

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 10, 2020, at 6:30 p.m. Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

**BOARD MEMBERS PRESENT:** Tom Day, Chairman (via Microsoft Teams)  
Richard Nawrocki (via Microsoft Teams)  
Richard Bayer (via Microsoft Teams)  
Nancy M. Bonniwell (via Microsoft Teams)  
Stephen Schmidt (via Microsoft Teams)

**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:**

Ms. Bonniwell: *I make a motion to approve the Summary of the Meeting of February 12, 2020.*

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

**NEW BUSINESS:**

**BA48: GREG AND BRENDA LARSON (OWNERS)**

Public Hearing:

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

Discussion between the petitioners (Brenda and Greg Larson), Board and Staff followed.

The owners explained that they intend to retire here and need additional space beyond the 1,245 sq. ft. (17.5%) building footprint allowed by the Ordinance. They stated that they cannot design a floor plan which meets their functional needs, within the allowable building footprint, and are thus seeking relief.

***Letters or emails written in support of the project were received from the following:***

- ***Jeff and Linda Bartlett – W288N8037 Park Dr., Merton, WI.***
- ***Jackie and Mike Malinowski - W288N8017 Park Dr., Merton, WI.***
- ***Kenneth Belter - W288N7998 Park Dr., Merton, WI.***
- ***Cathy Hazzard - W288N8024 Park Dr., Merton, WI.***
- ***Amy and Jim Schmidt - W288N8025 Park Dr., Merton, WI.***
- ***Patty and John Mueller - W288N8009 Park Dr., Merton, WI.***

**Decision and Action:**

The Town of Merton Board of Adjustment did not make a formal recommendation.

Mr. Bayer:

*I make a motion to deny the request for an offset variance but approve the request for variances from the maximum building footprint and road setback provisions, with the following conditions and for the following reasons.*

**REASONS:**

With respect to building footprint relief and road setback relief, there is a hardship present due to the small lot size. Having enclosed parking is necessary for year round living in a northern climate, and some relief is necessary to provide parking. Allowing for an attached garage is more visually appealing than a detached garage and is in the public interest. No justification for hardship was demonstrated with respect to the offset request. The petitioners could make a minor modification to their design and comply with the required offsets.

**CONDITIONS:**

1. The proposed residence and attached garage shall comply with the offset requirements of the Ordinance.
2. Total allowable building footprint for all roofed structures cannot exceed 22.02% of the lot.

The motion was seconded by Ms. Bonniwell and carried 3-2 (Mr. Day and Mr. Nawrocki voted no).

**BA45: DANIEL LOSBY (OWNER)**

**Public Hearing:**

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** for a variance from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to construct a single-family residence, attached garage, decks, patio and retaining walls on the subject property.

Discussion between the petitioner (Dan Losby) and his attorney (Kathy Gutenkunst), Board and Staff followed.

*Public Reaction:*

***Letters or emails written in support of the project were received from the following:***

- ***James Mulligan – N55W34550 Kosanke Rd.***
- ***Todd and Beth Blazei – N55W34456 Tweeden Lane***

Decision and Action:

Mr. Schmidt: *I make a motion to approve the request with the following conditions and for the following reasons.*

**REASONS:**

With respect to shore setback, an unnecessary hardship does exist. When setbacks are applied to the subject property, a viable and conforming building envelope cannot be achieved. Without any relief from Ordinance requirements, conforming redevelopment of a residentially zoned lot would not be possible, preventing the owner from utilizing the property for a permitted purpose.

The owner is proposing to combine two non-conforming lots and remove two structures in disrepair. The new residence will be located further from the lake than the existing homes and will be conforming to offset requirements, unlike one of the existing homes. The petitioner intends to comply with impervious surface requirements and is proposing to restore and revegetate two old boat launches. Therefore, approving this request with the recommended conditions meets the purpose and intent of the Ordinance.

**CONDITIONS:**

1. The residence and deck must be located a minimum of thirty-five (35) feet from the Ordinary High Water Mark, this includes all roof overhangs.
2. The Town of Oconomowoc Plan Commission and Waukesha County Park and Planning Commission must approve any retaining walls proposed within five (5) feet of a common lot line.
3. Documentation shall be submitted to the Waukesha County Planning and Zoning Division that a Stormwater Permit has been reviewed and approved by the Waukesha County Department of Parks and Land Use and Land Resources Division (LRD), prior to the issuance of any permits.

4. Prior to the issuance of a Zoning Permit for the residence, documentation shall be submitted to the Waukesha County Planning and Zoning Division that an approved Certified Survey Map combining tax parcels OCOT 0574.031.001 and OCOT 0574.031.002 has been recorded with the Waukesha County Register of Deeds office.
5. To offset the impacts of the proposed residence, attached garage and deck, a mitigation plan (“Plan”) shall be submitted to the Waukesha County Planning and Zoning Division staff for review and approval. The Plan shall establish two no-mow mitigation areas identified on the submitted site plan as “Naturalized Areas”, also attached as Exhibit A of the Staff Report. The Naturalized Areas shall be vegetated with an appropriate mix of native perennial plants and grasses which shall be maintained in perpetuity. The Plan shall include a time table for completion as well as address long term maintenance requirements, including management of invasive species. An associated deed restriction which memorializes this obligation shall be recorded with the Waukesha County Register of Deeds office, prior to issuance of a Zoning Permit for the new residence.

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

**BA49: KEN KRAHE (OWNER)**

**Public Hearing:**

Staff provided a brief summary of the Staff Report and Recommendation. Staff’s recommendation was for **approval** of a special exception from the legal non-conformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to construct an addition to an existing single-family residence.

Discussion between the petitioner (Ken Krahe), Board and Staff followed.

*Public Reaction:* **None**

**Decision and Action:**

Mr. Bayer: *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. Schmidt and carried 4-1 (Ms. Bonniwell voted no).

**OTHER ITEMS REQUIRING BOARD ACTION:** None.

**ADJOURNMENT:**

Mr. Bayer

*I make a motion to adjourn this meeting at 9:06 p.m.*

The motion was seconded by Ms. Bonniwell and carried unanimously.

Respectfully submitted,

***Richard Nawrocki***

Richard Nawrocki  
Secretary, Board of Adjustment