

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 14, 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 Bayer
Nancy M. Bonniwell
Stephen Schmidt

BOARD MEMBERS ABSENT: Richard Nawrocki

SECRETARY TO THE BOARD: Stephen Schmidt

PLANNING STAFF MEMBER: Rebekah Leto

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. Bayer *I make a motion to approve the Summary of the Meeting of May 10, 2023, as presented.*

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

NEW BUSINESS:

BA164 TIMM BIERMAN AND KATHLEEN PETERSON (OWNERS):

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** for a variance from the road setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a new residence and attached garage.

Discussion between the petitioners (Timm Bierman and Kathleen Peterson), Board and Staff followed. The petitioners indicated they would like to retain the shed until occupancy of the new residence to assist with storing construction materials.

Public Reaction: None.

Decision and Action:

Ms. Bonniwell *I make a motion to approve the request in accordance with the staff report, with the reasons stated in the staff report, and with the following conditions:*

- 1. A Certified Survey Map combining the total land area, less any right of way to be dedicated in accordance with the Waukesha County Street and Highway Width Map, shall be prepared and submitted to the Town, County and any extra territorial land division review entity for review and approval. The final CSM shall be recorded in the Waukesha County Register of Deeds by the property owner, prior to the issuance of a Zoning Permit for the new residence.*
- 2. The Maximum Building Footprint shall not exceed 17.5% of the lot area as indicated on the Final Certified Survey Map approved by Waukesha County. If the final lot size is less than what is depicted on Exhibit A, the building footprint of the proposed residence will need to be reduced.*
- 3. The asphalt from the alley turn-in from C.T.H. R shall be removed up to the property line, prior to the issuance of a Zoning Permit.*
- 4. If the shed is to remain on the property while the new home is being constructed, prior to the issuance of a Zoning Permit, financial assurance for the cost of removal of the shed plus 15% shall be submitted to the Waukesha County Planning and Zoning Division and a deed restriction recorded by the property owner that states the shed will be removed prior to occupancy of the new residence in accordance with the Board of Adjustment's decision or Waukesha County will use the funds submitted to remove the shed to bring the property into compliance with the Shoreland and Floodland Protection Ordinance.*

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

BA165 BRIAN AND JILL WAGNER (OWNERS):

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of a variance from the maximum accessory building footprint provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the after-the-fact construction of a carport on an existing concrete pad.

Discussion between the petitioner (Brian Wagner), Board and Staff followed. The petitioner indicated he was not aware he needed a permit for a structure like this. He stated that it complies with all setbacks and that he is willing to screen it further from the road. He submitted a list of signatures from neighbors in the area agreeing they had no issues with the structure.

Public Reaction: None.

Decision and Action:

Mr. Bayer *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 Ms. Bonniwell and carried unanimously.

BA166 EAGLE SPRING PUB/KIRK GARDNER (OWNER), J.G. SAMUELS 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 floodplain setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit an after-the fact gravel patio to be retained.

Discussion between the petitioner (Jim (J.G.) Samuels), owner (Kirk Gardner), Board and Staff followed. Mr. Gardner indicated that he placed 2" of crushed granite down on the grass area to make it a more desirable area for customers as the grass would be very wet at times. Some discussion was had on the Board's lack of authority over the use of the patio versus it's placement in relation to the floodplain boundary.

Public Reaction: Chris Mommaerts, County Board Supervisor, explained that the Town of Eagle held a public meeting for comments to be heard in regard to the use of the patio. She noted that "about 80%" of the attendants at the public meeting were in favor of the expanded use.

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. Bayer and carried unanimously.

BA168 BRIAN AND SANDRA FLOOD (OWNERS)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of variances from the shore setback and wetland setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the after-the-fact construction of an open-sided covered accessory structure.

Discussion between the petitioners (Brian and Sandra Flood), Board and Staff followed. The petitioners submitted a photo packet with some historical information to assist in explaining the reasons behind constructing the open sided accessory structure.

Public Reaction: Dirk Debbink, the adjacent neighbor, spoke about the Beggs Isle HOA and their process to approve projects like this. He did not state if he was in favor or opposition of the structure.

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 unanimously.

OTHER ITEMS REQUIRING BOARD ACTION: None


ADJOURNMENT:

Ms. Bonniwell

I make a motion to adjourn this meeting at 7:14 p.m.

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

Respectfully submitted,



Stephen Schmidt
Secretary, Board of Adjustment