



VILLAGE OF WILLIAMS BAY

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OFFICIAL MINUTES ZONING BOARD OF APPEALS 7/18/2023 MEETING TUESDAY, JULY 18, 2023 AT 6:30 PM VILLAGE HALL COUNCIL ROOM 250 WILLIAMS STREET WILLIAMS BAY, WI 53191

I. Call to Order

Trustee Rob Umans called the meeting to order at 06:30PM.

II. Roll Call

Present: Trustee Robert Umans, Commissioners Dennis Costello, Tom Lothian, Mike Fieweger, and Roy Grada (arrived at 6:45 pm)

Also Present: Zoning Administrator Schaeffer, Clerk Kolls

Excused: Trustee George Vlach, Commissioner Matt Robbins

The motion to elect Trustee Umans to chair the Zoning Board of Appeals Meeting on Tuesday, July 18, 2023 was initiated by Commissioner Fieweger and seconded by Commissioner Costello. Unanimously carried.

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of June 20, 2023

The motion to approve the Zoning Board of Appeals Meeting Minutes of June 20, 2023 was initiated by Commissioner Costello and seconded by Trustee Umans. Commissioner Lothian abstained, Motion carried.

V. Variance Application

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

APPLICANT(S): Suzanne Olson Trust (Owner)

TAX KEY NUMBER: WCP1 00007

STREET ADDRESS: 60 Oak Birch Dr, Williams Bay, WI 53191

Applicant requests variances to zoning code section 390-0213 SF-CPP Cedar Point Park District as follows:

1. To raze an existing detached garage and replace it located 9' from one side lot line and 5.5' from the other side lot line (10' required on each side).
2. To construct a 6' x 13' one-story addition located 7.5 from the side lot line (10' required).
3. To increase the roof height by 5.3' within the 10' side yard setback.
4. To increase the roof eave extension from 12" to 24" within the 10' side yard setback.

Trustee Umans opened the public hearing at 06:33 pm.

Aiden Stevens, Lake Geneva Architects, gave a brief description of each of the four variance requests. Stevens explained that on the first request, they were requesting a detached garage that goes over a portion of the side yard setback.

Stevens explained that the existing garage is located roughly in the same footprint area but went over the side. Stevens explained that here it would be set back to the north five feet and then five feet to the south as well. Stevens explained that in addition the existing garage extends two and a half feet beyond the street yard setback. Stevens explained that the existing garage was five hundred and forty square feet. Stevens explained that in total area, they were proposing a garage that was four foot six over the side yard setback to the north which is six inches less than the existing and then one foot over the side yard set back to the south. Stevens explained that they were also proposing the garage to be within the street yard setback. Stevens explained that the proposed garage would be forty square foot less than the existing one. Stevens explained that they felt that this would be less non-conforming than the existing garage. Stevens explained that with the second request they were proposing a one-story addition that goes over the ten-foot side yard setback by two and half feet at the northwest corner of the house. Stevens explained that with this one story addition they were proposing that it extends along with the face of the house, since it was two foot over the setback already.

Stevens explained that the Olsons would like to maintain their breakfast room at the northeast corner of the existing residence. Stevens explained that request three was to increase the roof height within a portion of the side yard setback. Stevens explained that they would increase the roof height to fifteen inches within the setback. Stevens explained that the reason they would need to do that was because in the existing residence, room does not exist to meet the code of the Wisconsin Uniform Dwelling Code. Stevens explained that at the top of the second floor wall, between the top plate and within the roof rafter space, they did not have enough room to fit the required insulation into the existing roof. Stevens explained that they were proposing to take the roof and raise it another six inches and then they would be able to get the required insulation into the roof space. Stevens explained that additionally, increasing the pitch of the roof would also allow them to have more positive air flow underneath the roof, it would improve the character of the home and would allow them to take out less of the existing roof structure requiring them to open less of the 2nd floor to the elements. Stevens explained that the last variance is to increase the roof eaves by twelve inches. Stevens explained that these eave extensions would be along the existing house line. Stevens explained that it would extend the eaves from twelve inches which they were to twenty-four inches.

Commissioner Lothian explained that it was the applicants job to explain to the board what the hardship is.

Commissioner Lothian inquired as to what the hardship was that would require the applicant to have to tear down the garage and build a new one.

Stevens explained that as you move west the topography starts to drop off pretty dramatically so if they were to try and move the garage back the necessary amount to be within the setbacks on the south side they would either be dropping the garage, which they would then have all the water run off from the driveway going down and would also increase the impervious surface. Stevens explained that another option would be to raise the garage and in that case, not only would it be more visually grabbing but it would also be breaking the zoning ordinance because it would not meet the height requirements.

Commissioner Lothian inquired as to why the current garage didn't work where it was.

Stevens explained that the current garage was not very deep and did not allow for a larger vehicle. Stevens explained that the Olson family has a larger vehicle which does not fit in the current garage. Stevens explained that they were proposing to extend the garage twenty-nine feet but were also proposing to squeeze the garage quite a bit from what it was.

Commissioner Fieweger inquired as to the length of the current garage.

Stevens explained that he believed that the current garage was twenty or twenty two feet.

Jason Bernard, Lake Geneva Architects, explained that the current garage was twenty-one feet.

Commissioner Costello inquired if they were proposing to increase the length of the garage by eight feet and if they planned on using the extra space for storage.

Bernard explained that they were planning to use the extra space to fit the suburban owned by the Olson family.

Trustee Umans explained that he had gone out to see the property. Trustee Umans inquired if the walkway was counted in the five hundred and forty square feet of the garage or if the walking path was going to be next to the garage.

Bernard explained that the walking path would be south but would not be covered. Bernard explained that if they could rewind time to twenty years ago he worked with Allison Alexander on the existing garage. Bernard explained that at the time there was no desire to have a garage they just wanted to use it as an office so there was no walk around on the property and you had to go down the steep steps and you actually just walked the neighbors property so they decided to take out part of the garage and put in a walk way through there. Bernard explained that you fast forward and the property changes hands and changes owners. Bernard explained that now the new owner would like to fit a larger vehicle in the garage. Bernard explained that they felt the most reasonable way to get that accomplished was to go further from the street and create a new walkway out there and eliminate the number of steps. Bernard explained that they could move the garage farther back but they would have to come up with a large retaining wall in order to keep it level due to the topology. Bernard explained that they would rather have landscaping rather than a concrete retaining wall. Bernard explained that the farther they moved back the taller the building would be which also becomes a problem with zoning so they spot they are in in kind of the sweet spot.

Commissioner Costello asked if they were planning on having living quarters in the raised roof part of the home.

Stevens explained that even if anyone wanted to have living space under the roof pitch it wouldn't be an option.

Commissioner Lothian inquired if they had to raise the higher roof height everywhere in order to be able to meet the current standards of insulation.

Commissioner Fieweger explained that they could use other types of insulation and not have to raise the roof.

Stevens explained that they could use spray foam, but it would not fit.

Bernard explained that the current roof joists are two by four roof rafters sitting on a plate. Bernard explained that it gives you two and a half to four inches and if they need air flow to go through there they need a minimum of an inch and a half for air flow, so they would be down to two inches for insulation, and there would be no way to get an R55 in there. Bernard explained that what they would do is increase the heel height, they would take the roof, hold it up from the top of the wall so that they could get the insulation. Bernard explained that one portion of the variance was to keep the existing roof intact so they wouldn't have to tear out all the ceiling and all the ceiling rafters. Bernard explained that they would be building over the existing.

Trustee Umans explained that he understood the need for variances one, three and four but was having a hard time finding a hardship for variance two for the one story addition. Trustee Umans explained that he had gone out and looked at the property. Trustee Umans explained that he saw where they were planning to make an entry and saw that there was a big tree right there. Trustee Umans explained that they would not be able to complete the addition without removing the tree.

Bernard explained that they were looking at the existing foundation for the bump out bay which is there for the applicants' breakfast nook and the foundation is near non-existent. Bernard explained that the foundation is rubble and rock. Bernard explained that they are proposing to encapsulate what was currently there for the existing foundation rather than trying to disturb the existing foundation.

Commissioner Lothian explained that the bump out bay was added at some point to the house and it was probably flat across there at one point and they built over the top. Commissioner Lothian explained that the corner of the house probably had a decent foundation because he couldn't imagine they would have built over nothing. Commissioner

Lothian inquired as to what would happen if nothing was done.

Bernard explained that they would need to figure out some way to build it.

Commissioner Lothian explained that he went and looked at the property and it did not appear to be falling apart. Commissioner Lothian explained that not being able to fit your car in the garage does not count as a hardship.

Commissioner Costello explained what does not count as a hardship.

Bernard explained that he would say the bump out is going to turn to dust. Bernard explained that there is no vapor barrier or pressure treated plate. Bernard explained that if you were to take a knife and poke at the bump out you would find some dry rot.

Trustee Umans explained that in order to put in the addition they would need to remove the tree.

Barnard explained that they could do the addition and take the tree down without a variance because it is in the buildable area.

Zoning Administrator Schaeffer explained that if a project meets the zoning code, you can not tell them they can not remove a tree in order to complete the project.

Commissioner Lothian inquired as to why they couldn't remove the bump out from the wall, fix the foundation underneath it and replace the bump out.

Stevens explained that within the existing home they are trying to maintain some spaces that were there before and one of the spaces is where the bump out is, is where the breakfast room is and in that space there are concerns about the bump out. Stevens explained that at some point they will need to make some decisions about removing it, but right now how the area lays out, the kitchen is right up in that breakfast room space so if they were to remove the bump out they really don't have any space for the kitchen.

Commissioner Lothian explained that he meant they could just take the bump out off, make the repairs and put the bump out back in.

Bernard explained that they believe there is an existing rubble foundation underneath that bump out which is tied into the existing foundation and so if they were to tear it off and rebuild it, they would want to as a course of action, replace that foundation because it is inadequate. Bernard explained that if they do that, they start pulling off the rest of the foundation around other places because it is tied in, so their thought was, instead of trying to remove this foundation and how far they would need to go, just dig around it, encapsulate it.

Grada explained that his problem with the project is that the houses are too close together. Grada explained that most of the houses are summer homes, so he doesn't feel they need so much room.

Zoning Administrator Schaeffer explained that an email was received from Cedar Point Park partially supporting the variances but partially questioning what was already being discussed. Zoning Administrator Schaeffer explained that two of the variances are closely tied together, so if one were to get approved, the other should as well. Zoning Administrator Schaeffer explained that for the garage she personally did not see an issue. Zoning Administrator Schaeffer explained that she felt that they were changing the configuration of it to meet their needs but also decreasing the non-conformity of it. Zoning Administrator Schaeffer explained that it wasn't an excessively sized garage. Zoning Administrator Schaeffer explained that she was not aware of the foundation problems for the foundation problems for the little addition they wanted to add on however she feels they could take it off and rebuild it or they could just take it off. Zoning Administrator Schaeffer explained that she doesn't feel that we should be granting a hardship for something that we don't have all the answers to. Zoning Administrator Schaeffer explained that the roof height expansion makes sense but she doesn't know if the hardship would extend to the applicant not needing to remove the roof. Zoning

Administrator Schaeffer explained that most new homes do have a two-foot eave to help with air flow, so that one she had no issues with. Zoning Administrator Schaeffer explained that she had a phone call from a neighbor with concerns about the increase in the mass, however he did not provide anything in writing and did not show up to the public hearing.

Commissioner Lothian inquired about the reason for variance number three to increase the roof height by 5.3' within the 10' side yard setback.

Bernard explained that the actual variance would be fifteen inches, not five feet three inches.

Trustee Umans asked if there was anyone in favor. There was none.

Trustee Umans asked if there was anyone opposed. There was none.

Bernard explained that this was an existing non-conforming structure and that they are doing the best that they can to bring it up to code.

B. Motion to Close Public Hearing

Trustee Umans closed the public hearing at 07:25 pm.

C. Consideration and possible action on recommendation of Variance

Commissioner Costello explained that in his experience he felt that they could blow insulation into the roof.

Commissioner Costello explained that he felt it got down to increasing the value and he didn't feel any of that involves a hardship. Commissioner Costello explained that, in his opinion, he didn't see a hardship.

Commissioner Lothian explained that moving the garage around makes it less non-conforming but, that doesn't necessarily count as a hardship. Commissioner Lothian explained that as far as the roof height he felt the hardship was that it was non-conforming to the ordinance but it also doesn't allow it to conform to the current state specs.

Commissioner Lothian explained that the hardship was that this building exists but was not up to code. Commissioner Lothian explained that if you do anything to a house it has to be brought up to code. Commissioner Lothian explained that while the tree is nice and he would hate to see it go it can not be part of his decision. Commissioner Lothian explained that he does not want to participate in a guessing game as to what is going on with that bump out.

Commissioner Lothian is okay with variance with three and four but is not so sure on two and on one he could go either way.

Trustee Umans thinks that three and four are a good thing and he had no problem with them. Trustee Umans explained that the Cedar Point Association was okay with the garage and he feels that this would make it more conforming and he would be okay with that. Trustee Umans explained he thinks the garage would be an improvement as far as setbacks go. Trustee Umans explained that he could not see any hardship for the addition. Trustee Umans explained that the felt it could be built the way that it was now and even if there was no solid foundation underneath it, it can be added and there is no need to add to the house. Trustee Umans explained that it would be a convenience to add space for the homeowner and not a hardship.

Commissioner Fieweger explained that three and four make sense and he felt that they were doing it in the easiest way. Commissioner Fieweger explained that there were too many unanswered questions on the other two and no hardship.

Commissioner Grada explained that he can't see patching the foundation. Commissioner Grada explained that they need to fix it properly. Commissioner Grada explained that the foundation is not done up to code. Commissioner Grada explained that he could not go along with the garage just because someone doesn't have room for their vehicle is not a hardship.

The motion to Approve the Variance to Zoning Code section 390-0213 SF-CPP Cedar Park District - 1. to raze an existing detached garage and replace it located 9' from one side lot line and 5.5' from the other lot line (10' required on each side) was initiated by Trustee Umans and seconded by Commissioner Lothian.

Votes:

Yes: Robert Umans

No: Robert Umans, Roy Grada, Mike Fieweger, Tom Lothian, Dennis Costello

Abstain: None

Result: Failed

The motion to Approve the Variance to Zoning Code section 390-0213 SF-CPP Cedar Park District - 2. to construct a 6' x 13' one-story addition located 7.5' from the side lot line (10' required) was initiated by Trustee Umans and seconded by Commissioner Fieweger.

Votes:

Yes: None

No: Robert Umans, Roy Grada, Mike Fieweger, Tom Lothian, Dennis Costello

Abstain: None

Result: Failed

The motion to Approve the Variance to Zoning Code section 390-0213 SF-CPP Cedar Park District - 3. to increase the roof height by 5.3' within the 10' side yard setback was initiated by Robert Umans and seconded by Tom Lothian.

Votes:

Yes: Robert Umans, Roy Grada, Mike Fieweger, Tom Lothian, Dennis Costello

No: None

Abstain: None

Result: Passed

The motion to Approve the Variance to Zoning Code section 390-0213 SF-CPP Cedar Park District - 4. to increase the roof eave extension from 12" to 15" within the 10' side yard setback was initiated by Trustee Umans and seconded by Commissioner Fieweger.

Votes:

Yes: Robert Umans, Roy Grada, Mike Fieweger, Tom Lothian, Dennis Costello

No: None

Abstain: None

Result: Passed

VI. Adjournment

The motion to adjourn was initiated by Trustee Umans and seconded by Commissioner Fieweger at 07:40 pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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