



ZONING BOARD OF APPEALS MEETING AGENDA

MONDAY, MARCH 16, 2026 AT 4:00 PM

COUNCIL CHAMBERS, SECOND FLOOR, MUNICIPAL BUILDING 106 JONES STREET,
WATERTOWN, WI

1. CALL TO ORDER

2. APPROVAL OF MINUTES

A. Review and take action: Zoning Board of Appeals minutes dated August 27, 2024

3. PUBLIC HEARING

A. 1426 Stoneridge Drive – a variance to the rear yard setback requirements under §550-24F(2)(d)[5]

4. BUSINESS

A. Review and take action: 1426 Stoneridge Drive – a variance to the rear yard setback requirements under §550-24F(2)(d)[5]

5. ADJOURNMENT

Persons requiring other reasonable accommodations for any of the above meetings, may contact the office of the City Clerk at cityclerk@watertownwi.gov phone 920-262-4000

A quorum of any City of Watertown Council, Committee, Board, Commission, or other body, may be present at this meeting for observing and gathering of information only

BOARD OF ZONING APPEAL
August 27, 2024

Section 2, Item A.

The Board of Zoning Appeal met on the above date in the Council Chambers of City Hall. The following members were present: Brian Zirbes, Jim Freres, Steve Jones, Aari Roberts. Tom Johnson joined via Zoom. Also in attendance were Zack Goodrow of the Watertown Daily Times, Mike Martin, and Terry Polinsky.

1. Call to Order

Chairperson Jim Freres called the meeting to order.

2. Review and take action: Zoning Board of Appeals Minutes dated June 14, 2022

Discussion: None.

Decision: Motion was made and seconded to approve the June 14, 2022 minutes as submitted. Unanimously approved.

3. Conduct public hearing: 553 Milford Street-555 Milford Street – variance request for a 60.03 foot wide lot under Section §550-24F(2)(b)

The public hearing for Case #1-24 was called to order by Chairperson Jim Freres.

The following spoke during the public hearing:

Terry Polinsky: Was concerned about where the driveway may be.

There being no further comments, the public hearing was closed.

4. Review and take action: 553 Milford Street-555 Milford Street – variance request for a 60.03 foot wide lot under Section §550-24F(2)(b)

Mike Martin was present to describe the request. The proposal is to create two separate lots for the two existing homes at this location. Lot 1 will create a 60.03' wide lot, below the 75' lot width requirement, due to the existing placement of the homes. Lot 2 will create a lot that exceeds the 75' lot width requirement.

Discussion: The homes were originally part of the Bethesda Lutheran Homes Campus which built the homes in their current locations. The existing lot and homes were sold to a private entity with two homes on one lot. The owner of the property to the north is not interested in selling any of their property to allow for a 75' wide lot width for Lot 1. There is a driveway in the back that was partially relocated for the fire station project. The City has not yet provided an easement for the driveway to any of the properties.

Decision: Motion was made and seconded to approve the variance to create a non-conforming lot for Lot 1 with a width of 60.03'. Motion carried.

5. Adjournment

With no further items to discuss motion was made and seconded to adjourn the meeting. Unanimously approved.

Respectfully Submitted,
Brian Zirbes
Zoning Administrator

LEGAL NOTICE – CASE #1-26

Section 3, Item A.

The Zoning Board of Appeals of the City of Watertown, Wisconsin, will hold a public hearing on **March 16, 2026** at 4:00 P.M. in the Council Chambers of the Municipal Building, 106 Jones Street, Watertown. This public hearing will be to hear the appeal for Case #1-26 for the variance request of Tiarra Detert and Jacob Fisher, for a variance to the rear yard setback requirements under §550-24F(2)(d)[5]. This variance request would allow for construction of a deck within nine (9) feet of the rear lot line. 1426 Stoneridge Drive is located in the City of Watertown, Dodge County, Wisconsin, and is further described as follows:

LOT 162 GRANDVIEW HEIGHTS ADDITION NO 5. (PIN: 291-0915-3411-075)

All persons wishing to be heard are invited to be present. Written comments may be submitted to the Building Safety & Zoning Department at nzimmerman@watertownwi.gov.

CITY OF WATERTOWN
Brian Zirbes
Planning & Zoning Administrator

BZ/nmz

PUBLISH: March 2, 2026
And
March 9, 2026

(BLOCK AD)

BUILDING SAFETY & ZONING DIVISION

ZONING BOARD OF APPEALS STAFF REPORT

TO: Zoning Board of Appeals
DATE: March 16th, 2026
SUBJECT: A variance request for 1426 Stoneridge Dr.

A request by Tiarra Detert and Jacob Fisher, for a variance to the rear yard setback requirements under §550-24F(2)(d)[5]. Parcel PIN(s): 291-0915-3411-075

SITE DETAILS:

Acres: 0.30
Current Zoning: Single-Family Residential (SR-4)
Existing Land Use: Single-Family Residential
Future Land Use Designation: Single-Family Residential

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking variance approval for a reduction of the rear yard setback requirements under §550-24F(2)(d)[5] of the Zoning Ordinance. The applicant would like to construct a deck within nine (9) feet of the rear lot line. During the home's construction, the builder changed the grade of the rear yard to address erosion and surface water discharge concerns on the lot due to the existing topography and slope of the lot. This change left the rear patio door approximately 4 ft above grade rather than at-grade as originally planned. Original plans also included an at-grade concrete patio outside the patio door. The applicants are requesting to build an elevated deck in place of the at-grade concrete patio due to the grade change in the rear yard.

STAFF EVALUATION:

Variance Findings

§550-147D(3)

(3) *The Zoning Administrator shall also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the City of Watertown's Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection D(3)(a) through (f) below:*

(a) *What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:*

[1] *The hardship or difficulty shall be peculiar to the subject property and different from that of other properties and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel, unusual topography or elevation, or because the property was created before the passage of the current applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space and setback requirements are observed.*

Finding: There is a hardship in that the property (lot) as created by the previous platting of this area has slope and drainage issues that required the builder to adjust the grading plan for the property. The change to the grading plan resulted in the rear patio door to be located approximately 4ft above grade.

[2] *Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.*

Finding: Not applicable.

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060

BUILDING SAFETY & ZONING DIVISION

ZONING BOARD OF APPEALS STAFF REPORT

[3] Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property, reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way, or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.

Finding: Not applicable.

[4] Violations by or variances granted to neighboring properties shall not justify a variance.

Finding: Not applicable.

[5] The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

Finding: Not applicable.

(b) In what manner do the factors identified in Subsection D(3)(a) above prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

Finding: The proposed variance is essential to provide proper ingress and egress from the rear patio door and the functional use of the rear yard.

(c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

Finding: The proposed variance would not be of substantial detriment to adjacent residential properties. The combination of the proposed 9ft rear yard setback and the existing 8ft side yard setback on the adjacent property will exceed the combined side yard setback minimum of 16ft between structures.

(d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(4) above] result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions and policies of this chapter, the Comprehensive Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

Finding: The proposed variance would not have a substantial or undue adverse impact. The residential home on this property with the proposed deck would be largely indistinguishable from other similar properties in the neighborhood. The City's Comprehensive Plan calls for this area to be residential in nature in the future, the reduction of the rear yard setback as proposed does not impede that planning goal.

BUILDING SAFETY & ZONING DIVISION
ZONING BOARD OF APPEALS
STAFF REPORT

(e) *Have the factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan or orientation, lotting pattern, or grading) after the effective date of this chapter (see § 550-11)? The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner or their agent.*

Finding: The current situation with the property's slope and drainage was created by the previous platting of the area and the creation of the lot and was not created by the applicant.

(f) *Does the proposed variance involve the regulations of Article IV? The response to this question shall clearly indicate that the requested variance does not involve the provisions of the article.*

Finding: The proposed variance does not involve the regulations of Article IV. The proposed variance involves a standard (rear yard setback) in Article II.

ZONING BOARD OF APPEALS OPTIONS:

The following are possible options for the Zoning Board of Appeals:

1. Deny the variance, based on failure to meet the required findings.
2. Approve the variance, based on successfully providing substantial evidence to meet the required findings.

STAFF RECOMMEDATION:

- Staff recommends approval of the variance request.

ATTACHMENTS:

- Application materials.

Request for Rear-Yard Setback Variance Due to Unique Physical Limitations of the Property

I respectfully request approval of a variance to reduce the required rear-yard setback from twenty-five (25) feet to nine (9) feet in accordance to section 550-24F(2)(d)[5] of the zoning code to allow for the construction of a deck located approximately ten (10) feet from the rear property line. This request is based entirely on the unique physical limitations of the property and not on circumstances created by the applicant.

Original Builder Grading Plan (Not Constructed)

The original plan provided a rear door exiting directly to grade. Due to the steep slope, this configuration would have required:

- A continuous retaining wall across nearly the entire rear yard
- A sharply angled slope immediately behind the home
- Concentrated stormwater runoff directed toward the neighboring property

This grading approach posed a high risk of erosion and surface water discharge into the adjacent yard during rain events, increasing the likelihood of flooding impacts to neighboring property.

Revised Grading Solution (Implemented)

To reduce slope severity and prevent stormwater concentration:

- The builder lowered the rear elevation of the home
- The slope angle was reduced to allow more natural water dispersion
- The need for extensive retaining walls was minimized

This revision improved drainage performance and reduced adverse impacts to surrounding properties, but resulted in a rear door elevation that now requires a deck for safe and functional access.

Deck Placement Constraints

Due to the limited depth of usable land (a total of 25.9ft):

Placing the deck outside the required **25-foot rear-yard setback** would force construction to be a 9inch landing out of the patio doors.

Requested Setback Adjustment

- Existing rear-yard setback requirement: **25 feet**
- Requested setback: **9 feet**

Deck location: **approximately 10 feet from the rear property line – 5ft from the storm water easement**

This location represents the **only practical and environmentally responsible placement** that:

- Maintains safe access from the home
- Avoids excessive retaining walls

- Preserves improved stormwater flow patterns
- Minimizes grading disturbance
- Prevents runoff impacts to neighboring properties

Hardship Justification

The hardship is caused solely by the **unique physical limitations of the property**, including:

- Natural slope and elevation change
- Drainage flow direction

Limited buildable rear-yard depth of 20.9ft (*excluding 5ft of storm drainage area*)

The hardship is not the result of personal preference.

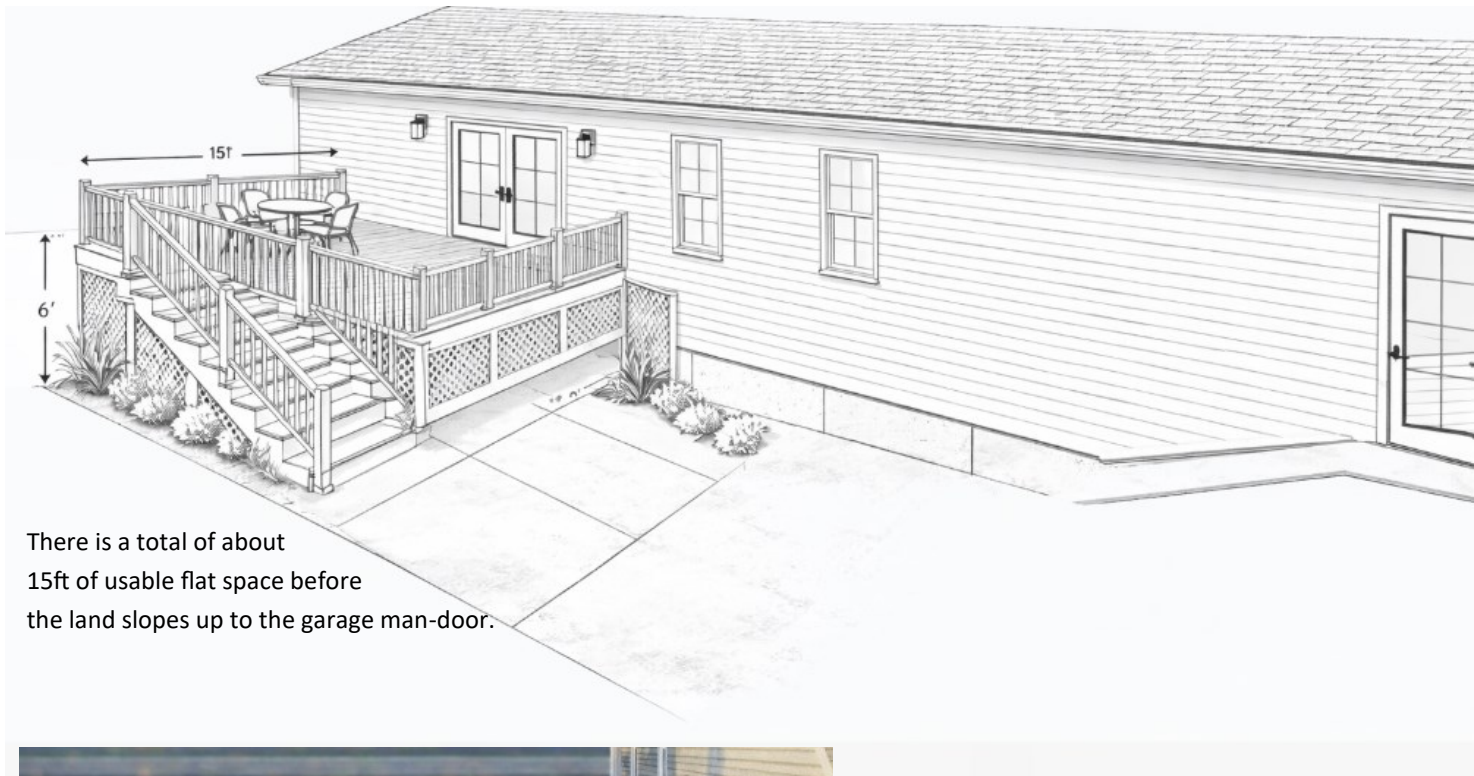
Conclusion

Granting the requested rear-yard setback reduction allows reasonable use of the shallow property while maintaining the intent of zoning regulations, protecting neighboring properties, and avoiding unnecessary environmental and structural impacts.

Tiarra Detert & Jake Frasher
1426 Stoneridge Drive
Watertown, WI 53098



Purposed solution: 15' x 14' deck with stairs on the back side leading down to a patio.
This isn't a perfect rendering but just a visual of approximate height/size.



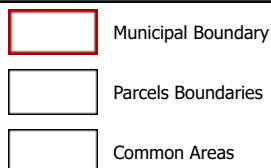
There is a total of about 15ft of usable flat space before the land slopes up to the garage man-door.



The stairs would start at the back and slope down across the deck like the image above.
 This image was created for a visual but is not perfect.

PLAT OF SURVEY





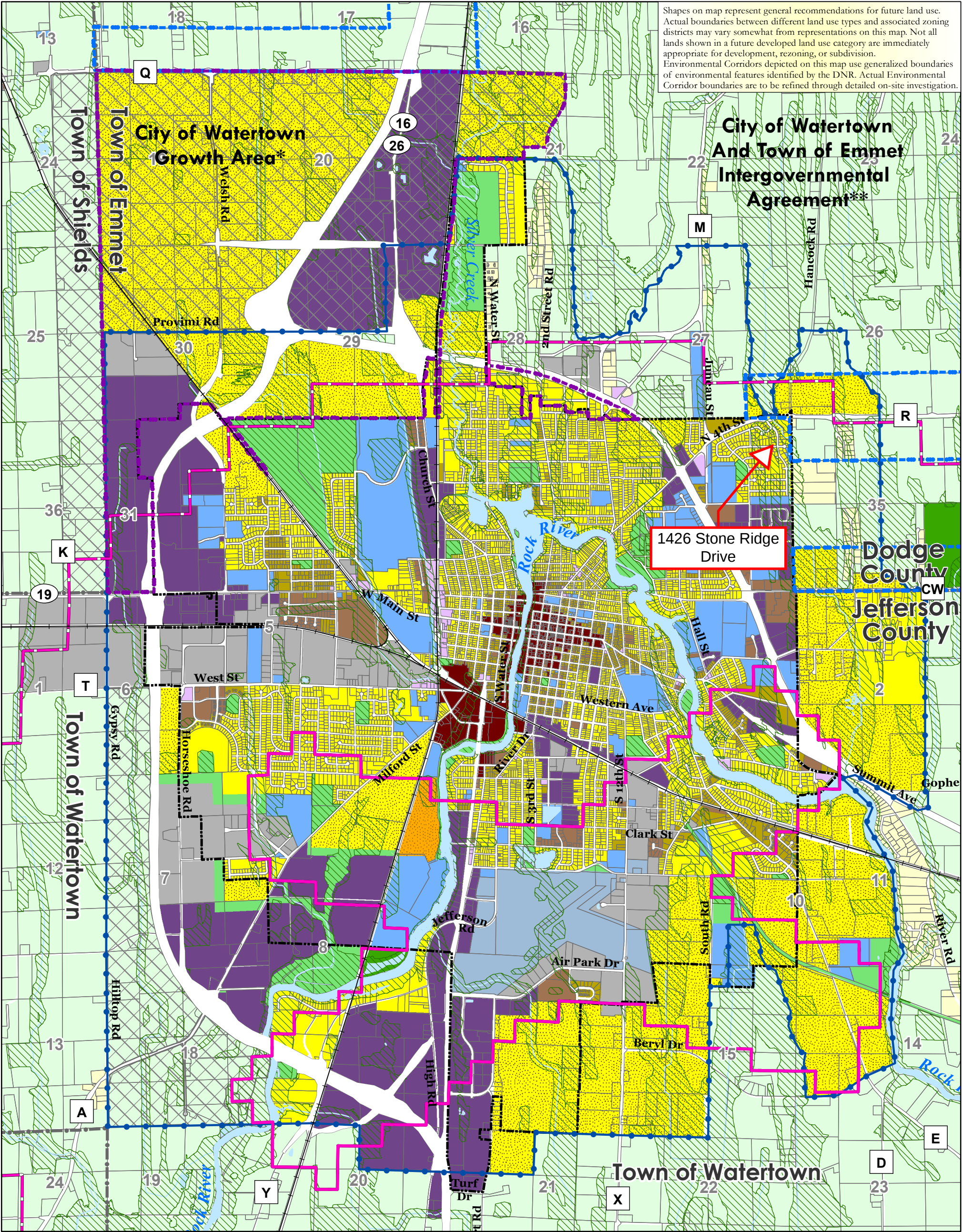
Blue: Band_3



Printed on: February
Author:

SCALE BAR = 1"

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. City of Watertown makes no warranty whatsoever concerning this information.



Shapes on map represent general recommendations for future land use. Actual boundaries between different land use types and associated zoning districts may vary somewhat from representations on this map. Not all lands shown in a future developed land use category are immediately appropriate for development, rezoning, or subdivision. Environmental Corridors depicted on this map use generalized boundaries of environmental features identified by the DNR. Actual Environmental Corridor boundaries are to be refined through detailed on-site investigation.

City of Watertown And Town of Emmet Intergovernmental Agreement**

1426 Stone Ridge
Drive

Dodge
County
Jefferson
County

Future Land Use Urban Area

Map 6b

City/Town IGA**
City Growth Area
City Periphery Areas

City of Watertown Comprehensive Plan

Land Use Categories

- Agricultural
- Single-Family Residential - Unsewered
- Single-Family Residential - Sewered
- Two-Family Residential
- Multi-Family Residential
- Planned Neighborhood**
- Institutional
- Airport

- Rights-of-Way
- Neighborhood Mixed Use
- Planned Mixed Use*
- Central Mixed Use
- Riverside Mixed Use***
- Mixed Industrial
- Parks & Recreation
- Environmental Corridor
- Surface Water

*Each "Planned Mixed Use Area" may include mix of:
1. Office
2. Multi-Family Residential
3. Mixed Industrial
4. Commercial Services/Retail
5. Institutional
6. Parks & Recreation

***"Planned Neighborhoods" should include a mix of the following:
1. Single-Family - Sewered (predominant land use)
2. Two-family Residential
3. Multi-Family Residential
4. Institutional
5. Neighborhood Mixed Use
6. Parks & Recreation

***Each "Riverside Mixed Use Area" may include mix of:
1. Office
2. Single-Family - Sewered
3. Two-Family Residential
4. Multi-Family Residential
5. Commercial Services/Retail
6. Institutional
7. Parks & Recreation

- City of Watertown
- Town Boundary
- Parcel
- Railroad
- Watertown Urban Service Area
- Watertown Long Range Growth Area

Airport Height Limitations

- Maximum Building Elevation b/t 865 and 968 ft
- Maximum Building Elevation b/t 968 and 1005 ft

Draft: August 7, 2019
Source: WisDNR, FEMA, City of Watertown, Dodge Co. LIO & Jefferson Co. LIO, V&A

VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change

THE CITY OF
WATERTOWN
Opportunity runs through it.



0 0.25 0.5 1 Miles

Primary Standards for a Zoning Variance – City of Watertown

What are the primary standards for obtaining a zoning variance (City of Watertown)?

§550-147D(3)

(3) The Zoning Administrator shall also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the City of Watertown's Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection D(3)(a) through (f) below:

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[2] Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.

[3] Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property, reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way, or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.

[4] Violations by or variances granted to neighboring properties shall not justify a variance.

[5] The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

(b) In what manner do the factors identified in Subsection D(3)(a) above prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

(c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

(d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(4) above] result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions and policies of this chapter, the Comprehensive Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

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(f) Does the proposed variance involve the regulations of Article IV? The response to this question shall clearly indicate that the requested variance does not involve the provisions of the article.

Primary Standards for a Zoning Variance – State of Wisconsin

By the League of Wisconsin Municipalities

What are the primary standards for obtaining a zoning variance (State Statutes)?

A city or village zoning board of appeals abuses its power if it routinely grants zoning variance requests. A zoning board may grant a zoning variance request only in limited circumstances and only when the applicant provides evidence that proves they have met all of the legal criteria for a requested variance.

There are three main criteria that a variance applicant must satisfy: unnecessary hardship, a unique property condition, and no harm to the public interest.

The Wisconsin Supreme Court recognizes two types of zoning variances that may be granted by a zoning board: area variances and use variances. *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23, 269 Wis.2d 549, 676 N.W.2d 401. However, these terms are not defined by state law. Consequently, this is a critical area for local action to define the terms in the local zoning code because case law establishes separate unnecessary hardship tests for use and area variances.

A use variance applicant must show that they will have no reasonable use of the subject property without the requested variance. *Ziervogel*, 269 Wis.2d at para. 31. This is an extremely difficult burden to satisfy and rightly so. A use variance is effectively a rezoning of property to allow a land use that the governing body of a municipality already determined is incompatible with other uses in the zoning district and risks great changes in neighborhood character.

An area variance applicant must show that “compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.” *Snyder v. Waukesha County Bd. of Adjustment*, 74 Wis.2d 468, 247 N.W.2d 98 (1976). Thus, it is not enough that an area variance applicant show that a zoning regulation prevents or burdens their planned activity. They must show by competent evidence that the regulation unreasonably prevents or unnecessarily burdens the activity.

All zoning variance applicants must also show that the alleged unnecessary hardship is due to a unique property condition. *Snyder*, 74 Wis. 2d at 479. This phrase is not defined by statute but court decisions establish that it means a special physical feature of the property (soil conditions, steep slope, wetland, etc.) that is not shared by nearby land. *See Arndorfer v. Sauk County Bd. of Adjustment*, 162 Wis.2d 246, 258, 469 N.W.2d 831 (1991). More importantly, if a variance applicant fails to prove the existence of a unique property condition and a connection between the condition and the hardship, even if the hardship is great, a zoning board has no power to grant the requested variance.

Finally, all variance applicants must show that the requested variance will not be contrary to the public interest. *Arndorfer*, 162 Wis. 2d at 256. This criteria requires the zoning board to consider the purposes of the ordinance at issue and determine “whether the relief requested is consistent with the public interest such that the variance should be granted, or whether a variance would subvert the purpose of the zoning restriction to such an extent that it must be denied.” *Ziervogel*, 269 Wis.2d at para. 34.