

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, October 12, 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: Richard Nawrocki

TOWN OF MERTON BOARD

OF ADJUSTMENT MEMBERS PRESENT: Curt Podd
Lloyd Crom
Kathy Haberman
Jim Schneider

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:

Ms. Bonniwell *I make a motion to approve the Summary of the Meeting of September 14, 2022.*

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

NEW BUSINESS:

BA140 SCOTT AND DARCI HICKS (OWNERS), TIM RIGSBY (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of variances from the offset and wetland setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a single-family residence with attached garage and lakeside patio.

Discussion between the petitioner (Tim Rigsby), owner (Scott and Darcy Hicks), Board and Staff followed.

Public Reaction: None.

A letter of support was received from the neighbors to the south, and the letter was circulated to the members of the Board.

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.

BA135 DOUGLAS D. LUTERBACH (OWNER)

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 and maximum accessory building height provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit a vertical and lateral expansion of an existing one-story cottage.

Discussion between the owner (Douglas Luterbach), his attorney (Attorney Alec Durand), Board and Staff followed.

Public Reaction: None.

Decision and Action:

Ms. Bonniwell *I make a motion to deny the request in accordance with the staff report with the reasons stated in the staff report.*

The motion was seconded by Mr. Schmidt and carried 3-2 with Mr. Bayer and Mr. Nawrocki voting against the motion.

BA137 BENJAMIN KOHL (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of a variance from the nonconformance to road setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit a second story addition, interior remodeling, and new balcony.

Discussion between the owner (Benjamin Kohl), architect (Kerry Sutton) 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 condition and reasons stated in the staff report.*

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

BA138: JOHN R. SCOTT (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of a variance from the shore setback provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a patio, a portion of which is after-the-fact and a retaining wall.

Discussion between the owner (John Scott), Board and Staff followed.

Mr. Scott gave a presentation to the Board and showed several photos of the deck and existing site conditions. Mr. Scott relayed that the patio will be 15 inches lower than the existing deck, and the number of stairs to get to the shore will be reduced from 11 to 2. Photos of the deck boards showed that there was no spacing to allow for water infiltration, and Mr. Scott challenged that the deck would allow for more water infiltration than a patio. Mr. Bayer stated that spacing between deck boards is required, and lack of spacing represents poor construction of the deck and likely lead to excessive moss/algae that Mr. Scott stated he was experiencing.

Mr. Day noted that based upon the pictures it was noted that there was no erosion control fencing.

Public Reaction:

- Richard Ruscher, S73W31310 Spring Lake Rd, provided the Board with a copy of a Journal Sentinel article regarding maintaining lake quality. Mr. Ruscher also shared that Spring Lake is designated as an outstanding Resource Water, one of only several within southeast Wisconsin, and the Board should be judicious with the improvements that they allow within the shore setback. Mr. Ruscher relayed that he would like to see the patio and wall that had already been installed, removed from the property.
- Dr. Richard Wagner, S74W31200 Arbor Dr, objects to Mr. Scott installing a patio and retaining wall within the shore setback and reiterated the points made by Mr. Ruscher.
- A letter from the DNR was read into the record, indicating that the DNR concurred with the staff recommendations.

Decision and Action:

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

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

OTHER ITEMS REQUIRING BOARD ACTION:

- Discuss schedule for election of officers and appointment of secretary for the Board of Adjustment. Board members discussed nominations for the upcoming elections and Mr. Schmidt was appointed as the new secretary for the Board of Adjustment.

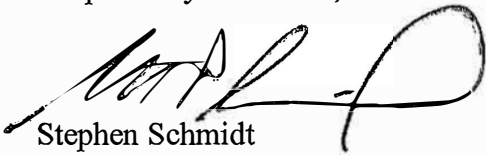
ADJOURNMENT:

Mr. Nawrocki

I make a motion to adjourn this meeting at 8:10 p.m.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen Schmidt', written over a horizontal line.

Stephen Schmidt
Secretary, Board of Adjustment