



VILLAGE OF WILLIAMS BAY

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OFFICIAL MINUTES ZONING BOARD OF APPEALS 6/20/2023 MEETING TUESDAY, JUNE 20, 2023 AT 6:30 PM VILLAGE HALL COUNCIL ROOM 250 WILLIAMS STREET WILLIAMS BAY, WI 53191

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 Matt Robbins, Commissioner Dennis Costello, Commissioner Mike Fieweger

Also Present: Zoning Administrator Bonnie Schaeffer

Excused: Commissioner Tom Lothian, 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 May 16, 2023

The motion to approve the Zoning Board of Appeals Meeting Minutes of May 16, 2023 with correction of Dennis Costello being not present was initiated by Trustee Umans and seconded by Commissioner Matt Robbins. Unanimously carried.

V. Variance Application

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

APPLICANT(S): Patricia Miles (Owner)

TAX KEY NUMBER: WHV 00003

STREET ADDRESS: 65 Cedar Point Dr, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0212 to separate Lot 6 from Lots 4 and 5, resulting in a proposed side yard setback of 8.5 feet (minimum of 10 feet required). Note that the existing screen porch will be removed.

Trustee Vlach opened the public hearing at 06:34 pm.

Patricia Miles, 65 Cedar Point Dr Williams Bay, WI 53191, explained that she was asking for lots four and five to have a variance so that lot six could be a full lot. Miles explained that when she purchased the property the screen porch already went over the setback. Miles explained that she believed the screen porch was about eight and half feet from the lot line.

Trustee George Vlach explained that the screen porch area is proposed to be removed and the applicant will not be

adding it back on.

Miles explained that she had owned the property for more than twenty years. Miles explained that the screen porch was in such bad shape and needed to be removed anyway.

Commissioner Dennis Costello inquired if the applicant planned to sell lot six.

Miles explained that she was here to find out what could be done with the lot. Miles explained that this is a whole other lot and the upkeep on it was crazy.

Trustee Rob Umans explained that he had gone out and looked at the lot and noticed a few things. Trustee Umans explained that lot six was fifty-seven feet wide, which is not very wide. Trustee Umans explained that if the applicant were to sell the lot and someone were to build on the lot, the new house would only be eighteen feet from the applicant's house. Trustee Umans explained that he noticed there was another porch or mudroom which was eleven by twenty and if the applicant were to remove that as well as the screen porch, it would increase the distance to almost thirty feet between the applicant's house and any new construction on lot six.

Commissioner Mike Fieweger questioned if the applicant was taking down the porch, why she needed a variance.

Trustee Umans explained that even after taking down, the applicant was still short for the separation of the lots.

Commissioner Fieweger inquired why, even though the setbacks were not in place at the time the house was built, the applicant still needed a variance.

Trustee Vlach explained that they would allow Zoning Administrator Bonnie Schaeffer to give her report after they were done asking the applicant questions.

Commissioner Fieweger questioned if the applicant was planning to do anything to the current home which would require a variance.

Miles explained that there was a little stoop but, there would be no reason she would require a variance. Miles explained that she had a whole other porch on the other side of the house. Miles explained that the house was big enough and even without the screen porch it was fantastic. Miles explained that she did not need to build anything else.

Commissioner Dennis Costello inquired if the applicant did not get the variance to make lot six a legal conforming lot she would not be tearing down the screen porch.

Miles explained that commissioner Costello was correct.

Trustee Vlach asked for Zoning Administrator Schaeffer's report.

Zoning Administrator Schaeffer explained to Trustee Umans that all three lots were actually sixty feet wide and explained where the lot lines were on the survey drawings. Zoning Administrator Schaeffer explained that these three lots were at one time separate lots. Zoning Administrator Schaeffer explained that the lots were combined possibly when the screen porch was put on but there were no records. Zoning Administrator Schaeffer explained that the state statute would allow the lots to be built on as long as there was never an encroachment on them, which is why the applicant needs a variance in this case. Zoning Administrator Schaeffer explained that the applicant needs a variance in order to separate lot six from lots four and five. Zoning Administrator explained that the applicant would be trying to split off a lot that already had an encroachment on it. Zoning Administrator Schaeffer explained that if the screen porch was not there, the applicant would not need a variance.

Commissioner Fieweger inquired if the applicant could still tear down the screen porch if she wasn't going to separate

lot six.

Zoning Administrator Schaeffer explained that the applicant could, it would be entirely up to her.

Trustee Vlach explained that if the screen porch was only a foot from the property line, the applicant would not have to be there, and she still would have been able to separate the property. Trustee Vlach explained the only reason the applicant needed the variance was because it encroached.

Zoning Administrator Schaeffer explained that Trustee Umans was correct that if someone decided to build a new home on lot six there would only be a minimum distance of eighteen and a half feet which would be conforming.

Commissioner Costello inquired if the person who buys the lot would have to get a variance to build.

Zoning Administrator Schaeffer explained that the variance would be on lots four and five. Zoning Administrator Schaeffer explained that the applicant's existing house was at an eight and a half foot setback and the new home which would be built on lot six would have to be built to meet all setbacks. Zoning Administrator Schaeffer explained that the hardship was a little hard to talk about with this one because the applicant could take off more of the house and make it conform, but there is a hardship in that the home and the screen porch were built over the lot line on lots of records. Zoning Administrator Schaeffer explained that there are numerous situations in that subdivision where the existing homes are less than ten feet from the lot line, so it would not be something which was not common with other properties in the neighborhood. Zoning Administrator Schaeffer explained that she felt this was a hardship.

Commissioner Costello questioned what rooms in the house were attached to the screen porch.

Miles explained that the screen porch was attached to a study as well as a bathroom.

Trustee Vlach asked if there was anyone in the audience to speak in favor of the variance.

Ed Miles, 404 Cesar Dr, Barrington, IL 60010, explained that he has known Patricia Miles for a long time and knows the property. Ed Miles explained that he felt it would be easy to take the screen porch off because it was an addition and he felt it really wouldn't affect much of the side of the house. Ed Miles explained that he was in favor of the variance and felt this would help the applicant tremendously.

Trustee Vlach asked Zoning Administrator Schaeffer if there was any correspondence in favor of the variance.

Zoning Administrator Schaeffer stated there were none.

Trustee Vlach asked if there was anyone in the audience to speak in opposition to the variance. There were none. Trustee Vlach asked Zoning Administrator Schaeffer if there was any correspondence in opposition to the variance.

Zoning Administrator Schaeffer stated there were none.

B. Motion to Close Public Hearing

Trustee Vlach closed the public hearing at 06:52 pm.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach explained that he was in favor of granting the variance. Trustee Vlach explained that once the screen porch was removed, the applicant could separate the lot.

Commissioner Costello explained that he one hundred percent agreed with Trustee Vlach.

Commissioner Matt Robbins explained that he had gone by the house and was trying to find the hardship.

Commissioner Robbins explained that he felt it would be improving the house and the request was incredibly reasonable, so he was in favor of the variance.

The motion to approve the Variance to zoning code section 390-0212 to separate Lot 6 from Lots 4 and 5, resulting in a proposed side yard setback of 8.5 feet (minimum of 10 feet required) was initiated by Trustee Umans and seconded by Commissioner Fieweger. Unanimously carried.

VI. Adjournment

The motion to adjourn was initiated by Trustee Umans and seconded by Commissioner Fieweger at 06:55pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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