

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, November 8, 2023, at 6:00 p.m. in Room 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha County Wisconsin, 53188.

BOARD MEMBERS PRESENT: Stephen Schmidt, Acting Chairperson
Joseph Kershek
Curtis Podd
Kathryn McNelly Bell

BOARD MEMBERS ABSENT: Richard Bayer
Nancy M. Bonniwell

SECRETARY TO THE BOARD: Stephen Schmidt

PLANNING STAFF MEMBER: Ben Greenberg

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, an audio recording of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use, and an audio recording is available, at cost, upon request.

SUMMARY OF PREVIOUS MEETING:

Mr. Kershek: *I make a motion to approve the Summary of the Meeting of October 11, 2023.*

The motion was seconded by Mr. Podd and carried 3-0 (Ms. McNelly Bell abstained).

NEW BUSINESS:

BA180: JOHN GROGAN (OWNER), SARAH MACK (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** for a variance from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of after the fact retaining walls.

Discussion between the petitioners (Sarah Mack and Matt Koschak, Central Services Co., Inc.), owner (John Grogan), Board and Staff followed.

The petitioners stated that the only alterations to grades were minor and intended to improve the existing drainage condition at the lot line. They noted that they do not think the new wall is any closer to the lake but did acknowledge some of the sections got taller compared to the old wall sections. They indicated that they had initially contacted the Village of Nashotah and were told by the Village that no permits were needed.

Staff inquired whether the seat wall could be removed. Mr. Koschak said that unlike the rest of the walls, the seat wall was not structurally integrated with the rest and could be removed.

The petitioners submitted a letter dated November 1, 2023, from W. David Heller, ALSA of Heller & Associates, LLC. The letter noted that the new, two-tiered retaining wall system is designed for the bottom wall, including the base stone, drain tile, and geogrid to support the upper wall. The letter also stated that altering the height of the lower wall, in any fashion, would compromise the structural integrity of the entire wall system. Mr. Heller concluded that he would not recommend modifying the wall due to those factors.

Public Reaction:

- Carol Euringer, W340N4975 Road O, lives adjacent (north) to the subject lot. She said that the improvements go further out and higher than the prior retaining walls. She also noted that everyone else in the area is in line with respect to lake setback, except this property, due to the new walls that were installed.
- Three anonymous emails, opposed to the variance request were submitted to the Planning and Zoning Division.
- A letter of support was submitted from Julianne Newcomer and James Tauchen, W340N4947 Road O, who live adjacent (south) to the subject lot.

Decision and Action:

Mr. Podd: *I make a motion to **approve** the request for an after the fact variance from the shore setback requirements with following the conditions and for the following reasons.*

Conditions:

1. *A wall modification plan shall be submitted to Planning and Zoning Division staff for review and approval, prior to the issuance of a zoning permit. The plan shall incorporate complete removal of the seat wall and the installation of safety railing designed to be mostly open or transparent.*
2. *The wall modification plan approved in condition no. 1 shall be implemented within six (6) months of plan approval or July 1, 2024, whichever occurs sooner.*

3. *A final wall screening plan shall be submitted to Planning and Zoning Division staff for review and approval, prior to the issuance of a zoning permit. The plan shall provide effective year-round screening of the walls as viewed from nearby properties and the lake. The approved wall screening plan shall be implemented within six (6) months of plan approval or July 1, 2024, whichever occurs sooner.*
4. *Approval shall be obtained from the Waukesha County Park and Planning Commission for a retaining wall within five feet of a lot line, prior to the issuance of a Zoning Permit.*

Reasons:

With the removal of the seat wall and with the other conditions being imposed, the walls will be within an acceptable tolerance of the old wall dimensions, given the flexibility provided by staff to replace a non-engineered set of walls with an engineered wall system. The robust screening being required will soften the walls as viewed from the lake and nearby properties.

The motion was seconded by Ms. McNelly Bell and carried unanimously.

BA181: GREG WONG (OWNER), JIM SELAS (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of the request for a variance from the shore setback requirements and a special exception from the minimum floor area requirements of the Waukesha County Shoreland Protection Ordinance to construct a new single-family residence and deck, subject to conditions.

Discussion between the petitioner (Kim Eldredge – Espire Homes), Board and Staff followed.

Public Reaction:

- Cheryl Adams – N53W34210 Road Q, is supportive of the request.
- Arnold Groehler – W383N9050 Klug Ct. is supportive of the request.

Decision and Action:

Mr. Kershek: *I make a motion to **approve** the request in accordance with the staff report with the conditions and reasons stated in the staff report.*

The motion was seconded by Mr. Podd and carried unanimously.

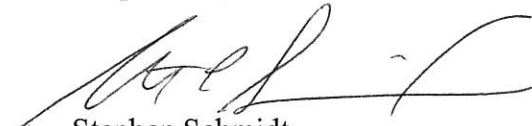
OTHER ITEMS REQUIRING BOARD ACTION:

ADJOURNMENT:

Mr. Schmidt: *I make a motion to adjourn this meeting at 7:21 p.m.*

The motion was seconded by Ms. McNelly Bell and carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Schmidt', written over a horizontal line.

Stephen Schmidt
Secretary, Board of Adjustment