



VILLAGE OF WILLIAMS BAY

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

Phone: 262-245-2700

OFFICIAL MINUTES ZONING BOARD OF APPEALS 12/20/2022 MEETING TUESDAY, DECEMBER 20, 2022 AT 6:30 PM

I. Call to Order

Robert Umans called the meeting to order at 06:30pm.

II. Roll Call

Present: Robert Umans, Dennis Costello, Tom Lothian, Mike Fieweger, Matt Robbins

Also Present: Clerk Kolls

Excused: George Vlach, Roy Grada

The motion to nominate Trustee Umans as chairman was initiated by Mike Fieweger and seconded by Matt Robbins.

III. Pledge of Allegiance

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of November 15, 2022

The motion to Approve the Zoning Board of Appeals Meeting Minutes of November 15, 2022 was initiated by Matt Robbins and seconded by Mike Fieweger. Unanimously carried.

V. Variance Application

A. Motion to Open Public Hearing - All interested in this matter are invited to attend

The motion to Open Public Hearing was initiated at 6:33 PM by Trustee Umans and seconded by Dennis Costello - All interested in this matter are invited to attend.

B. APPLICANT(S): David Scotney (Owner) TAX KEY NUMBER: WCP 00036

STREET ADDRESS: 140 Lincoln Pkwy, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0213, *SF-CPP Cedar Point Park District*, to allow a street yard setback of 23 feet (30 feet required).

Applicant David Scotney (140 Lincoln Pkwy) as well as his contractor Peter Juergens explained that they had revised the previous plan, which included a 5' variance in the rear and a 7' variance in the front, and would now only include the front variance. Scotney explained that the awkward shape of his lot, 120' wide and 75' deep, presents a hardship.

Scotney stated that when the original plan was presented, both Cedar Park and Bonnie Schaeffer recommended approval of the variances. Tom Lothian asked Scotney if the proposed patio was a deck or a stone patio? Scotney explained there is planned to be a stone patio. Robert Umans explained that he knows the house well and that the current house sits 11' away from the road which he feels is one of the furthest set backs in Cedar Park. Juergens explained per an email conversation he had with Bonnie Schaeffer that because Cedar Park was in approval of the previous plan, it should be implied that they are in approval of the new smaller plan. Scotney explained that the neighbor to the rear was opposed to the previous plan but, there was no new correspondence from them. Matt Robbins explained that, in his opinion, the last plan that was presented was reasonable. Matt Robbins explained that he felt Scotney had worked hard to appease his neighbors with his current plan. Tom Lothian stated that he is agreement

that there is a hardship with this property due to the fact that the house would only be able to be 35' wide in one section due to the setbacks.

C. Motion to Close Public Hearing

The motion to close the Public Hearing was initiated at 6:45 PM by Trustee Umans and seconded by Mike Fieweger. Unanimously carried.

D. Consideration and possible action on recommendation of Variance

The motion to Accept the recommendation of Variance was initiated by Tom Lothian and seconded by Matt Robbins. Unanimously carried.

VI. Variance Application

A. Motion to Open Public Hearing - All interested in this matter are invited to attend

The motion to Open Public Hearing was initiated at 6:49 PM by Trustee Umans and seconded by Dennis Costello. Unanimously carried.

B. APPLICANT(S): John & Kristin Porritt (Owners) TAX KEY NUMBER: WLV 00029

STREET ADDRESS: 42 Upper Loch Vista Dr, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0212 to construct a single-family residence with a proposed front yard setback from Upper Loch Vista Dr. of 13'1" (minimum of 30 feet required) and a proposed rear yard setback of 12'4 1/2" (minimum of 30 feet required).

Applicant Kristin Porritt (42 Upper Loch Vista Dr) as well as Project Manager, Larry Zilske and Architect, Jorge Chinos from Ware Design and Build were present. Porritt explained that they have lived in the home for over 25 years as summer residents and she grew up in the area. She explained that they remodeled the interior around 2000 but are now permanent residents and need more space. Porritt explained that due to the foundation being pure post, they are unable to build going up on the existing structure. Porritt explained that the setback requirements are constrictive due to it being a corner lot. Zilske explained that the plan is to tear down the existing structure while trying to recycle as much of the building materials as possible. Zilske explained that the plan includes adding a garage. Porritt explained that the neighbors behind (Jean Halleen, 30 Upper Loch Vista Rd), which would be most affected by the addition of a garage, were in favor of the variance. Porritt explained that the neighbors across the street (Bill and Rosalyn Bobbitt, 173 Conference Point Road), were concerned about the height of the new home constricting their view of the lake, so the plan includes a low pitch roof as well as the second level to only be on the back of the home in consideration of their concerns. Porritt explained that the Bobbitts had submitted an email expressing their approval of the variance request. Porritt explained that the neighbors across the street (Lauren and James Foster, 181 Conference Point Rd), have also submitted a letter in favor of the variances. Dennis Costello inquired about any issues with the pipes freezing, to which Porritt explained that they have struggled with the issue. Porritt explained that they have had two major pipe freezes and explosions. Porritt explained that they have tried several methods, including insulating tape and heated wiring wrapped around the pipes. Tom Lothian questions what the setbacks are currently, as there is no survey. Lothian explains that it looks as though the current setbacks are 10 yard setbacks on both sides and that the proposed house would be within the two side yard setbacks but closer to Upper Loch and the back yard setback. Lothian asks if that is what this variance request is for? Porritt explains that she doesn't believe the plan has an increase to the current setbacks. Lothian explains that the current house is noncompliant. Lothian explains that even though a house is currently over the setbacks, that doesn't mean it can be over the setbacks once the new house is built without having a variance. Lothian explains that he doesn't feel as though the current variance request covers what is included in the plan. Lothian asks what the hardships are supporting the variance request. Porritt explains that they don't currently have a garage. Rob Umans explains that, per ordinance, homeowners have a right to a garage. Costello asks if any plans have been tried to fit the house and the garage within the required setbacks? Porritt explained that they could move the Master from the first floor and expand the second floor, but they are trying to appease the neighbors. Costello asks if they have considered removing any of the bedrooms? Porritt explained that they need all the space they are requesting as they work from home and have a family and pets to consider. Zilske explained that they have revised the plan nine times to try to get it to fit. Costello explains that even though they have a right to a garage, they should try to make it fit within the setbacks. Lothian and Costello discuss options for the placement of the garage. Porritt explained that they have tried to move the driveway, but that would cause the home to be only 30' wide in some areas. Umans explained that the lots in this subdivision are unique. Umans explained that the lots were small by design and were

originally used for tents. Umans explained that they have evolved over the years from cabins to homes, which has pushed these lots to the limits. Umans discusses the plan, stating that it is 30' from Conference Point, which is a plus. Umans explained that Upper Loch Vista drive is a small road, which is a problem. Umans discussed how he feels they are doing the best they can with the lot of space but the plan is still requiring a variance. Matt Robbins stated that he agrees it is a good thing it is 30' off of Conference Point and that it appears they are doing the best they can with what they have. Robbins stated he feels it is good to see cognizance of their neighbors. Robbins asks if the plan is to tear down the current home completely. Porritt explained that it is the plan to tear down the current home. Robbins questions whether that changes anything in regards to the variance? Costello explained that a new non-conforming house would require a variance. Umans explained that by removing the foundation the home must fall within setbacks. Lothian questions the plan as to where the front of the house would be. Lothian stated that the front deck and screen porch require a variance and questioned what the hardship is that would require the variance. Lothian explained that he could see how the garage could be considered a hardship, but, not the deck and the screen porch. Lothian explain that there must be a hardship in order to approve the variance. Porritt explained that they are using the current footprint for the new home. Porritt explains that the hardship is the lot demands 30', 30' and 10' on the one side. Costello stated that they are creating hardships by planning a bigger home. Porritt explains that this would be their only view of the lake and that they could build up but are really trying not to do that. Porritt explained that the 5' in the front of the home makes all the difference in their home. Zilske explained that they had a design in which included a rooftop deck but, assumed they would not be able to get a variance for that due to the neighbors, so they came up with the current plan. Zilske explained that they designed the deck to be appealing to the neighbors. Costello stated that the applicant bought the home in 1996 and have lived there happily ever since and now would like to change it. Porritt explained that they have currently become full time residents in the home. Umans states that the new plan is further back from Loch Vista than the current structure. Costello states that removing the covered deck would remove the need for a variance which may make it easier to get approved for the garage. Porritt explained that it is hard to have an address on one road and the front of the home on another street. Porritt explained that it is confusing for package delivery. Costello stated that his home has a similar situation and they have lived with it for 23 years and does not feel it has caused a hardship. Porritt explained that they would like to take this opportunity to make the front of the house more welcoming for the neighbors. Porritt explained that she feels it is very confusing to have the side of the house being the front of the home. Porritt explained that they live on a very busy road and would like their home to look nice. Lothian explained that he understands the want to have a nice home but he doesn't see a hardship. Lothian explains that he feels the applicant could find a different way. Lothian explained that the deck and covered porch do not fall under a hardship. Umans explained that the garage is the smallest issue and that the front porch does not fall under a hardship. Umans explained that the applicant should maybe rethink the front entrance/porch. Lothian explained that he hasn't seen or heard a hardship. Umans explained that if the applicant would like them to make a decision now and the variance is denied they would need to wait a full year, whereas if they were to decide to table the request and redesign the plan they could come back and try again. Lothian explained that the request needs to be more precise and that he feels there is no legal hardship. Porritt explained that they will figure out how to fix the front and was surprised that the garage was not more of a problem. Porritt requested the variance request be tabled. There was no one present who was opposed to the variance.

C. Motion to Close Public Hearing

The motion to close the Public Hearing was initiated at 7:30 PM by Trustee Umans and seconded by Mike Fieweger. Unanimously carried.

D. Consideration and possible action on recommendation of Variance

The motion to Table the recommendation of Variance was initiated by Tom Lothian and seconded by Mike Fieweger. Unanimously carried.

VII. Adjournment

The motion to adjourn was initiated by Tom Lothian and seconded by Mike Fieweger at 07:31 PM. Unanimously carried.

/s/ Tina Kolls, Village Clerk