



VILLAGE OF WILLIAMS BAY

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OFFICIAL MINUTES ZONING BOARD OF APPEALS 4/18/2023 MEETING TUESDAY, APRIL 18, 2023 AT 6:30 PM

I. Call to Order

Trustee George Vlach called the meeting to order at 06:30pm.

II. Roll Call

Present: Trustee George Vlach, Trustee Robert Umans, Commissioner Tom Lothian, Commissioner Mike Fieweger, Commissioner Matt Robbins

Also Present: Zoning Administrator Bonnie Schaeffer, Clerk Tina Kolls

Excused: Commissioner Dennis Costello, Commissioner Roy Grada

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of March 21, 2023

The motion to approve the Zoning Board of Appeals Meeting Minutes of March 21, 2023 was initiated by Trustee Umans and seconded by Commissioner Robbins. Unanimously carried.

V. Variance Application

Trustee Vlach explained the process of the Public Hearing.

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

APPLICANT(S): Michael & Lisa Weiler (Owners), Martin Murphy (Agent)

TAX KEY NUMBER: WOP 00216

STREET ADDRESS: 44 Orchard St, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390.0212, *SF-6 Village Residential District* to allow a rear yard setback of 13 feet 6 inches (30 feet required) to construct a single-family residence with attached garage.

Trustee Vlach opened the public hearing at 06:32 PM.

Attorney Martin Murphy explained that the applicants, Michael and Lisa Weiler, were looking to construct a new single family home on a corner lot. Attorney Murphy explained that since it is a corner lot, it poses a little different situation. Attorney Murphy explained that there are three thirty-foot setbacks and a ten-foot setback. Attorney Murphy explained that because of averaging, they pulled a house on Congress or Center which gave them eighteen feet. Attorney Murphy explained with the width of the lot they have to front on Orchard Street, because if they go the other way they end up with the rear yard becoming a problem. Attorney Murphy explained they are being dictated by the width of the lot. Attorney Murphy explained that they have ten feet on the side yard, eighteen feet on the right yard, so that is twenty-eight feet on a sixty-six foot lot, which leaves thirty-eight feet left width wise, and then in the front they have a thirty-foot setback and in the rear they have a thirty-foot setback. Attorney Murphy explained that the Weilers are proposing to build an attached garage versus a detached garage. Attorney Murphy explained the attached garage

would be thirteen feet six inches from the property to the west, and a detached garage would be ten feet from the property to the west. Attorney Murphy explained if they did a detached garage they would need to move the house four feet up towards Orchard and the garage four feet to the west towards the neighbor. Attorney Murphy explained that there would be greater setbacks with an attached garage versus an unattached garage. Attorney Murphy explained the curb appeal would be nicer with one building versus two and the applicant would prefer an attached garage so that they don't have to go out in the elements to get in and out of their vehicles. Attorney Murphy explained that the attached garage would be setback more than the required thirty feet which would keep it further off of Orchard street and further away from neighbors. Attorney Murphy explained that the corner lot is a hardship due to the setbacks.

Trustee Umans had questions about the averaging ordinance, which was explained by Zoning Administrator Bonnie Schaeffer.

Commissioner Lothian requested an explanation of the drawings, which was explained by Attorney Murphy.

There was no one to speak in favor of the Variance request.

Karen Halboth (20 Orchard Street) wished to speak as opposed to the request. Halboth explained that the proposed house appears to not fit the lot so well. Halboth explained that her main concern is the fourteen very mature trees that are there. Halboth explained she is also concerned that once they fill the entire lot with a house, where will the run off go? Halboth explained that there is already a run off problem on Orchard Street as there is and her home is at the bottom of the hill. Halboth explained that she brought pictures to share with the commissioners showing several issues, including the run off and the wall behind the Weilers property. Halboth explained she is worried that the run off will kill the trees. Halboth explained that she feels the size of the house is the problem. Halboth expressed concerns about both the village's infrastructure as well as the roadways with regards to the housing growth. Halboth explained that she feels the style of the proposed house will not fit into the style of the neighborhood. Halboth explained that her house is the newest and it has been there since 1979. Halboth explained each picture to both the Commissioners and the applicant.

Trustee Umans asked if Village Engineer Doug Snyder had reviewed the applicants Storm Water Plan.

Zoning Administrator Schaeffer explained that the applicant has not filed for their building permits yet, which will include a storm water management plan.

Trustee Vlach asked Zoning Administrator Schaeffer for her report.

Zoning Administrator Schaeffer explained that the applicant had asked if the averaging could apply to a detached garage and she looked at the ordinance but, the averaging only applies to a house and an attached garage. Zoning Administrator Schaeffer explained that where they are showing the garage at the thirty foot setback from Center Street is really not necessary, they could pull it forward to the eighteen foot. Zoning Administrator Schaeffer explained that, as the applicant stated, if they have a detached garage, it would have to be ten feet from the house, ten feet from the south lot line and ten feet from the west lot line, so it would have to, essentially, be in the same location as this one is proposed to be except they would have to redesign the house slightly so they could have the ten foot separation. Zoning Administrator Schaeffer explained that with the eighteen-foot averaging setback from Center Street, they did still have a sixty-one by thirty-eight building envelope and did not need a variance. Zoning Administrator Schaeffer explained that even though the property is a corner lot because of the ability to average, the applicant has a bigger building envelope than most corner lots. Zoning Administrator Schaeffer explained that as far as hardship and unique property conditions with the property, she feels it is a bit of a stretch. Zoning Administrator Schaeffer explained that the applicant could design a home within the sixty-one by thirty-eight foot lot and still have an attached garage by having a smaller footprint, however the applicant has proposed a longer, narrower home that has one story for most with just a small second story. Zoning Administrator Schaeffer explained that if the applicant went for a full two-story home, they would have a smaller footprint.

Attorney Murphy explained that, basically, the applicant is looking at an attached garage versus a detached garage.

Attorney Murphy explained that the house would be moved closer to Orchard Street by making the porch smaller which would give them four feet and taking two feet between the garage and the house and moving the garage three or four feet which would give them the required ten feet. Attorney Murphy explained that in doing this it would move the garage closer to the ditch in the back, which could create more drainage problems. Attorney Murphy explained that if they were to leave the garage where it is proposed to be attached, it would be further away from the drainage ditch.

Attorney Murphy explained that keeping the proposed attached garage would enable them to utilize the driveway already there, where if they went with a detached garage they would have to do a new curb cut and new driveway, which would mean more concrete and more water issues. Attorney Murphy explained that the attached garage would take much less concrete.

Trustee Umans explained that more concrete or less concrete would be up to Village Engineer Snyder.

Trustee Vlach asked why the applicant didn't build within the envelope.

Attorney Murphy explained that the applicants would like this to be their forever home. Attorney Murphy explained that the applicants are getting older and would like to have a first floor master. Attorney Murphy explained if the applicant had to have a second floor master, this home would no longer be a forever home. Attorney Murphy explained that the applicants prefer a ranch-style home.

Trustee Vlach explained that by ordinance the applicant has a right to a garage. Trustee Vlach asked why the applicant is putting a two car garage and encroaching in the setbacks instead of putting in a one car garage?

Attorney Murphy explained they would want another car garage for storage. Attorney Murphy explained that the applicant is entitled to a garage or storage shed on top of the attached garage and house.

Trustee Vlach asked where the applicant would propose the shed would go?

Attorney Murphy explained it would go where the garage, where the other ten feet would be, the applicant would move it back, the applicant would have it ten feet off the lot and ten feet off the house.

Trustee Vlach asked Zoning Administrator Schaeffer if that is accurate?

Zoning Administrator Schaeffer explained that if the applicant had an attached garage, regardless of whether it was one or two car, the applicant would not be able to have another garage, however, they could have a shed. Zoning Administrator Schaeffer explained that depending on the size of the shed, it could be as close as five feet from the lot line.

Trustee Vlach asked if the maximum size for a shed is 160 square feet?

Zoning Administrator Schaeffer explained that with an attached garage you can have up to a two hundred and forty square foot shed, but that would have to be ten feet from the house and ten feet from the lot line.

Commissioner Fieweger asked if the applicant could build the house with a detached garage with no variance?

Zoning Administrator Schaeffer explained that she didn't feel it would fit as designed.

Attorney Murphy explained that if the applicant removed the porch and moved the house forward, it would fit.

B. Motion to Close Public Hearing

Trustee Vlach Closed the Public Hearing at 07:06 PM.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach explained that although he likes the applicant's design, he doesn't feel that there is a legal hardship.

Commissioner Lothian explained that he was torn as he too liked the applicants' design, but he also could not see a legal hardship.

Trustee Umans explained that he agreed with Trustee Vlach and Commissioner Lothian that there was not a legal hardship.

The motion to deny the variance was initiated by Trustee Umans and seconded by Commissioner Lothian. Unanimously carried.

VI. Adjournment

The motion to adjourn was initiated by Trustee Vlach and seconded by Commissioner Fieweger at 07:19pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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