

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, December 11, 2019, 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: Richard Nawrocki

PLANNING STAFF MEMBER: Ben Greenberg

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 13, 2019.*

The motion was seconded by Ms. Bonniwell and carried unanimously (5-0).

NEW BUSINESS:

BA43: CONCETTA DISALVO (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of variances from the maximum building footprint, maximum height, nonconformance to road setback and nonconformance to shore setback provisions, but recommend **approval** of the request for a special exception from the nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of an addition to the existing residence.

Discussion between the petitioner/owners (Concetta DiSalvo and Chad Bauer), their builder (Dave Leszczynsky), Board and Staff followed.

The petitioners noted that they are willing to modify the project to comply with the 35' height requirement and the non-conformance to shore setback requirements. They are hoping to preserve the entire existing garage and do not want to have to remove existing garage space in order to expand the residence beyond a one-bedroom and one-bathroom residence.

A letter written in support of the project from Ty and Amy Lenz (N52W35257 W Lake Drive) was submitted into the record at the hearing.

Public Reaction: None

Decision and Action:

Mr. Bayer:

I make a motion to approve the request for variance from the non-conformance to the road setback provisions, approve the request for special exception from the non-conformance to offset provisions in accordance with the below listed conditions, but move to deny the requests for variance from the height, non-conformance to shore setback and maximum building footprint provisions of the Waukesha County Shoreland and Floodland Protection Ordinance.

CONDITIONS:

1. The proposed improvements must comply with the maximum height requirements of the Ordinance.
2. No lateral expansion of the building footprint is permitted.

REASONS:

It is believed that this garage has existed since 1971, when it was approved through variance. There is no evidence that the garage (within the right of way) has presented any problems being within the right of way. It would therefore be unnecessarily burdensome to require the owners to remove a substantial section of the garage in order to improve the residence beyond a one bedroom and one bathroom home.

The residence is only slightly non-conforming to the offset requirements. The irregular flag lot configuration of the adjacent lot effectively provides more significant side-yard space between residences. Therefore, the proposed improvements should not adversely affect adjacent parcels.

The motion was seconded by Mr. Nawrocki and carried 3-1 (Mr. Schmidt abstained, Mr. Day voted no).

BA41: TOM MODL (OWNER) AND PAUL SCHULTZ (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of the variance from the nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a garage addition to the existing residence. It should be noted that the staff recommendation was conditioned on the proposed garage being a maximum size of 528 sq. ft. vs. the 770 sq. ft. garage proposed by the petitioners.

Discussion between the applicant (Paul Schultz), owner (Tom Modl), Board and Staff followed.

Public Reaction: **None**

Decision and Action:

Mr. Schmidt: *I make a motion to approve the request for variance from the non-conformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance in accordance with the following conditions and reasons stated below.*

CONDITIONS:

1. The attached garage shall not exceed 770 sq. ft. in size and shall be located no closer to the west lot line than the existing residence.
2. The existing carport and shed located in the vicinity of the proposed garage shall be removed from the property prior to the issuance of a Zoning Permit for the attached garage.
3. The proposed improvements must comply with all impervious surface requirements of the Waukesha County Shoreland and Floodland Protection Ordinance. Any proposed Treated Impervious Surfaces will require a Stormwater Water permit from the Waukesha County Land Resources Division.
4. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed improvements, or a Sanitary Permit for new waste disposal system must be issued and a copy furnished to Planning and Zoning Division staff.
5. If any changes to the existing grade are proposed, a detailed Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed garage does not result in adverse drainage onto adjacent properties.

REASONS:

As year-round use of lake residences becomes commonplace, so does the requirement for enclosed parking. Due to the extremely narrow lot configuration, the petitioner does not have the ability to practicably build a conforming new residence with attached garage space, which creates a hardship.

The garage addition is reasonable in size and is similar dimensionally to other garages in the area. The removal of the existing nonconforming structures and construction of an attached garage will improve the overall conformity of the lot and would not negatively impact the surrounding neighborhood or natural resources.

The motion was seconded by Mr. Nawrocki and carried unanimously (5-0).

BA42: WHITEROCK HOLDINGS, LLC. (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of variances from the road setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a new residence with attached garage, deck and patio.

Discussion between the owner (Eric Standarski), 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 reasons stated in the staff report.*

The motion was seconded by Mr. Bayer and carried unanimously (5-0).

ADJOURNMENT:

Mr. Bayer: *I make a motion to adjourn this meeting at 8:00 p.m.*

The motion was seconded by Ms. Bonniwell and carried unanimously (5-0).

Respectfully submitted,



Richard Bayer
Vice Chairman, Board of Adjustment