

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 9, 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 Bayer  
Nancy M. Bonniwell  
Stephen Schmidt  
Richard Nawrocki

**BOARD MEMBERS ABSENT:** None

**TOWN OF MERTON**

**BOARD OF ADJUSTMENT MEMBERS PRESENT:** Rick Ray, Chairman  
Jim Schneider  
Jim Olson  
Kathy Haberman

**SECRETARY TO THE BOARD:** Richard Nawrocki

**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. Nawrocki: *I make a motion to approve the Summary of the Meeting of May 12, 2021.*

The motion was seconded by Mr. Schmidt: and carried unanimously, with Ms. Bonniwell abstaining.

**OLD BUSINESS:**

**REQUEST FOR RECONSIDERATION: BA79 KIM FERRARO (OWNER), DAVID J. KOSCIELNIAK (APPLICANT):**

Staff provided a brief summary of the Staff Memorandum. Staff's recommendation was for the Board to reconsider their May 12, 2021 decision on this matter. The petitioner has met the Board's provisions for reconsideration.

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. Bayer and carried unanimously.

**NEW BUSINESS:**

**BA84: JERRY AND SUE RETZLAFF (OWNERS)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for approval for a variance from the offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a detached garage located two feet from the west lot line.

Discussion between the owners (Jerry and Sue Retzlaff) Board and Staff followed.

*Mr. Retzlaff also stated that the well would have to be relocated if he were to build the detached garage in a conforming location.*

*Public Reaction:* None. A letter of support from the adjacent neighbor to the west was submitted prior to the public hearing.

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 removal of the second condition related to a deed restriction protecting the tree as we believe the owners will act in good faith to preserve the tree, and for reasons stated in the staff report, in addition to the owner being required to move his well if the garage were built in a conforming location.*

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

**BA82: PEBBLES FARMS, LLC (OWNER), ROBB PEBBLES (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 nonconformance to road setback requirements of the Waukesha County Zoning Code to permit the construction of an addition to the existing residence.

Discussion between the owner (Robb Peebles), Board and Staff followed.

***Mr. Peebles expressed concern the required condition related to the recordation of a deed restriction was unnecessary and burdensome. The Board relayed it was a typical condition of such requests. Mr. Peebles notes all accessory buildings on the property will be repaired.***

*Public Reaction:* None.

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 Ms. Bonniwell and carried unanimously.

**BA83: ADIL DZABIROSKI (OWNER)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of the requests for variances from the wetland setback requirements and the maximum height provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the after-the-fact construction of an accessory building.

Discussion between the owner (Adil Dzabiroski), Board and Staff followed.

The Board asked the petitioner why he did not obtain permits prior to construction. The petitioner indicated he was unaware permits were required for such a building. The petitioner noted this was the only logical spot for a building of such size on his property. Discussion about whether or not the wetland boundary was accurate and should be used ensued. The Board recommended to the petitioner he obtain a new wetland delineation so that the Board may understand the specific variances that were being requested. The petitioner submitted a written request to table the public hearing until such time a wetland delineation can be completed. An update on the status of the delineation will be provided at the next scheduled Board of Adjustment meeting.

*Public Reaction:* **None.**

Decision and Action:

Mr. Nawrocki: *I make a motion to TABLE the public hearing on this matter until the next scheduled Board of Adjustment meeting to allow the petitioner to obtain a wetland delineation on his property in order to determine the accurate wetland setback being requested by the Board of Adjustment.*

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

**BA86 (GREG AND KYLYN SCHMIDT (OWNERS), DAVE HOFFMAN (APPLICANT)):**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of the request for a Special Exception from the nonconformance to offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a new covered porch, patio, deck and hot tub, and modify the roof structure of the principal residence.

Discussion between the petitioner (Dave Hoffman), owner (Greg Schmidt), 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.

**ADJOURNMENT:**

Mr. Nawrocki: *I make a motion to adjourn this meeting at 7:34 p.m.*

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

Respectfully submitted,

*Richard Nawrocki*

Richard Nawrocki  
Secretary, Board of Adjustment