

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, August 9, 2023, at 6:00 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  
Nancy M. Bonniwell  
Stephen Schmidt  
Kathryn McNelly Bell

**BOARD MEMBERS ABSENT:** Richard Bayer

**SECRETARY TO THE BOARD:** Stephen Schmidt

**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 July 12, 2023.*

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

**NEW BUSINESS:**

**BA173: TONY ALBERGO (OWNER)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of a variance from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a new deck and **denial** of a variance from the shore setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the proposed expansion of a patio.

Discussion between the owner (Tony Albergo), Board and Staff followed. Mr. Albergo noted that the patio extension (under the proposed deck) was being requested to have an outside area that was shaded. Mr. Albergo was also concerned about being able to maintain grass under the new deck due to limited sunlight.

*Public Reaction:* Phil Gramza (N52 W35227 W. Lake Drive) as well as Jody Armata and William Gray (N52W35211 W. Lake Drive) submitted letters in support of the request.

Decision and Action:

Ms. Bonniwell: *I make a motion to approve the request for a new deck in accordance with the staff report and subject to the conditions stated in the staff report and deny the request for a new patio extension. These decisions are based on the following reasons.*

*When all required setbacks are applied, the sixty-foot-deep lot does not provide adequate room to locate both a reasonable sized building footprint and deck or patio space within a conforming area. In addition, the nearby pattern of development was established decades before the establishment of shoreland zoning and is non-conforming to the state minimum shore setback standard of thirty-five (35) feet which eliminates the possibility of any relief via setback averaging. Though the owners currently have outdoor improvements on the lake side, the current non-conforming outdoor space is quite impracticable given the site plan of the home and site conditions of the lot. Given the above, relief to construct a first-floor deck with steps will provide the owners with a much more practicable space to enjoy the lake.*

*The variance process is intended to provide relief to a property owner when an unnecessary hardship is present. If a hardship is present, only the minimum relief necessary to alleviate said hardship should be granted. This portion of the request exceeds the minimum relief necessary. Furthermore, the owners will retain a deck/wharf structure at the shore to be able to continue to enjoy the lake from the ground level and have not provided any justification with respect to the proposed patio extension.*

*As conditioned, the project will result in a net reduction in overall impervious surface and will remove a severely non-conforming deck and patio which are in poor condition. The new deck will not obstruct adjacent lake views and will increase the amount of lakeside green space on the subject lot.*

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

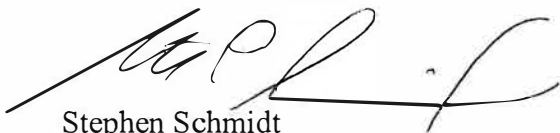
**OTHER ITEMS REQUIRING BOARD ACTION:** None

**ADJOURNMENT:**

Mr. Nawrocki: *I make a motion to adjourn this meeting at 6:33 p.m.*

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

Respectfully submitted,



Stephen Schmidt  
Secretary, Board of Adjustment