring some of the outside storage inside. John Gehrke asked what items he would be able to bring inside that he could not now. The applicants stated he could store trucks, trailers, lawnmowers, salt and fertilizer.

Charles Koch questioned if the building was currently not in compliance with the zoning code which was correct. The new structure would also be non-conforming. He questioned if the hardship was that he wants to make the building improved for business use. The applicant explained there are no overhead doors on the building and is hard to get things inside. The block the building is built on is brittle and the roof is very old. The applicant explained he want to increase the value of the property. He also explained there are trees on the north and west lot lines to serve as a buffer. He stated it would be impossible to build anything on this lot with the M-2 code dictating a 200 foot setback. John Gehrke stated the unique property limitations makes the existing structure non-conforming and impossible to put any building on the site. He questioned what harm it would be to the public interest. He did not see any.

Dennis Plotecher questioned why the let them build the structure in 1959. The building inspector explained the zoning code was not established back then.

John Gehrke stated he walked the Bug Line trail next to the property and stated there was a roofing business that was 60 feet from the property line, similar to Mr. Smaglik's building. He explained that there are a lot of non-conforming properties in the area. Mr. Plotecher asked what could be done to make this compliant with the zoning code. The building inspector, Bryan Oelhafen, stated there is nothing you can do as this zoning district allows the type of use the applicant is using it for. He explained that most business districts have a buffer between a residential districts in which this does not.

Mr. Koch asked the applicant what equipment was on the property. Mr. Smaglik stated he had dump trucks (3-yard), tractors including some diesel engines. Mr. Koch asked if the neighbors could hear the engine noise. The applicant explained he is rarely there, but that there is a quarry across the street that has large trucks moving in and out all the time. Mr. Koch stated he thinks the addition would be good for the Town and seems like a good use of the land. John Gehrke asked if the applicant was going to have fuel tanks or flammable fertilizer stored on the property which the applicant stated he was not.

*Motion by Charlie Koch to approve the request from John Smaglik, for a special exception from the following section of the Town of Lisbon Zoning Code, related to construction of a storage building for the property located at W220N7071 Town Line Road, LSBT 00237.981.002; Section 32(f)(2) in M-2 Zoning, offset of the Zoning Ordinance requires a minimum of 200 feet from a residential or agricultural zoning district where a lot abuts on a zoning district boundary line where buildings or uses are not permitted in the more restrict zoning district; for a 113'7" side offset variance and a 100'1" rear offset variance. Seconded by Dennis Plotecher. Motion carried 3-0.*

### **Adjournment.**

*Chairman Gehrke adjourned the Monday, December 9, 2019 Board of Appeals Meeting at 5:27 PM.*

Respectfully submitted,

Dan Green CMC/WCMC  
Town Clerk



TOWN OF LISBON  
W234 N8676 Woodside Rd.  
Lisbon, WI 53089

### BOARD OF APPEALS APPLICATION

#### Property Information

W264N4857 Bayberry Dr.

Property Address

LSBT 0272 010

Tax Key/Parcel ID #

0.7774 AC.

Lot Size

R2

Current Zoning

#### Property Owner

James R. Gutzmann

Name

Company

W264N4857 Bayberry Dr.

Address

Pewaukee WI 53072

City State Zip

262-993-2791 jgutzmann@outlook.com

Phone Fax E-mail Address

#### Owner's Agent

Name

James

Company

Address

City State Zip

Phone Fax E-Mail Address

Application is being made for variance from Section \_\_\_\_\_ of the Town of Lisbon Zoning Code to permit the following: (Describe in detail the proposed construction, and why it does not comply with the Ordinance)

I would like to add an additional 1 car attached garage. The required set back is 20 feet and I need to go to a 14 foot set back. I am planning to have the roof line continue from the existing garage to the new, my goal is for the new garage to look as if it has always been there. I will be replacing the existing garage door so both match.

What special conditions exist which will cause practical difficulty or unnecessary hardship if the variance requested is not granted. The sub-division by laws do not allow detached garages. If I did a detached garage the driveway would be very long, would have to go across my front yard (which is 91.93 feet wide at the street), around the house, over both the septic tank vent and the underground power lines for my house. I also have a creek running through my back yard limiting location of the garage.

W:\Board of Appeals\BOA Application (Revised 2018-01-04).doc

Revised: 2018-01-04

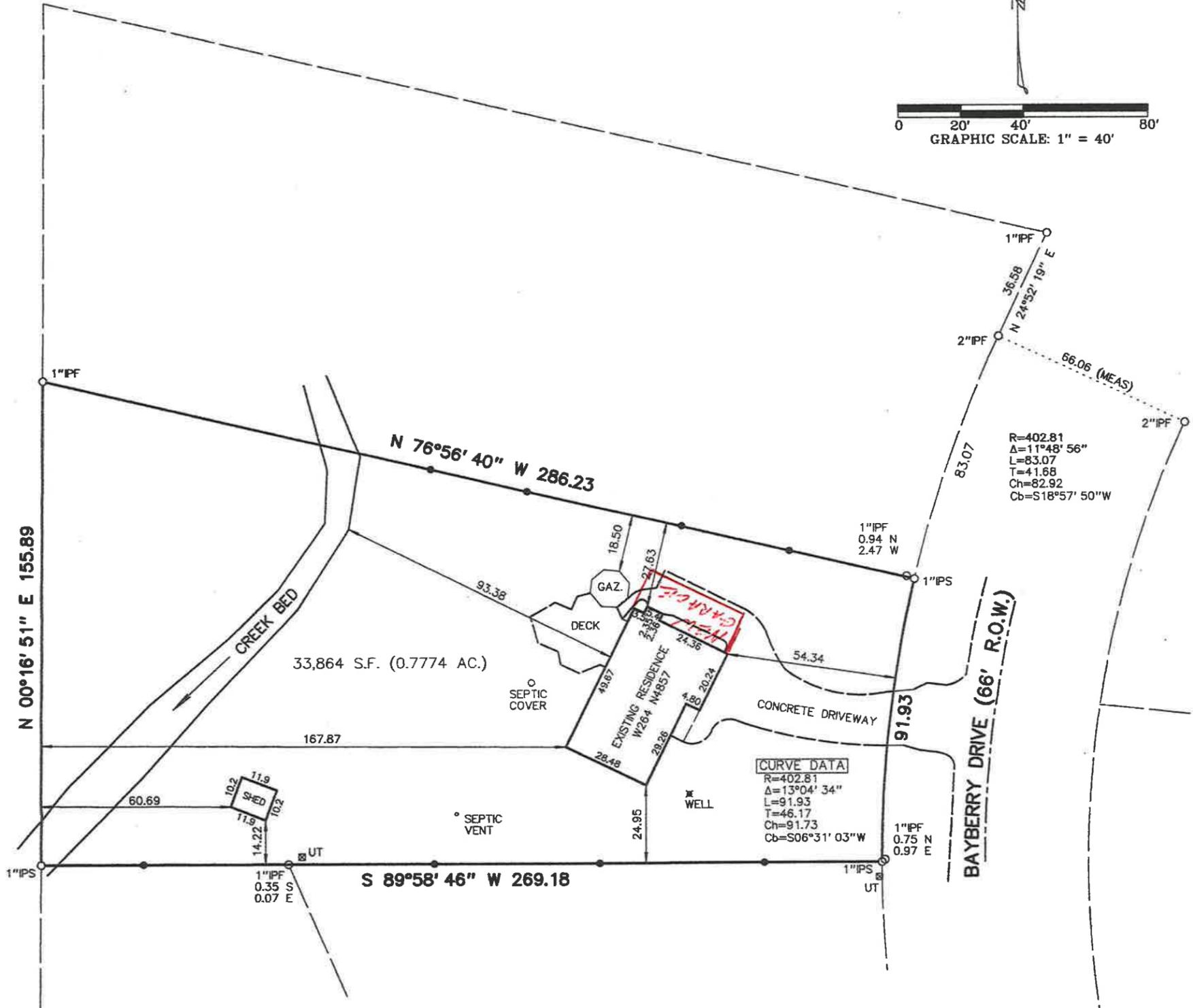
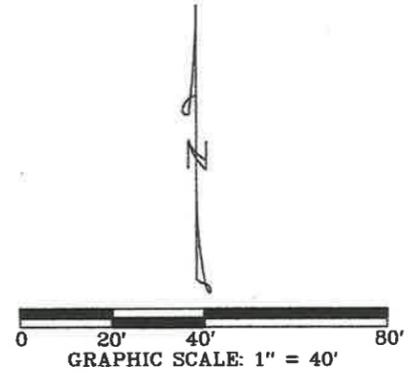


# PROPERTY SURVEY

Lot 10, in Lynndale Farms East, being a Subdivision of part of the Southeast 1/4 of Section 32, in Township 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin.

**RECEIVED**  
JAN 28 2020  
TOWN OF LISBON

Note:  
The entire property lies within the Waukesha County Shoreland Jurisdictional Boundary (R-2)



● - INDICATES NAIL PLACED ON LOT LINE

**EXISTING HARD SURFACES**

RESIDENCE: 1522 S.F.  
CONCRETE DRIVE/WALKS: 1751 S.F.  
SHED: 121 S.F.  
DECK: 498 S.F.  
GAZEBO: 116 S.F.

TOTAL: 4008 S.F.

(4008 / 33864) \* 100 = 11.835%

THE UTILITIES SHOWN IN THIS PLAT ARE AS OBSERVED IN THE FIELD. NO UNDERGROUND UTILITIES HAVE BEEN LOCATED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING EXACT LOCATIONS AND ELEVATIONS OF ALL UTILITIES FROM THE OWNERS OF THE RESPECTIVE UTILITIES. 'DIGGERS HOTLINE' SHALL BE NOTIFIED BY THE CONTRACTOR 72 HOURS PRIOR TO EXCAVATION.

As of the date of this survey no title policy was provided therefore this property survey does not guarantee the distance, size, and location of all easement, encumbrances, restrictions, or other facts that could otherwise be disclosed in a title search or a current title policy.

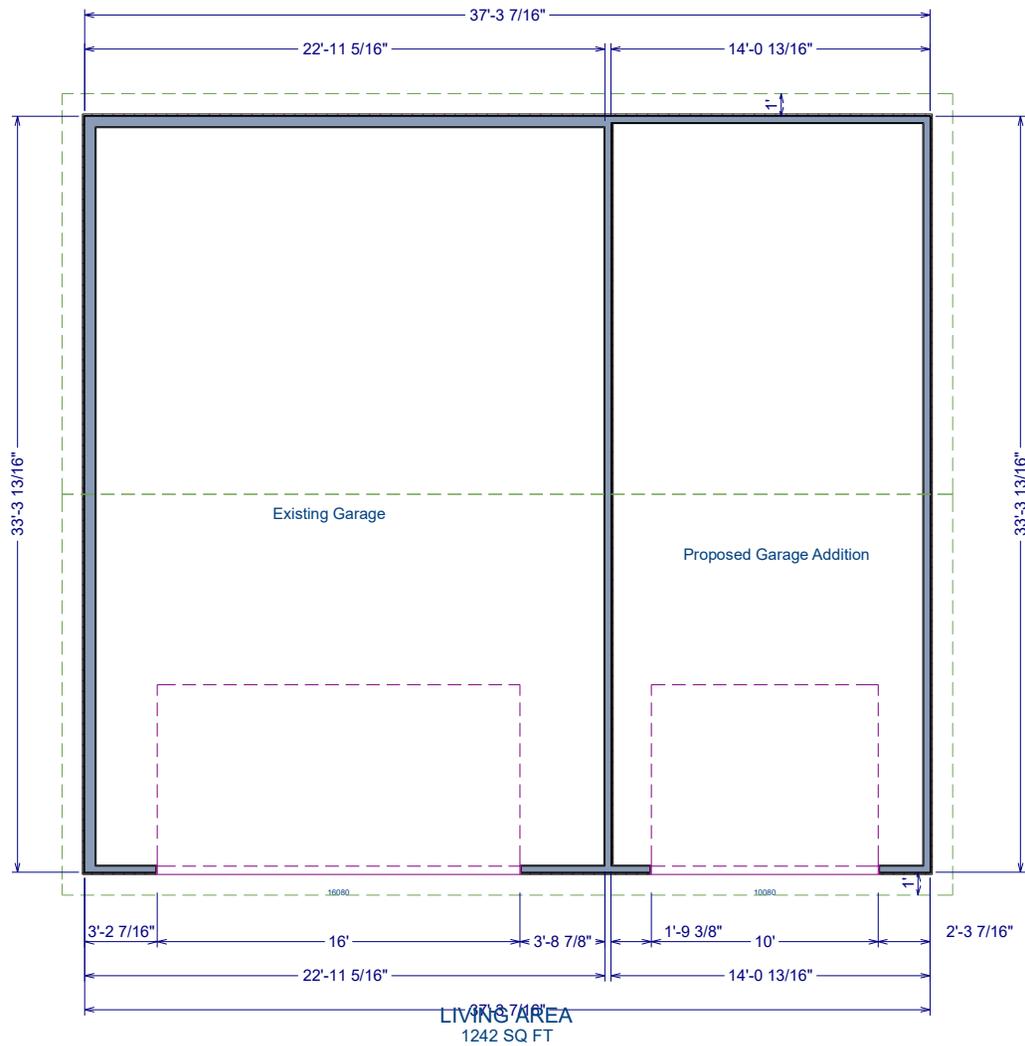
**SURVEYED BY**  
**MICHAEL W. BUECHL, INC.**  
233 OAKTON AVE.  
PEWAUKEE, WISCONSIN 53072  
PHONE  
1-262-691-4444  
mbuechl@ameritech.net

I have surveyed the above described property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements, roadways and visible encroachments. This survey is made for the exclusive use of the present owners of the property; also those who purchase, mortgage or guarantee the title thereto, within one year from date hereof, and to them I warrant the accuracy of said survey and map. Obtaining a building permit with this drawing constitutes approval of building location and any proposed elevations.

*David M. Buechl*

PROFESSIONAL LAND SURVEYOR NO. S-2590  
STATE OF WISCONSIN







### Legend

- Plats
- Retired Plats
- Municipal Boundary\_2K
- FacilitySites\_2K\_Labels
- Lots\_2K
  - Lot
  - Outlot
- SimultaneousConveyance
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartline\_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
- Municipal Boundary\_5K
- FacilitySites\_5K\_Labels
- Waterbodies\_5K\_Labels
- Waterlines\_5K\_Labels
- Railroad\_5K
- SimultaneousConveyance
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- TaxParcel\_5K

0 181.61 Feet

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.

**Notes:**

Printed: 2/24/2020

