

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

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

BOARD MEMBERS ABSENT: Richard Bayer

SECRETARY TO THE BOARD: Stephen Schmidt

TOWN OF MERTON BOARD OF ADJUSTMENT MEMBERS PRESENT:
Lloyd Crom
Curtis Podd

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.

NEW BUSINESS:

BA156 CHRIS AND KATIE MERIDETH (OWNER), MATTHEW WIDMANN (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 road setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a detached garage.

Discussion between the petitioner (Matthew Widmann), owner (Katie Merideth), Board and Staff followed.

Public Reaction: Donna Trippner – N64 W33946 Lakeview Drive provided comments to staff prior to the hearing and does not object to the project.

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 in accordance with the staff report with the conditions and reasons stated in the staff report.*

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

BA153 HEIDI LEIBUNDGUT (OWNER):

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** for a variance from the nonconformance to road setback provisions, but **denial** of the request for a variance from the maximum building footprint requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit an addition to the existing residence.

Discussion between the owner (Heidi Leibundgut), Board and Staff followed.

Public Reaction: Ericka Steltz – W340 N4750 Jaeckels Blvd. provided written comments to staff prior to the hearing and does not object to the project.

Decision and Action:

Ms. Bonniwell

*I make a motion to **approve** the request for variances from the nonconformance to road setback provisions and the maximum building footprint provisions for the following reasons and with the following condition.*

Condition:

- 1. Prior to the issuance of a Zoning Permit, a Plat of Survey showing the staked-out locations of the proposed addition, in accordance with the proposed site plan (Exhibit B of Staff Report) and building plans (Exhibit C of Staff Report), must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.*

Reasons

No relief is available from road setback averaging on either Jaeckles Drive or Willow Road. The adjacent lots are either vacant or only have accessory buildings near the road, which cannot be used for road setback averaging with a residence. When all required setbacks and offsets are applied, there is no conforming envelope available. There are administrative provisions specific to corner lots that give some administrative relief from road setback to achieve at least a 30-foot-deep building envelope. With that said, it is likely that if the lot was redeveloped, the home would be in the same general location as the current home and would likely still be non-conforming to road setback requirements. Therefore, it would be unnecessarily burdensome to deny relief from the non-conformance to road setback provisions for a small addition. In addition, there is a hardship due to the destruction of existing building footprint due to a natural disaster. That additional footprint had been historically enjoyed by the property owner. Granting relief will allow the owner to continue to preserve some of the additional footprint historically utilized.

There had historically been a building in the general area of the proposed addition and a deck

currently occupies that area, so little to no additional land disturbance is anticipated with this project. The addition should not impact drainage patterns and will not obstruct or impair neighbors' views. There is an existing pattern of buildings near Willow Road, therefore granting relief to improve and possibly extend the life of a non-conforming structure near the road should not impact that pattern or streetscape aesthetics.

The motion was seconded by Mr. Nawrocki and carried 3-1 (Mr. Day voted no).

OTHER ITEMS REQUIRING BOARD ACTION:

BA139 JOHN AND MARY PIERSON (OWNERS)

Public Hearing:

Staff provided a brief summary of the Staff Memorandum. At the December 14, 2022, meeting, the owner made a request in writing for the proposal to be tabled to a later meeting date to allow for the plans to be revised, per the Board's recommendations.

Discussion between the Board and Staff followed.

Public Reaction: None

Decision and Action:

Mr. Schmidt *I make a motion to **table** the request until the May 10, 2023, meeting in accordance with the staff memorandum with the reasons stated in the staff memorandum.*

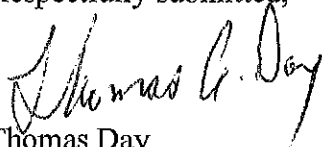
The motion was seconded by Mr. Nawrocki and carried unanimously.

ADJOURNMENT:

Mr. Nawrocki *I make a motion to adjourn this meeting at 7:09 p.m.*

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

Respectfully submitted,



Thomas Day
Chairman/Acting Secretary, Board of Adjustment