WAUKESHA COUNTY BOARD OF ADJUSTMENT SUMMARY OF MEETING

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, August 10, 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 Nawrocki Richard Bayer

Nancy M. Bonniwell Stephen Schmidt

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Richard Nawrocki

PLANNING STAFF MEMBER: Jacob Heermans

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 July 13,

2022.

The motion was seconded by Mr. Schmidt and carried 4 to 0, with Mr. Bayer abstaining.

NEW BUSINESS:

BA131: JIM AND DEBBIE WOZNIAK (OWNERS), DAVID MOORE (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** of variances from the road setback, and wetland setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance and **denial** of the request for a variance from the shore setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to allow the construction of a single-family residence with attached garage and lakeside patio.

Discussion between the petitioner (David Moore), owner (Jim Wozniak), Board and Staff followed.

Public Reaction:

➤ Paul Evans, W322N7536 Reddelien Rd, the neighbor to the south, asked what negative impacts the proposed patio would have on neighboring properties, if any.

Decision and Action:

Ms. Bonniwell I make a motion to <u>approve</u> the request for variances from the

wetland and road setback provisions to construct a residence and <u>deny</u> the request for variance from the shore setback provisions to construct a lakeside patio 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.

BA125 MARK LEMKE (OWNER) TED INDERMUEHLE (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for <u>conditional approval</u> of the request for a variance from the road setback requirements, <u>approval</u> the request for a variance from the minimum lot size requirements and <u>denial</u> of the request for a variance from the maximum accessory building footprint provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to consolidate four (4) existing lots and redivide them into two (2) lots via Certified Survey Map as well as to construct a new single-family residence and detached garage

Discussion between the petitioner (Josh Pudelko), Board and Staff followed.

Mr. Pudelko provided an updated site plan showing a proposed 600 sf garage, which would comply with Ordinance requirements, and would not be subject to Board approval.

Public Reaction:

None

Decision and Action:

Mr. Schmidt

I make a motion to <u>approve</u> the variance request from the road

setback and minimum lot size requirements and to <u>deny</u> the variance request from the maximum accessory building footprint 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.

BA128: KENNETH AND MICHELE HOLLATZ (OWNERS), ASHLEY MCNULTY (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of variances from the accessory building height and maximum accessory building

footprint requirements and <u>approval</u> of the special exception from the non-conformance to offset provisions to permit an addition to the detached garage.

Discussion between the petitioner (Attorney Ashley McNulty), owners (Kenneth and Michele Hollatz), Board and Staff followed.

Attorney McNulty provided staff and members of the Board with a tree assessment completed by Wachtel Tree Science, Inc, which indicated that the ash trees within the Environmental Corridor were either dying or completely dead due to emerald ash borer. The Hollatz's indicated that it is their intention to remove the ash trees, which is classified as an agricultural type use in the ordinance. The purpose of the addition to the detached garage is to store equipment used to maintain the property.

Public Reaction:

Mark Tremaine, W390N7811 Pennsylvania St, relayed that the Hollatz's property was originally split off from his family's farm tract to allow his sister to construct a home. While he does not have an issue with the proposed offset, he did not see a hardship that would justify the additional height and size that is requested.

Decision and Action:

Mr. Schmidt

I make a motion to <u>table</u> the request until the September [14th] Board of Adjustment meeting.

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

BA129: ROBERT AND LEAH DAMRON (OWNERS)

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 EFD Existing Floodplain Development Overlay District requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to modify the required compensatory floodplain storage requirements established by Board of Adjustment Decision BA16:024 to permit after-the-fact fill within the floodplain associated with new home construction.

Discussion between the owners (Robert and Leah Damron), Board and Staff followed.

Public Reaction:

> None

Decision and Action:

Ms. Bonniwell

I make a motion to <u>approve</u> 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.

OTHER ITEMS REQUIRING BOARD ACTION: BA56 AMY THOMAS AND CHARLOTTE THOMAS (OWNERS):

Public Hearing:

Staff provided a brief summary of the Staff Memo. Staff's recommendation was for <u>approval</u> to extend the Board of Adjustment approval of August 12, 2020, until July 19, 2024, for variances from the lot size requirements of the Waukesha County Shoreland and Floodland Protection Ordinance and the blocks and lots requirements of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance to allow the adjustment of the common lot line and transfer a portion of lands from Lot 2 to Lot 1.

Decision and Action:

Mr. Nawrocki I make a motion to <u>approve</u> the request to extend the Board of

Adjustment approval for six (6) additional months.

The motion was seconded by Ms. Bonniwell. The Board discussed whether six months was sufficient time to complete the outstanding items and agreed that more time may be necessary.

Mr. Bayer I make a motion to <u>amend</u> the previous motion to extend the Board

of Adjustment approval to July 19, 2023.

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

BA53: JOE MODL - dba JTM PROPERTIES LLC (OWNER) AND SCOTT KRAHN (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Memo. Staff's recommendation was for approval to extend the Board of Adjustment approval of July 8, 2020 until July 8, 2023 for variances from the shore setback and offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of an accessory building.

Decision and Action:

Mr. Bayer I make a motion to <u>approve</u> the request to extend the Board of

Adjustment approval for one year until July 8, 2023.

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

ADJOURNMENT:

Mr. Bayer

I make a motion to adjourn this meeting at 7:53 p.m.

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

Respectfully submitted,

Richard Nawrocki

Secretary, Board of Adjustment

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