

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 14, 2017, 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

BOARD MEMBERS ABSENT: Nick Jordan
Robert Schuett

SECRETARY TO THE BOARD: Nancy Bonniwell

OTHERS PRESENT: Town of Merton Board of Adjustment
Ben Greenberg, Sr. Land Use Specialist
David Verbsky, Applicant
James Bartelme, Agent

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 May 10, 2017.*

The motion was seconded by Mr. Bayer and carried (3-0) with Ms. Bonniwell abstaining due to her absence at that meeting.

NEW BUSINESS:

BA17: 008 DAVID VERBSKY (OWNER) BARTELME BUILDERS INC. (AGENT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of the request for variances from the road setback and offset between structures requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a new detached garage. The petitioner submitted a revised plan that no longer required a variance for offset. Discussion between the petitioner, Board and Staff followed.

Public Reaction:

- No public reaction.

Decision and Action:

The Town of Merton Board of Adjustment recommended approval of the petitioner's request as revised.

Mr. Bayer

I make a motion to approve the request for a road setback variance for the following reasons and subject to the following conditions:

1. Prior to the issuance of a Zoning Permit for the detached garage, a detailed Grading and Drainage Plan, showing existing and proposed grades must be prepared by a qualified professional licensed in the State of Wisconsin and submitted to the Planning and Zoning Division staff for review and approval. The Grading and Drainage Plan should also include a timetable for completion, the source and type of fill, an Erosion and Sediment Control Plan, and the impact of any grading on storm water and drainage. This is to ensure the construction of the proposed detached garage does not result in adverse drainage onto adjacent properties.
2. The proposed detached garage must be a minimum of 75' from the Ordinary High Water Mark (OHWM).
3. The proposed detached garage must be a minimum of ten (10) feet from the residence as measured from edge of roof to edge of roof.
4. Prior to the issuance of a Zoning Permit for the detached garage, a Preliminary Site Evaluation must be completed by the Waukesha County Environmental Health Division.
5. The proposed detached garage must be a minimum of 17.8' from the base setback of Lakeview Lane.
6. The proposed detached garage must be a minimum of 17.64' from the base setback of Lakeview Drive.
7. The proposed detached garage must be a minimum of ten (10) feet from the side lot lines. This shall be measured from the outside wall of the structure. If roof overhangs exceed 2 feet, then the required offset shall be measured from the edge of the roof.
8. The proposal must comply with all impervious surface regulations of the Ordinance.

The location of the residence near the road and lack of basement storage are physical conditions of the property and are justification for this request. The conflicting location of the residence does make siting a detached garage in a conforming location challenging. The lack of a basement, presumably due to ground water near the surface is a legitimate physical limitation of the property. The proximity to the Ordinary High Water Mark of the lake and associated water table, and the fact that many homes have at least a two (2) car garage for storage, indicates that some relief to the road setback from Lakeview Drive is justified.

Full compliance with all zoning requirements would only allow the owner to construct a 14' x 25' (350 sq. ft.) detached garage, which in this situation would not be an appropriate size for storage due to the house having no basement. Also, an attached garage in this case would not be a feasible solution. Therefore, full enforcement of Ordinance requirements does result in an unnecessary hardship.

The granting of this variance with the conditions set forth will help provide necessary storage for the homeowner and prevent unsightly items to be left outside. Allowing to construct a two (2) car detached garage is consistent with the neighborhood and will help in the overall appearance.

The granting of the variance will not adversely affect the general public interest/welfare or be detrimental to nearby properties/improvements or the natural resources in the area.

Ms. Bonniwell stated for the record that she disagreed with the County interpretation and application of the road setback averaging provisions of the Ordinance. She was in favor of the granting of the variance since she did not believe that the petitioner needed the variance to obtain a Zoning Permit for the detached garage as proposed.

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

ADJOURNMENT:

Mr. Bayer *I make a motion to adjourn this meeting at 7:10 p.m.*

The motion was seconded by Nawrocki and carried unanimously.

Respectfully submitted,



Nancy Bonniwell
Secretary, Board of Adjustment