

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE  
APPEAL FOR VARIANCE  
STAFF REPORT**

**DATE:** October 14, 2020

**FILE NO.:** BA63

**PETITIONERS:** John and Jean Corrao  
N69 W23778 Sari Court  
Sussex, WI 53089

**APPLICANT:** Greg Perkins  
GMH Construction  
W245 N4749 Swan Road  
Pewaukee, WI 53072

**TAX KEY NO.:** OTWT 1626.001.002

**LOCATION:**

The subject property is known as Lot 2 of CSM 11920, located in part of the NW ¼ of Section 11, T6N, R17E, Town of Ottawa. More specifically, the property is located at W358 S2502 Hunters Lake Road with frontage on Hunters Lake.

**REQUEST:**

Special exception from **Section 3(o) Non-conformance to Offset** provisions of the Waukesha County Shoreland and Protection Ordinance to permit a second story addition to the principal residence.

**ZONING CLASSIFICATION:** R-3 Residential, C-1 Conservancy Overlay and EFD Existing Floodplain Development Overlay Districts.

**LOT CONFIGURATION:**

The property is approximately 15,043 square feet in size, with approximately 53 ft. of frontage on Hunter's Lake Road and approximately 58.2 ft. of frontage on Hunter's Lake. The property is served by a private sewage system and a private well. The existing and required average lot width, average lot depth and lot size are shown in the following table.

	Average Lot Width	Average Lot Depth*	Lot Size
Existing	53 ft. +/-	287 ft. +/-	15,043 sq. ft.
Required	120 ft.	n/a	20,000 sq. ft.

\*excluding the established road right-of-way of 33 ft. from the centerline

**PREVIOUS BOARD OF ADJUSTMENT ACTION ON THE SUBJECT PROPERTY:**

On November 11, 2015, in BA15:038, the Board approved variances for slightly less relief than requested from the road setback and open space requirements as well as a special exception from

the accessory building floor area ratio requirements of the Ordinance, to permit the construction of a detached garage. The detached garage has been constructed.

**PENDING ACTIONS:**

None.

**PROPOSAL AND STAFF ANALYSIS:**

The property, which is located on Hunter’s Lake Road, on the west side of Hunter’s Lake, contains a one-story, single-family residence, lakeside deck, and detached garage. The lot is served by a private well and a private sewage system.

The petitioners are proposing to vertically expand the residence in conjunction with an interior remodeling project. The vertical expansion would add 818 square feet of living space on the second floor, including an additional bedroom and bathroom, within the existing footprint. The roofline of the structure will increase by approximately twelve (12) feet as part of the proposal.

The table below summarizes the existing and proposed improvements. A site plan showing the existing improvements is attached as Exhibit A. Building plans showing the proposed improvements are attached as Exhibit B.

	Acc. Bldgs. (sq. ft.)	Basement (sq. ft.)	1 <sup>st</sup> floor (sq. ft.)	2nd floor (sq. ft.)	Beds	Baths
Existing	576	844	844	n/a	2	1
Proposed	576	844	844	818	3	2

The proposed vertical expansion requires a special exception from the nonconformance to offset provisions, as summarized in the following table:

PROVISION	SFPO	EXISTING	NON-CONFORMING? 3(o)	PROPOSED	REQUIRED	VARIANCE/ SPECIAL EXCEPTION?
ROAD SETBACK	3 (h) (1) (C)	140'	N		50' (Min)	N
OFFSET ( N )	3 (h) (3) (A)	5.8'	Y	5.8'	10' (Min)	Y
OFFSET ( S )	3 (h) (3) (A)	13.8'	N	13.8'	10' (Min)	N
TOTAL BUILDING FOOTPRINT	3 (j) (5) (B)	1,420 SF	N	1,420 SF	2,632 SF (17.5% Max)	N
ACCESSORY FOOTPRINT	3 (j) 4	576 SF	N	576 SF	750 SF (Max)	N
MIN. FLOOR AREA (S.E.)	3 (j) (1)	844 SF	Y	1,662 SF	1,100 SF (Min)	N
BLDG HEIGHT	3 (i)	22'	N	34'	35' (Max)	N
SHORE SETBACK	3 (h) (2)	107.7'	N	107.7'	75' (Min)	N

**PETITIONERS' COMMENTS:**

The petitioners' comments are attached as Exhibit C.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division staff recommends **approval** of the request for a special exception from the nonconformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of second story addition to the principal residence. This recommendation is based upon the analysis of the criteria to be considered for a special exception, as analyzed below.

**SPECIAL EXCEPTION TEST CRITERIA ANALYSIS**

**The Ordinance defines Special Exception as a request for a minor adjustment to the requirements of the Ordinance only where specifically authorized by the Ordinance, owing to special conditions of the property. The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a special exception will not harm the public interest.**

The subject property is bordered by a 25' wide lot to the south, and a double lot to the north, creating a special condition of the property. The existing home is nonconforming to the north lot line. The home to the north is located 48.6' from the common lot line. If the subject home were to be rebuilt, the conforming location would push the home closer to the south lot line where there

is little separation from the home to the south which is located on a narrow 25' wide lot. Allowing the home to remain in its current configuration and vertically expand, allows for a greater offset between structures than would otherwise exist if re-development were to occur. The non-conformance is minor and granting relief should not have an adverse impact on the adjacent properties and meets the purpose and intent of the ordinance.

Respectfully submitted,

Reviewed and approved by:

*Jacob Heermans*

*Jason Fruth*

Senior Land Use Specialist  
Phone: 262-548-7790

Jason Fruth  
Planning and Zoning Manager

Exhibits: "A"- "C"

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Book 120 Page 287-290

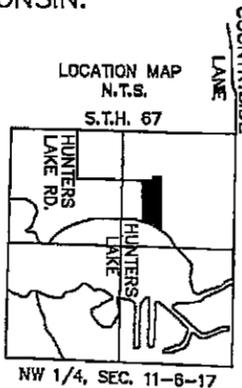
EXHIBIT "A"



030/4

# CERTIFIED SURVEY MAP NO. 11920

BEING A RE-DIVISION OF LOT 1, LOT 2 AND LOT 3, IN UPPER HUNTER'S LAKE SUBDIVISION, BEING A SUBDIVISION OF A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 6 NORTH, RANGE 17 EAST, IN THE TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN.



ELEVATIONS SHOWN ON THIS MAP ARE REFERENCED TO NAVD 88.

100 AND 500 YEAR FLOOD ELEVATION IS TAKEN FROM THE FEMA FIRM MAP NO. 55133C0328G REVISED ON 11-5-2014.

THE ORDINARY HIGH MARK WAS DETERMINED IN 2008 WITH AN ELEVATION AT 866.44' AT W359 S 2784 S.T.H. 67 BY WDNR

THE CSM IS LOCATED ENTIRELY WITHIN THE COUNTY'S SHORELAND AND FLOODLAND PROTECTION ORDINANCE JURISDICTIONAL BOUNDARY.

R3 DISTRICT SETBACK REQUIREMENTS  
ROAD SETBACK = 50'  
SIDE LOT SETBACK = 20'  
SHORE SETBACK = 75'  
FLOODPLAIN SETBACK = 35'

### LEGEND

- 1" IRON PIPE FOUND (UNLESS NOTED)
- 3/4" O.D. REBAR SET 1.50 LBS/LIN. FT. 18" IN LENGTH
- STONE MONUMENT FOUND
- ⊙ WELL
- ⊙ SEPTIC MANHOLE
- ⊙ P.K. MAG. NAIL SET
- POWER POLE
- (R) RECORDED



BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE WEST LINE OF THE NW 1/4 OF SEC. 11-6-17, AS N00°31'10"E.

THE NW CORNER OF THE NW 1/4 OF SEC. 11-6-17  
CONC. MON. W/  
SEWRPC BRASS CAP

NORTH 835' (R)  
N 00°31'10" E 830.83' (M)

WEST LINE OF THE NW 1/4 OF SEC. 11-6-17  
N 00°31'10" E 2656.38'

THE SW CORNER OF THE NW 1/4 OF SEC. 11-6-17  
CONC. MON. W/  
SEWRPC BRASS CAP

### SURVEYOR

JASON T. MAYER  
W241 N7303 S. WOODSVIEW DR.  
SUSSEX, WI 53089  
(262)424-7552

### OWNERS

JAMES AND JOYCE BRAHM  
W358 S2488 HUNTERS LAKE RD.  
DOUSMAN, WI 53118

### OWNERS

JOHN AND JEAN CORRAO  
N69 W23778 SARI CT.  
SUSSEX, WI. 53089

### NOTES

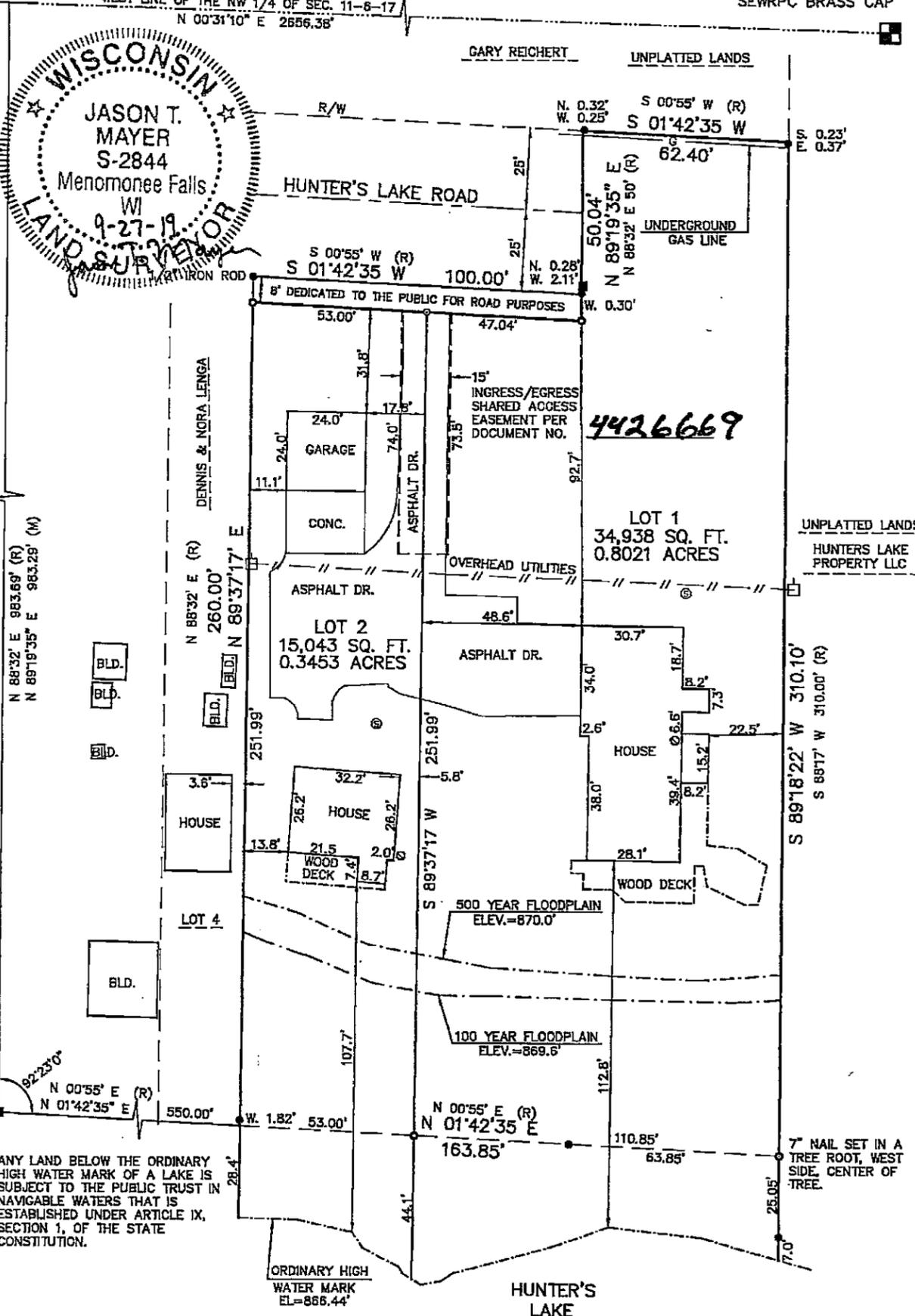
THE ZONING DISTRICTS AND RELATED REQUIREMENTS LISTED ON THIS CERTIFIED SURVEY MAP MAY BE SUBJECT TO MODIFICATION BASED ON THE PROVISIONS OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE.

### FLOODPLAIN PRESERVATION RESTRICTIONS

THOSE AREAS IDENTIFIED AS FLOODPLAIN PRESERVATION AREA ON SHEET 1 OF 4 OF THIS CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
2. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, WITH THE EXCEPTION THAT INVASIVE, DEAD, DISEASED, OR DYING VEGETATION MAY BE REMOVED, AT THE DISCRETION OF THE LANDOWNER, AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE PLANNING AND ZONING DIVISION. SILVICULTURAL THINNING, UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE PLANNING AND ZONING DIVISION, SHALL ALSO BE PERMITTED.
3. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC., IS PROHIBITED, UNLESS GRAZING IS CONDUCTED IN ORDER TO MANAGE INVASIVE VEGETATION AND APPROVAL IS OBTAINED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE PLANNING AND ZONING DIVISION.
4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT IS PROHIBITED.
5. PONDS ARE PROHIBITED UNLESS DESIGNED TO ENHANCE THE NATURAL ENVIRONMENT. PONDS THAT MAY BE PERMITTED ARE SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
6. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

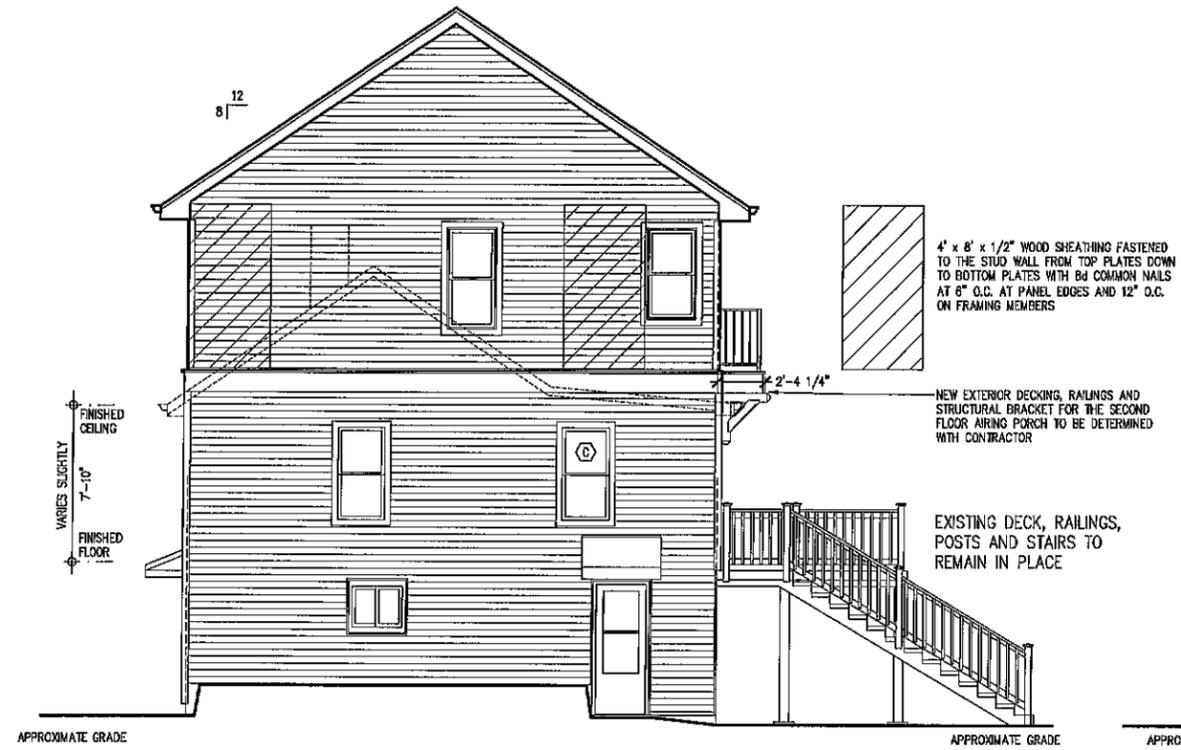
ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.



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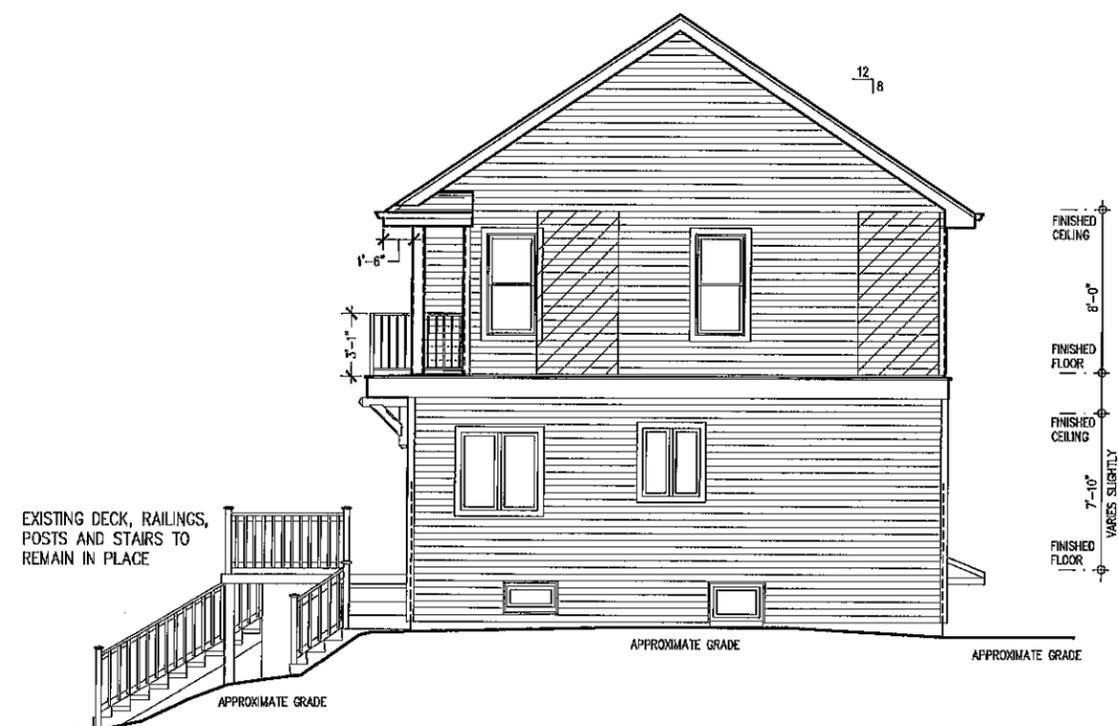
**EXHIBIT "B"**



1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

DATE: JUNE 16, 2020  
REVISIONS (DATE AND GENERAL D/E)

GMH CONSTRUCTION  
W245N4749 Swan Road  
Pewaukee, WI 53072  
(414) 587-4209  
www.gmhconstruction.com  
Designed By: ban@gmh.com; design@gmh.com  
1200 E Capital Dr., Sheboygan, WI 53211  
(414) 852-3188 Residential Design Services

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PROPOSED DRAWINGS FOR:  
**JOHN AND JEAN CORRAO**  
W358S2502 HUNTERS LAKE ROAD  
DOUSMAN, WI 53118  
SECOND FLOOR ADDITION  
EXTERIOR ELEVATIONS

SCALE:  
1/4" = 1'-0"

RECEIVED 9.2.20  
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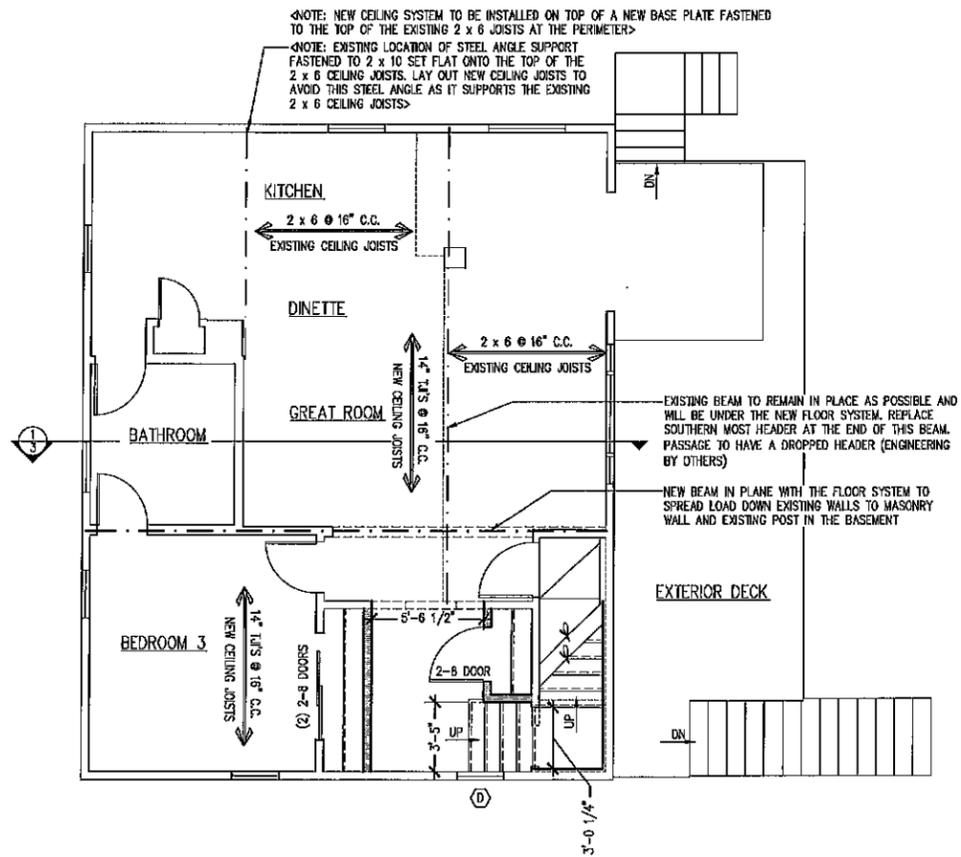
**EXHIBIT "B"**

**WINDOW AND EXTERIOR DOOR SCHEDULE**

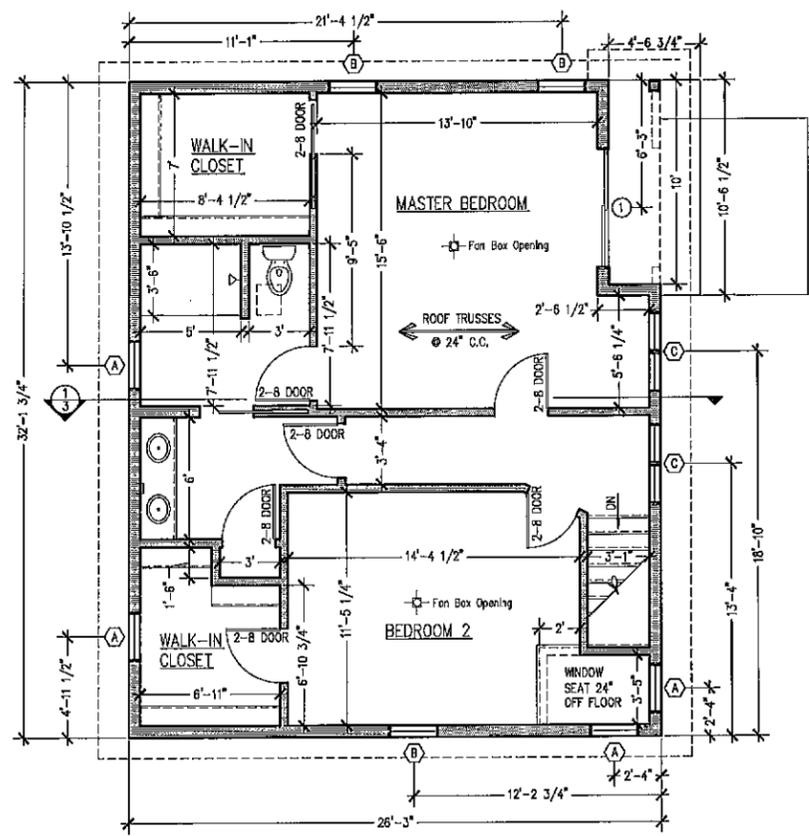
MARK	UNIT	ROUGH OPENING	FRAME SIZE	LOCATION	MANUFACTURER	EGRESS NET CLEAR OPENING	NOTES
A	ESDH2646	R.O. 2'-6" x 4'-6"	2'-5-1/2" x 4'-5-1/2"	MASTER BATH, WALK-IN CLOSET, BORN 2	MARVIN - ESSENTIAL	26-9/16" x 22-13/16"	4.1 SF VENT AREA & 7.95 SF DLO EACH UNIT
B	ESDH2650	R.O. 2'-6" x 5'-0"	2'-5-1/2" x 4'-11-1/2"	MASTER BEDROOM	MARVIN - ESSENTIAL	26-9/16" x 25-13/16"	4.65 SF VENT AREA & 8.87 SF DLO EACH UNIT
C	ESCA2050-2 WIDE	R.O. 4'-0" x 5'-0"	3'-11-1/2" x 4'-11-1/2"	MASTER BEDROOM AND HALLWAY	MARVIN - ESSENTIAL	N/A	5.53 SF VENT AREA & 6.66 SF DLO EACH UNIT
D	EXISTING UNIT	SITE VERIFY WINDOW SIZE	SITE VERIFY WINDOW SIZE	1ST FLOOR NEAR NEW STAIRWAY	TO BE DETERMINED	N/A	REPLACE SASHES WITH SAFETY GLAZING
1	ESSPD 6068	R.O. 6'-0" x 6'-8"	5'-11-1/2" x 6'-7-1/2"	MASTER BEDROOM	MARVIN - ESSENTIAL	30-1/16" x 75-17/16"	15.72 SF VENT AREA & 31.2 SF DLO

<NOTE: THIS WINDOW LIST IS ONLY INTENDED FOR GENERAL USE IN THE SELECTION OF EACH UNIT. FINAL SELECTION, SPECIFICATION, ROUGH OPENINGS, HARDWARE, ACCESSORIES AND ANY OTHER DETAILS ARE TO BE DETERMINED WITH OWNER AND WINDOW SUPPLIER / MANUFACTURER>

<NOTE: ANY DETAILS RELATING TO EXISTING WINDOWS SCHEDULED FOR REPLACEMENT THROUGHOUT THE HOUSE ARE TO BE THE RESPONSIBILITY OF THE OWNER AND THE WINDOW SUPPLIER / MANUFACTURER>



**1 FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"  
844 SQUARE FEET



**2 SECOND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"  
618 SQUARE FEET

DATE: JUNE 16, 2020

REV.	DATE	DESCRIPTION
0	06-22-20	WINDOW SCHEDULE CHANGES

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PROPOSED DRAWINGS FOR:  
**JOHN AND JEAN CORRAO**  
W358S2502 HUNTERS LAKE ROAD  
DOUSMAN, WI 53118  
SECOND FLOOR ADDITION  
FIRST & SECOND FLOOR PLANS WITH WINDOW SCHEDULE

SCALE: 1/4" = 1'-0"



## EXHIBIT "C"

**Describe the proposed construction/request and use in detail:**

2<sup>nd</sup> story addition to existing residential home to include two bedrooms and one bathroom. Home to remain residential and use existing footprint. Special exception is requested for North property offset.

**The granting of the special exception will not adversely affect the general public interest/welfare or adversely affect adjacent property owners. The request will not be detrimental to nearby properties/improvements or the natural resources in the area. Lack of local opposition does not mean a special exception will not harm the public interest. When reviewing a special exception request from the minimum floor area provisions, the proposed building shall not be of such character or quality as to depreciate the property values of the surrounding area.**

Special exception requested for North offset of 5.8' rather than 7'. This offset already exists on the existing structure. The desire is to add a second floor over the existing footprint.