

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, February 10, 2021, 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

**TOWN OF MERTON BOARD OF ADJUSTMENT  
MEMBERS PRESENT:**

Rick Ray, Chairman  
Jim Schneider  
Kathy Haberman

**PLANNING STAFF MEMBER:** Rebekah Leto, Senior Planner

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 December 9, 2020.*

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

**NEW BUSINESS:**

**BA72: LINDA MALTBY (OWNER), COLBY CONSTRUCTION (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 the removal of the existing residence and shed and construction of a new single family residence with an attached garage.

Discussion between the representatives from Colby Construction (agent), Linda Maltby (owner) Kevin Maltby, Board and Staff followed. The agents noted that a septic permit has been approved by the Environmental Health Division. The Board asked if the new residence was going to give the owner reasonable use of the property, to which the owner replied, yes.

*Public Reaction: No public comment received.*

Decision and Action:

The Town of Merton Board of Adjustment recommended **approval** of the petitioner's request as proposed, with the conditions and reasons as stated in the staff report.

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.

**BA70: PARKSIDE APARTMENT HOMES LLC, C/O TONY LARSON (OWNER)**

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 shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a 12' x 27' deck on the eastern (lakeside) side of the existing residence.

Discussion between the Tony Larson (owner). Board and Staff followed. The owner clarified the deck has not been built yet and no roof is proposed over the deck.

*Public Reaction:*

- Frank Schillo, neighbor adjacent to the subject property, noted how this property is not owner-occupied and it is used as a commercial property (AirB&B). He stated the deck was going to be covered and was going to increase the living space of the small cottage, allowing even more guests to stay at the property. He also noted that these guests are inappropriately using the parking lot that Mr. Schillo owns that he allows island residents to use as a courtesy while they are visiting their homes on the island. Frank, and his son Ed Schillo, do not agree with the notation of a patio on the stamped Plat of Survey, which is what is being used for reference in determining deck location.

Decision and Action:

Mr. Bayer *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. Schmidt and carried unanimously.

**OTHER ITEMS REQUIRING BOARD ACTION:** None

**ADJOURNMENT:**

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

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

Respectfully submitted,

*Richard Nawrocki*

Richard Nawrocki  
Secretary, Board of Adjustment