



VILLAGE OF WILLIAMS BAY

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OFFICIAL MINUTES ZONING BOARD OF APPEALS (ZBA) MEETING TUESDAY, MARCH 16, 2021 AT 6:30 PM Via Zoom Webinar

I. Call to Order

Trustee Vlach called the meeting to order at 6:32pm.

II. Roll Call

Present: Vlach, Umans, Pegel, Costello, Lothian

Also Present: ZBA Alternate Member Fieweger, Interim Administrator Bretl and Zoning Administrator Schaeffer

Excused:

III. Pledge of Allegiance

IV. Minutes

A. Zoning Board of Appeals Minutes of 12-15-2020

The motion to Approve the Zoning Board of Appeals Minutes of 12-15-2020 was initiated by Robert Umans and seconded by Tom Lothian. Unanimously carried.

V. Variance Application

A. Motion to Open Public Hearing – All interested in this matter are invited to attend APPLICANT(S): William & Anmarie Brandenburg (Owners), John Engerman, Woodley Assets, LLC (Applicant)

TAX KEY: WWUP 00017

STREET ADDRESS: 251 Constance Blvd., Williams Bay, WI 53191

Applicant requests a variance to zoning code section 18.0209, *SF-1 Low Density Residential District*, to allow a shore yard setback of 85.29 feet (150 feet required) and side yard setbacks of 20 feet and 13.51 feet (30 feet required) for construction of a new single-family residence.

Chairperson Vlach opened the Public Hearing at 6:36pm.

John Engerman (applicant) made a presentation explaining that the existing home is non-conforming in a non-conforming lot situation as the setbacks in the district are inconsistent with all of the properties relative to the home location and it cannot support such extreme criteria with the side yard setbacks.

Phyllis Steindl (243 Constance) sent in a letter in favor of the variance application.

Michael Covey (7 Darthmouth) spoke in favor of the variance application and believes it is consistent with the

neighborhood.

Baird Allis, representing his mother-in-law Patricia Purcell (249 Constance) spoke in favor of the application and stated that they are currently working with John Engerman and his crew on their own property and stated that they have been wonderful to work with and that the crew is being respectful of the neighbors. Allis stated that the proposed house looks like it will be attractive and in-line with the neighborhood.

Attorney Christina Green, representing Bob Herrman (257 Constance) spoke in opposition to the application stating that they do not believe this application qualifies for a variance. Atty. Green stated that it is not exactly a shift of the existing house because they are moving seven feet closer to the property line and they are moving deeper into a slope which would be a detriment to the property, neighbors and lake. Atty. Green stated that they are not in opposition of the look of the home or the sight views, but because there is a concern about the slope and the oak trees that will possibly be lost due to cutting into the slope. Atty. Green stated that a hydrology study should be done and that the applications are not complete and all of the documents have not been available to the public.

Bob Herrman (257 Constance) spoke in opposition to the application adding to his attorney's presentation by stating that Engerman is planning to cut five feet more into the slope to add an outdoor grill area and sidewalk and that he is increasing the slope drastically. Herrman stated that he does not agree with the people who have stated that Engerman is wonderful to work with as they have taken down many trees at 249 Constance. Herrman stated that there is room on the lot that he could build that house without intruding onto the hill.

Becky LeBlanc (523 Prairie View) expressed concern about the slope and tree protection and feels that having the environmental studies be done is a reasonable request.

Melissa Herrman (257 Constance) stated that she agrees with her husband and that they would just like to preserve the integrity of their little neighborhood in the woods and does not want the woods destroyed.

Zoning Administrator Schaeffer gave her report and stated that there is a utility easement behind the home that restricts them from moving further back on the property and that it may be important for the Board to see a plan for the retaining walls that are being discussed at this meeting. Schaeffer stated that the typical process is once the applicant has their site plans ready, they would get reviewed by the Village Engineer and he ensures that the proposal is not going to negatively impact drainage onto the other properties or to the lake. The Village Engineer has not reviewed a plan yet because typically that is done when the applicant applies for the permits.

John Engerman (applicant) stated that there were a lot of inaccurate statements made during this meeting by Attorney Green. Engerman stated that they are not doing this project driven by profit, that they did not represent a 2,000 square foot home at 249 Constance, and that this is not an overwhelming mansion that they are proposing. Engerman stated that they did not clear-cut 249 Constance of the trees. Baird Allis (249 Constance) stated that he agrees that they worked hard to keep as many trees as possible at 249 Constance and that "clear-cut" is not a true statement. Engerman stated that the hill is eroding and needs to be corrected and that the house that he designed meets all of the criteria.

B. Motion to Close Public Hearing.

Chairperson Vlach closed the public hearing at 7:42pm.

C. Consideration and possible action on recommendation of Variance.

Commissioner Costello stated that he does not believe there is a hardship present to allow the house to be expanded or moved.

Commissioner Umans stated that he believes the trees need revitalizing in that area and that when a new home is built, one tree may be taken down, but a new resident will plant new trees. Umans wants the covered springs to be checked on before anything is done.

Commissioner Pegel stated that the Village Attorney has told the Zoning Board of Appeals that an unnecessary hardship can be defined in more than one way and one of the issues can be the zoning restrictions effect on the property. Pegel stated that in this case the zoning restrictions were established long after the property was divided and the short and long-term effects on the neighborhood should be considered, so the hydrology test seems to be the only unanswered factor; Pegel supports that the hydrology study be completed.

Commissioner Lothian stated that his concern is that there isn't a proper survey of the existing property by itself. Zoning Administrator Schaeffer stated that she does have one, but it was not submitted along with the application by the applicant. Lothian stated that he does not want to make a decision without enough information provided.

The motion to table the application until more details like a proper survey are provided was initiated by Tom Lothian and seconded by George Vlach.

The motion to amend the original motion to include a hydrology study and tree impact study was initiated by George Vlach.

The motion to further amend the original motion to include an increase on the impervious surfaces was initiated by Dennis Costello and seconded by George Vlach.

The original motion with the amendments was carried unanimously.

VI. Variance Application

- A.** Motion to Open Public Hearing – All interested in this matter are invited to attend
APPLICANT(S): Debra J. Nicolosi Trust (Owner)
TAX KEY: WCP2 00017
STREET ADDRESS: 6 Bayview Rd., Williams Bay, WI 53191

Applicant requests a variance to zoning code section 18.0213, *SF-CPP Cedar Point Park District*, to allow a street yard setback of 5 feet (22 feet required) and a side yard setback of 5 feet (10 feet required) for construction of a residential addition including attached garage.

Chairman Vlach opened the public hearing at 8:26pm.

Paul and Debie Nicolosi (applicants) explained that they would like to add an attached garage and that they believe there is a hardship due to the platting of the property in the past and the natural typography of the property. Nicolosi stated that the Zoning Ordinance does allow every residence to have a garage, but because of the hardship and the zoning ordinance, they would not be able to have a garage without a variance. Nicolosi stated that they bought the home twenty years ago and renovated it but didn't add a garage because of a tree which has fallen in a storm since then and now they would like to live here full-time. He stated that he has worked with his neighbors to make sure that the proposed garage does not negatively impact them and they are both satisfied with the plan.

Bill Petullo (Cedar Point Park Association) stated that Mr. Nicolosi took great due diligence in reaching out to the Association and his neighbors. Petullo stated that the Association is in support of the garage and that they are in support of helping families make their part-time residency now full-time.

No one spoke in opposition.

Commissioners stated that they were worried about the garage only being five-feet from the road, but the garage is already too small to fit a full size SUV in it so that they don't have to go closer to the road.

Zoning Administrator Schaeffer stated that there is not a garage on the property and to have reasonable use of the property they should be allowed to have a garage, to build a detached garage on the north side of the property it would need to be even shallower of what they are proposing currently, and the five-foot setback from the road is in line with neighboring properties.

B. Motion to Close Public Hearing.

Chairman Vlach closed the Public Hearing at 8:56pm.

C. Consideration and possible action on recommendation of Variance.

The motion to approve the variance application as presented for 6 Bayview Road was initiated by Robert Umans and seconded by Jane Pegel. Unanimously carried.

VII. Adjournment

The motion to adjourn was initiated by Tom Lothian and seconded by Robert Umans at 8:59pm. Unanimously carried.

These are not official Minutes until approved by the Governing Body.