

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, February 12 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 Bayer
Nancy M. Bonniwell
Stephen Schmidt

BOARD MEMBERS ABSENT: Richard Nawrocki

SECRETARY TO THE BOARD: Richard Bayer (acting on behalf of 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. Bayer *I make a motion to approve the Summary of the Meeting of December 11, 2019, as corrected.*

The motion was seconded by Mr. Schmidt and carried unanimously (4-0).

NEW BUSINESS:

BA44: RICHARD AND MAUREEN STALLE (OWNERS) AND BRIAN ZIMMERMAN (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of variances from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to reconstruct and modify failing retaining walls on the subject property.

Discussion between the petitioner (Brian Zimmerman), owner (Richard Stalle), 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 and for the following reasons.*

REASONS:

The necessity for retaining walls is present due to the steep side slope on the lot. The owners could rebuild the existing walls in kind without any relief; however, structural analysis by a licensed landscape architect indicates that an in-kind rebuild would not meet the typical standards of modern retaining wall design, leading to unstable loads on the new walls and premature failure.

As stated above, without relief from the shore setback provisions of the Ordinance, the petitioner could only rebuild the failing walls in-kind. The relief required to meet structural requirements is the minimum relief necessary to properly reconfigure the walls. Denial of relief from these provisions would lead to unnecessary hardship because the owner would be not be able to properly reconstruct the needed retaining walls, forcing them to live with failing walls, or an in-kind wall replacement that would be vulnerable to premature failure.

The new walls, if approved as conditioned, will be properly screened from the lake and adjacent properties. The walls will not be located any closer to the lake and will no longer encroach the property to the west.

In addition, there is a hardship due to the topography on the property and without any relief, that part of the property would deteriorate further.

The motion was seconded by Mr. Bayer and carried unanimously (4-0).

ADJOURNMENT:

Ms. Bonniwell:

I make a motion to adjourn this meeting at 6:48 p.m.

The motion was seconded by Mr. Schmidt and carried unanimously (4-0).

Respectfully submitted,

Richard Bayer

Richard Bayer
Acting Secretary, Board of Adjustment