

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, September 11, 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  
Stephen Schmidt

**BOARD MEMBERS ABSENT:** None.

**SECRETARY TO THE BOARD:** Nancy Bonniwell

**TOWN OF MERTON**

**BOARD OF ADJUSTMENT MEMBERS PRESENT:** Rick Ray  
Jim Olson  
Jim Schneider  
Marge Hager

**PLANNING STAFF MEMBER:** Ben Greenberg, Senior Land Use Specialist

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 August 14, 2019.*

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

**NEW BUSINESS:**

**BA35: MICHAEL KOTLAREK (OWNER)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **DENIAL** of variances from the offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance for the construction of a new detached garage.

Discussion between Mr. Kotlarek, the Board and Staff followed.

***Mr. Kotlarek introduced the following information at the public hearing:***

- 1. Receipts for a Zoning Permit application (for impervious surface), Preliminary Site***

***Evaluation and a Zoning Permit application (for an accessory building) and Special Exception application.***

2. ***A revised survey dated 9.3.19***
3. ***Pictures***
4. ***GIS map.***

***Staff introduced an email dated 10.16.18 sent from staff member Ben Greenberg to Mr. Kotlarek. The email provided comprehensive zoning requirements regarding Mr. Kotlarek's proposed garage project.***

***Public Reaction:***

- Thomas Zettinig – N80W28368 Keesus Road, lives immediately to the west and has concerns about a larger garage making an existing drainage problem worse. He noted that his lot is very narrow and he also has concerns about a structure near his lot line getting larger.

**Decision and Action:**

The Town of Merton Board of Adjustment recommended approval of the petitioner's request as proposed.

Mr. Bayer: *I make a motion to deny the request for a special exception from the Legal Non-Conformance to Offset provisions of the Ordinance to modify an existing detached garage, for the reasons stated below.*

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

Reasons: The petitioner has not demonstrated that there are special conditions of the property in order to justify the special exception request. A new accessory building of the same proposed dimension could be located in a conforming location on the parcel. The septic system location is also not an impediment to conforming accessory building construction. In addition, there are significant open areas consistent with the conforming building envelope. Those areas provide building sites that would require only minimal tree removal for new garage construction. Furthermore, limited tree removal during construction is commonplace and not a unique constraint of the subject property.

The Waukesha County Shoreland and Floodland Protection Ordinance regulates a less restrictive five-foot offset for smaller accessory buildings (200 sq. ft. maximum). The Ordinance regulates a more restrictive offset for larger accessory structures to allow roof runoff to be adequately managed, to allow proper maintenance of buildings from the subject parcel and to limit the visual impacts of neighboring structures close to a common lot line. Drainage is of particular concern. If relief is granted, it will extend the life cycle and the size of a non-conforming accessory building on a parcel where a conforming accessory building could be reasonably constructed.

**BA36: DAVID AND REBECCA ROBINSON (OWNERS) AND RENZ CONSTRUCTION (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 non-conformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance for the construction of first and second story improvements and to construct a third-story addition to their existing residence.

Discussion between the applicant (builder), the Board and Staff followed.

*Public Reaction: None*

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 conditions and reasons stated in the staff report.*

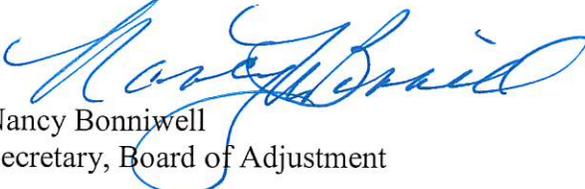
The motion was seconded by Mr. Nawrocki and carried unanimously.

**ADJOURNMENT:**

Mr. Nawrocki *I make a motion to adjourn this meeting at 7:52 p.m.*

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

Respectfully submitted,

  
Nancy Bonniwell  
Secretary, Board of Adjustment