



VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | vi.williamsbay.wi.gov

Phone: 262-245-2700

NOTICE

STREETS & HIGHWAYS (S&H) COMMITTEE MEETING WEDNESDAY, DECEMBER 14, 2022 AT 5:45 PM

AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

- I.** Call to Order
- II.** Roll Call
- III.** 119 Conference Point
- IV.** Adjourn

Matt Stanek
Streets and Highways Chair

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.

Posted: 12/13/2022 12:00 PM

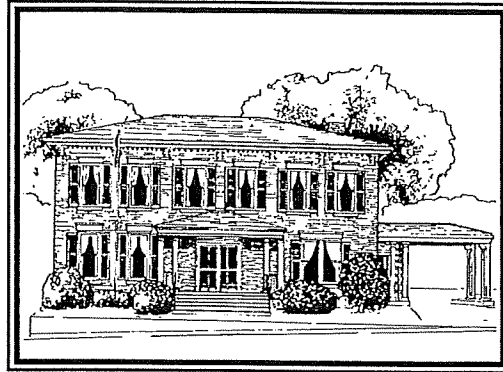
CONSIGNY LAW FIRM, S.C.

ATTORNEYS AT LAW

A Limited Liability Organization

MARK A. SCHROEDER
MARK D. KOPP
MICHAEL A. FAUST
HOLLY D. JENSEN

JUSTIN W. HENRY



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June 7, 2022

Sent via email: admin@williamsbay.org

TO: Becky Tobin, Village Administrator
FROM: Attorney Mark A. Schroeder
DATE: June 7, 2022
RE: 119 Conference Point Road

Becky,

As I understand the relevant facts, in 2020 the owner of the property located at 119 Conference Point Road in Williams Bay sought to tear down an existing house and build a new house. Pursuant to the requirements of Section 178-9 of the Code of Ordinances, that individual was required to submit to the village a plan and have approved a permit addressing erosion and the discharge of water from the site. See Sections 178-8 and 178-9 of the Code of Ordinances.

The owner of the property at 119 Conference Point Road applied for a permit approving the water control, erosion and sediment control plan for the development on the property. A plan was submitted on the owner's behalf by Mackie Consultants, LLC and approved by the village. The plan included specifications regarding the paved driveway and the flow of water traveling to the north along the west edge of the property adjacent to Lincoln Drive. According to the approved plan, the water was to flow to the north adjacent to Lincoln Drive and as it reached the northern boundary of the parcel, its flow was to be diverted to the east along the north property line to Conference Point Drive located on the east boundary of the subject parcel.

However, an inspection of the property by the village engineer in late 2021 noted that the driveway was not constructed consistent with the approved plan. This caused the surface water to run north along

the western edge of the property and continue north along the western edge of the parcel located to the north of the subject property until it reached Lackey Drive. As a result the owner was directed, in writing dated December 6, 2021 from the village engineer, to correct the issue with the construction of the driveway in order to bring it into conformity with the approved site plan. The owner of the property was directed to accomplish this by May 15, 2022.

Subsequently on May 25, 2022 the village engineer visited the subject property during a rain event and observed the flow path of the water near the driveway. It was noted that the driveway had not been altered to bring it into conformity with the approved site plan. As a result, the village engineer noted that the water continued to move north along the west edge of the subject property as well as the property to the north until it reached Lackey Drive. The village engineer noted that the existing path of the stormwater would cause more rapid deterioration of the pavement as well as slick spots on Lincoln Street and Lackey Drive. The village engineer was also concerned regarding possible damage to the property at 113 Conference Point Road located immediately to the north of the subject matter.

There has also been noted an issue with the width of the driveway at the point where it joins the paved street. Section 314-1A. of the Code of Ordinances provides that the minimum requirements for the construction of new driveway approaches within the village are as set forth on Specifications for Street Construction approved by the village board and on file in the office of the clerk. The owner of the subject property has also been warned regarding the need to modify the driveway approach to bring it in conformity with the requirements of the ordinance but to date has failed to do so. As a result, the village has inquired as to its options to obtain compliance with the applicable provisions of its ordinances.

As concerns the failure to construct the driveway pursuant to the approved site plan, it provides in Section 178-11 F. that any person violating the requirements of the approved site plan are subject to the penalties and enforcement remedies provided in the Zoning Ordinance as well as the standard penalty provisions of the Municipal Code as found in Section 1-4. The penalty provisions of the Zoning Ordinance are found in Section 390-1218. It provides that a conviction of a first offense is to pay a forfeiture of \$5.00 to \$500.00 for the first offense plus costs and for the second and subsequent offenses, a forfeiture of \$10.00 to \$500.00 plus costs. Each day a violation exists constitutes a separate offense. Further, it provides that in addition to the forfeitures, the individual can be assessed actual reasonable attorney fees involved in the case. In addition to the forfeitures, the Village has the right to proceed to abate the violation.

As concerns the remedy of abatement, Section 390-1218 requires that this be initiated by a letter from the village sent by registered mail to the owner of the property requiring the violation to be remedied within thirty working days. I would define the "working days" as being the five days during the normal work week. Once the thirty working days have passed, if the violation has not been remedied, the Village could proceed with efforts to abate the violation by seeking to have the driveway modified to bring it into conformity with the approved plan. While this arguably could be done by the village without any further notice, it may be preferable to proceed to circuit court to obtain injunctive relief in the form of an order from the court directing the owner to appropriately modify the driveway. Alternatively, the village could proceed under Section 1-4 which also provides for daily forfeitures and for the ability to maintain an action to remove the violation. There is no specific language permitting for the recovery of actual attorney fees. However, there also is no requirement that a thirty-day notice be sent by registered mail to the property owner before proceeding in court to obtain an order directing the order to modify the driveway.

RE: 119 Conference Point Road
June 7, 2022
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In reference to the violation concerning the driveway approach, that is also to be addressed pursuant to Section 1-4.

In summary, to attempt to obtain compliance by the property owner concerning the issues concerning the driveway, the village can move forward with issuing a citation for the failure to construct the driveway in conformity with the site plan and a separate citation for failure to construct the driveway in conformity with the Specifications for Street Construction. If the citations do not obtain compliance by the property owner, the village can direct additional citations be issued or direct that the village attorney file a complaint in Municipal Court seeking a forfeiture for each day that the property has been in violation of the ordinances. Alternatively, the village can direct that a complaint be filed in Circuit Court seeking daily forfeitures for each day that the driveway exists in violation of village ordinances as well as an order from the court directing the property owner to make the necessary modifications to the driveway.

Thank you.

Very truly yours,

CONSIGNY LAW FIRM, S.C.

By:



Mark A. Schroeder

email: mschroeder@janesvillelaw.com

MAS/kk



VILLAGE OF WILLIAMS BAY

June 24, 2022

John M. Sherrier
119 Conference Point Road
Williams Bay, WI 53191

Re: Construction Deficiencies at 119 Conference Point Road

Dear Mr. Sherrier:

As you know the Streets and Highways Committee of the Williams Bay Village Board met on Monday June 20, 2022, to discuss the deficiencies on your property located at 119 Conference Point Road. There is a discrepancy between the approved site plan for the construction of your new home and what was actually installed on your property. The concrete drive does not allow water to drain properly and there is fill on your neighbor's property to the south. The Village is requiring that you correct these deficiencies and conform to the approved site plan or provide a revised plan with an alternate concept that can be reviewed by the Village Engineer.

The violations need to be remedied within thirty working days. "Working days" is defined as being the five days during the normal work week. Failure to comply in a timely manner could result in citations being issued or the village attorney can file a complaint in Municipal Court seeking a forfeiture for each day that they property has been in violation of the ordinances.

Thank you for your anticipated cooperation.

Sincerely,

Becky Tobin
Village Administrator

Cc: Streets and Highways Committee
Cc: Doug Snyder

COMPLAINTS

Village of Williams Bay, Wisconsin

Date 10/12/2022

Verbal ☒

Telephone ☐

Letter ☒

Nature of Complaint: • Storm Water
• Tree Overhanging Property

Made by: Peter J. Siavelis

Address: 113 Conference Point Rd.

Signature of Complainant: *Peter J. Siavelis*

Signature of Village Clerk: _____

Street Dept. ☒

Water Dept. ☒

Health Dept. ☒

Police Dept. ☐

Sewer Dept. ☒

General ☒



October 12, 2022

Dear Becky and Village Board:

My name is Peter J. Siavelis and I live at 113 Conference Point Road Williams Bay, WI 53191. I am here because I have recently had a complaint filed against me by John Sherrier at 119 Conference Point Road Williams Bay, WI 53191. The complaint has no factual basis.

Here are the facts: Standard Building Practices when building between, or next to another structure, has to conform to existing structures. My structures are existing structures. Please see the attached before and after pictures which are dated.

- The new structure (Home, Garage and Driveway) at 119 Conference Point Road are non-conforming to topography (my and neighbors foundation)--- when building next to an existing structure you have to conform.
- The new structure (Home, Garage and Driveway) at 119 Conference Point Road doesn't fit to the existing parameters of what you can build and has been built beyond what the village codes allow.

I have had to incur multiple expenses to this situation. I have had to waterproof my basement at my own cost (\$17,444.60) due to these two data points and the water that his non-conforming structure that 119 Conference Point new residential build has caused me. I have had to hire legal counsel and engineering to provide advice on this situation. I still continue to get water into my driveway and garage. I would like to file a complaint with the village that the new non-conforming structures (Home, Garage and Driveway) were built too high and exceeds the concrete footprint which do not conform to the topography which causes storm water to push onto my property.

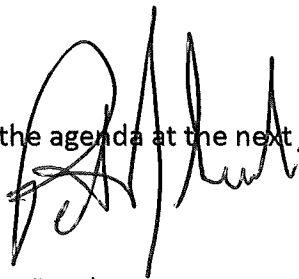
Also, in addition to my complaint of the 119 Conference Point Road home being built in a non-conforming fashion, I have two additional complaints that I will file:

- There is a large tree that is significantly overhanging my garage that resides on the 119 Conference Point home property. When the village did a site visit the previous year, they advised that this tree should be cut down, yet it is still in place and creating a safety risk for my family. Rob Emans and Bonnie Schaeffer were present.
- The curbs haven't been properly rebuilt on Conference Point Road in front of the 119 Conference Point Road. This is affecting the water flow for the nearby residences.

I appreciate the boards continued time and attention to this matter and look forward to a resolution. I would be happy to host the village leaders for a site visit at my residence to review the situation. I have also attached dated BEFORE/AFTER pictures for your review of the property build.

Please place me on the agenda at the next village board and committee meetings.

Thank You,
Peter J. Siavelis
113 Conference Point Road
Williams Bay, WI 53191
312-287-8291

A handwritten signature in black ink, appearing to read 'P. Siavelis', is positioned above the typed name and address.

View:

Lincoln Street looking South

113 Conference
Point Rd.
Williams Bay, WI



↑
Original Structure
Date: 09/16/2019



119 Conference
Point Rd.
Williams Bay, WI

**New Non-Conforming
Structure**
Date: 04/09/2020

**New Non-Conforming
Structure**

Date: 10/12/2022



119 Conference
Point Rd.
Williams Bay, WI

View:

Conference Point Road looking North

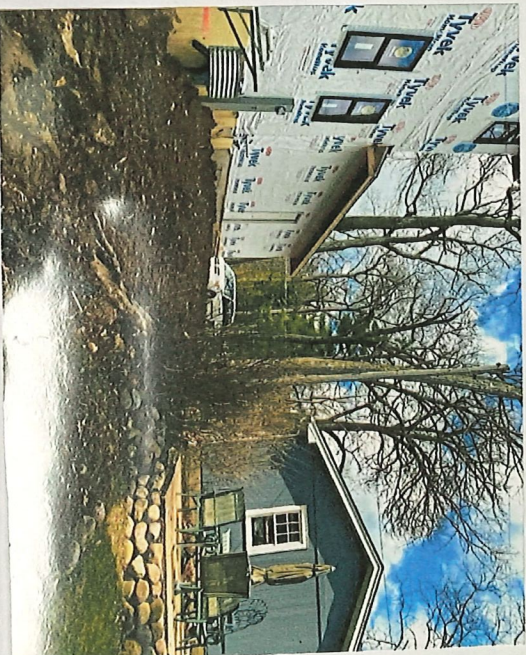
119 Conference
Point Rd.
Williams Bay, WI



Original Structure

Date: 09/16/2019

113 Conference
Point Rd.
Williams Bay, WI



**New Non-Conforming
Structure**

Date: 04/09/2020

Dear Becky and Village Board:

I just wanted to follow up and get an update on my next door neighbor's new house/driveway that wasn't build according to plan.

I will not be satisfied until the driveway, topography and home are built according to plan. I will not be satisfied until the water flows according to the village engineers plan - the water needs to flow from Lincoln street and then between our two homes. The water currently flows into my driveway and into my back door.

Note: As previously mentioned, I paid Badger Basements to waterproof my basement at my own cost (\$17,444.60) due to the water that his non-conforming structure has caused me.

Please advise what you are going to do to fix and enforce that this property is built to plan and the water drains correctly from the street between the homes.

Thanks,

Peter J. Siavelis

December 10, 2022

Village of Williams Bay
250 Williams Street
P.O. Box 580
Williams Bay, WI 53191

To whom it may concern:

We understand there will be a special committee meeting on Wednesday, December 14th regarding the property located at 119 Conference Point Road, which is adjacent to the north of our property located at 131 Conference Point Road.

Since 2019, we have been in touch with the Village regarding this property whose owners have conducted activities without a permit, illegally built on our property and rebuffed requests by the Village personnel and us to remedy the situation. violated codes *pme*

We want to inquire about the status of this situation. Although some movements have occurred, to date, the property does not appear to be aligned with the plan submitted by the property owner.

- The elevation detailed in the plan submitted by the neighbors does match the plan, particularly in the southwest quarter of the property adjacent to our property.
- Structures remain in place that were not approved, i.e. boulders, railroad ties, concrete, etc.
- There remains elevation on our property that was not there prior to the house being built on the aforementioned property.

We understand that the Village has expended an inordinate amount of time on this situation and we are grateful for the actions which have occurred. We would like to understand if the Village remains committed to resolving this situation and if so, what timing we can reasonably expect for a resolution.

Yours truly,

The block contains two handwritten signatures. The first signature is in purple ink and appears to be 'Jon Clare'. The second signature is in blue ink and appears to be 'Patty Clare'.

Jon and Patty Clare
131 Conference Point Road
Williams Bay, WI 53191