

Town of Brookfield
645 N. Janacek Road
Brookfield, WI 53045
(P) 262-796-3788
(F) 262-796-0339



MEETING NOTICE

Meeting will be held at the
Town of Brookfield Municipal Building, Eric Gnant Room
645 N. Janacek Road, Brookfield, WI

Thursday, November 13th, 2025

Public Hearing: Zoning Board of Appeals

6:00 p.m.

AGENDA

- 1) Call to Order.
- 2) Meeting Notices.
- 3) Public hearing to consider a request made by Willhard Niess for a variance from Section 17.02(14)(g).1, Accessory Structure Use Regulations, of the Town of Brookfield Zoning Code to construct a detached garage at 21395 Greendale Drive.
- 4) Adjourn.

Zoning Board of Appeals

- 1) Call to Order.
- 2) Meeting Notices.
- 3) Approval of Board of Appeals Minutes from August 20, 2025.
- 4) New Business:
 - a. Discussion and possible action regarding a request from Willhard Niess for a variance from Section 17.02(14)(g).1, Accessory Structure Use Regulations, of the Town of Brookfield Zoning Code to construct a detached garage at 21395 Greendale Drive.
- 5) The members may adjourn into **CLOSED SESSION** according to Wis. Stat §19.85(1)(a) to deliberate their decision.
- 6) Adjourn into **OPEN SESSION** according to Wis. Stat. §19.85(2) for any necessary action resulting from Closed Session.
- 7) Adjourn.

Posted this 11th day of November, 2025
Rebekah Leto
Town Planner

TOWN OF BROOKFIELD
PUBLIC HEARING AND ZONING BOARD OF APPEALS MINUTES
AUGUST 20, 2025

PUBLIC HEARING

The public hearing with the Zoning Board of Appeals was held on August 20, 2025 at 6:00 pm.

1) CALL TO ORDER.

Chairman Dean Pearson called the meeting to order at 6:00 p.m. with the following people present: Members Janet Gentile, John Marose and Daryl Walther. Also present was Town Planner Rebekah Leto.

2) MEETING NOTICES.

Planner Leto confirmed the meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA.

Mr. Marose made a motion to approve the agenda. Seconded by Mr. Walther.
Motion carried unanimously.

4) PUBLIC COMMENT

None.

Mr. Walther made a motion to close the public hearing at 6:03 pm. Seconded by Ms. Gentile.
Motion carried unanimously.

The regular meeting of the Zoning Board of Appeals was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER.

Chairman Pearson called the meeting to order at 6:00 p.m. with the following people present: Members Janet Gentile, John Marose and Dayne Walther. Also present was Town Planner Rebekah Leto.

2) MEETING NOTICES.

Planner Leto confirmed the meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA.

a). Mr. Walther made a motion to approve the agenda. Seconded by Mr. Marose. *Motion passed unanimously.*

4) NEW BUSINESS.

A. Discussion and possible action regarding a request from 19000 HQ LLC (MLG Capital) for a variance from the Nonconforming Premises and Structures provisions (Section 17.09) of the Town of Brookfield Zoning Code to construct an addition to the existing building at 19000 W. Bluemound Road.

Planner Leto gave an overview of the request and discussed the site. The Board discussed the existing site and the nonconforming building and identified how it is not getting any more nonconforming with the proposed addition. The Board noted that there did not appear to be any adverse impacts to the property or adjoining properties.

Mr. Marose made a motion to approve the request for a variance for the reasons stated within the staff report. Mr. Walther seconded.

Motion passed unanimously.

A) ADJOURN.

Motion by Mr. Marose to adjourn at 6:12 p.m.

Seconded by Mr. Walther

Motion Passed Unanimously.

Respectfully submitted,
Rebekah Leto
Town Planner

DRAFT



TOWN OF BROOKFIELD ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Rebekah Leto, AICP, Town Planner
MEETING DATE: November 12, 2025
RE: Variance Request

Property Owner: Willhard and Irmgard Niess
Address: 21395 Greendale Dr.
Location: Located in part of the SE ¼ of the NW ¼ of Section 31
Zoning: Rs-4 Single Family Residential District
Request: Variance from Section 17.02(14)(g).1 of the Zoning Code to exceed the maximum floor area permitted on a property.

Lot Configuration:

	Lot Width	Lot Depth	Lot Size
Existing	100 ft.	435.6 ft.	43,812 sq. ft. (1.0058 acres)
Required	90 ft.	n/a	15,000 sq. ft.

Previous Board of Appeals Action on the Subject Property:

None.

Pending Actions:

The property owner is currently working to bring his property into compliance with the Town Property Maintenance Code due to the outside storage of materials, a boat and an inoperable vehicle.

Proposal and Staff Analysis

The subject property is one acre and is located south of USH 18, in the southwest portion of the town. The property is long and narrow. All improvements are located on the north side of the property and include a single family residence and a 20 ft. x 22 ft. (440 sq. ft.) detached garage. The 1929 residence is unique in that it was moved from Barker Road in the 1950s to its current location. In a 1963 aerial photograph, the properties around the subject property have been developed with attached garages. The subject property appears to be the only property with a detached garage and without an attached garage.

The petitioner is proposing to construct a 609 sq. ft. (21 ft. x 29 ft.) accessory building in the rear (south) portion of the property. The purpose is for the storage of equipment incidental to the principal

use of the property (residential), such as, but not limited to, garden equipment, lawn furniture, power equipment, a trailer. A conceptual site plan and building plans are enclosed.

The existing, proposed and required zoning provisions are as follows:

	Existing structures	Proposed (detached garage)	Required	Variance required?
Road Setback	n/a		35 ft. min.	N
Offset (South)	n/a	15 ft.	15 ft. min.	N
Offset (East)	n/a	64 ft.	15 ft. min.	N
Offset (West)	n/a	40 ft. +/-	15 ft. min.	N
Floor Area	1,940 sq. ft. (residence + detached garage) (4.4%)	609 sq. ft. (2% of rear lot area) Total accessory building floor area (1,049 sq. ft.)	20% of rear yard (6,011 sq. ft.) or a maximum of 625 sq. ft., whichever is greater.	Y
Height	n/a	14'-8" ft.	15 ft. max.	N

It should be noted that the Town Code only permits one accessory structure per property unless a Conditional Use Permit is by granted from the Town Plan Commission and Town Board for a second accessory structure. This should not be a consideration of the Zoning Board of Appeals. However, it is relevant because without the existing detached garage, which serves as a private garage, a variance would not be necessary. The Code defines private garage as "A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families' resident upon the premises." The detached garage is located approximately seven (7) feet from the residence. There is approximately 20 ft. to each side lot line as measured from the exterior wall of the residence and detached garage. The building inspector noted that breezeways are not usually an option to connect two existing structures due to current code requirements.

Petitioners' Comments:

The petitioner's comments are enclosed.

Staff Recommendation:

Staff recommends **conditional approval** of the request for a variance from Section 17.02, Accessory Use provisions, provisions of the Town of Brookfield Zoning Code, to allow the construction of an accessory building in the rear yard subject to the following conditions. This recommendation is based upon the analysis of the tests for a variance, as described below.

Conditions

1. A Conditional Use Permit be applied for and granted by the Town Board for a second accessory building.
2. A Zoning Permit and Building Permit be obtained from the Town Development Services Division, prior to construction.
3. Adequate tree coverage shall remain on the property to shield a majority of the building from view of the neighbors.
4. The size of the building is limited to 609 sq. ft., as proposed.

Analysis

1. Unnecessary Hardship. Exists when compliance would unreasonably prevent the Owner/Petitioner from using the Property for a permitted purpose (leaving the Property Owner/Petitioner without any use that is permitted for the Property) or would render conformity with such restrictions unnecessarily burdensome. The Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the Property, and the short-term, long-term, and cumulative effects of a variance on the neighborhood, the community and on the public interests.

The existing residence was relocated to this location in the 1950s, rather than being built on site. The architecture of the house, constructed in 1929, does not lend itself to having an attached garage, nor is a breezeway feasible due to code restrictions. The surrounding subdivision were developed in the late 1950s and no other homes have a detached garage in lieu of an attached garage. The existing garage serves as a primary, private garage for the property.

The purpose of a floor area zoning restriction is to ensure that adequate open space remain on the property. This property is 43,812 sq. ft., whereas the minimum lot size in this zoning district is only 15,000 sq. ft. It would be unnecessarily burdensome to require the removal of one accessory building, that serves as the principal private garage located only seven feet from the residence, in order to construct a slightly larger accessory building over 265 ft. away, where there is an abundance of open space that would remain on the property. In addition, it is plausible that the Code envisioned accessory buildings separate from private garages, as it requires them to be located in the rear yard and limits the size based on the rear yard only. The proposed accessory building complies with the size limitations for accessory structures located in the rear yard of a property.

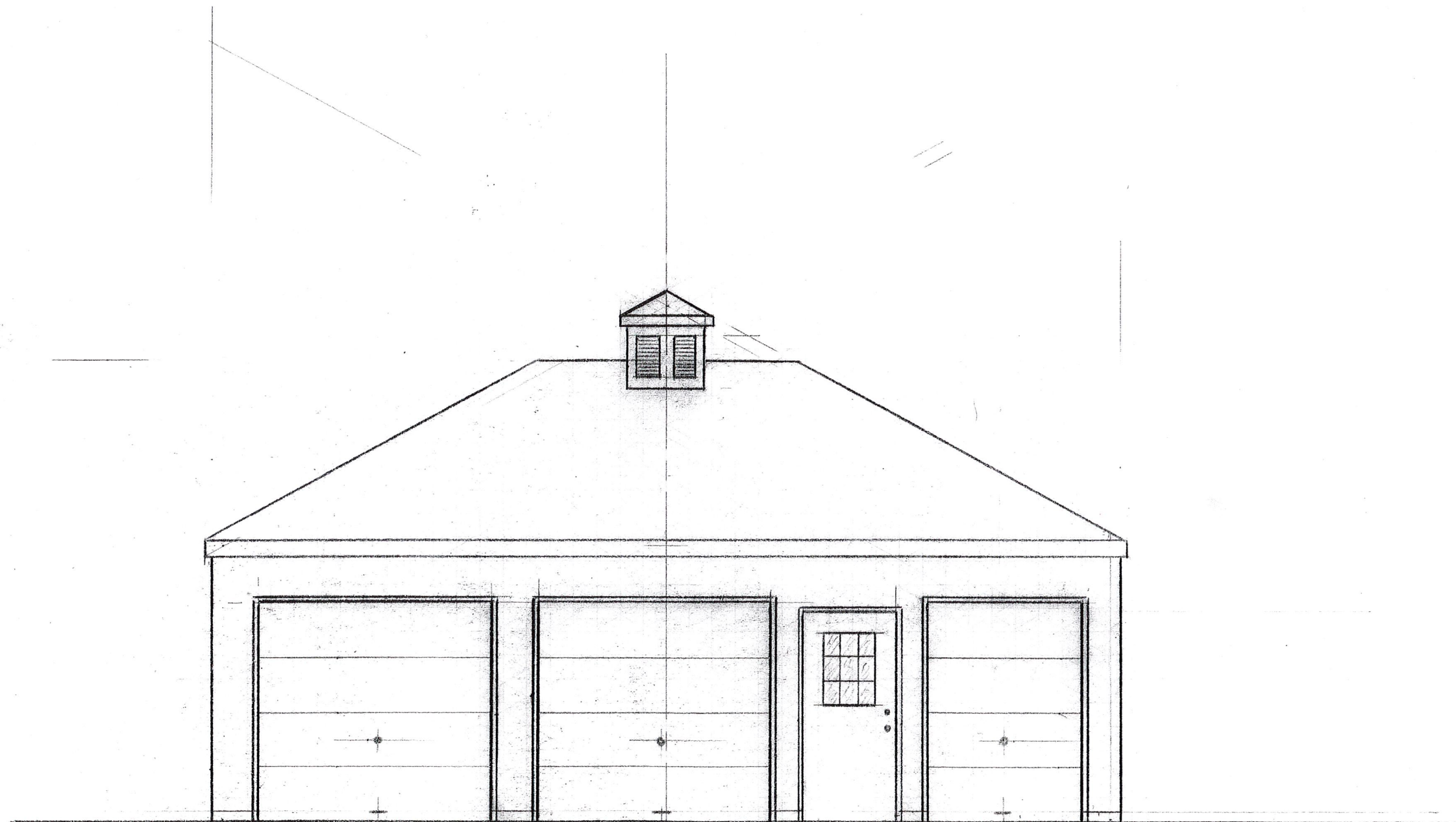
2. Unique Property Limitations. The Property contains unique limitations that create an unnecessary hardship, such as steep slopes or wetlands that prevent compliance with the ordinance. The circumstances of an Owner/Petitioner (growing family, need for a larger garage, financial concerns etc.) are not a factor. Property limitations common to other properties in the area are not unique.

The property is unique in that the house was relocated to this site in the 1950s and a detached garage was constructed at that time. The width of the property would prohibit any expansion of the existing structure(s) by more than 4 feet due to the offset requirement. The proposed garage is set in a conforming location and meets the rear-yard accessory building standards.

3. No Harm to the Public Interest. A variance may not be granted which results in harm to public interests. The Board should review the purpose of the ordinance and related statutes in order to identify public interests. The Board must consider the short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors and the community. The focus should focus be on the general public interest, rather than the narrow interests or impacts on neighbors, patrons or residents in the vicinity of the project.

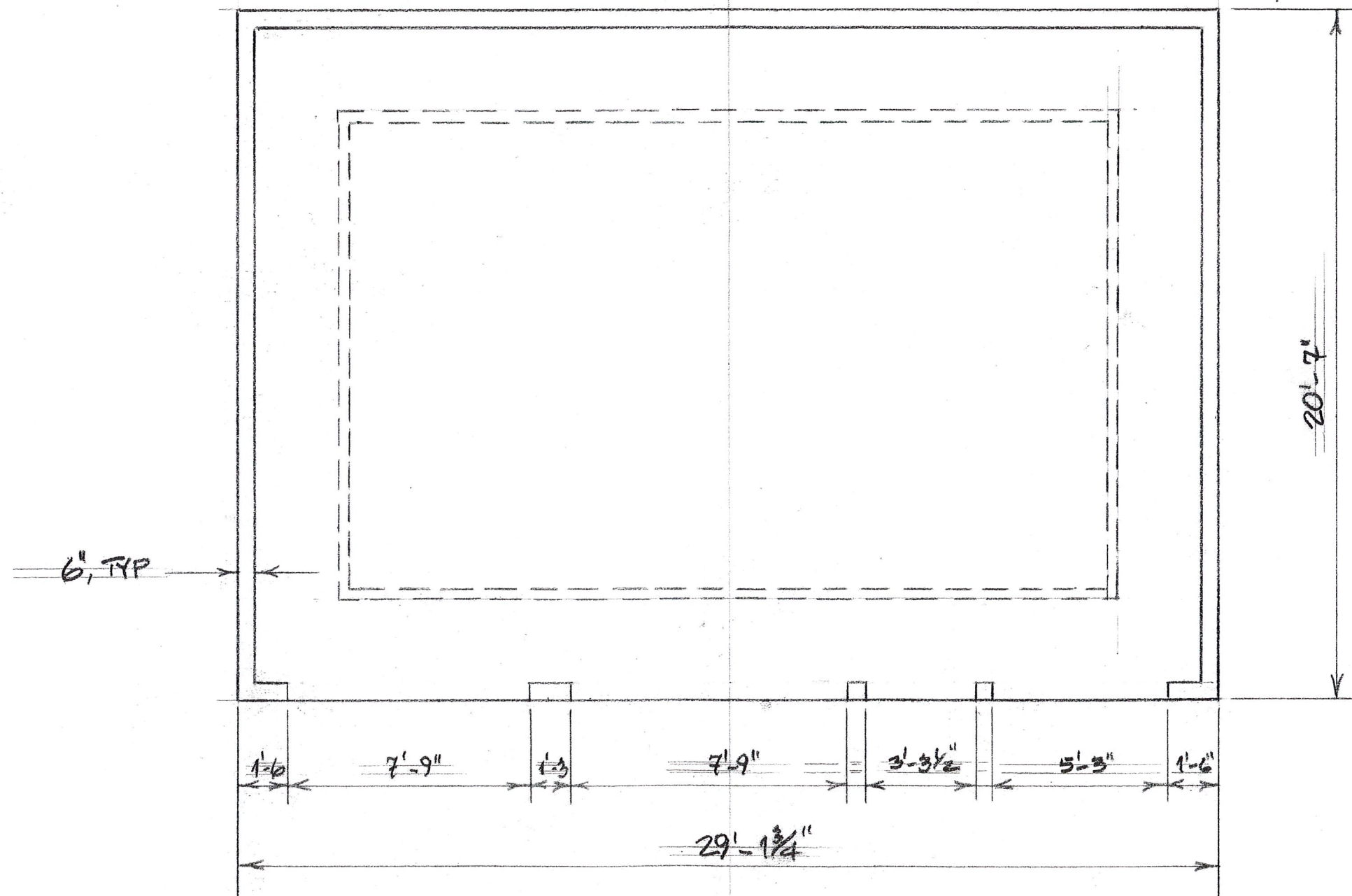
The property is flat and sufficient tree screening is present to the east, south and west. The proposed garage location also is not readily visible from the road. Given that the Code envisioned one accessory building that must be located in the rear yard per property, the proposal to construct one rear-yard accessory building should not be harmful to public interests.

Enclosures: GIS Site Plan, Building Plans, Petitioner Comments



EAST ELEVATION

$\frac{1}{4}" = 1'-0"$



FOUNDATION/FLOOR PLAN 1/4" = 1'-0"



MAP WAUKESHA county

21395 GREENDALE DR SITE MAP



Legend

- Municipal Boundary_2K
- Parcel_Dimension_2K
- Note_Text_2K
- Lots_2K
- Lot
- Unit
- General Common Element
- Outlot
- SimultaneousConveyance
- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline_2K
- EA-Easement_Line
- PL-DA
- PL-Extended_Tie_line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line
- <all other values>
- Railroad_2K

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0 100.00 Feet

Notes:

Printed: 9/2/2025

Town of Brookfield
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Email: planning@townofbrookfield.com



VARIANCES AND APPEALS TO THE TOWN OF BROOKFIELD ZONING BOARD OF APPEALS

Office Use Only: Fee Pd: (\$300) ^{\$150.-} ☒ ATF: Y ☒ N ☒ Receipt No. pd Zoning Districts RS-4
Application is hereby made for a Variance and/or Appeal from the following sections:
Section 17.02(14)(g) Accessory Use Regulations

Address of Subject Property 21395 GREENDALE DRIVE

Tax Key Number(s) BKPT 1130.983

Legal Description pt SE 1/4 Sec 31 NW 1/4 Sec 31

WILLHARD/IRMGARD NIESS 21395 GREENDALE DR WAUKESHA WI 53186 (262) 797-9657
Owner Mailing Address City State Zip Phone No.

Applicant (if different from above) Mailing Address City State Zip Phone No. ()
Email address hardyniess@yahoo.com

Describe the proposed construction/request and use in detail:

Propose construction of accessory building approx. 21' x 29' in floor area footprint for storage and maintenance of lot and property power equipment, garden furniture, recreational vehicles/equipment, trailers, etc.

Complete the following sections.

A **Variance** may be sought where a modification to an ordinance provision may be required where the literal application of the provision would result in an unnecessary hardship to a property. The request must be justified by the applicant using **ALL** of the following criteria in accordance with the Town of Brookfield Zoning Code. The applicant is responsible for justifying each variance type requested. **Attach additional sheets if necessary.**

Describe how the proposal is consistent with the purpose and intent of the District regulations in which the development is located and how the granting of a variance would not allow for a use that is otherwise not a stated permitted, accessory or conditional use of the District.

The proposed development and construction is still well below the development densities of many of the area properties where lots are half the size of this one and feature homes with attached garages and generously sized accessory structures in their rear yards.

Describe the exceptional, extraordinary or unusual circumstances or conditions that apply to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district.

*The zoning code is obviously skewed or partial to homes constructed with garages attached to the principle structure. Anyone choosing to construct with a detached garage is putting themselves at a huge disadvantage. All around the district garages are being attached to ~~new~~ existing homes or new garages are added to existing homes. **

Describe how the request being made is not due to economic hardship and/or is not a self-imposed hardship.

*If the property's included existing garage were strictly limited to designed purposes (daily harboring and storage of vehicles) all equipment and accessories needed for the convenient enjoyment of life in the town would have to be forfeited. The hardship is imposed on this property owner by the ***

Describe how the granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.

Proposed location of the new building would be tucked away near the rear lot line more than 350' from the street. That location would make the building nearly invisible except for bits and pieces at very limited locations. Benefits to the neighboring properties would be a much more neatly maintained lot w/o storing excess items in any and all nooks & crannies.

ITEMS THAT MUST ACCOMPANY ALL VARIANCES:

1. One electronic copy of an **accurate and scaled** Plat of Survey prepared by a Professional Land Surveyor showing all of the information required under S. 17.02(8) for a building permit. Building plans, grading plans, cost estimates, etc may also be required.
 2. The required filing fee, payable to the Town of Brookfield, and a Professional Reimbursement Form signed by the property owner.
- Application must be **complete** upon submittal. Once the public notice has been sent, **no changes to the request may be made**. If any changes or deviations from the original application are desired after the public notice has been sent, a new application will be required.
 - Submittal and subsequent review of this application may include a site inspection. Please advise the staff if dogs are not secured on the site and /or if dogs would be a problem during the inspection. By signing this form, the owner or his/her authorized agent is giving their consent for the Town of Brookfield or their designee to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.

ITEMS THAT MUST ACCOMPANY ALL APPEALS REGARDING ADMINISTRATIVE DECISIONS:

1. Documentation that the appeal has been made within thirty (30) days from the date of the decision of the building inspector, zoning administrator, or any administrative official.
2. Written explanation specifying the grounds of the appeal. Specific references to the staff's decision (including a copy of any written decision), applicable sections of the ordinance, and any relevant statutes and/or case law shall be included.

* Unfortunately my home was originally constructed at a time when garages were a relatively new thing and were seldom attached to a house or included in its design. At that time they were a repurposing of the horse barn and carriage shed. Consequently my home would be ill suited to a new garage addition or breezeway construction. Its architectural quality and charm would be greatly compromised and much of its historical significance would be lost forever.

** limitations of the zoning code which makes no differentiation between a detached garage and an accessory building. This forces the unfortunate property owner to store everything he/she cares about in a space the size of a two car garage eg. vehicles, lawn/yard/driveway maintenance power equipment garden furniture, bicycles, sporting equipment etc etc