

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, December 14, 2022, 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:** Stephen Schmidt

**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 November 9, 2022.*

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

**NEW BUSINESS:**

**BA139 JOHN AND MARY PIERSON (OWNERS)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of variances from the offset, shore setback, maximum building footprint, nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit a vertical and lateral expansion to the existing residence and a new lakeside deck and patio.

Discussion between the architect (Jim Mella), owner (John Pierson), Board and Staff followed.

Mr. Pierson indicated that he had Groskopf Construction draw up plans in 2013 for a similar proposal to expand the residence, but the project was never built. Mr. Pierson and his wife want to utilize the property as their permanent residence, but both have health issues and the current structure is not conducive to their needs. Mr. Pierson stressed the need for a wall along the north lot line, as the property to the east is higher and that the sewer lateral makes redevelopment of the lot difficult. The project architect stated that the plans were developed to allow for the minimal

space necessary to create a permanent residence, while also incorporating the wants and needs of the property owners.

At the recommendation of the Board, the owner made a request in writing for the proposal to be tabled to a later meeting date to allow for the plans to be revised, per the Board's recommendations.

*Public Reaction:* None

Decision and Action:

Ms. Bonniwell *I make a motion to table the request for variances to the February 8, 2023, Board of Adjustment meeting to allow the applicant to revise the proposal.*

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

**BA144 VAN KEMPEN LIVING TRUST (OWNER), JOHN VAN KEMPEN (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 shore setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to retain an after-the-fact deck.

Discussion between the owner (John Van Kempen), 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 following condition:*

- 1. An as-built survey shall be submitted within 150 days of issuance of a Zoning Permit showing that the deck has been cut back and is located a minimum of 45.7' from the OHWM of Lac La Belle.*

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

**BA146 CRAIG SMITH AND SHANNON NOONAN (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 offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the after-the-fact construction of a lakeside patio.

Discussion between the owners (Craig Smith and Shannon Noonan), Board and Staff followed.

The owners indicated that the patio was installed by a contractor, and they were not aware that permits were required. The patio allows them to use the existing fire pit despite wet soil conditions near the shore. The owners indicated that the deck cannot be expanded further, per the Town Building Inspector, as the deck is cantilevered, and it would not meet code. The patio and fire pit are used by all the surrounding neighbors and there is no place to relocate the patio or fire pit.

*Public Reaction:* No public comment at the hearing. Four letters of support from neighbors were received prior to the hearing.

Decision and Action:

Mr. Bayer *I make a motion to deny the request in accordance with the staff report and with the reasons stated in the staff report.*

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

**BA147 NISHEETH AND LINDA PATEL (OWNERS), DAN GROSKOPF (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 non-conformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a two-story addition to the existing residence.

Discussion between the petitioner (Dan Groskopf), owner (Nisheeth Patel), Board and Staff followed.

*Public Reaction:* None

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.*

- 1. The proposed improvements shall encroach no closer to the north lot line (5') than the closest point of the existing structure.*
- 2. Prior to the issuance of a Zoning Permit, a Plat of Survey showing the staked-out locations of the proposed residence, attached garage, deck, patio, and any appurtenances, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division Staff for review and approval.*
- 3. The project shall comply with all impervious surface requirements of the Ordinance. A mitigation plan or Treated Impervious Surface plan shall be submitted to the Waukesha County Planning and Zoning Division for approval, prior to the issuance of a Zoning Permit. The deadline for said mitigation or installation of treated impervious surfaces shall be the expiration of the Zoning Permit. If Treated Impervious Surfaces are proposed, a*

*Stormwater Permit from the Waukesha County Land Resources Division must be obtained prior to the issuance of a Zoning Permit for the proposed improvements.*

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

**OTHER ITEMS REQUIRING BOARD ACTION:** None

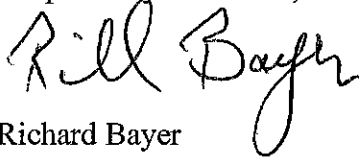
**ADJOURNMENT:**

Mr. Nawrocki

*I make a motion to adjourn this meeting at 7:17 p.m.*

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

Respectfully submitted,

A handwritten signature in black ink that reads "Richard Bayer". The signature is written in a cursive style with a large, prominent "R" and "B".

Richard Bayer  
Vice Chairman/Acting Secretary, Board of Adjustment