

Town of West Bend - Washington County, Wisconsin
APPLICATION for APPEAL or VARIANCE

An Application for Appeal or Variance must be filed with the Zoning Board of Appeals within 30 days of the decision notification.

Name of Property Owner: John + Donna Lobaito

Address: 5615 Peters Drive West Bend, WI 53095

Phone: 847-833-0838 **Email:** lobaito7c@gmail.com

Name of Applicant (if different from Property Owner): Joseph Douglas Homes (Raguel Garms)

Address: NSD W13740 Overview Drive Suite D Menomonee Falls, WI 53051

Phone: 262-783-4200 **Email:** raguel@josephdoughashomes.com

Appeal / Variance Requested:

The Applicant, being aggrieved by the decision of the Town Board, Plan Commission, Building Inspector, Zoning Administrator, or Other Officer of the Town was (check one):

☐ Denied approval of a requested zoning change on: _____ (date)

☒ Denied approval of a requested site plan on: 9/15/25 (date)

☐ Issued an order or notice of violation on: _____ (date)

☐ Denied the issuance of a building permit on: _____ (date)

Makes this appeal for the following purpose (check one):

☒ To seek a variance from the requirements of Section(s) 325.28(6) of Chapter 17: Zoning Regulations of the West Bend Town Code.

☐ To determine whether the order, requirements, decision, or determination of the Plan Commission, Zoning Administrator, Building Inspector, or Other Office of the Town is in error.

☐ To obtain an interpretation of Section(s) _____ of Chapter 17: Zoning Regulations of the West Bend Town Code.

☐ To obtain an interpretation of the location of the boundaries of the _____ zoning district in Section _____ of the Town of West Bend.

Property Description:

Address: 5615 Peters Drive West Bend WI 53095

Tax Key #(s) T13 189800 **Current Zoning:** R1- Shoreland

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The Applicant requests that the appeal be granted for the following reasons:

A. See attached from owner

B. _____

C. _____

D. _____

E. _____

F. _____

(if additional reasons, please attach as separate sheet)

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Application Checklist:

(This Application shall be completed in full. The Town of West Bend shall not accept any Application for Appeal or Variance until all of the information below, as required under Chapter 17.13.03 of the Zoning Ordinance, is submitted as attachment to this Application. Please confirm inclusion of the required information by checking each item below).

- ☒ Name and Address of all abutting and opposite property owners of record.
- ☒ Plat of Survey prepared by a registered land surveyor showing all of the information required for a Building Permit.

___ Additional Information as may be required by the Zoning Board of Appeals.

As per Chapter 17.12.07, No variance to the provisions of this Chapter shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

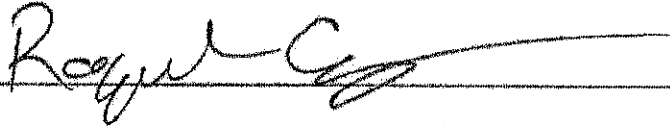
- A. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the District in which the development is located. No variance shall have the effect of permitting a use in any District that is not a stated Permitted Use, Accessory Use or Conditional Use in that particular District.
- B. Exceptional Circumstances There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same District and the granting of the variance would not be of so general or recurrent nature as to suggest that this Chapter should be changed.
- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same District and same vicinity.
- E. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

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Application Fee:
(\$500.00)

Check Number: 1232

Amount: \$500

Applicant Signature: 

Date: 9/15/25

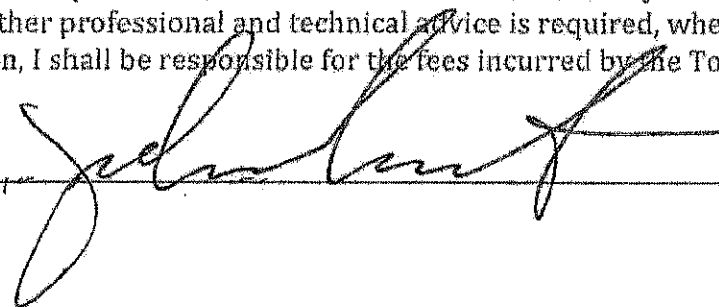
Town Clerk Signature: 

Date: 9/17/2025

Professional Services Fee:

The Town of West Bend has determined that whenever the services of the Zoning Administrator, Building Inspector, Town Engineer, Town Attorney, or any other Town staff, as well as outside legal, planning, engineering, and other professional and technical advice results in a charge to the Town for professional time and services, the Town Clerk shall charge such services fees incurred by the Town to the property owner even if the request is not approved.

I have been advised that if the Zoning Administrator, Building Inspector, Town Engineer, Town Attorney, or any other Town staff provides services to the town because of my activities, or outside legal, planning, engineering, and other professional and technical advice is required, whether at my request or the request of the Town, I shall be responsible for the fees incurred by the Town, even if my request is not approved.

Owner Signature: 

Date: 9/17/2025

September 12, 2025

John Stern, Chair
Members of the Zoning Board of Appeals
Town Hall
6355 County Trunk Z
West Bend, WI 53095

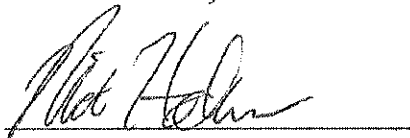
Letter of Support for Variance Request by John and Donna Lobaito, 5615 Peters Drive, West Bend, WI 53095

Dear Chairperson and Members of the Zoning Board of Appeals:

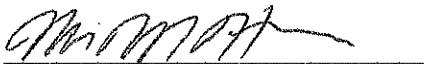
We are the property owners of 5611 and 5619 Peters Drive and are the adjoining neighbors of John and Donna Lobaito of 5615 Peters Drive. We are aware that the Lobaito's are proposing to tear down their existing home to the first-floor decking and rebuild a two-story home. We are in full support of their plans and the requested zoning variation.

They have shared with us the site plan and building plans for the new home and informed us of their need for a Street Yard setback variance from the Town of West Bend. We understand that a variation to the zoning code is necessary due to the proposed two (2)-foot second floor cantilever on the street side of the home.

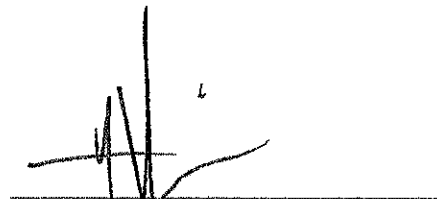
The proposed plans by the Lobaitos will not be a detriment to our properties. We have no objections to their proposed plans or the zoning variance they are seeking.



Nick Hockers
5619 Peters Drive
(414) 343-9467



Michelle Hockers
5619 Peters Drive
(262) 689-6888



Yomaira Verdin
5611 Peters Drive
(414) 559-5171

John and Donna Lobaito
5615 Peters Dr.
West Bend, WI 53095

September 15, 2025

Donna Schneider, Chair
Zoning Board of Appeals
Town Hall
6355 County Trunk Z
West Bend, WI 53095

Re: 5615 Peters Dr. Zoning Variation to Section 325-28G -Street Yard Setback

Dear Chair Schneider and Members of the ZBA:

In 2019, we purchased our home at 5615 Peters Drive to spend weekends enjoying the lake and everything the West Bend area has to offer. The home was built in 1933 as a 1.5 story summer cottage, and it was remodeled in 2003. We quickly realized West Bend offered a peaceful way of life, with plenty of recreational, shopping, and cultural opportunities we have grown to love and want to be a part of on a permanent basis. When we purchased our home, we immediately felt welcomed by the people in the community and realized how much we enjoyed our time in West Bend. As such, we made the decision we would love to retire to this home on a full-time basis, which also brings us closer to our two children and granddaughter.

Before we sell our home in Illinois and move into our home on Silver Lake, it is our intent to remodel the home. As some home remodeling projects go, after several design iterations with our builder/designer, it became obvious that tearing the home down to the first-floor deck was more practical. The current home is 1,260 square feet, and the proposed remodeled home is 1,800 square feet. The survey of our lot is enclosed with our application. As this is one of the smallest lake lots on Peters Drive, there are certain setback limitation challenges with the rebuilding of our home.

As you are aware, lake lots come with certain regulations that limit the use of the lot. Although we are building on the existing foundation with no enlargement, we found it necessary to expand the second floor by two feet (2') towards Peters Drive. We later discovered that the two (2) foot cantilever over the first floor encroached into the Street Yard Setback.

We believe providing relief to the encroachment is reasonable and is the minimum to meet our needs. The property is unique, and we believe that the facts and circumstances support our variation request.

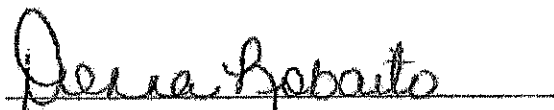
Preservation of Intent: Our property is zoned R-1S Shoreland Residential. The primary intent is to provide for single family residential uses and to preserve the existing lakeshore charm, to preserve the lake quality, and allow homeowners to maintain their property and make improvements. The modest encroachment is consistent with the zoning districts' intent.

Exceptional Circumstances: The property is unique due to its lot shape and its orientation to Silver Lake. The lot is a trapezoid shape with two parallel side property lines, with one side lot line measuring 109 ft. and the other measuring 139 ft. The property line at the lake is not parallel to the street lot line which creates a pie shaped buildable area when applying the current building setback regulations of the district. This is depicted on Exhibit A. The building area is greatly diminished and oddly configured from other lots making it impractical to position a house that meets the minimum building setbacks.

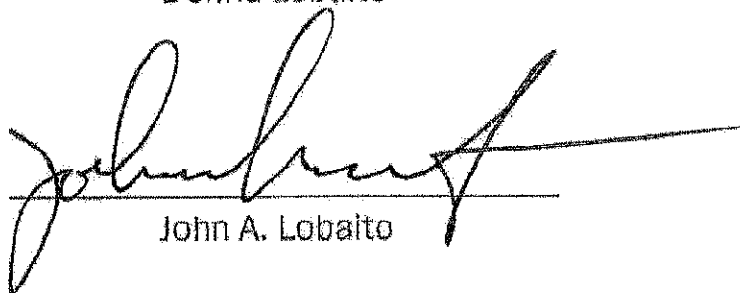
Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: The unique configuration of the lot that was platted in the early twentieth century is not self-imposed. The Town's zoning code allows for the construction of a single-family residential home on the lot. The improvement to the property will be aesthetically pleasing and meets the intent of the districts to allow for improvements. The request is the minimum necessary and is in keeping with the character of the Lake community.

Preserve Property Rights: The modest encroachment is the minimum necessary for the enjoyment of the property like other properties in the neighborhood. The home square footage will be 1,800 sq. ft. when completed. The use of the property is consistent with the regulations of the district, and the granting of the variation will allow the full enjoyment of the property.

Absence of Detriment: Approval of the variation will not be detrimental to the adjacent properties and is in keeping with the spirit and intent of the district. The adjoining neighbors support the variation request, and enclosed is a letter in support of the variation request signed by our two adjoining neighbors.



Donna Lobaito



John A. Lobaito