

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

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, July 8, 2020, at 6:30 p.m. Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

**BOARD MEMBERS PRESENT:** Tom Day, Chairman (via Microsoft Teams)  
Richard Nawrocki (via Microsoft Teams)  
Richard Bayer (via Microsoft Teams)  
Nancy M. Bonniwell (via Microsoft Teams)  
Stephen Schmidt (via Microsoft Teams)

**BOARD MEMBERS ABSENT:** None

**SECRETARY TO THE BOARD:** Richard Nawrocki

**PLANNING STAFF MEMBER:** Rebekah Leto, Senior Land Use Specialist (via Microsoft Teams)  
Ben Greenberg, Senior Land Use Specialist (via Microsoft Teams)

**OTHERS PRESENT:**  
(all via Microsoft Teams)

Ryan Spott (BA53)  
Brian Brejcha (BA52)  
Jaime Krofta (BA50)  
Daniel Rooney (BA50)  
Chris and Kurt Denevan (BA50)  
Robert Ullrich (BA53)  
Robert and Judith Tralmer (BA52)  
JoAnn Krofta (BA50)  
Brian Randall (BA53)  
Aaron Hall (BA53)

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. Schmidt *I make a motion to approve the Summary of the Meeting of June 10, 2020, as presented.*

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

**NEW BUSINESS:**

**BA50: JAIME KROFTA AND DANIEL ROONEY (OWNERS)**

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 and Maximum Building Footprint requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a single-family residence with attached garage and second story, covered deck.

Discussion between the owners (Jaime Kroft and Daniel Rooney), Board and Staff followed. The petitioners gave a presentation on their proposal and provided information on how the location was ideal for a house that was environmentally responsible and a footprint of this size and shape was necessary to maximum the passive solar heating and cooling techniques. The owners indicated that they would like to move the proposed residence an additional foot closer to the road so that the request for offset variance was for three feet, rather than the four feet originally proposed. The Board discussed in detail the neighborhood characteristics and how if the petitioners were to propose the full extent of what they were permitted, the end result may adversely affect the neighborhood.

The owners submitted seven letters of public support from additional neighbors.

Public Reaction:

- Kurt Denevan (W298N2777 Shady Lane) spoke in support of the request.
- Jeff Seeboth (W298N2778 Shady Lane) also spoke in favor of the request.

Decision and Action:

Ms. Bonniwell

*I make a motion to **approve** the request to construct a residence, attached garage and second story covered deck for the following reasons and with the following conditions:*

*Reasons*

*The proposal is an improvement over what is there because of the increased open space from what currently exists on the property and the decreased in impervious surface based on the use of treated impervious surface. There is a hardship due to the small lot size. A three story home is not with in the public interest given the characteristics of the neighborhood.*

*Conditions*

1. *Prior to the issuance of a Zoning Permit, an updated Plat of Survey showing all existing structures and the staked-out location of the proposed additions, decks, patios, walkways, in conformance with the above conditions, must be prepared by a professional land surveyor and submitted to the Planning and Zoning Division staff for review and approval.*
2. *If any changes to the existing grade are proposed, a detailed Grading and Drainage Plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning*

*and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This is to ensure the construction of the proposed additions and deck/patio does not result in adverse drainage onto adjacent properties. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road.*

3. *Prior to the issuance of a Zoning Permit, a Stormwater Permit from the Land Resources Division shall be obtained for the proposed permeable pavers as Treated Impervious Surface.*
4. *The residence is limited to two stories.*

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

### **BA52: ROBERT AND JUDITH TRALMER (OWNERS)**

#### 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 Height requirements and the Nonconforming to the Road, Offset and Shore provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit the construction of a second story addition and **approval** of the request for Shore Setback and Offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of a main level lakeside deck

Discussion between the owners (Robert and Judith Tralmer), petitioner (Brian Brejcha, attorney), Board and Staff followed. The Board questioned expanding the bulk of the structure with the addition and questioned if the petitioners ever considered redeveloping the parcel with a conforming residence. The owners indicated that the interior staircases were not adequate for safe access, given their narrowness and steepness. The owners indicated they could construct a shed room on the lake side addition to comply with the height requirement but it would not be aesthetically pleasing.

The two adjacent neighbors submitted emails in support of the project.

Public Reaction: No public comment.

#### Decision and Action:

Mr. Bayer

*I make a motion to **approve** the request for variances from the Height requirements and the Nonconforming to the Road, Offset and Shore provisions to permit the construction of a second story addition and to **approve** the request for variances from the Shore Setback and Offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance for the following reasons and with the following conditions:*

*Reasons*

*The road side addition improves the condition of what is there for both maintenance purposes and aesthetics. The steepness of the lot affects the bulk of the structure and how height is measured. The alternative shed roof would not fit in with the neighboring residences. The lakeside addition and deck is not getting any closer to the lake. A second open-sided, uncovered deck will not increase the overall bulk of the structure and would allow the petitioners a small, additional space to recreate outside of a basement level deck. The additional deck is not going any closer to the lake or offset than an existing deck and therefore will not harm the public interest.*

*Conditions*

- 1. Prior to the issuance of a Zoning Permit, a revised set of building plans showing all proposed improvements to the residence, including any interior remodeling, must be submitted to the Planning and Zoning Division staff for review and approval. The exterior additions are limited to the plans submitted by the petitioner presented to the Board of Adjustment.*
- 2. A Preliminary Staff Evaluation shall be completed and approved by the Environmental Health Division, prior to issuance of a Zoning Permit.*
- 3. To offset the impact of increased bulk and height, the existing retaining wall shall be screened by vegetation. The vegetation shall screen the wall a minimum of 50% of the wall width and 70% of the wall height. A Landscape Plan shall be submitted for review and approval, prior to the issuance of a Zoning Permit.*

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

**BA53: JOE MODL, d/b/a JTM PROPERTIES, LLC. (OWNER), SCOTT KRAHN (APPLICANT)**

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of the request for variances from the shore setback and offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit the construction of an accessory building.

Discussion between the petitioner (Brian Randall, attorney), Board and Staff followed. The owner was not able to be present.

It should be noted that prior to the public hearing, the petitioner submitted revised plans based on comments heard by the Board at the June 17, 2020 public hearing. The revised plans reduced the size of the accessory building to 9' x 10' and reduced the size of the concrete to 264 sq. ft. While the concrete pad size was reduced, it does come closer to the lake than previously proposed and now connects to the concrete patio. The petitioner indicated this was in response to the Board's comments at the previous hearing that it would be practical for the servers to have that connection from the service door to the concrete patio. The revised plans were dated June 30, 2020.

Public Reaction:

- Letters written in opposition of the request were submitted by:  
Henry Krier - N55W34685 Road E &  
Robert Ullrich - N55W34653 Road E
  
- Mr. Ullrich also spoke in general opposition during the public hearing. He generally agreed there was a hardship in that the basement presented unsafe conditions to house the cooler but spoke against size of the cooler building and pad. Mr. Ullrich asked that the Board consider the minimum amount of relief necessary, which would be a similar cooler to what exists today and a concrete pad only big enough to support it. Mr. Ullrich was also concerned the new proposed improvements were closer to the lake than the previously proposed improvements.

Decision and Action:

Mr. Bayer

*I make a motion to **approve** the request in accordance with the staff report with the conditions as noted in the staff report, with a modified Condition No. 6 to be revised as follows, and reasons stated in the staff report.*

*Revised Condition No. 6*

*To offset the visual impacts of the shed, a landscape and drainage plan shall be submitted to the Waukesha County Planning and Zoning staff for review and approval that provides vegetative screening on all sides of the concrete slab, including the 4 ft. x 5 ft. concrete slab extension that connects to the existing patio. The vegetation proposed shall provide adequate year round screening of the structure, which shall be maintained. The trees shall be a minimum height of six (6) feet at the time of planting. Drainage shall not be directed toward the neighboring property(ies), which shall be memorialized on said landscaping plan. Prior to the issuance of a Zoning Permit, a Declaration of Restrictions, memorializing this requirement shall be recorded in the Waukesha County Register of Deed's office and a copy furnished to the Planning and Zoning Division staff.*

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

**OTHER ITEMS REQUIRING BOARD ACTION:**

None.

**ADJOURNMENT:**

Mr. Nawrocki                                    *I make a motion to adjourn this meeting at 9:34 p.m.*

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

Respectfully submitted,

*Richard Nawrocki*

Richard Nawrocki  
Secretary, Board of Adjustment