

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, March 9, 2022, 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
Richard Nawrocki
Richard Bayer
Nancy M. Bonniwell

BOARD MEMBERS ABSENT: Stephen Schmidt

SECRETARY TO THE BOARD: Richard Nawrocki

**TOWN OF MERTON BOARD OF
ADJUSTMENT MEMBERS PRESENT:** Kathy Haberman
Loyd Crom

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. Nawrocki: *I make a motion to approve the Summary of the Meeting of February 9, 2022.*

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

NEW BUSINESS:

BA111: JAMES AND SHEILA OCHOWICZ (OWNERS), KOWALSKE KITCHEN AND BATH (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of a special exception from the non-conformance to offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a second story dormer within the existing roofline.

Discussion between the petitioners (Byron Bye and Ashley Capron of Kowalske Kitchen and Bath), 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.

Ms. Bonniwell: *I make a motion to approve the request for a special exception from the non-conformance to offset requirements in accordance with the staff report and for the following reasons:*

Reasons

The narrow lot width and lower grades of this lot and nearby high-water table are prohibitive for basement construction and is a significant physical limitation unique to the lot. In addition, strict adherence to Ordinance requirements would require a full redevelopment of the parcel in order to add any additional living space which is unnecessarily burdensome to the petitioners who are only seeking a minor second floor expansion. The second-floor improvements will not expand the building footprint and will not further encroach the common lot lines or be visible from the lake.

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

BA110: LOUIS AND NORMA BALOGH (OWNERS), DAN GROSKOPF (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of a variance from the offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to approve the location of the existing residence (after-the-fact) and to approve the construction of a two-story addition to the existing residence.

Discussion between the petitioners (Bill and Dan Groskopf of Groskopf Construction), Board and Staff followed.

Public Reaction: **None**

Decision and Action:

Mr. Bayer: *I make a motion to approve the request for a variance from the offset requirements in accordance with the staff report and for the reasons stated in the staff report.*

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

BA112: TIMOTHY AND JENNIFER PIERRET (OWNERS), STEPHEN BRUNS (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** of a variance from the road setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit razing the existing residence and constructing a new single-family residence with attached garage.

Discussion between the petitioner (Stephen Bruns), owners (Tim and Jennifer Pierret), Board and Staff followed.

Public Reaction: None

Decision and Action:

Mr. Nawrocki: *I make a motion to approve the request for variance from the road setback requirements in accordance with the staff report with the conditions and reasons stated in the staff report.*

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

BA114: GWENEL KIPPERMAN AND JEFFREY BURNS (OWNERS)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of a variance from the offset and road setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to legalize the construction of a shed after the fact.

Discussion between the owner (Jeffrey Burns), the owner's attorney (Brian Romans), Board and Staff followed.

Mr. Romans noted that the septic system is located in close proximity to the shed/concrete slab. He does not believe that the Environmental Health Division will allow them to move the shed to the west (further from the lot line) to meet a five-foot offset.

Mr. Burns noted that topography and tree cover make any conforming locations for the shed impracticable.

Public Reaction:

- Eric and Carol Peterson, W375 S5020 E. Pretty Lake Rd. noted that there has never been a shed in that location and that it had always been a dog kennel. They are opposed to the structure being so close (1.9 ft.) to their property line.
- A letter was submitted to the Board from Lori Ashley and Gary Miller, W379 S4803 W. Pretty Lake Rd. They noted their opposition to the request for variance mentioning that everyone should comply by the rules.

Decision and Action:

Mr. Bayer:

I make a motion to approve the request for variance from the road setback requirements and deny the request for variance from the offset requirements with the following condition and for the following reasons.

Condition:

- 1. The shed shall be located no closer to the right-of-way than the current shed location as shown on Exhibit A of the Staff Report.*

Reasons

Due to the fact that the home has no basement, the shed is necessary to provide adequate storage. The only conforming location for a shed would be on the lakeside of the home where the topography isn't flat and there are trees in conflict. Therefore, approving relief from road setback is appropriate. Having said that, the owner has not demonstrated any hardship to comply with the five (5) foot offset requirement.

The motion was seconded by Ms. Bonniwell and carried 3-1 (Mr. Nawrocki voted against).

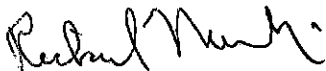
ADJOURNMENT:

Ms. Bonniwell:

I make a motion to adjourn this meeting at 7:53 p.m.

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

Respectfully submitted,



Richard Nawrocki
Secretary, Board of Adjustment