

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, September 13, 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: Richard Bayer (Acting Chairperson)
Nancy M. Bonniwell
Stephen Schmidt
Joseph Kershek

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Stephen Schmidt

PLANNING STAFF MEMBER: Rebekah Leto

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. Schmidt: *I make a motion to approve the Summary of the Meeting of August 9, 2023.*

The motion was seconded by Ms. Bonniwell and carried 2-0, with Mr. Bayer and Mr. Kershek abstaining.

NEW BUSINESS:

BA174 KATHERINE EVENSON (OWNER), DANIEL GROSKOPF (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 special exception from the non-conforming to offset requirements and **denial** of the request for a variance from the non-conforming to the offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit a lateral and vertical addition to the existing residence.

Discussion between the petitioner (Groskopf Construction), owner (Kathrine and Mark Evenson), Board and Staff followed.

Public Reaction: Staff read into the record an email of support from the neighbor to the west.

Decision and Action:

Ms. Bonniwell: *I make a motion to **approve** the request for Special Exception from the nonconforming to the offset provisions and **deny** the request for a variance from the nonconforming to the offset provisions in accordance with the staff report with the conditions and reasons stated in the staff report.*

The motion was seconded by Mr. Schmidt and carried 3-1, with Mr. Schmidt voting against the motion.

BA175 BAST HOLDING, LLC (OWNER), ABBY FILALI (APPLICANT):

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of the request for variances from the offset and wetland setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit a non-illuminated double-sided sign.

Discussion between the petitioner (Abby Filali), Board and Staff followed.

Public Reaction: None.

Decision and Action:

Mr. Schmidt: *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. Kershek and carried unanimously.

BA139: JOHN AND MARY PIERSON (OWNERS)

Public Hearing:

Staff provided a brief summary of the Staff Memorandum. Staff's recommendation was for **approval** of the request for variances from the from the shore setback and non-conforming to offset provisions and **denial** of the request for a variance from the maximum building footprint of the Waukesha County Shoreland and Floodland Protection Ordinance to vertically and laterally expand the existing residence as well as add a new deck and patio.

Discussion between the owner (John Pierson), his architect (James Mella) Board and Staff followed. Mr. Pierson asked for clarification on the recommended condition to remove impervious surface. He explained that under the driveway is approximately 8 ft. of gravel and it was the foundation for an old residence. It was not sure that he would be able to comply with such a condition. Mr. Pierson also requested that the Board reconsider his request to maximum building footprint in order to retain his 8.2 ft. x 8.2 ft. shed and allow for a small, covered entry (6 ft. x 2 ft.).

Public Reaction: None.

Decision and Action:

Mr. Kershek: *I make a motion to **approve** the request for shore setback, maximum building footprint and nonconforming to the offset variances subject to the following conditions and for the following reasons:*

CONDITIONS:

- 1. The existing shed may remain on the property in the same location and footprint.*
- 2. The proposed covered overhang on the west side of the residence over the main entrance shall not exceed 2 ft. x 6 ft.*
- 3. A Landscape and Drainage Plan shall be submitted for review and approval to the Waukesha County Planning and Zoning Division that aims to improve the drainage of the property and shall reduce the amount of impervious surface on the property to the extent practicable.*

REASONS:

The owner is proposing a horizontal addition (331 SF) to increase the footprint of the residence to the allowable 1,100 SF footprint, allowing the owner to have additional storage space while also addressing accessibility concerns. The existing residence is structurally integrated with a 7' retaining wall along the northern lot line which retains the higher yard grades on the lot to the north. If the residence is relocated to a conforming location, a substantial retaining wall within 75 feet of the lake would likely be needed to replace the foundation wall of the existing residence. It would be unnecessarily burdensome to require the owner to remove the home and rebuild in a conforming location given the extensive land altering activity that may be involved for a small addition. The owner is seeking the minimal relief necessary to expand the residence. Additionally, the current residence is nonconforming to the minimum first floor area and the proposed addition will bring the structure into compliance with the Ordinance.

The nonconforming storage shed provides additional storage for lawn and boat maintenance equipment and is necessary considering there is no garage on the property. The proposed awing will allow visitors and the residences coverage and safe access in inclement weather. No additional impervious surface is proposed, as the addition, including the awing, will be over existing hardscaping.

As conditioned, the granting of this variance request will not adversely affect the public interest and welfare or be detrimental to nearby properties or natural resources. The proposed improvements will not encroach any closer into the offsets or setbacks than the existing structures and will not block the neighboring properties' view of Okauchee Lake. Furthermore, redevelopment of the lot would cause additional disturbance, potentially requiring significant grading and retaining walls which could trigger additional variance requirements, whereas the proposed improvements preserve the northern retaining wall and minimize overall land altering activities.

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

OTHER ITEMS REQUIRING BOARD ACTION:

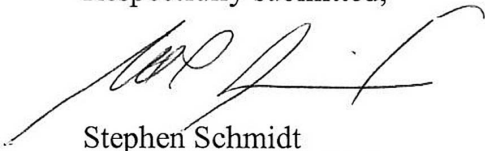
- Discuss schedule for election of officers for the Board of Adjustment.

ADJOURNMENT:

Mr. Schmidt: *I make a motion to adjourn this meeting at 7:45 p.m.*

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

Respectfully submitted,



Stephen Schmidt
Secretary, Board of Adjustment