



## Board of Zoning Appeals Meeting

Whitewater Municipal Building Community Room,  
312 West Whitewater St., Whitewater, WI 53190  
\*In Person and Virtual

**Tuesday, December 09, 2025 - 5:00 PM**

**Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.  
Citizen participation is welcome during topic discussion periods.**

Please click the link below to join the  
webinar:<https://teams.microsoft.com/meet/28870997131330?p=l4MJJaYoOMauDUAluD8>

**Dial in by phone**+1 929-229-5663,,213741829# United States, New York City

Find a local number

Phone conference ID: 213 741 829#

**Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.**

## AGENDA

### CALL TO ORDER AND ROLL CALL

### APPROVAL OF AGENDA

*A Committee member can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting*

### CONSENT AGENDA

Items on the Consent Agenda will be approved together unless any commission members request that an item be removed for individual consideration.

### ELECTIONS OF CHAIRPERSON AND VICE-CHAIRPERSON

### SECRETARY PRESENTS CASE TO BE HEARD

1. Applicant: Max and Jake Walton  
Property Location: 836 W Walworth Ave  
Applicable Code: Zoning Code Ordinance: 19.60.040 (c) "Existing buildings and their additions shall not be permitted to encroach further upon established yard/setbacks and height requirements then the existing encroachment"

Variance Requested: Variance requested to allow a two story addition, where a one story once stood.

Reason for Request: To allow construction renovation due to fire.

## PRESENTATIONS

2. Board presentation of hearing procedures.
3. Applicant Presentation requesting Variance.
- [4.](#) Statement by Zoning Administrator.
5. Public Comment and Input.
6. Written input presented.
7. Applicant response to statements.
8. Board deliberations of case (Open Session).
9. Board action on request, including findings regarding variance request.

## ADJOURN

A written decision will be issued at a later date.

**Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.**

VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

ALL DRAWINGS ARE  
1/2 SCALE SHOWN

# WALWORTH ST. RESIDENCE ADDITION

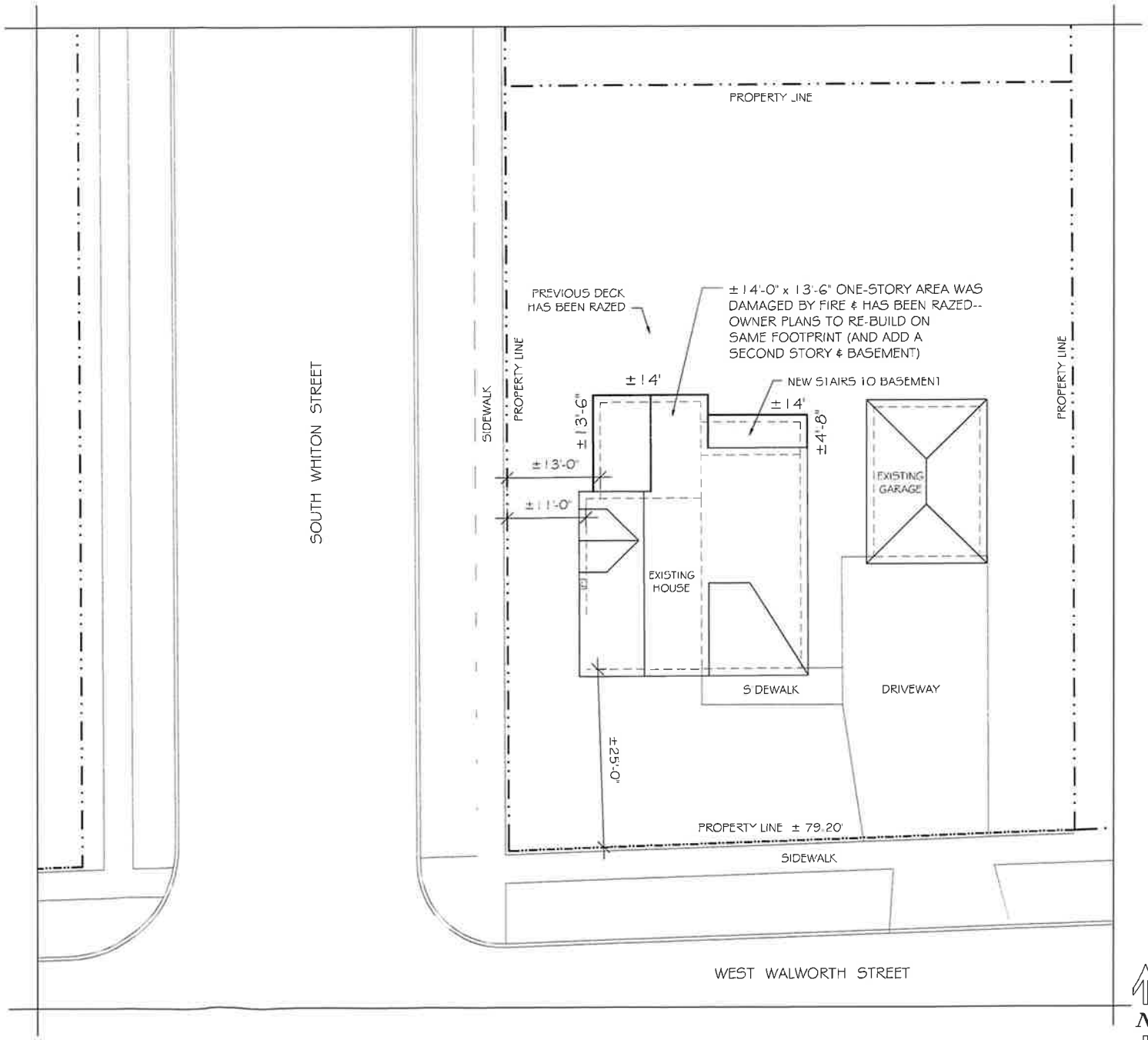
836 West Walworth Avenue, Whitewater, WI 53190



SITE AERIAL PHOTO -  
(FROM WALWORTH  
COUNTY G.I.S. WEBSITE)

17  
SP-1

SCALE: 1" = 10'-0"  
2020/DRAWINGS.DWG  
DATE:



20  
SP-1

SITE PLAN  
SCALE: 1" = 10'-0"  
2020/DRAWINGS.DWG  
DATE:

**eDesign**  
Alliance Architects, Inc.

Item 1.  
1003 Madison Avenue  
Fort Atkinson, WI  
(920) 563

WALWORTH ST. RESIDENCE ADDITION  
836 West Walworth Avenue  
Whitewater, WI 53190

DRAWING NAMES

DRAWING INDEX  
SITE AERIAL PHOTO

REVISIONS

PROJECT DATA

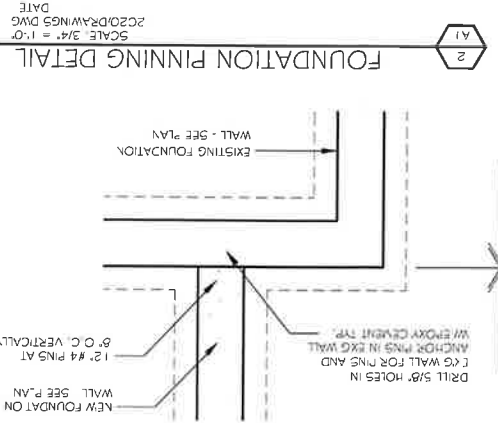
DATE: 9/26/2025  
DRAWN BY: J.K.  
CHECKED BY: P.W.

SHEET NO.

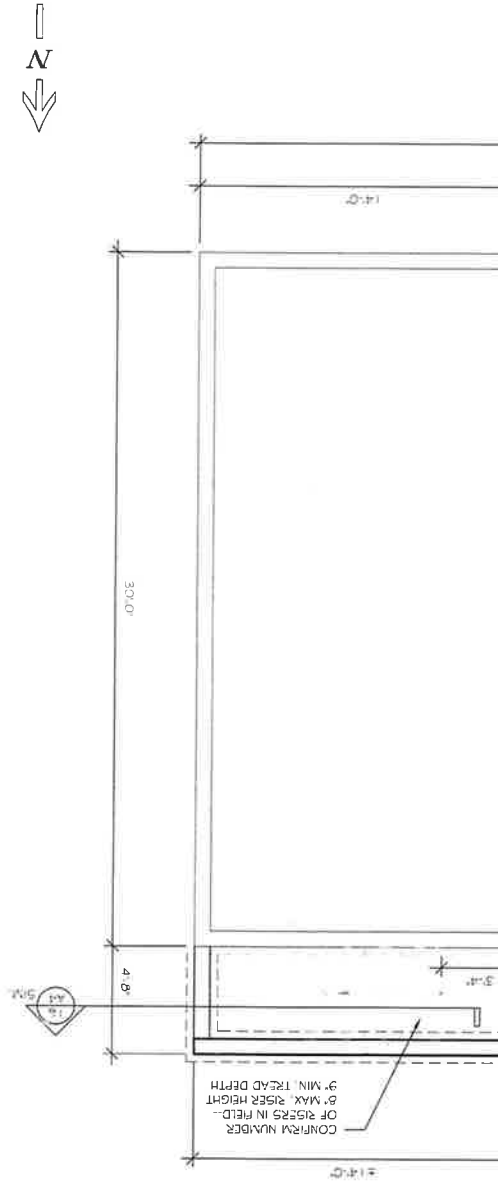
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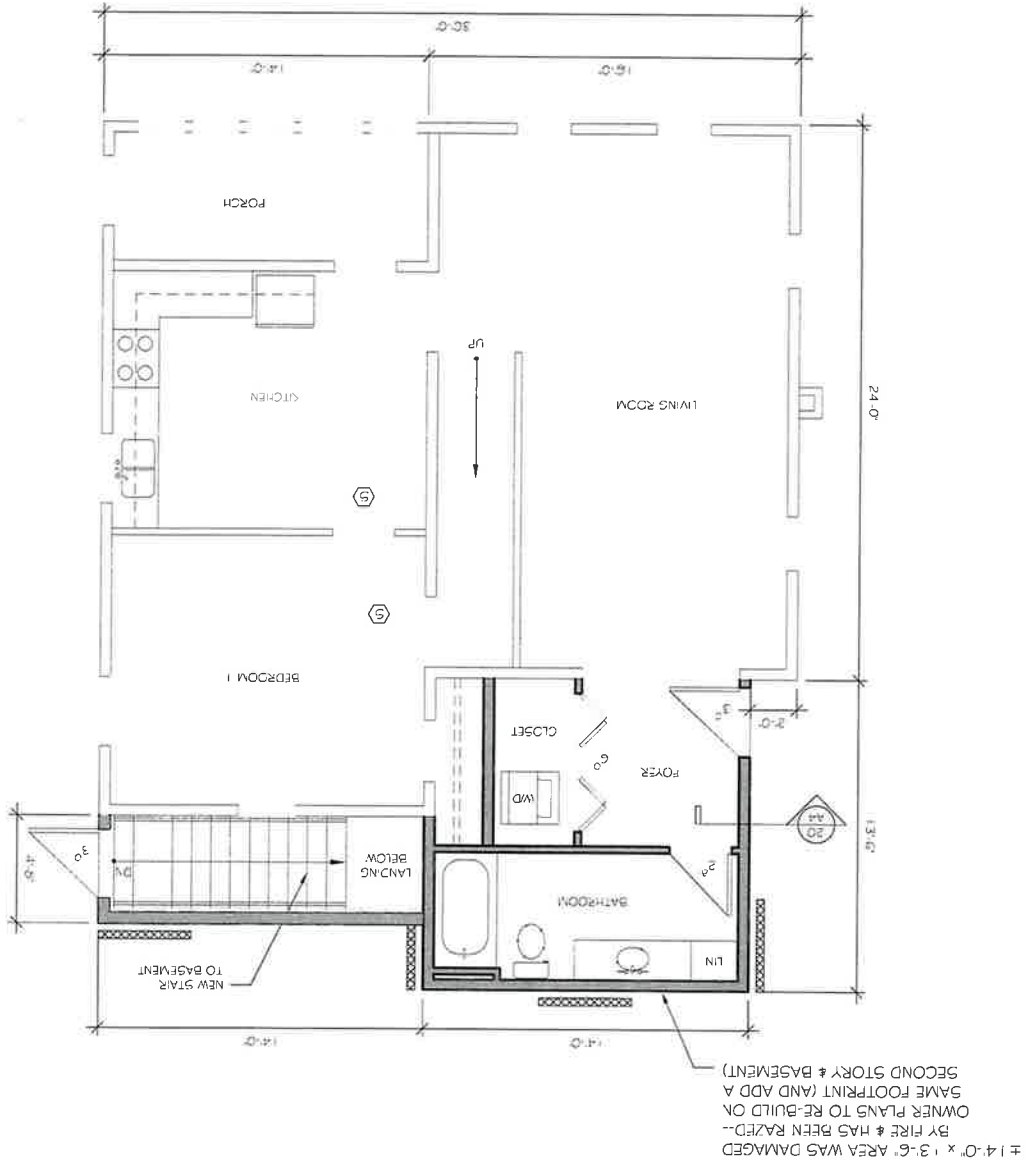
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2020DRAWINGS.DWG  
DATE



FOUNDATION / BASEMENT PLAN (REMODEL)  
SCALE: 1/4" = 1'-0"  
2020DRAWINGS.DWG  
DATE

WALL BRACING PER SP9 TABLE 32 I. 25-G		
MATERIAL / METHOD	MINIMUM FASTENERS	MAXIMUM SPACING
CONTINUOUSLY SHEATHED - CS-WSP WOOD STRUCTURAL PANEL	66 COMMON NAIL OR 6X BOX NAIL (2 3/8" LONG x 0.13" DIAMETER; OR 7/ 6" OR 1/2" CROWN 16-GAUGE STAPLES, 1 1/2" LONG	6" EDGES, 12" FIELD 3" EDGES, 6" FIELD (5 STAPLES)

LEGEND:  
SMOKE ALARM -- HARD-WIRED WITH  
BATTERY BACK-UP, TYP -- ALARM-5  
TO BE INTERCONNECTED  
(HARD-WIRED OR WIRELESS) WITHIN  
EACH UNIT  
CARBON MONOXIDE DETECTOR --  
HARD-WIRED WITH  
BATTERY BACK-UP, TYP



MAIN FLOOR PLAN (REMODEL)  
SCALE: 1/4" = 1'-0"  
2020DRAWINGS.DWG  
DATE

WALWORTH ST. RESIDENCE ADDITION  
836 West Walworth Avenue  
Whitewater, WI 53190

Design Alliance Architects, Inc.

1003 Madison Avenue  
Fort Atkinson, WI (920) 583-3404

DRAWING NAMES  
FOUNDATION / BASEMENT PLAN (REMODEL)  
MAIN FLOOR PLAN (REMODEL)  
FOUNDATION DETAIL

REVISIONS


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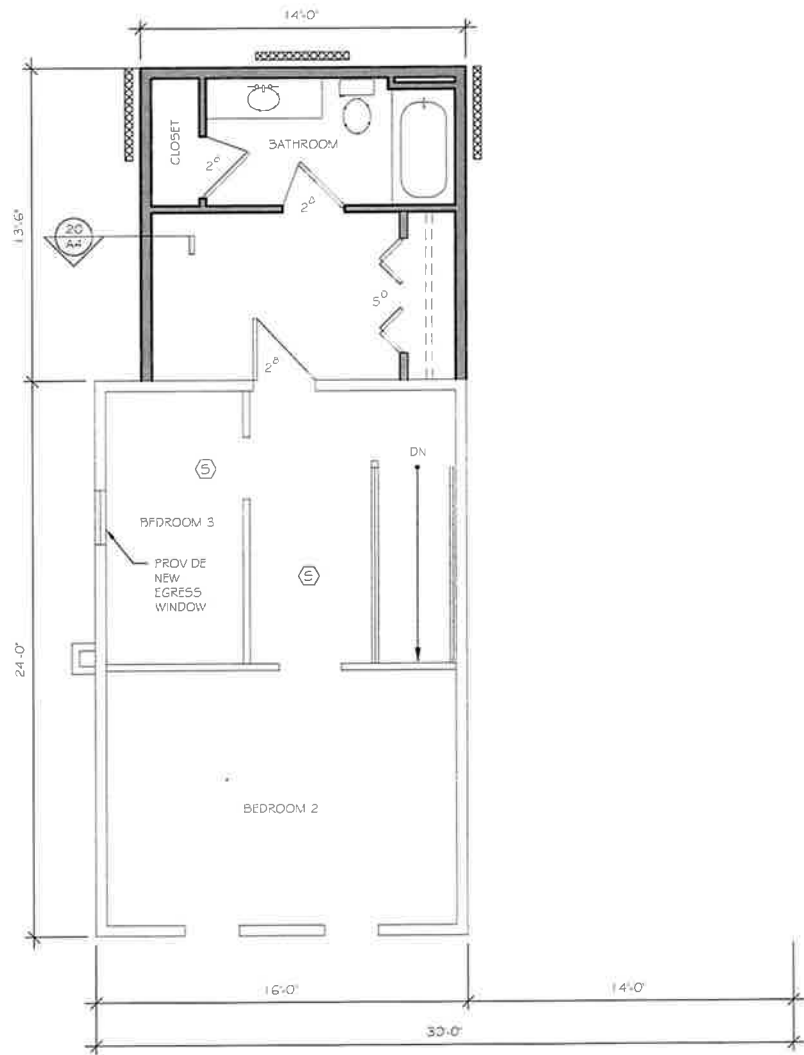
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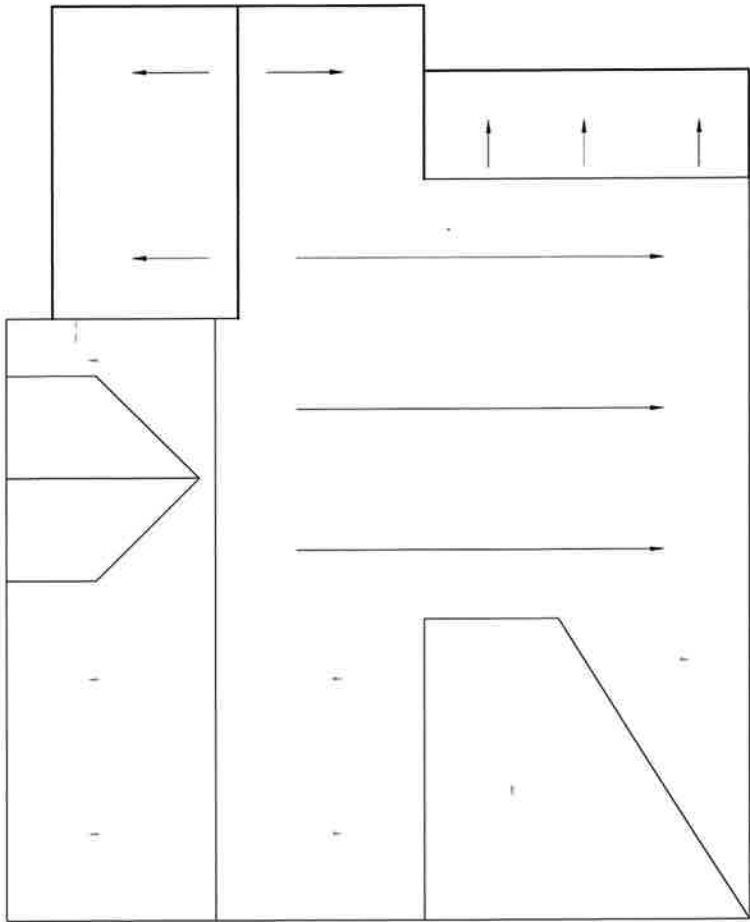
- LEGEND:
- (S) SMOKE ALARM -- HARD-WIRED WITH BATTERY BACK-UP, 1YR -- ALARMS TO BE INTERCONNECTED (HARD-WIRED OR WIRELESS) WITHIN EACH UNIT
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WALL BRACING PER SPS TABLE 321.25-G		
MATERIAL / METHOD	MINIMUM FASTENERS	MAXIMUM SPACING
 CONTINUOUSLY SHEATHED - CS-WSP (WOOD STRUCTURAL PANEL)	6d COMMON NAIL OR 6d BOX NAIL (2 3/8" LONG x 1 1/2" DIAMETER), OR 7/16" OR 1/2" CROWN 16-GAGE STAPLES, 1 1/4" LONG	6" EDGES, 12" FIELD (NAILS) OR 3" EDGES, 6" FIELD (STAPLES)

ALL DRAWINGS ARE 1/2 SCALE SHOWN



16 SECOND FLOOR PLAN (REMODEL)  
SCALE: 1/4" = 1'-0"  
2020DRAWINGS.DWG  
DATE



20 ROOF PLAN (REMODEL)  
SCALE: 1/4" = 1'-0"  
2020DRAWINGS.DWG  
DATE



WALWORTH ST. RESIDENCE ADDITION  
836 West Walworth Avenue  
Whitewater, WI 53190

DRAWING NAMES

SECOND FLOOR PLAN (REMODEL)  
ROOF PLAN (REMODEL)

REVISIONS

PROJECT DATA

DATE: 9/26/2025  
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Design Alliance Architects, Inc.  
1003 Madison Avenue  
Fort Atkinson, WI

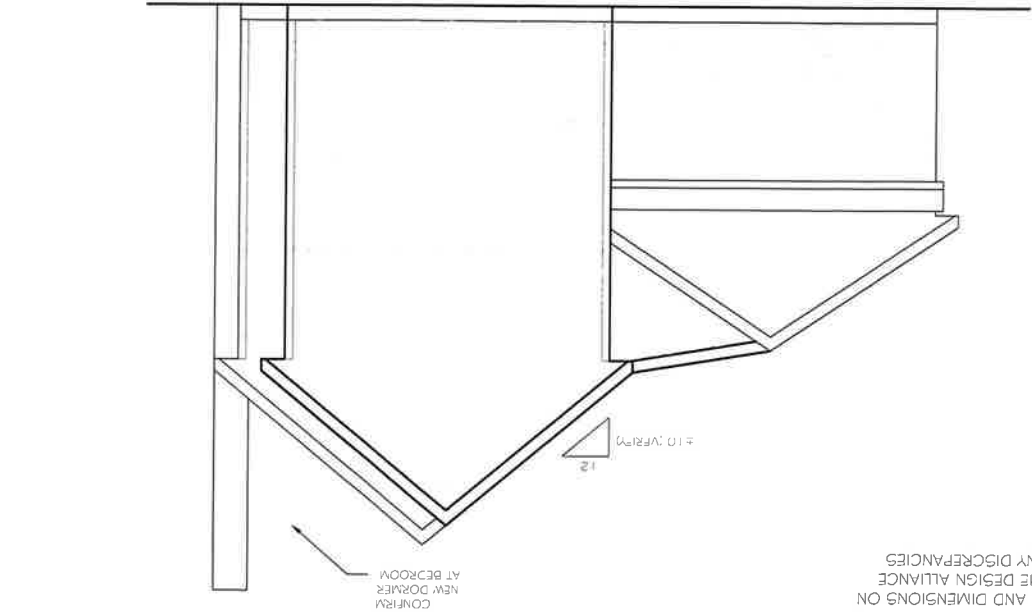
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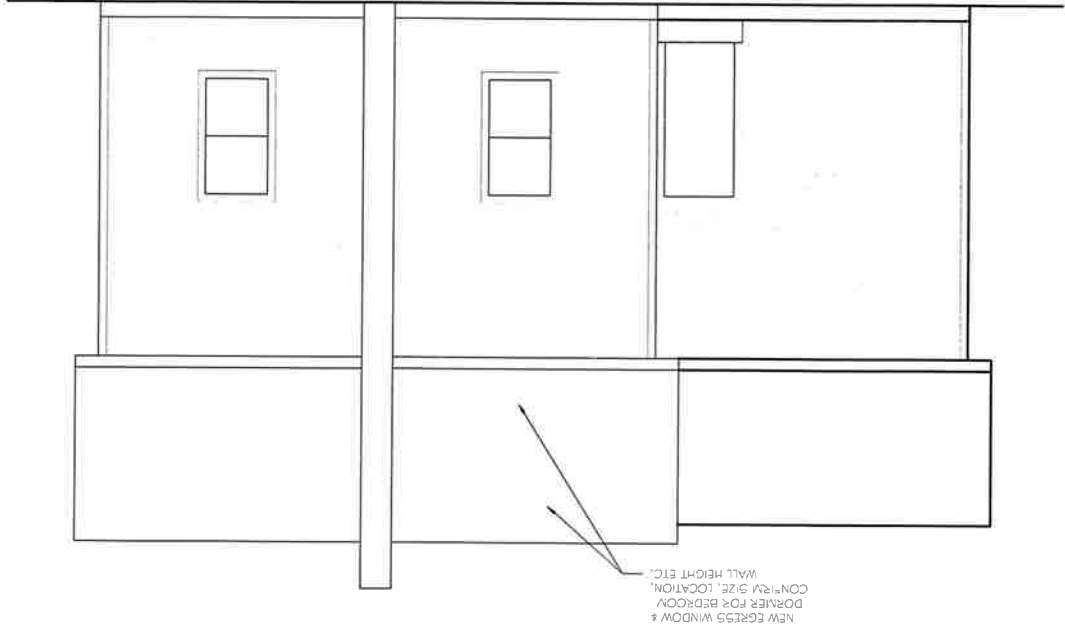


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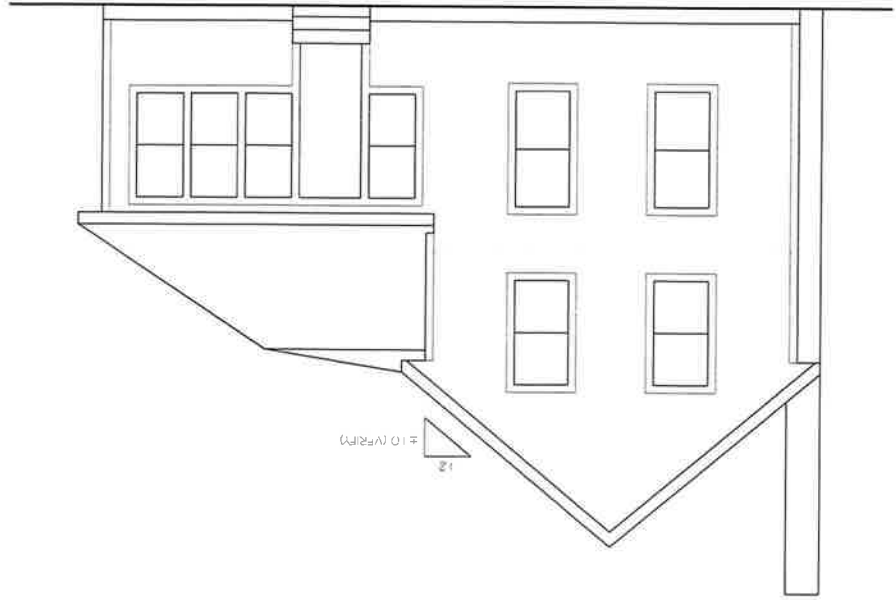
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PRIOR TO START.



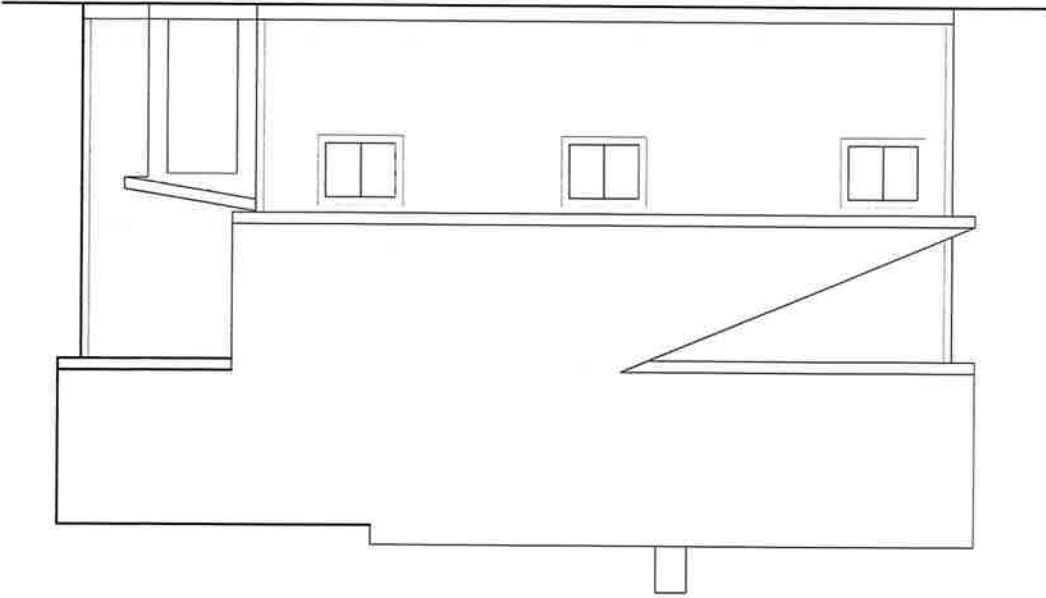
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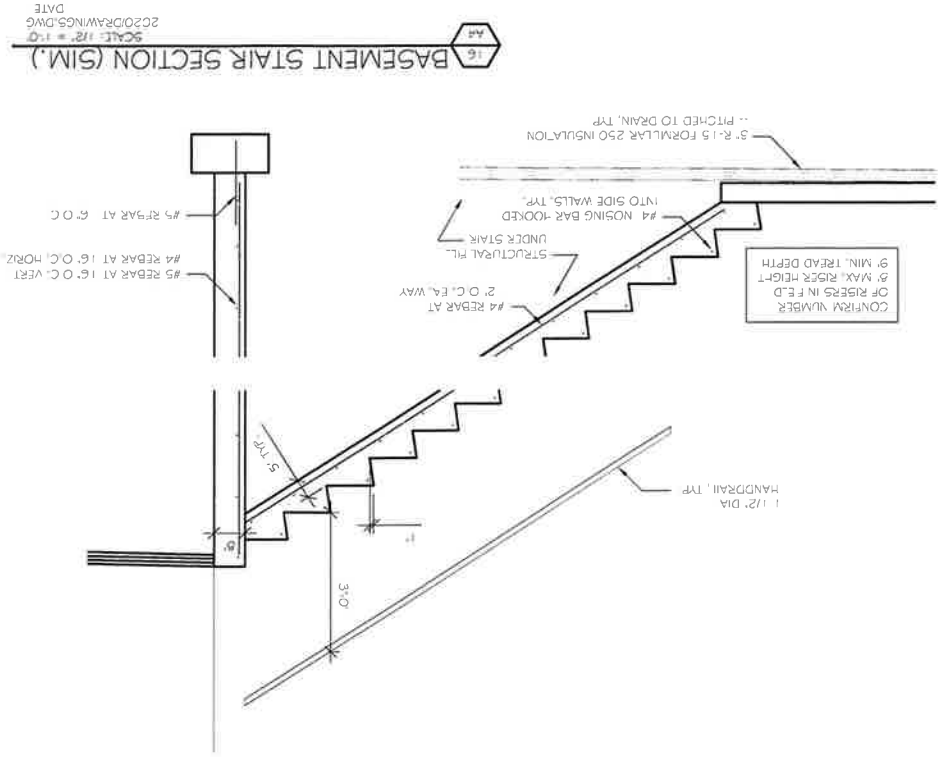


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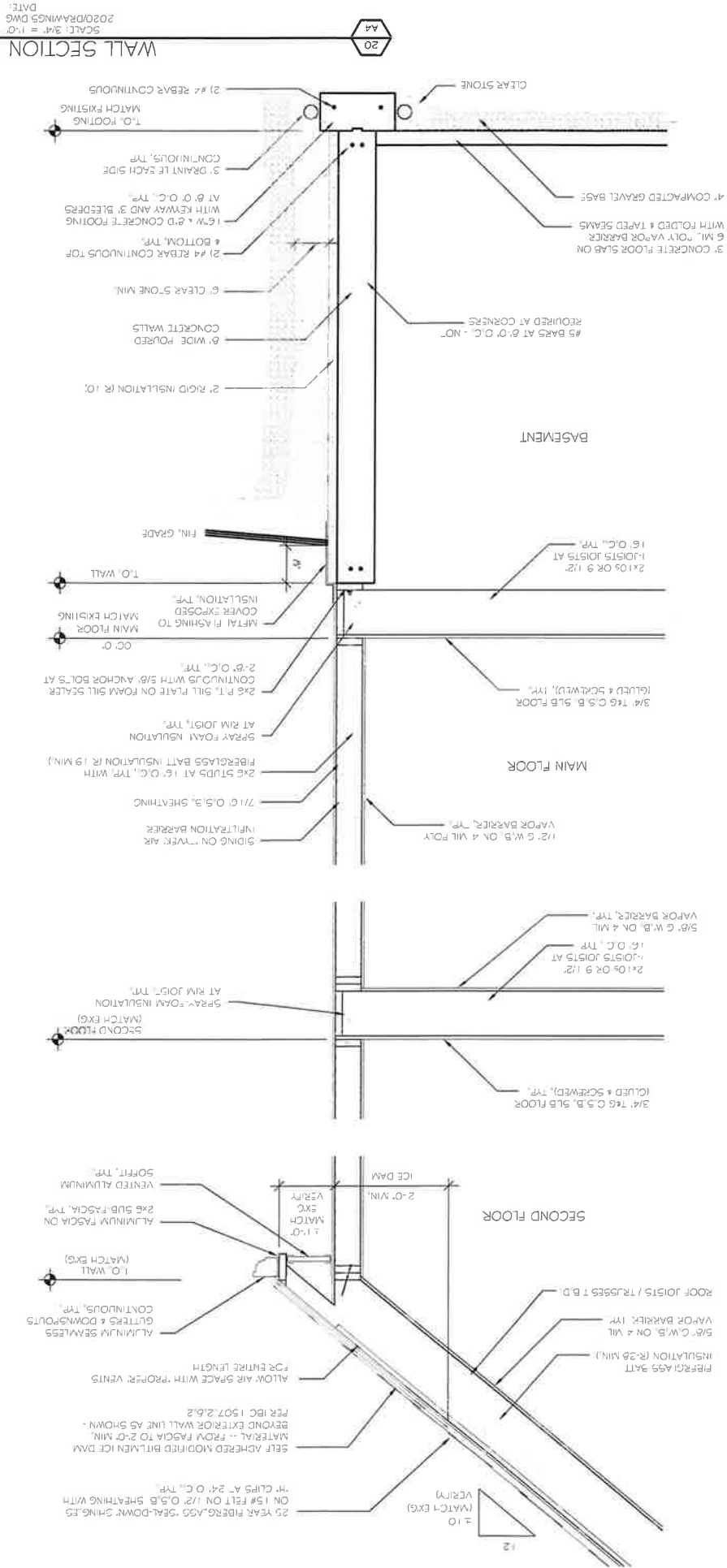
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PROJECT DATA	
REVISIONS	
ELEVATIONS (REMODEL)	
DRAWING NAMES	
WALWORTH ST. RESIDENCE ADDITION 836 West Walworth Avenue Whitewater, WI 53190	
IDesign Alliance Architects, Inc. 1003 Madison Avenue Fort Atkinson, WI (920) 563-3404	



VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

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A-4

SHEET NO.

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PROJECT DATA

REVISIONS

WALL SECTION

DRAWING NAMES

WALWORTH ST. RESIDENCE ADDITION  
836 West Walworth Avenue  
Whitewater, WI 53190

1003 Madison Avenue  
Fort Atkinson, WI

Design Alliance

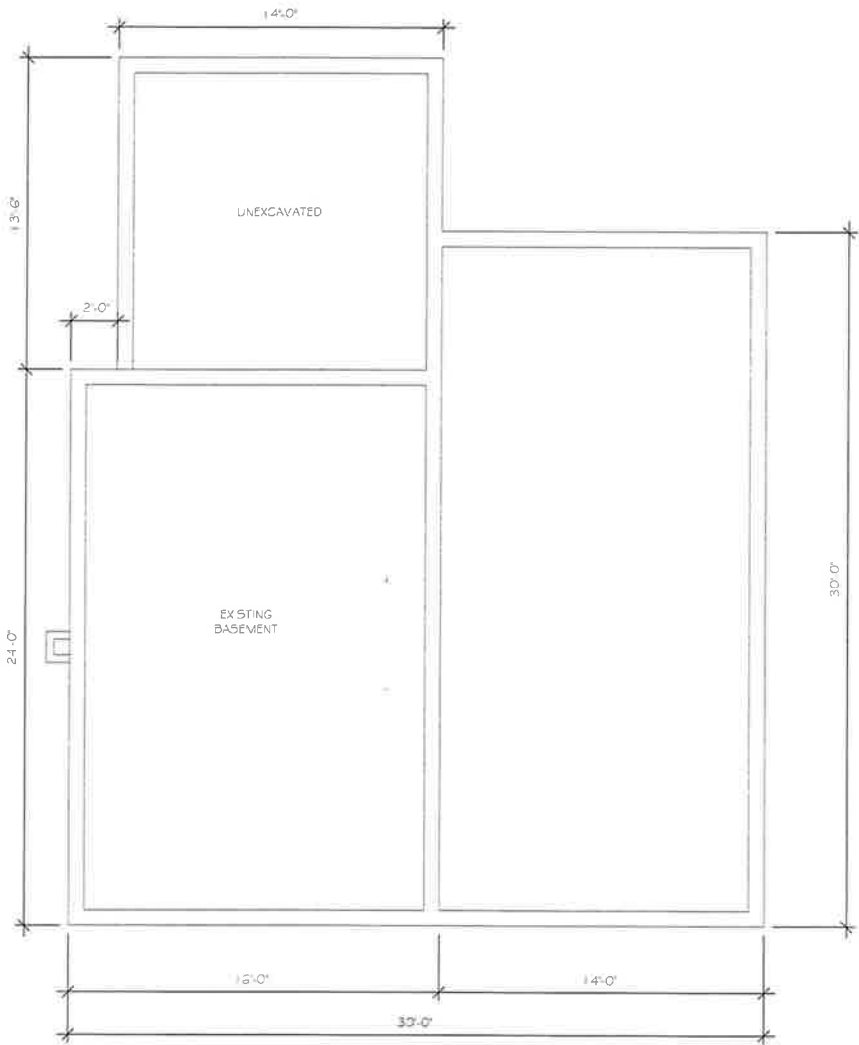
Architects, Inc.

(920) 563-3404

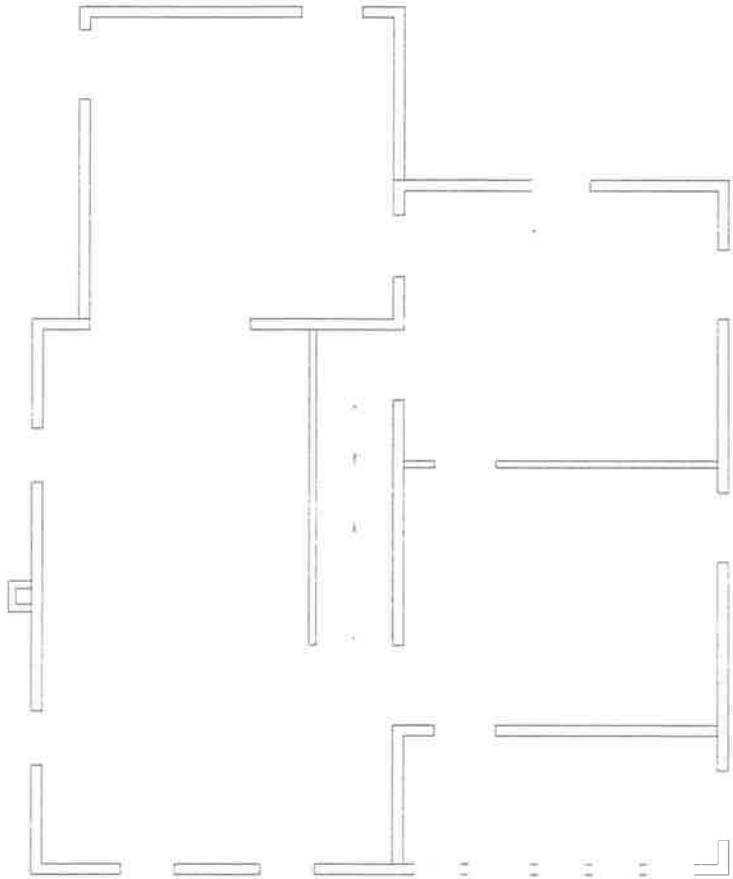
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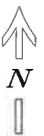
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16 FOUNDATION / BASEMENT PLAN (AS-BUILT)  
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2020/DRAWINGS.DWG  
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20 MAIN FLOOR PLAN (AS-BUILT)  
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2020/DRAWINGS.DWG  
DATE:



Design Alliance Architects, Inc.  
1003 Madison Avenue  
Fort Atkinson, WI  
(970) 563-340

WALWORTH ST. RESIDENCE ADDITION  
836 West Walworth Avenue  
Whitewater, WI 53190

DRAWING NAMES

FOUNDATION / BASEMENT PLAN  
(AS-BUILT)  
MAIN FLOOR PLAN  
(AS-BUILT)

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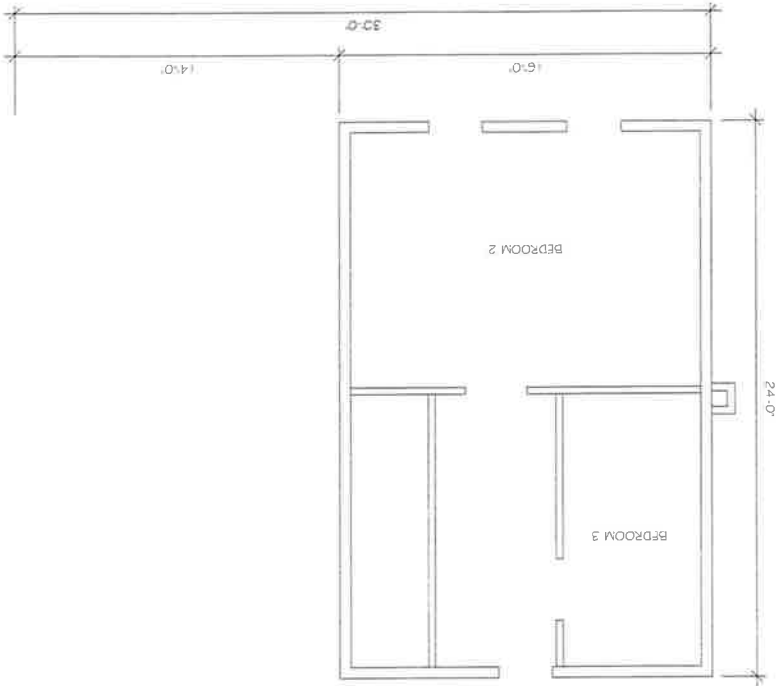
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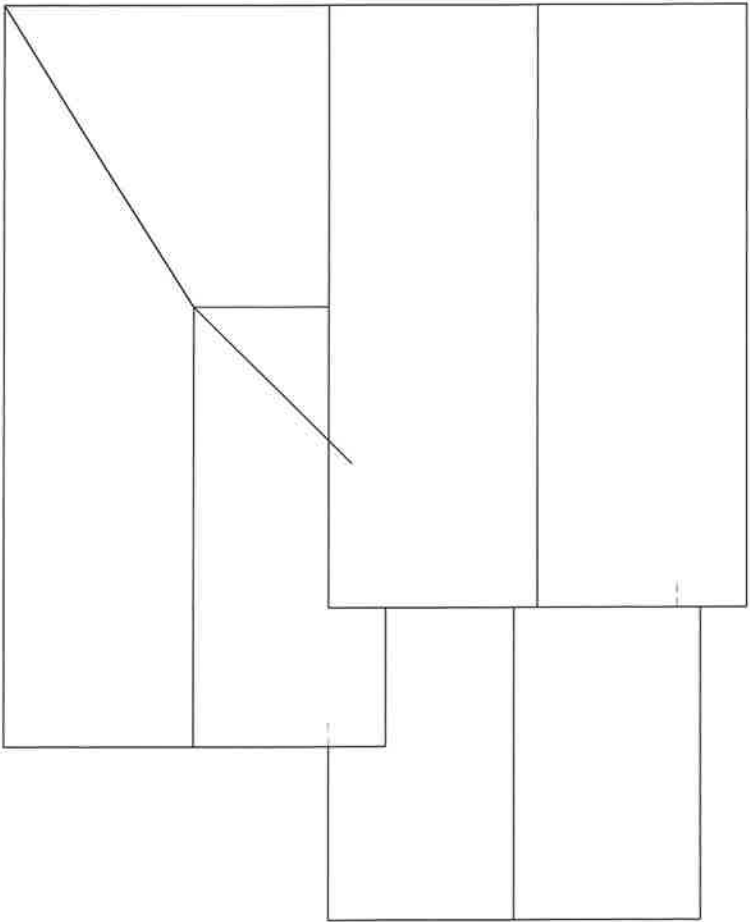
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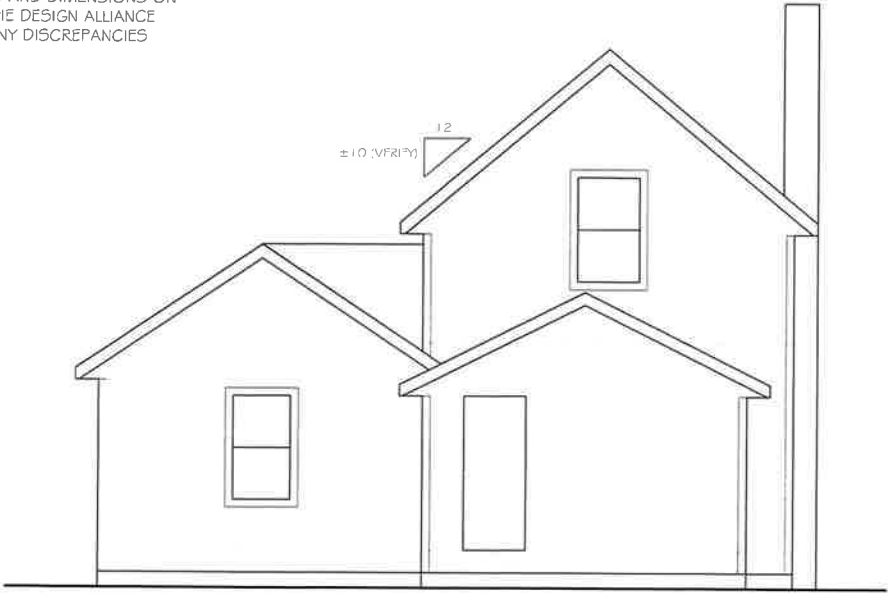


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DRAWING NAMES	
SECOND FLOOR PLAN (AS-BUILT) ROOF PLAN (AS-BUILT)	
1003 Madison Avenue Fort Atkinson, WI	
Design Alliance Architects, Inc. (920) 563-3404	

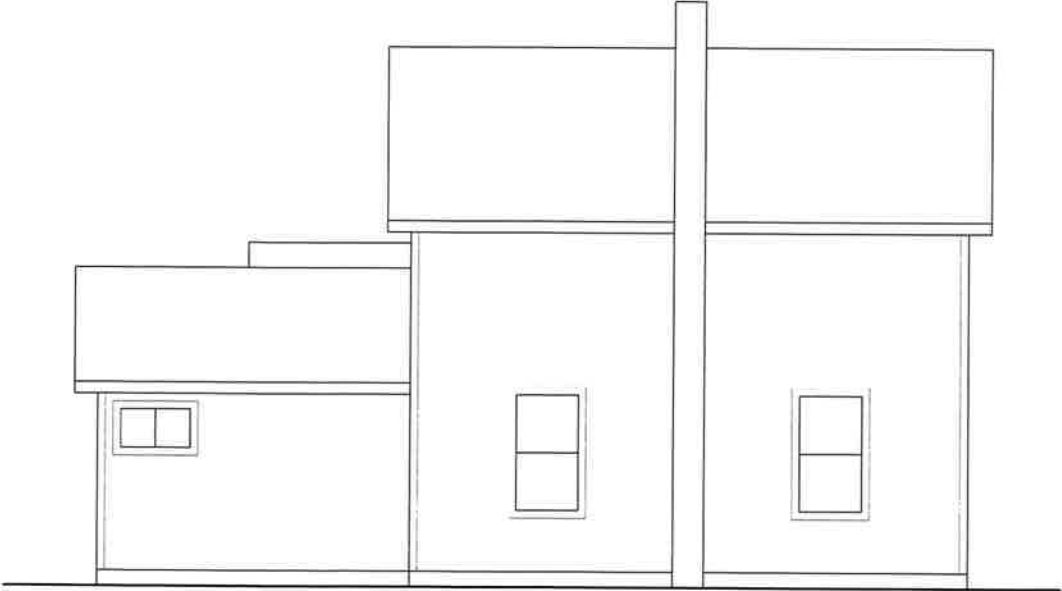
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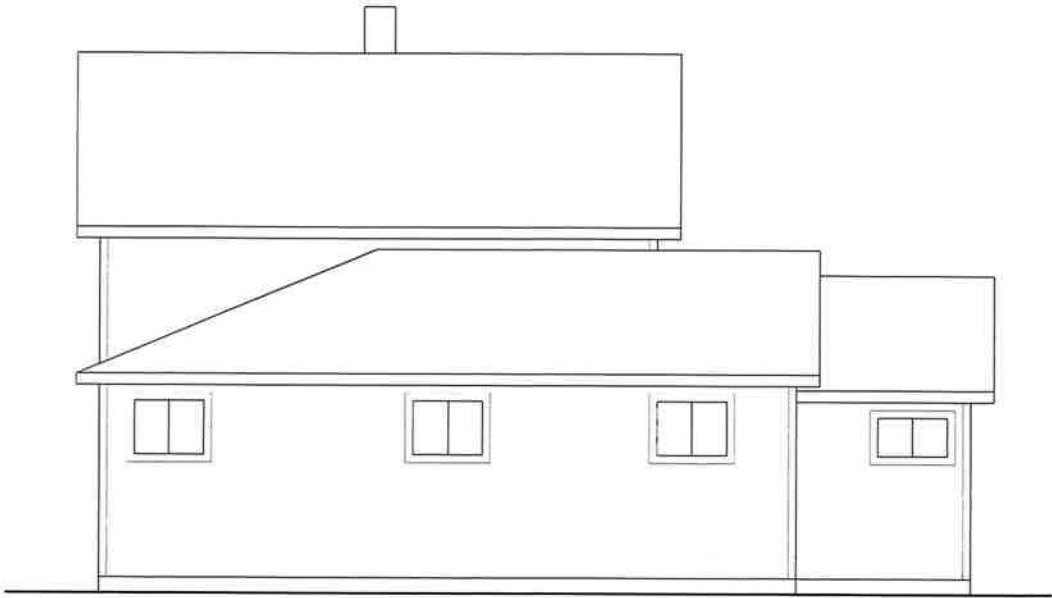
8 NORTH ELEVATION (AS-BUILT)  
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2020/DRAWINGS.DWG  
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10 SOUTH ELEVATION (AS-BUILT)  
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16 WEST ELEVATION (AS-BUILT)  
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20 EAST ELEVATION (AS-BUILT)  
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Design Alliance Architects, Inc.  
1003 Madison Avenue  
Fort Atkinson, WI  
(920) 563-3405

WALWORTH ST. RESIDENCE ADDITION  
836 West Walworth Avenue  
Whitewater, WI 53190

DRAWING NAMES

ELEVATIONS  
(AS-BUILT)

REVISIONS

PROJECT DATA

DATE: 9/26/2025  
DRAWN BY: J.K.  
CHECKED BY: P.W.

SHEET NO.

AB-3

**Print**

**Board of Zoning Appeals Application - Submission #1977**

**Date Submitted: 10/1/2025**

**City of Whitewater**

312 W Whitewater Street  
PO Box 178  
Whitewater, WI 53190  
262-473-0540  
www.whitewater-wi.gov

**Neighborhood Services**

Board of Zoning Appeals Application

**Board of Zoning Appeals Application Checklist****Applicant**

1. Fill out Planning Request Form, Board of Zoning Appeals Application. Twelve (12) copies 11 x 17, a digital copy of all submittal material:
  1. Any other materials
2. Application shall include the following requirements:
  - a. Site plan, including location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpsters areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
  - b. Natural Features Inventory map, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
  - c. Landscape Plan, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
  - d. Grading and drainage plan, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
  - e. Utilities plan, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
  - f. Building elevation, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
  - g. Sign plan, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
  - h. Lighting plan, meeting the City's lighting ordinance, and showing the location, height, type, orientation and power all proposed outdoor lighting both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.
3. Submit fee to the City of Whitewater.

**City Building Inspector/Zoning Administrator**

1. Review application for accuracy and all required information
2. Staff will review information for conformance to Ordinances.
3. Engineer will review Stormwater and Erosion Control Plans
4. Landscape Plan will be reviewed by Urban Forestry Commission
5. When application is complete and approved by all Staff it will then be forwarded to Plan Commission

**Process**

1. Board of Zoning Appeals considers applicant's request and staff review is presented by Zoning Administrator, at the first initial appearance. If Board of Appeals recommends changes and/or revisions, then the applicant must revise site plan, otherwise the matter is forwarded as is for the second appearance for approval/denial of the final site plan.

**NOTE:** Board of Zoning Appeals normally meets the fourth Thursday of each month at 6:00 p.m. if there have been applications submitted.

Taylor Zeinert, Economic Director

262-473-0148

[tzeinert@whitewater-wi.gov](mailto:tzeinert@whitewater-wi.gov)

Llana Dostie, Neighborhood Services Administrative Assistant

262-473-0144

[ldostie@whitewater-wi.gov](mailto:ldostie@whitewater-wi.gov)

Allison Schwark, Municipal Code Enforcement

262-249-6701

[mcodeenforcement@gmail.com](mailto:mcodeenforcement@gmail.com)

#### Site Plan

Site plan.pdf

#### Lighting Plan

No fi...sen

#### Landscaping Plan

No fi...sen

#### Other Information

Blue print.pdf

#### Sign Plan

No fi...sen

**TO: THOSE REQUESTING A VARIANCE OF ZONING REQUIRMENTS FROM: THE BOARD OF ZONING APPEALS**  
**THINGS YOU WILL HAVE TO PROVE TO BE GRANTED A VARIANCE** The Board of Zoning Appeals has the power “to hear and grant applications for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the ordinance shall be observed and the public safety, welfare and justice secured.” **USE VARIANCE WILL NOT BE GRANTED.** Findings prerequisite to granting of a variance No variance to the provisions of this title shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist, and so indicates in the minutes of its proceedings: **A. The particular physical surroundings, shape, or topographical conditions of this specific property involved would result in a practical hardship upon the owner as distinguished form a mere inconvenience, if the strict letter of the regulations were to be carried out; B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification; C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner; D. The proposed variance will not impair an adequate supply of light or air to adjacent property or substantially increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Please consider the above items in presenting your oral testimony, for a lack of such testimony may result in denial of the variance. All questions in the application must be answered. NOTICE: The Board of Zoning Appeals meetings are scheduled as needed on the 4th Thursday of the month. Schedule of submission dates available on the City website under Government Boards and Commission Board of Zoning Appeals. PLEASE COMPLETE THE FOLLOWING APPLICATION** Refer to Chapter 19.72 of the City of Whitewater Municipal Code of Ordinances, entitled **BOARD OF ZONING APPEALS**, for more information on application.

#### Planning Request Form

##### 1. General Project Information

Project Tax Key #\*

/BIR 00017

Project Address\*

836 Walworth Ave

Project Title (if any)

2nd story addition

**Applicant's Name\*****Applicant's Company\***

Item 1.

Max and Jake Walton

M &amp; J Walton Rentals LLC

**Address\***

1005 W. Main Street, Ste C

**City\***

Whitewater

**State\***

WI

**Zip Code\***

53190

**Phone Number\***

262-473-8646

**Email Address\***

rrwalton@rrwalton.com

**Agent's Name****Agent's Company****Address****City****State****Zip Code****Phone Number**



**Email Address**

Item 1.

**Owner, if different from applicant****Address****City****State****Zip Code****Phone Number****Email Address****3. Planning Request (Check all that apply)\***

- ☐ Site Plan and Architectural Review \$150.00 plus \$0.05 per sq. ft (Floor Area)
- ☐ Conditional Use Permit \$275.00
- ☐ Rezone/Land Use Amendment \$400.00
- ☐ Planned Unit Development \$500.00
- ☐ Preliminary Plat \$175.00
- ☐ Final Plat \$225.00
- ☐ Certified Survey Map \$200.00 plus \$10.00 per lot
- ☐ Project Concept Review \$150.00
- ☐ Joint Conditional Use & Certified Survey Map \$500.00 plus \$10.00 per lot
- ☐ Joint Rezoning & Certified Survey Map \$500.00 plus \$10.00 per lot
- ☐ Joint Site Plan & Conditional Use \$350.00 plus \$0.05 per sq. ft (Floor Area)
- ☒ Board of Zoning Appeals/Adjustments \$300.00

**Will translation services be needed during the Board of Zoning Appeals meeting?\***

- ☐ Yes  
☒ No

**If Yes, please specify the language required.****Board of Zoning Appeals Application**

I, (We) the undersigned owner(s)/agent do hereby petition the Board of Zoning Appeals to grant a Zoning Variance.

**1. Address and legal description of subject site\***

836 Walworth Ave LOT 5 BLK 2 EXC N 100' BIRGES ADD. CITY OF WHITEWATER

**2. Tax Parcel #\***

/BIR 00017

**3. Zoning District\***

City of Whitewater

**4. Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property, it is the section of the Ordinance for which a variance is requested:\***

19.60

**No of Occupants Proposed to be accommodated\***

3

**No. of Employees, if applicable****Current Principal Use\***

Vacant

**Proposed Use\***

single family home

**Petitioner's interest in requested Variance\***

Would like to add a 2nd bathroom on the 2nd floor in the same footprint as the lower level

**Have you been granted any variances in the past, on any properties, whether fully or partially owned by you\***

- ☐ Yes  
☒ No

**If yes, list address of thos properties and whether the requirements of the variance granted have been meet**

**Standards**

The following are the Standards that the City of Whitewater Zoning Ordinances sets for decisions on variances. Explain how your proposal meets these standards.

**A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner or distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out.\***

a second bathroom and closet would add more living space and more convenience for the tenant

**B. The condition upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification.\***

Due to the fire we are replacing the burned area in the exact footprint, would like add on a second level to add more space. There is no second level now

**C. The purpose of the variance is not based exclusively upon a desire for economic or material gain by the applicant or owner.\***

Would be more space and extra bathroom for tenant.

**D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets or increase the danger of fire or endanger public safety, or substantially diminish or impair property value within the neighborhood.\***

None of the above will be impaired and will not impair the property value within the neighborhood.

**Property Owner's Signature\***

**Date\***

Jake Walton

10/01/2025

**Address\***

1005 W. Main Street, Ste C

**City\***

Whitewater

**State\***

WI

**Zip Code\***

53190

**Phone Number\***

262-473-8646

**Email Address\***

rrwalton@rrwalton.com

**Owner's Agent Signature\***

Jake Walton

**Date\***

10/01/2025

**Address\***

1005 W. Main Street, Ste C

**City\***

Whitewater

**State\***

WI

**Zip Code\***

53190

**Phone Number\***

262-473-8646

**Email Address\***

rrwalton@rrwalton.com

**Zoning #**

**Application Reviewed By****Date****Item 1.****Dated Filed****Dates Published****Dates Notices Mailed****Board of Zoning Appeals Decision****Board of Zoning Appeals Conditions****Cost Recovery Certificate and Agreement**

Pursuant to Ordinance 19.74.010 and 16.04.270 of the City of Whitewater Municipal Code

The undersigned applicant hereby acknowledges and agrees to be bound by Ordinances 19.74.010 and 16.04.270 of the City of Whitewater Municipal Code, providing for city recovery of all city costs and disbursements incurred directly or indirectly related to the Applicant's request. All costs incurred by the city in the consideration of any requests by the Applicant related to the Applicant's request shall be recoverable, including but not limited to, all professional and technical consultant services and fees retained by the city and rendered in review of any application, including the engineer, planner, attorney, or any other professional or expert hired by the village for purposes of review of the application or pre-submission request. The Applicant agrees to reimburse the City for all costs recoverable pursuant to the terms of the above numbered ordinance within the time period set forth by the City of Whitewater Municipal Code. At no time shall any cost recoverable fees be waived, except through the process of a written request by the Applicant and the Common Council, review and evaluation by the Common Council, and official action taken by the Common Council.

**PROJECT INFORMATION****PROJECT NAME\***

836 Walworth Ave - second story addition

**PROJECT LOCATION\***

836 Walworth Ave

**APPLICANT INFORMATION**

**NAME\***

Max and Jake Walton

**MAILING (BILLING) ADDRESS\***

1005 W. Main Street, Ste C, Whitewater WI 53190

**PHONE \***

262-473-8646

**EMAIL ADDRESS\***

rrwalton@rrwalton.com

**ATTORNEY INFORMATION****NAME****PHONE****EMAIL ADDRESS****Signature of Applicant/Petitioner\***

Jake Walton

**Date\***

10/01/2025

**Note to Applicant:** The City Engineer, Attorney and other City professionals and staff, if requested by the City to review your request, will be billed for their time at an hourly rate which is adjusted from time to time by agreement with the City. Please inquire as to the current hourly rate you can expect from this work. In addition to these rates, you will be asked to reimburse the City for those additional costs set forth in 19.74.10 and 16.04.270 of the Municipal Code.



**RATES**

City Administration Hourly Rate Shall Not Exceed

Interim Director of Economic Development: Emily McFarland \$

Director of Public Works: Brad Marquardt \$72.33

Director of Finance: Rachelle Blitch \$65.94

Clerk: Heather Boehm \$43.33

Deputy Clerk: Tiffany Albright \$29.20

NS Administrative Assistant Llana Dostie \$

Building Inspection Services

Building Inspector Commercial: Joe Mesler \$80.00

Building Inspector Residential: Jon Mesler \$80.00

City Attorney

Russell Law Offices, LLC

Attorney Timothy Brovold \$

City Engineer

Strand and Associates \$247.63

Primary Contact: Mark Fischer

City Planners and Zoning Administrator

Primary Contact: Allison Schwark \$49.00

## NOTICE OF ZONING HEARING

Publish in Whitewater Register on November 20<sup>th</sup>, 2025 and November 27<sup>th</sup>, 2025.

### TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on December 9, 2025 at 5:00 p.m. in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, Whitewater, Wisconsin.

Applicant: Max and Jake Walton

Property Location: 836 W Walworth Ave Parcel #/BIR 00017

Applicable Code: Zoning Code Ordinance: 19.60.040 (c) "Existing buildings and their additions shall not be permitted to encroach further upon established yard/setbacks and height requirements than the existing encroachment"

Variance Requested: Variance requested to allow a two story addition, where a one story once stood.

Reason for Request: To allow construction renovation due to fire.

This notice is being mailed to owners of record within 300 feet of the property in question, to the City Planner and the Plan Commission in accordance with Section 19 of the Code of Ordinances. **THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE CITY PLANNER DURING NORMAL BUSINESS HOURS (Monday – Friday 8:00 a.m. to 4:30 p.m.)**

BOARD OF ZONING APPEALS

Tiffany Albright, Secretary, BZA

Dated: November 17, 2025





## Legal Landscape

### WALWORTH COUNTY, WISCONSIN



**Author:**  
**Map Produced on:** 11/14/2025  
Wisconsin State Plane Coordinate System, South Zone  
Horizontal Datum: NAD83-2011  
**Walworth County Information Technology Department  
Land Information Division**  
1800 County Trunk NN  
Elkhorn, Wisconsin 53121-1001

DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN PRODUCED AND PROCESSED FROM SOURCES BELIEVED TO BE RELIABLE. NO WARRANTY, EXPRESSED OR IMPLIED, IS MADE REGARDING ACCURACY, ADEQUACY, COMPLETENESS, LEGALITY, RELIABILITY OR USEFULNESS OF THIS INFORMATION. THE INFORMATION CONTAINED HEREIN WILL NOT BE ACCEPTED AS AN OFFICIAL DOCUMENT.



MOBIN AHMAD  
804 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

MOBIN AHMAD  
804 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

PATRICK ROGAN  
826 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

M&J WALTON RENTALS LLC  
1005 W MAIN ST SUITE C  
WHITEWATER, WI 53190-9000

ARTHUR W STRITZEL  
KIRSTEN W STRITZEL  
W396 S3675 HARDCRABBLE RD  
DOUSMAN, WI 53118-1800

JENNIFER M GRAHAM  
429 S WHITON ST  
WHITEWATER, WI 53190-9000

TIMOTHY MANZKE  
421 S WHITON ST  
WHITEWATER, WI 53190-9000

TIMOTHY J FREDRICKSON  
JOYCE ROGAN  
W3246 LAKE FOREST LN  
LAKE GENEVA, WI 53147

SPOT HOUSING TOP LLC  
S89 W31715 COOPER PKWY  
MUKWONAGO, WI 53149-4900

JESSE GRENIER  
JENNIFER GRAY  
424 S SUMMIT ST  
WHITEWATER, WI 53190-9000

ROBERT L GAVERS  
LUCILLE A GAVERS  
13211 CHARLES RD  
WOODSTOCK, IL 60098

STEVEN R SMITH  
JANNA D SMITH  
919 W CHARLES ST  
WHITEWATER, WI 53190

ASHBY HIBBS  
JENNIFER HIBBS  
418 S WHITON ST  
WHITEWATER, WI 53190-9000

JUAN MANUEL GOMEZ  
MARIA DE JESUS GOMEZ LICEA  
426 S WHITON ST  
WHITEWATER, WI 53190-9000

MAX R WALTON  
1270 JAKES WAY #13  
WHITEWATER, WI 53190-9000

LAURIE K MURPHY TRUST  
438 S WHITON ST  
WHITEWATER, WI 53190-9000

TIMOTHY A KLINGMAN  
RHONDA J KLINGMAN  
430 S WHITON ST  
WHITEWATER, WI 53190

TAMMY L STEVENSON  
904 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

STEUERWALD TRUST  
920 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

JOSEPH J HAJEWSKI  
SHANNON B HAJEWSKI  
930 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

SIMPLE REALTY 4 LLC  
125 N THIRD ST STE A  
PO BOX 154  
PALMYRA, WI 53156-5600

DEAN STEARNS  
MARY STEARNS  
917 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

JORDAN J MEYER  
WINDY L MEYER  
909 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

LADWIG & VOS INC  
140 LONG MEADOW DR  
BURLINGTON, WI 53105

CONNIE A ARDELT  
ROBERT ARDELT TRUST  
835 WALWORTH AVE  
WHITEWATER, WI 53190-9000

CRAIG A POPE  
125 POTAWATOMI RD  
WILLIAMS BAY, WI 53191-8100

VICTOR T BELLRICHARD  
ANEASA M BELLRICHARD  
825 W WALWORTH AVE  
WHITEWATER, WI 53190-9000

RYAN STRITZEL  
DEANN STRITZEL  
W7262 HWY 12  
WHITEWATER, WI 53190-9000

MEYER WHITEWATER FAMILY PROPERTY  
6775 BADGER RD  
LAKE TOMAHAWK, WI 54539-3900

WW VETERINARY BUILDING LLC  
527 S JANESVILLE ST  
WHITEWATER, WI 53190

MEYER WHITEWATER FAMILY PROPERTY  
6775 BADGER RD  
LAKE TOMAHAWK, WI 54539-3900

*Item 1.*

# MEMORANDUM

To: City of Whitewater Zoning Board of Appeals

From: Allison Schwark, Zoning Administrator

Date: December 9, 2025

Re: Variance Request

Summary of Request	
<b>Requested Approvals:</b>	Variance request for a two-story building addition that does not comply with current setback regulations
<b>Location:</b>	836 W Walworth Street (Parcel #/BIR 00017)
<b>Current Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Current Zoning:</b>	R-2 One & Two Family Residence
<b>Proposed Zoning:</b>	N/A
<b>Future Land Use, Comprehensive Plan</b>	Central Area Neighborhood

## Staff Review

The applicant is requesting a variance to construct a second level addition on a home that currently exists on the parcel but is nonconforming as it does not meet the setback requirements for the R-2 zoning district. The home was constructed many years ago, and recently significant damage was caused to the existing home due to a fire. During the fire, the area where the addition is proposed had an existing first floor with crawl space that needed to be ripped off the building to gain access to areas for the fire department to effectively extinguish the fire. Significant damage was done to that area of the building, and it was completely removed, sealed, and the property was listed for sale.



The new owners of the parcel would like to rebuild the existing first floor level of the home that was ripped off, which is allowed per ordinance. The property owners have the ability to re-build within the same footprint and replace exactly what existed prior to the damage occurring.

**Per Section 19.60.040:**

A nonconforming structure with a conforming use that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable state or federal requirements. Any reconstruction shall conform to the development regulations of this title, to the extent practicable, and existing sanitary code requirements, and shall commence within twenty-four months of the date of damage or destruction, unless an extension is granted by the government agency having authority.

Additionally, the owners would like to expand the addition to include a second story above the first story, which never existed previously.

**Per Section 19.60.040:**

Additions and enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this title.

The proposed addition does not currently meet the setback requirements of the R-2 zoning district.

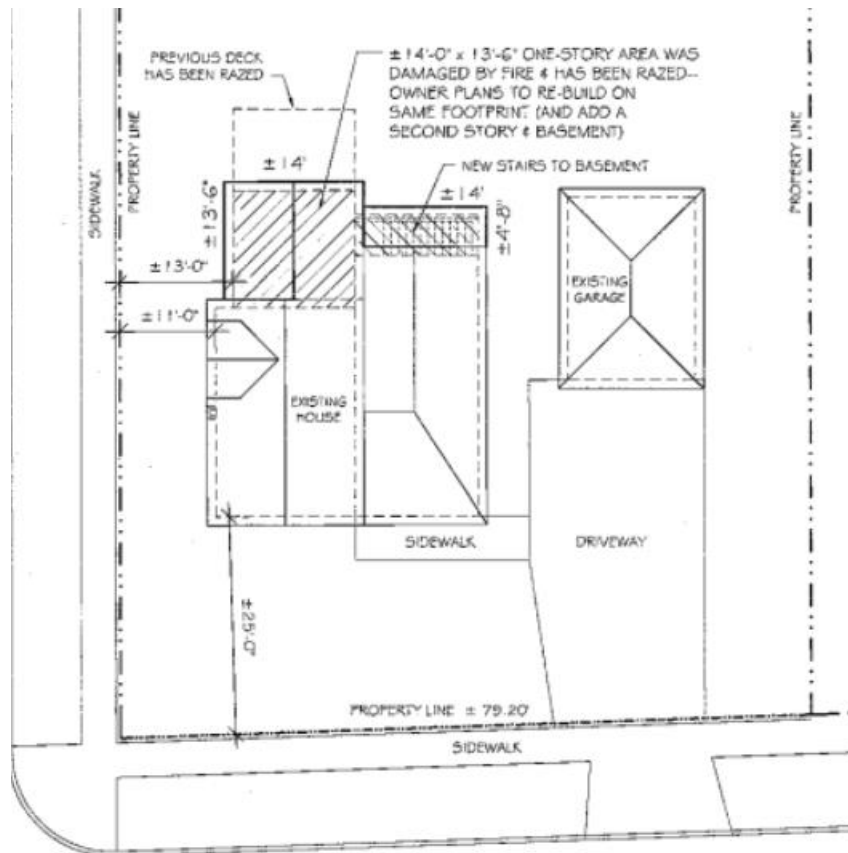
**19.18.060 - Yard requirements.**



Minimum yard requirements in the R-2 district are:

- A. Front, twenty-five feet; (not more than forty percent of the front yard may be an impervious surface except by conditional use permit);
- B. Side, ten feet for one-family, fifteen feet for two-family and multifamily; corner lots, twenty-five feet;
- C. Rear, thirty feet (not more than forty percent of the yard may be an impervious surface except as a conditional use);
- D. Shore, seventy-five feet. All shoreland shall be in compliance with [Chapter 19.46](#), and in addition may require DNR approval;
- E. For all structures larger than a one-family dwelling unit, the building setback standards established in the R-3 multifamily residence district shall apply.

Per section 19.18.060 the side yard setback on corner lots is 25 feet. The proposed addition is 13 feet from S Whiton Street.



**Per Section 19.72.080:**

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist, and so indicates in the minutes of its proceedings:

- A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;
- C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;
- D. The hardship is not one that is self-created;
- E. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the

danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods;

- F. The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district;

### Decision and Final Action

