

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, May 8, 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: Nancy Bonniwell

TOWN OF MERTON

BOARD OF ADJUSTMENT MEMBERS PRESENT: Rick Ray
Jim Olson
Jim Schneider

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 April 10, 2019.*

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

NEW BUSINESS:

BA29: EDWARD AND MARY APRAHAMIAN (OWNERS)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of variances from the non-conformance to road setback provisions and **approval** for a special exception from the non-conformance to the offset provisions from the Waukesha County Shoreland and Floodland Protection Ordinance for the construction of two second-story dormers. Discussion between the petitioners (Edward Aprahamian, Mary Aprahamian and Mark Mishefski), 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.

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

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

BA28: MICHAEL KNUTSON AND NANCI SNYDER-KNUTSON (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, maximum building footprint and substandard lot provisions as well as **denial** for a variance from the site regulations of the Waukesha County Shoreland and Floodland Protection Ordinance to replace an existing detached garage with a new detached garage on a lot without a principal (residential) structure.

Discussion between the petitioners (Michael Knutson, Nanci Snyder-Knutson and Attorney Mike Schober), Board and Staff followed. Mr. Schober presented a brief history of the use of the land. Mr. Schober stated that the lots were legally created and are part of the unique history of the area. Mr. Schober also indicated that it would not be desirable to have items stored outside if a new garage could not be constructed. Michael Knutson stated that attempts have been made, though unsuccessfully, to form a neighborhood association to collectively work to rebuild enclosed storage improvements on the lands. Mr. Knutson went on to say that, he no longer has any realistic expectation for a collective effort.

The petitioners submitted two color photographs of the cluster of accessory buildings on and adjacent to the subject property into the record.

Public Reaction: Carol Wilson, N60W34643 Forest Bay Road, noted that the area was a riding stable in the 1920's. She also expressed concern that children could hide out in the small spaces left between the buildings, which she said is not desirable.

Mary Ann Cuccio, N60W34608 Forest Bay Road, stated that she supports the request and concurred that the garages are needed.

Dave Miswald, N60W34648 Forest Bay Road, stated that setback/offset requirements should be as minimal as possible.

James Kreiger, N60W34649 Forest Bay Road, stated that he has no qualms about the project.

George Krug, N60W34877 Forest Bay Road, is worried that without storage, there would be a lot of outdoor storage of items, which is not desirable.

Decision and Action:

Ms. Bonniwell

I make a motion to approve the request for variances from the road setback, offset, maximum building footprint, substandard lot provisions, and the site regulations of the Waukesha County Shoreland and Floodland Protection Ordinance to replace an existing detached garage with a new detached garage on a lot without a principal (residential) structure, for the following reasons and subject to the following conditions:

Reasons: *The lot is very small and some relief is needed. The condition of the current improvement and the Ordinance restrictions in regards to improvements would not allow the owners to re-rebuild to a reasonable standard. The approval as conditioned will allow the owner to continue to utilize enclosed storage on the property while replacing a non-conforming structure with a less non-conforming structure, which provides some building separation to allow for reasonable maintenance between the proposed garage and structures on adjacent lots.*

Conditions:

1. The edge of roof of the proposed garage must be a minimum of two (2) feet from the east lot line.
2. The edge of roof of the proposed garage must be a minimum of five (5) feet from the west lot line.
3. The edge of roof of the proposed garage must be a minimum of 0.1 feet to the north-west lot line. Any proposed revisions must not be more encroaching to the required offset from the northwest lot line and must be reviewed and approved by the Waukesha County Planning and Zoning Staff.
4. The edge of roof of the proposed garage must be a minimum of 0.1 feet to the established right of way. Any proposed revisions must not be more encroaching to the road setback and must be reviewed and approved by the Waukesha County Planning and Zoning Staff.
5. Prior to the issuance of a Zoning Permit for the new garage, Parcel No's. OCOT 0530.123 and OCOT 0530.124 shall be re-described through deed as one contiguously described parcel. Additionally, a Declaration of Restrictions must be prepared stating that the subject property cannot be sold separately from either Parcel No. OCOT 0530.123, OCOT 0530.124, or a lot resulting from the combination of both riparian parcels. The above-required re-description through deed and Declaration of Restrictions shall be reviewed and approved by the Waukesha County Planning and Zoning Staff and the re-description via deed must meet all requirements of Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Shoreland and Floodland Subdivision Control

Ordinance. Subsequently, the deed of the re-described subject lands and the above-required Declaration of Restriction shall be recorded with the Waukesha County Register of Deeds.

Alternatively, and prior to the issuance of a Zoning Permit for the new garage, a Certified Survey Map which combines both subject lots and attaches those lands as an indivisible or detachable outlot of either Parcel No. OCOT 0530.123, OCOT 0530.124, or a lot resulting from the combination of both riparian parcels must be prepared by a professional Land Surveyor, reviewed and approved by the Town of Oconomowoc and by the Waukesha County Department of Parks and Land Use – Planning and Zoning Division staff, and recorded in the Waukesha County Register of Deeds.

6. A Declaration of Restrictions must be prepared stating that the area west of the proposed garage must be kept free from impervious surfaces. The restriction shall also state that Treated Impervious Surfaces as regulated in the Waukesha County Shoreland and Floodland Protection Ordinance may be installed if a Waukesha County Stormwater Permit is obtained in order to demonstrate that the Treated Impervious Surface(s) meets the infiltration standards of the Waukesha County Stormwater and Erosion Control Ordinance. The area of impervious surface restriction must shown on a site plan to be reviewed and approved by Waukesha County Department of Parks and Land Use – Planning and Zoning Division staff and referenced in the above-required Declaration of Restrictions.
7. The height of the proposed garage may be increased as allowed by the Waukesha County Shoreland and Floodland Protection Ordinance.

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

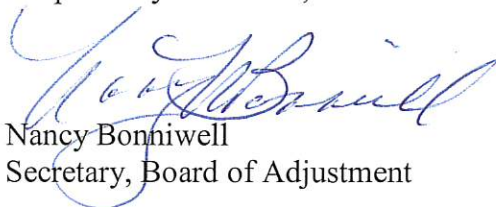
OTHER ITEMS REQUIRING BOARD ACTION: None.

ADJOURNMENT:

Mr. Bayer *I make a motion to adjourn this meeting at 8:41 p.m.*

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

Respectfully submitted,


Nancy Bonniwell
Secretary, Board of Adjustment