

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, February 9, 2022, 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: Richard Nawrocki

PLANNING STAFF MEMBER: Jacob Heermans

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 January 12, 2022.*

The motion was seconded by Mr. Schmidt and carried 4-0, with Ms. Bonniwell abstaining.

NEW BUSINESS:

BA105: CHRISTOPHER HUBBARD (OWNER), DAN GROSKOPF (APPLICANT)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **conditional approval** of variances from the road setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a new detached garage.

Discussion between the petitioner (Dan Groskopf), owner (Christopher Hubbard), Board and Staff followed. The applicant reiterated that the existing sheds would be removed but asked that they be allowed to remain until the proposed detached garage is completed for storage purposes.

Public Reaction: None

Decision and Action:

Ms. Bonniwell:

*I make a motion to **approve** the request for variance from the road setback requirements in accordance with the staff report, for the reasons stated in the staff report and with the following conditions:*

Conditions:

- 1. The existing sheds shall be removed as proposed, within 30 days of receiving an Occupancy Permit for the proposed detached garage from the Town of Oconomowoc Building Inspector.*
- 2. A Certified Survey Map must be prepared and submitted to the Town of Oconomowoc and Waukesha County for review and approval to combine the two parcels. Documentation shall be provided that the document has been recorded with the Waukesha County Register of Deeds, prior to the issuance of a Zoning Permit.*

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

BA108: DAVID AND SONIA HENRY (OWNERS), DAN GROSKOPF (APPLICANT)

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 offset, building height and guest house provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit a new detached garage with second floor guest house quarters.

Discussion between the petitioner (Dan Groskopf), Board and Staff followed.

Public Reaction: None

Decision and Action:

Mr. Bayer:

*I make a motion to **deny** the request for variances from the building height and guest house requirements and **approve** the request for variance from the offset requirements of the Ordinance subject to the following conditions and for the following reasons:*

Conditions:

- 1. The detached garage shall be located no closer than 5' to the south property line.*
- 2. The detached garage shall be not exceed 18' in height.*

Reasons

The proposed detached garage will be more conforming than the existing detached garage as it will be located further from the southern lot line. The offset will allow the owners additional space to maneuver a vehicle by limiting interference with the neighboring garage to the north.

The building plans indicate that the height of the detached garage is less than 18', however, the measurement is from the top of the slab to the peak, and not from the lowest exposure. When measuring from the lowest exposure to the peak of the roof, the garage has a height of 18.37', which exceeds the maximum height allowance. The applicant has indicated that the structure can

be altered so that it complies with the maximum height provisions. No hardship has been presented to justify relief from the maximum height provisions.

In order to justify a use variance, the petitioner must demonstrate that they have no reasonable use of the property without relief from Ordinance requirements. Strict compliance with the Ordinance allows for single-family dwellings, private garages, boathouses, and home occupations. The owners have a residence, and detached garage and thereby have reasonable use of the property.

Other options exist that would allow for the occasional occupancy of guests, without creating a nonconforming use/structure. If the owner's desire is to have additional living space for guests, a sizeable addition could be done to the residence, or a Conditional Use Permit may be permitted for an in-law unit with the Town and County, as the residence complies with the required offsets and setbacks. Alternatively, if the owners desire to have usable space above the garage, that is allowed, so long as there are no sleeping quarters, full bath, or stove.

Allowing an otherwise nonconforming use in an accessory building can increase the potential for unpermitted activities over time such as permanent occupancy and habitation of the structure. If such unpermitted use unit were to arise, the lot is not conducive to being further divided due to its substandard width and shared access with the lot to the north. Furthermore, the guesthouse provisions require a full district offset to alleviate impacts to neighboring properties. Allowing a guesthouse to be constructed at a nonconforming offset can have a direct impact on neighboring properties such as excess noise and lighting/glare and would be in conflict with the purpose and intent of the Ordinance.

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

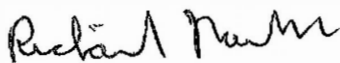
OTHER ITEMS REQUIRING BOARD ACTION: None

ADJOURNMENT:

Mr. Nawrocki: *I make a motion to adjourn this meeting at 7:11 p.m.*

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

Respectfully submitted,



Richard Nawrocki
Secretary, Board of Adjustment