

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, July 13, 2022, 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:** Tom Day, Chairman  
Richard Nawrocki  
Nancy M. Bonniwell  
Stephen Schmidt

**BOARD MEMBERS ABSENT:** Richard Bayer

**SECRETARY TO THE BOARD:** Richard Nawrocki

**TOWN OF MERTON BOARD OF**

**ADJUSTMENT MEMBERS PRESENT:** Kathy Haberman  
Jim Schneider  
Lloyd Crom  
Curtis Podd

**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. Nawrocki: *I make a motion to approve the Summary of the Meeting of June 8, 2022.*

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

**NEW BUSINESS:**

**BA126: RYAN AND AMANDA HOELZ (OWNERS)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of variances from the nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to vertically expand a portion of the roofline to match the existing roof height and pitch.

Discussion between the petitioner (Ryan and Amanda Hoelz), Board and Staff followed.

*Public Reaction:* None.

Decision and Action:

The Town of Merton Board of Adjustment recommended approval of the petitioner’s request as proposed.

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

The motion was seconded by Ms. Bonniwell and carried unanimously.

**BA125: MARK LEMKE (OWNER), TED INDERMUEHLE (APPLICANT)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff’s recommendation was for **conditional approval** of the request for a variance from the road setback requirements, **approval** of the request for a variance from the minimum lot size requirements but **denial** of the request for a variance from the maximum building footprint provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to consolidate four (4) existing lots and redivide them into two (2) lots via Certified Survey Map as well as to construct a new single-family residence and detached garage.

Discussion between the Board and Staff followed. The owner and applicant were not present. Staff relayed how on Monday, July 11, 2022, the applicant submitted a revised Certified Survey Map and site plan to be considered at the public hearing. It was unclear to staff if the revised request needed the same or additional variances as there was not time to fully evaluate the request and provide an updated recommendation.

*Public Reaction:* None.

Decision and Action:

Ms. Bonniwell: *I make a motion to table the request for variances to the next scheduled Board of Adjustment meeting or until required to allow staff time to evaluate the revised request and prepare an updated recommendation to the Board.*

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

**BA127:JEFFREY AND KELLY WEIN (OWNERS)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff’s recommendation was for **denial** of the request for variances from the shore setback and offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to legalize an existing pergola constructed without permits.

Discussion between the petitioner (Jeff Wein), petitioner’s attorney (Attorney Troy Giles), Board and Staff followed.

Mr. Wein discussed how the patio at the front (roadside) of the residence was used frequently and was very important to them, mainly for privacy reasons. The structure that was built has no roof and two sides of privacy slats to provide screening from the neighbor’s deck and patio which are immediately adjacent to their front door and said patio. The landscaping company included this structure in the package that was sold to the owner, and he saw no reason to believe it was not included in the packet they submitted for a Zoning Permit. The Board discussed how landscaping could maybe be used to provide privacy but questioned if there was enough space given the neighbor’s mature vegetation. They also discussed how all the structures on the property apart from the new garage were clustered by the shore already, so this structure, which did not increase the impervious surface on the property and is the furthest structure from the shore, would not have any additional impacts.

*Public Reaction:* No public comment at the hearing. Two letters of support from neighbors were received prior to the hearing.

Decision and Action:

Ms. Bonniwell

*I make a motion to approve the request to retain the structure as it is currently built with the following conditions and for the reasons stated below:*

- 1. The structure shall not be altered, expanded, or otherwise improved, but it may be maintained.*
- 2. A Deed Restriction shall be recorded within 60 days of the date of the Decision Sheet that states no further modification to the structure, such as additional siding, posts, roofs or slats, or replacement of said structure, be permitted.*

*Reasons: The structure is setback from the lake further than the main improvements on the property, therefore having no additional effect on the lake than the existing improvements. The structure was built due to the landscaper’s mistake during the Zoning Permit process but was constructed in good faith by the owner.*

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

**OTHER ITEMS REQUIRING BOARD ACTION:**

None

**ADJOURNMENT:**

Mr. Nawrocki:

*I make a motion to adjourn this meeting at 7:27 p.m.*

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

Respectfully submitted,



Richard Nawrocki  
Secretary, Board of Adjustment