

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, March 10, 2021, 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)
Kathryn McNelly Bell (via Microsoft Teams)

BOARD MEMBERS ABSENT: Stephen Schmidt

SECRETARY TO THE BOARD: Richard Nawrocki

**TOWN OF MERTON BOARD OF ADJUSTMENT
MEMBERS PRESENT:**

Rick Ray, Chairman
Jim Schneider
Kathy Haberman

PLANNING STAFF MEMBERS: Jacob Heermans, Senior Land Use Specialist (BA77/75)
Ben Greenberg, Senior Planner (BA74)

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 February 10, 2021.*

The motion was seconded by Ms. Bonniwell and carried unanimously, with Ms. McNelly Bell abstaining.

NEW BUSINESS:

**BA77: KATHERINE AND ANDREW RITTENHOUSE (OWNERS),
TROY GILES (APPLICANT)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** of the request for a variance from the nonconformance to offset and **denial** of the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a sunroom, with associated deck, stairs and stair landing.

Discussion between Attorney Troy Giles (agent), Board and Staff followed.

The agent noted that the architect designed the landing larger than the 5' maximum width for safety and aesthetics and that moving the deck back could cause the supports to be altered, as they also serve the proposed sunroom. The agent noted that the sunroom is less than 200 square feet, which is the maximum size of an addition allowed within the shore setback.

Public Reaction:

The neighbor to the east called staff to inquire about the project and to offer their support.

Decision and Action:

The Town of Merton Board of Adjustment recommended approval of the petitioner's request for the proposed sunroom and deck, and denial of the proposed landing with the conditions and for the reasons stated in the staff report.

Ms. Bonniwell

*I make a motion to approve the request for variances from offset and shore setback for the proposed sunroom and deck, and **denial** of the variance from shore setback for the stair landing. A hardship exists on the lot due to the proximity of the existing structure to the lot line. The lot is relatively difficult to redevelop given the existing conditions on the subject property and the lack of a residential property to the west for averaging purposes. If the lot were to be redeveloped, the development would be shifted west, requiring extensive land altering activity and potentially additional retaining walls within the shore setback. There are several mature trees on the site that could also potentially be impacted by new development and would need to be removed. Additionally, the structure is no closer to the shore than the existing residence.*

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

BA74: 227 INVESTMENTS, LLC (OWNER), CARL TOMICH (APPLICANT)

Public Hearing:

Staff's recommendation was for **approval** of the request for variances from the height requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to legalize the height of the residence approved in Zoning Permit D20:037. Staff reiterated that staff issued the permit in error and that the petitioner was not made aware of the error until over a month after the permit had been issued.

Discussion between the Board and Staff followed.

A letter of support was received from the neighbor to the east.

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 Ms. Bonniwell and carried unanimously.

BA75: WILLIAM HALQUIST, JR. (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of the request for a variance from the Delafield Shoreland Overlay District (DSO) shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit an addition to an existing patio.

Discussion between the owner (Bill Halquist), Board and Staff followed.

Public Reaction: None.

Decision and Action:

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

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

OTHER ITEMS REQUIRING BOARD ACTION: None.

ADJOURNMENT:

Mr. Bayer *I make a motion to adjourn this meeting at 7:32 p.m.*

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

Respectfully submitted,

Richard Nawrocki

Richard Nawrocki
Secretary, Board of Adjustment