

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, October 13, 2021, 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
Stephen Schmidt

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Richard Nawrocki

PLANNING STAFF MEMBER: Jacob Heermans, Senior Land Use Specialist
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. Schmidt *I make a motion to approve the Summary of the Meeting of September 8, 2021.*

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

NEW BUSINESS:

BA97: MARIE AND RICHARD SONNENTAG (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 shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the reconstruction and modification of an existing retaining wall.

Discussion between Marie Sonnentag (owner), Board and Staff followed.

Public Reaction: None

Decision and Action:

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.

BA98: COREY CABY (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 a variance from the wetland setback requirements for the front porch and **denial** of the request for a variance from the wetland setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a deck

Discussion between the Corey and Keri Cabby (owners), Board and Staff followed.

The owners indicated that the alternative locations identified by staff were not feasible, as extensive interior remodeling would be required to access the deck from the interior of the home. The owners also noted that there is an approximately 6' wide gravel path on the west side of the residence, which would reduce the amount of overall impervious surface added by the new deck. They also noted that they did not have a play structure on the property, as noted in the staff report, rather a trampoline.

Public Reaction: None

Decision and Action:

Mr. Bayer

I make a motion to approve the request for a variance from the wetland setback requirements of the Ordinance for the construction of a new front porch and deck with the following conditions and for the following reasons:

Conditions:

- 1. The proposed deck shall be no larger than 12' x 16' wide and shall be located no closer than 37.6' to the delineated wetland boundary.*
- 2. A vegetation buffer of native vegetation shall be planted between the wetlands and the proposed deck, extending to a depth of 20' from the delineated wetland boundary.*
- 3. Prior to the issuance of a Zoning Permit, an updated stake-out Plat of Survey identifying all proposed structures must be submitted to the Planning and Zoning Division for review and approval.*

Reasons:

There is a hardship present due to the location of the home on the lot in relation to the mapped wetlands. It would be cumbersome for the owners to construct a deck without some relief and if constructed elsewhere, it could negatively impact the trees on the property. The front entry will be no closer to the wetlands than the existing home and will replace existing impervious surface.

The motion was seconded by Mr. Nawrocki and carried 3-2 with Mr. Day and Mr. Schmidt voting no.

OTHER ITEMS REQUIRING BOARD ACTION:

BA96: JOHN AND MARY TRIGGS (OWNERS), TROY GILES (APPLICANT)

Staff provided a brief summary of the Staff Memorandum. The memo noted that the petitioner had met the criteria for reconsideration as established in the Ordinance and provided a staff recommendation for the Board to reconsider their September 8, 2021 decision on this matter.

Decision and Action:

Mr. Schmidt *I make a motion to **reconsider** the request in accordance with the staff memorandum with the reasons stated in the staff memorandum.*

The motion was seconded by Mr. Nawrocki and carried 4-1 with Ms. Bonniwell voting no.

- Discuss schedule for election of officers for the Board of Adjustment
 - The Board discussed the election of officers and the positions will likely remain the same.
- Discussion of webinar, “Role of the Zoning Board of Adjustment/Appeals”, held September 29 and 30, 2021.
 - Mr. Day had several questions for staff and the other Board members regarding the webinar. Mr. Bayer and Ms. Bonniwell relayed that the webinar was a good refresher on procedures and practices.

ADJOURNMENT:

Mr. Bayer *I make a motion to adjourn this meeting at 7:37 p.m.*

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

Respectfully submitted,



~~Richard Nawrocki~~ **RICHARD BAYER**
Secretary, Board of Adjustment