

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, December 12, 2018, at 6:30 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  
Nancy Bonniwell  
Richard Nawrocki  
Richard Bayer  
Stephen Schmidt

**TOWN OF MERTON BOARD MEMBERS:** Rick Ray, Chairman  
Marge Hager, Secretary  
Jim Schneider

**BOARD MEMBERS ABSENT:** None.

**SECRETARY TO THE BOARD:** Nancy Bonniwell

**OTHERS PRESENT:** Rebekah Leto, Senior Land Use Specialist  
Michael Larsen, petitioner (BA19)  
Shelley Heath, petitioner (BA19)  
Jim Mella, architect (BA19)  
Paul Schultz, architect (BA22)  
Randall and Jennifer Stuckert, petitioners (BA22)  
Donald and Lisa Brown, petitioners (BA20)  
Curt Shelby, petitioner (BA18)  
Brian and Sandy Flood, petitioners (BA21)  
Kyle Kohlmann, agent (BA21)  
Mark Pulokas, engineer (BA21)

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 October 10, 2018, with the noted corrections to typos found on Page 4 and 5.*

The motion was seconded by Bayer and carried unanimously, with Mr. Schmidt abstaining.

**NEW BUSINESS:****BA19: MICHAEL LARSEN (OWNER)**

Public Hearing: Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** for variances from the road setback requirements and the non-conformance to the offset and non-conformance to the road setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance for the construction of a two-story addition with an expanded fully exposed basement on the subject property. Staff shared letters of support collected by the petitioner. The petitioner gave a PowerPoint presentation that described the proposal and how other properties along C.T.H. "C" had similar developments. The petitioner shared an email sent from County staff that relayed the County could support a road setback variance if the home were rebuilt to meet the offset. He also shared a Decision Sheet from a past Special Exception request that the Board had previously granted, which he argued was a similar situation as his own. The petitioner contacted Greeb Excavation who recommended placing the new holding tank in the driveway. The agent for the petitioner stated that Environmental Health did not see an issue with placing the tank in the driveway at this time. Mr. Day pointed out that steep slopes are not unique to this area; however, Ms. Bonniwell felt that it was unique to the County and therefore was justification for variance.

Public Reaction: No public comments.

Decision and Action:

The Town of Merton Board of Adjustment recommended **approval** of the request to the Waukesha County Board of Adjustment.

Mr. Bayer: *I make a motion to **approve** the request for variances from the road setback requirements and the nonconformance to the road and nonconformance to the offset provisions of the Ordinance to allow the petitioner to construct a two-story addition with a fully-exposed basement, subject to the following conditions, and the for the reasons stated below.*

- 1. Prior to the issuance of a Zoning Permit, a complete set of scaled, final house plans, in conformance with the below conditions, shall be submitted to the Planning and Zoning Division staff for review and approval.*
- 2. Prior to the issuance of a Zoning Permit, a Plat of Survey showing the staked-out location of the addition to the residence shall be prepared by a professional land surveyor and submitted to the Planning and Zoning Division staff for review and approval.*
- 3. If any changes to the existing grades are proposed, a detailed Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Waukesha County Department of Parks and Land Use - Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure that the construction of an addition to the residence does not result in adverse drainage onto adjacent properties. The intent is that the property be graded*

*according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. The Grading and Drainage Plan may be combined with the Plat of Survey required in Condition No. 2.*

4. *Prior to the issuance of a Zoning Permit, the owner shall obtain approval from the Environmental Health Division for the installation of new holding tank.*
5. *Prior to the issuance of a Zoning Permit, the petitioner shall demonstrate that the project will comply with the Impervious Surface requirements as stated in the Ordinance.*
6. *The addition shall be located a minimum of seven (7) feet to the south lot line, as measured from the outer edge of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform with the offset requirements.*
7. *The addition shall be located a minimum of 9.75 ft. from the edge of the established road right of way of C.T.H. "C" (66 ft. wide), provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform with the setback requirements.*
8. *The proposed residence must not exceed three stories (including the exposed basement level), as viewed from the lake and shall have a maximum height of 35 ft. as measured from the lowest exposed point to the peak.*
9. *All other Ordinance requirements shall be met.*

#### **VARIANCE TEST CRITERIA ANALYSIS**

State law and case law requires that the petitioner demonstrate that their request for a variance meets three tests. The below Staff analysis assesses the merits of the subject application relative to the tests:

1. ***There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.***

*The slopes on this property are unique in that they are very steep. While there is a conforming building envelope, the existing location of the house with the proposed addition is the best location for any structure.*

2. ***Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage,***

***height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature.***

*The slope of the property presents a hardship in that it would be unreasonably burdensome for the owner to construct a house in a conforming location.*

3. ***The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.***

*The placement of the structure, as proposed, is in the best location for the site. There will not appear to be any adverse effects and the owner has demonstrated he has neighbor support. The petitioner has demonstrated similar developments in the vicinity have not harmed the public interest.*

The motion was seconded by Ms. Bonniwell and passed 3-2, with Mr. Day and Mr. Nawrocki voting against the motion.

### **BA18: CURTIS SELBY (OWNER)**

Public Hearing: Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** for an after-the-fact variance from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance for the re-construction of a retaining wall in a slightly different configuration. The petitioner described his property to the Board. He explained how the wall was extended to achieve a safe parking space on this property that is now parallel to the road right of way. It was previously dangerous to park alongside the road.

Public Reaction: No public comments.

### Decision and Action:

*Ms. Bonniwell: I make a motion to **approve** the request in accordance with the staff report and for the reasons stated in the staff report in addition to those stated below, subject to the following condition:*

1. *The owner must file, with the Waukesha County Register of Deeds, an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the approval of this variance, at his expense, when said right-of-way is necessary for the improvement of the road.*

### **VARIANCE TEST CRITERIA ANALYSIS**

State law and case law requires that the petitioner demonstrate that their request for a variance meets three tests. The below Staff analysis assesses the merits of the subject application relative to the tests:

1. ***There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.***

*Slopes on this property are severe. Any proposal to create attached or detached garage space would require a significant grading and/or engineered walls. The slight encroachment of the wall into the shore setback allows for safer parking and ingress/egress from those vehicles near a steep slope.*

2. ***Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature.***

*The shore setback of seventy-five feet does not accommodate any conforming envelope for a garage and creates an unnecessary hardship. A minimum amount of relief from the shore setback provisions will allow the owners and their guest a reasonable amount of on-street parking as noted above. There was a safety issue with how the parking lot was originally configured and did not allow safe ingress and egress from the vehicle.*

3. ***The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.***

*The approval of this request will allow the petitioner to maintain slope stability on the subject parcel while providing a safer parking environment for the owners and their guests. The additional parking area creates more clearance for vehicles both traveling and maintaining this stretch of Lake Drive. The new walls have not altered the drainage patterns and will not result in adverse drainage on the adjacent parcel. The owner and visitors of the property will now have a safe place to park with additional space for ingress and egress. Therefore, the approval of this request, as conditioned, would be within the purpose and intent of the Ordinance.*

The motion seconded by Nawrocki and carried unanimously.

#### **BA20: DONALD AND LISA BROWN (OWNERS)**

Public Hearing: Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** for a variance from the wetland setback requirements of the Waukesha County Zoning Code for the construction of a detached garage on the property. Staff shared three letters of neighbor support submitted by the petitioner with the Board. The petitioner described how the wetlands were mowed and did not retain water like a typical wetland. He stated

Jefferson County redirected the flow of water away from the wetland complex on his property approximately 18 years ago and ever since the property has been relatively dry, unless heavy rains occur. The Board discussed how there was no building envelope on the property given the required setbacks and offsets, but discussed how no hardship was present on the property, particularly given the size of the existing garage.

Public Reaction: No public comments.

Decision and Action:

Mr. Bayer: *I make a motion to **deny** the request in accordance with the staff report and for the reasons stated in the staff report in addition to those stated below:*

1. ***There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.***

*The property contains unique physical conditions that are not self-created. The residence existed prior to being divided from the larger parent parcel to the east that was historically farmland. Wetlands surround the property to the north and east. When consideration of the road setback, wetland setback and building separation requirements are given, the approvable building envelope is small and narrow for the size and shape of the parcel. In addition, much of the building envelope already contains the residence, a portion of the deck and the above-ground pool, leaving no space for an accessory building. However, the physical limitations of the property do not constitute a hardship.*

2. ***Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature.***

*While there may be physical limitations to the property, no hardship exists that was not self-created to permit the petitioner to construct the proposed detached accessory building. The residence already contains a single family home larger than the minimum required home size (1,100 sq. ft.), in addition to an adequate two-car garage and carport for additional storage. The Ordinance also provides for a 200 sq. ft. shed to be placed within 35 ft. of the wetland, provided all other Ordinance requirements can be met. While 200 sq. ft. may not be adequate space to store a car or potentially a motorcycle, it may provide storage relief for other items generally stored in an attached garage or carport.*

3. ***The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.***

*The proposed detached accessory building would likely not adversely affect the general public interest or be detrimental to nearby properties. The property is located within the M-1 Light Industrial District, with similar type buildings located throughout the area. Mature pine trees block much of the view from the residences directly across Division Street in Jefferson County. However, the petitioner is required to meet all three tests required for a variance, and as stated above, no hardship exists in order to grant the requested variance.*

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

**BA21: BRIAN AND SANDRA FLOOD (OWNERS) AND SEASONAL SERVICES (APPLICANT)**

Public Hearing: Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** for a variance from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to construct a secondary staircase for lakeside access, rebuild an existing staircase from an accessory building to a patio, and rebuild and slightly relocate existing retaining walls. Staff shared letters of support received from neighbors. The Board inquired about the significance of the staircase and the history between Mr. Beggs and Thomas Edison. The petitioners' indicated the Architectural Board has not previously been interested in being considered for a historic landmark designation.

Public Reaction: No public comments.

Decision and Action:

Mr. Bayer: *I make a motion to **approve** the request in accordance with the staff report and for the reasons stated in the staff report, subject to the following conditions:*

- 1. The proposed lake-access staircase shall be reduced to 5 ft. in width.*
- 2. The landscape plan shall be revised to include plantings that provide a minimum of 50% coverage to adequately screen the retaining wall series as viewed from the lake.*
- 3. If any trees or vegetation is proposed to be removed within thirty-five (35) feet of the lake or any Priority Trees are proposed to be removed within 300 ft. of the lake, Vegetative Removal Permits shall be obtained prior to the issuance of Zoning Permits and replacement shall occur in accordance with the Shoreland and Floodland Protection Ordinance.*
- 4. A deed restriction shall be recorded in the Waukesha County Register of Deeds that prohibits the reconstruction of the "Thomas Edison" staircase. The deed restriction shall state maintenance and repair of the staircase may be permitted but the staircase shall not be replaced. The deed restriction shall be recorded prior to the issuance of a Zoning Permit.*

**VARIANCE TEST CRITERIA ANALYSIS**

State law and case law requires that the petitioner demonstrate that their request for a variance meets three tests. The below Staff analysis assesses the merits of the subject application relative to the tests:

1. ***There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.***

*The necessity for retaining walls is clearly present on this lot due to the sloped topography. The proposed retaining walls provide adequate frost protection, as well as to create safe access from the residence to the lake. The owners could rebuild the existing walls in-kind without any relief, however qualified structural analysis advises against in-kind replacement to protect the footings and stabilize the slope. Creating a tiered retaining wall system will ensure the slope is stabilized. Extending the wall an additional foot from the residence will ensure the footings are protected with at least 4 ft. of soil coverage, as recommended. The proposed lake-access staircase will allow the owners safe passage from the retaining wall terrace to the lake. The existing staircase on the west portion of the property is unstable but provide historical significance to the island. The deck staircase is being rebuilt slightly closer to the lake to achieve a wider tread depth, therefore needing greater horizontal distance.*

2. ***Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature.***

*As stated above, without relief from the shore setback of the Ordinance, the petitioner could only rebuild the failing walls in-kind. The relief required to meet structural requirements is the minimum relief necessary to properly rebuild the walls and protect the home's foundation. Denial of relief from this provision would lead to unnecessary hardship because the owner would be forced to put needed improvements into the property that are not engineered properly. The staircase to the lake provides safe passage on an 8 ft. grade change. It would seem unreasonable for the owners to use an unstable 100+ year old staircase on the far west side of the property to gain access to the lake, nor does it seem reasonable to require its removal given its apparent historical significance. The deck staircase is being rebuilt to achieve wider treads and safer access from the upper level deck.*

3. ***The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.***



*The new walls if approved as conditioned will be required to have vegetative screening to mitigate the exposure of the walls as viewed from the lake. The proposed steps break up the overall length of the retaining walls and is more visually pleasing from the shore than the alternative of two (2) 40 ft. long retaining walls. The approval of this request will allow the petitioner to maintain slope stability on the subject parcel while providing adequate frost protection for the residence. The new walls and staircase will not alter the drainage patterns and will not result in adverse drainage on the adjacent parcel. The existing historic staircase is screened from view by large, mature trees and is not easily seen from the shore. The deck staircase already exists and is being slightly modified over an existing hard surface, resulting in no noticeable difference. Therefore, the approval of this request, as conditioned, would be within the purpose and intent of the Ordinance.*

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

**BA22: RANDALL AND JENNIFER STUCKERT (OWNERS) AND PAUL SCHULTZ (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 requirements and the nonconforming to the offset provisions, a **modified approval** of the shore setback requirements, and **denial**, of the request for variances from the nonconforming to the shore setback and impervious surface provisions of the Ordinance to allow vertical and lateral expansions, and additional modifications, to an existing single-family residence. Staff shared comments received from the Department of Natural Resources with the Board and with the petitioners.

Public Reaction: No public comment.

Decision and Action:

Ms. Bonniwell:

*I make a motion to **approve the request for variances from the offset requirements and the nonconforming to the offset provisions, a modified approval of the shore setback requirements, and denial of the request for variances from the nonconforming to the shore setback and impervious surface provisions** in accordance with the staff report and for the reasons stated in the staff report, subject to the following condition:*

- 1. In order to keep the overall bulk of the structure to a minimum given the small, narrow lot, only **two** (2) open, lakeside decks/patios may be permitted, one of which shall be the existing lower level deck. No **new** deck (or patio) shall extend closer to the lake than the existing deck, approximately 7 ft. from residence and shall be no wider than 20.5 ft. (entire width of the house minus the bump-out), as proposed. No screen in porches or covered decks are permitted herein.*
- 2. Replacement walkways along the western property boundary shall not encroach onto the adjacent properties and shall be located entirely within the subject property.*

3. *In order to offset the impacts of additional impervious surface, a rain garden, washed stone placed underneath the lakeside deck, or an alternative treated impervious surface option (with approval from the Land Resources Division), shall be installed on the property and shall account for 102 sq. ft. of additional stormwater. A Stormwater Permit shall be obtained for the treated impervious surface technique chosen, prior to the issuance of a Zoning Permit. The treated impervious surface shall be installed in accordance with the dates associated with the Stormwater Permit.*
4. *The footprint of the structure shall not exceed 827 sq. ft., as proposed.*
5. *The severely nonconforming “bump-out” on the west side of the residence shall be removed, as proposed.*
6. *The residence shall not exceed three stories (including the exposed basement level), as viewed from the lake and shall have a maximum height of 35 ft. as measured from the lowest exposed point to the peak.*
7. *The proposed addition shall be located no closer than 34’-6” to the edge of the established road right of way of Gietzen Road.*
8. *Prior to the issuance of a Zoning Permit, a complete set of house plans, in conformance with the above conditions, shall be submitted to the Planning and Zoning Division Staff for review and approval.*
9. *Any new or replacement retaining walls within five (5) ft. of the side lot lines must seek approval from the Town of Oconomowoc Plan Commission and the Waukesha County Park and Planning Commission, prior to construction of said retaining walls. No new retaining walls within 75 ft. are proposed or permitted herein.*
10. *Any proposed tree or vegetation removal shall only be removed in accordance with the Waukesha County Shoreland and Floodland Protection Ordinance.*

#### **VARIANCE TEST CRITERIA ANALYSIS**

State law and case law requires that the petitioner demonstrate that their request for a variance meets three tests. The below Staff analysis assesses the merits of the subject application relative to the tests:

1. ***There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.***

*The subject property is very narrow, with only 30 ft. in width. The basement extends beyond the first floor and is only 1.4 ft. from the west lot line. The proposal includes the removal of this severely nonconforming section of the house, bringing the residence closer to meeting the required 5 ft. offset. The proposed addition on the north side of the residence will be located slightly further than the existing residence from the east lot line and will*

*not adversely affect the adjacent property owner.*

*The lot size is also severely nonconforming at 3,287 sq. ft., whereas 14,000 sq. ft. is required. The Ordinance allows an administrative building envelope on parcels where a 17.5% building footprint does not achieve a minimum 1,100 sq. ft. building envelope. The current residence's building envelope is less than the available 1,100 sq. ft. and the house does not meet the minimum floor area on the first floor (850 sq. ft.). Therefore, it is appropriate to allow an addition that will not alter the existing landscape or be detrimental to the lake or adjacent properties.*

*While the lot size is extremely small, the impervious surface maximum can be met through the installation of treated impervious surface. The overall increase of impervious surfaces on the parcel is 102 sq. ft. Installing a rain garden or washed stone beneath the deck, as recommended, will serve as a stormwater management technique that will offset the overall increase of impervious surface on the lot (+102 sq. ft.).*

*There are no unique physical conditions of the property to allow a lateral expansion on the lakeside of the residence. The construction of a lower level deck (existing), with a screen-in porch on the first floor and a covered deck on the second floor will increase the overall bulk to the degree that the structure no longer fits on this small parcel. However, allowing a second open-sided, uncovered deck will not increase the overall bulk of the structure and would allow the petitioners a small, additional space to recreate outside of a basement level deck.*

2. ***Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature.***

*The lot is extremely small (3,287 sq. ft., on the south side) with steep slopes (greater than 20%). When consideration is given to the road setback, shore setback and offset, a building envelope of approximately 800 sq. ft. exists. While the Ordinance permits a building envelope of up to 1,100 sq. ft. and provides flexibility for road setback, a new residence in the permissible location and of allowable size may result in the over-development of the lot and may present negative grading impacts.*

*The small, north-side addition will still not meet the overall minimum floor area required by the Ordinance, but will create additional living space that is appropriate for the lot size and width. There is one access into the existing residence, located in the basement on the lakeside of the residence. The proposed modifications will create a second entrance on the west side of the house, which is preferred to achieve safe egress from the residence.*

*Finally, while the petitioners are proposing to remove approximately 80 sq. ft. of excess walkway, they are still exceeding the maximum impervious surface amount by 102 sq. ft. Given the small lot size, it is appropriate to maintain the existing amount of impervious surfaces on the property. The installation of a small rain garden, washed stone under the*

*lower level deck, or some other method of treated impervious surfaces, as recommended, will offset any impacts due to increased impervious surfaces, while still allowing the proposed addition(s). It should be noted the petitioners also have a large rain barrel installed to address excess stormwater on the property.*

- 3, ***The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.***

*The existing residence currently fits with the existing pattern of development when compared to the adjacent properties and many other residences on Gietzen Road. A new larger residence may be out of character for the dead-end street and would cause significant disturbance to the existing landscape. The proposed additions will require very little grading, if any, and would not alter the existing drainage pattern of the area. The petitioner has previously designed two (2) new residences for the parcel but has not been able to design a grading plan that would not significantly alter the existing landscape and potentially cause adverse drainage to the adjacent property owners. Therefore, while the small, north-side addition may not conform to the offset requirements, it is likely to be less detrimental to the adjacent property owners than a new residence that conforms to the offset. The construction of an additional open sided, uncovered deck will allow the petitioners enjoyment of the lake, while not going any closer than an existing deck and therefore will not harm the public interest. The installation of treated impervious surface, as recommended, will capture additional stormwater generated on the property from the proposed improvements.*

*Therefore, the approval of this request, with the recommended conditions, will allow modifications and an addition to an existing residence that will be appropriately sized for the lot, not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.*

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

### **OTHER ITEMS REQUIRING BOARD ACTION:**

#### **ELECTION OF OFFICERS FOR THE BOARD OF ADJUSTMENT**

Mr. Nawrocki: *I make a motion to nominate Tom Day as Chairman, Richard Bayer as Vice Chairman, and Nancy Bonniwell as Secretary.*

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

### **ADJOURNMENT:**

Ms. Bonniwell: *I make a motion to adjourn this meeting at 8:37 pm.*

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

Respectfully submitted,

A handwritten signature in black ink that reads "Richard Bayer". The signature is written in a cursive, slightly slanted style.

Richard Bayer  
Acting Secretary, Board of Adjustment

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE VARIANCE OF:	RELATIONSHIP TO PETITIONER
Shelley Heath	1310 Lexington Ct Brookfield	4146986642	Midaul Larsen	girlfriend
Michael Larsen	"	44379-1902	Michael Larsen	-
JIM MELLA	909 BLACKSTONE AVE WAUKESHA	262-548-9777	LARSEN HOUSE MUNICIPAL AGRICULTURE	DESIGNER
PAUL SCHULTZ	133A EAST WISCONSIN ME Oconomowoc	262-567-5755	STUCKERT	ARCHITECT
Randy + Jennifer Stuckert	14949 Juneau Blvd Elm Grove	262 993-7988	Stuckert	owner
Kyle Kottmann	W336 SE570 Hwy E Mukwonago, WI	262-844-9668	WOOD	AGENT
Brian & Sandy Food	500 Baya Isle Drive Oconomowoc WI	815-970-2911	Brian & Sandy Food	-
Curt SELBY	800 N. Blue Spruce Cir Hartland	937 271-3442	SELBY	OWNER
Don Brown	W399 N5848 Division St. Oconomowoc	262-569-2792	Brown	owner
Lisa Brown	W399 N5848 Division St Oconomowoc	262-569-2792	Brown	owner