

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, November 8, 2017, 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

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Nancy Bonniwell

OTHERS PRESENT: Amy Barrows, Senior Planner
Mike Woods, owner (BA17:019)

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 October 11, 2017.*

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

NEW BUSINESS:

Public Hearing:

BA17:019 (OSSEO-FAIRCHILD INVESTMENTS LLC)

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** of the request for variances from the offset and non-conforming structure to offset requirements and **denial** of the request for a road setback variance of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of an attached garage. Discussion between the petitioner, Board and Staff followed.

Public Reaction: None

Decision and Action:

Mr. Bayer *I make a motion to conditionally approve the variance request for the non-conforming structure to offset provisions and deny the requests for variances from the road setback and offset provisions with the following conditions and reasons.*

Conditions:

1. *The attached garage shall be located a minimum of 20 ft. from the ingress-egress easement. The overhangs shall not exceed 2 ft. in width.*
2. *Prior to the issuance of a Zoning Permit, a Plat of Survey showing the staked-out location of the proposed attached garage, existing residence and covered entryway must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.*
3. *Prior to the issuance of a Zoning Permit, a complete set of building plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.*

Reasons:

1. ***There are unique physical conditions existing on the property, which are not self-created, and which prevent compliance with the ordinance thereby causing a hardship and/or no reasonable use. The physical limitations of the property, and not the personal circumstances or desires of the property owner, are the basis for this test. A variance is not a convenience to the property owner.***

The property is uniquely shaped with significant woodland and steep topography present. The existing dwelling is located in the only developable area on the lot. The angles of the side lot lines within the developable area make it difficult to relocate the existing residence in a more conforming location. However, minimal relief necessary shall be provided when granting a variance. There is no physical limitation or justification to extend the garage into the road setback area. The petitioner can construct an approximate 22.1 ft. x 24.3 ft. garage without the need for road setback and offset variances.

2. ***Compliance with the ordinance would cause the owner to experience an unnecessary hardship. The test as to whether or not an unnecessary hardship exists is whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, etc. would unreasonably prevent the owner from using the property for a permitted purpose, or whether it would render conformity with such restrictions unnecessarily burdensome. Hardships should not be financial or economic in nature. Variances are intended to provide only the minimum amount of relief necessary to allow a reasonable use of the property.***

There is no inside vehicular storage present on the property. It is reasonable to provide the petitioner with enough storage in order to provide minimal relief necessary. There is no hardship related to the garage construction extending into the road setback and offset. The proposed garage is a personal preference that exceeds minimal relief necessary to allow reasonable use of the property.

3. ***The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a variance will not harm the public interest.***

The garage addition, as conditioned herein, will not have a negative impact on the adjacent properties. The existing residence is only 24.9 ft. in width. Although, the residence is located 2.8 ft. from the north lot line and 6.8 ft. from the south lot line, there is no availability on the property to relocate the structure to a more conforming location. The proposed garage is located 0.2 ft. closer to the south lot line than the existing residence. By denying the south offset variance request, it locates the garage addition in a conforming location and still allows the petitioner to construct a garage of reasonable width. Maintaining the required 20 ft. road setback will allow for the parking of vehicles and equipment outside of the garage without intruding on the ingress-egress easement, which makes the easement safer for traffic and for snow-plowing/maintenance purposes.

The motion was seconded by Ms. Bonniwell and carried with three (3) yes votes. Mr. Nawrocki voted against the motion.

OTHER ITEMS REQUIRING BOARD ACTION:

ELECTION OF OFFICERS FOR THE BOARD OF ADJUSTMENT

Mr. Nawrocki: *I make a motion to nominate Tom Day as Chairman, Richard Bayer as Vice Chairman, and Nancy Bonniwell as Secretary.*

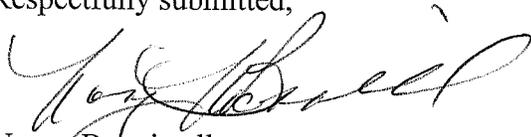
The motion was seconded by Mr. Bayer and carried unanimously.

ADJOURNMENT:

Mr. Nawrocki: *I make a motion to adjourn this meeting at 7:09 p.m.*

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

Respectfully submitted,



Nancy Bonniwell
Secretary, Board of Adjustment

