

Date: October 15, 2025

To: Town of West Bend Zoning Board of Appeals

From: Kristen Hoss, Asst. Zoning Administrator

Subject: Request for a variance from the street setback provisions of the Town Zoning Code to allow the proposed new single-family home located at 5615 Peters Drive (T13_1890500); John and Donna Lobaito, applicant

Application: 2025-11

Meeting: October 23, 2025, Plan Commission meeting

General description John and Donna Lobaito submitted an application for a variance from the front-yard setback requirements for a proposed single-family residence located at 5615 Peters Drive. The variance is required to allow the two-foot expansion of the second floor that would encroach closer to Peters Drive than what Appendix C of the zoning code would allow. The zoning code has a street setback minimum of 25 feet in the R-1S Shoreland Residential Zoning District, and the proposed new home would have a street setback of 15 feet.

Zoning classification The subject property is in the R-1S Shoreland Residential Zoning District (R-1S District) and the Washington County Shoreland Overlay District.

Lot configuration The existing and required average lot width, lot size, and road frontage are shown in the following table.

	Average Lot Width	Lot Size (sq. ft.)	Road Frontage
Existing	68 ft. +/-	8750 ft. +/-	80 ft.
Required	65 ft.	10,000	50 ft.

Previous Zoning Board of Appeals action on the subject property There are no known Zoning Board of Appeals actions relating to the subject property.

Notice requirements A notice of public hearing was published in the Washington County Daily News on October 8 and 15, 2025.

Proposal and Staff Analysis The subject property is located on the shore of Silver Lake and is served by the Silver Lake Sanitary District. The site features generally flat topography with a slight decline toward the shoreline. The lot currently contains a 1.5-story single-family residence, a detached garage, and a small shed. Both accessory structures are proposed to remain, while the existing home will be razed and reconstructed.

According to the application, the new single-family residence will be two stories in height and constructed on the existing foundation, maintaining the same first-floor/foundation footprint. The applicant proposes to expand the second floor to provide additional living space, extending approximately two feet further toward Peters Drive than the existing structure, with a cantilevered addition. It should be noted that the ordinance measures setbacks as the minimum horizontal distance between the street line and the nearest point of the principal structure. The rebuilt home will also feature a rear deck overlooking the lake and a covered front porch facing the street.

A site plan illustrating existing and proposed improvements is attached as Exhibit B, and building plans for the proposed residence are attached as Exhibit C.

	1st Floor (sq. ft.)	2nd Floor (sq. ft.)	Detached Garage (sq. ft.)	Shed (sq. ft.)	Rear Deck (sq. ft.)	Front Porch (sq. ft.)	Beds	Baths
Existing	890	447	515.5	68.7	384	63	3	2
Proposed	890	974	515.5	68.7	384	83	3	3

The proposed expansion of the 2nd floor space beyond the existing footprint (lateral addition) requires a variance since it encroaches into the front yard setback from the Town of West Bend Zoning Code as summarized in the following table.

PROVISION	EXISTING	NON- CONFORMING?	PROPOSED	REQUIRED	VARIANCE NEEDED?
Street Setback, Min.	16.7 ft.	Y	15 ft.	25 ft.	Y
Side Setback, Min.	12.4 ft.	N	No Change	7 ft.	N
Shore Setback, Min.	77 ft.	N	No Change	75 ft.	N
Total Building Footprint, Max.	890 sq. ft.	N	No Change	600 sq. ft.	N
Living Area, Min.	1337 sq. ft.	N	1864 sq. ft.	1200 sq. ft.	N
Accessory Footprint, Max.	575 sq. ft.	N	No Change	864 sq. ft.	N
Principal Building Height, Max.	23 ft.	N	35 ft.	35 ft.	N

Applicant comments The applicants' comments and application are attached as Exhibit D, along with a letter from the neighboring property.

Staff recommendation Staff recommend approval of the request for a variance from the street yard setback provisions of the Town of West Bend Zoning Code to allow the second story expansion of the proposed home based on the following findings.

Decision criteria No variance shall be granted by the Board unless determined that all required conditions are met and records those findings in its meeting minutes. The staff analysis below assesses the merits of the subject application relative to the conditions:

- 1. 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.**

The purpose of the R-1S Shoreland Residential District is to preserve the existing lakeside charm and appeal of these communities, protect the water quality of the lakes and allow property owners to maintain and improve their properties. The proposed variance does not alter the permitted residential use of the property or introduce any non-residential activities. The project involves rebuilding a single-family home within the existing foundation footprint, with a small second-story expansion towards Peters Drive. The intent of the zoning district will remain preserved.

- 2. 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.**

The lot is constrained by its relatively shallow depth between Silver Lake and Peters Drive, which makes strict compliance with the 25-foot front yard setback difficult without reducing the home's livable space given the requirement to maintain the 75-foot shore setback enforced by Washington County. The unique characteristics of the site represent an exceptional circumstance that justifies relief for the setback requirement.

- 3. 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.**

The request is not based on economic consideration and does not result from a self-imposed hardship. The variance is requested to allow a small architectural improvement and second-floor expansion consistent with the layout constraints of the lot. The hardship arises from the physical configuration of the lot and existing foundation rather than from actions or decisions by the property owner.

- 4. 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.**

The modest encroachment into the front yard setback allows for the additional space

needed to make the home functional and livable for full-time residence while still meeting shoreland setback requirements and using the existing foundation. The proposed 1,800-square-foot home represents only a slight expansion, consistent with the scale and character of surrounding properties. Granting the variance would allow the applicants to enjoy and use their property in a manner comparable to other homes in the neighborhood. Overall, the proposed improvements are consistent in scale and character with the existing development on the property.

5. 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.

The proposed variance will not result in detriment to adjacent properties or the public interest. The second-story cantilever does not increase lot coverage or impervious surface and will not obstruct neighboring views nor decrease road visibility. The design maintains the character and scale of surrounding development and complies with all other applicable zoning standards. The encroachment into the front-yard setback area will not adversely affect the public right-of-way, create visual or safety concerns, or impact the overall pattern of development.

Attachments:

1. Application and comments
2. Site plan
3. Building plans
4. Streetview photos of existing property

Exhibit A

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:** lobaito7@gmail.com

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

Address: N50 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

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

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)

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

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.

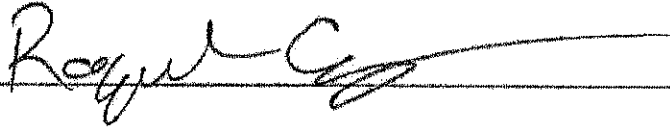
- A. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the District in which the development is located. No variance shall have the effect of permitting a use in any District that is not a stated Permitted Use, Accessory Use 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.

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

Application Fee:
(\$500.00)

Check Number: 1232

Amount: \$500

Applicant Signature: 

Date: 9/15/25

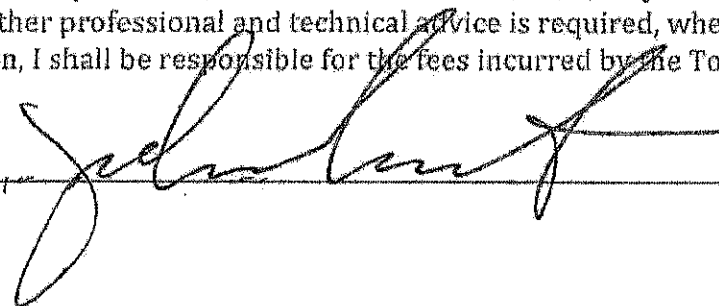
Town Clerk Signature: 

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

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.

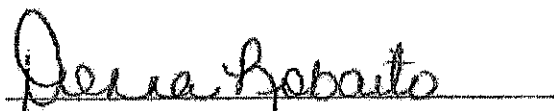
Preservation of Intent: Our property is zoned R-1S Shoreland Residential. The primary intent is to provide for single family residential uses and to preserve the existing lakeshore charm, to preserve the lake quality, and allow homeowners to maintain their property and make improvements. The modest encroachment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

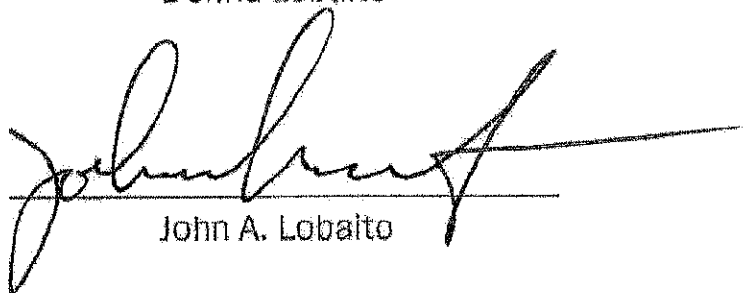
Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: The unique configuration of the lot that was platted in the early twentieth century is not self-imposed. The Town's zoning code allows for the construction of a single-family residential home on the lot. The improvement to the property 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

September 12, 2025

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

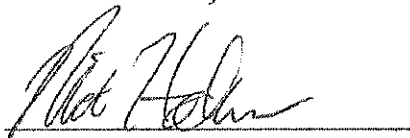
Letter of Support for Variance Request by John and Donna Lobaito, 5615 Peters Drive, West Bend, WI 53095

Dear Chairperson and Members of the Zoning Board of Appeals:

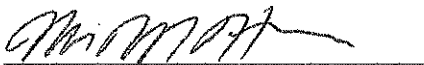
We are the property owners of 5611 and 5619 Peters Drive and are the adjoining neighbors of John and Donna Lobaito of 5615 Peters Drive. We are aware that the Lobaito's are proposing to tear down their existing home to the first-floor decking and rebuild a two-story home. We are in full support of their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

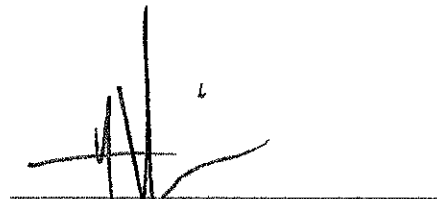
The proposed plans by the Lobaitos will not be a detriment to our properties. We have no objections to their proposed plans or the zoning variance they are seeking.



Nick Hockers
5619 Peters Drive
(414) 343-9467



Michelle Hockers
5619 Peters Drive
(262) 689-6888



Yomaira Verdin
5611 Peters Drive
(414) 559-5171

Exhibit B

Site Plan for John & Donna Hobaito

(5615 Peters Drive, West Bend, WI)

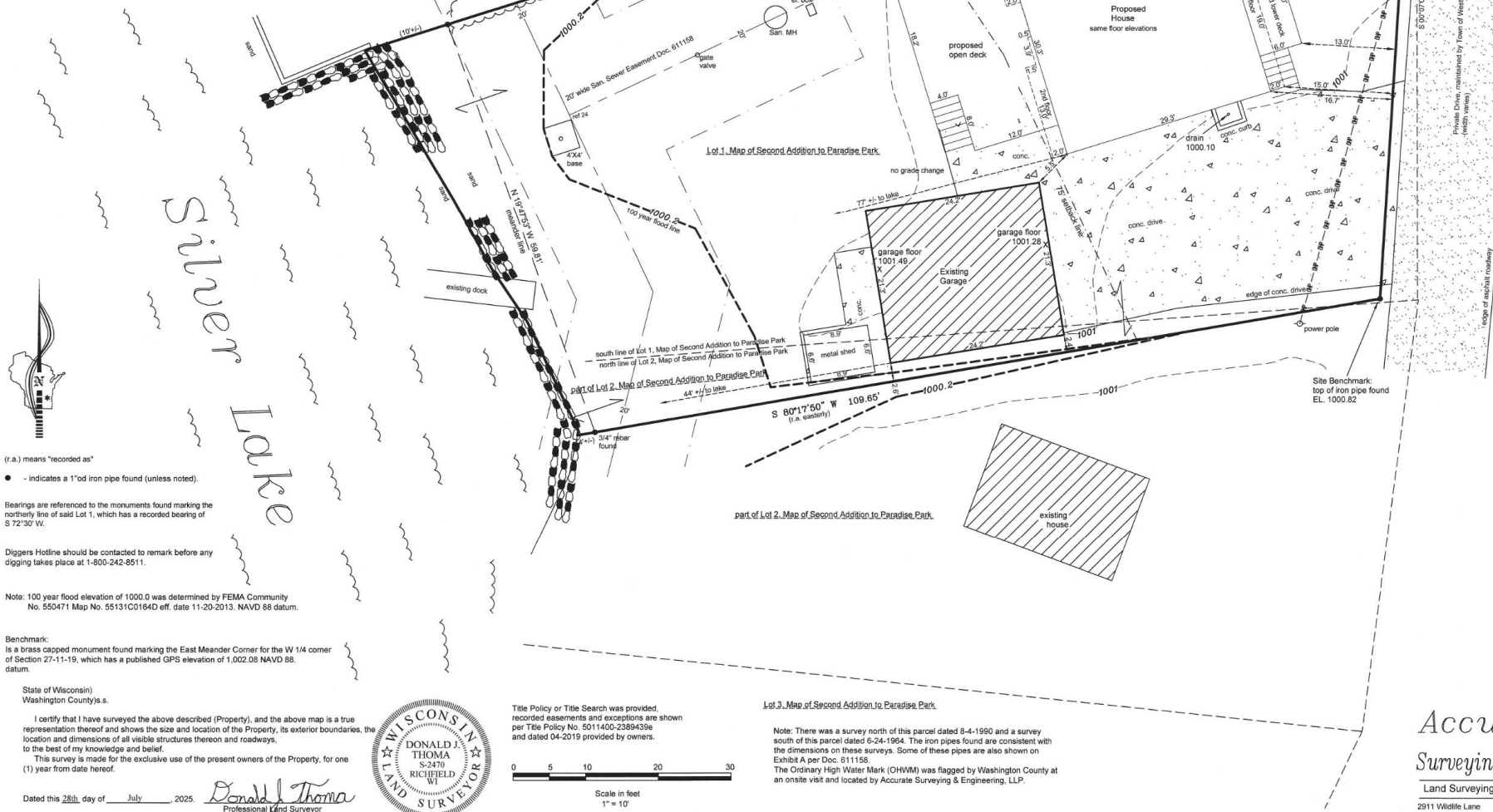
That part of Lot One (1) and Lot Two (2), in Map of Second Addition to Paradise Park, being a subdivision located in Section Twenty-seven (27), Township Eleven (11) North, Range Nineteen (19) East, in the Town of West Bend, Washington County, Wisconsin, described as follows:
Commencing at the most northerly corner of Lot One (1) of said Addition; thence South 72°30' West, 140 feet to the Shore of Silver Lake; thence Southerly along the Shore of said Lake, 60 feet; thence in an easterly direction to a point South 0°7' East, 79.75 feet from the starting point; thence North 0°7' West, 79.75 feet to the place of beginning.

Part of Government Lot Three (3), in Section Twenty-seven (27), Township Eleven (11) North, of Range Nineteen (19) East, Town of West Bend, Washington County, Wisconsin.

— — — — — indicates existing overhead electric line, Easement Doc. 136289.

- - - - -1001- - - - - indicates existing contour lines.

Lot area to the OHWM at the time of Survey = 0.203 acre (8,830 sq. ft.).
Total proposed impervious area = House w/2nd floor, garage, drive, conc. slabs = 2,969 sq. ft. / 33.6% of lot.
Total area of proposed decks and steps = 444 sq. ft.



(r.a.) means "recorded as"

• - indicates a 1"od iron pipe found (unless noted).

Bearings are referenced to the monuments found marking the northerly line of said Lot 1, which has a recorded bearing of S 72°30' W.

Diggers Hotline should be contacted to remark before any digging takes place at 1-800-242-8511.

Note: 100 year flood elevation of 1000.0 was determined by FEMA Community No. 550471 Map No. 55131C0164D eff. date 11-20-2013. NAVD 88 datum.

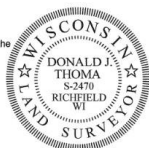
Benchmark:
Is a brass capped monument found marking the East Meander Corner for the W 1/4 corner of Section 27-11-19, which has a published GPS elevation of 1,002.08 NAVD 88 datum.

State of Wisconsin)
Washington County is s.

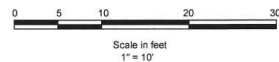
I certify that I have surveyed the above described (Property), and the above map is a true representation thereof and shows the size and location of the Property, its exterior boundaries, the location and dimensions of all visible structures thereon and roadways.

This survey is made for the exclusive use of the present owners of the Property, for one (1) year from date hereof.

Dated this 28th day of July, 2025.
Donald J. Thoma
Professional Land Surveyor



Title Policy or Title Search was provided, recorded easements and exceptions are shown per Title Policy No. 5011400-2389439e and dated 04-2019 provided by owners.

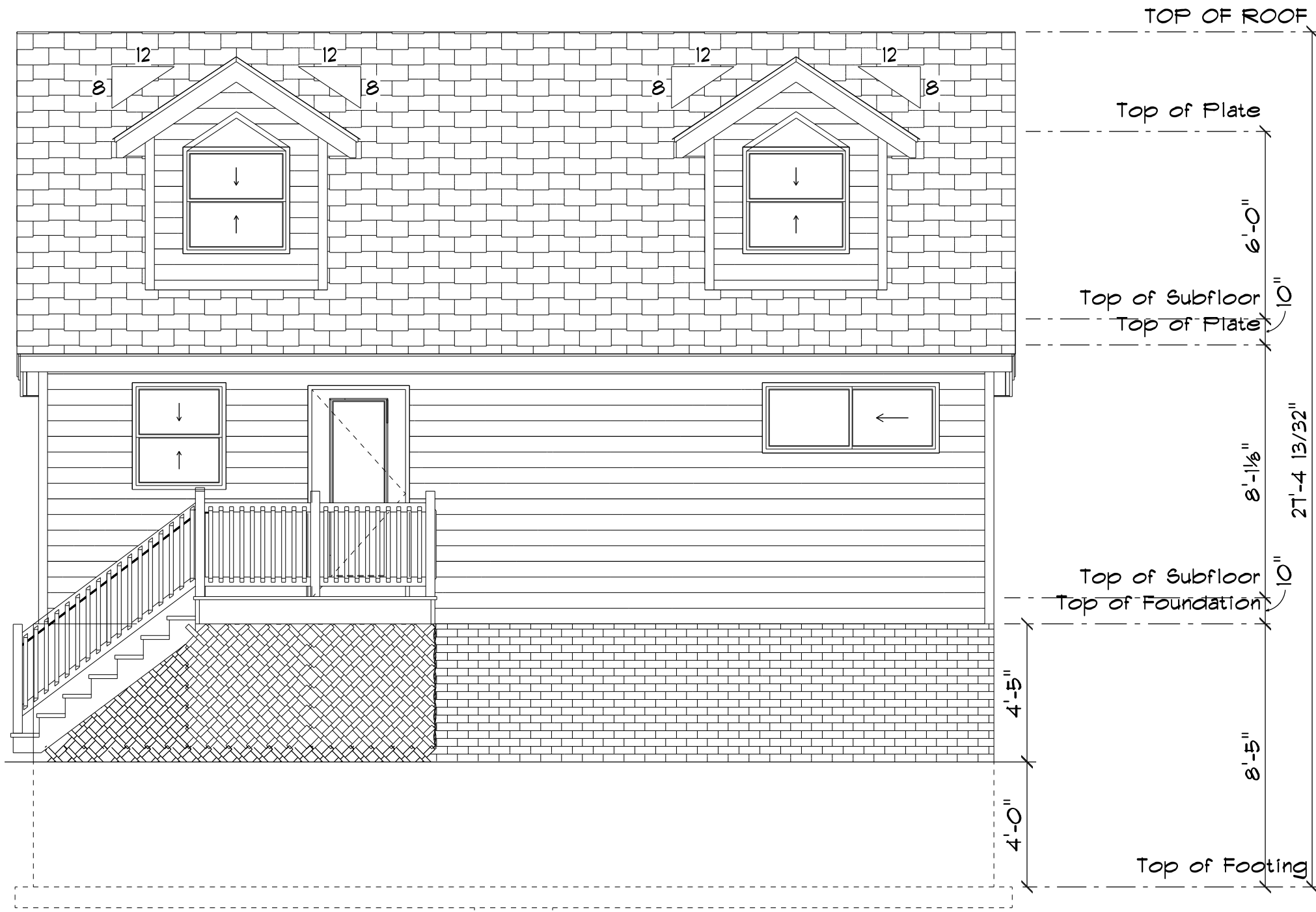


Lot 3, Map of Second Addition to Paradise Park.

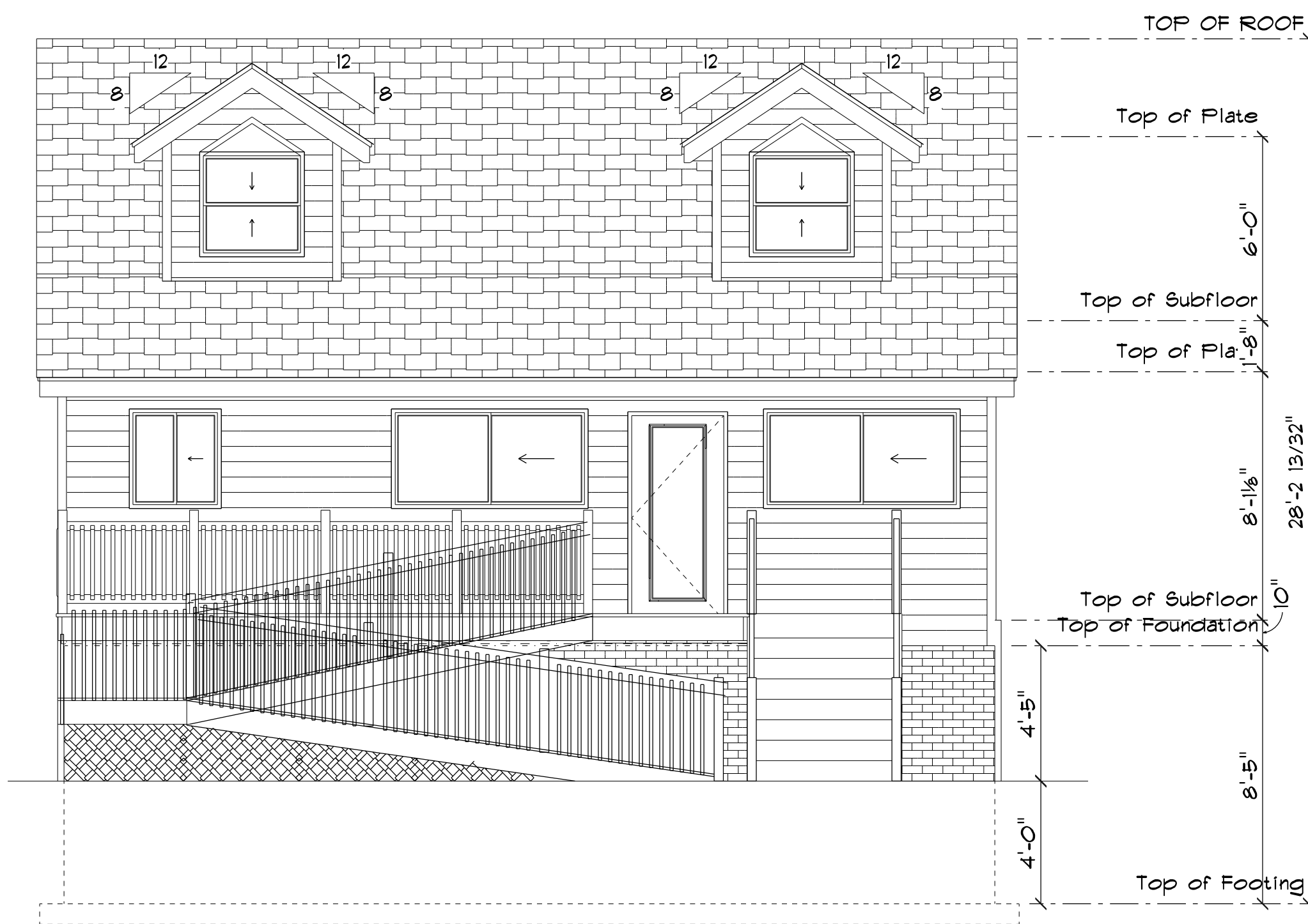
Note: There was a survey north of this parcel dated 8-4-1990 and a survey south of this parcel dated 6-24-1964. The iron pipes found are consistent with the dimensions on these surveys. Some of these pipes are also shown on Exhibit A per Doc. 611158.
The Ordinary High Water Mark (OHWM) was flagged by Washington County at an onsite visit and located by Accurate Surveying & Engineering, LLP.

Accurate 
Surveying & Engineering, LLP
Land Surveying, Consulting, Developing
2011 Wildlife Lane
Richfield, WI 53076
262 877-2120





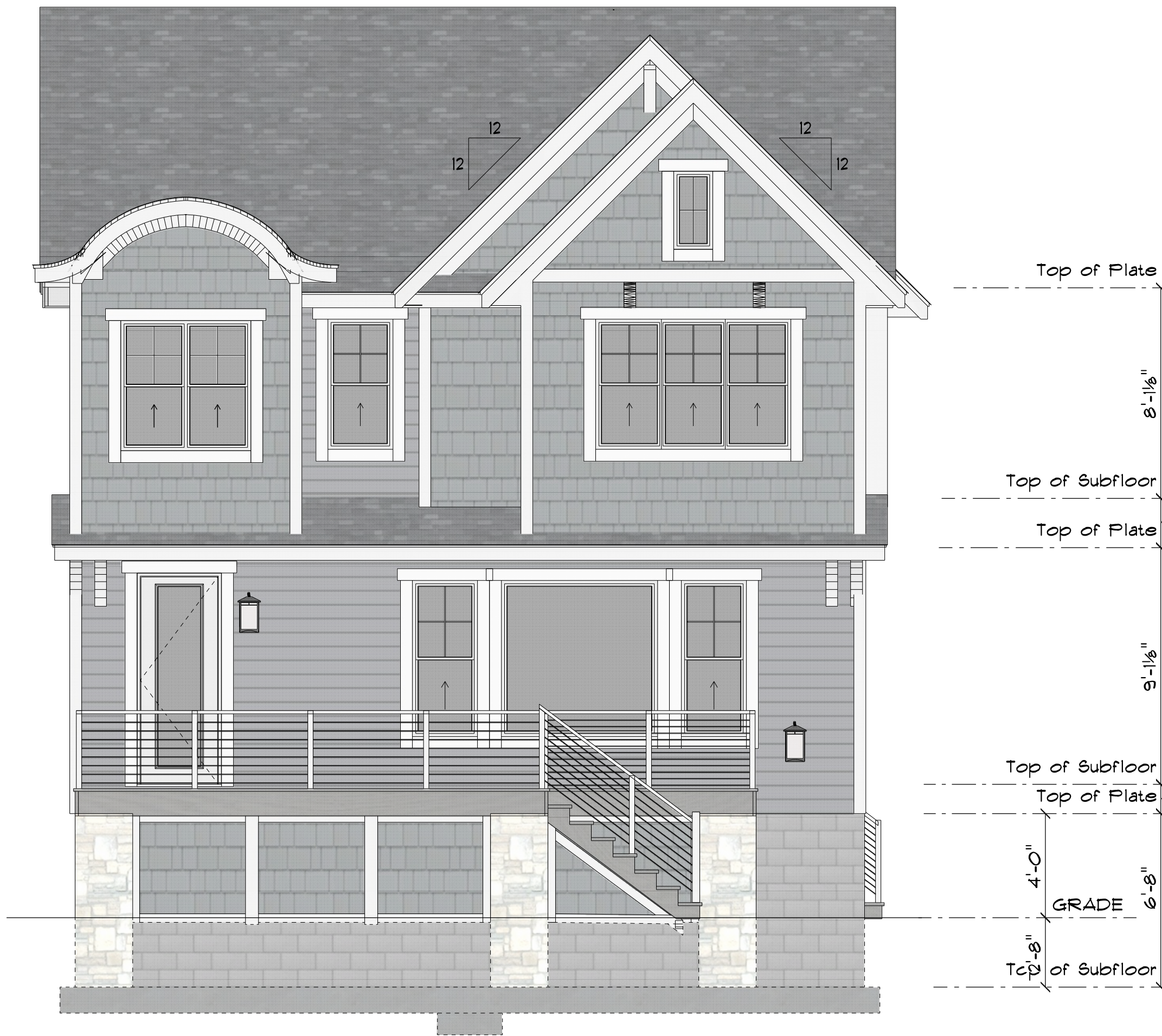
EXISTING FRONT ELEVATION



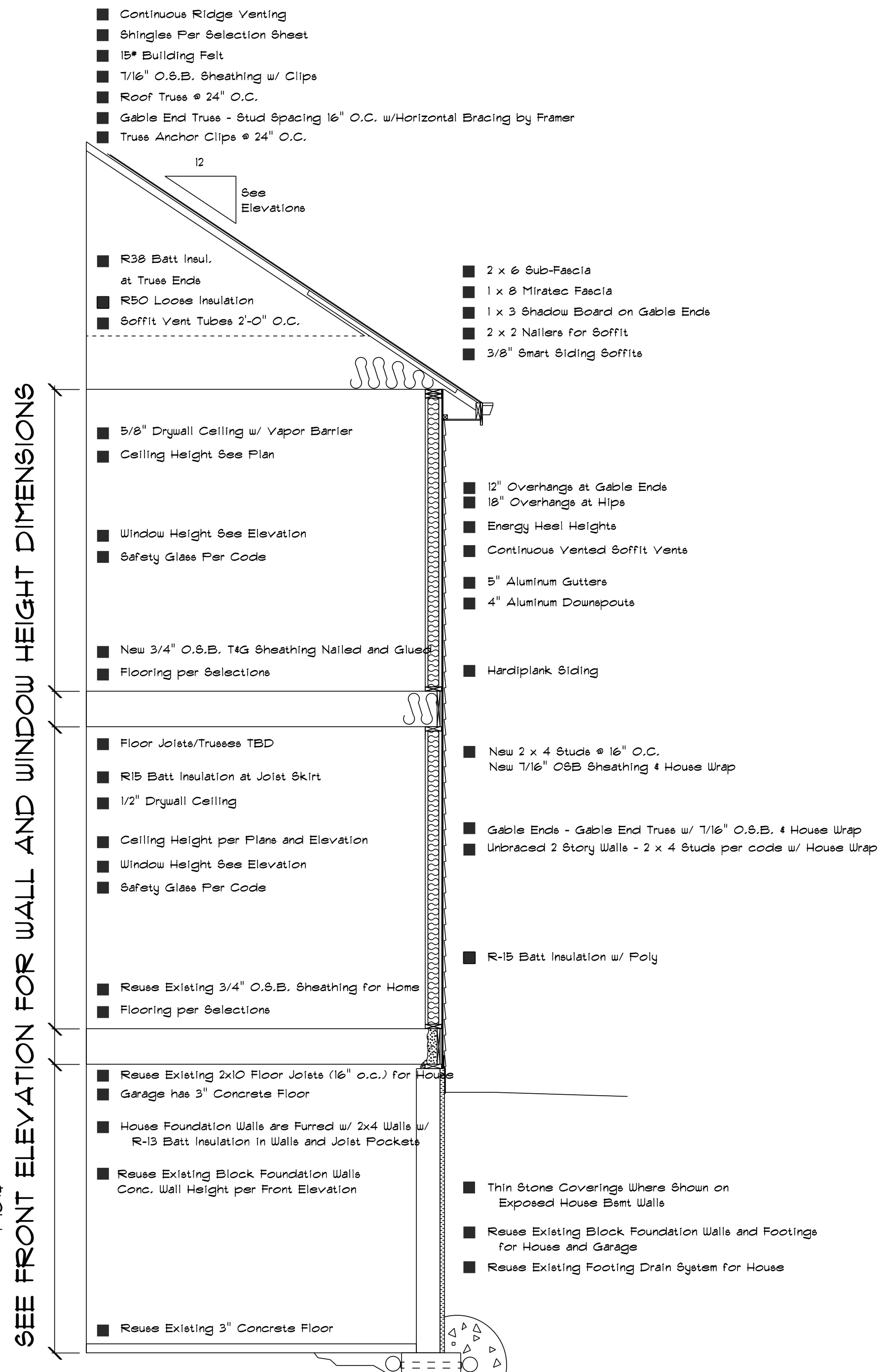
EXISTING REAR (LAKE) ELEVATION



FRONT ELEVATION



REAR ELEVATION



Cross Section

■ REVISION 0 (PRELIMINARY BIDDING)

RELEASE DATE: 11/14/2024

■ REVISION 1 (CONSTRUCTION DRAWINGS)

RELEASE DATE: 1.22.25

□ REVISION 2 (POST CONTRACT CHANGE ORDERS)

RELEASE DATE:

APPROVALS

SCALE: 1" = 1/4" (A.S.)
DRAWN BY: DB
REV. BY: DH
DATE STAMP: 1/22/2025

LOBAITO RESIDENCE

WHOLE HOUSE AND GARAGE ADDITION

5615 PETERS DR.
WEST BEND, WI

FOUNDATION: EXT. 890 SF
1ST FLOOR: EXT. 890 SF
2ND FLOOR: EXT. 447 SF
FRONT DECK: EXT. 63 SF
REAR DECK: EXT. 384 SF

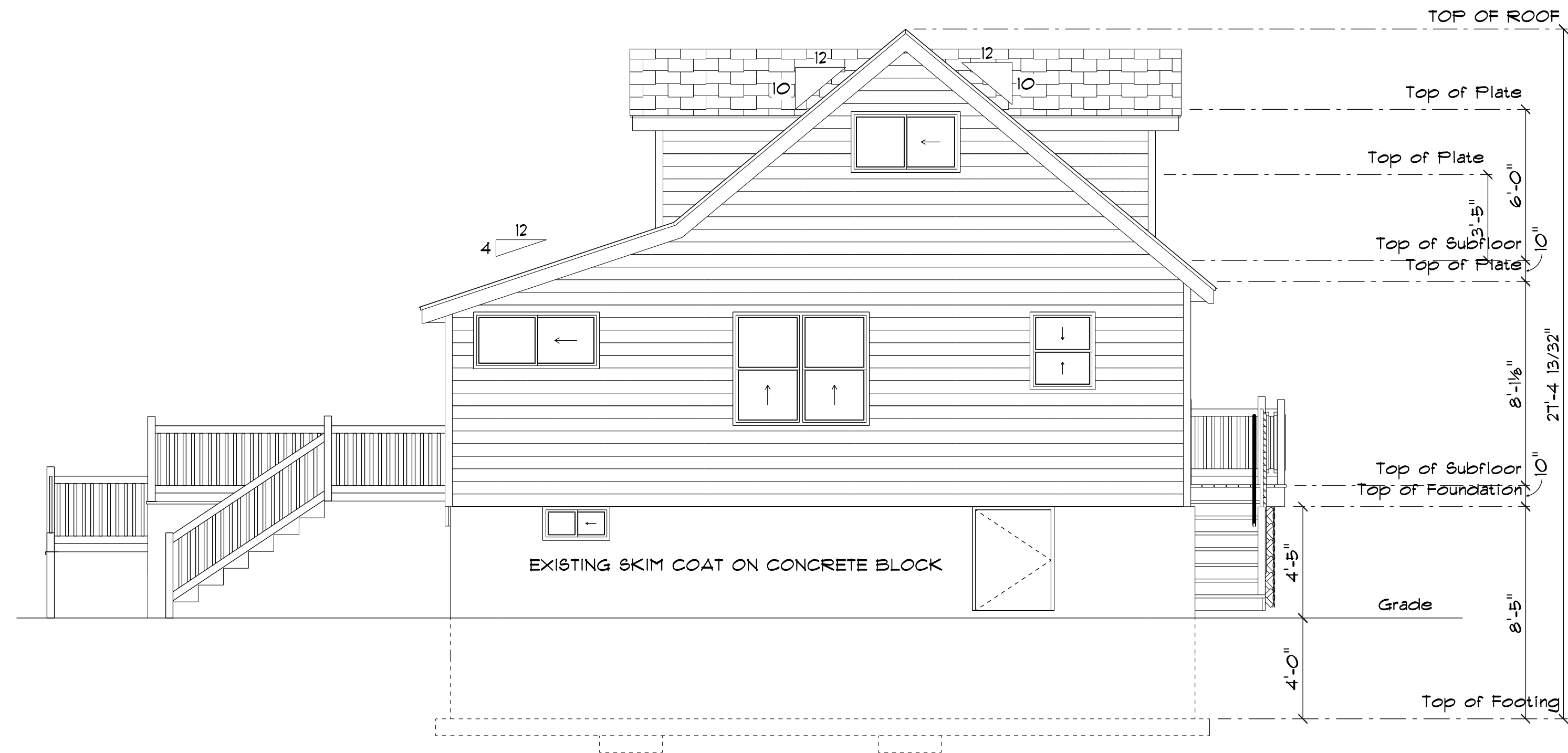
PROP. 890 SF
PROP. 890 SF
PROP. 974 SF
PROP. 83 SF
PROP. 384 SF

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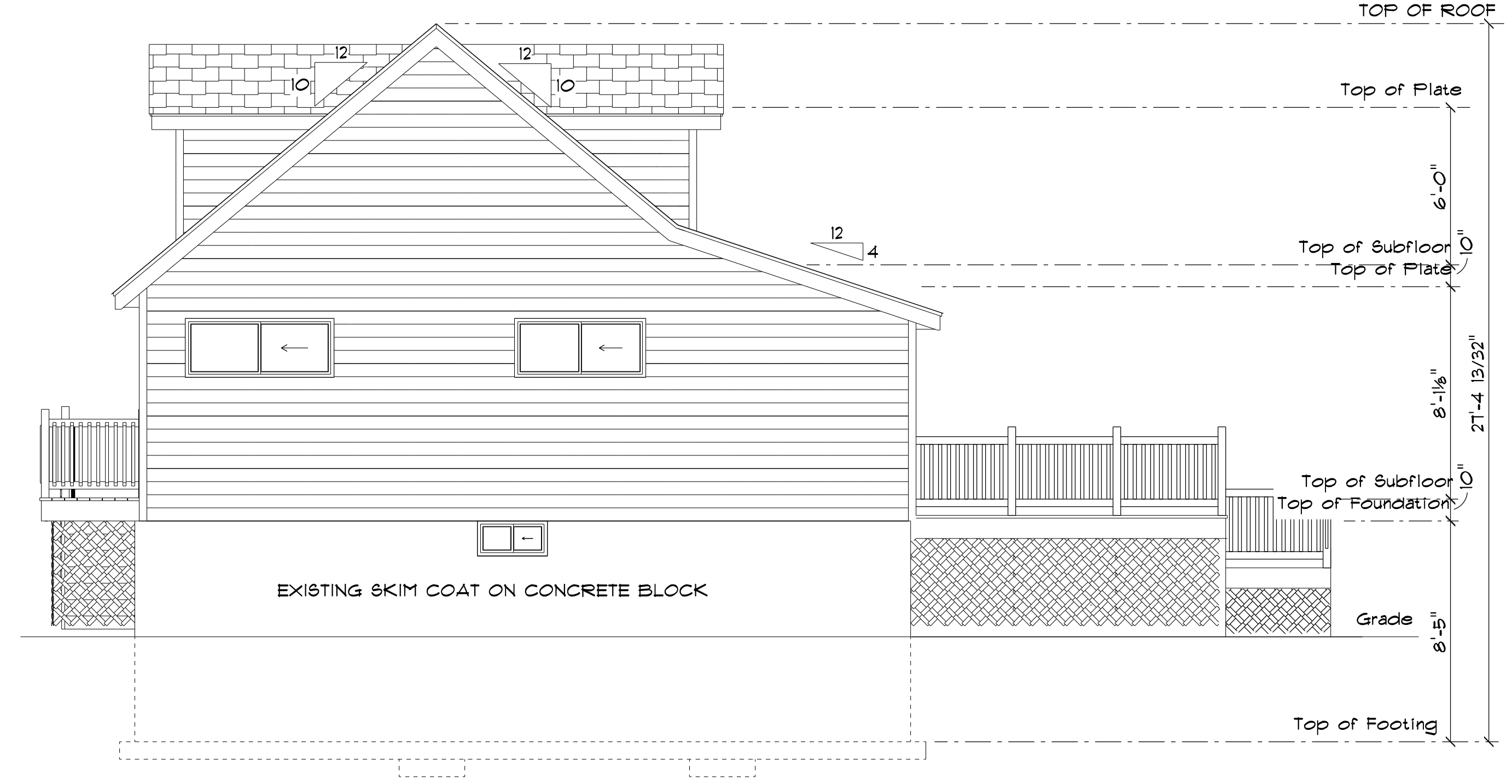
JOSEPH DOUGLAS
DESIGN * BUILD * REMODEL
NSD WI 3740 Overview Drive, Suite D
Menomonee Falls, WI 53051
Phone: (262) 783-4700
Fax: (262) 783-4716

JOB NO.
24214

SHEET NO.
1 of 4



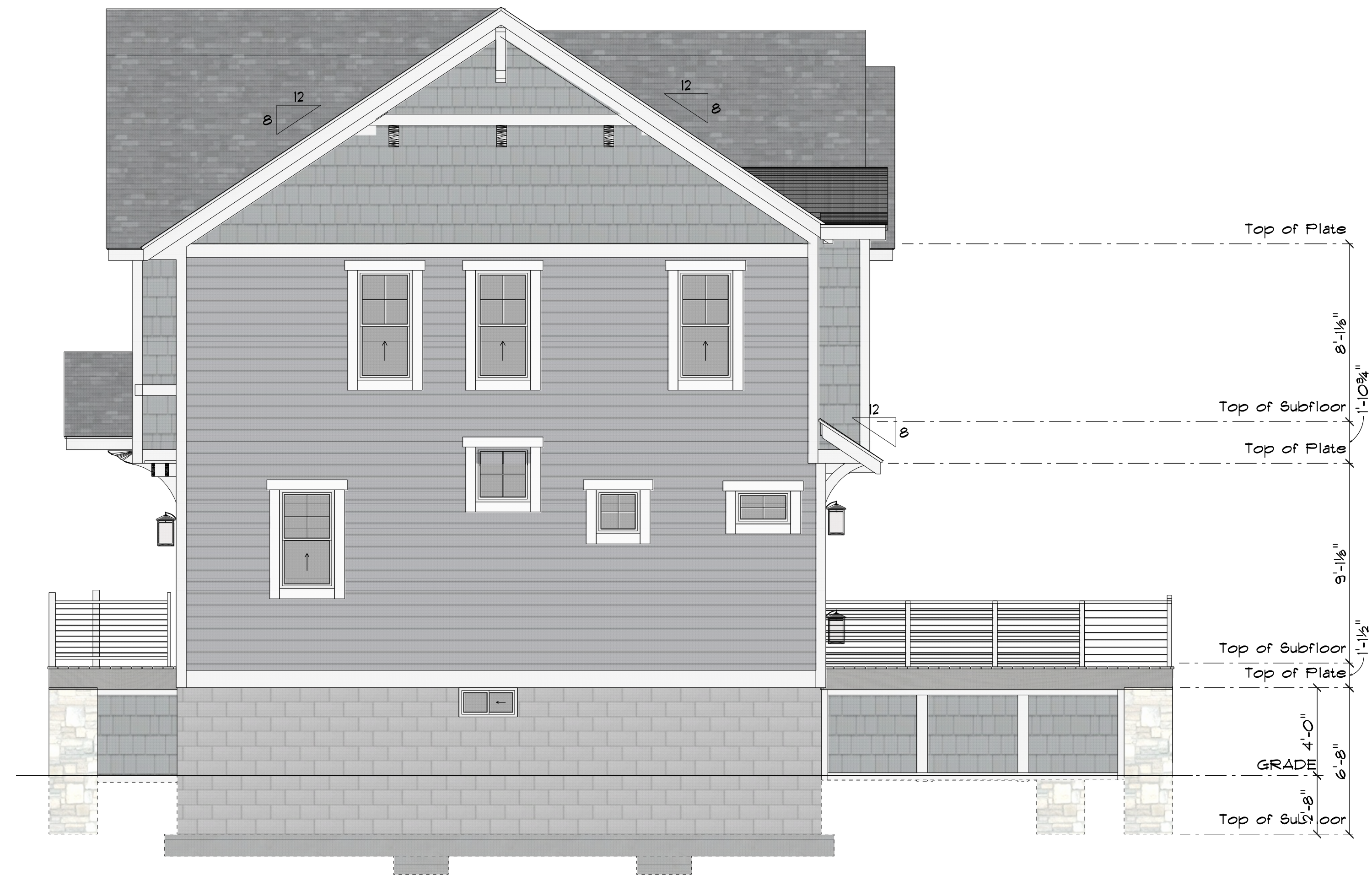
EXISTING LEFT ELEVATION



EXISTING RIGHT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

■ REVISION 0 (PRELIMINARY BIDDING)

RELEASE DATE: 11/14/2024

■ REVISION 1 (CONSTRUCTION DRAWINGS)

RELEASE DATE: 1.22.25

□ REVISION 2 (POST CONTRACT CHANGE ORDERS)

RELEASE DATE:

APPROVALS

SCALE: 1" = 1/4" (u.n.)
DRAWN BY: DB
REV. BY: DH
DATE STAMP: 1/22/2025

JOSEPH DOUGLAS
DESIGN * BUILD * REMODEL

NSO WI 3740 Overlook Drive, Suite D
Menomonee Falls, WI 53051
Phone: (262) 783-4700
Fax: (262) 783-4716

FOUNDATION: 890 SF
1ST FLOOR: 890 SF
2ND FLOOR: 447 SF
FRONT DECK: 63 SF
REAR DECK: 384 SF

LOBAITO RESIDENCE
WHOLE HOUSE AND GARAGE ADDITION

5615 PETERS DR.
WEST BEND, WI

JOB NO.
24214

SHEET NO.
2 of 4

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Exhibit D