

DECISION SHEET

WAUKESHA COUNTY
BOARD OF ADJUSTMENT
1320 PEWAUKEE ROAD
WAUKESHA, WISCONSIN 53188

March 11, 2004

COPY

TO: David A Lisowski
1116 N. Point View Rd.
Oconomowoc, Wisconsin 53066

RE: BA04:012, Tax Key # SUMT 0634.010, Lot 10, Breck's Subdivision, except for the southeasterly 50 ft., located at 34546 Valley Rd. (C.T. H. B"), in the SE 1/4 and the SW 1/4 of Section 12, T7N, R17E, Town of Summit.

HEARING DATE: March 10, 2004

Please be informed that the WAUKESHA COUNTY BOARD OF ADJUSTMENT took the following action on March 10, 2004, relative to your appeal:

APPROVED a variance from the shore setback requirement of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit you to remove the existing residence, detached garage, and boathouse, located at 34546 Valley Rd., and construct a new single-family residence, with an attached garage and an adjacent patio, and a new boathouse, subject to the conditions listed below.

CONDITIONS:

1. The new residence and attached garage must be at least 60 ft. from the lake and in conformance with the road setback and offset requirements, with "sewer reductions". That will require the residence and attached garage to be at least 35 ft. from the edge of the 66 ft. road right-of-way of Valley Rd. and at least 17.5 ft. from the east lot line. The above dimensions are measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located the additional distance from the lake, the road and the side lot line as the overhangs exceed two (2) ft. in width. This will permit a building envelope with a depth of approximately 40 ft. at the west line of the proposed residence, as shown on Exhibit "C" of the Staff Report (see enclosed).
2. The closest point of any decks or patios on the lake side of the new residence must also be at least 60 ft. from the lake.
3. The total floor area of the first and second floors of the new residence, the new attached garage, and the new boathouse, must not exceed the 5,285 sq. ft. This will result in a floor area ratio of 13%, which is in conformance with the maximum floor area ratio that is permitted in the A-3, Suburban Estate District, with a "sewer reduction".
4. The existing boathouse must be removed from the property no later than six (6) months from the date of issuance of a zoning permit for a new boathouse.

5. The new boathouse must have a floor area of at least 200 sq. ft., it must have a garage-type door facing the lake, and it must be placed on a permanent foundation extending below the frost line or on a concrete slab. The boathouse may not contain more than one story and its height may not exceed 15 ft., as measured to the peak of the roof from the average grade surrounding the structure.
6. Due to the steep slope near the lake, the new boathouse will need to be built into the side of the hill. Therefore, in order to minimize the area of disturbance, the closest point of the new boathouse must be at least 5 ft. from the lake, but no more than 10 ft. from the lake. The boathouse must be designed so that it does not require the installation of any retaining walls.
7. The boathouse may be constructed with a roof-top deck, with stairs leading to that deck, provided the stairs are no more than 3 ft. wide.
8. No retaining walls will be permitted within 75 ft. of the lake.
9. Grading beyond 30 ft. from the foundation of the residence will require the issuance of a Conditional Use Permit.
10. Prior to the issuance of a zoning permit, a complete set of house plans and boathouse plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
11. Prior to the issuance of a zoning permit, a stake-out survey showing the location of the proposed residence and attached garage, including any proposed decks or patios, and the proposed boathouse, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
12. In order to ensure the construction of the new residence, attached garage, and boathouse does not result in adverse drainage onto adjacent properties, a detailed grading and drainage plan, showing existing and proposed grades, 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. 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. The following information must also be submitted along with the grading and drainage plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the plat of survey required in Condition No.11.

REASONS:

Based upon the petitioner's application, the staff analysis and comments submitted by the Waukesha County Parks and Land Use Department, comments made at the public hearing, and the Board's decision, all of which are incorporated herein by reference, the Board renders the above decision for the following reasons:

The shallow lot depth creates a hardship and it is felt that some relief from the shore setback requirement is necessary in order to construct a reasonably-configured residence on the lot. However, even when variances are justified, they should be granted only to provide the minimum relief necessary to provide a reasonable use of the property. As conditioned, a shore setback variance to permit a shore setback of 60 ft. will allow a reasonable building envelope, with a depth of

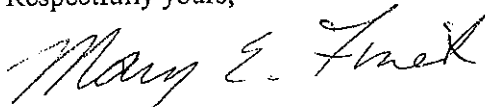
approximately 40 ft. at the west line of the proposed residence, as shown on Exhibit "C" of the Staff Report. A new residence, attached garage and boathouse, in conformance with the condition of approval, will not adversely affect the adjacent property or the lake and it will not be contrary to the public interest. Finally, a new residence, attached garage and boathouse, in conformance with the conditions of approval, will be in conformance with the floor area ratio requirement and in keeping with other development in the area. Therefore, the approval of a shore setback variance, as conditioned, is in conformance with the purpose and intent of the Ordinance.

WHEN YOU COMPLY WITH THE CONDITIONS OF APPROVAL, PLEASE NOTIFY THE PLANNING AND ZONING DIVISION OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, SO ANY NECESSARY INSPECTIONS OF YOUR PROPERTY CAN BE MADE, AND A ZONING PERMIT ISSUED.

IF YOU HAVE QUESTIONS REGARDING THIS DECISION, PLEASE CONTACT THE PLANNING AND ZONING DIVISION OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE.

*Any person or persons, jointly or severally, aggrieved by a decision of the Board of Adjustment or any taxpayer or any office, department, board or bureau of the municipality, may appeal from a decision of the Board of Adjustment within thirty (30) days after the filing of the decision in the office of the Board of Adjustment in the manner provided in Section 59.694 of the Wisconsin Statutes. The decision was filed in the office of the Waukesha County Board of Adjustment on March 11, 2004. **Any construction within the thirty (30) day appeal period is done at the risk of the owner.**

Respectfully yours,



Mary E. Finet
Secretary, Board of Adjustment
Phone: 262-548-7790

enclosure

cc: Waukesha County Board of Adjustment Members
Clerk, Town of Summit
Building Inspector, Town of Summit
Town of Summit Planning Commission
James Behrend, Waukesha County Board Supervisor
Geri Radermacher, Water Management Specialist, DNR
File

NOTICE: THE APPROVAL OF THE DECISION CONTAINED ON THIS SHEET MAY BE TAKEN UP AT THE NEXT SCHEDULED BOARD OF ADJUSTMENT HEARING. CONSEQUENTLY, THE LANGUAGE CONTAINED HEREIN MAY BE SUBJECT TO CHANGE OR MODIFICATION.