



VILLAGE OF WILLIAMS BAY

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OFFICIAL MINUTES PLAN COMMISSION 6/13/2023 MEETING TUESDAY, JUNE 13, 2023 AT 6:30 PM VILLAGE HALL COUNCIL ROOM 250 WILLIAMS STREET WILLIAMS BAY, WI 53191

I. Call to Order

Clerk Kolls called the meeting to order at 06:30pm.

II. Roll Call

Present: Trustee Lowell Wright, Commissioners Jess Haak, Pat Watts, Marianne Klemke, and Matt Robbins

Also Present: Zoning Administrator Bonnie Schaeffer, Clerk Tina Kolls

Excused: Bill Duncan, Maggie Gage, James Killian

Clerk Kolls asked the Commission to nominate a chair.

The motion to nominate Trustee Wright to chair the Plan Commission Meeting of 6/13/2023 was initiated by Commissioner Watts and seconded by Commissioner Haak. Unanimously carried.

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

IV. Minutes

A. Plan Commission Meeting Minutes of May 9, 2023

The motion to approve the Plan Commission Meeting Minutes of May 9, 2023 was initiated by Commissioner Klemke and seconded by Commissioner Watts. Unanimously carried.

V. Recommendation and Possible Action for a Certified Survey Map (Extraterritorial)

A. APPLICANT: Chapel on the Hill (Owner), Rick Hillman (Agent)

TAX KEY: IA435000001

STREET ADDRESS: N2440 Ara Glen Dr., Town of Linn

Applicant is requesting approval of a Certified Survey Map per Section 375.0306 "Minor Land Division Procedures" to divide the existing 2.19-acre parcel into two parcels each being approximately 1.09 acres.

Sean Walker, Pastor (Chapel on the Hill) explained that they are looking to divide this parcel into two so that one of their neighbors, the Griffith family, would be able to purchase the lot and Chapel on the Hill would be able to use the capital from the lot for future projects at Chapel on the Hill.

Commissioner Haak inquired about why the lot division is shaped like an "L" instead of just continuing the line like a traditional straight break off lot.

Pastor Walker explained that he had spoken with the surveying company and was told that they were hoping to make two equal-sized lots and that was their attempt at doing that while honoring the setback requirements.

Zoning Administrator Schaeffer explained that with the property being in an extraterritorial zoning and an area that does not have sewer and water, the minimum lot size is 40,000 square feet. Zoning Administrator Schaeffer explained that if the applicant had kept the line in between the two lots where it was currently and went straight back lot two would be less than 40,000 square feet. Zoning Administrator Schaeffer explained that a thirty-foot set back was not required from the building, so she was not sure why it was that way, unless there was some other reason for showing at thirty feet. Zoning Administrator Schaeffer explained that it only had to be twenty-five feet. Zoning Administrator Schaeffer explained that if the applicant moved the line back by five feet and then brought it straight back then lot one would still be much larger but, at least lot two would meet the 40,000 square foot requirement and they wouldn't have the odd flag shape. Zoning Administrator Schaeffer explained that she had tried to contact people about these questions but wasn't able to get any straight answers other than they wanted to have the lots be the same size, which is not any qualification in our ordinance.

Commissioner Haak explained that the Plan Commission were not usually fans of flag lots. Commissioner Haak inquired as to if the applicant had any concerns about future developments/parking/setback issues as he felt the applicant would be restricting any opportunities they may have in the future.

Pastor Walker explained that their neighbors, the Griffiths, had no plans for development of that lot and they had been there for several generations.

Commissioner Haak explained that he was thinking specifically of the building on lot one and the fact that the applicant would be restricting any kind of future development.

Pastor Walker explained that they are by no means landlocked. Pastor Walker explained that they have full access to all of those lots.

Commissioner Haak inquired if they would have access to the lots on the north.

Pastor Walker explained that everything was on the south side of the building. Pastor Walker explained that they own three other lots to the north in addition to this one.

Commissioner Haak inquired if the gravel entrance on the far east side was some sort of entrance to somewhere.

Pastor Walker looked at the map and then explained that the entrance in question was no longer gravel. Pastor Walker explained that this was an asphalt drive that was connected to the Griffiths private driveway. Pastor Walker explained that he believed that this connected to a corner where there was an access door. Pastor Walker explained that it had always been the case that they used the Griffiths private drive to access this.

Commissioner Haak explained that this would technically be someone else's property. Commissioner Haak questioned Zoning Administrator Schaeffer if it would be legal for them to still use it.

Zoning Administrator Schaeffer explained that the applicant would need to get an access easement. Zoning Administrator Schaeffer explained that if the applicant intended to still cross the property which would now be owned by the Griffiths, they would need to obtain an access easement which should be shown on the Certified Survey Map.

Pastor Walker explained that they don't use the driveway other than as a fire entrance.

Zoning Administrator Schaeffer explained that it didn't matter what they used it for, if they wanted to protect their right to use it, they would need to get an access easement. Zoning Administrator Schaeffer explained that the access easement should be shown and a document recorded detailing the restrictions on the easement.

Commissioner Haak explained that in his opinion, he would suggest they just take the flag off and make it a straight, which would eliminate the gravel entrance element.

Pastor Walker questioned Zoning Administrator Schaeffer as to whether she was saying that there are no setback requirements.

Zoning Administrator Schaeffer explained that the map showed the setbacks at 30.6 feet and the minimum requirement is twenty-five feet, so that was why she had asked if there was some other reason for why they were showing it at thirty feet instead of twenty-five. Zoning Administrator Schaeffer explained that unless there is some reason she was not aware of, the applicant could pull it back to the twenty-five foot setback which, according to her calculations, would allow the applicant to have both lots be at least 40,000 square feet. Zoning Administrator Schaeffer explained that the lots would not be equal in area but they would meet the minimum and not have that flag shape. Zoning Administrator Schaeffer explained that she had tried to get these questions answered but was not successful. Zoning Administrator Schaeffer suggested maybe they could table this application for now and she could have a meeting with the folks from Chapel as well as their surveyor. Zoning Administrator Schaeffer explained that maybe there was another reason why it has to be at thirty feet.

Pastor Walker explained that he felt if they were going to ask anyone, it should be the surveyor.

Commissioner Haak explained that there are several things going on that he felt should be cleared up before moving forward so that they could avoid any future problems. Commissioner Haak explained that while the Griffiths may be great people, you just don't know what the future may hold.

Zoning Administrator Schaeffer explained that this is a donation to the church in a way and that it seemed as though the Griffiths didn't really need the property.

Pastor Walker explained that the Griffiths had an interest in the property due to the pier slip associated with the property.

The motion to table the request for approval of a Certified Survey Map per Section 375.0306 "Minor Land Division Procedures" to divide the existing 2.19-acre parcel into two parcels, each being approximately 1.09 acres, was initiated by Commissioner Haak and seconded by Commissioner Robbins. Unanimously carried.

VI. Recommendation and Possible Action for a Conditional Use Permit

A. Open Public Hearing

Trustee Wright opened the public hearing at 06:42 pm.

B. APPLICANT: Rafael Rodriguez (Owner)

TAX KEY NUMBER: WOP 00215

STREET ADDRESS: 220 W. Geneva St., Williams Bay, WI 53191

Applicant is requesting a Conditional Use Permit per Section 390-1207 *Conditional Use Permit*, and Section 390-0602(B)(3) *Continuance of a Nonconforming Use* to rebuild, relocate, and enlarge an existing accessory dwelling unit in the SF-6 Village Residential District.

Rafael (Ray) Rodriguez (220 W. Geneva St) explained that they had purchased the property a few years ago and had renovated the outside of the home as well as the garage. Ray Rodriguez explained that the last thing they were going to do was this building that was already there that was being used in the past. Ray Rodriguez explained that the current building had a bathroom and a kitchen. Ray Rodriguez explained that they had planned to just renovate the building but, when they started going through it, they found it would be way too costly. Ray Rodriguez explained that at that point they had come in and spoken with Zoning Administrator Schaeffer, started looking for plans and started speaking with contractors. Ray Rodriguez explained that they came across these plans which they felt look very similar to the original building. Ray Rodriguez explained they were looking to preserve the look of the outside and they couldn't believe that they were able to find something that looked almost exactly the same, with just a bit bigger of a footprint than the existing. Ray Rodriguez explained that they would like to keep it as it had been on the property for years. Ray

Rodriguez explained that he had been at a truck company for thirty years and he was done with stairs. Ray Rodriguez explained that if they were able to rebuild this, when they have their kids over they could use that property for that. Ray Rodriguez explained that they were looking to preserve what was there.

Zoning Administrator Schaeffer explained that this application was similar to another property whose owners were present at this meeting, the Holmes (27 N Walworth). Zoning Administrator Schaeffer explained that they had a similar situation where, when the tourist rooming house ordinance was changed, their use of the property became non-conforming. Zoning Administrator Schaeffer explained that this was pretty similar. Zoning Administrator Schaeffer explained that when the ordinance was passed it no longer allowed you to have a second dwelling or an accessory dwelling on the same lot in certain districts. Zoning Administrator Schaeffer explained that the applicant was asking for a conditional use permit to make it a conforming use which would not only allow the applicant to rebuild but to also expand the building. Zoning Administrator Schaeffer explained that if the applicant had not applied for the conditional use permit, they would still be able to rebuild, it would just have to be the same exact building with the same dimensions in the same location. Zoning Administrator Schaeffer explained that the applicant had provided a couple of proposals, one which was significantly larger than the existing building and the other was of similar size. Zoning Administrator Schaeffer explained that either one would work from the impervious building coverage ratios. Zoning Administrator Schaeffer explained it would just be a question of whether the Plan Commission felt it was appropriate for the applicant to build this enlarged plan.

Ray Rodriguez explained that they had proposed two buildings. Ray Rodriguez explained that the buildings looked identical on the outside. Ray Rodriguez explained that the plan they would like to go with would be eight hundred square feet. Ray Rodriguez explained that the other plan would be six hundred square feet, which would be about the same size as the existing building.

Commissioner Klemke explained that according to our evaluation, the current footprint was five hundred fifty-five square feet, proposal one would be nine hundred thirty-eight square feet and proposal two would be five hundred ninety-two square feet.

Zoning Administrator Schaeffer explained that she had come up with those off of the drawings the applicant provided.

Ray Rodriguez explained that they were going off what the square footage was on the drawing. Ray Rodriguez explained that it was listed on the table on the right-hand side of the layout.

Zoning Administrator Schaeffer explained that she had used the exterior dimensions.

Commissioner Haak inquired as to who would be using this residence.

Ray Rodriguez explained that it would just be used for family and friends that come over.

Commissioner Klemke inquired if the garage was right on the lot line.

Ray Rodriguez explained that they had not had a survey done, not even when they bought the house but, as far as he knew, it was right there.

Commissioner Klemke explained that in the application it mentioned that the applicant would like to build a little further from the main house in case of a fire, but proposal one, which is the larger one, was closer to the house than proposal two.

Ray Rodriguez explained that they would like to move proposal one over as well.

Commissioner Klemke explained that in her mind when an accessory dwelling was being enlarged it seems as though you were putting another house on the property.

Ray Rodriguez explained that he would prefer to rebuild rather than put an addition to the main house. Ray Rodriguez explained that he thinks that when you put an addition to the house it takes away from it. Ray Rodriguez explained that if they were to knock down this house and rebuild it to look similar they could preserve what was there but make it a little bit bigger.

Commissioner Haak explained that he didn't think that we should even move forward with this until we had a survey. Commissioner Haak explained that he did not agree with the hand sketched drawing showing the ten feet. Commissioner Haak explained that he felt they should see from the perspective of the whole property before moving on. Commissioner Haak explained that as we moved forward as a village, he didn't feel that congestion was the future in his opinion.

Patty Cooper (22 Hill Street) explained that she has lived in Williams Bay for 42 years and has observed this property for the past forty years. Cooper explained that the property that is between hers and the applicants was this little cottage which was right next to the applicant's garage. Cooper explained that as far as she was aware, no one had done a survey on that property. Cooper explained that this little cottage had been sitting there for years and years and looked worse and worse every year until the applicants bought the property and started making improvements. Cooper explained that she felt it was important to come and support someone who was trying to improve the appearance of the neighborhood. Cooper explained that she did not consider it another house, it was a cottage that had been there forever. Cooper explained that it did not look out of place, it looked like it was built for the purpose of the overflow of family, not a separate house.

Karen Rodriguez (220 W Geneva St) explained that they had bought the property because it had the main house and then that cute little house. Karen Rodriguez explained that she loved that cute little house. Karen Rodriguez explained that they dug around it because they were just trying to fix it up or they wouldn't have even done that. Karen Rodriguez explained that the pane glass windows were breaking so they had those replaced. Karen Rodriguez explained that then they had the mote dug and found that there were concrete pillars under the house but they were not in the right places and they didn't want to do something the wrong way. Karen Rodriguez explained that they would have to lift up the house and put everything underneath it.

Ray Rodriguez explained that the building still had tube and knob and clay pipes.

Karen Rodriguez explained that they were trying to keep it like how it is. Karen Rodriguez explained they just wanted it to be a tiny house. Karen Rodriguez explained that they have a big family and it is a nice place to put family or dogs, but they were not trying to do anything crazy. Karen Rodriguez explained that they looked for tiny house plans and they were telling them it would take like three months to find something and they just happened to find these at Home Depot. Karen Rodriguez explained that they are trying to make it into a rectangle and keep it up with the area.

John Holmes (27 N Walworth) explained that they were not here to object and they hoped the applicant was able to do what they were looking to do. Holmes explained that they have an accessory dwelling on their property as well and they would be interested in enlarging that accessory dwelling unit if that was something that was allowed.

Zoning Administrator Schaeffer explained that this was something that should be addressed outside of this meeting. Zoning Administrator Schaeffer explained that she didn't think that Holmes's conditional use permit addressed that and she would need to go back and take a look at it. Zoning Administrator Schaeffer explained that they got their conditional use permit in order to continue to operate as a tourist rooming house.

Holmes explained that if this application were approved they would be interested in applying for a conditional use permit to enlarge their accessory dwelling unit.

Zoning Administrator Schaeffer explained that each application was unique and they would need to look at theirs separately from this one. Zoning Administrator Schaeffer explained that this was the process they would need to take. Zoning Administrator Schaeffer explained that was why they have that ordinance. Zoning Administrator Schaeffer explained that property owners do have some rights to use something that has been there for sixty years.

Ray Rodriguez explained that the accessory dwelling was why they bought the property.

Karen Rodriguez explained that they were on a double lot and could split it, but they were not looking to do that. Karen Rodriguez explained that they were not looking to go up.

Commissioner Klemke explained that, like she had said, she personally didn't have a problem with the applicant updating the accessory building that was already there. Commissioner Klemke explained that she was not in agreement with expanding it. Commissioner Klemke explained that if they were to put it in the same footprint or even a little larger than what you currently have, but keep it small.

Zoning Administrator Schaeffer asked if they would prefer if the applicant went with something like proposal number two.

Commissioner Klemke agreed yes, that was what she was saying.

Commissioner Haak explained that, in his opinion, this these were two houses. Commissioner Haak explained that the proposed had a kitchen and a laundry room.

Karen Rodriguez explains that the current property already had a kitchen and laundry room.

Commissioner Haak explained that if it was just a place for family and friends to stay, but it had a kitchen and a laundry room, we don't know the intent. Commissioner Haak explained it could be utilized in other resources.

Trustee Wright explained that this building could be turned into a rental property.

Commissioner Haak explained that as a board they were trying to protect the village.

Zoning Administrator Schaeffer explained that this application was for a conditional use permit, so the board should keep in mind that they were able to put in whatever reasonable conditions they felt were appropriate.

Karen Rodriguez explained that if they wanted to put the condition on the application that they could not rent it, they would be fine with that.

Commissioner Haak explained that he felt they should have a survey map of the property as well as the surrounding area. Commissioner Haak explained that the hand drawing that they were to vote on seemed to not be accurate.

Ray Rodriguez explained that the reason that he had done the hand drawing was because he wanted to know if we were going to be able to move forward or not before they started putting more money into something. Ray Rodriguez explained that if the board was going to tell them flat out no, then that would have been the point for them to spend a single dime on it. Ray Rodriguez explained that if they would like to put the condition that it can not be rented, they would be fine with that as that was not what they were looking to use it for.

Commissioner Robbins explained that the applicant had one of the unique properties in the Bay that has an extra dwelling on it but, they also have to protect for other things. Commissioner Robbins explained that he couldn't tell them how many people come into here upset thinking that we control Vrbo and we don't the state does. Commissioner Robbins explained that he could appreciate that the applicant did not want to place an addition on their home and that he would prefer to see the applicant fix the little house. Commissioner Robbins explained that he would not be in favor of the applicant expanding the building or making it much larger. Commissioner Robbins explained that he would be in favor of the applicant fixing it and would be in favor of something reasonable.

Trustee Wright inquired from Zoning Administrator Schaeffer how they could give the applicant some positive feedback while still requesting a survey.

Zoning Administrator Schaeffer explained that the existing footprint was twenty-eight by twenty and a half and it had this little notch cut out of it, and if you said you could rebuild that twenty-eight by twenty and a half and fill in the notch, then there would be no need for a survey. Zoning Administrator Schaeffer explained that there would be plenty of room between the buildings. Zoning Administrator Schaeffer explained that there would not be any question that the applicant would meet the ten foot setback between the existing main home and the accessory dwelling unit.

Commissioner Watts explained that proposal two would give a fifteen foot clearance, which would be in the positive.

Commissioner Klemke inquired if, with the conditional use permit, the Plan Commission would be able to reference the Village regulations for accessory dwelling units §390-0315 which specifically states who the occupants of an accessory dwelling unit can be. Commissioner Klemke explained that the regulation seemed to have everything that would be needed.

Commissioner Haak inquired who would be policing the conditional element of identifying if they were family or not.

Zoning Administrator Schaeffer explained that it would not be possible.

Commissioner Haak explained that he did not understand the concept of placing that condition because of that reason.

Commissioner Klemke explained that was not the only condition that was included in the ordinance.

Commissioner Haak inquired if they would be able to put the condition that the applicant could not have a kitchen.

Karen Rodriguez explained that the current building had a kitchen. Karen Rodriguez went on to explain that the kitchen was tiny with only dorm-sized appliances.

Zoning Administrator Schaeffer explained that if they were thinking about restricting the size, she would not recommend going with either of the proposed plans, she would instead recommend that the Plan Commission specify that it not exceed a certain amount of square footage. Zoning Administrator Schaeffer explained that if the Plan Commission were to say it had to be twenty-eight by twenty-four and the applicant figured out that it would not work, the applicant would need a different plan. Zoning Administrator Schaeffer explained that as long as the applicant kept it far enough from the garage and the house and kept it under a certain amount of square feet, such as six hundred square feet or whatever magic number you felt was appropriate.

Commissioner Haak explained that although he really didn't like any of it, they already had a structure and they couldn't do anything about that. Commissioner Haak explained that he would prefer they stayed at the same square footage. Commissioner Haak explained that he would prefer the addition personally.

The motion to approve the Conditional Use Permit per Section 390-1207 *Conditional Use Permit*, and Section 390-0602(B)(3) *Continuance of a Nonconforming Use* to rebuild, relocate, and enlarge an existing accessory dwelling unit in the SF-6 Village Residential District. with the maximum size of 600 square feet and it must be in compliance with all setback requirements as documented in the survey was initiated by Trustee Wright and seconded by Commissioner Watts. Commissioner Haak No, Motion Carries.

C. Close Public Hearing

Trustee Wright closed the public hearing at 07:08 pm.

VII. Adjournment

The motion to adjourn was initiated by Commissioner Watts and seconded by Commissioner Klemke at 07:13pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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