

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, September 9, 2020, at 6:30 p.m. Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

BOARD MEMBERS PRESENT: Tom Day, Chairman (via Microsoft Teams)
Richard Nawrocki (via Microsoft Teams)
Richard Bayer (via Microsoft Teams)
Nancy M. Bonniwell (via Microsoft Teams)
Stephen Schmidt (via Microsoft Teams)

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Richard Nawrocki

PLANNING STAFF MEMBER: Benjamin Greenberg, Senior Land Use Specialist (BA59/BA62)
Jacob Heermans, Senior Land Use Specialist (BA61)

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:

BA59: JOHN AND JULIE KITA (OWNERS) AND BRIAN GILMORE (AGENT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for denial of variances from the Non-conformance to Offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a second story addition over an existing attached garage as well as add a covered front porch to the principal residence. Staff also noted that the request was originally noticed for additional variance requests, no longer required, due to a misunderstanding of the petitioner's proposal.

The petitioners noted that the addition is based on a desire to have their elderly mother to live with them and the improvements are necessary to improve accessibility between the separated areas of existing living space, additional discussion between the petitioners (John and Julie Kita), Board and Staff followed.

Public Reaction: **None**

Decision and Action:

Ms. Bonniwell

I make a motion to deny the request 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 3-2 (Mr. Bayer and Mr. Nawrocki voted no).

BA61 ANDRE DERIAZ (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** of the request for variances from the Delafield Shoreland Overlay District (DSO) shore setback requirements and **denial** of the request for variance from the nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to construct a second story addition, deck and a balcony to the existing residence.

Discussion between the petitioners (Andre Deriaz and Brittini Begale), Board and Staff followed.

Three (3) letters of support were submitted by the petitioner.

Public Reaction: None

Decision and Action:

Mr. Bayer *I make a motion to approve the request for variances from the Delafield Shoreland Overlay District (DSO) shore setback requirements and the nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to construct a second story addition, deck and a balcony to the existing residence with the following conditions and for the following reasons*

Conditions:

- 1. Prior to the issuance of a Zoning Permit, documentation shall be submitted to the Waukesha County Planning and Zoning Division that an approved Certified Survey Map removing the internal lot line has been recorded with the Waukesha County Register of Deeds office.*
- 2. The deck must be located a minimum of five (5) feet from the northeast lot line.*
- 3. The nonconforming shed identified on the plat of survey shall be removed from the property prior to the issuance of a Zoning Permit for the proposed improvements.*
- 4. A detailed gutter and downspout plan, showing the location of gutters and downspouts shall be submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed improvements does not result in adverse drainage onto adjacent properties, especially given the close proximity to the common lot line.*
- 5. The proposed improvements shall be of the same size and configuration as presented at the September 9, 2020 public hearing.*

Reasons

The existing home is modest in size and the improvements will help with the layout and functionality of the residence. There is no neighborhood objection and impervious surface will be reduced. Additionally, the second story addition may help with drainage by adding gutters where none previously existed. Approval of the request will also eliminate a severely nonconforming structure from the property.

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

BA62 LOHNY AND CHRISTINE SEEBER (OWNERS)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for approval of the request for a variance from the offset requirements of the Waukesha County Zoning Code, to permit the construction of a garage addition to the existing residence.

Discussion between the petitioners (Lohny and Christine Seeber), 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. Nawrocki and carried unanimously.

ADJOURNMENT:

Mr. Schmidt *I make a motion to adjourn this meeting at 8:35 p.m.*

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

Respectfully submitted,

Richard Nawrocki

Richard Nawrocki
Secretary, Board of Adjustment