



VILLAGE OF WILLIAMS BAY

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

Phone: 262-245-2700

NOTICE

ZONING BOARD OF APPEALS (ZBA) MEETING

TUESDAY, NOVEMBER 21, 2023 AT 6:30 PM

Village Hall Council Room

250 Williams Street

Williams Bay, WI 53191

AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Minutes**
 - A. Zoning Board of Appeals Meeting Minutes of August 15, 2023
- V. **Appeal Application**
 - A. Motion to Open Public Hearing - All interested in this matter are invited to attend
APPLICANT(S): William and Lisa Brogan, 222 Circle Parkway, Williams Bay, WI 53191
OWNER OF SITE: Christopher and Melanie Coulter
TAX KEY NUMBER: WCP3 00011A
STREET ADDRESS: 226 Circle Parkway, Williams Bay, WI 53191
The applicant has filed an appeal per Section 390-1217 regarding zoning administrator conditional approval of Site Layout, Grading, and Drainage Plan 34521 – C4.01E – Option E for the Coulter residence located at 226 Circle Parkway.
 - B. Motion to Close Public Hearing
 - C. Consideration and possible action on recommendation of Appeal
- VI. **Adjournment**

George Vlach
Chairman

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.

Posted: 11/14/2023 5:00 PM



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Phone: 262-245-2700

UNOFFICIAL MINUTES ZONING BOARD OF APPEALS 8/15/2023 MEETING TUESDAY, AUGUST 15, 2023 AT 6:30 PM

I. Call to Order

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

II. Roll Call

Present: Trustee George Vlach, Commissioners, Mike Fieweger, Dennis Costello, Matt Robbins, Tom Lothian

Also Present: Zoning Administrator Bonnie Schaeffer, Clerk Tina Kolls

Excused: Trustee Robert Umans, 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 July 18, 2023

The motion to approve the Zoning Board of Appeals Meeting Minutes of July 18, 2023 was initiated by Commissioner Lothian and seconded by Commissioner Fieweger. Unanimously carried.

V. Variance Application

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

APPLICANT(S): Judith Paoella (Owner)

TAX KEY NUMBER: WSU 00005

STREET ADDRESS: 99 Conference Point Rd, Williams Bay, WI 53191

Applicant requests variances to zoning code section 390-0809 Fencing Standards to install a 4' high fence in the street yard (3' maximum height allowed) located 2' from the property line along Liechty Drive (5' setback required).

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

Domonique (Nikki) Paoella, 99 Conference Point, explained that their application was for a four-foot fence. Paoella explained that the current fence is falling down. Paoella explained that the fence is needed to keep children and pets in while also keeping unwelcome animals out. Paoella explained that where the current fence is takes up a good portion of the yard. Paoella explained that the current fence is a three-foot tall split rail. Paoella explained that they were proposing the fence to be aluminum, made to look like wrought iron. Paoella explained that the proposed fence would be two and a half to three feet from the road. Paoella explained that their entire family comes to stay at the house in the summer and there are up to eighteen pets there at a time and a fence is needed to keep them in. Paoella explained that the fence was proposed to go up the side of the house to just before where the screen porch was towards the lake and the other side would go up to butt up just past the clothes line to the garage door. Paoella explained that they were proposing two gates, a larger one towards the lake to allow the landscapers and a smaller one on the other side by the garage. Paoella explained that the hardship would be to help prevent animals from coming into the yard. Paoella said the fence would also help the kids' balls from going out of the yard. Paoella explained the proposed fence would

also help keep the deer out as they have really destroyed their flowers.

Trustee Vlach inquired what the hardship would be.

Paolella explained that they felt it would take up a lot of their property. Paolella explained that it would change the look of the property. Paolella explained not putting the fence where they are proposing would allow people to park on the back street. Paolella explained that both the front and back streets are dangerous with speeding traffic and it is unsafe for children.

Zoning Administrator Bonnie Schaeffer explained that she felt that due to the lot being a through lot the applicant didn't have a rear lot which could be a hardship. Zoning Administrator Schaeffer explained that other communities she works for make consideration for these types of lots.

There was no one who spoke in favor.

There was no one who spoke in opposition.

B. Motion to Close Public Hearing

Trustee Vlach Closed the Public Hearing at 06:49 PM.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach explained that he felt there was no hardship. Trustee Vlach explained that the Ordinance allowed for a three-foot fence. Trustee Vlach explained that he didn't feel it would affect the yard to follow the set backs.

The motion to deny the request for a variance to zoning code section 390-0809 Fencing Standards to install a 4' high fence in the street yard (3' maximum height allowed) located 2' from the property line along Liechty Drive (5' setback required). was initiated by Commissioner Lothian and seconded by Commissioner Fieweger. Unanimously carried.

VI. Variance Application

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

APPLICANT(S): Gosewisch Family Trust (Owner)

TAX KEY NUMBER: WUH 00013

STREET ADDRESS: 54 Stam St, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0211 SF-3 Suburban Residential District to construct a screen porch on an existing deck located 8.9 feet from the side lot line (15' setback required).

Trustee Vlach opened the public hearing at 06:51pm

Larry Gosewisch, 54 Stam Street, explained that when starting this project they found that the existing deck was 6'3" short of where it is supposed to be. Gosewisch explained that they are looking to enclose the deck. Gosewisch explained that if they were unable to enclose the deck, the only other place to put it would be quite a ways down to where the basement door is. Gosewisch explained placing it in that location would cause quite a few problems. Gosewisch explained that there was an existing pergola, some landscaping, as well as a retention wall. Gosewisch explained that it would not be ideal for family members with disabilities. Gosewisch explained that the hardship was the cost as well as the difficulties with the setbacks. Gosewisch explained that the setbacks would not affect the neighbors. Gosewisch explained that there really was only a six-foot difference that they were unaware of when they purchased the property. Gosewisch explained that they were not planning on counting this as another room and it was not proposed to have heating or air conditioning.

Thomas Ajamian, 1601 Dodge Street, Lake Geneva, WI, explained that the proposed structure is a screened porch. Ajamian explained that the structure is meant for exterior enjoyment, not for interior enjoyment. Ajamian explained that it would not be part of the interior living space.

Gosewisch explained that the roof will be an extension of the original roof and the building will not be an inch closer to the church.

Ajamian explained that the proposed screened porch was not meant to look like an addition. Ajamian explained that they were proposing it to be basically all windows. Ajamian explained that the roof would not be insulated, but instead would be more of a cathedral ceiling style.

Zoning Administrator Schaeffer explained that she was unable to find permits for the original deck. Zoning Administrator Schaeffer explained that around the timeframe that the deck was probably built, she could not verify if there were any side yard exceptions for decks. Zoning Administrator Schaeffer explained that she felt the topography was a hardship for this property.

There was no one who spoke in favor.

There was no one who spoke in opposition.

B. Motion to Close Public Hearing

Trustee Vlach closed the public hearing at 07:08pm

C. Consideration and possible action on recommendation of Variance

Commissioner Lothian explained that he felt the hardship for this property was that the Village allowed the deck to be built in the first place.

Commissioner Fieweger explained that he felt there was no way to know for sure that the Village knew the deck was being built.

Trustee Vlach explained that he felt the topography was a hardship for this property.

Commissioner Robbins explained that the structure was already there and he felt the Village had some culpability there.

The motion to Approve the request for a variance to zoning code section 390-0211 SF-3 Suburban Residential District to construct a screen porch on an existing deck located 8.9 feet from the side lot line (15' setback required). was initiated by Commissioner Fieweger and seconded by Commissioner Lothian. Commissioner Costello, No. Motion carries.

VII. Variance Application

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

APPLICANT(S): Anthony & Lisa Campbell (Owners)

TAX KEY NUMBER: WLB 00014

STREET ADDRESS: 85 Collie St, Williams Bay, WI 53191

Applicant requests variances to zoning code section 390-0212 SF-6 Suburban Residential District to construct a screen porch located 11.9 feet from the rear lot line (30' setback required) and an attached garage located 13.2 feet from Lackey Drive (30' setback required) and 10.8 feet from the rear lot line (30' setback required).

Trustee Vlach opened the public hearing at 07:14pm

David Zimmerman, 430 Fair Oaks Drive, explained that the existing home was built in approximately 1948 as a summer home. Zimmerman explained that sometime between 1957 and the early 2000's there was an addition built on the north side of the house between the house and the garage. Zimmerman explained that there was a concrete patio placed between the garage and the addition. Zimmerman explained that the applicants would like the existing 16x20 garage to be removed. Zimmerman explained that the applicants would like to build a new two-car attached to the garage. Zimmerman explained that the back left corner of the garage would be in the exact footprint of the current

garage. Zimmerman explained that the applicants would like to rebuild the driveway to the correct slope and add the correct base to it. Zimmerman explained that on the south side of the home the applicant would like to build a three-season room. Zimmerman explained that the hardships requiring these variances include, the existing garage was built at the wrong elevation in relationship to the street, which means that the garage sits below the elevation of the street and during significant rains the garage floods. Zimmerman explained that during significant freezes and thaws there is substantial movement in the driveway surface and, since the home is occupied year round, this causes unsafe conditions. Zimmerman explained that the applicants would like to build the new garage at the proper elevation, which would eliminate the flooding issues. Zimmerman explained that the south side of the home has an old masonry block foundation which is original to the home and which allows water to leak into the basement. Zimmerman explained that the applicant felt that this hardship could be alleviated by adding the three-season room. Zimmerman explained that another hardship was that the set backs are thirty feet off of Collie Street, thirty feet off of Lackey and thirty feet off of the back yard. Zimmerman explained that the lot was only sixty feet deep, which means that the applicant had zero space for construction. Zimmerman explained that, thanks to the ability to average, they were able to have a eighteen-foot front yard setback, but that would only allow for a twelve-foot deep build in the center of the lot. Zimmerman explained that the new garage was proposed to be built on the same footprint and would replace the existing concrete patio between the house and the garage. Zimmerman explained that the three-season porch has plenty of setback space to the south of the structure. Zimmerman explained that the new screen porch would not encroach any further than the setback that exists right now. Zimmerman explained that the proposed building would be of the same aesthetic and that all of the neighbors had signed off.

Zoning Administrator Schaeffer explained that she felt the setbacks presented a hardship. Zoning Administrator Schaeffer explained that she felt it made sense to build the garage to the correct elevation. Zoning Administrator Schaeffer explained that she had struggled to find a hardship for the screen porch and felt the applicant would still be able to use the property without it.

Lynne Langraf, 111 Jewell Dr, spoke in favor of the applicant. There were two letters received in favor, 89 Collie Dr and 107 Lackey Dr.

There was no one who spoke in opposition.

B. Motion to Close Public Hearing

Trustee Vlach closed the public hearing at 07:35pm.

C. Consideration and possible action on recommendation of Variance

Commissioner Costello explained that he had no problem with the garage variance but felt that there was no hardship for the screen porch.

Commissioner Robbins explained that he felt there was hardship all over the place. Commissioner Robbins explained that the flooding in the garage was a hardship. Commissioner Robbins explained that he was unsure if the foundation leaking could be a hardship or not.

Commissioner Lothian explained that he felt the garage was a hardship. Commissioner Lothian explained that the applicant could build a 12 x 30 screen porch with no variance. Commissioner Lothian explained that the way the lot was laid out by the village was a hardship and if it was not for averaging there would be no buildable space on the lot.

Trustee Vlach explained that he was okay with the garage as the applicant was using the original footprint. Trustee Vlach explained that he agreed about the buildable space on the lot and believed that was a hardship based on what the Village created.

The motion to approve the request for a variance for a garage was initiated by Trustee Vlach and seconded by Commissioner Costello. Unanimously carried.

The motion to amend the previous motion to include that the attached garage must be located 13.2 feet from Lackey Drive (30' setback required) and 10.8 feet from the rear lot line (30' setback required) was initiated by Commissioner Lothian and seconded by Vlach. Unanimously carried.

The motion to approve the request for a variance to zoning code section 390-0212 SF-6 Suburban Residential District to construct a screen porch located 11.9 feet from the rear lot line (30' setback required) was initiated by Commissioner Lothian and seconded by Commissioner Robbins. Commissioners Costello and Fieweger were No. Motion carries.

VIII. Adjournment

The motion to adjourn was initiated by Commissioner Robbins and seconded by Trustee Vlach at 07:45pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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

Planning Request Application Village of Williams Bay

250 Williams Street • PO Box 580 • Williams Bay, WI 53191
Phone: 262-245-2700 • Fax: 262-245-2705

Request:

Please check all that apply.

- ☐ Site Plan [§390.1206] - \$200.00 plus \$.04/sf floor area
- ☐ Conditional Use Permit (CUP) [§390.1207] - \$500.00
- ☐ Certificate of Compliance [§390.1211] - \$200.00
- ☐ Temporary Use Permit [§390.1208] - \$200.00
- ☐ Preliminary Plat - \$200.00 plus \$20.00 per lot
- ☐ Certified Survey Map (CSM) - \$200.00 plus \$20.00 per lot
- ☐ Final Plat - \$100.00 plus \$10.00 per lot
- ☐ Planned Development Overlay (PDO) [§390.0709] - \$500.00
- ☐ Planned Development Amendment - \$500.00
- ☐ Zoning Text or Map Amendment [§390.1204] - \$500.00
- ☐ Project Concept Review - \$200.00
- ☐ Land Use Plan Amendment - \$500.00
- ☐ Interpretation [§390.1216] - \$200.00
- ☒ Appeal [§390.1217] - \$500.00
- ☐ Other: _____ Fee: _____

Date application was received:

Fee Paid:

Physical Address of Site:

226 Circle Pkwy

Tax Parcel Number:

WCP3 00011A

Project or Development Name:

Applicant

Name: William and Lisa Brogan
Mailing Address: 222 Circle Pkwy, Williams Bay 53191
eMail: williambrogan219@gmail.com
Phone: 262-475-3221

Owner of Site

Name: Christopher and Melanie Coulter
Mailing Address: UNKNOWN, street address is 226 Circle Pkwy; Wms Bay 53191
eMail: ccoulter3339@gmail.com
Phone: _____

Legal Representative

Name: Thomas G. Gardiner, Gardiner Koch Weisberg & Wrona
Mailing Address: 500 Commercial Court, Lake Geneva, WI 53147
eMail: tgardiner@gkwlaw.com
Phone: 262 812-0864

Architect, Engineer, Contractor

Name: _____
Mailing Address: _____
eMail: _____
Phone: _____

Application for Village of Williams Bay

* Please see attached Statement and Exhibits.

Legal Description of Site (Attach separate sheet if additional space is needed):

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Current Zoning of Site: _____ **Current Overlay Districts of Site:** _____

Proposed Zoning of Site: _____

Proposed type of structure of use: _____

Proposed use of structure or site: _____

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc. (Attach separate sheet if additional space is needed):

Statement showing compatibility of proposed zoning district and/or proposed use to the Village Comprehensive Plan: (Attach separate sheet if additional space is needed)

Statement showing compatibility of proposed zoning district and/or proposed use with adjacent properties and neighborhoods (Attach separate sheet if additional space is needed):

Print Applicant's Name: William Brogan, Lisa Brogan **Date:** 10/13/23

Signature of Applicant: *William Brogan Lisa Brogan*

STATEMENT INDICATING WHY AN APPEAL IS JUSTIFIED

INTRODUCTION

Section 18.0104 of the Williams Bay Zoning Ordinance sets forth that the intent of the zoning ordinance: "...the regulations herein are intended to provide a regulatory framework for land use within the Village, which will aid in achieving a harmonious and compatible relationship between the uses of property consistent with the rights of property ownership, the general public welfare, and the established goals of the community development and character." It is the intent of the Ordinance to regulate the use of all structures and land to stabilize and protect property values.

Since 1934, when the Cedar Point Park Third Addition was deeded, the building line setbacks have been strictly enforced. (See Cedar Point Park Deed with Restrictions, Ex. A.) One need only stroll along the rolling lawns of Cedar Point Park to understand why the Grantors preserved this feature for future generations.

The lakefront lawns of Cedar Point are not only beautiful; they also play a vital role in protecting Geneva Lake from run-off of silt, sediment, phosphorus, and other substances which may be harmful. They also help protect the lakefront from collapse, should the lakefront be artificially and unnaturally disturbed.

The Brogans and others purchased homes in the Cedar Point Park Association with the assurance that building line setbacks would be enforced for all these reasons. The Brogans purchased their home on Lot 211 in 2010. They remodeled their new home, rather than tearing it down, at added expense and with numerous limitations on what could be modified in order to be "grandfathered" to keep the home and their front deck. Because of the setbacks, they could not expand their home toward the Lake or even cantilever a second-level on the home due to the setbacks. They had to remodel their home on the existing foundation. The Brogans happily complied in order to enjoy beautiful Cedar Point and their guaranteed view of the Lake, and assumed that the Village would similarly enforce the setback ordinance against their neighbors in order to preserve these views.

On Lot 212, a spec house was constructed in 2011 and was enjoyed by one owner until the Coulters purchased it in 2022.

In 2022, the Village, through its Zoning Administrator Bonnie Schaeffer, approved the construction of extensive structures on the frontage and lakefront lawn of this property. Modular concrete retaining walls and elevated stone walkways now interrupt the views of the rolling lawns of Cedar Point. Manufactured concrete completely dominates the lakefront lawn of this property. The lack of green space is unlike any lakefront parcel in Williams Bay. The natural contour of the lakefront and lakefront lawn has been changed dramatically with heavy equipment and excavation. In turn, runoff to the Lake is exacerbated, as is runoff to the Brogan property including its lakefront. (See photos attached to August 28, 2023 letter to Village, from Brogans' Attorney Thomas

Gardiner, Ex. B showing construction process and existence of structures as of July 6 stop-work order to the time of 8/31/23 addendum to permit); Engineering report by Brogans' engineer Steve Zehner of Robinson Engineering dated October 15, 2023, Ex. C.) This increased runoff to the Brogans' property has already caused significant issues.

This approval was given in violation of the Williams Bay Zoning Ordinance and is therefore void. Cedar Point Park is a standalone zoning district under the Williams Bay Zoning Ordinance (See "Section 390-0213. SF-CPP Cedar Point Park."). The building line setbacks are clear and unambiguous. Indeed, the Ordinance could not be more explicit: The relevant lakefront setback is addressed in a paragraph for Lots 205 through 213 of the Third Addition, (h)[2], which includes Lot 212, the Coulters' lot. The Zoning Administrator Officer has acknowledged in writing that this is the applicable setback. Ex. D. This setback clearly bars the construction of the entire structure approved by the Village, but the Village has inexplicably approved it. The Coulters have also violated the side setbacks in at least one area.

Incredibly, no variance or conditional use permit was required to be sought for this construction beyond the building setback line. Even if it had been required, the village could not have found the requisite hardship to grant a variance. Further, the Zoning Administrator has authority to grant only "minor" variations of setbacks, specifically (up to a 5% decrease) only so long as the spirit and intent of the performance standards are preserved. (See Section 390-1102 (14)).

The placement of the illegal structures on 226 Circle Parkway clearly, significantly, and adversely affects the property values of Cedar Point Park Association residents, including the adjacent neighbor, the Brogans, by interrupting the rolling lawns of Cedar Point, and eliminating lake views. Moreover, a critical situation is created by the impervious surfaces and lack of green space, which puts Geneva Lake at risk. This situation also puts the Brogan property, including its lakefront, in peril due to run-off of stormwater, silt and sediment.

The Illegally issued permits must be rescinded and a new plan must be required that conforms to the Zoning Ordinance.

FACTUAL BACKGROUND

The legal issues justifying this appeal are straightforward and simply framed: (1) The Village did not enforce its own Ordinance in requiring CPPA review before approving any permit, and (2) did not enforce clear and unambiguous setback rules. The facts underlying these issues are undisputed. The Village agrees on the setbacks to be applied, and the plans at issue obviously violate those setbacks. Because the Village did not do its job, however, the factual background in this matter becomes lengthy and protracted. It is summarized below and set forth in full in the emails attached as Group Ex. T.

William and Lisa Brogan ("the Brogans") are Trustees of the William J. Brogan and Lisa Sopata Brogan Revocable Trust dated March 29, 2023. This marital trust owns the 222 Circle

Parkway home in Williams Bay (“the Brogans”). The Brogans reside full-time at this home and have owned four different homes in Williams Bay dating back to 1997.

A. Initial Approval and Objection by Brogans

Since October 2022, the Brogans objected to the plans for construction at the adjacent neighboring property, Lot 212 in the Cedar Point Park Association (“CPPA”) Third Addition, street address 226 Circle Parkway, owned by Christopher and Melanie Coulter (“the Coulters”).

The Brogans wrote to the Village of Williams Bay (“the Village”) on multiple occasions in 2022, and Mr. Brogan met in person on multiple occasions with then-Village Administrator Becky Tobin as well as Bonnie Schaeffer, the Zoning Administrator, and later Doug Snyder in 2022, to put the Village on notice and raise serious concerns over the Coulters’ plan to build an illegal patio. This patio extended beyond the setback line shown on the 6/29/11 plat of survey. This setback line is variously referred to in the record and in this Appeal as the lakefront setback or the building line.

Additionally, the Brogans have repeatedly put the Village on notice of the risk of lakefront collapse and of flooding to their property because of this project, damage to their trees, loss of view and property value, failure to mark and protect utilities, and other concerns. See Group Ex. T. The Brogans have also notified the Coulters and their contractor, since October 2022, of these objections to avoid surprise and so that any available remedy could be put in place without delay.

Of course, the Brogans are under no duty or obligation to maintain vigilance over the Village’s permitting activities, or to demand that the Village follow its own Ordinances; but their specific notifications to the Village indicate clearly that, at each step of the way, the Village Officers had actual knowledge they were in dereliction of their duties, and that they were refusing to enforce their own Ordinances.

Throughout the period of the submission of the first plan by the Coulters to the Village in October 2022, through the approval of the present Option E plan discussed herein, the Village has refused to protect the Brogans’ interests. Unbelievably, the first plan approved by the Village, dated 10/14/22, permitted work on the Brogans’ property, including “remov[al of Brogans’] existing [concrete] drainway” and construction of a “drain way,” “catch basin,” and “drain pipe under lake path,” all of which were clearly on the Brogans’ side of the property line. The next approved plan originally dated 11/03/22, according to Ms. Schaeffer, still showed work on the Brogans’ property below the lake path. The Brogans only learned that these plans had been approved by way of Open Records Requests and had to push to be heard by the Village to reverse these obviously illegal plans, meeting with the Zoning Administrator, Village Administrator, and Village Engineer. See Group Ex. T. The Brogans also complained that the plans were not drawn to scale and did not include elevations and other engineering details. The Village indicated that it would require these details and would notify the Brogans when any new plan was submitted. It did not, so the Brogans were forced to discover by an Open Records Request that additional plans had been approved by the Village Engineer on 3/8/23. The permit issue by the Village is dated 11/14/22 as permit no.

Z22-105 [illegible], with “Conditions of Approval” stated as “PER SITE PLAN DATED 11/03/2022 UPDATED 03/13/2023 WITH BATTERMAN PLANS DATED 03/07/2023 AND APPROVED BY VILLAGE ENGINEER 3/08/23.” See Ex. E, hereinafter referred to as “November 2022 Plan.”

It is *undisputed* that the Village approved each of these plans before receiving or considering any report and recommendation of the Cedar Point Park Association Building Committee.

B. Stop-Work Order

The Coulters and their contractor did not follow the November 2022 Plan, leading to a stop-work order issued by the Village on or about July 6, 2023. See Ex. L, email from Village to W. Brogan dated July 7, 2023 regarding the stop-work order. The letter by the Brogans’ attorney to the Village dated August 28, 2023, with attached photos, explained the Brogans’ position on the egregious failures to follow the November 2022 Plan. See Ex. B.

The Coulters abandoned the plan to build a very small upper paver patio stopping at the lakefront setback line, with a lower grass patio “raised turf area.” Instead, they built one very large upper patio and an enormous retaining wall, many feet higher than the retaining walls on the site plan (which were to be no more than chest-high, including any safety wall). According to the November 2022 Plan, the very small upper patio was to be enclosed with a 24-inch retaining wall and then drop down in elevation to the large, raised turf area for water absorption.

The walls as viewed from the Brogans’ side were ten to fifteen feet high. The paver patio was flush with the walk-out level, and at the time of the stop-work order, with partially covered with pavers with the rest in gravel as an under bedding for something other than sod. The height, size, placement, and elevation were in complete deviation from the plan, as would be putting anything but natural grass on the patio area.

The stairs to the illegal large upper patio area were elevated high above the lake path and the Brogans’ property, in violation of the plan. For example, **fifteen** large concrete block stairs were installed just above the lake path when the plans called for **four** stairs at that juncture, and the required 4/1 slope was not followed for the flat areas next to the stairway. No engineering plans were submitted for stormwater flow from the large paver patio since it was not on the site plan. The previous drainage considerations, affecting the Lake and the Brogans’ property, and detailed analysis were no longer applicable. For example, a 24-inch drain on the Brogans’ side of the property was eliminated. The Village Engineer’s analysis of storm water management had been based on the two tiers of patio with grass turf on the lower level.

After repeated notifications by the Brogans to the Village and to the Coulters of this illegal construction, as documented in the Group Ex. T, the Village acknowledged belatedly in an email to Mr. Brogan on July 7, 2023, that “the Village is aware that the project is no longer being built to site plan and a stop work order is in place.” Ex. L. The Village advised that a site visit was planned on July 12, 2023, with all Departments and that “the Village is hoping to come to a solution

on the remainder of the project.” The Brogans objected in writing to the Village and to the Coulters on July 10, 2023 to any solution other than requiring compliance with the Village ordinances. Ex. M. The Village did not report on the outcome of this meeting to the Brogans as promised.

C. Village Approval of Alternative Plans

Subsequently, the Brogans were advised by the Village that a new plan was submitted by the Coulters, Option D. Ex. N. The Brogans and their engineer Steve Zehner of Robinson Engineering attended a meeting with the Village Administrator and Zoning Administrator on August 15, 2023, along with the other adjacent homeowners, the Liljebergs. At this time the Village Administrator and Zoning Administrator discussed the new plan, which sought to make minor modifications to the illegal structures built on the property, mainly, reducing the height of the wall by approximately two feet at one location.

The new plan, called Option D, like the previous November 2022 Plan, did not honor the setbacks required by the Village building code. Ex. O. Nor had it been presented to CPPA for review. Ex. F.

The Brogans requested a meeting with the Village to discuss this matter. The Village agreed, but requested that the Brogans attend this meeting without legal counsel because the Village’s counsel would not be in attendance and the Brogans honored that request. Ex. N. At the meeting, the Brogans and their engineer were surprised to hear that the Village intended to work with the Coulters to allow the existing illegal structures with some proposed slight modifications, but would not be requiring the Coulters to remove the illegal structures or to conform with the approved plan which they submitted to the Village and which was approved. The reason stated was that the Village may not have authority to enforce setbacks if they are contained in “CPPA By-Laws.”

This statement revealed a fundamental misunderstanding of the Village of its own Ordinance. During the meeting, Mr. and Mrs. Brogan corrected this misunderstanding, explaining that CPPA is its own zoning district under the Village of Williams Bay Zoning Ordinance (“the Code”), and that the CPPA provisions in the Ordinance were enforceable by the Village, and were not enforced or enforceable by the CPPA itself. They emailed the relevant setback provision to the Village Administrator and the Zoning Administrator during the meeting. Ex. P. The next day, the Zoning Administrator Ms. Schaeffer emailed to Mr. Brogan the same section of the Code containing the CPPA setbacks, the SF-CPP zoning district regulations, and agreed that “Section M(h)[2] establishes the shore yard setback for Lots 205 through 213 which includes the Coulter property.” Ex. D. Ms. Schaeffer stated that, “This line was established by the surveyor on the site plans used for permitting.” Ex. D. In response, the Brogans emailed the recorded plat of survey for this lot dated 6/29/2011 which shows the setback line. Ex. G. It was readily apparent that this setback had been violated, as had the sewer easement. The sewer easement is 20 feet in width and is shown on the plat of survey dated 6/29/11.

In addition to the violation of the setbacks, it was agreed at the meeting that the height and location of the retaining walls as built did not follow the approved plans.

There are many other areas in which the as-built structures do not follow the approved plan, and the Village indicated that it would demand an as-built survey from top to bottom and share it with the Brogans. Ex. J. The Brogans are still awaiting that plan. The Brogans' engineer, in the meantime, explained to the Village at that meeting that the lakefront construction below the lake path does not follow the plan in several respects, including the incline.

Other issues of serious concern were discussed at the meeting and never resolved. For example, the impervious surface area ratio required on the application needed to be recalculated, and the data provided to DNR to determine whether DNR has jurisdiction over the lakefront build-out needed be recalculated.

The as-built elevation of the walkway from the lake path was not permitted under the approved plan. On the approved plan, on the wall above the lake path, the Coulters were to replace the existing stone wall with new stone. Instead, this area above the lake path has been elevated by many feet.

Mr. Snyder's storm management review to protect the lakefront and the Brogans' property is no longer relevant since the construction was not built to the approved plan. At the end of the August 15th meeting, the Village Engineer asked Ms. Brogan, "You take a look at the drainage on your side, OK?" While time and effort has been directed to this task, it is not possible for the Brogans or their engineer to assess drainage on their side since the Option D plan shows no tie-ins for drains and none of the plans has been followed regarding drainage. Ex. C.

Moreover, as explained at the meeting, the French drains installed by the original builder and required by the Building Inspector to divert water from flooding the Brogan side of the property were torn out in the excavation by the Coulters. Because the approved plans were not followed, the Brogans do not know what if any drainage has been built into the illegal wall and patio. The Brogans' grass yard was higher in elevation than the Coulters' grass yard, and now the contour has been reversed illegally. As a result, the Brogans now have an **uninsurable** risk of stormwater flooding their property.

At the end of the August 15, 2023 meeting, the Brogans, their engineer, and the other adjoining neighbors in attendance were told by the Village Engineer and Zoning Administrator that no decisions would be made by the Village without further discussion with the Brogans and neighbors. Both neighbors followed up with inquiries to ask whether any other plan had been submitted. See Group Ex. T. The Village remained silent. Ultimately, the Village reneged on its promise that it would make no decision without further discussion with the Brogans and other neighbors.

D. Approval of Option E

The Village issued a ruling by email at 5:56 PM on August 31, 2023 –just before the Labor Day holiday – approving an addendum to the November 2022 Plan called Option E, which the Brogans had not seen before, and lifting the stop-work order immediately and advising that work could begin anew the next morning. Ex. J. This is unconscionable, particularly since the Brogans were asked before and after the meeting to review a plan which was obsolete with their engineer, and to review the legal issues raised at the meeting with their Attorney, so that the Village could do the same with its Engineer and Attorney, and engage in further dialogue.

As the Brogans’ engineer’s report explains, the Option E plan is only modestly different from the as-built work, as the retaining wall in Option E continues to protrude almost 2 feet further than the original plan, the extremely elevated stairs and noncompliant slope have not been corrected to follow the original plan, and no changes at all were made to the area below the lakefront other than lighting. Significantly, none of the setback issues were corrected. The new Option E Plan continues to violate the lakefront / building line and side setbacks.

It is this August 31, 2023 ruling that the Brogans appeal.

ARGUMENT

I. The November 2022 Plan Was Illegally Approved.

The permit approving the November 2022 Plan must be rescinded because it was issued illegally, for the following separate and independent reasons.

- A. This permit was issued illegally because the applicant is required as a prerequisite to the filing of an application for a permit with the Village, to first submit a request for review to the Building Committee of CPPA, and the Village Builder Inspector shall consider the report and recommendation of CPPA in imposing appropriate conditions on the zoning permit; this process was not followed by the applicant or the Village.

As set forth in the foregoing, it is undisputed that this review process was not followed. The Ordinance is crystal clear. The Village was required to reject the Coulters’ applications in November 2022 and March 2023 for this reason alone.

- B. This permit was issued illegally because it allowed structures violating the lakefront setback / building line found in the Village of Williams Bay Code.

First, the permit application sought a permit for a “structure” as the Ordinance defines that term. The permit application identifies the proposed “structure” as “retaining walls, paver walkways and stone stairs” for “personal access from driveway or walk-out basement to shoreland.” Structure is defined in Section 390-0114 of the Village Ordinance as, “Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility

fixtures and appurtenances.” This definition indisputably applies to the modular concrete retaining walls and fixed stone walkways. While height is not a requirement to fall within the definition of structure, as the permit application detailed, the retaining walls at issue were to be five feet tall, and to be constructed of substantial modular concrete block. They are permanent and affixed. The walkways are similarly permanent and affixed; they are also substantial and elevated high above the lake path, bordered by more concrete modular block.

Second, the permit application sought to place a structure beyond the applicable setback line. The Village Ordinance states in Section 390-0213, “The building line as used relating to each lot in the SF-CPP Cedar Point Park District **shall mean the required setback for the location of all structures in all cases.** The exceptions stated in [Section] 390-0505F(3) and I(3) shall not apply in the SF-CPP District.” Further, the Village Ordinance provides a specific paragraph detailing the “building line” for Lots 205 through 213, which includes Lot 212 at issue here, in Section M(H)[2]. This paragraph provides the surveying coordinates for establishing the building line.

It is undisputed that the “Lake Setback” indicated on the original plan is the “building line” to be applied in this matter. Indeed, after an August 15, 2023 meeting with the Brogans and others, Ms. Schaeffer sent the CPP Section of the Village Ordinance to the Brogans indicating that the paragraph referring to Lot 212 (Section M(h)[2]) “establishes the shore yard setback line for Lots 205 through 213 which includes the Coulter property. This line was established by the surveyor on the site plans used for permitting.” Ex. D.; *see also* Ex. H.

Applying this setback to the approved plan, it is clear that the **entire structure** —other than the very modest area of additional pavers in front of the existing concrete patio, inching up to the building line—approved in November 2022 exceeds the shore yard setback. The Coulter’s home is built up to within inches of the building line, and the approved structure goes far over this line. The Village’s approval of this permit was impermissible and therefore void.

C. This permit was issued illegally because it allowed structures violating the side yard setback found in the Village of Williams Bay Code.

The formula for the side setback for Lot 212 is also in the Code, in Section 390-0213 (M(5)(c)[3]). Since Lot 212 is irregular (not rectangular), the length of the front and back lot lines is added together, the total is divided in half, and then multiplied by 0.16. The setback is that result or 10 feet, whichever is larger. Here it is 10 feet.

The permit application shows a 10.3 feet setback on the Brogans’ side, which is consistent with the setbacks on the 6/29/11 recorded plat of survey. The side setback should be enforced.

The Brogans requested that the Village require the Coulters’ plan to be drawn on a plat of survey as is required for a permit application by the Village Ordinance. However, the Village Attorney indicated in his September 12, 2023 letter to the Brogans’ attorney that this will not be required. Therefore, it is difficult to determine whether the “lakefront setback” shown on the Coulter plans is drawn properly. There may be further setback violations but without the benefit

of the “as built” survey required by the Village; it is not possible to detail them completely at this time.

At the time of this filing, the Village Attorney already documented in his September 12, 2023 letter to the Brogans that the owner / contractor has violated the side setback on the Brogan side and that the contractor has agreed to remove the offending manufactured concrete block to the North of the Coulters’ foundation. As of this date, concrete block is still in place in violation of the side setback and agreement with the Village. The Brogans reserve their rights to amend, modify or supplement these positions.

D. The permit was issued illegally because it allowed structures violating the sewer easement shown clearly on the 6/29/11 Plat of Survey and on the November 2022 Plan.

The Village has acknowledged that the sewer easement has been violated but did not require the Coulters—or the Village—to remove the encroaching structures at this time, and by a legal document (purportedly executed in late August 2023) allows the Village to be relieved of its obligation to replace any structures in the future if maintenance is required. Ex. J, August 31, 2023 email from Village approving and attaching Option E Plan.

E. The permitted plan includes impervious surfaces and lack of green space and fails to mitigate and manage stormwater runoff and allows excessive and damaging run-off into Geneva Lake and adjacent parcels.

The Coulters’ plan should have been rejected due to a lack of greenspace. At a May 16, 2023 Zoning Board of Appeals Meeting, evaluating a permit application for a patio for a house on 203 Circle Parkway, just across the street and three houses down from the Coulters, the Village Zoning Administrator Schaeffer explained that Cedar Point Park District “is the only one in the Village that doesn’t have a landscape surface ratio minimum.” She explained that the Village Residential District is 50% and looked to that district for guidance. She said in that district an applicant would need a variance to decrease “the house, the patios, and everything else that is not greenspace” below 50%. She explained that “there is a reason we want to have greenspace in the village.” Ex. K.

The Coulters’ permit application stated that the existing building coverage on the site was 10% and the proposed impervious surface coverage on the site was 11.8%. As the plans demonstrate, this is impossible to believe. (See Engineering Report, Ex. C.) The as-built survey will demonstrate with more precise certainty, but the house and large concrete driveway, even without the new expansive modular concrete structures, is approximately 50% of the surface area. The permit should have been denied for this reason, or at a minimum, a variance should have been required.

II. Option E Was Illegally Approved on August 31, 2023.

As the Village did not see fit to correct any of the setback issues identified and discussed in detail with the Brogans when they approved Option E, the same arguments set forth in the foregoing as to the November 2022 Plan apply with equal or greater force to Option E Plan.

- A. This permit was issued illegally because the applicant is required as a prerequisite to the filing of an application for a permit with the Village, to first submit a request for review to the Building Committee of CPPA.

As stated in the foregoing, the Coulters never submitted Option D or E to CPPA. The Brogans alerted CPPA to the new plan by way of a formal complaint dated August 7, 2023. Ex. Q. The CPPA Building Committee Chair was in discussions with Ms. Schaeffer, asking her to confirm setbacks, when he was surprised as were the Brogans by the August 31, 2023 email ruling. Ex. F; Ex. R, email from C. Hume dated August 27, 2023 regarding ongoing CPPA review of Coulter plans.

- B. This permit was issued illegally because it allowed structures violating the lakefront setback and building line found in the Village of Williams Bay Code.

As discussed above, none of the setback violations were corrected in Option E. Indeed, the violations of the lakefront setback/building line were exacerbated as described in the Factual Background section above.

- C. The permit was issued illegally because it allowed structures violating the sewer easement shown clearly on the 6/29/11 Plat of Survey and on the November 2022 Plan.

As discussed above, the stairway structures violating the sewer setback were not addressed by Option E. One modular stone wall was to be moved to be out of the sewer easement, but this has never been done (See Ex. I, Village Attorney letter dated September 12, 2023).

- D. The plan's impervious surfaces and lack of green space fail to mitigate and manage stormwater runoff and allow excessive and damaging run-off into Geneva Lake and adjacent parcels.

Option E does not provide less than 50% impervious surface on this property, a condition applied by the Zoning Administrator to other properties including one on Circle Parkway in May 2023, across the street and three doors down from the Coulters. Ex. C, Ex. K.

- E. Option E was based on the facially erroneous determination that Option E is "similar" to the November 2022 Plan.

The Option E plan was approved based on several faulty premises. First, it was approved as an addendum to the November 2022 Plan, which is an illegal plan for the reasons previously stated.

Second, as stated in the August 31, 2023 email from the Village, its Engineer Snyder states that the elevation and area of the “raised turf area” is similar to the original approval. To the contrary, the email confirms that the retaining wall is an additional 1.9’ from the house, which is quite significant in this small area. This means that not only was the originally planned wall in violation of the setbacks, the Option E plan violated the setback by an additional 1.9’. The elevation of the raised turf area is not “similar” to the original approved plan, it is many feet higher as shown on the Brogans’ engineer’s report and on the plan. Ex. C. The Village also admitted that the wall placement differs from the original plan (and continues to exist in the storm sewer easement).

The Village admitted that the required 4/1 slope has not been followed. Bizarrely, the Village Engineer stated that the violation of slope is not important because none of these areas are large enough to install landscape furniture. Instead, the Engineer should have focused on the undeniable fact that this slope greatly affects the water management on the site and in particular affects the stone drainway on the new Option E, which is now the only mechanism for water to flow down the slope adjoining the Brogans, since the 24” drain has been eliminated, and the underground transport of water from the French drains connected to the gutters and downspouts has been curtailed by a daylight drain. See Engineering Report, Ex. C. As the Village Engineer previously admitted based on Option D, the new Option E does not provide the inlets and swales made a part of the November 2022 Plan. Ex. C.

Finally, the Original Annotated Plan which formed one of the bases of the August 31, 2023 email ruling was not attached to that email and after an Open Records request to the Village, no document bearing this title was located. The Village now advises that its “belief” is that a different document entitled “Site Layout, Original Design, 34521-C4.01” (Ex. S) should have been attached, even though the email chain from the Coulters’ engineer to the Village also referenced an Original Annotated Plan. No corrections or amendments have been made to the ruling by the Village. Obviously, the email ruling is based on faulty premises and should be rescinded for that reason alone.

CONCLUSION

In summary, the illegal construction is causing irreparable harm to the Brogans, has created a risk of flooding to their home, lakefront collapse, risk of property damage to their pier, watercraft, cribs, boathouse, has created a risk of flooding to their home and property, and is blocking their valuable views and diminishing the value of their property. The entire contour of the lakefront has been dramatically altered and is no longer in keeping with the rolling lawns of CPPA. This creates a dangerous precedent.

The Village is duty-bound to enforce the lakefront / building line setback which has been in force for at least 90 years. Indeed, Ms. Schaeffer said at the August 15th meeting that several CPPA owners have put in retaining walls on the lakefront without a permit over the years and she has required them to be torn down. Why is this situation any different?

Zoning laws must not be enforced in an arbitrary and capricious fashion. The November 2022 Plan must be rescinded, the Option E Plan addendum must be rescinded, and the Village must require a new plan that conforms to the Village Ordinance. In the alternative, if no plan confirms to the Code, then the Village must require the Coulters to apply for a variance. They must meet the requirements of hardship and submit a storm water mitigation plan as other residents are required to do.

Respectfully submitted,

Lisa and William Brogan

/s/ Thomas G. Gardiner

By: Thomas G. Gardiner , their Attorney

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Lake Geneva, WI 53147
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Exhibits

- A. Cedar Point Park Deed with Restrictions
- B. August 28, 2023 letter to Village, from Brogans' Attorney Thomas Gardiner, with photos
- C. Engineering report by Brogans' engineer Steve Zehner of Robinson Engineering dated October 13, 2023
- D. Bonnie Schaeffer email to W. Brogan dated August 16, 2023 attaching Zoning Ordinance
- E. Permit issue by the Village dated 11/14/22 as permit no. Z22-105 [illegible], with "Conditions of Approval" stated as "PER SITE PLAN DATED 11/03/2022 UPDATED 03/13/2023 WITH BATTERMAN PLANS DATED 03/07/2023 AND APPROVED BY VILLAGE ENGINEER 3/08/23."
- F. Email from C. Hume to L. Brogan and response dated October 12, 2023
- G. Plat of Survey dated June 29, 2011 for Lot 212
- H. Email from L. Brogan to B. Schaeffer dated August 17, 2023, attaching Plat of Survey and requesting confirmation of setbacks
- I. Letter from Village Attorney to Brogans' attorney dated September 12, 2023
- J. August 31, 2023 email from Village to Brogans approving and attaching Option E Plan
- K. May 16, 2023 Zoning Board of Appeals Meeting Minutes
- L. Email from Village to W. Brogan dated July 7, 2023 re: stop-work order
- M. Email from the Brogans to the Village and to the Coulters dated July 10, 2023 re: stop-work order
- N. Email from Village to W. Brogan dated August 1, 2023 re: request for meeting
- O. Email from Village to W. Brogan dated August 11, 2023 re: new Plan D
- P. Email from W. Brogan to B. Schaeffer dated August 15, 2023 re: CPPA setbacks
- Q. Complaint by Brogans to CPPA dated August 7, 2023 re: Coulters' noncompliance with CPPA By-Laws and Rules and Zoning Ordinance
- R. Email from C. Hume dated August 27, 2023 re: ongoing CPPA review of Coulter plans
- S. Site Layout, Original Design 34521-C4.01
- T. Group Exhibit of Brogan Notifications to Village and Coulters

EXHIBIT A

County Cook

State of Illinois

ss.

Personally came before me, this 19th day of May A. D. 1927, the above named Emory F. Jaeger, and Catherine O. Jaeger, his wife, and Alfred A. Pederson and Mabel S. Pederson, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.



Oscar D. Granstrand
Notary Public State of Illinois
County Cook
My Commission expires Feb. 9, A. D. 1929

Received for record the 24th day of
May, A. D. 1934, at 11 o'clock A. M.
Frank G. Holmes, Register of Deeds.

000000 000000 000000 000000 000000

Number
305889

Oscar D. Granstrand, Trustee

to

WARRANTY DEED.

Jennie Modene, et al

THIRD ADDITION TO CEDAR POINT PARK
WILLIAMS BAY, WISCONSIN.

WARRANTY DEED.

THIS INDENTURE, Made this Twenty ninth day of May, in the year of Our Lord One Thousand Nine Hundred thirty Four between Oscar D. Granstrand, of Chicago, County of Cook and State of Illinois, as Trustee, party of the first part, and Jennie Modene and Violet G. Modene, in joint tenancy and not tenancy in common of Chicago, County of Cook State of Illinois parties of the second part.

WITNESSETH, Whereas, it is provided in the Deed from Alfred A. Pederson and Mabel S. Pederson, his wife, and Emory F. Jaeger and Catherine O. Jaeger, his wife, to George W. McCabe, William O. J. Mattstaedt, William M. Hickey and Oscar D. Granstrand, as Trustee, dated the 24th day of September, A. D. 1927, and recorded on the First day of October, A. D., 1927, in the Register's Office of the County of Walworth and State of Wisconsin, and recorded therein in Liber 195 of Deeds, Page 406, Document No. 266334, that any one of the trustees named may make conveyances of land as effectually as if all the trustees joined;

NOW, THEREFORE, the undersigned trustee, party of the first part, in the exercise of the powers aforesaid conferred upon him, and every power him hereunto enabling, and for and in consideration of the sum of \$10.00 to him in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents does give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said parties of the second part, -- heirs, and assigns, forever, the following described real estate situated in the County of Walworth and State of Wisconsin, to-wit:

Lot Number 240 and 241 of the Plat of Third Addition to Cedar Point Park, of Record in the office of the Register of Deeds in and for Walworth County, Wisconsin, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining;

and all the state, right, title, interest, claim or demand whatsoever, of the said party of the first part either in law or equity, either in possession or expectancy of, in and to the above bargained premises and their hereditaments and appurtenances.

Excepting and reserving, however, to said party of the first part, their successors and assigns, the right to enter upon, over and along a strip of land five feet in width off the rear or sides of all lots in said tract which do not abut upon a public alley as and where indicated upon the above Plat for the purpose of constructing, operating and maintaining Public

Utilities, with right of ingress and egress thereto for construction and maintenance purposes.

It is expressly understood and agreed that the party of the second part for their heirs and assigns agrees with the party of the first part that they will not on said premises, manufacture or sell any spirituous, vinous, fermented or other intoxicating liquor or permit any person to manufacture, sell or give the same away or permit any gambling or immoral practice to be carried on upon said premises and will not, at any time, permit the same to be used or occupied for manufacturing, business, stores, hotels, pavilions, dance halls, bowling alleys, pool or billiard rooms, or club houses of any kind, and said premises shall be used exclusively for residential purposes.

That all lavatories or toilets shall be within the dwelling house on said Lot 240-241 and shall be connected with septic tank so as to be sanitary in all respects.

It is also expressly understood that the Purchaser of Lot or Lots in Third Addition to Cedar Point Park shall comply with section 5 of the Sanitary Code of the State of Wisconsin.

All lots in Third Addition with the exception of lots 227-228 and 229 shall be restricted to only one single family dwelling and one garage of not over two car capacity. Lots 227-228 and 229, having been sold with lots 59-59 $\frac{1}{2}$ and 60 of the original plat of Cedar Point Park Subdivision as recorded in Volume 7 of plats on page 108 at Elkhorn, Wisconsin, shall be governed by the restrictions contained in the warranty deeds of lots 59, 59 $\frac{1}{2}$ and 60 as mentioned. Lot

227 of the Third Addition Cedar Point Park along with lot 59 of original plat of Cedar Point Park shall be restricted to not more than one single family dwelling and one garage of not over two car capacity on the combination of lots 227--Third Addition to Cedar Point Park and 59--Original Cedar Point Park. Lot 228 of the Third Addition Cedar Point Park along with 59 $\frac{1}{2}$ of Original plat of Cedar Point Park shall be restricted to not more than one single family dwelling and one garage of not over two car capacity on the combination of lots 228--Third Addition to Cedar Point Park and 59 $\frac{1}{2}$ --Original Cedar Point Park. Lot 229 of the Third Addition Cedar Point Park along with lot 60 of Original Plat of Cedar Point Park shall be restricted to not more than one single family dwelling and one garage of not over two car capacity on the combination of lots 229--Third Addition to Cedar Point Park and 60--Original Cedar Point Park.

No parking of cars shall be allowed on private community roads to lake or on driveways back of any of the lots. All lots in Third Addition to Cedar Point Park are restricted against harboring of horses, cattle or any live stock, game animals, chickens or fowl and the buyer hereby agrees not to allow horses, cattle or any live stock, game animals, chickens or fowl on the premises of Lots 240-241.

It is understood and agreed by the party of the second part, that in consideration of the part ownership and perpetual franchise, which hereby is given by the parties of the first part, in the dedicated Community Parkways, Drives, Present Improvements, Running Water System, Piers and Parking Space already herein enumerated, that all maintenance expense of the improvements herein specified and the upkeep of dedicated grounds herein mentioned, shall be borne by the said first parties until the majority of lots in said tract have been sold; thereafter the respective Owners of said majority of lots and the subsequent Purchasers of the remaining lots shall continue said maintenance and upkeep. Parties of the first part agree to call a meeting of the Buyers after the said majority of lots have been sold. All general maintenance and upkeep expense to be borne equally among the respective Lot Owners excepting maintenance cost of Water Supply, which shall be divided equally among the actual users. Buyers hereby agree to pay above maintenance expense as herein specified.

Buyer hereby agrees to become a member of "Cedar Point Park Association" a non-profit corporation of the State of Wisconsin, incorporated for the purpose of maintaining the dedicated community parks, easements, roadways, piers, pergolas and water system of Cedar Point Park and all of its additions, and to be governed by the rules of "Cedar Point Park Association."

Oak Grove, Birch Grove, and Walnut Grove and the property marked "Private Park," "Private

Basement" or "Community Park", being understood to be the dedicated Parks, as well as the roads back of the lots, and the parking spaces as provided are dedicated with the express understanding that said parks, groves, roads and parking space shall be for the unreserved use of Cedar Point Park lot owners and for the unreserved use of all the owners of the Additions to Cedar Point Park. For this privilege and in consideration of this perpetual franchise and perpetual ownership which all owners of lot or lots in Cedar Point Park and its additions are conveyed by the Sellers under the terms of their contracts and Warranty Deeds, they each and severally agree to bear their proportionate share of the general upkeep and maintenance of said parks, roads, and dedicated property herein enumerated. Buyer hereby agrees to pay above maintenance expense as herein specified and agrees to accept the above franchise and ownership on above named conditions, without any exceptions.

The building line on lots in Third Addition to Cedar Point Park shall be as follows: On lots 201, 202, 203 and 204, it shall be a straight line across the above lots which shall start at a point 226 feet west of the rear northwest corner or road stake along the northern boundary line of lot 201 to a point which shall be 153.65 feet west of the southeast corner or road stake of lot 204 and along the southern boundary line of lot 204. On lots 205, 206, 207, 208, 209, 210, 211, 212 and 213, the building line shall commence at a point which shall be on the northern boundary line of lot 205, 153.65 feet west of the northeast corner or road stake; of lot 205 and shall continue in a straight line until it intersects the southern boundary line of lot 213 at a point which shall be 158.40 feet in a westerly direction from the southeast corner or road stake of lot 213. On lots 214, 215, 216 and 217, the building line shall be a straight line which shall start at a point 158.40 feet in a westerly direction from the northeast corner or road stake along the northern boundary line of lot 214 and shall continue across lots 214, 215, 216 and 217, until it intersects the southeastern boundary line of lot 217 at a point which shall be 163.40 in a southwesterly direction from the eastern corner or road stake of lot 217. On lot 218 the building line shall be a straight line across lot 218 which starts at a point along the northwestern boundary line which shall be 163.40 in a southwesterly direction from the northern corner or road stake of lot 218 to a point on the southeastern boundary line of 218 which shall be 174 feet in a southwesterly direction from the eastern corner or road stake of lot 218. On lots 219 and 220, the building line shall be a straight line which shall start at a point along the northwestern boundary line of lot 219, 174 feet in a southwesterly direction from the northern corner or road stake of lot 219, across lots 219 and 220 until it intersects the eastern boundary line of lot 220 at a point which shall be 181.60 feet from the northwestern corner or road stake of lot 220. On lots 221, 222 and 223, the building line shall be a straight line which shall commence at a point on the western boundary line of lot 221, 181.60 feet in a southwesterly direction from the northwestern corner or road stake of lot 221 across lots 221, 222 and 223, to a point on the eastern boundary line of lot 223 which shall be 189.50 feet in a southerly direction from the northeastern corner or road stake of lot 223. On lots 224, 225 and 226, the building line shall be a straight line which shall commence on the eastern boundary line of lot 224 and shall be 189.50 feet in a southerly direction from the northwestern corner or road stake of lot 224 across lots 224, 225 and 226, to a point on the eastern boundary line of lot 226 which shall be 60 feet in a northerly direction from the southern corner or lake front stake of lot 226.

Building line on lots 231 to 271 inclusive shall be parallel to and 30 feet back of the front lot lines on Circle Parkway. The building on lot 244 shall face in a westerly direction. The building on lot 245 shall face in an easterly direction. Building on lot 272 shall face in a southwesterly direction, being not more than 30 degrees southerly from the northern boundary and 25 feet from Circle Parkway. Building on lot 273 shall face in a southeasterly direction, being not more than 30 degrees southerly from the northern boundary line and 25 feet from Circle Parkway. Building line on lot 230 shall be parallel to and a continuation of

building line of lots 232 and 244. Building on lot 230 shall face in a westerly direction. Garages, if any, on lots 272 and 273 shall be along the north and south lot line which divides them.

Building line is understood to mean front porch line. No residence in Third Addition to Cedar Point Park shall be less than five feet from side lot line of the lot upon which it is erected.

Garages that may be erected on any of the lake shore lots, numbered 201 to 226 inclusive, in Third Addition to Cedar Point Park, shall remain at least 25 feet from the lot line shown on the plat which borders on Circle Parkway. Garages that may be erected on lots 227 to 273 inclusive, shall remain at least 30 feet back of the front lot lines on Circle Parkway.

The following shall be the minimum cost and fair value of dwelling on lots in Third Addition to Cedar Point Park:

On lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225 and 226, the minimum cost and fair value shall be \$6,000.00 exclusive of plumbing for the dwelling on each lot. The minimum cost and fair value shall be \$3,000.00 exclusive of all plumbing for the dwelling on each remaining lot in Third Addition Cedar Point Park. No dwelling in Third Addition to Cedar Point Park shall contain less than four rooms.

Buyers of Lake Front Lots, numbers 201 to 226, inclusive, shall not by any manner obstruct the free passage of lot owners in Cedar Point Park and its additions on the foot path described by dotted lines on Plat of Third Addition to Cedar Point Park which follows the lake shore frontage across said lots. All buyers of lots in Cedar Point Park and its additions shall be allowed unobstructed and free foot passage from Park to Park across said lots and Buyers of said lots enumerated in this paragraph agree to such passage.

Community Parkway and Drives are dedicated with the express understanding that no Dance Pavilions, Refreshment Parlors, Amusement Buildings or any form of Public Concessions or any structure that would obstruct the view from any of the lots in said Subdivision shall be erected either temporarily or permanently on said dedicated Community Parkways and Drives.

No part of said property shall at any time be leased, sold, devised or conveyed to or otherwise become the property of or be exclusively or entirely used or occupied by any person of either the Negro, African, or Asiatic race, but such property shall be restricted to the Caucasian race.

Provided, further, that as to the said party of the first part, the breach of any of the foregoing conditions or restrictions shall cause said premises, together with the appurtenances, to be forfeited to and revert to the said party of the first part, their successors and assigns, each of whom respectively shall have the right of immediate entry upon said premises in the event of any such breach, and as to said party of the first part, their successors and assigns, and as to the owner, and the successors in interest of any owner, or any other lot or lots in said Third Addition to Cedar Point Park, all and singular said conditions and restrictions are and shall be covenants running with the land for the benefit of the party of the first part and for the benefits of each and all of the lots in said tract and each and all of the owners of such lots in said tract and their respective successors in interest, and the breach of any of said covenants or conditions or restrictions or the continuance of any such breach may be enjoined, abated or remedied by appropriate proceedings by said party of the first part, their successors or assigns or any of them, or by any or either of such owners, their heirs, assigns or successors in interest.

Provided, also, that the breach of any of the foregoing conditions or restrictions or any re-entry by reason of such breach shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value upon said land or any such residence, or permitted structure located as above provided, or any part thereof; provided, however, that

the breach of any of said conditions or restrictions or the continuance of any such breach may be enjoined, abated or remedied by appropriate proceedings, and provided also that each of the foregoing conditions or restrictions shall remain at all times in full force and effect, as against any owner of said premises or any part thereof, by reason of any breach thereof by any such owner, whether such ownership is acquired by purchase, foreclosure, devise, inheritance, or in any other manner.

Provided, further, that all and each of the restrictions, conditions and covenants herein contained (other than said race restrictions which shall be perpetual) shall in all respects terminate and end and be of further effect, either legal or equitable, either on any property in said Third Addition to Cedar Point Park, or on the party hereto, their heirs, assigns or successors in interest, on and after January 1, A. D. 1950; it being understood, however, that any and all forfeitures or reversions for breach of any of said conditions or restrictions committed or suffered prior to said January 1, 1950, shall be absolute. An exception to the foregoing is as follows: Dedicated Parkways, Roads and Improvements shall be the absolute property of the lot owners of Cedar Point Park and its additions as already mentioned in this warranty deed and upon all the conditions specified herein. This ownership shall be perpetual with the property and shall be a covenant running with the land.

It is further understood and agreed that each and all of the terms, conditions, covenants, agreements and stipulations of this Warranty Deed shall apply to and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

Provided, that a breach of any of the foregoing conditions shall cause said premises to revert to the said party of the first part, their successors or assigns, each of whom respectively shall have the right of immediate re-entry upon said premises in the event of any such breach. Provided, also that a breach of any of the foregoing conditions or any re-entry by reason of any such breach shall not defeat or render invalid the lien of any mortgage or deed of trust, made in good faith and for value, as to said premises, or any part thereof, but said conditions shall be binding upon, and effective against, any owner of said premises whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

TO HAVE AND TO HOLD Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and all the estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, as trustee, and of said other trustees mentioned in said deed of trust, either in law or in equity, either in possession or expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

And the said party of the first part, as trustee for the sellers and for said other trustees mentioned in said deed of trust, does covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the sealing and delivery of these presents, the said party of the first part and said other trustees mentioned in said deed of trust, were well seized of the premises above described as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the same are free and clear of all encumbrances whatsoever.

And the above bargained premises, in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, he will forever warrant and defend, except taxes levied after the year 1929 and encumbrances, if any, hereinafter excepted.

IN WITNESS WHEREOF the said party of the first part, as trustee, as aforesaid, has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in presence of:

Louise M. Luce

Joseph J. Martin

Oscar D. Granstrand (Seal)
Trustee as aforesaid.

EXHIBIT B

August 28, 2023

Sent via Email

David Lothspeich (Village Administrator) - admin@vi.williamsbay.wi.gov
Bonnie Schaeffer (Zoning Administrator) - zoning@vi.williamsbay.wi.gov
Allison Schwarck (Code Enforcer) - mcodeenforcement@gmail.com
William Duncan (Village President) - bduncan@williamsbay.org
Jim D'Alessandro (Village Trustee) - jdalessandro@vi.williamsbay.wi.gov
Steven Russell (Village Trustee) - srussell@vi.williamsbay.wi.gov
Robert Umans (Village Trustee) - rumans@vi.williamsbay.wi.gov
Lowell Wright (Village Trustee) - lwright@vi.williamsbay.wi.gov
Adam Jaramillo (Village Trustee) - ajaramillo@vi.williamsbay.wi.gov
George Vlach (Village Trustee) - gvlach@vi.williamsbay.wi.gov
Atty. Mark Schroeder (Village Attorney) - mschroeder@janesvillelaw.com

Dear Village Administrator Lothspeich, Zoning Administrator Schaeffer, Code Enforcer Schwarck, Village Trustees and Village Attorney Schroeder:

I write on behalf of my clients, William and Lisa Brogan, as Trustees of the William J. Brogan and Lisa Sopata Brogan Revocable Trust dated March 29, 2023, owners of 222 Circle Parkway in Williams Bay. The Brogans reside at this address and have owned homes in the Bay going back to 1997.

My understanding is that since October 2022, my clients have objected to the plans for construction at the adjacent neighboring property, Lot 212 in the Cedar Point Park Association (CPPA) Third Addition, owned by Christopher and Melanie Coulter. My clients wrote to the Village on multiple occasions and Mr. Brogan met in person on multiple occasions with then-Village Administrator Becky Tobin as well as Ms. Schaeffer, to raise serious concerns over the Coulters' plan to build an illegal patio beyond the shore yard setback line under the guise of a "raised turf area" with retaining wall and safety wall. The Brogans have repeatedly raised the alarm with the Village of the risk of Lakefront collapse and of flooding to their property because of this project, damage to their trees, loss of view and property value, failure to mark and protect utilities, and other concerns. The Village has not protected the Brogans' interests. Indeed, the first two plans approved by the Village permitted work on the Brogans' property, including removal of the Brogans' existing drainpipe and creation of a gravel swale on the Brogans' side of the property line. The Brogans only learned of these plans by way of Open Records Requests and had to push to be heard by the Village to reverse these obviously illegal plans.

After many well-documented meetings and emails with the Brogans, and a revised plan or plans reviewed by the Village Engineer, the Village issued a zoning permit on 11/14/22. The Conditions of Approval are stated as "PER SITE PLAN DATED 11/03/2022 UPDATED 03/13/2023 WITH BATTERMAN PLANS DATED 03/07/2023 AND APPROVED BY VILLAGE ENGINEER 3/08/23."

This permit was issued notwithstanding the Brogans' repeated objection that the applicant is required as a prerequisite to the filing of an application for a permit with the Village, to first submit a request for review to the Building Committee of CPPA. As provided in Section 390-0213 H(5), the Village Building Inspector shall consider the report and recommendation of CPPA in imposing appropriate conditions on the zoning permit. The Village did not protect the Brogans or CPPA in the first instance by rejecting the permit application for this reason, or by requiring this review for later submissions.

The approved site plan is not being followed. In summary, the Coulters have abandoned the plan to build a very small upper paver patio stopping at the Lakefront setback line, with a lower grass patio "raised turf area." Instead, they have built one very large upper patio and an enormous retaining wall, *many feet higher* than the retaining walls on the site plan (which were to be no more than chest-high, including any safety wall). The paver patio is flush with the walk-out level and is, so far, partially covered with pavers with the rest in gravel as an under bedding for something other than sod. The height, size, placement and elevation are in complete deviation from the plan, as would be putting anything but natural grass on the patio area.

The very small upper patio was to be enclosed with a 24-inch retaining wall and then drop down in elevation to the large, raised turf area for water absorption. The stairs to the illegal large upper patio area are elevated high above the Lakepath and the Brogans' property. No engineering plans have been submitted for stormwater flow from this patio since it is not on the site plan. The previous drainage considerations and detailed analysis are no longer applicable. The Village Engineer's analysis of storm water management was based on the two tiers of patio with grass turf on the lower level.

After repeated notifications to the Village by the Brogans of this illegal construction, the Village acknowledged belatedly in an email to Mr. Brogan on July 7, 2023, that "the Village is aware that the project is no longer being built to site plan and a stop work order is in place." The Village advised that a site visit was planned on July 12, 2023, with all Departments and that "the Village is hoping to come to a solution on the remainder of the project." The Brogans objected in writing to any solution other than requiring compliance with the site plan as approved. The Village did not report on the outcome of this meeting to the Brogans as promised.

Subsequently, the Brogans were advised by the Village that a new plan was submitted by the Coulters. The Brogans and their engineer Steve Zehner of Robinson Engineering attended a meeting with the Village Administrator and Zoning Administrator on August 15, 2023, along with the other adjacent homeowners, the Lilljebergs. At this time the Administrator and Zoning Officer discussed the new plan, which sought to make minor modifications to the illegal structures built on the property, mainly, reducing the height of the wall by approximately two feet at one location. The new plan did not honor the setbacks required by the Village building code.

The Village requested that the Brogans attend this meeting without legal counsel because

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the Village's counsel would not be in attendance and the Brogans honored that request. At the meeting, the Brogans and their engineer were surprised to hear that the Village intended to work with the Coulters to allow the existing illegal structures with some proposed slight modifications but would not be requiring the Coulters to remove the illegal structures or to conform with the approved plan which they submitted to the Village and which was approved. The reason stated was that the Village may not have authority to enforce setbacks if they are contained in "CPPA By-Laws." During the meeting, Mr. and Mrs. Brogan explained that CPPA is its own zoning district under the Village of Williams Bay Zoning Ordinance ("the Code") and emailed the setback provision to the Village Administrator and the Zoning Officer. The next day, the Zoning Officer Ms. Schaeffer emailed to Mr. Brogan the section of the Code containing the CPPA setbacks, the SF-CPP zoning district regulations. She stated that "Section M(h)[2] establishes the shore yard setback for Lots 205 through 213 which includes the Coulter property." Ms. Schaeffer stated that, "This line was established by the surveyor on the site plans used for permitting." In response, the Brogans emailed the recorded plat of survey for this lot dated 6/29/2011 which shows the setback line. It is readily apparent that this setback has been violated, as has the sewer easement. The sewer easement is 20 feet in width and is shown on the plat of survey dated 6/29/11.

In emails to the Village including Ms. Schaeffer, Mr. Lothspeich and Ms. Schwark before the stop-work order and before this meeting, the Brogans had alerted the Village through a mark-up of the Coulters' approved plan dated 11/3/22 and photos of the site work that this setback had been violated. While noting that this plan was not submitted on a plat of survey which seems to be required under the Williams Bay building code, which makes it impossible to determine if the line is drawn accurately, the Brogans asked before and at the meeting why this "Lakefront setback" line drawn by the permit applicants was not being enforced.

I write to demand on behalf of my clients that the Village enforce the Lakefront and side setbacks and require the Coulters to remove all structures beyond the setbacks. The retaining walls are structures built in violation of the Code.

The permit application seeks a permit for a "structure." The permit application identifies the proposed "structure" as "retaining walls, paver walkways and stone stairs" (not paver patio) for "personal access from driveway or walk-out basement to shoreland."

Structure is defined in Section 390-0114 of the Code as, "Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances."

The Code states that the building line as used relating to each lot in CPPA "**shall mean the required setback for the location of all structures in all cases.**"

The formula for the side setback for Lot 212 is also in the Code. The Lot is in Third Addition and is irregular (not rectangular) so as the Brogans recited at the meeting, the formula

requires adding together the front and back lot lines, dividing in half, and multiplying by 0.16. The side yard setback is that result or 10 feet, whichever is larger. Here it is 10 feet.

The permit application shows a 10.3 feet setback on the Brogans' side, which is consistent with the setbacks on the 6/29/11 recorded plat of survey. The Village approved this application. These setbacks must be enforced.

In addition to the violation of the setbacks, it was agreed at the meeting that the height and location of the retaining walls as built do not follow the approved plans. The permit application shows 5 feet in height for the structure. The 11/3/2022 plan approved by this permit shows the retaining wall AND safety wall, **combined**, for the raised turf area to be no higher than 30 inches plus 24-inch optional safety wall. This is 4 ½ feet. The upper small paver patio was drawn to have a 24-inch retaining wall. The 11/3/22 approved site plan depicts a human standing next to the retaining wall **combined with** safety wall, and the height varies but never exceeds chest-high on the human.

The Village has not shared its measurements with the Brogans but it is obvious from their side of the property that the retaining wall height of 4 ½ feet on the plan drawing, and 5 feet on the permit application, has been violated by MANY feet, even without the safety wall which has not been added at this juncture. If the concrete blocks are 12 inches high, the wall may be as high as 10 to 12 feet --above the newly-elevated grade on the Brogans' side. This is a willful egregious and intentional violation of the approved plan and the Code.

There are many other areas in which the as-built structures do not follow the approved plan, and the Village indicated that it would demand an as-built survey from top to bottom and share it with the Brogans. We are awaiting that plan. The Brogans' engineer, in the meantime, explained to the Village at that meeting that the Lakefront construction below the Lakepath does not follow the plan in several respects, including the incline.

Moreover, the impervious surface area ratio required on the application needs to be recalculated, and the data provided to DNR to determine whether DNR has jurisdiction over the Lakefront build-out must be recalculated.

We do not see that the as-built elevation of the walkway from the Lakepath was permitted under the approved plan. On the approved plan, on the wall above the Lakepath, the Coulters were to replace the existing stone wall with new stone. Instead, this area above the Lakepath has been elevated by many feet.

Mr. Snyder's storm management review to protect the Lakefront and the Brogans' property is no longer relevant since the construction was not built to the approved plan. At the end of the August 15th meeting, the Village Engineer asked the Brogans, "You take a look at the drainage on your side, OK?" It is not possible for the Brogans or their engineer to assess drainage on their side.

The as-built survey has not been provided by the Village as promised. As built, there appears to be ZERO green space on the entire property above the Lakepath, and virtually all green space below the Lakepath appears to have been eliminated from the approved plan. Moreover, as explained at the meeting, the French drains installed by the original builder and required by the Building Inspector to divert water from flooding the Brogan side of the property were torn out in the excavation by the Coulters. Because the approved plans were not followed, the Brogans do not know what if any drainage has been built into the illegal wall and patio covered with gravel. The Brogans' grass yard was higher in elevation than the Coulters' grass yard, and now the contour has been reversed illegally. The Brogans have an uninsurable risk of stormwater flooding their property.

Moreover, any work between the Coulters' property and the Brogans' property must not only abide by the side setbacks previously referenced, but also the back setback and back and side utility easements. The first approved Coulter plan showed extending the "boulder line" between the houses. The Coulters and their contractors have not protected the utility easements between the houses and in the back of the property, despite the Brogans' concerns raised to them and the Village beginning in November 2022. They did not mark the utilities on the Coulter side between the houses before excavation (or the sewer line, the Brogans called the Village to mark it). The contractors put a huge heavy dumpster and portable toilet on the utility easement, which is not allowed. Dragging this equipment on and off the property has unearthed the Brogans' fiberoptic cable owned by Charter Spectrum, causing Charter Spectrum to come out three times to rebury it. It is sitting unearthed above ground again. This cable also runs underneath the Coulters' driveway and must be protected during construction and driveway repair. The Brogans (and others) will lose their internet, cable television, telephone, and their home monitoring services if this cable is damaged.

In summary, the illegal construction is causing irreparable harm to the Brogans, has created a risk of Lakefront collapse, has created a risk of flooding to their home and property, and is blocking their valuable views and diminishing the value of their property. The entire contour of the Lakefront has been dramatically altered, not in keeping with the rolling lawns of CPPA and creating a dangerous precedent. The Brogans have put the Village on notice of these concerns repeatedly and consistently since the project was first proposed, and copied Mr. Coulter on these communications so that the Owners could remedy and cure these infractions.

Most recently, between June 23 and the stop work order on July 6, the Brogans notified the Village and the Coulters at every step of the way, when the wall could have been stopped at the first level. They alerted the Village and Coulters with photos and mark-ups of the approved plans, requesting the Village to take action. They advised that the wall was too close to their property line, the wall was being built too high, the wall was being built higher still, and that pavers and gravel were being added. The Brogans did not even receive the courtesy of a response from the Village until after the stop-work order. (Nor did the Coulters respond to the Brogans.) To be clear, policing this site was not the Brogans' obligation.

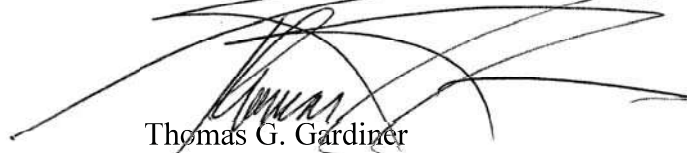
The Brogans remodeled their own house at great expense to abide by the grandfathered setback in order to keep their deck. The home at 230 Circle and Lot 212 were for sale at that same time and the Brogans were very familiar with the constraints and their guaranteed view afforded by the many decades-long enforcement of the Lakefront setback. Indeed, Ms. Schaeffer said at the August 15th meeting that several CPPA owners have put in retaining walls on the Lakefront without a permit over the years and she has required them to be torn down. Why is this situation any different? The Village also denied a permit for a variance a few months ago on another property on Circle Parkway, citing the lack of hardship where a home had no patio and simply wanted to add one, and where the green space ratio would be impacted adversely. Why is this principled approach being ignored when it comes to the Coulters? Zoning laws must not be enforced in an arbitrary and capricious fashion.

We have enclosed photographs showing the before and after condition of the Coulters' property and some other photographs showing the height and location of some of the walls.

We would appreciate a response by September 1, 2023. Thank you in advance for your time and consideration.

Very truly yours,

~~GARDINER KOCH WEISBERG & WRONA~~

A handwritten signature in black ink, appearing to read 'Thomas G. Gardiner', is written over the crossed-out firm name. The signature is fluid and cursive.

Thomas G. Gardiner

Encl.











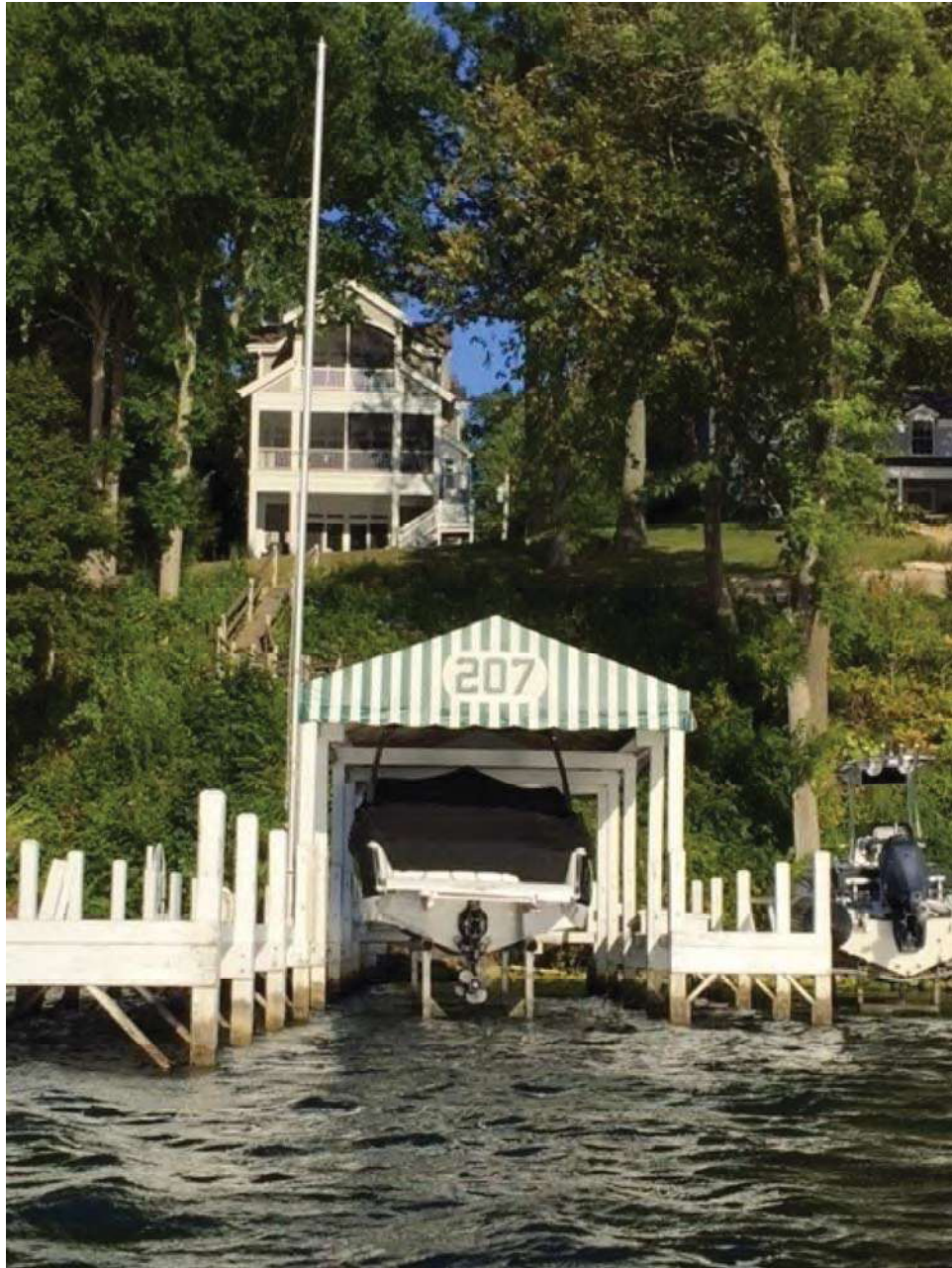






EXHIBIT C

September 13, 2023
Updated October 13, 2023

To: Gardiner, Koch, Weisberg & Wrona

Attn: Mr. Thomas Gardiner, Attorney

RE: **Report on 226 Circle Parkway**

Dear Mr. Gardiner:

Items of concern

1. The impervious area have not been specifically identified on any of the submitted information. This is the case for the approved permit submittal plans dated 3/7/2023 as well as both Option "D" and Option "E". The Plat of Survey dated 1/4/2008 appears to show minimal impervious areas between the Shoreline and the Lake Setback line. This is further identified in aerial photos of the areas currently available on Google Maps. Each of the proposed plans submitted, including the approved permit submittal plans dated 3/7/2023 as well as the Option "D" and Option "E" identify significant additional impervious areas in the form of modular block and pavers.
2. The modular concrete block used in the construction of the retaining walls appears to be at least twice as wide as the retaining wall material callout identified on the approved permit submittal plans 3/7/2023. While this may not seem to be a significant deviation, the impervious area appears to at least double. There is also the matter of the additional walls that have been constructed that were not shown on the approved permit submittal plans 3/7/2023. This continues to be the situation for even the most recent submittal. Option "E" does not show the new wall which has been installed adjacent to the footing of the foundation of the residence. Any final approved plan should reflect all improvements made to the property for purposes of record.
3. The approved plan dated 3/7/2023 shows four steps at the retaining wall closest to the residence. The 48" wide paver walk extending from the steps identified in Item 2 above extends to the "Lake path" with no additional steps called out. There is a call out identifying paver steps and path to Lake from the "Lake path" to the Shoreline. The addition of the stairs and associated modular block buttresses shown on Option "E" are a significant deviation from the approved permit plan dated 3/7/2023 both in the impervious area and the visual impact seen from the adjoining properties and the Lake path. There appears to be some limitations to encroachment/ permanent improvements within the area of the Lake Setback per Zoning Conditions Desc. Historically, no permanent improvements were allowed within this setback area. These would include such things as a paver patio. Would the Village please identify the limitations that exist to prevent or limit improvements to the area within the 150-foot Lake Setback?
4. There is a 20-foot sewer main Easement recorded on the plat; these easements typically prohibit the construction of any improvements without the expressed approval of the agency owning the easement. This appears to be addressed in the 9/12/2023 letter from Atty. Schroeder. However, these approvals are often identified in recorded documents attached to the deed of the affected properties, has this been done?
5. The modular concrete blocks at the foot of the foundation nearest the Brogan residence appear to be within the side setback. It would be beneficial to all parties to have all the improvements surveyed by a licensed land surveyor upon completion to verify that the improvements are compliant with the final approved plan and do not infringe upon any setbacks.

6. The stone lined drainageway on both sides of the walkway are identified on both Option "D" and Option "E" as being one foot wide. The constructed stone lined drainageways as constructed are at least five feet wide. The drainageways should comply with the proposed Option "D" or Option "E." This appears to be addressed in the 9/12/2023 letter from Atty. Schroeder as it relates to the area adjacent to the Brogan property but not the property to the south. We recommend that this be addressed.
7. Silt fences are not installed anywhere on the construction site. Silt fencing should be installed on the property being constructed upon. This appears to be addressed in the 9/12/2023 letter from Atty. Schroeder.
8. There are numerous ditch checks shown on the Option "D and Option "E" plans that are not yet constructed. These will be extremely important in controlling overland drainage throughout the property and to protect the lake from debris flowing unfettered from the site. This appears to be addressed in the 9/12/2023 letter from Atty. Schroeder as it relates to the area adjacent to the Brogan property but not the property to the south. We recommend that this be addressed throughout the property.
9. The downspouts are not shown as being connected to any drainage. We recommend that the Village ask that this oversight be corrected, and the downspouts be connected to the subterranean drainage way and the Option "D" and Option "E" plans reflect same. This appears to be addressed in the 9/12/2023 letter from Atty. Schroeder as it relates to the area adjacent to the Brogan property but not the property to the south. We recommend that this be addressed.
10. Based on my observations it would appear that if the mulched areas are not considered "green space" that the site does not meet the 50 percent green space minimum.
11. This review may be revised based upon new or additional information which may be revealed upon closer inspection.

Should you have any questions, please call me at (815) 394-9050.

Very truly yours,

Steven Zehner, PE
Senior Project Manager
szehner@reltd.com

EXHIBIT D

Subject: Re: Cedar Point Park Setbacks.pdf
From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
To: William Brogan <williambrogan219@gmail.com>, David Lothspeich <admin@vi.williamsbay.wi.gov>
Date Sent: Wednesday, August 16, 2023 9:33:24 AM GMT-05:00
Date Received: Wednesday, August 16, 2023 9:33:40 AM GMT-05:00
Attachments: SF-CPP District Regulations.pdf

Bill,

I have attached the current SF-CPP zoning district regulations. Section M(h)[2] establishes the shore yard setback line for Lots 205 through 213 which includes the Coulter property. This line was established by the surveyor on the site plans used for permitting.

Please note that my office hours have changed.

Bonnie Schaeffer
Zoning Administrator
Office Hours Tues 2:00 - 5:00 pm W 11:00 am - 1:00 pm
262-245-2700

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, August 15, 2023 3:19 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Cedar Point Park Setbacks.pdf

Chapter 390. Zoning

Article 2. Standard Zoning Districts

§ 390-0213. SF-CPP Cedar Point Park.

- A. Description and purpose. This district is intended to permit single-family residential development in the Cedar Point Park Subdivision. The district regulations shall not apply to any lands, now or in the future, lying beyond this subdivision.
- B. Principal land uses permitted by right.
 - (1) Single-family (per § **390-0306A**).
 - (2) Selective cutting (per § **390-0307D**).
 - (3) Community living arrangement (one to eight residents) (per § **390-0308F**).
 - (4) Passive outdoor recreation (per § **390-0309A**).
 - (5) Active outdoor recreation (per § **390-0309B**).
- C. Principal land uses allowed by conditional use permit (see § **390-1207**).
 - (1) Cultivation (per § **390-0307A**).
 - (2) Clear cutting (per § **390-0307E**).
 - (3) Large developments (per § **390-0821**).
 - (4) Group developments (per § **390-0821**).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per § **390-0315A**).
 - (2) Family day-care home (four to eight children) (per § **390-0315B**).
 - (3) In-home suite (per § **390-0315D**).
 - (4) Residential garage or shed (per § **390-0315I**).
 - (5) On-site parking (per § **390-0315L**).
 - (6) Exterior communications device (per § **390-0315R**).
 - (7) Lawn care (per § **390-0315S**).
 - (8) Stormwater facilities (per § **390-0315T**).
 - (9) Small solar energy system (per § **390-0315V**).
- E. Accessory uses allowed by conditional use permit (see § **390-1207**).

- (1) Residential recreational facility (per § **390-0315J**).
 - (2) Filling (per § **390-0315Y**).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per § **390-0316C**).
 - (2) Temporary shelter structure (per § **390-0316D**).
 - (3) Temporary portable storage unit (per § **390-0316E**).
 - (4) Temporary construction storage (per § **390-0316F**).
 - (5) Temporary relocatable building (per § **390-0316G**).
 - (6) Temporary garage or estate sale (auction) (per § **390-0316H**).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. General conditions applicable to Cedar Point Park Subdivision and additions thereto.
- (1) Utility easements. The original subdividers, their successors and assigns, shall have the right to enter upon, over, and along a strip of land five feet in width off the rear or sides of all lots that do not abut upon a private alley as and where indicated upon the recorded plats of the subdivisions for the purpose of constructing, operating, and maintaining public utilities, with right of ingress and egress thereto for construction and maintenance purposes.
 - (2) Property owners' association. All private parks, roads, parking spaces, and similarly commonly owned properties in the subdivisions are owned, controlled, and maintained by an association of the subdivision property owners to which all of the owners of lots in the subdivisions are paying for the maintenance assessments therefor in accordance with the By-Laws of Cedar Point Park Association.
 - (3) Private parks and ways. The private parks designated on the various plats of the subdivision are to be private parks as are also the privately owned roads and parking spaces so indicated and designated on the respective plats. The parks, groves, roads, and parking spaces are for the unreserved use of the owners and occupants of the subdivisions and all such owners and occupants have the unreserved use of the common properties, subject to the proper regulations of the association of the owners of lots, and shall be allowed the unobstructed and free foot passages from park to park across lots where the lake shore foot passage is indicated all in accordance with the By-Laws of Cedar Point Park Association.
 - (4) Where lot lines in the Cedar Point Park Subdivision have been changed subsequent to the original platting thereof, such changes are incorporated herein by reference and shall take precedence over the lot lines set forth herein, which are taken from the original plats of lots in Cedar Point Park original subdivision and the three additions thereto.
 - (5) Prior to filing an application for zoning permit to construct or structurally alter any building, structure or conditional use previously granted, the applicant shall submit a request for review to the Building Committee of the Cedar Point Park Association (Building Committee). Such review shall be required with regard to construction, area, location on the lot, curbing, driveways, walls, fences, hedges, terracing, and the location on the lot of garages. The Building Committee shall issue a report containing its recommendations concerning the proposed construction or alteration. The applicant shall deliver the report of the Building Committee to the Building Inspector at the time of the application for a zoning permit. The Building Inspector shall consider such report and recommendation in imposing appropriate conditions on the zoning permit. However, nothing contained in this subsection is intended to

delegate the authority of the Building Inspector to the Building Committee. All applications for a zoning permit, to include the construction of a conditional use if a conditional use permit has been granted by the Village Plan Commission, shall be accompanied by showing the location, actual shape, and dimensions on the lot of both existing and proposed improvements, including the dwelling, accessory buildings, fences, and conditional uses. In the case with an application for a zoning permit for a conditional use, the applicant shall specifically set forth any conditions imposed by the Plan Commission in granting a conditional use permit, and in the case of a swimming pool, the exact provisions required, specified or approved by the Plan Commission for the drainage thereof. No dwellings shall be erected containing less than 900 square feet on the first floor for lots 60 to 90 feet in width and wider, not including porches, breezeways or accessory buildings. No obstructions such as curbing, driveways, walls, fences, hedges, or terraces shall extend beyond lot lines into public roads or private roads of the Cedar Point Park Association. All dimensions shown relating to location and size of the lot shall be based on a survey certified by a surveyor licensed by the State of Wisconsin. The lot and location of the building thereon shall be staked out on the ground before construction is commenced.

- (6) The building line as used relating to each lot in the SF-CPP Cedar Point Park District shall mean the required setback for the location of all structures in all cases. The exceptions stated in § **390-0505F(3)** and **I(3)** shall not apply in the SF-CPP District.
- I. Performance standards. All allowed uses in the SF-CPP Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- J. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-CPP Zoning District shall adhere to the applicable landscaping requirements in Article 9.
- K. Signage regulations. All signs in the SF-CPP Zoning District shall comply with applicable provisions of Article 10.
- L. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- M. Density, intensity, and bulk regulations.
- (1) Lot area and width. Each lot shall have the area and width specified on the approved Cedar Point Park Subdivision plat or additions thereto. Each lot shall have those special conditions attributable specifically to it and the construction of all improvements thereon must observe the building lines as specifically assigned each lot as well as the general yard requirements which shall be applicable to all lots, all as set forth in this section and Articles 4 and 5.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) Building height and area. No building or parts of a building shall exceed 35 feet in height.
- (3) Setbacks and yards.
- (a) Minimum setbacks shall be that distance specified as the "building line" as set forth in Subsection **M(5)(e)** through **(h)**.
- (b) Garages for parked vehicles may be attached to the house or detached from the house. It is desirable to minimize the visual impact of garage doors as seen from the public street in front of the house. If attached to the house, a preferred location for garage doors is on the side of the house. If located on the front of the house, garage doors shall be set back at least two feet behind the facade of the house.
- (4) See Sections **390-0504**, **390-0505**, and **390-0506** for additional requirements applicable to all zoning districts.
- (5) Yards.

- (a) Rectangular lots 60 feet to 90 feet in width.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard setback: 30 feet.
 - [3] Minimum side yard setback: 10 feet.
- (b) Rectangular lots 91 feet or greater in width.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard: 30 feet.
 - [3] Minimum interior side yard setback: 15 feet.
- (c) Irregular lots.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard setback: 30 feet.
 - [3] Minimum interior side yard setback: each the greater of 1/2 the total footage of the front/street side and rear lot lines multiplied by 0.16 or 10 feet, whichever is greater.
- (d) Garages.
 - [1] Garages shall have a maximum area of 720 square feet and shall not occupy more than 20% of the rear yard area.
 - [2] Garages attached to the dwelling or located in an interior side yard shall comply with the interior side yard setback requirement.
 - [3] Detached garages shall not be less than 10 feet from the principal structure except as permitted in the Building Code of the Village of Williams Bay.^[1]
[1] Editor's Note: See Ch. 153, Building Construction.
- (e) Special conditions in the original Cedar Point Park subdivision.
 - [1] The building line on all lots shall be 30 feet from the front lot line with the exceptions of Lots 52 thru 57, 62 1/2, and 68 through 72.
 - [2] The building line on Lots 52 to 57, inclusive, and Lots 67 through 69 shall be 40 feet from the front lot line and shall be 20 feet from the front lot line for Lots 70 through 72. The building line on Lots 62 and 62 1/2 shall be as originally placed and shown on the plat.
- (f) Special conditions in the first addition to Cedar Point Park subdivision.
 - [1] The building line for all lots shall be 22 feet from and parallel to the front lot line, excepting for Lots 19, 20, and 48 through 53, which shall be 30 feet, and excepting Lots 8 through 11, 29 through 38, 67, and 68, which shall be and remain as shown on the plat of the first addition by means of a dotted line.
 - [2] Measurements are taken from north and south principal meridians shown on plat as recorded.
 - [3] Lots 69, 70, 70 1/2, and 71 through 74 in the first addition shall also be exempt from the twenty-two-foot building line.
 - [4] The building line on Lot 74 shall be 20 feet from the front lot line.
 - [5] The building line for Lots 69, 70, 70 1/2, and 71 through 73 shall be 50 feet from the front lot line.

- [6] No owner or occupant of Lots 8 through 11, 29 through 38, 67, and 68 shall in any manner obstruct free passage on the foot path described by dotted lines on the recorded plat of this addition, which follows the lake shore and crosses the lots.
- (g) Special conditions in the second addition to Cedar Point Park subdivision.
- [1] The building line on all lots shall be 22 feet from and parallel to front lot lines, excepting Lots 111, 119 through 121, 166, and 191 through 193.
- [2] Lot 111 shall contain two building lines. The south building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line for Lot 111 shall be 70 feet from the rear lot line.
- [3] On Lots 119, 120, and 121 in the addition, the front building line shall be on a line parallel to the building line specified, that is, 22 feet. The rear building line shall be 80 feet from the longest rear lot line.
- [4] On Lots 191 through 193, the building line shall be 75 feet from the rear lot lines.
- [5] On Lot 166 in the addition, the front and interior side building lines shall be 22 feet from the front and interior side lot lines.
- (h) Special conditions in the third addition to Cedar Point Park subdivision.
- [1] On Lots 201 through 204, the building line shall be a straight line across the above lots that shall start at a point 226 feet west of the rear northwest corner or road stake along the northern boundary line of Lot 201 to a point that shall be 153.65 feet west of the southeast corner or road stake of Lot 204 and along the southern boundary line of Lot 204.
- [2] On Lots 205 through 213, the building line shall commence at a point that shall be 153.65 feet west of the northern road stake of Lot 205 and shall continue in a straight line until it intersects the southern boundary line of Lot 213 at a point that shall be 158.40 feet in a westerly direction from the southeast corner or road stake of Lot 213.
- [3] On Lots 214 through 217, the building line shall be a straight line that shall start at a point 158.40 feet in a westerly direction from the northeast corner or road stake along the northern boundary line of Lot 214 and shall continue across Lots 214 through 217 until it intersects the southeastern boundary line of Lot 217 at a point that shall be 163.40 feet in a southwesterly direction from the eastern corner or road stake of Lot 217.
- [4] On Lot 218, the building line shall be a straight line across Lot 218 that starts at a point along the northwestern boundary line, which shall be 163.40 feet in a southwesterly direction from the northern corner or road stake of Lot 218 to a point on the southeastern boundary line of Lot 218 that shall be 174 feet in a southwesterly direction from the eastern corner or road stake of Lot 218.
- [5] On Lots 219 and 220, the building line shall be a straight line that shall start at a point along the northwestern boundary line of Lot 219, 174 feet in a southwesterly direction from the northern corner or road stake of Lot 219, across Lots 219 and 220 until it intersects the eastern boundary line of Lot 220 at a point that shall be 181.60 from the northwestern corner or road stake of Lot 220.
- [6] On Lots 221 through 223, the building line shall be a straight line that shall commence at a point on the western boundary line of Lot 221, 181.60 feet in a southwesterly direction from the northwestern corner or road stake of Lot 221 across Lots 221 through 223 to a point on the eastern boundary line of Lot 223, which shall be 189.50 feet in a southerly direction from the northeastern corner or road stake of Lot 223.

- [7] On Lots 224, 225, and 226, the building line shall be a straight line that shall commence at the eastern boundary line of Lot 224 and shall be 189.50 feet in a southerly direction from the northwestern corner or road stake of Lot 224 across Lots 224, 225, and 226 to a point on the eastern boundary line of 226, which shall be 60 feet in a northerly direction from the southern corner or lakefront stake of Lot 226.
- [8] The building line of Lots 231 to 271, inclusive, shall be parallel to and 30 feet back of the front line on Circle Parkway.
- [9] The building on Lot 224 shall face in a westerly direction.
- [10] The building on Lot 245 shall face in an easterly direction.
- [11] The building on Lot 272 shall face in a southwesterly direction being not more than 30° southerly from the northern boundary line and 25 feet from Circle Parkway.
- [12] The building on Lot 273 shall face a southeasterly direction, being not more than 30° southerly from the northern boundary line and 25 feet from Circle Parkway.
- [13] The building line on Lot 330 shall be parallel to and a continuation of the building line of Lots 232 and 244. The building line on Lot 230 shall face in a westerly direction.
- [14] Garages, if any, on Lots 272 and 273 shall be along the north and south lot line that divides them.
- [15] Garages that may be erected on any of the lake shore lots numbered 201 to 226, inclusive, shall remain at least 25 feet from the lot line shown on the plat that borders on Circle Parkway.
- [16] Garages that may be erected on Lots 227 to 273, inclusive, shall remain at least 30 feet back of the front lot lines on Circle Parkway.

EXHIBIT E

VILLAGE OF WILLIAMS BAY

ZONING PERMIT

NO. Z22-105

DATE: NOVEMBER 14, 2022

Has been issued to: CHRISTOPHER & MELANIE COULTER – 226 CIRCLE PKWY.

For: Tax Key #WCP3 00011A

RETAINING WALLS, PAVER PATIO, WALKWAYS, & STONE STAIRS



Zoning Administrator

Permit must be posted until project is complete



Zoning Permit Application Village of Williams Bay

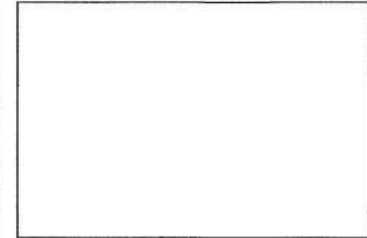
250 Williams Street x PO Box 580 x Williams Bay, WI 53191
Phone: 262-245-2700 x Fax: 262-245-2705

Request:

Please check all that apply.

- ☐ Residential Principal Use 1 or 2 Family \$175.00
☐ Residential Addition \$75.00
☐ Residential Accessory Use \$75.00
☐ Fence \$75.00
☐ Deck \$75.00
☐ Swimming Pool \$100.00
☐ Commercial Principal Use (includes multi-family) \$150.00
☐ Commercial Addition \$100.00
☐ Commercial Accessory Use \$100.00
☐ Signage \$50.00 first 20 sq. ft. plus \$.50 per sq. ft. thereafter
☒ Lakefront and Shoreyard Projects \$75.00
☐ Other: _____ Fee: _____

Date application was received:



Fee Paid: 75.00

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Owner's Name: Christopher R. & Melanie M. Coulter Phone No.: 3096573375

Mailing Address: 5434 W STONEBRIDGE CT City: PEORIA, IL 60615

Applicant's Name: Stebnitz Builders, Inc Phone No. 262-723-7232

Mailing Address: 204 Commerce Ct. #3 Elkhorn, WI 53121

Physical Address of Site: 226 Circle Pkwy Williams Bay, WI Tax Parcel No: WCP3 00011A

Subdivision Name: Cedar Point Park Third Addition Lot No. 212 Block No. _____

Current Zoning of Site: _____ Current Overlay Districts of Site: _____

Proposed type of structure: Retaining walls, paver walkways and stone stairs

Proposed use of structure or site: personal access from driveway or walk-out basement to shoreland

Lot Area 15,376 sq. ft. Proposed Bldg. / Structure Footprint Area 0.00 sq. ft.

Existing Building Coverage on Site: 10 % Proposed 10 %

Existing Impervious Surface Coverage on Site: 8.6% % Proposed 11.8% %

Proposed Setbacks: Front 65.3 Rear _____ Left 10.5 Right 10.3

Proposed Building Height 5 ft.

Applicant's Signature: [Signature] Date: 11/14/22

OFFICE USE ONLY:

PERMIT FEES:

Permit \$ 75.00
Admin Fee \$ _____
Other \$ _____
Total \$ 75.00

PERMIT ISSUED BY:

Name: B. SAWYER Date: 11/14/22
Tel: 262-245-2700 Permit No. 222-105

CONDITIONS OF APPROVAL:

PER SITE PLAN DATED 11/03/2022

Retaining Wall Safety Wall
Brick
Safety Wall
Retaining Wall

- [illegible]

COULTER RESIDENCE
226 CIRCLE PKWY
WILLIAMS BAY, WI 53191
NOVEMBER 3, 2012
BY AGC

Professional Residential Survey 1972

STERNITZ BUILDERS
204 Oakmont Court
Eliot, WI 53121
262-725-7242
www.sternitzbuilders.com
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EXHIBIT F

From: Lisa Brogan Lisa.S.Brogan@outlook.com
Subject: Re: 226 Circle
Date: Oct 12, 2023 at 10:54:42 AM
To: Chris Hume chume11@yahoo.com
Bcc: Lisa.S.Brogan@outlook.com

Dear Chris,

Thank you for taking the time to provide this detailed information.

To be clear then, when the Village approved the plan on 11/14/22 (date of permit) it was prior to receiving any Report and Recommendation from CPPA.

In March 2023, according to the permit, the approval was "PER SITE PLAN DATED 11/03/2022 UPDATED 03/13/2023 WITH BATEMAN PLANS DATED 03/07/2023 AND APPROVED BY VILLAGE ENGINEER ON 03/08/23." This approval was also prior to receiving any Report and Recommendations from CPPA since CPPA was copied on the submission simultaneously with submission to the Village "around March 2, 2023" and approval followed on March 8, 2023.

Finally, on 8/31/23 the Village issued an "Addendum" to the permit called Option E. From our communications it was our understanding that you had expressed concerns to Bonnie Schaeffer about this plan by phone, and at the time of the 8/31/23 approval, you were still awaiting her written response clarifying setbacks, and CPPA had not issued its Report and Recommendations.

Please correct me if this is not your understanding as well.

Thank you again for your time and service as Chair of the Building Committee.

Lisa and William Brogan

On Oct 12, 2023, at 9:53 AM, Chris Hume <chume11@yahoo.com> wrote:

Lisa and William,

We were provided drawing by the Coulters & their contractor around November 15, 2022 for review, but shortly thereafter they suggested we stop our review, as they were revising their drawings to adjust the scope and delete work associated with the neighbor. In late February we were provided an in-progress set of landscaping drawing that were being resubmitted to the Village for review. Final engineering drawings were sent in for Village approval around March 2, 2023 with a copy sent to CPPA. On March 13, 2023 we were notified a permit was issued by the Village. CPPA had received our required paperwork from the Coulters including their executed Indemnity Agreement, executed Work Rules, neighbor access agreement and associated damage deposits and road construction fees that are required. On March 16, 2023 CPPA provide approval to the Coulters to begin work based upon a permit being issued by the Village and confirmation of CPPA Work Rules being followed. The Village is the governing authority relative to zoning, building codes and permit issuance and we must rely on them to provide this.

Also in response to your email of October 3, 2023 - we suggest that you notify the Village of concerns during construction. Relative to the roadway work, we have received their damage deposit and will review the condition of the roadways once construction is complete for any damage.

Hopefully this clarifies your questions.

Chris

On Tuesday, October 10, 2023 at 01:22:23 PM CDT, Lisa Brogan <lisa.s.brogan@outlook.com> wrote:

Dear Chris,

We want to be factually accurate at all times in our communications with the Village of Williams Bay.

Would you please confirm as CPPA Board Member / Building Committee Chair that, to your knowledge, the Village of Williams Bay approved the construction plans for 226 Circle Parkway on or about November 14, 2022, updated on March 8, 2023 and as "amended" on August 31, 2023, without fulfilling its obligation as provided in Section [390-0213](#) H(5) of the Village Code, whereby the Village Building Inspector shall consider the report and recommendation of CPPA in imposing appropriate conditions on the zoning permit. We have not seen or heard anything to the contrary.

It appears that the Coulters did not submit the plan to the CPPA Building Committee before the November, 2022 and March, 2023 approvals and that the Zoning Administrator issued the Village's August 31, 2023 ruling granting the amendment without having allowed the CPPA Building Committee an opportunity to complete its review.

Thank you in advance.

Best regards,

Lisa and William Brogan

EXHIBIT G

EXHIBIT H

Subject: Village of Williams Bay / Building Code
From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
To: "admin@vi.williamsbay.wi.gov" <admin@vi.williamsbay.wi.gov>,"zoning@vi.williamsbay.wi.gov" <zoning@vi.williamsbay.wi.gov>
Cc: William Brogan New 2022 <williambrogan219@gmail.com>
Date Sent: Thursday, August 17, 2023 1:47:34 PM GMT-05:00
Date Received: Thursday, August 17, 2023 1:48:13 PM GMT-05:00
Attachments: Lot 212 Survey with setback.pdf,Village of Williams Bay, WI Standard Zoning Districts.png

Dear Dave and Bonnie,

Thank you again for Monday's meeting and Bonnie's email from yesterday.

At the meeting we spent a lot of time discussing whether the Village has authority to enforce the building line. You did not want our attorney at the meeting so we had to struggle to understand the Village's position. We think the Village's position needs to be clarified by the Village attorney to you and to us, and to our attorney, before Cedar Point finishes its review. We want to clarify with you our understanding of what you are telling us, so that we can meet with our attorney and engineer and report back to and discuss with them. We are not stating any legal position we are seeking clarification of your position.

You are now acknowledging that the specific building line for Lot 212 is in fact set forth in the Williams Bay Building Code. If so, why is this not enforceable by the Village?

At the meeting we asked whether the building line is the line that the owner/contractor intended to delineate as "Lakefront setback" on the 11/3/22 plan. Is that your understanding? (We added the caveat that we cannot agree or disagree as to exactly how the building line should be drawn since the 11/3/22 site plan is not drawn on a plat of survey.). We attach the recorded survey for Lot 212 showing the "Lake setback per zoning conditions desc." Is that the building line?

We also discussed side setbacks. We asked whether the formula for the side setback for this Lot is in the Code. You said the setbacks in Cedar Point are very complicated, but we asked whether the side setback formula applies as follows: the Lot is in Third Addition and is irregular (not rectangular) so we add the front and back lot lines, divide in half, then multiply by 0.16. The setback is that result or 10 feet, whichever is larger. Here it is 10 feet. Please confirm or correct us.

The permit application shows a 10.3 feet setback on our side, and 10.5 feet for the other side, consistent with the setbacks on the plat of survey. You approved this application. The original Coulter site plan showed 10.3 feet on our side and 10.5 feet on the other side, consistent with the permit application and seemingly in compliance with the Code.

We don't understand why you said the side setbacks are 6 inches. Please explain and point us to this requirement.

As for the Lakefront setback / building line, the permit application seeks a permit for a "structure." Structure is also defined in Section 390-0114 of the Williams Bay zoning code as: "Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances."

The permit application identifies the proposed "structure" as "retaining walls, paver walkways and stone stairs" (not paver patio) for "personal access from driveway or walk-out basement to shoreland."

The Village code excerpted below says that the building line as used relating to each lot in CPPA "**shall mean the required setback for the location of all structures in all cases.**" (Our emphasis.)

Our understanding has been that no structures may be built beyond the Lakefront setback. Period. This is very important to protecting our Lake and trees, protecting our property values, our views, and protecting us from storm water run-off. If you allow this, you are single-handedly destroying the character of Cedar Point Park. Look at the rolling lawns up and down the Lakefront...interrupted by this enormous structure. Look at the original deed creating Cedar Point Park! Where will it end?

The permit also shows 5 feet in height for the structure. The 11/3/2022 plan approved by this permit clearly shows the retaining wall PLUS safety wall for the raised turf patio to be 30 inches plus 24 inch optional safety wall. The upper small paver patio was drawn to have a 24 inch retaining wall. The site plan shows a human standing next to the retaining wall PLUS safety wall and the height varies but never exceeds chest-high, which is arguably consistent with the 30 + 24 inch structure (we objected previously that this should have been required to have been drawn to scale). This has been violated by MANY feet. Has your engineer measured the walls as they exist on our side of the property? If the blocks are 12 inches high (are they?) then is stone wall structure 10 to 15 feet high as viewed from our property? Is the lower patio raised 10 to 15 feet or more above the NEW grade?

Was the extreme elevation of the walkway from the Lakepath allowed? Didn't the approved plan merely call for "replace exist. wall with new stone"? Even without the guardrail this elevated walkway blocks our Lake view.

How would lowering the wall by 2 feet "make us better off" as Mr. Snyder tried to convince us when the retaining wall PLUS SAFETY WALL was supposed to be chest high at its highest point? The proposal is to lower the wall by two feet at one point and then add a guardrail of undetermined size, type, material and color? The wall is going to be higher not lower, exceed the building line, violate the permit and block our Lake views.

We ran out of time to discuss the "existing" and "proposed" impervious surface coverage on site as included on the permit application. Shouldn't this be recalculated to the as-built site, and as to any proposed new plan? There is no grass whatsoever on the site as built now.

You indicated that the Village may have no authority to impose the CPPA Rules and By-Laws. Why? The setbacks and building line at issue are set forth in the Code and are on the original deed, which we can send to you in a separate email.

Moreover, as far as the CPPA input, the Code (excerpted below) says the Village SHALL consider CPPA's report and recommendations. In the law, "shall" is mandatory and not permissive. It does say that the Village Building Inspector has not delegated its authority to the CPPA Building Committee, and we have not argued that CPPA replaces the Village Building Inspector.

As a final point, It was extremely difficult to hold our tongues and listen to the Village tell us that what is done is done and the Village has to try to work with what has already been built. How can that be a legitimate position when we wrote repeatedly every step of the way with photos to raise the alarm, copying everyone we could find including zoning and code enforcement, asking the Village to look at what they are building? The wall was too close to our property line. The wall was too high. The wall was being built higher still. Now they are adding pavers and gravel. Where were all of you—in particular between June 23 and the stop-work order on July 6? That is when this wall could have been stopped at the first level! We alerted you multiple times and did not even receive the courtesy of a response until after the stop-work order. To be clear, policing this site was not our obligation. Building beyond the Lakefront setback / building line should not have been allowed in the first instance, this is an illegal structure.

Now WE must suffer forever for the failure of the Village to enforce the approved site plan? Particularly where the violation is intentional and egregious?

We remodeled our house at great expense (rather than tearing down) to abide by the grandfathered setback in order to keep our deck. We looked at the 230 Circle house and Lot 212 for purchase and are very familiar with

the constraints. Indeed, Bonnie said that several Cedar Point owners have put in retaining walls on the Lakefront without a permit and she has required them to be torn out. Why is this situation any different?

Didn't the Mirbeau / Hummel litigation in Lake Geneva cause the municipal liability carrier in the area to contact their municipalities and warn them to treat all parties equally under the zoning laws?

Thank you for listening. Please clarify the building line and setbacks, so we can discuss with our attorney and engineer. Please share the answers with CPPA for their review. Please let us know when the survey is completed of the as-built site from top to bottom.

Best regards,
Lisa and William Brogan

Lt-112, Cedar Point Farm Trust Addition, being a part of Lot 112 of the Inland Empire Estates B and T, Town 7 North, Range 17 East, Maps of Williams Bay, Western County, Wisconsin.

TM KEY NO. WCPY 00011A





Home Help

Enter search term...



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 Article 2 Standard Zoning Districts

☐ 5-390-0213 SF-CPP Cedar Point Park

(5) Prior to filing an application for zoning permit to construct or structurally alter any building, structure or conditional use previously granted, the applicant shall submit a request for review to the Building Committee of the Cedar Point Park Association (Building Committee). Such review shall be required with regard to construction, area, location on the lot, curbing, driveways, walls, fences, hedges, terracing, and the location on the lot of garages. The Building Committee shall issue a report containing its recommendations concerning the proposed construction or alteration. The applicant shall deliver the report of the Building Committee to the Building Inspector at the time of the application for a zoning permit. The Building Inspector shall consider such report and recommendation in imposing appropriate conditions on the zoning permit. However, nothing contained in this subsection is intended to delegate the authority of the Building Inspector to the Building Committee. All applications for a zoning permit, to include the construction of a conditional use if a conditional use permit has been granted by the Village Plan Commission, shall be accompanied by showing the location, actual shape, and dimensions on the lot of both existing and proposed improvements, including the dwelling, accessory buildings, fences, and conditional uses. In the case with an application for a zoning permit for a conditional use, the applicant shall specifically set forth any conditions imposed by the Plan Commission in granting a conditional use permit, and in the case of a swimming pool, the exact provisions required, specified or approved by the Plan Commission for the drainage thereof. No dwellings shall be erected containing less than 900 square feet on the first floor for lots 60 to 90 feet in width and wider, not including porches, breezeways or accessory buildings. No obstructions such as curbing, driveways, walls, fences, hedges, or terraces shall extend beyond lot lines into public roads or private roads of the Cedar Point Park Association. All dimensions shown relating to location and size of the lot shall be based on a survey certified by a surveyor licensed by the State of Wisconsin. The lot and location of the building thereon shall be staked out on the ground before construction is commenced.

(6) The building line as used relating to each lot in the SF-CPP Cedar Point Park District shall mean the required setback for the location of all structures in all cases. The exceptions stated in 5-390-0505F(3) and 1(3) shall not apply in the SF-CPP District.

EXHIBIT I

CONSIGNY LAW FIRM, S.C.

ATTORNEYS AT LAW

A Limited Liability Organization

MARK A. SCHROEDER
MARK D. KOPP
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September 12, 2023

Sent via email: Thomas Gardiner (TGardiner@gkwwlaw.com)

Attorney Thomas G. Gardiner
Gardiner, Koch, Weisberg & Wrona

RE: 226 Circle Parkway

Attorney Gardiner,

Thank you for your letter of September 11, 2023 regarding the above-mentioned property and your client's concerns regarding the site work occurring there. On September 8, 2023, Village Engineer Doug Snyder did visit the property in order to investigate the concerns expressed by your client, Lisa Brogan, in her email of September 8, 2023. I have spoken with Mr. Snyder and he has given me his report regarding his observations of the project occurring at the property and his communications with the contractor.

The first three points of the email of Mrs. Brogan concern a concrete block wall. Based upon his observations, Mr. Snyder directed that the wall be relocated to the east in order to meet all setbacks, including the side yard setbacks, all as addressed on the Option E plan. The contractor has agreed to comply with that correction.

In the fourth point of Mrs. Brogan, she is requesting that the Option E plan be drawn on a plat of survey. The village is satisfied with the drawings created to date regarding Option E.

In her fifth and sixth points, Mrs. Brogan expressed concern regarding the width of the stone drainway and the apparent lack of six ditch checks in the drainway. Mr. Snyder has directed that the width of the stone lining be reduced to 1 foot, consistent with Option E. In addition, he has directed that the six ditch checks be installed. The contractor has agreed to comply with those directions.

In her seventh point, Mrs. Brogan seeks to address flagging for utilities before digging. That is a matter to be addressed with the utility companies. In any event, Mr. Snyder does not believe that the work remaining to be performed at the property will require more digging.

In reference to the concern regarding the installation of silt fences expressed by Mrs. Brogan in her eighth point, Mr. Snyder has directed that those fences be installed and the contractor has agreed to same.

In reference to the concern expressed in her ninth point regarding tree roots, as previously noted, Mr. Snyder does not believe that additional digging should be required.

As concerns storm water runoff between the two homes and the connection of the downspouts, Mr. Snyder states that the downspouts will be connected to the drainage system to properly drain the subject properties as provided in Option E. The connection of the downspouts will be occurring as the work progresses.

Regarding the concerns expressed by Mrs. Brogan in her eleventh point regarding the CharterSpectrum easement on the subject property, it is not a village issue and is to be addressed between the property owner and CharterSpectrum.

As concerns the guardrail concern addressed in her twelfth point, Mr. Snyder reports that the guardrail will not be installed as it is not a part of the approved Option E.

Finally, as to the thirteenth point of Mrs. Brogan regarding the sewer easement, that is a matter to be addressed between the village and the property owner, and has been addressed in the form of an amendment to the easement for the sewer main.

Based upon the above, the village is satisfied that the concerns expressed by Mrs. Brogan will be addressed to her satisfaction. The contractor is being required to comply with the specifics of the approved Option E plan. As a result, the village will not be reinstituting its stop work order for the project on the property.

Thank you.

Very truly yours,

CONSIGNY LAW FIRM, S.C.

By:



Mark A. Schroeder

email: mschroeder@janesvillelaw.com

MAS/kk

c: Lisa Brogan (sent via email)
William Brogan (sent via email)
David Lothspeich (sent via email)
Bonnie Schaeffer (sent via email)
Municipal Code Enforcement (sent via email)
Doug Snyder (sent via email)

EXHIBIT J

Subject: 226 Circle Parkway - Update

From: David Lothspeich <admin@vi.williamsbay.wi.gov>

To: "Liljeberg, Jeff" <Jeff.Liljeberg@jll.com>, William Brogan <williambrogan219@gmail.com>

Cc: Doug Snyder <dsnyder@baxterwoodman.com>, Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, David Lothspeich <admin@vi.williamsbay.wi.gov>

Date Sent: Thursday, August 31, 2023 5:56:24 PM GMT-05:00

Date Received: Thursday, August 31, 2023 5:56:38 PM GMT-05:00

Attachments: 34521 - C4.01E - Option E.pdf, 34521 - Stebnitz - As-Built (Annotated Exhibit).pdf, Amendment to Easement for Sewer Main Extension (draft 8.28.23).pdf

Dear Mr. Liljeberg and Mr. Brogan,

Based upon approval by the Village Engineer for compliance with drainage and engineering requirements, conformance with the Village Zoning Regulations and determination that the revised plans are in substantial conformance with the original approved permit plans,

Village Zoning Administrator Bonnie Schaeffer has conditionally approved the Site Layout, Grading, and Drainage Plan **34521 - C4.01E - Option E.pdf (copy attached)** dated August 16, 2023 prepared by Batterman for the Coulter residence located at 226 Circle Parkway. Please refer to the attached documents:

1. Annotated As-Built Survey dimensioning the distance from the house to the inside of the retaining wall.
2. Annotated Original Approved Plan dimensioning the distance from the house to the inside of the retaining wall as well as documenting the square footage of the turf area.
3. Option E showing the revisions to the plan. As shown in the attached documents, in the original design, the distance from the house to the inside of the retaining wall was 42.4'. In the as-built condition, the distance from the house to the inside of the retaining wall is 44.3', which is a difference of 1.9'. Additionally, the square footage of the raised turf area in the original design was proposed as 765 square feet, while the square footage of the raised turf area in Option E, with the as-built location of the wall, is 750 square feet, which is less than the original approved design.

Village Engineer Doug Snyder, Baxter Woodman, reviewed and recommended approval of the revised plans shown on the attached file labeled **34521 - C4.01E - Option E.pdf** as an addendum to the original approved plan noting the following from the attached file **34521 - Stebnitz - As-Built (Annotated Exhibit).pdf**:

1. The elevation and area of the "raised turf area" is similar to the original approval.
2. The wall placement differs from the original plan because the final structural design of the walls was being done after the original plan was approved.
3. There are flat areas adjacent to the stairs rather than the 4/1 slopes on the approved plan; none appear large enough to install landscape furniture and all should be landscaped to meet the approved plan.
4. The walls appear to have stabilized the slope.
5. They are using alternate means to provide the guard rail on the perimeter of the raised turf area and alternate means of conveying the stormwater on their parcel. The wall near the south property line is allowing stormwater from the neighbor to enter the parcel and is less than 30 inches high.

The property owner for 226 Circle Parkway agreed to abide by the following conditions of approval and the Village is lifting the stop work order.

1. A final as-built survey shall be provided upon project completion. The as-built survey must be in accordance with the improvement elevations and locations shown on Option E.
2. The new retaining wall to the south extending from the elevated area to the south entry door will not exceed 30 inches in height.
3. The elevated area will be natural grass rather than "turf".

4. The Village will not be responsible for replacing any improvements placed within the sanitary sewer easement area. The property owner signed the attached **Amendment to Easement for Sewer Main Extension (draft 8.28.23)** agreement that will be recorded against the property.
5. All areas shall be landscaped to as shown on the original approved plan except where modifications are necessary to accommodate the revised Option E.
6. All lighting shall be in conformance with Village Zoning Ordinance Section 390-0807 Exterior Lighting Standards.

Thank you for working with the Village and for your patience.

Best Regards,

David Lothspeich
Village Administrator
Village of Williams Bay, WI
262-686-2336

AMENDMENT TO EASEMENT FOR SEWER MAIN EXTENSION

WHEREAS, an Easement for Sewer Main Extension Sewer District "N" Village of Williams Bay, Walworth County of the Wisconsin dated November 2, 1960 and recorded with the Walworth County Register of Deeds in Volume 558, Pages 440 to 444, as Doc. No. 524257 (Easement), a copy of which is attached as Exhibit A and incorporated herein, was granted to the Village of Williams Bay, referred to as party of the second part; and

WHEREAS, Christopher R. Coulter and Melanie M. Coulter (Coulter), referred to as party of the first part, own the following described property which is subject to the Easement, which property will hereafter be referred to as Lot 212:

LOT 212, CEDAR POINT PARK THIRD ADDITION, BEING A PART OF THE EAST 1/2 OF THE FRACTIONAL SECTIONS 6 AND 7, TOWN 1 NORTH, RANGE 17 EAST, VILLAGE OF WILLIAMS BAY, WALWORTH COUNTY, WISCONSIN. TOGETHER WITH THAT PART OF LOT 213 OF CEDAR POINT PARK 3RD ADDITION, LOCATED IN THE VILLAGE OF WILLIAMS BAY, WALWORTH COUNTY, WISCONSIN, TO BE PART OF LOT 212 OF SAID CEDAR POINT PARK 3RD ADDITION, DESCRIBED AS FOLLOWS: COMMENCING AT THE COMMON CORNER BETWEEN LOTS 212 AND 213 OF CEDAR POINT PARK 3RD ADDITION, ON THE WESTERLY LINE OF CIRCLE PARKWAY; THENCE SOUTH 77 DEG 07 MIN 11 SEC WEST ALONG THE COMMON LINE BETWEEN SAID LOTS, 154.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEG 08 MIN 19 SEC WEST 7.07 FEET; THENCE SOUTH 79 DEG 57 MIN 38 SEC WEST, 140.07 FEET TO THE SHORE OF GENEVA LAKE AT THE CORNER OF LOTS 212 AND 213; THENCE NORTH 77 DEG 07 MIN 11 SEC EAST, 141.49 FEET TO THE POINT OF BEGINNING. SAID LAND BEING IN THE VILLAGE OF WILLIAMS BAY, WALWORTH COUNTY AND STATE OF WISCONSIN.

WHEREAS, Coulter wishes to amend the Easement as it pertains to Lot 212.

The Easement as it pertains to Lot 212 is amended to add the following provision:

Provided, also, that the obligation of the party of the second part to restore the premises after exercising the privileges granted by this easement as near as reasonably possible, to the condition of the premises as they are in at the time of the commencement of any such work, does not apply to any improvement constructed or otherwise placed within the easement area of Lot 212. The party of the second part shall have no responsibility for repair or replacement of such improvements damaged by the party of the second part in exercising its privileges hereunder.

Except as otherwise stated herein, all provisions of the Easement remain in full force and effect.

This amendment shall be effective upon the date of the signing by the parties of the first part.

Christopher R. Coulter Date

Subscribed and sworn to before me this
_____ day of _____, 2023.

Notary Public, _____ County, State of _____
My commission is permanent/expires: _____

Melanie M. Coulter Date

Subscribed and sworn to before me this
_____ day of _____, 2023.

Notary Public, _____ County, State of _____
My commission is permanent/expires: _____

This document prepared by:
Mark A. Schroeder
Consigny Law Firm, S.C.
303 East Court Street
Janesville, WI 53545

EXHIBIT K



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 5/16/2023 MEETING TUESDAY, MAY 16, 2023 AT 6:30 PM

I. Call to Order

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

II. Roll Call

Present: George Vlach, Robert Umans, Tom Lothian, Matt Robbins

Also Present: Zoning Administrator Bonnie Schaeffer, Clerk Tina Kolls

Excused: Dennis Costello, Mike Fieweger, Roy Grada

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of 4/18/2023

The motion to approve the Zoning Board of Appeals Meeting Minutes of 4/18/2023 was initiated by Trustee Umans and seconded by Commissioner Robbins. Unanimously carried.

V. Variance Application

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

APPLICANT(S): Ryu Family Trust (Owner), Kevin Kruger (Agent)

TAX KEY NUMBER: WLV2 00007

STREET ADDRESS: 72 Lower Loch Vista, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0212 to construct a 12' x 17' patio having a proposed rear yard setback of 15' (minimum of 20 feet required).

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

Kevin Kruger (Kruger Landscape 3062 Theatre Rd Delavan, WI 53115) explained the applicant currently has a house addition that is grandfathered in at 15 feet from the rear lot line. Kruger explained they have a service sidewalk at 15-18 feet from the lot line servicing the back door. Kruger explained that they are requesting to fill in the corner to have a usable outdoor space of 17x12 feet which would make the house appear like a rectangle. Kruger explained they would be able to pitch the patio to the west and direct water away from the home as it sheds off the roof. Kruger explained that since the sidewalk was existing it was permissible for it to be replaced at, that three-foot width. Kruger explained that the question would be from fifteen to eighteen feet, then from eighteen to twenty, to twenty-seven feet against the back north side of the house could all be one patio surface.

Trustee Umans inquired if the stone and brick seen in the picture were meant to hold the water back.

Kruger explained that he is the contractor for the proposed patio, so he is not quite sure what those are there for other than to dam water, but he couldn't say for sure.

Trustee Umans explained that there didn't seem to be a humongous water problem despite the slope but, obviously, it needs to be improved. Trustee Umans questioned whether the concrete spillaway would be touched, if the whole sidewalk is being replaced all the way to the road and if they were proposing to step it down.

Kruger explained that from the back door of the house it gradually comes up to the northwest corner and then slopes down, so they are trying to pitch everything away from the house.

Commissioner Lothian questioned the accuracy of the pictures, specifically the door.

Kruger explained that the picture was fish-eyed and the door is 32 inches or 34 inches and the sidewalk is three feet wide currently.

Commissioner Lothian questioned how much closer the patio would be to the tree.

Kruger explained that the patio is proposed to go to the outer edge of the sidewalk.

Trustee Vlach asked Zoning Administrator Schaeffer for her evaluation .

Zoning Administrator Schaeffer explained that, as Kruger explained, the applicant could put a patio on the property that would meet the code, which would be 7'x17', which would be behind the existing sidewalk towards the house. Zoning Administrator Schaeffer explained that the applicant could also replace the existing sidewalk. Zoning Administrator Schaeffer explained that there was this little middle ground in there that seemed a little petty to say they needed a variance because they really only needed a variance of two feet. Zoning Administrator Schaeffer explained that the current space is not currently a patio by definition due to scattered gravel, not having any pavers or concrete, so it was decided the applicant would need a variance. Zoning Administrator Schaeffer explained that as far as a hardship, she didn't feel that the request was excessive and a patio is a permitted use in residential areas. Zoning Administrator Schaeffer explained that the patio would be filling space not currently being used as greenspace. Zoning Administrator Schaeffer explained that she doesn't feel it affects any property owners or neighborhood characteristics and feels it meets the standards.

Trustee Vlach asked if there was anyone to speak in favor.

There was none.

Trustee Vlach asked if there was anyone to speak in opposition.

There was none.

B. Motion to Close Public Hearing

Trustee Vlach closed the public hearing at 06:44 pm.

C. Consideration and possible action on recommendation of Variance

Commissioner Lothian questioned if the applicant could run the patio from the house all the way to the concrete sidewalk without a variance.

Zoning Administrator Schaeffer explained that it would stop two feet short.

Commissioner Lothian questioned if the applicant could make the sidewalk two feet wider.

Zoning Administrator Schaeffer explained that the ordinance does not address that.

Commissioner Lothian questioned if the sidewalk was ADA compliant.

Zoning Administrator Schaeffer explained that the sidewalk was ADA compliant.

Trustee Vlach questioned if this variance was not granted, would the applicant be able to have the sidewalk, two feet of grass and the patio anyway.

Zoning Administrator Schaeffer explained that Trustee Vlach was correct.

Trustee Umans explained that the area of the property is out of sight and no one can see it. Trustee Umans explained that he would do this if this was his property. Trustee Umans explained that he feels this would help with the water problem.

Commissioner Robbins explained that he feels this would fix the water issue that is obviously there. Commissioner Robbins explained that the neighbors are in favor and it is out of sight.

Trustee Vlach explained that the applicant wants the water issues solved and feels the patio would do that. Trustee Vlach explained that both the sidewalk and the patio are allowed and he feels it would be unreasonable to ask the applicant to leave two feet of space open.

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

VI. Variance Application

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

APPLICANT(S): Charlotte Harrington (Owner)

TAX KEY NUMBER: WA383800001

STREET ADDRESS: 203 Circle Parkway, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0213 to construct an upper patio and lower patio having a proposed rear yard setback of 10' (minimum of 20 feet required).

Trustee Vlach opened the public hearing at 06:48 pm.

Charlotte Harrington (203 Circle Parkway) explained that her backyard is long and narrow and has a four-foot pitch from the top to the bottom. Harrington explained that the reason for the two levels on the request would be to put a kitchen on one level, then there is a retaining wall and you walk down a few steps and there would be a lower patio below that. Harrington explained the reason for the ten-foot setback is they have landscaping along the house they would like to keep and landscaping along the stone ditchwall that they would also like to keep, so they are proposing to nestle the patio in between the landscaping without changing it. Harrington explained that it is hard to grow grass due to erosion. Harrington explained it usually comes right down the hill and there is usually a lot of mud. Harrington explained that they are proposing to use permeable pavers up above the retention wall as well as permeable pavers down below and a drain tile around the outside of the pavers going into two flow wells to catch any overflow before it goes out to a drain tile on either side.

Trustee Umans explained that he visited the property and took some pictures. Trustee Umans explained that he tried to estimate the square footage because he didn't have a tape measure. Trustee Umans explained that the first thing he noticed was the four-foot drop from the neighbor on the south, which he believed was 211.

Harrington explained that the property was owned by her parents.

Trustee Umans explained that he didn't see any drainage pipes coming out of the natural stone wall on that slope.

Harrington explained that the wall was existing and there was no drainage that she was aware of.

Trustee Umans explained that he was concerned with the square footage that would be covered between the proposed

patio as well as the existing patio the neighbor has. Trustee Umans was questioning where the water would go as there would only be a ten-foot space for the water.

Harrington explained that she had Cardinal Engineering do a drainage study on the property with the help of Kevin Kruger. Harrington explained that they had proposed to have a drain tile that goes along the edge of the patio, taking everything that is coming down and putting it into two flow wells at the end next to where the shed is, where the path starts. Harrington explained that the wells will capture anything that sheds down.

Trustee Umans questioned where the water goes after it is captured.

Kruger explained that NES makes a system called Flow Well. Kruger explained that they look like 55 gallon drums and they are perforated. Kruger explained that the intention was for each one to hold 250 gallons of water. Kruger explained that there is #6 clear stone around the wells, which is 35% void space. Kruger explained that they are proposing two of these wells to be placed below grade, which will hold approximately 750 gallons of water. Kruger explained that the infiltration that is below grade will store the water and allow it to perk down. Kruger explained that if there were a higher volume event there would be a perforated drain tile acting as a french drain that would go between the house and the neighbor to the north. Kruger explained that the french drain will also act in an infiltration capacity.

Trustee Umans explained his main concern was the location of the shed as it didn't leave room for the water and he didn't want it to go over the wall and flood the neighbors.

Kruger explained that he understood his concerns and explained how the Flow Well system, stone, and tile were proposed to help prevent the flooding issues.

Commissioner Lothian explained that a hardship is required and inquired as to why they are asking for the variance at twenty feet.

Harrington explained that she is trying to create an area that is not smacked up against the house and so it is landscaped all the way around. Harrington explained that the hardship is getting rid of the erosion as well as making it a usable space because it is currently not flat. Harrington explained that because it is not flat they can not put a chair back there because it would tip over. Harrington explained the reason for the proposed setback is to give enough width to actually have a patio but still keep the landscaping up against the house and up against the fence. Harrington explained the variance would allow for it to look nice and work better.

Trustee Umans explained that the Board has to find a hardship and the proposed second patio is thirty feet by eighteen feet which is a huge patio, so maybe what Commissioner Lothian is trying to say is to scale it back.

Commissioner Lothian asked Kruger if there was a reason from a water control issue that this patio had to be twenty feet wide. Commissioner Lothian explained that this is a large patio going way into the setback and they needed to see a hardship.

Kruger explained that the upper patio has a step that comes out about two feet, then there will be an eight and a half foot drop and then another eight foot drop on this eight by eight and then there is a three-foot retaining wall, so the applicant is proposing keeping the footprint of the retaining wall in the same spot. Kruger explained that it is broken up into two levels, which therefore increases the square footage instead of it being one level to have usable outdoor space.

Commissioner Lothian explained that the problem is, as he looked at the drawing, there is an eight by eight patio and there is a retaining wall that is at the ten-foot marker from the property line and then we step down from that towards the other area that is currently all grass.

Kruger explained that it was mostly mud and that they had to replant grass seed every year.

Commissioner Lothian asked if the retaining wall would be removed when they put in the upper deck.

Kruger explained that it is going to be rebuilt. Kruger explained that it is cobblestone. Kruger explained that the current eight by eight patio coming out of the house is about three feet above the grade. Kruger explained that the house steps down and the foundation steps down. Kruger explained that it is currently retaining the eight by eight patio. Kruger explained that if the retaining wall came down, the soil and base would erode away. Kruger explained that instead of changing the grade and making a medium sized patio they are keeping it bi-level.

Harrington explained that by making it bi-level it kind of tears up the usable space. Harrington explained that they have a large family. Harrington explained that if they had to stay twenty feet from the lot line, she would be ten feet from the house because it is only thirty feet from the back lot line and, in that ten feet the house curves in and out, she wouldn't have enough of a patio to even make it worth doing.

Trustee Vlach asked Zoning Administrator Schaeffer for her evaluation.

Zoning Administrator Schaeffer explained that in the application the applicant talked about decreasing the landscape area and Cedar Point Park District is the only one in the Village that doesn't have a landscape surface ratio minimum. Zoning Administrator Schaeffer explained that Village Residential District is 50%. Zoning Administrator Schaeffer explained that if the applicant were in that district they would need a variance specific to the fact they are asking to decrease the landscape ratio to 38%. Zoning Administrator Schaeffer explained that the applicant is proposing to cover 62% with the house, the patios, and everything else that is not greenspace. Zoning Administrator Schaeffer explained that there is a reason we want to have greenspace in the village. Zoning Administrator Schaeffer explained that she did look at the property and noticed the house was built right at the thirty-foot setback, so when it was built they were not planning for a patio back there. Zoning Administrator Schaeffer explained that if it were a more reasonable request, like fifteen feet from the rear lot line, she felt it would be a more reasonable request but, this request seemed to be excessive. Zoning Administrator Schaeffer explained that as far as the drainage, if the proposed, was approved as submitted, it would need to be sent to the village engineer for his review, as they are talking about pretty substantial changes in the way the lot is graded and the subsurface drainage systems. Zoning Administrator Schaeffer explained that Cedar Point Park did send an email approving the plan.

Trustee Vlach asked if there was anyone to speak in favor.

Kurt Kristmann (41 Cedar Point Drive) explained he was representing Cedar Point Park Association. Kristmann explained that they did go out and look at the property. Kristmann explained that the association does not enforce a percentage of greenspace. Kristmann explained their main concern was runoff. Kristmann explained that he looked at their engineering drawings. Kristmann explained that the applicant's backyard is a muddy mess and she has to do something because it is an unusable yard. Kristmann explained that their concern was the water runoff and water retention and, after looking at the engineering study, they, as a building committee, were okay with that. Kristmann explained that they did give the applicant a suggestion, which was to make the pavers permeable and the applicant accepted that. Kristmann explained that the size of the patio should not affect the neighbors. Kristmann explained that the Association is happy with the plan. Kristmann explained that they spoke with several of the applicants' neighbors who had no complaints. Kristmann explained that they understand the village's concerns about the size of it, but in looking at the yard and how it's landscaped, it will look nice. Kristmann explained he doesn't think anyone will see the patio other than the applicants' parents.

Vlach asked if there was anyone to speak in opposition.

There were none.

Harrington asked Kruger if they would still have usable space if they made it narrower.

Kruger explained that they would if they made it all one level. Kruger explained that they would need a lot of retaining walls and railings because the drop off would be greater than two feet.

Harrington explained that they had originally proposed a one-level deck but by the time they pushed the deck out, they were four feet above the ground and like a ship above all the neighbors. Harrington explained they would prefer to have it tucked down and in. Harrington explained that the problem with having two levels is you lose usable space in the stairwell portion of it. Harrington explained that she could shave it back a couple feet but wouldn't be able to make it usable less than that.

Kruger explained that if there were any concerns about the water, he could explain the permeable patio again.

B. Motion to Close Public Hearing

Trustee Vlach closed the public hearing at 07:14 pm.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach explained that the reduction in landscape surface area to 38% caught his eye right away and he was surprised to hear that Cedar Point Park doesn't have anything.

Commissioner Lothian explained that part of the problem within Cedar Point is the challenges with the size of the lot. Commissioner Lothian explained that if you build a house on a lot, you don't have the ability to maintain that number, so that's why there is not one.

Trustee Vlach explained that he was impressed with the plan to catch the water. Trustee Vlach explained that even though they are entitled to have a patio, it is not stated anywhere what the minimum or maximum size of the patio is to determine what is reasonable. Trustee Vlach explained he understood that the back area is basically useless as far as trying to plant grass because it gets muddy. Trustee Vlach explained that he is having a hard time pinpointing the hardship.

Commissioner Lothian explained that if you say it makes sense for the upper patio because of the retaining wall, well, then it logically makes sense to carry that line on the patio to the north. Commissioner Lothian explained that limiting it seems arbitrary. Commissioner Lothian explained that he doesn't like it being ten feet from the lot line and that if they allowed the same, for the person behind would have two patios twenty feet apart and that is too close, which is what this is designed to prevent. Commissioner Lothian explained he was looking for a hardship.

Commissioner Robbins explained that he was struggling with the hardship. Commissioner Robbins explained that he kept coming back to the water runoff. Commissioner Robbins explained that putting in the patio could make it better. Commissioner Robbins explained that Cedar Point Parks approval was helpful. Commissioner Robbins explained that he wouldn't want to butcher it trying to do something that was right that was not right.

Trustee Vlach explained that the water could be a hardship.

Commissioner Lothian, Trustee Vlach and Zoning Administrator Schaeffer discussed what the code states in regard to if you have a right to a garage as well as a patio.

Trustee Vlach explained that there is a difference between having a right to a garage and wanting a huge garage.

Commissioner Lothian explained that the Village allowed the patio and the retaining wall and now the applicant would like to fix it up, so unlike the person who wanted the huge garage who didn't already have a structure there is already something here.

The Commissioners discussed the existing retaining wall already being to the end of the setback.

Trustee Umans explained that he was concerned about the green space and didn't see a hardship.

Trustee Vlach explained that he was fine with the upper patio but couldn't see the hardship of going into the setback for the lower patio.

Zoning Administrator Schaeffer explained that they were looking at the proposed plan not an existing plan and there was not a retaining wall already, into the setback.

Commissioner discussed what size the patio would need to be in order to fit within the setbacks.

Trustee Umans explained that none of the neighbors would be affected but, he couldn't see a hardship.

Commissioner Robbins asked what the requirements would be if they voted tonight, what would have to happen for the applicant to not have to wait a year?

Zoning Administrator Schaeffer explained that the applicant would need to make significant changes to the plans. Zoning Administrator Schaeffer explained that she would need to decide if the changes were significant enough. Zoning Administrator Schaeffer explained that if they came back and downsized it in a significant way then they may not have to wait a year. Zoning Administrator Schaeffer explained that they also had the option to reach an agreement at this meeting. Zoning Administrator Schaeffer explained that they could adjust their application as they were sitting there.

Trustee Vlach explained that they could table the application and allow the applicant to come back next month with a revised plan. Trustee Vlach explained that the applicant could let them vote which didn't look good or they could revise the size right now or they could table the application and bring it back next month revised and they could take another look at it then.

Commissioner Lothian explained that it doesn't matter if you are going fifteen feet or twenty feet into the setback you still need to be able to find a hardship. Commissioner Lothian explained that before we say we should think about a revised plan, he is wondering, of the board, what the hardship is that would allow for a fifteen-foot setback and not a twenty-foot setback.

Trustee Vlach explained that he agreed with Commissioner Lothian.

Trustee Umans explained that we don't want to set a presidents for big patios.

The motion to Deny the Variance was initiated by Trustee Vlach and seconded by Commissioner Lothian. Unanimously carried.

VII. Adjournment

The motion to adjourn was initiated by Trustee Umans and seconded by Commissioner Lothian at 07:41pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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

EXHIBIT L

Subject: Re: 226 Circle Parkway
From: Municipal Code Enforcement <mcodeenforcement@gmail.com>
To: William Brogan <williambrogan219@gmail.com>
Cc: Village Administrator <admin@williamsbay.org>, Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@williamsbay.org>, chris coulter <ccoulter3339@gmail.com>
Date Sent: Friday, July 7, 2023 12:12:08 PM GMT-05:00
Date Received: Friday, July 7, 2023 12:12:28 PM GMT-05:00

Mr. Brogan,

Thank you for reaching out, and expressing your concerns. We are aware that the project is no longer being built to site plan. Effective yesterday, a stop work order has been placed, and no further work should be done. If work is being completed citations will be issued on a daily basis. This will remain in effect until a meeting with all departments, owners, contractors, and representatives can meet, and have a further discussion, as well as come to a solution on the remainder of the project.

The Village does take your concerns seriously, and we are all working hard to ensure we can move forward with the best solution.

Thank you,

Allison Schwark
Code Enforcement
Village of Williams Bay
262-249-6701

On Fri, Jul 7, 2023 at 11:58AM William Brogan <williambrogan219@gmail.com> wrote:

Dear Village Administrator, Code Enforcer, and others,

I have not heard from you in regard to my concerns as the construction continues at 226 Circle. I deserve a response as your taxpayer.

Since I last wrote on July 5, the stone wall has increased in height. Yesterday pavers were installed. Please see the attached mark-up of the plan and photos. According to the plan, pavers were only allowed in a very small area extending the existing concrete pad on the walk-out level but were to STOP behind the building line which is purportedly delineated as the "Lake Setback" on the plan. It appears that the plan is not being followed.

The plan provides a very small area of pavers flush with the existing walk-out concrete pad but behind the building line. Then a 24-inch retaining wall with steps down to a larger RAISED TURF AREA contained by another retaining wall. Based on the apparent work being done, the RAISED TURF AREA level and its retaining wall have been eliminated completely and instead the upper flush level area, flush with the walk-out pad, has been extended and prepared with gravel for the paver stones to its outer perimeter. In other words, instead of the very small extension of the concrete pad with pavers, the project has changed completely to a very large PAVER PATIO, it appears. Needless to say, if this is the case, this not only violates the plan, but affects drainage and your engineer's assessment of same, violates the building line which has been sacrosanct, and affects the green space ratio. It appears that by extending the retaining wall beyond the approved plan, the result is a wall which is far taller than the plan provides, which as we explained previously was to be chest-high to a person including both the retaining wall and the safety wall.

If my understanding is correct, this is beyond the pale and must be addressed before further construction occurs.

I request your response without further delay. Thank you in advance.

Respectfully,
William Brogan
222 Circle Parkway
262 475-3221

EXHIBIT M

Subject: RE: 226 Circle Parkway construction
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: William Brogan <williambrogan219@gmail.com>, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, chris coulter <ccoulter3339@gmail.com>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>, Municipal Code Enforcement <mcodeenforcement@gmail.com>, Building Inspector <inspector@vi.williamsbay.wi.gov>
Date Sent: Monday, July 10, 2023 2:34:30 PM GMT-05:00
Date Received: Monday, July 10, 2023 2:34:34 PM GMT-05:00

Mr. Brogan,

Thank you for your, email I have purposely moved the full village board trustees as bcc in order to keep them informed of my response but to avoid any potential inadvertent Open Meetings Act (OMA) violation(s) should any 'reply to all'.

The Village Engineer Doug Snyder confirmed what appears to be changes made in the field that are not consistent with the approved plans. The Village building, zoning and engineering team are meeting together on site this Wednesday to further evaluate the situation. No decisions have been made or will be made until after the meeting and our team has verified what changes have been made.

We will keep you posted on the status of the project.

Best regards,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Monday, July 10, 2023 2:20 PM
To: Municipal Code Enforcement <mcodeenforcement@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>; Bill Duncan <bduncan@vi.williamsbay.wi.gov>; Bill Duncan <bduncan@vi.williamsbay.wi.gov>; chris coulter <ccoulter3339@gmail.com>; Jim Dalessandro <jdalessandro@vi.williamsbay.wi.gov>; Robert Umans <rumans@vi.williamsbay.wi.gov>; George Vlach <gvlach@vi.williamsbay.wi.gov>; Lowell Wright <lwright@vi.williamsbay.wi.gov>; srussell@vi.williamsbay.gov
Subject: 226 Circle Parkway construction

Dear Allison, the Village Administrator, Village Trustees, and others,

Thank you for your message. I am writing to request a conversation with the Williams Bay corporate counsel as soon as possible and prior to the meeting you have described between the Village and the parties. Please provide this email chain to the corporate counsel.

If we misunderstand the plan, no one has corrected us. Indeed, until Friday, our detailed emails attaching plans and photos of the violations on the wall height and set-backs and patio have been met with silence from the Village, as the nonconforming work continued. If an updated plan was approved, it was not provided in response to my formal informational request. I therefore make my statements of fact in good faith and in reliance on the written records, along with my opinions of what has transpired.

You have acknowledged that the Village is aware that the project is no longer being built to site plan and a stop work order is in place. The deviation from the site plan creates a SERIOUS risk of water drainage and flooding to my property, a risk that cannot be insured against. **WHERE WILL THE WATER GO?** On to OUR PROPERTY and down to the most vulnerable part of the Lakefront, which this project is jeopardizing to the point of collapse. The impervious surfaces allowed to be installed on the Lakefront add to the risk that water will flow from the nonconforming structure down to the low point on the Lakefront adjoining my property. Since October 2022 we have raised the alarm with the Village of risk of Lakefront collapse and of flooding to our property because of this project, and after well-documented meetings and emails and revised plans and reviews by the Village engineer, the Village was satisfied with the site plan. The site plan is not being followed.

I stated my concerns that the site plan with patios beyond the building line and shoreland zoning should not be allowed without a variance. The response was that this is not a patio, it is a "raised turf" grass area, with a retaining wall. *This*

was to be the only significant green space on the entire property. I complained that an illegal patio should not be allowed under the guise of a grass area and retaining wall. The Village allowed it anyway, and now the owners/contractors in a moment of great hubris have appeared to have abandoned the lower grass patio and created one large upper patio and an enormous retaining wall, **many feet higher** than the retaining walls on the site plan (which were to be no more than chest-high, including any safety wall). The patio is flush with the walk-out level and is, so far, partially covered with pavers and the rest in gravel as an under bedding for something other than sod, it appears. The height, size and elevation are seemingly in complete deviation from the plan, as would be putting anything but natural grass turf on the patio area.

On the West-facing, Lakefront side, pavers were to be allowed only on the existing concrete pad and a very small apron area up to the building line. The upper patio was to be enclosed with a 24-inch retaining wall and then drop down in elevation to the large, raised turf area for water absorption. The nonconforming patio is not pitched to run back against the house, of course; instead, the water will run to the path of least resistance, to OUR property and to the Lakefront. The stairs to nonconforming large upper patio area are elevated high above the Lake path and our property. No engineering plans have been submitted for this nonconforming patio since it is not on the site plan. The previous drainage considerations and detailed analysis are no longer applicable. This is not a hypertechnical violation. The engineer's analysis of storm water management was based on the two tiers of patio with natural turf on the lower level. **WHERE**

WILL THE WATER GO?

I am very concerned that your description of the meeting states that the Village is hoping to "come to a solution on the remainder of the project." This suggests that the existing project will be allowed to remain on the property and that some "solution" or compromise will be considered for the "remainder of the project." The owners, contractors and their designates have shown a repeated pattern of contumacious disregard for the authority of the Village of Williams Bay, the building codes and the site plan. This included failure to erect silt fencing and erosion control, failure to obtain tree removal permits and other reported infractions. Fines or citations are not enough; the parties must be required to follow the site plan as approved or else restore the property to the status quo ante. This would follow existing precedent and not reward those who have flouted the law and the rules and in so doing have trounced their neighbors' rights.

We copied the owner on our communications to you in the past to be completely transparent, above-board and to put him on notice of what was going on immediately so as to avoid surprise and provide an opportunity to correct and cure. We alerted the Village and owner immediately to the height of the retaining wall.

In our opinion the only "solution" is to require the contractor to follow the site plan. This means taking down the nonconforming wall to its planned height. This means reducing the upper "patio" area to its planned size and cover materials. This means creating the lower level raised turf patio, for which the retaining wall, PLUS the planned safety wall, must not exceed **chest height to a person**.

This means covering the lower-level patio with raised TURF, not stone, impervious materials, gravel, artificial turf, carpet, or other materials. Turf is defined by the Oxford dictionary to mean "short grass and the surface layer of soil that is held together by its roots; a piece of this that has been cut from the ground and is used especially for making lawns."

Not only would it put our property and the Lake at risk to allow this deviation from the plan, but it sets a bad precedent. When we remodeled our property, we had to keep the deck to remain grandfathered. We could not add or substitute a large, elevated patio beyond the building line. Where does this end? Should I submit the next application and go higher and higher, followed by the next neighbor and the next? With everything draining into the Lake?

Any court of law or equity would recognize that the building parties come into this discussion with unclean hands and that those who intentionally violate the law will not be rewarded for their behavior. Why would the Village consider any compromise solution? Is this for expediency's sake by the Village at the expense of its residents?

The Village is a steward of the Lake and the trees. This is not merely a moral imperative but the Village's legal obligation. If the Village will not enforce the site plan to protect the Lake and its citizens' rights, then something is rotten in the State of Denmark. Thank you in advance for listening to my concerns. Please keep me advised on the status of the project.

Respectfully,

William Brogan
222 Circle Parkway
262 475-3221

EXHIBIT N

Subject: Re: Meeting

From: David Lothspeich <admin@vi.williamsbay.wi.gov>

To: William Brogan <williambrogan219@gmail.com>,"Liljeberg, Jeff" <jeff.liljeberg@jll.com>,"elilje230@gmail.com" <elilje230@gmail.com>,Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>

Date Sent: Wednesday, August 9, 2023 11:50:22 AM GMT-05:00

Date Received: Wednesday, August 9, 2023 11:50:29 AM GMT-05:00

Great, we are expecting the Plan by Friday and will send out upon receipt. Thank you

David Lothspeich
Village Administrator
Village of Williams Bay
847-421-7715

From: William Brogan <williambrogan219@gmail.com>

Sent: Wednesday, August 9, 2023 11:42:14 AM

To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; elilje230@gmail.com <elilje230@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>

Subject: Meeting

Dear Dave,

We will agree to attend without our attorney. When will we receive the plan?

Thank you,
William

Subject: Re: Landscaping Project- 226 Circle Parkway
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: William Brogan <williambrogan219@gmail.com>, "Liljeberg, Jeff" <Jeff.Liljeberg@jll.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, "elilje230@gmail.com" <elilje230@gmail.com>
Date Sent: Wednesday, August 9, 2023 10:24:51 AM GMT-05:00
Date Received: Wednesday, August 9, 2023 10:24:55 AM GMT-05:00

William,

The Village representatives will be those that have been directly involved with this project: Village Engineer Doug Snyder, Village Zoning Administrator Bonnie Schaeffer and myself. The Village Attorney has not been involved and has not been invited to attend. If Attorney's are present, then we will need to consult with our Attorney and evaluate whether to have this meeting. I would prefer for us to all meet without Attorney's and then everyone can decide whether Attorney's need to be involved.

Please let me know how you plan to proceed.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 9, 2023 10:18 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com <elilje230@gmail.com>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave,

I am writing to re-confirm that my wife Lisa and I will attend the meeting on Tuesday, August 15th at 2:00 PM, along with our attorney in this matter, Tom Gardiner.

Who else will be attending the meeting? Will Doug Snyder be there?

When will we receive the plan? We deserve a reasonable opportunity to review it with our attorney and engineer before the meeting. Thank you.

Best regards,
William Brogan

On Tue, Aug 8, 2023, 21:20 Liljeberg, Jeff <Jeff.Liljeberg@jll.com> wrote:
Hi Dave, are you still on target to send us the Coulter plan tomorrow so we can review it?

Thx, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595

Jeff.Liljeberg@am.jll.com



From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Monday, August 7, 2023 11:54 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Correction. **Tuesday**, August 15.

From: David Lothspeich
Sent: Monday, August 7, 2023 11:52 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

All,

We are confirmed to meet at the Village Hall on Thursday, August 15 at 2:00 pm. Please reply with your confirmation.

Thanks,

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Monday, August 7, 2023 8:59 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Thank you, we will look forward to getting that meeting on the calendar and receiving the revised plan.

Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.Liljeberg@am.jll.com



From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Monday, August 7, 2023 8:50 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Jeff and Ellen and William,

Good morning. The Village requested revisions to their draft plan and we expect to have the plans by mid-week and will send to all upon receipt.

I'm currently planning on Tuesday, August 15 between 2:00 pm and 5:00 pm depending upon everyone's schedules. I expect that we will have the meeting confirmed in the next day or two.

Thanks,

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Monday, August 7, 2023 8:20 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Good morning, following up on the email below in regard to scheduling the in person meeting and sending to Bill and myself the revised plan that has been submitted so at least we can have a look over before the meeting. Please let us know when we can schedule this either on August 14 or 15. Thanks for your consideration.

Jeff and Ellen

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: Liljeberg, Jeff <jeff.liljeberg@jll.com>
Sent: Thursday, August 3, 2023 6:54 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

Good morning and sorry to chime in late on the topic. I am available anytime on August 14 and August 15 other than after 3:30 pm if either of those days would work. I agree that getting the plans in advance of the meeting, even if difficult to interpret, could help facilitate the meeting so if you can send over, we would appreciate it.

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 11:41 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

You don't often get email from williambrogan219@gmail.com. [Learn why this is important](#)

Caution: Message from external sender

Dear Dave,

Thank you for this explanation. Especially if the plans are difficult to understand, we would request to see them now so that we can have a meaningful and productive meeting. We will hold any questions until the meeting if that is your preference. Thank you in advance for your cooperation.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 09:58 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

William,

I don't believe that this is scheduled for any meetings at this time and the public notice requirements would not allow for this to be considered by the ZBA on August 15. There have been some plans submitted that we can share but they are not easily understood (at least by me) and we were hoping for us to meet to review and discuss rather than just dumping plans to you which will likely generate questions. Please note that nothing has been approved beyond the original plans that the permit was issued for and no changes will be considered, let alone approved, until after we meet.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 9:48 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave and Bonnie,

Thank you for including us in the planning of this meeting. Is this matter going to be heard at the August 15, 2023 Zoning Board of Appeals Meeting? Has any amended plan been submitted? If so, may we have a copy to review at this time?

Thank you.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 08:16 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

All,

Unfortunately, my availability for next week is very limited and August 10 is not available. I would request that we focus on availability for the week of August 14, the earlier in the week the better. Please reply to all with dates/times that work for you.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>

Sent: Tuesday, August 1, 2023 9:50 PM

To: Liljeberg, Jeff <jeff.liljeberg@jll.com>

Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>

Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Bonnie, Thank you for reaching out to us. We would like to participate in the meeting. Please let me know what date and time works for everyone. Our schedule is flexible. Who else is invited to the meeting? Thank you.

Best regards,
William Brogan

On Tue, Aug 1, 2023, 21:11 Liljeberg, Jeff <jeff.liljeberg@jll.com> wrote:

Hi Bonnie, unfortunately I have a business conflict in the city of Chicago that day. Any chance we can move that time to August 10 in the later afternoon?

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com

From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Sent: Tuesday, August 1, 2023 4:41 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; williambrogan219@gmail.com
Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Good Afternoon Mr. Liljeberg and Mr. Brogan,

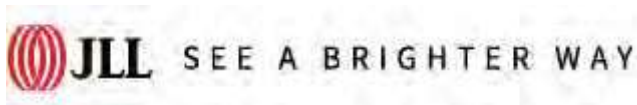
Would you be available to attend a meeting with the village administrator and myself next week Wednesday August 9th at 3:00 pm at the Village Hall to bring you up to speed on the status of the Coulter landscaping project?

Please confirm at your earliest convenience.

Thank you,

Please note that my office hours have changed.

Bonnie Schaeffer
Zoning Administrator
Office Hours Tues. 2 pm – 5pm & Wed. 11 am – 1 pm
262-245-2700 Ext. 4



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EXHIBIT O

Subject: RE: Landscaping Project- 226 Circle Parkway
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: "Liljeberg, Jeff" <Jeff.Liljeberg@jll.com>, William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, "elilje230@gmail.com" <elilje230@gmail.com>, Doug Snyder <dsnyder@baxterwoodman.com>, Municipal Code Enforcement <mcodeenforcement@gmail.com>
Date Sent: Friday, August 11, 2023 4:40:48 PM GMT-05:00
Date Received: Friday, August 11, 2023 4:40:54 PM GMT-05:00
Attachments: 226 Revised Plan 34521 - C4.01D Site Layout Grading Drainage Plan - Option D-sealed.pdf

All,

The attached revised plan "option d" was just received by the Village. Disclaimer that they have not been reviewed by the Village but as we will be meeting early next week I am sharing so that everyone has a chance to review prior to our meeting.

Thank you for your patience.

Dave

From: David Lothspeich
Sent: Friday, August 11, 2023 12:42 PM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Jeff,

We were supposed to get plans yesterday and not received as of this writing. We have contacted the contractor requesting the plans today and will pass along as soon as received.

My apologies for not having these to you yesterday.

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Friday, August 11, 2023 11:52 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Hi Dave, are you still on target to send us the revised plan today?

Thx, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Monday, August 7, 2023 11:54 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Correction. **Tuesday**, August 15.

From: David Lothspeich
Sent: Monday, August 7, 2023 11:52 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

All,

We are confirmed to meet at the Village Hall on Thursday, August 15 at 2:00 pm. Please reply with your confirmation.

Thanks,

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Monday, August 7, 2023 8:59 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Thank you, we will look forward to getting that meeting on the calendar and receiving the revised plan.

Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Monday, August 7, 2023 8:50 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Jeff and Ellen and William,

Good morning. The Village requested revisions to their draft plan and we expect to have the plans by mid-week and will send to all upon receipt.

I'm currently planning on Tuesday, August 15 between 2:00 pm and 5:00 pm depending upon everyone's schedules. I expect that we will have the meeting confirmed in the next day or two.

Thanks,

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Monday, August 7, 2023 8:20 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Good morning, following up on the email below in regard to scheduling the in person meeting and sending to Bill and myself the revised plan that has been submitted so at least we can have a look over before the meeting. Please let us know when we can schedule this either on August 14 or 15. Thanks for your consideration.

Jeff and Ellen

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: Liljeberg, Jeff <jeff.liljeberg@jll.com>
Sent: Thursday, August 3, 2023 6:54 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

Good morning and sorry to chime in late on the topic. I am available anytime on August 14 and August 15 other than after 3:30 pm if either of those days would work. I agree that getting the plans in advance of the meeting, even if difficult to interpret, could help facilitate the meeting so if you can send over, we would appreciate it.

Thanks, Jeff

Jeff Liljeberg
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International Director
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tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 11:41 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

You don't often get email from williambrogan219@gmail.com. [Learn why this is important](#)

Caution: Message from external sender

Dear Dave,

Thank you for this explanation. Especially if the plans are difficult to understand, we would request to see them now so that we can have a meaningful and productive meeting. We will hold any questions until the meeting if that is your preference. Thank you in advance for your cooperation.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 09:58 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

William,

I don't believe that this is scheduled for any meetings at this time and the public notice requirements would not allow for this to be considered by the ZBA on August 15. There have been some plans submitted that we can share but they are not easily understood (at least by me) and we were hoping for us to meet to review and discuss rather than just dumping plans to you which will likely generate questions. Please note that nothing has been approved beyond the original plans that the permit was issued for and no changes will be considered, let alone approved, until after we meet.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 9:48 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave and Bonnie,

Thank you for including us in the planning of this meeting. Is this matter going to be heard at the August 15, 2023 Zoning Board of Appeals Meeting? Has any amended plan been submitted? If so, may we have a copy to review at this time?

Thank you.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 08:16 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

All,

Unfortunately, my availability for next week is very limited and August 10 is not available. I would request that we focus on availability for the week of August 14, the earlier in the week the better. Please reply to all with dates/times that work for you.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, August 1, 2023 9:50 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Bonnie, Thank you for reaching out to us. We would like to participate in the meeting. Please let me know what date and time works for everyone. Our schedule is flexible. Who else is invited to the meeting? Thank you.

Best regards,
William Brogan

On Tue, Aug 1, 2023, 21:11 Liljeberg, Jeff <jeff.liljeberg@jll.com> wrote:

Hi Bonnie, unfortunately I have a business conflict in the city of Chicago that day. Any chance we can move that time to August 10 in the later afternoon?

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com

From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Sent: Tuesday, August 1, 2023 4:41 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; williambrogan219@gmail.com

Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Good Afternoon Mr. Liljeberg and Mr. Brogan,

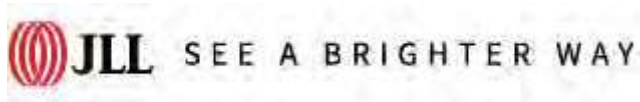
Would you be available to attend a meeting with the village administrator and myself next week Wednesday August 9th at 3:00 pm at the Village Hall to bring you up to speed on the status of the Coulter landscaping project?

Please confirm at your earliest convenience.

Thank you,

Please note that my office hours have changed.

Bonnie Schaeffer
Zoning Administrator
Office Hours Tues. 2 pm – 5pm & Wed. 11 am – 1 pm
262-245-2700 Ext. 4



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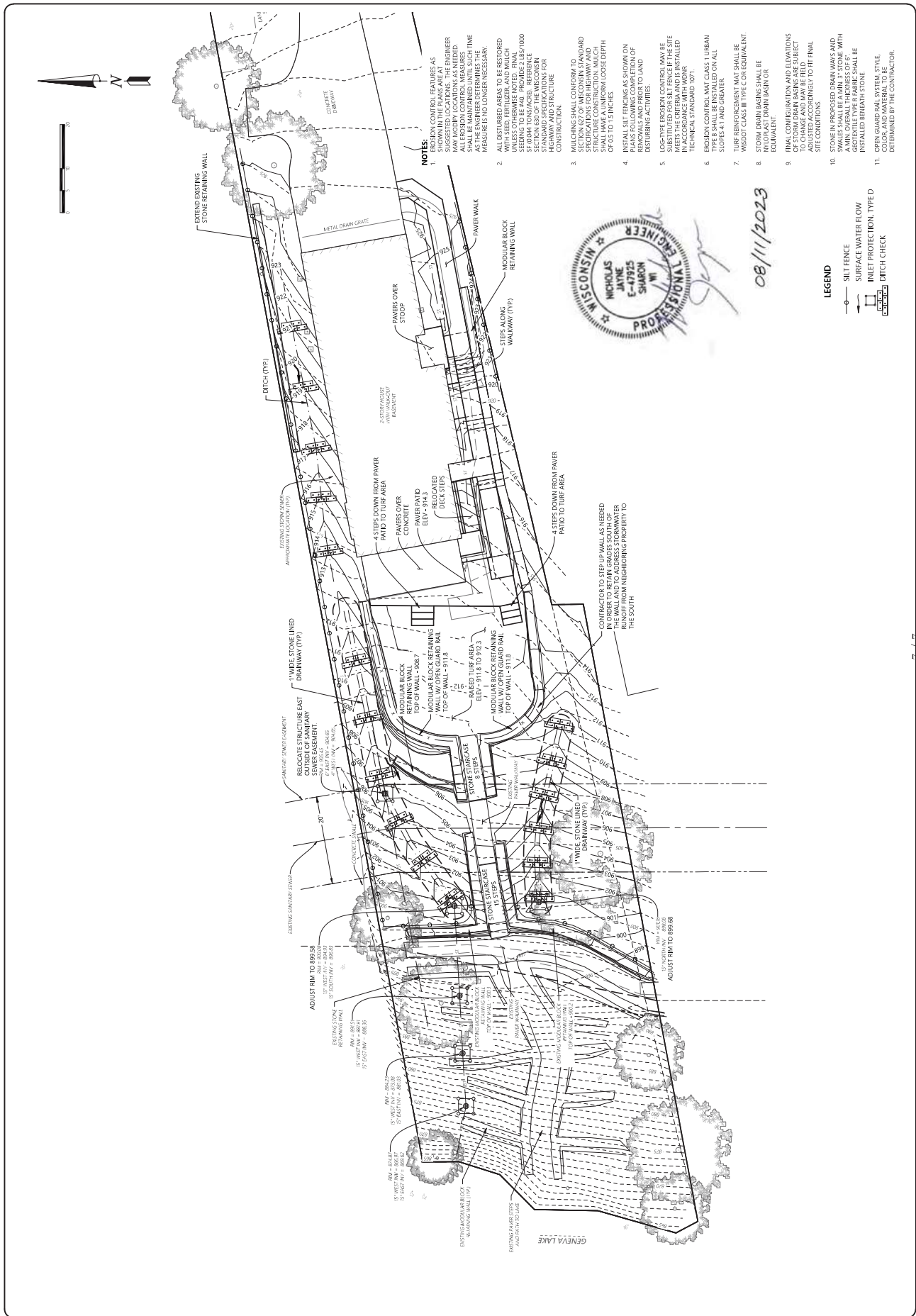


EXHIBIT P

Subject: Cedar Point Park Setbacks.pdf

From: William Brogan <williambrogan219@gmail.com>

To: Village Administrator <admin@williamsbay.org>, Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>

Date Sent: Tuesday, August 15, 2023 3:19:13 PM GMT-05:00

Date Received: Tuesday, August 15, 2023 3:19:13 PM GMT-05:00

Attachments: Cedar Point Park Setbacks.pdf

C. Conditional Uses

See Sections 18.0504, 18.0505, and 18.0513.

D. Lot Area and Width

Lots shall have a lot area of not less than 7,200 square feet, and a width of not less than 60 feet.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The total minimum floor area of a dwelling shall be 900 square feet per level.

F. Setback and Yards

- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all principal structure of not less than 10 feet in width.
- (3) There shall be a rear yard of not less than 30 feet.
- (4) Lots abutting a navigable lake or stream shall provide a minimum shoreyard of 150 feet.
- (5) Garages for parked vehicles may be attached to the house or detached from the house. It is desirable to minimize the visual impact of garage doors as seen from the public street in front of the house. If attached to the house, a preferred location for garage doors is on the side of the house. If located on the front of the house, garage doors shall be set back at least two (2) feet behind the facade of the house.

18.0409 RS-6 CEDAR POINT PARK SUBDIVISION DISTRICT

The RS-6 Residential District is intended to provide for single family residential development in the Cedar Point Park Subdivision. The district regulations shall not apply to any lands, now or in the future, lying beyond this subdivision.

A. Permitted Uses

One single-family detached dwelling with one attached or detached garage.

B. Conditional Uses

The conditional uses permitted in Section 18.0505 (C) and (D) are permitted as conditional uses in the RS-6 Cedar Point Park Subdivision District. Such conditional uses shall be located within the required building lines and setback lines applicable to each lot in the Cedar Point Park Subdivision.

C. Permitted Accessory Uses

- (1) Not more than one building such as gardening, tool, or storage sheds incidental to the residential use.
- (2) Satellite dish antennas in accordance with Section 18.0702(G), provided a registered professional engineer shall certify that the structure is adequate to support the load if roof mounting is proposed.
- (3) Roof-mounted solar collectors provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- (4) All such permitted accessory uses shall be located within the buildable areas of each lot giving consideration to the building lines and required yard set-backs and building densities all as defined herein for the RS-6 Cedar Point Park Subdivision District.

(5) Outdoor lighting installations provided they shall not be permitted closer than 3 feet to an abutting property line and where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties. Compliance with Village lighting ordinances is also required.

D. Lot Area and Width

Each lot shall have the area and width specified on the approved Cedar Point Park Subdivision plat or additions thereto. Each lot shall have those special conditions attributable specifically to them and the construction of all improvements thereon must observe the building lines as specifically assigned each lot as well as the general yard requirements which shall be applicable to all lots, all as set forth in Section (G) and Sections (H) through (K), inclusive.

E. Building Height and Area

No building or parts of a building shall exceed 35 feet in height.

F. Setback and Yards

(1) The minimum setback shall be that distance specified as the "building line" as set forth in Sections 18.0409 (F) through 18.0409 (K).

(2) Garages for parked vehicles may be attached to the house or detached from the house. It is desirable to minimize the visual impact of garage doors as seen from the public street in front of the house. If attached to the house, a preferred location for garage doors is on the side of the house. If located on the front of the house, garage doors shall be set back at least two (2) feet behind the facade of the house.

G. General Conditions Applicable to Cedar Point Park Subdivision and Additions Thereto

(1) Utility Easements. The original subdividers, their successors and assigns, shall have the right to enter upon, over and along a strip of land 5 feet in width off the rear or sides of all lots which do not abut upon a private alley as and where indicated upon the recorded plats of the subdivisions for the purpose of constructing, operating and maintaining public utilities, with right of ingress and egress thereto for construction and maintenance purposes.

(2) One Dwelling and One Garage. Lots shall contain not more than one single-family dwelling and not more than one garage of not more than 3 car capacity.

(3) Property Owners Association. All private parks, roads, parking spaces, and similarly common owned properties in the subdivisions are owned, controlled and maintained by an association of the subdivision property owners to which all of the owners of lots in the subdivisions are paying for the maintenance assessments therefore in accordance with the By-Laws of Cedar Point Park Association.

(4) Private Parks and Ways. The private parks designated on the various plats of the subdivision are to be private parks as are also the privately owned roads and parking spaces so indicated and designated on the respective plats.

The parks, groves, roads and, parking spaces are for the unreserved use of the owners and occupants of the subdivisions and all such owners and occupants have the unreserved use of the common properties, subject to the proper regulations of the association of the owners of lots, and shall be allowed the unobstructed and free foot passages from park to park across lots where the lake shore foot passage is indicated all in accordance with the By-Laws of Cedar Point Park Association.

(5) Where lot lines in the Cedar Point Park Subdivisions have been changed subsequent to the original platting thereof, such changes are incorporated herein by reference and shall take precedence over the

lot lines set forth herein, which are taken from the original plats of lots in Cedar Point Park original subdivision and the three additions thereto.

(6) No building or conditional use shall hereafter be constructed or structurally altered within any of the Cedar Point Park Subdivisions without the review of the *Building Committee of Cedar Point Park Association*. Such review shall be required with regard to construction, area, location on the lot, curbing, driveways, walls, fences, hedges, terracing, and the location on the lot of garages facing roadways so as not to unduly block lake views. No dwelling shall hereafter be erected containing less than 900 square feet on the first floor for lots 60 feet to 90 feet in width and wider, not including porches, breezeways or accessory buildings. No obstructions such as curbing, driveways, walls, fences, hedges or terraces shall extend beyond lot lines into public roads or private roads of the Association. All applications for a building permit, to include the construction of a conditional use, if a conditional use permit has been granted by the Village Plan Commission, shall be accompanied by showing the location, actual shape, and dimensions of the lot of both existing and proposed improvements including the dwelling, accessory buildings, fences, and conditional uses. In the case of an application for a building permit for a conditional use, the applicant shall specifically set forth any conditions imposed by the Plan Commission in granting a conditional use permit, and in the case of a swimming pool, the exact provisions required, specified or approved by the Plan Commission for the drainage thereof. All applications for building permits must be prepared in duplicate, with both copies being filed with the Building Inspector. The Building Inspector will notify a representative of the Building Committee of the Cedar Point Park Association that the application is on file and is available for inspection and review. The report and recommendation of the Building Committee of the Cedar Point Park Association shall be made to the Village Building Inspector concerning such application not later than ten (10) working days after receiving notification from the Building Inspector that the application is on file and available for inspection and review. The Building Inspector shall consider such report and recommendation in imposing appropriate conditions on the building permit, however, nothing contained in this subsection is intended to delegate the authority of the Building Inspector. All dimensions shown relating to location and size of the lot shall be based on a survey certified to by a surveyor licensed by the State of Wisconsin. The lot and location of the building thereon shall be staked out on the ground before construction is started.

(7) The building line as used relating to each lot in the RS-6 Cedar Point Park Subdivision District shall mean the required set-back for the location of all structures in all cases. The exception stated in Section 18.0702 (A) shall not apply in the RS-6 district.

(8) Yards

(a) Rectangular Lots 60 to 90 feet in width:

1. Street Yard. Minimum 30 feet or as noted.
2. Rear Yard. Minimum 30 feet.
3. Side Yards. Each 10 feet.

(b) Rectangular Lots 91 feet or greater in width:

1. Street Yard. Minimum 30 feet or as noted.
2. Rear Yard. Minimum 30 feet.
3. Side Yards. Each 15 feet.

(c) Irregular Lots:

1. Street Yard. Minimum 30 feet or as noted.
2. Rear Yard. Minimum 30 feet.
3. Side Yards. Each the greater of one-half the total footage of the front and rear lot lines multiplied by 0.16 or 10 feet, whichever is greater.

(9) Garages

- (a) Garages shall have a maximum area of 720 square feet and shall not occupy more than 20 percent of the rear yard area.
- (b) Garages attached to the dwelling or in the side yard shall comply with the side yard requirement.
- (c) Detached garages shall not be less than 10 feet from the principal structure except as permitted in the Building Code of the Village of Williams Bay.

H. Special Conditions in the Original Cedar Point Park Subdivision

- (1) The building line on all lots shall be 30 feet from the front lot line with exceptions of Lots 52 thru 57, 62½ and 68 thru 72.
- (2) The building line on Lots 52 to 57 inclusive and Lots 67 thru 69 shall be 40 feet from the front line and shall be 20 feet from the front line for Lots 70 thru 72. The building line on Lots 62 and 62½ shall be as originally placed and shown on the plat.

I. Special Conditions in the First Addition to Cedar Point Park Subdivision

- (1) The building line for all lots shall be 22 feet from and parallel to the front lot line, excepting for Lots 19, 20 and 48 thru 53, which shall be 30 feet, and excepting Lots 8 thru 11, 29 thru 38, 67 and 68, which shall be and remain as shown on the plat of the first addition by means of a dotted line.
- (2) Measurements are taken from north and south principal meridians shown on plat as recorded.
- (3) Lots 69, 70, 70½ and 71 thru 74 in the first addition shall also be excepted from the 22 feet building line.
- (4) The building line on Lot 74 shall be 20 feet from the front lot line.
- (5) The building line for Lots 69, 70, 70½, 71 thru 73 shall be 50 feet from the front lot line.
- (6) No owner or occupant of Lots 8 thru 11, 29 thru 38, 67 and 68, shall in any manner obstruct the free passage on the foot path described by dotted lines on the recorded plat of this addition, which follows the lake shore and crosses the lots.

J. Special Conditions in the Second Addition to Cedar Point Park Subdivision

- (1) Building line on all lots shall be 22 feet from and parallel to front lines excepting Lots 111, 119 thru 121, 166, 191 thru 193.
- (2) Lot 111 shall contain two building lines. The south building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line for Lot 111 shall be 70 feet from the rear of lot line.
- (3) On Lots 119, 120 and 121 in the addition, the front building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line shall be 80 feet from the longest rear lot line.
- (4) On Lots 191 thru 193, the building line shall be 75 feet from the rear lot lines.
- (5) On Lot 166, in the addition, the front and side building lines shall be 22 feet from the front and side lot lines.

K. Special Conditions in the Third Addition to Cedar Point Park Subdivision

- (1) On Lots 201 thru 204, the building line shall be a straight line across the above lots which shall start at a point 226 feet west of the rear northwest corner or road stake along the northern boundary line of Lot 201 to a point which shall be 153.65 feet west of the southeast corner or road stake of Lot 204 and along the southern boundary line of Lot 204.
- (2) On Lots 205 thru 213, the building line shall commence at a point which shall be 153.65 feet west of the northern road stake of Lot 205 and shall continue in a straight line until it intersects the southern boundary line of Lot 213 at a point which shall be 158.40 feet in a westerly direction from the southeast corner or road stake of Lot 213.
- (3) On Lots 214 thru 217, the building line shall be a straight line which shall start at a point 158.40 feet in a westerly direction from the northeast corner or road stake along the northern boundary line of Lot 214 and shall continue across Lots 214 thru 217 until it intersects the southeastern boundary line of Lot 217 at a point which shall be 163.40 feet in a southwesterly direction from the eastern corner or road stake of Lot 217.
- (4) On Lot 218, the building line shall be a straight line across Lot 218 which starts at a point along the northwestern boundary line, which shall be 163.40 feet in a southwesterly direction from the northern corner or road stake of Lot 218 to a point on the southeastern boundary line of Lot 218 which shall be 174 feet in a southwesterly direction from the eastern corner or road stake of Lot 218.
- (5) On Lots 219 and 220, the building line shall be a straight line which shall start at a point along the northwestern boundary line of Lot 219, 174 feet in a southwesterly direction from the northern corner or road stake of Lot 219, across Lots 219 and 220 until it intersects the eastern boundary line of Lot 220 at a point which shall be 181.60 from the northwestern corner or road stake of Lot 220.
- (6) On Lots 221 thru 223, the building line shall be a straight line which shall commence at a point on the western boundary line of Lot 221, 181.60 feet in a southwesterly direction from the northwestern corner or road stake of Lot 221 across Lots 221 thru 223 to a point on the eastern boundary line of Lot 223, which shall be 189.50 feet in a southerly direction from the northeastern corner or road stake of Lot 223.
- (7) On Lots 224, 225 and 226, the building line shall be a straight line, which shall commence at the eastern boundary line of Lot 224 and shall be 189.50 feet in a southerly direction from the northwestern corner or road stake of Lot 224 across Lots 224, 225 and 226 to a point on the eastern boundary line of Lot 226, which shall be 60 feet in a northerly direction from the southern corner or lake front stake of Lot 226.
- (8) Building line of Lots 231 to 271 inclusive, shall be parallel to and 30 feet back of front line on Circle Pkwy.
 - (a) The Building on Lot 224 shall face in a westerly direction.
 - (b) The building on Lot 245 shall face in an easterly direction.
- (9) The building on Lot 272 shall face in a southwesterly direction being not more than 30 degrees southerly from the northern boundary line and 25 feet from Circle Pkwy.
- (10) The building on Lot 273 shall face a southeasterly direction, being not more than 30 degrees southerly from the northern boundary line and 25 feet from Circle Pkwy.
- (11) The building line on Lot 330 shall be parallel to and a continuation of the building line of Lots 232 and 244. The building line on Lot 230 shall face in a westerly direction.
- (12) Garages, if any, on Lots 272 and 273 shall be along the north and south lot line which divides them.

(13) Garages that may be erected on any of the lake shore lots numbered 201 to 226 inclusive shall remain at least 25 feet from the lot line shown on the plat which borders on Circle Pkwy.

(14) Garages that may be erected on Lots 227 to 273 inclusive shall remain at least 30 feet back of the front lot lines on Circle Pkwy.

18.0411 RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The RM-1 Residential District is intended to provide for multiple family residential development at densities not exceeding 18.2 dwelling units per net acre for efficiency and one-bedroom apartments; and 12.1 dwelling units per net acre for two-bedroom or larger apartments.

A. Permitted Uses

- (1) Single-family detached dwellings.
- (2) Two-family dwellings.
- (3) Single-family attached dwellings, but no more than four dwellings in one building.
- (4) Multiple-family dwellings.

B. Permitted Accessory Uses

- (1) One attached or detached parking garage with a maximum of two parking spaces for each single-family detached, single-family attached, or two-family dwelling, designed in a manner that the parking garage doors are located no closer to the front property line than two feet behind the front facade of the dwelling.
- (2) Home occupations.
- (3) Not more than one building structure such as gardening, tool, and storage shed incidental to the residential use.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (5) Roof-mounted solar collectors provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- (6) Bed and Breakfast Establishments in an owner occupied, Single-Family Dwelling, as defined in Section 18.1500, excluding paragraphs (e) and (f).

C. Conditional Uses

- (1) See Sections 18.0504, 18.0505, and 18.0513.
- (2) Additional enclosed parking spaces.
- (3) A parking garage whose front facing garage doors are located closer to the front property line than two feet behind the front facade of the principal building.

D. Lot Area and Width

- (1) Single-family detached dwelling lots shall be a minimum of 6,000 square feet in size and a minimum of 60 feet in width.

18.0706 SHORELAND LOTS

Shoreland lots shall provide a street yard on the street abutting the lot, a shore yard on the watercourse abutting the lot, and two (2) side yards. Shoreland lots do not normally have a rear yard.

18.0707 NOISE

Sirens, whistles, bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of Section 18.1106.

18.0708 EXISTING SUBSTANDARD LOTS

A. A lot which does not contain sufficient area and/or width to conform to the dimensional requirements of this Ordinance, but which is at least 60 feet wide and 7,200 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district, provided that the lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance, September 23, 1986; and provided that the lot is in separate ownership from abutting lands. Substandard lots granted permits under this section shall be required to meet the setback and other yard requirements of this Ordinance.

B. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated in Paragraph A above shall be issued only after a variance by the Board of Appeals. Substandard lots granted permits under this section shall be required to meet the setback and other yard requirements of this Ordinance.

C. If two or more present substandard platted lots, which are adjacent one to the other, with continuous frontage have the same ownership as of December 2, 1991, such lots involved shall be considered to be an individual parcel for the purpose of this section.

SECTION 18.0800 SIGNS

18.0801 PURPOSE AND INTENT

The intent of this Ordinance is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Village as a whole.

18.0802 COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance.

18.0803 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

EXHIBIT Q

CEDAR POINT PARK ASSOCIATION

Incorporated

COMPLAINT FORM

Upon seeing a violation of the Rules and Regulations of Cedar Point Park Association, it is the obligation of a property owner to fill out a Complaint Form. This form should be sent to: Cedar Point Park Association, P.O. Box 490, Williams Bay, Wisconsin 53191.

A member of the Rules Administration Committee will contact the violator requesting that the violation not be repeated.

Violators or Property Owners Name Chris Coulter and Melanie Coulter as owners

Address 226 Circle Pkwy

Date of Violation discovered by us on Aug. 2, 2023 per Dave Lothspeich, Village

Location of Violation 226 Circle Pkwy

Administrator, email.

Type of Violation Mr. Coulter stated at the CPPA Annual Meeting on July 8, 2023, that he did not submit his plan for exterior construction work on his property to CPPA for review prior to submitting it to the Village. The work has been under a stop-work order since July 6 because, according to Mr. Lothspeich, the Village engineer confirmed that work in the field does not ~~comport with~~ follow the approved plan. Now we are told that the owner (see below)

Complainant Name Lisa + William Brogan

Address 222 Circle Pkwy

Phone Number 262-475-3221

and/or his contractors have submitted new plans to the Village. Under CPPA By-Laws these plans must be submitted to CPPA for approval before they are submitted to the Village. If CPPA and the Village ultimately ^{2003 VIII.} approve a new plan, the owners and contractors should be bound to follow all CPPA Rules such as no staging heavy equipment or materials (including heavy concrete blocks) on our streets; abiding by work day and hour restrictions (Mother's Day was a national holiday), should have all utilities between the houses flagged and should protect utility easements and equipment such as our Charter Spectrum cable which RUNS UNDERNEATH THE COULTER DRIVEWAY and to our property.

EXHIBIT R

From: Chris Hume chume11@yahoo.com
Subject: Re: Village of Williams Bay / Building Code
Date: Aug 27, 2023 at 2:57:49 PM

I will be speaking with the Village tomorrow to confirm that they will issue written responses to the questions raised, and to overall zoning conformance. To my knowledge no revised permits or approvals have been granted.

Chris

On Saturday, August 26, 2023 at 03:38:38 PM CDT, Lisa Brogan <lisa.s.brogan@outlook.com> wrote:

Dear Chris,

On August 7th we submitted our time-sensitive complaint regarding the illegal construction at 226 Circle. As you are aware, the Village acknowledged that the construction of the stone wall, elevated walkway, and Lakefront concrete blocks does NOT follow the plan approved in November. We made objections to the Village with regard to that plan, as it violated Lakefront and side setbacks, allowed dangerous clear-cutting of the Lakefront, allowed direction of stormwater to our Lakefront to the risk of collapse, and changed the contour of the Lakefront to direct water illegally on to our property, among other reasons.

We further objected to the Village in October and November (first three plans) that the plan must be submitted to CPPA before a permit can be issued by the Village and that this requirement is mandatory and not permissive as set forth in the Village of Williams Bay Code.

At our meeting with the Village, it was confirmed that the stone structure is beyond the building line and Lakefront setback, is too high, is too close to the neighboring property lines, covers the sewer easement which is drawn as ten feet in either direction of the sanitary sewer, and is not covered with grass as was required (instead, stone pavers were used until the work was stopped by Order of Village on July 6th).

The wall is 10 to 15 feet high even without the proposed guardrail of unspecified material, type and color. The maximum height of the so-called "retaining wall" AND "optional safety wall," COMBINED, was to be 30 inches plus 24 inches on the lower grass level. Nowhere on the property was the retaining wall AND safety wall combined to be higher than chest-high on a human. It was discussed that the stairs from the Lakepath are illegally elevated.

Our engineer from Robinson Engineering in Lake Geneva confirmed that the work below the Lakepath does not follow the plan either, the pitch and materials are different than what was approved. The Village said they would require an as-built survey, from top to bottom, and share it with us.

It was also confirmed that DNR did NOT approve the Plan.

What are you doing to help us? Time is passing without even the courtesy of an update. Thank you.

Sincerely,

Lisa and William Brogan

On Aug 18, 2023, at 1:33 PM, Chris Hume <chume11@yahoo.com> wrote:

I have received your email and am reviewing it, I'll be in touch.

Chris

On Friday, August 18, 2023 at 11:27:53 AM CDT, Lisa Brogan <lisa.s.brogan@outlook.com> wrote:

Dear Chris,

Below is the message we sent to Bonnie and Dave yesterday asking for clarification on why Bonnie said the Village has no authority to enforce the setback on the property at 226 Circle Parkway. She and Dave told us that the setback is part of the Cedar Point bylaws, but not part of the Village Code. This is incorrect. We referred her to the Code and now she has corrected herself and sent us the Code section which sets forth the setbacks we referred to, which are clearly set forth in the Code.

Cedar Point Park and the Village need to enforce the lakefront setback, building line, and 10 foot side setbacks. Our message below set forth our questions for clarification to Bonnie and Dave.

We are very upset that we complained to Cedar Point Park about this project over and over beginning last Fall. No one would help us. We cannot be forced to live with this illegal structure because everyone allowed it to get bigger and bigger until they finally paid attention and stopped the work.

We have the original deed for Cedar Point Park, the setbacks are covenants and conditions that must be abided by. In addition, the Code of the Village of Williams Bay codifies the setbacks.

What will you do to enforce the rules that have applied to everyone else, for decades, and protect the rolling lawns of Cedar Point Park? What will you do to protect our views and our property value? What will you do to prevent the lakefront from collapsing as it did three houses down from us due to clear cutting?

Thank you,
Lisa and William Brogan
[312 664-4861](tel:3126644861)

Begin forwarded message:

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>

Date: August 17, 2023 at 1:48:21 PM CDT

To: admin@vi.williamsbay.wi.gov, zoning@vi.williamsbay.wi.gov

Cc: William Brogan New 2022 <williambrogan219@gmail.com>
Subject: Village of Williams Bay / Building Code

Dear Dave and Bonnie,

Thank you again for Monday's meeting and Bonnie's email from yesterday.

At the meeting we spent a lot of time discussing whether the Village has authority to enforce the building line. You did not want our attorney at the meeting so we had to struggle to understand the Village's position. We think the Village's position needs to be clarified by the Village attorney to you and to us, and to our attorney, before Cedar Point finishes its review. We want to clarify with you our understanding of what you are telling us, so that we can meet with our attorney and engineer and report back to and discuss with them. We are not stating any legal position we are seeking clarification of your position.

You are now acknowledging that the specific building line for Lot 212 is in fact set forth in the Williams Bay Building Code. If so, why is this not enforceable by the Village?

At the meeting we asked whether the building line is the line that the owner/contractor intended to delineate as "Lakefront setback" on the 11/3/22 plan. Is that your understanding? (We added the caveat that we cannot agree or disagree as to exactly how the building line should be drawn since the 11/3/22 site plan is not drawn on a plat of survey.). We attach the recorded survey for Lot 212 showing the "Lake setback per zoning conditions desc." Is that the building line?

We also discussed side setbacks. We asked whether the formula for the side setback for this Lot is in the Code. You said the setbacks in Cedar Point are very complicated, but we asked whether the side setback formula applies as follows: the Lot is in Third Addition and is irregular (not rectangular) so we add the front and back lot lines, divide in half, then multiply by 0.16. The setback is that result or 10 feet, whichever is larger. Here it is 10 feet. Please confirm or correct us.

The permit application shows a 10.3 feet setback on our side, and 10.5 feet for the other side, consistent with the setbacks on the plat of survey. You approved this application. The original Coulter site plan showed 10.3 feet on our side and 10.5 feet on the other side, consistent with the permit application and seemingly in compliance with the Code.

We don't understand why you said the side setbacks are 6 inches. Please explain and point us to this requirement.

As for the Lakefront setback / building line, the permit application seeks a permit for a "structure." Structure is also defined in Section [390-0114](#) of the Williams Bay zoning code as: "Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances."

The permit application identifies the proposed "structure" as "retaining walls, paver walkways and

stone stairs” (not paver patio) for “personal access from driveway or walk-out basement to shoreland.”

The Village code excerpted below says that the building line as used relating to each lot in CPPA **“shall mean the required setback for the location of all structures in all cases.”** (Our emphasis.)

Our understanding has been that no structures may be built beyond the Lakefront setback. Period. This is very important to protecting our Lake and trees, protecting our property values, our views, and protecting us from storm water run-off. If you allow this, you are single-handedly destroying the character of Cedar Point Park. Look at the rolling lawns up and down the Lakefront...interrupted by this enormous structure. Look at the original deed creating Cedar Point Park! Where will it end?

The permit also shows 5 feet in height for the structure. The 11/3/2022 plan approved by this permit clearly shows the retaining wall PLUS safety wall for the raised turf patio to be 30 inches plus 24 inch optional safety wall. The upper small paver patio was drawn to have a 24 inch retaining wall. The site plan shows a human standing next to the retaining wall PLUS safety wall and the height varies but never exceeds chest-high, which is arguably consistent with the 30 + 24 inch structure (we objected previously that this should have been required to have been drawn to scale). This has been violated by MANY feet. Has your engineer measured the walls as they exist on our side of the property? If the blocks are 12 inches high (are they?) then is stone wall structure 10 to 15 feet high as viewed from our property? Is the lower patio raised 10 to 15 feet or more above the NEW grade?

Was the extreme elevation of the walkway from the Lakepath allowed? Didn't the approved plan merely call for “replace exist. wall with new stone”? Even without the guardrail this elevated walkway blocks our Lake view.

How would lowering the wall by 2 feet “make us better off” as Mr. Snyder tried to convince us when the retaining wall PLUS SAFETY WALL was supposed to be chest high at its highest point? The proposal is to lower the wall by two feet at one point and then add a guardrail of undetermined size, type, material and color? The wall is going to be higher not lower, exceed the building line, violate the permit and block our Lake views.

We ran out of time to discuss the “existing” and “proposed” impervious surface coverage on site as included on the permit application. Shouldn't this be recalculated to the as-built site, and as to any proposed new plan? There is no grass whatsoever on the site as built now.

You indicated that the Village may have no authority to impose the CPPA Rules and By-Laws. Why? The setbacks and building line at issue are set forth in the Code and are on the original deed, which we can send to you in a separate email.

Moreover, as far as the CPPA input, the Code (excerpted below) says the Village SHALL consider CPPA's report and recommendations. In the law, “shall” is mandatory and not permissive. It does say that the Village Building Inspector has not delegated its authority to the CPPA Building Committee, and we have not argued that CPPA replaces the Village Building Inspector.

As a final point, It was extremely difficult to hold our tongues and listen to the Village tell us that what is done is done and the Village has to try to work with what has already been built. How can that be a legitimate position when we wrote repeatedly every step of the way with photos to raise the alarm, copying everyone we could find including zoning and code enforcement, asking the Village to look at what they are building? The wall was too close to our property line. The wall was too high. The wall was being built higher still. Now they are adding pavers and gravel. Where were all of you —in particular between June 23 and the stop-work order on July 6? That is when this wall could have been stopped at the first level! We alerted you multiple times and did not even receive the courtesy of a response until after the stop-work order. To be clear, policing this site was not our obligation. Building beyond the Lakefront setback / building line should not have been allowed in the first instance, this is an illegal structure.

Now WE must suffer forever for the failure of the Village to enforce the approved site plan?
Particularly where the violation is intentional and egregious?

We remodeled our house at great expense (rather than tearing down) to abide by the grandfathered setback in order to keep our deck. We looked at the 230 Circle house and Lot 212 for purchase and are very familiar with the constraints. Indeed, Bonnie said that several Cedar Point owners have put in retaining walls on the Lakefront without a permit and she has required them to be torn out. Why is this situation any different?

Didn't the Mirbeau / Hummel litigation in Lake Geneva cause the municipal liability carrier in the area to contact their municipalities and warn them to treat all parties equally under the zoning laws?

Thank you for listening. Please clarify the building line and setbacks, so we can discuss with our attorney and engineer. Please share the answers with CPPA for their review. Please let us know when the survey is completed of the as-built site from top to bottom.

Best regards,
Lisa and William Brogan

||

EXHIBIT S

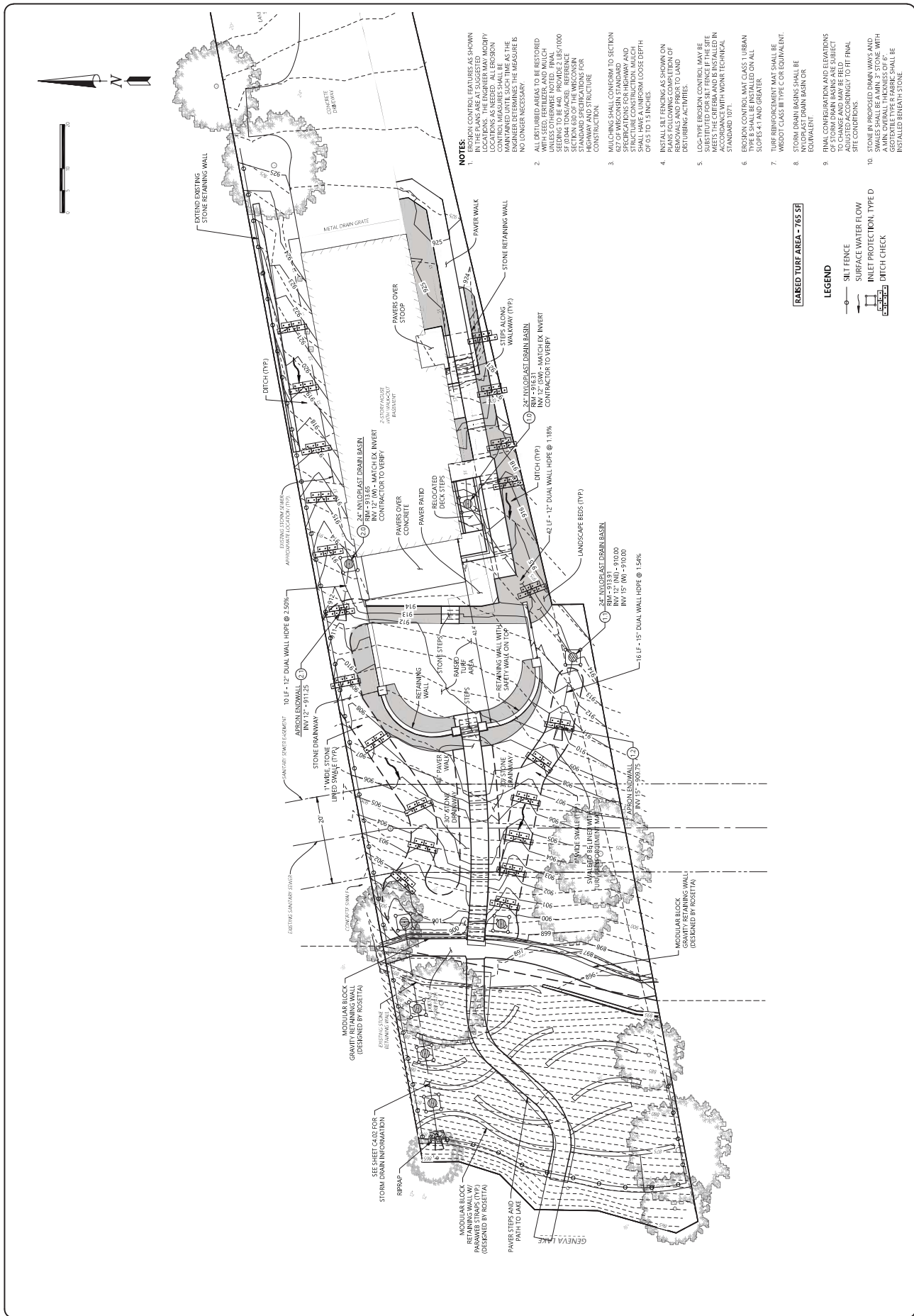


EXHIBIT T

Subject: Fwd: The Coulters Contractor
From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
To: William Brogan New 2022 <williambrogan219@gmail.com>
Date Sent: Wednesday, October 19, 2022 11:35:05 AM GMT-05:00
Date Received: Wednesday, October 19, 2022 11:35:13 AM GMT-05:00
Attachments: image001.png,image002.png,image003.png,image004.png,image005.png,Coulter hardscapes preliminary revised 10-14-22.pdf

From Lisa

Begin forwarded message:

From: Jeff Auberger <jeff@stebnitzbuilders.com>
Date: October 18, 2022 at 4:23:23 PM CDT
To: elilje230@gmail.com, Lisa Brogan <Lisa.S.Brogan@outlook.com>
Cc: chris coulter <ccoulter3339@gmail.com>, Melanie Coulter <ccoulter2401@gmail.com>
Subject: The Coulters Contractor

Good afternoon Bill, Lisa, Jeff and Ellen,

My name is Jeff Auberger, a design and remodeling consultant with Stebnitz Builders, Inc. We have been contracted by the Coulters to perform a variety of interior and exterior projects on their home, and I am the key contact for the project. Thank you to Chris and Melanie for the introductions.

Chris and Melanie have a strong desire to be good neighbors amidst both their upcoming remodeling and property improvement projects at the home. It is our intention to begin work on the home in December and exterior/landscape work in spring of '23.

I am meeting with my shoreland restoration contractor and landscaper this coming Friday morning at 8am (also, during that time, we're having the sprinkler system winterized) to review the near-to final landscape plans and determine where the shoreland work will stop and where landscape work will begin. After that meeting, I will be well informed and prepared to chat with any of you about the specific scope of work and how that work will "blend" to each of your properties. I had the pleasure of meeting Bill about a week ago and understand his goals for our team when we perform, but thought for everyone's sake, I'd share the proposed landscape plans. You will see, we've placed a portion of each of your homes along-side the Coulters for reference. Generally, the hardscape planning is close to finalized but we've yet to choose the plantings. It is important to the Coulters to choose materials that work-with/compliment those materials on your properties.

Should any of you wish to meet in person or discuss any of these plans, please don't hesitate to contact me, the Coulters have made it clear that I be empowered to share any of the developing information and plans with you. Below please find all of my contact info.

As a reminder, I have a site visit planned this Friday morning and would be available at 9am onsite or, I also have a site visit scheduled on Monday the 24th at 11am and could be available for an in-person visit before 11 or after 12....or anytime by e-mail or text.

Thanks in advance and CHEERS to good neighbors!

Best,

Jeff Auberger

Construction Consultant - Designer

p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](#)

a: 204 Commerce Court, #3, Elkhorn, WI 53121











Subject: 230 Circle Parkway and 226 Circle Parkway
From: William Brogan <williambrogan219@gmail.com>
To: zoning@williamsbay.org, Village Administrator <admin@williamsbay.org>
Date Sent: Friday, October 21, 2022 1:46:12 PM GMT-05:00
Date Received: Friday, October 21, 2022 1:46:12 PM GMT-05:00
Attachments: Coulter hardscapes preliminary revised 10-14-22.pdf

Dear Becky and Bonnie,

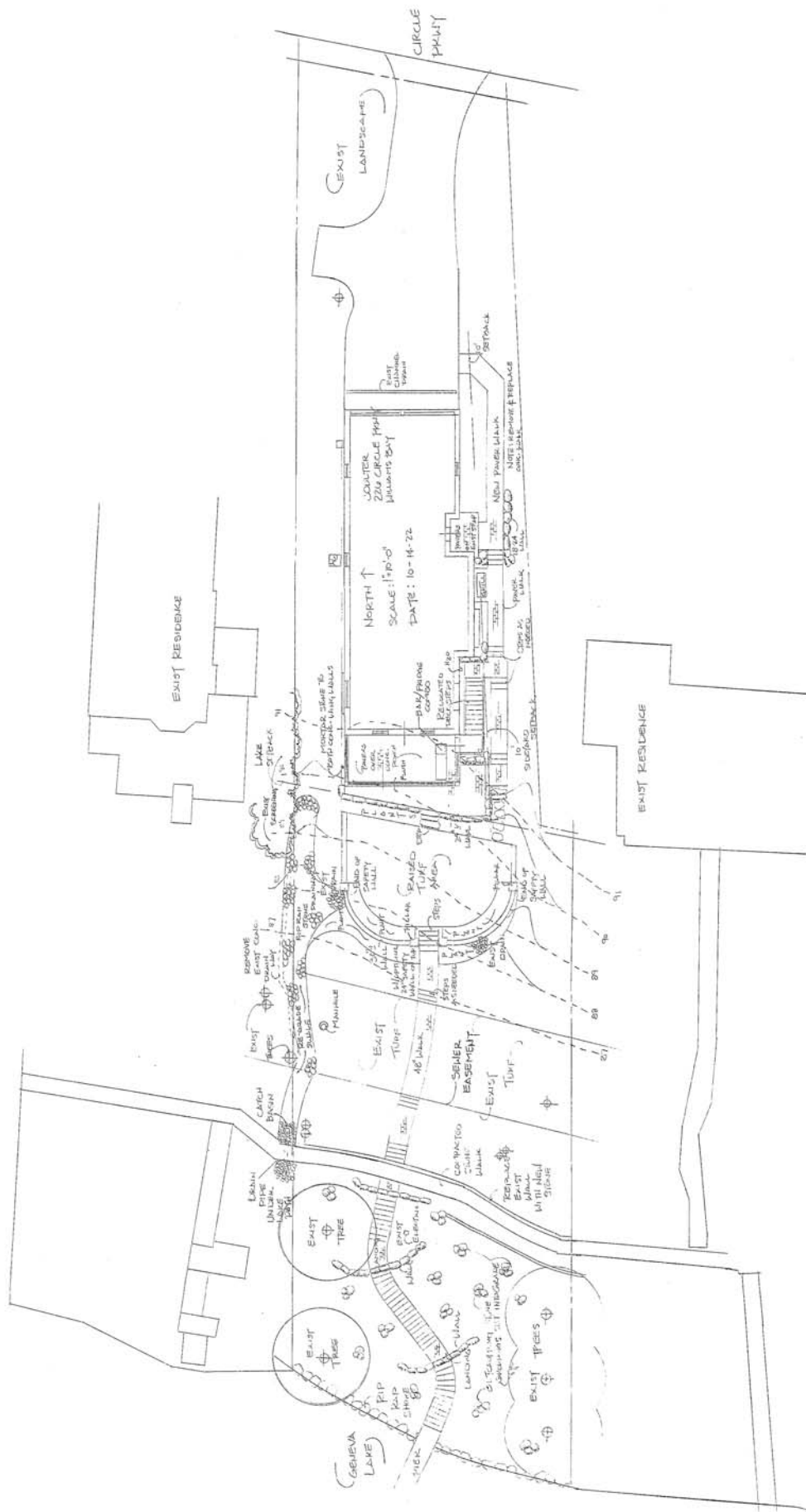
Thank you very much for the Permit Plat for 230 Circle Parkway. I was not aware the Village allows building beyond the Shoreline Zoning.

Doug Snyder's comments dated 9/20/21 on the Plat direct the parties to restore drainage on north and south sides of this house as soon as possible and use more intense erosion control methods. To my knowledge there is not any erosion control in place. What are the erosion control methods that will be used for the gutters and downspouts? And run-off from the newly-added upper and lower patios? This home is two houses "up the hill" on Cedar Point from my home.

I have attached the plan for 226 Circle Parkway, my adjoining uphill neighbor.

The contractor informed me they have submitted this plan to the Village of Williams Bay. I informed the contractor they will not be digging up MY "existing concrete drainway" on my property. I asked the contractor to add an additional drainage gutter to assist in diverting the newly-created runoff from my property. As presented in the attached plan which we were told was submitted to the Village and preliminarily approved by Bonnie, a raised turf area will be created in the shoreland zoning area, near the sewer line, which raises concerns regarding both stormwater affecting our property, and runoff into the Lake. There are four beautiful oak trees that greatly assist in preventing erosion that must not be damaged. Due to runoff from the unmitigated 230 Circle Parkway house, erosion near the lake path is threatening collapse of the Shore Path and Lakefront. Are you aware of the massive Lakefront collapse just south of 230 Circle Parkway? The Lakefront has been permanently scarred with a massive boulder field and steel structure. I want to work with everyone to prevent this from happening again. I would like to have a site visit with all of the parties involved to come up with a stormwater plan that will prevent the collapse of the Shore Path and Lakefront. I am requesting the Village engineer be at the site visit. I thank you in advance for your thoughts and comments on this important issue.

Best regards,
William Brogan



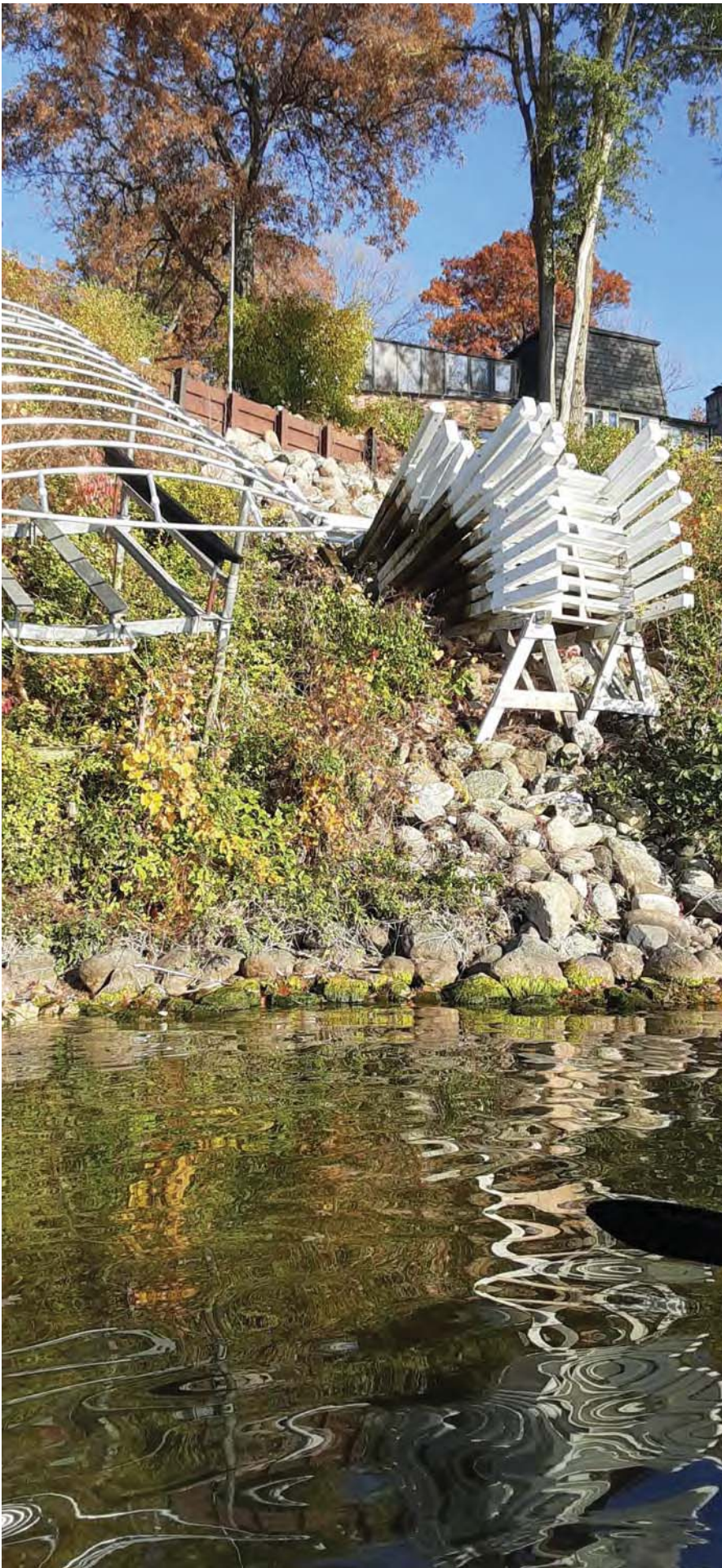
Subject: 230 Circle Parkway Storm water erosion
From: William Brogan <williambrogan219@gmail.com>
To: zoning@williamsbay.org,Village Administrator <admin@williamsbay.org>,dsnyder@baxterwoodman.com
Date Sent: Tuesday, November 1, 2022 10:49:57 AM GMT-05:00
Date Received: Tuesday, November 1, 2022 10:49:57 AM GMT-05:00
Attachments: 20221028_155751.jpg,IMG_0596.jpg

Dear Doug,

Thank you for calling me and discussing the storm water erosion issues for the new home at 230 Circle Parkway. I am attaching photos of the home next door to the south and the Lakefront collapse. The steel and boulders have forever scared our Lakefront. This should explain my extreme concern and horror of what is happening at 230 Circle Parkway. The gutters and downspouts must be contained on their property as is required by the Permit.

Please let me know if you have any questions.

Best regards,
William Brogan





Subject: FW: 230 Circle Parkway Storm water erosion
From: "Douglas R. Snyder" <dsnyder@baxterwoodman.com>
To: "williambrogan219@gmail.com" <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@williamsbay.org>, Becky Tobin <admin@vi.williamsbay.wi.gov>
Date Sent: Tuesday, November 1, 2022 12:29:06 PM GMT-05:00
Date Received: Tuesday, November 1, 2022 12:29:16 PM GMT-05:00
Attachments: 20221028_155751.jpg,IMG_0596.jpg,April of 2013.JPG,Topo Map - 234 Circle Parkway.pdf,July of 2018.JPG,April of 2017.JPG,June of 2016.JPG

Hi William,

Also attached are aerials over the years from Google Earth for the area of 230 and 234 Circle Parkway. It appears that they had some type of terrace area with timber walls at 234 Circle Parkway until early 2018 when they installed the heavy stone. It also appears the heavy stone is getting greener with time.

I stopped by 230 Circle Parkway. They have gutters and downspouts on the house. We will work with them to get the site restored to limit the erosion.

Doug

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, November 1, 2022 10:50 AM
To: zoning@williamsbay.org; Village Administrator <admin@williamsbay.org>; Douglas R. Snyder <dsnyder@baxterwoodman.com>
Subject: 230 Circle Parkway Storm water erosion

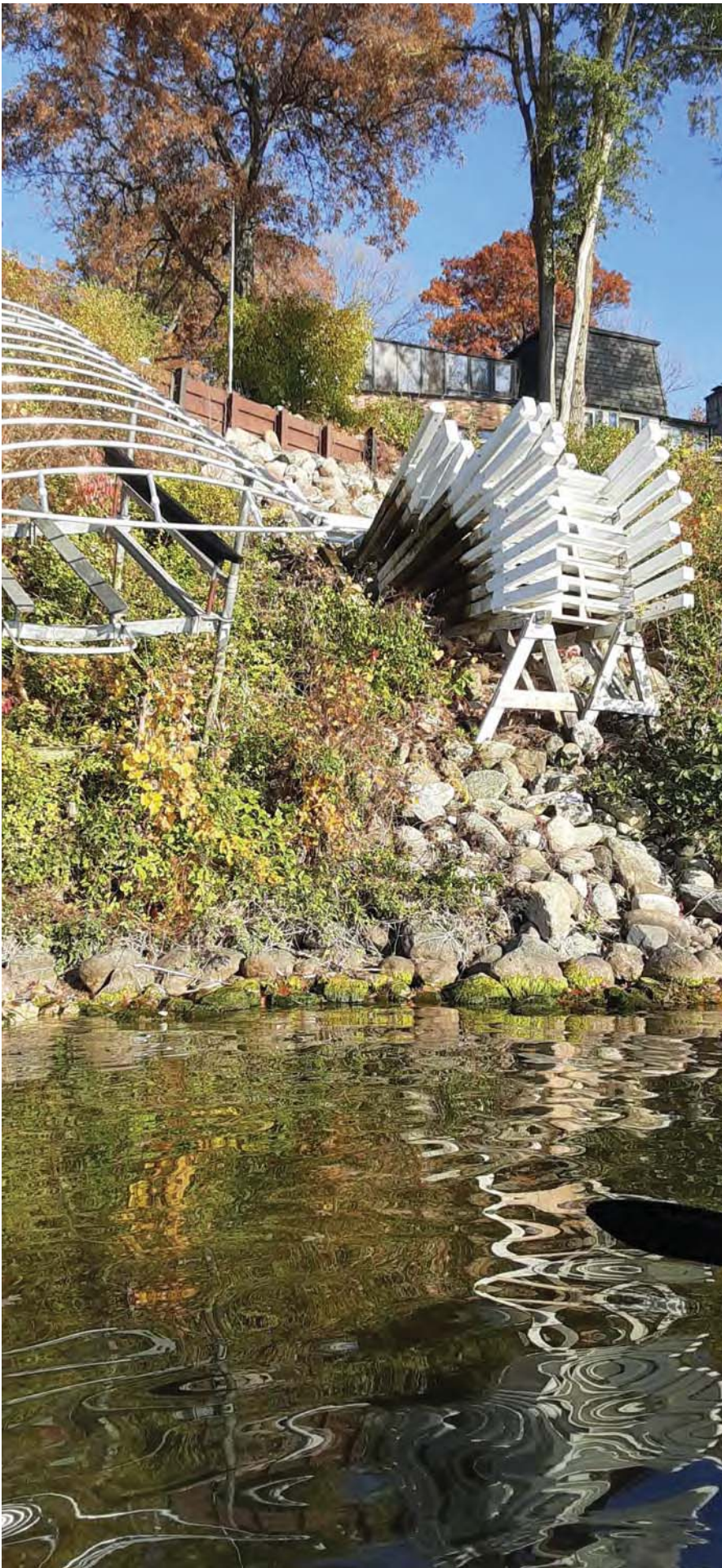
***** CAUTION: Think Security!** This email originated from outside of Baxter & Woodman, Inc. Do not click on links or open attachments unless you recognize the sender and know that the content is safe.

Dear Doug,

Thank you for calling me and discussing the storm water erosion issues for the new home at 230 Circle Parkway. I am attaching photos of the home next door to the south and the Lakefront collapse. The steel and boulders have forever scared our Lakefront. This should explain my extreme concern and horror of what is happening at 230 Circle Parkway. The gutters and downspouts must be contained on their property as is required by the Permit.

Please let me know if you have any questions.

Best regards,
William Brogan









234 Circle Parkway

WALWORTH COUNTY, WISCONSIN

1 inch = 83 feet

Author:

Map Produced on: 11/1/2022

Wisconsin State Plane Coordinate System, South Zone

Horizontal Datum: NAD83-2011

Walworth County Information Technology Department

Land Information Division

1800 County Trunk N N

Elkhorn, Wis. 53121-4001

DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN PRODUCED

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Subject: Fwd: Lakefront plans
From: William Brogan <williambrogan219@gmail.com>
To: Lisa Brogan <lisa.s.brogan@outlook.com>
Date Sent: Monday, November 21, 2022 3:48:21 PM GMT-06:00
Date Received: Monday, November 21, 2022 3:48:21 PM GMT-06:00
Attachments: Coulter Landscaping Plan 110422.pdf, Coulter Proposed Plantings 110422.pdf, image001.png, image002.png, image003.png, image004.png, image005.png

----- Forwarded message -----

From: **Jeff Auberger** <jeff@stebnitzbuilders.com>
Date: Mon, Nov 21, 2022, 14:16
Subject: RE: Lakefront plans
To: William Brogan <williambrogan219@gmail.com>
Cc: chris coulter <ccoulter3339@gmail.com>

Hi Bill,

You bet, here they are for your review. I've also included the proposed plantings...in case you're interested.

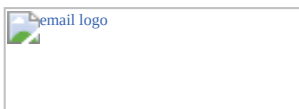
Please let me know if you have any further questions.

BTW – Here is the quote from Douglas Snyder (Senior Engineer at Baxter & Woodman) to the Village of Williams Bay: “I don't see any issues with the attached plan. They are modifying some grades, but are keeping the water on their own property and allowing water from the neighbors on their property.”

Best,

Jeff Auberger

Construction Consultant - Designer



p: 262.723.7232 **c:** 262.379.4299 **w:** [Stebnitz Builders, Inc](#)

a: 204 Commerce Court, #3, Elkhorn, WI 53121



From: William Brogan <williambrogan219@gmail.com>
Sent: Monday, November 21, 2022 2:00 PM
To: Jeff Auberger <jeff@stebnitzbuilders.com>
Subject: Lakefront plans

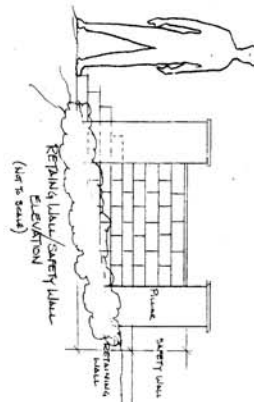
Hi Jeff,

Can you please send me the plans you submitted to the Village and Cedar Point Park.

Thank you,

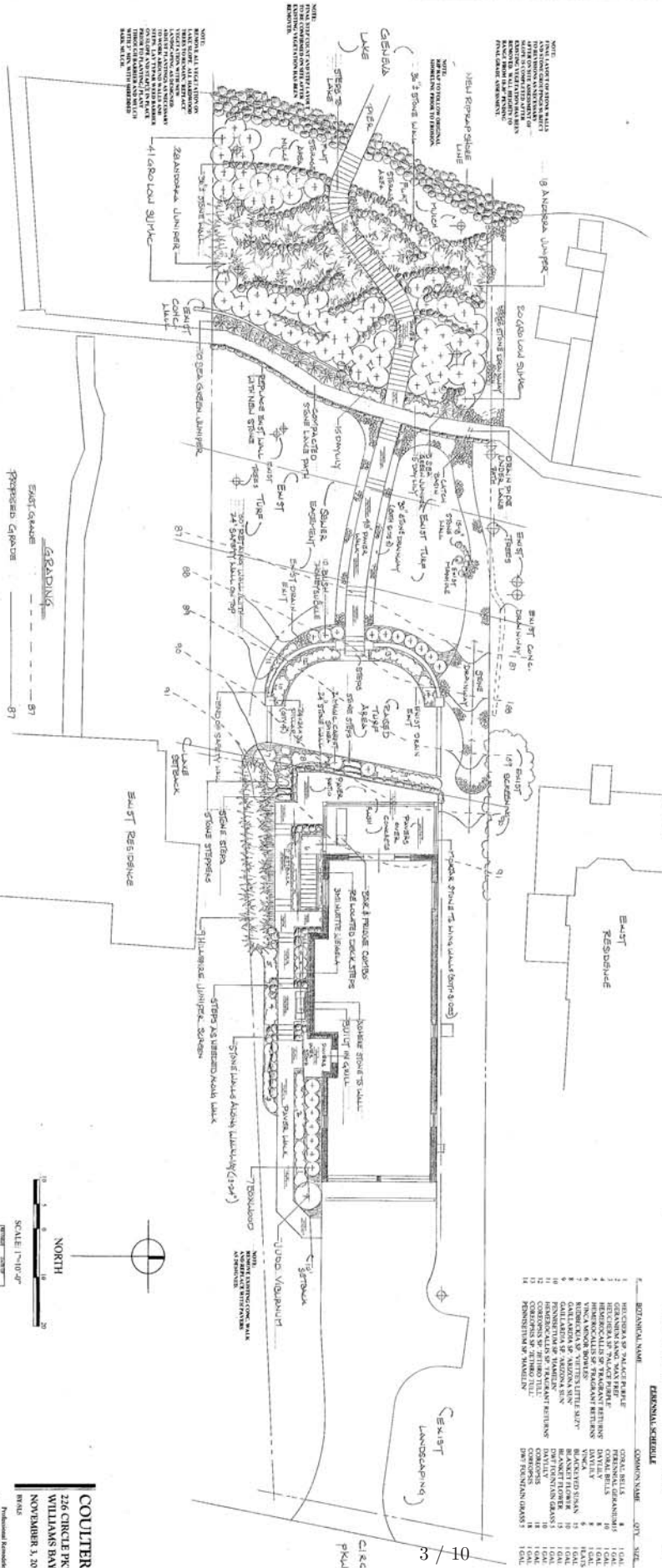
Bill

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

[illegible]

QTY.	REFUNDAL NAME	COMMON NAME	SIZE
1	MILK CHOCOLATE AND CREAM	BOYSCOUT	18"
10	DAWDLIA BP BIRTHDAY	SOUTHERN BUSH BIRTHDAY CANDLE	18"
2	ASPHEN'S MAGIC CYPRESSUS	HELPSIDE DIVERSE	8"
2	SPINX X JACOB'S MAGIC CANDLE SPINX		8"
1	WHEELA FLECKEN MONETTE	ALSO VIKING	24"
1		WHEELA WHEELA	24"

GENERAL SCHEDULE

[illegible]

COUTLER RESIDENCE
226 CIRCLE PRVY
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NOVEMBER 3, 2022
BR/ALS

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204 Cassinette Court
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PLANT IMAGES FOR THE COULTER RESIDENCE



BOXWOOD



BUSH HONEYSUCKLE



HILLSPIRE JUNIPER



MAGIC CARPET SPIREA



JUDD VIBURNUM



MINUETTE WEIGELA



PALACE PURPLE
CORAL BELLS



PERENNIAL GERANIUM



FRAGRANT RETURNS
DAYLILY



VINCA



BLACKEYED SUSAN



BLANKET FLOWER



DWARF FOUNTAIN GRASS



JETHRO TULL COREOPSIS

LAKESIDE SLOPE PLANT IMAGES FOR THE COULTER RESIDENCE



ROSY RETURNS DAYLILY



SEA GREEN JUNIPER



COMPACT ANDORRA
JUNIPER



GRO LOW SUMAC-SPRING



GRO LOW SUMAC-FALL











Subject: Fwd: Status Update on Coulter Shoreland Project
From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
To: William Brogan New 2022 <williambrogan219@gmail.com>
Date Sent: Monday, November 21, 2022 9:44:23 AM GMT-06:00
Date Received: Monday, November 21, 2022 9:44:26 AM GMT-06:00

From: Jeff Auberger <jeff@stebnitzbuilders.com>
Date: November 21, 2022 at 9:25:21 AM CST
To: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Cc: chris coulter <ccoulter3339@gmail.com>, Melanie Coulter <ccoulter2401@gmail.com>
Subject: Status Update on Coulter Shoreland Project

Good morning Lisa and Bill,

I hope this finds you both well.

know Bill had some conversation with Chris last week but I wanted to provide you a written update on the status of the shoreland and landscape projects.

We now have all approvals from Williams Bay (their zoning office as well as their Engineer, Baxter & Woodman) and have since asked the Association to review. We're hopeful to see their approval in the coming week.

We are expecting a finalized cost for shoreland restoration and rip-rap waterway (from the public walking path to the waters edge) in the next week. The expected proposal will only capture the bottom 20' of the rip-rap waterway, the balance (the upper 40') will be captured by my landscaper. To clarify, one contractor will perform the work at the edge of the water and the other will perform the balance of the project.

Upon receipt of all proposals, my estimator will compile all and determine the cost/foot or cost /square foot of the work. It is my intention to then provide you the finalized plans and associated costs for the portion occurring on your property. Assuming you wish to move forward, we (Stebnitz Builders) will prepare a contract for mutual execution and accept a down payment to ratify that contract.

FYI – We've been pushing everyone hard for approvals and pricing as the opportunity to perform the shoreland work at the beginning of December is viable and tentatively scheduled.

If you have any questions, please contact me by phone or e-mail.

I hope you and your family have a Happy Thanksgiving!

Best,

Jeff Auberger

Construction Consultant - Designer



p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](#)

a: 204 Commerce Court, #3, Elkhorn, WI 53121



Subject: RE: Coulter Lake Shore Zoning Plan
From: Jeff Auberger <jeff@stebnitzbuilders.com>
To: William Brogan <williambrogan219@gmail.com>
Cc: chris coulter <ccoulter3339@gmail.com>, Melanie Coulter <ccoulter2401@gmail.com>
Date Sent: Tuesday, November 22, 2022 10:29:05 AM GMT-06:00
Date Received: Tuesday, November 22, 2022 10:29:14 AM GMT-06:00
Attachments: Coulter - Waterflow - Pre & Post Landscape Project 112122.pdf

Good morning Bill,

I'm sorry to hear you feel that way, we have worked diligently and intentionally to satisfy the Coulters and you. I will do my best to clarify and explain, please see [my comments](#) below.

I'm hopeful we can chat or meet before you send letters to the Village and CPPA. I'd like to remind you that we came to you in hopes of working together for the betterment of the lake and that we are your best and most logical opportunity to address the major erosion problems on your property. Our plan provides the best way to get the necessary equipment in there to transfer and place +/- 40 tons of boulders into that ravine and permanently stabilize the eroded area and we know you certainly don't want to be the next 234 Circle Pkwy.

We're hopeful my responses help you better understand and remain open to making justifiable changes. We look forward to your response.

Best,

Jeff Auberger
Construction Consultant - Designer



p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](#)
a: 204 Commerce Court, #3, Elkhorn, WI 53121



From: William Brogan <williambrogan219@gmail.com>
Sent: Monday, November 21, 2022 5:39 PM
To: Jeff Auberger <jeff@stebnitzbuilders.com>; ccoulter3339@gmail.com; ccoulter2401@gmail.com
Subject: Coulter Lake Shore Zoning Plan

Dear Jeff and Chris,

I have serious concerns about this plan, which should not surprise you since they are the same concerns my wife and I expressed to Jeff when we met on October 21, and which I have raised each time I have spoken with each of you before and after that on this subject. [In fairness, it does surprise me as I really believed we had addressed all of your concerns effectively in the updated version provided.](#)

As you know we are very concerned about the erosion of the shoreland and protection of the Lake. [And it should be clear that the Coulters are too, it's a big part of why we're doing this now, while we can.](#) The new construction project at 230 Circle has worsened erosion at the Coulter property and our property over the past year. I have also expressed concerns

previously to the Village and its hydrogeologist, Doug Snyder whom you quoted, in this regard. The area bearing the brunt of the stormwater runoff seems to be at the low point between the Coulter property and our property.

This plan seems to catch and dump the stormwater from the Coulter property into the most vulnerable point on the lakefront. We have already discussed our concerns in this regard but the only change seems to be to move the proposed under-Lake path drainpipe over to the Coulters' side of the property line. How will this aid in mitigating run-off and erosion? I respectfully disagree, much more than that has occurred, I can only assume either you haven't recognized those changes or don't understand them. I have attached a waterflow map (based on existing contours and proposed changes) What I don't think you recognize is the pitch of the raised turf area (which encourages waterflow west-southwest and encourages water infiltration vs run-off) and the paver path flanked on both sides by rip-rap and plantings (both of which encourage infiltration vs run-off). Moreover, how will constructing a drain pipe under the most vulnerable point on the Lakefront path be accomplished without collapse and without damaging our and the Coulters' existing trees — which are holding the soil in place? The planned transfer pipe occurs in hard-pipe and within 12" of the surface of the walk-path, not near a depth to be impactful to the tree roots or collapse. Earth on the west side of the concrete retaining wall is eroded to probably 5' below the height of the lake-path.

In addition, we expressed our concern at our meeting that adding swale and a gulley alongside our existing drainway would not mitigate the flow of water from the proposed elevated turf area that will now be directed on to our property. Again, I respectfully disagree, you did not express to me that it was your opinion that a rip-rap filled infiltrating swale on the Coulter property would not mitigate the flow of water to your property, it certainly will and I expressed that during our meeting. Further, I expressed during that meeting, the creation of the elevated turf area in and of itself encourages the infiltration of water in that area and keeps EVERYTHING south of the elevated turf area from any longer flowing toward your property. By engineering design (utilizing washed-stone beneath) this elevated area, which is further surrounded by planting beds collectively encourage infiltration vs. run-off. See before and after waterflow maps attached. As Jeff agreed, over time this gulley will merely fill up with mulch, silt and leaves and deposit water into our drainway. I likely did say that maintenance is required for these rip-rap areas, this will occur weekly during routine yard care/maintenance and intentionally at spring and fall clean-ups. Remember, by design, they dissipate energy (speed) encourage infiltration and reduce (or eliminate) erosion. Even if it did work, it would dump into the same catch basin and stone drainway you propose at the most vulnerable part of the Lakefront. The area you describe as most vulnerable (that we viewed together) is already eroded so badly that a significant amount of large-scale rip-rap must be installed in that area to protect it from further erosion on both yours and the Coulters properties. That most "vulnerable part" is about 40% on the Coulter property and 60% on yours (approximately), so to suggest our intent to fix the area (with rip-rap) and use the area for what little water may still flow that way is not proper stormwater management is unfair and difficult to justify. Remember, unlike your previous neighbor, the Coulters want to improve the current situation, to protect the hillside and the lake. As you'll see on the attached watershed drawings, the only water that may still exist along the common lot line, will be far less than the water that flows there currently, AND, it will be slowed-down dramatically and encouraged to infiltrate by our proposed rip-rap and plantings. At our meeting, Jeff insisted that the Coulter property already drains into our drainway and causes it to "flow like a river" and your plan would "slow it down" to our benefit. We explained repeatedly that we have lived here for 11 years and that is not the case, as is obvious from the Lakefront-side lawn and Lakepath erosion, the water from the Coulter property flows toward the Lake on to the Lake path. Your elevated plan diverts it to our property. That statement very much contradicts what we discussed that day, for example, you pointed to the grass gulley way that ran from southeast to northwest across the Coulters property (where the previous owners used their slip & slide) and told me that was where the water flowed from the Liljebergs and the Coulters to your property. This is not proper stormwater management and we cannot buy insurance for stormwater runoff, you are creating a liability for us. Jeff indicated he would come up with another plan and share it with us PRIOR to submission for approval but I guess you decided otherwise. For clarity, what I advised during that meeting is that I would address the concerns you had for the original plan presented (my misunderstanding of your desires were to fix all of your current run-off/erosion problems which are enhanced by your concrete drainway which is why the initial plan showed removal and replacement of it with a rip-rap/infiltrator that was to be created on both sides of the lot line) I misunderstood that your primary goal was to address the existing erosion west of the lake path. As you can see from the provided plan, we do address that. I also don't recall saying I'd share the plan in advance of submittal, but don't wish to argue the point either, I've simply continued to do my best to move this forward as quickly and responsibly as possible because our window of access with the Liljebergs assistance is closing quickly. We believe, and the engineer agrees we have implemented responsible practices to encourage water infiltration, reduce run-off and dissipate run-off speed and volume. And,

EVERYTHING we've done assures that all water now will flow toward the lake path and lake, not onto your property except any remaining that comes along the north side of the home. And, that water is now strongly encouraged, by design, to be slowed and infiltrate before transferring any remaining beneath the path and still remains on the Coulter property (not yours) after transferring. That is disappointing since we aimed to work collaboratively, and we have no wish to slow down your project, but we must express our concerns to CPPA and the Village. We will copy you. The Lakefront and Lake cannot afford another catastrophic collapse as seen at 234 Circle Parkway which we have shown to you and to Doug Snyder. The planned filling of the eroded area (west of the shore path to the lake) with large-scale rip-rap infiltration will protect the lake far better than what's been occurring and will do so for long into the future.

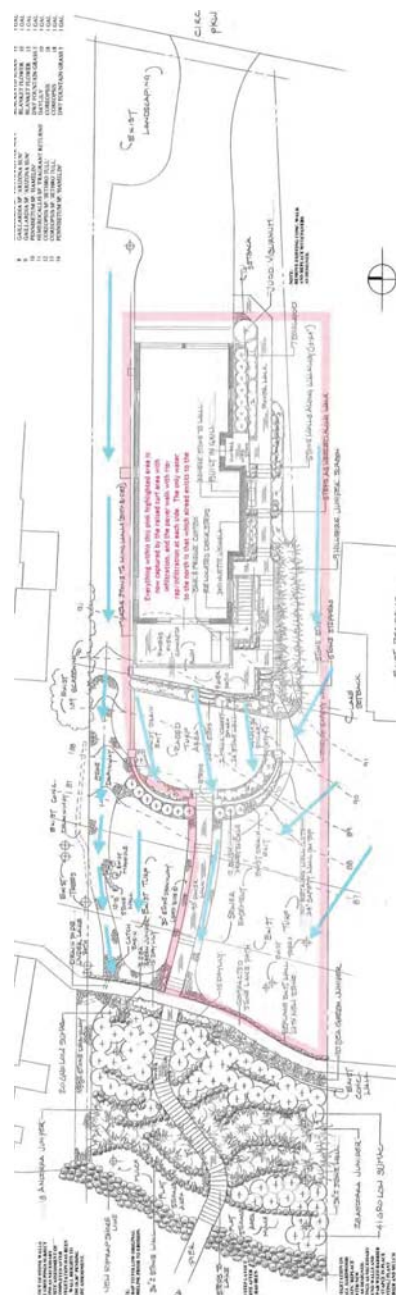
Also, and worth noting, is that during our materials selection visit with the Coulters yesterday at High Prairie Landscape Supply, Chris made it clear that he also wants the areas east of the home (near the road) and along the north side of his home to be addressed proactively as well, to better control water run-off and the displacement of mulch from those beds into his drain-tile, so that additional design work and planning will be occurring over the next couple of weeks.

We are comfortable with and confident in our plan to mitigate the vast majority of water that we believe has flowed to you in the past. We remain hopeful to work together for the long-term benefit of the lake and neighborly relationship.

We are still trying to understand the remainder of the plan but wanted to let you know our serious concerns right away.

Sincerely, Bill and Lisa Brogan

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Subject: Re: Building permits for 226 Circle Parkway
From: Bonnie Schaeffer <zoning@williamsbay.org>
To: William Brogan <williambrogan219@gmail.com>, Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@williamsbay.org>
Date Sent: Monday, November 28, 2022 3:16:58 PM GMT-06:00
Date Received: Monday, November 28, 2022 3:17:05 PM GMT-06:00
Attachments: Coulter 226 Circle Hardscape Permit.pdf, 226 Circle Pkwy Hardscape Plan.pdf

William,

Attached is a copy of the plan that has been approved by the Village Engineer. A zoning permit has also been issued.

Regards,
Bonnie Schaeffer
Zoning Administrator
Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
262-245-2700

From: William Brogan <williambrogan219@gmail.com>
Sent: Monday, November 28, 2022 10:47 AM
To: Becky Tobin <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>
Subject: Building permits for 226 Circle Parkway

Dear Village of Williams Bay,

There are contractors on the lake path on 226 Circle Parkway talking about cutting trees down. I tried searching your website for recently issued building permits and found nothing. Have building permits been issued for this property?

If so will you please send me copies or give me directions on how to access them on your website. I have not seen "diggers " mark anything on the property. They are asking what is this?(related to the sewer manhole.)

As you can imagine, this is disturbing. I have not received any correspondence from the Village on my recent emails. Will you provide provide the status on my neighboring property.

Best regards,
William Brogan

VILLAGE OF WILLIAMS BAY

ZONING PERMIT

NO. Z22-105

DATE: NOVEMBER 14, 2022

Has been issued to: CHRISTOPHER & MELANIE COULTER – 226 CIRCLE PKWY.

For: Tax Key #WCP3 00011A

RETAINING WALLS, PAVER PATIO, WALKWAYS, & STONE STAIRS



Zoning Administrator

Permit must be posted until project is complete



Zoning Permit Application Village of Williams Bay

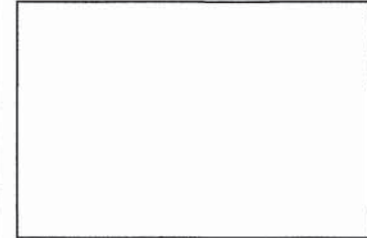
250 Williams Street x PO Box 580 x Williams Bay, WI 53191
Phone: 262-245-2700 x Fax: 262-245-2705

Request:

Please check all that apply.

- ☐ Residential Principal Use 1 or 2 Family \$175.00
- ☐ Residential Addition \$75.00
- ☐ Residential Accessory Use \$75.00
- ☐ Fence \$75.00
- ☐ Deck \$75.00
- ☐ Swimming Pool \$100.00
- ☐ Commercial Principal Use (includes multi-family) \$150.00
- ☐ Commercial Addition \$100.00
- ☐ Commercial Accessory Use \$100.00
- ☐ Signage \$50.00 first 20 sq. ft. plus \$.50 per sq. ft. thereafter
- ☒ Lakefront and Shoreyard Projects \$75.00
- ☐ Other: _____ Fee: _____

Date application was received:



Fee Paid: 75.00

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Owner's Name: Christopher R. & Melanie M. Coulter Phone No.: 3096573375

Mailing Address: 5434 W STONEBRIDGE CT City: PEORIA, IL 60615

Applicant's Name: Stebnitz Builders, Inc Phone No. 262-723-7232

Mailing Address: 204 Commerce Ct. #3 Elkhorn, WI 53121

Physical Address of Site: 226 Circle Pkwy Williams Bay, WI Tax Parcel No: WCP3 00011A

Subdivision Name: Cedar Point Park Third Addition Lot No. 212 Block No. _____

Current Zoning of Site: _____ Current Overlay Districts of Site: _____

Proposed type of structure: Retaining walls, paver walkways and stone stairs

Proposed use of structure or site: personal access from driveway or walk-out basement to shoreland

Lot Area 15,376 sq. ft. Proposed Bldg. / Structure Footprint Area 0.00 sq. ft.

Existing Building Coverage on Site: 10 % Proposed 10 %

Existing Impervious Surface Coverage on Site: 8.6% % Proposed 11.8% %

Proposed Setbacks: Front 65.3 Rear _____ Left 10.5 Right 10.3

Proposed Building Height 5 ft.

Applicant's Signature: [Signature] Date: 11/14/22

OFFICE USE ONLY:

PERMIT FEES:

Permit \$ 75.00
Admin Fee \$ _____
Other \$ _____
Total \$ 75.00

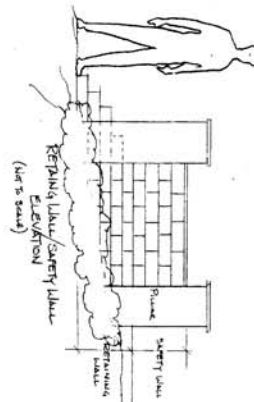
PERMIT ISSUED BY:

Name: B. SAWYER Date: 11/14/22
Tel: 262-245-2700 Permit No. 222-105

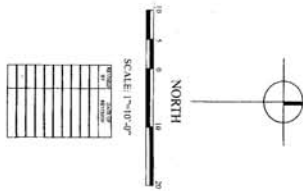
CONDITIONS OF APPROVAL:

PER SITE PLAN DATED 11/03/2022

1. ALEJANDRO CARLOS BARRAL, *BOB DILAN EN LA CECIDENCIA*, WITH A FOREWORD BY CARLOS MARTEL, EDITORIAL EL NARANJO, 1997, 128 PAGES, PAPERBACK, \$10.00.
2. ALEJANDRO CARLOS BARRAL, *BOB DILAN EN LA CECIDENCIA*, WITH A FOREWORD BY CARLOS MARTEL, EDITORIAL EL NARANJO, 1997, 128 PAGES, PAPERBACK, \$10.00.
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QTY.	REFUNDAL NAME	COMMON NAME	SIZE
1	MILK CHOCOLATE AND CREAM	BOYSCOUT	18"
10	DAWDLIA BP BRITNEY LY	SOUTHERN BUSH ROSEMARY SCHE	18"
2	ASPERMUS CRYSTALINUS	HELSFORD DUMPER	8"
2	SPHIA X JACOBUS MAGIC CAMEL SPHIA		24"
1	WHEELCHAIR MONOLITE	ALDO VINCENTO	24"
1		WHEELCHAIR MONOLITE	24"

[illegible]

COUTLER RESIDENCE
226 CIRCLE PRVY
WILLIAMS BAY, WI 53191
NOVEMBER 3, 2022
BR/ALS
Professional Foreclosures Since 1972
 **STEENITZ
BUILDERS**
204 Cassinette Court
Eaton, WI 53121
262-725-7232
www.steenitzbuilders.com
NORTHWESTERN ILLINOIS
UNIVERSITY LIBRARY, 60502

Subject: Safety Issue / Diggers Hotline / Section 390-1709 Shoreland Regulations
From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
To: Bonnie Schaeffer <zoning@williamsbay.org>,"admin@williamsbay.org"
<admin@williamsbay.org>,"dsnyder@baxterwoodman.com" <dsnyder@baxterwoodman.com>
Cc: "williambrogan219@gmail.com" <williambrogan219@gmail.com>
Date Sent: Monday, November 28, 2022 5:30:39 PM GMT-06:00
Date Received: Monday, November 28, 2022 5:30:42 PM GMT-06:00

Dear Bonnie (copying Becky and Doug),

Thank you for this clarification. On an important public safety note, this morning the contractors planning the project at 226 Circle kicked into the sewer cover, covered by leaves, and said, literally, "Hey, what is this?" They have apparently not called Diggers hotline to flag the municipal sewer line that runs across the Lakefront lawns and which requires hand digging in an 18-inch protective zone, according to the PSC Regs. I have seen the Village water and sewer lines flagged with blue flags and blue paint lines in the past. I don't know if the work they are doing elsewhere requires flagging of utilities (I know there are utilities running between 226 and the adjoining 230 new home because you can see them, and 226 plans to put a stone walkway between these two properties), but conscientious and reputable contractors call the hotline 3 - 4 business days before commencing work and err on the side of caution.

On the purportedly approved plans—which include unauthorized work on our property to which we strenuously object and reserve all legal rights—a "sewer easement area" is indicated, but the sewer line is not delineated (and the drawing is stated to be "not to scale"). The "existing manhole" is shown as very tiny with a new stone wall around it. If one were to walk the property one would see immediately that there is no room to place the new (hand dug) "stone drainway" between that manhole (and new stone wall) and our property line. In other words, not only does the plan inexplicably create a "stone drainway" on OUR property below the Lakepath, but the drainway near the sewer cover will either be interrupted at this point (dumping water into our existing drainway) or have to intrude onto our property at this juncture. As we already explained, a drainpipe is proposed under the Lakepath that will dump all the captured water into the newly created "stone drainway" on OUR property, and at the most vulnerable point of the fragile eroding Lakepath. This erosion has taken place due to the building of 230 Circle and will be exacerbated by the new "contouring" of the Lakefront by the proposed plan to create the "raised turf patio" (which the contractors called a stone patio to hold multiple chairs).

We also reiterate that if these contractors tether their equipment to our precious Oak trees as they discussed this morning, we will have no recourse but to call the police as Bonnie suggested as our remedy.

We hope that steps will be taken to address these issues immediately. The timing is not of our making. Hours after seeing this plan for the first time we alerted the Village to these issues. Again when we were told a plan was purportedly approved before the holidays we brought these concerns to the Village's attention.

Thank you for your anticipated response to our serious concerns.

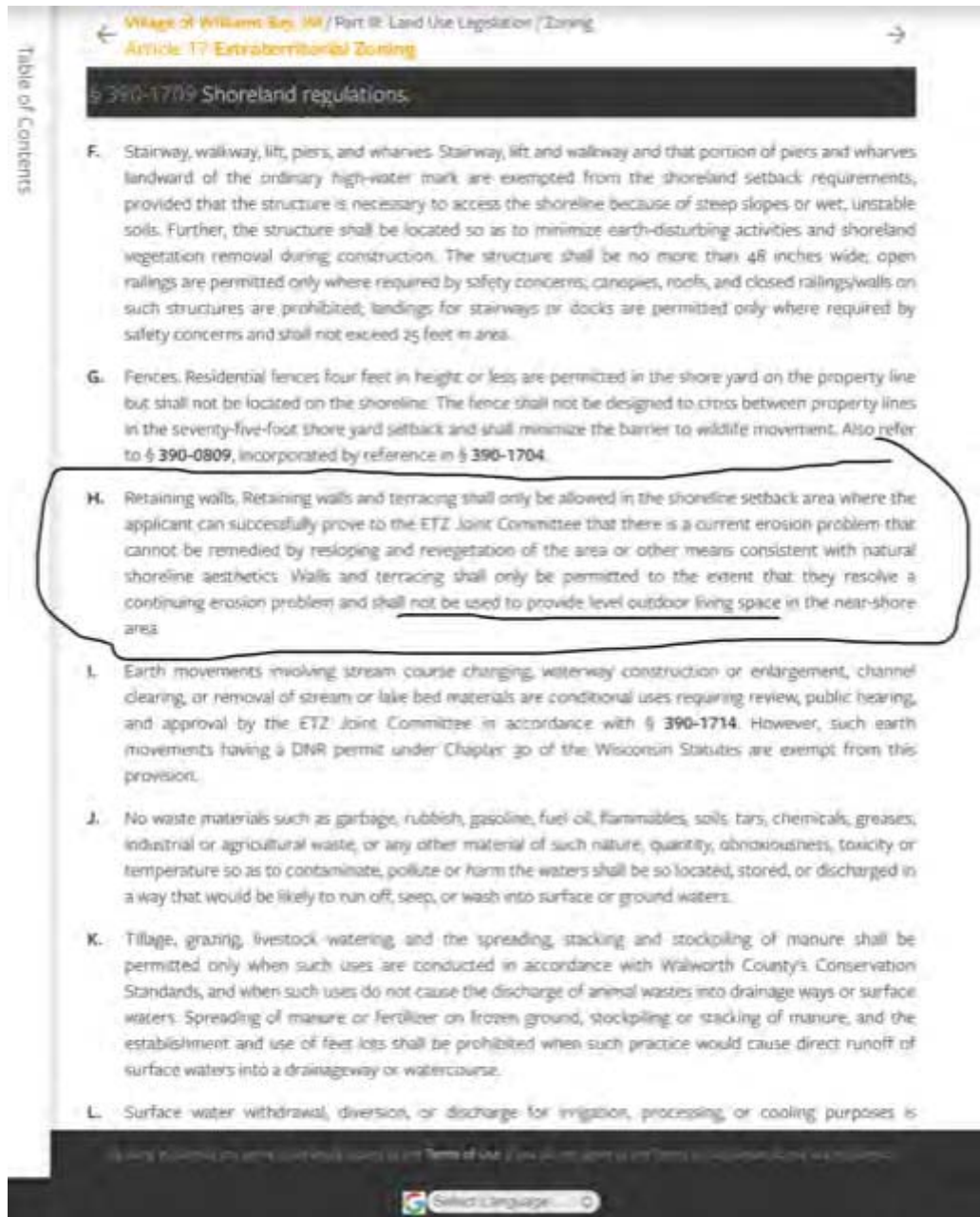
Best regards,
Lisa and William Brogan

On Nov 28, 2022, at 3:23 PM, Bonnie Schaeffer <zoning@williamsbay.org> wrote:

Lisa and William,

In response to your email (copied below), this section of the ordinance is not applicable in the Village. If you look carefully, it references the ETZ Committee. That means that it is applicable in the extraterritorial zoning areas adjoining the Village but located in the Towns of Linn and Geneva.

Dear Bonnie and Becky, I am forwarding this excerpt from the Shoreland regulations at the request of my husband William Brogan. We would like to know whether this section applies to the brick patio, and contouring to provide level outdoor living space, planned at 226 Circle Parkway. Thank you very much. Regards, Lisa and William Brogan



Regards,
Bonnie Schaeffer
Zoning Administrator
Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
262-245-2700

Subject: Section 390-1709 Shoreland Regulations
From: Bonnie Schaeffer <zoning@williamsbay.org>
To: "Lisa.S.Brogan@outlook.com" <Lisa.S.Brogan@outlook.com>, "williambrogan219@gmail.com" <williambrogan219@gmail.com>
Date Sent: Monday, November 28, 2022 3:23:28 PM GMT-06:00
Date Received: Monday, November 28, 2022 3:23:31 PM GMT-06:00

Lisa and William,

In response to your email (copied below), this section of the ordinance is not applicable in the Village. If you look carefully, it references the ETZ Committee. That means that it is applicable in the extraterritorial zoning areas adjoining the Village but located in the Towns of Linn and Geneva.

Dear Bonnie and Becky, I am forwarding this excerpt from the Shoreland regulations at the request of my husband William Brogan. We would like to know whether this section applies to the brick patio, and contouring to provide level outdoor living space, planned at 226 Circle Parkway. Thank you very much.
Regards, Lisa and William Brogan

§ 390-1709 Shoreland regulations.

- F. Stairway, walkway, lift, pier, and wharves. Stairway, lift and walkway and that portion of piers and wharves landward of the ordinary high-water mark are exempted from the shoreland setback requirements, provided that the structure is necessary to access the shoreline because of steep slopes or wet, unstable soils. Further, the structure shall be located so as to minimize earth-disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than 48 inches wide; open railings are permitted only where required by safety concerns; canopies, roofs, and closed railings/walls on such structures are prohibited; landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 25 feet in area.
- G. Fences. Residential fences four feet in height or less are permitted in the shore yard on the property line but shall not be located on the shoreline. The fence shall not be designed to cross between property lines in the seventy-five-foot shore yard setback and shall minimize the barrier to wildlife movement. Also refer to § 390-0809, incorporated by reference in § 390-1704.
- H. Retaining walls. Retaining walls and terracing shall only be allowed in the shoreline setback area where the applicant can successfully prove to the ETZ Joint Committee that there is a current erosion problem that cannot be remedied by resloping and revegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall only be permitted to the extent that they resolve a continuing erosion problem and shall not be used to provide level outdoor living space in the near-shore area.
- I. Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, or removal of stream or lake bed materials are conditional uses requiring review, public hearing, and approval by the ETZ Joint Committee in accordance with § 390-1714. However, such earth movements having a DNR permit under Chapter 30 of the Wisconsin Statutes are exempt from this provision.
- J. No waste materials such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity or temperature so as to contaminate, pollute or harm the waters shall be so located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters.
- K. Tillage, grazing, livestock watering, and the spreading, stacking and stockpiling of manure shall be permitted only when such uses are conducted in accordance with Walworth County's Conservation Standards, and when such uses do not cause the discharge of animal wastes into drainage ways or surface waters. Spreading of manure or fertilizer on frozen ground, stockpiling or stacking of manure, and the establishment and use of feed lots shall be prohibited when such practice would cause direct runoff of surface waters into a drainageway or watercourse.
- L. Surface water withdrawal, diversion, or discharge for irrigation, processing, or cooling purposes is

As used in this document, unless otherwise noted, all references to the Village of Williams Bay, WI are to the Village of Williams Bay, WI.

Select Language

Regards,
 Bonnie Schaeffer
 Zoning Administrator
 Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
 262-245-2700

Subject: Illegal building permit for 226 Circle Parkway
From: William Brogan <williambrogan219@gmail.com>
To: Bonnie Schaeffer <zoning@williamsbay.org>
Cc: Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@williamsbay.org>, dsnyder@baxterwoodman.com
Date Sent: Tuesday, November 29, 2022 9:13:18 AM GMT-06:00
Date Received: Tuesday, November 29, 2022 9:13:18 AM GMT-06:00

Dear Bonnie,

I pointed out to you and Becky in our meeting, this plan shows an extensive amount of work being done on our property. It shows tons of rock and stone being dumped on our side of the property line. That is illegal without our permission. The area called stone drainway needs to be moved to 226 Circle Parkway property. Create a stone drainway somewhere that is not close to our property.

To be extremely clear, no one is to do any work on our property. This includes using our property for securing heavy equipment to our trees, using our property for egress and ingress and parking on the driveway.

I have have two questions:

1. Why are there not any dimensions of the structure being built for size, placement on property and set back lines?
2. As erosion experts, how can you allow all vegetation to be removed from the lake slope? This is in the tiny print under Note.

This plan is dangerous and recliss. I strongly feel this plan will cause the lakefront slope to collapse.

Please send me the new approved plan, that hopefully protects the lake.

Best regards,
William Brogan

On Mon, Nov 28, 2022, 15:17 Bonnie Schaeffer <zoning@williamsbay.org> wrote:
William,

Attached is a copy of the plan that has been approved by the Village Engineer. A zoning permit has also been issued.

Regards,
Bonnie Schaeffer
Zoning Administrator
Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
262-245-2700

From: William Brogan <williambrogan219@gmail.com>
Sent: Monday, November 28, 2022 10:47 AM
To: Becky Tobin <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>
Subject: Building permits for 226 Circle Parkway

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Best regards,
William Brogan

Subject: Re: Illegal building permit for 226 Circle Parkway
From: William Brogan <williambrogan219@gmail.com>
To: Bonnie Schaeffer <zoning@williamsbay.org>
Cc: Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@williamsbay.org>, Doug Snyder <dsnyder@baxterwoodman.com>
Date Sent: Wednesday, November 30, 2022 4:51:45 PM GMT-06:00
Date Received: Wednesday, November 30, 2022 4:51:45 PM GMT-06:00

Bonnie,

Thank you very much.

Best regards, William

On Wed, Nov 30, 2022, 14:45 Bonnie Schaeffer <zoning@williamsbay.org> wrote:
William,

The contractor is well aware of the fact that the revised plan will not be able to show any work on your side of the property line. I have forwarded your email to him since he is the general contractor, and it is his responsibility to inform any subcontractors of the parameters of the project.

I will be sure to forward you the new plan when it is submitted.

Regards,
Bonnie Schaeffer
Zoning Administrator
Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
262-245-2700

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, November 30, 2022 2:37 PM
To: Bonnie Schaeffer <zoning@williamsbay.org>
Cc: Becky Tobin <admin@vi.williamsbay.wi.gov>; Bill Duncan <bduncan@williamsbay.org>; Doug Snyder <dsnyder@baxterwoodman.com>
Subject: Re: Illegal building permit for 226 Circle Parkway

Dear Bonnie,

Thank you very much for the updated information. We appreciate your attention to this matter. Conspicuously absent is the requirement that the modified or amended plan show no work on our side of the property line. If necessary they can withdraw and resubmit but we cannot live with a plan that permits work on our property and some handshake assurance that it won't happen. Of course this is a legal document. Please confirm.

Please inform all contractors they cannot use our property to complete any of the shoreland restoration or other work. We overheard the landscapers talking about using large excavating equipment and securing the equipment to our trees for leverage. They need to be informed this type of operation cannot be done on our property. Their shoreland contractor cannot swing bins of boulders in a manner to damage our tree limbs. I want them to be informed of this, so they can plan accordingly. I do not want to have to call the police for trespassing. That is ridiculous for me to be put into that situation. The contractors will need to plan their operations, so our property is not impacted. The contractors all need to be well informed that they cannot access our property to do any work on our property. I feel having large excavation equipment on the edge of the Lake slope is dangerous for the operator, the general public and the lake. Safety should be the top concern for the contractor, but tragically we have seen a women killed in Williams Bay by a tree cutting accident along

the lake path. I hope the contractors all have Safety Management System (SMS) they follow for working on the public Lake path. We have not seen any published notice of a request for DNR permit for rip rap or other shoreland restoration work so we don't know what is contemplated and have inquired with DNR.

Please send me the new plan when completed. Thank you again.

Best regards,
William Brogan

On Wed, Nov 30, 2022, 13:17 Bonnie Schaeffer <zoning@williamsbay.org> wrote:
William,

The hardscape permit for 226 Circle has been put on hold for the time being until the contractor submits more information as requested by Doug Snyder. The revised plans will need to include the following:

- Existing site plan with existing spot elevations, existing drainage pipes with sizes and invert elevations, the location of the Village sanitary sewer, existing contour lines and existing drainage patterns for the entire property.
- Proposed grading plan showing proposed spot elevations, proposed drainage pipes with sizes, proposed changes to the contour lines, proposed drainage patterns for the entire property, and erosion control provisions.

The contractor has acknowledged that no work will be performed on your property. They will be doing shoreline restoration work as approved by the DNR in the meantime.

Best Regards,
Bonnie Schaeffer
Zoning Administrator
Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
262-245-2700

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, November 29, 2022 9:13 AM
To: Bonnie Schaeffer <zoning@williamsbay.org>
Cc: Becky Tobin <admin@vi.williamsbay.wi.gov>; Bill Duncan <bduncan@williamsbay.org>; Doug Snyder <dsnyder@baxterwoodman.com>
Subject: Illegal building permit for 226 Circle Parkway

Dear Bonnie,

I pointed out to you and Becky in our meeting, this plan shows an extensive amount of work being done on our property. It shows tons of rock and stone being dumped on our side of the property line. That is illegal without our permission. The area called stone drainway needs to be moved to 226 Circle Parkway property. Create a stone drainway somewhere that is not close to our property.

To be extremely clear, no one is to do any work on our property. This includes using our property for securing heavy equipment to our trees, using our property for egress and ingress and parking on the driveway.

I have have two questions:

1. Why are there not any dimensions of the structure being built for size, placement on property and set back lines?
2. As erosion experts, how can you allow all vegetation to be removed from the lake slope? This is in the tiny print under Note.

This plan is dangerous and recliss. I strongly feel this plan will cause the lakefront slope to collapse.

Please send me the new approved plan, that hopefully protects the lake.

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On Mon, Nov 28, 2022, 15:17 Bonnie Schaeffer <zoning@williamsbay.org> wrote:

William,

Attached is a copy of the plan that has been approved by the Village Engineer. A zoning permit has also been issued.

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From: William Brogan <williambrogan219@gmail.com>

Sent: Monday, November 28, 2022 10:47 AM

To: Becky Tobin <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>

Subject: Building permits for 226 Circle Parkway

Dear Village of Williams Bay,

There are contractors on the lake path on 226 Circle Parkway talking about cutting trees down. I tried searching your website for recently issued building permits and found nothing. Have building permits been issued for this property?

If so will you please send me copies or give me directions on how to access them on your website. I have not seen "diggers " mark anything on the property. They are asking what is this?(related to the sewer manhole.)

As you can imagine, this is disturbing. I have not received any correspondence from the Village on my recent emails. Will you provide provide the status on my neighboring property.

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Cc: Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@williamsbay.org>, Doug Snyder <dsnyder@baxterwoodman.com>
Date Sent: Wednesday, November 30, 2022 2:37:01 PM GMT-06:00
Date Received: Wednesday, November 30, 2022 2:37:01 PM GMT-06:00

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To: Becky Tobin <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>

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Best regards,
William Brogan

Subject: Re: Activity and Communication - 226 Circle Pkwy
From: William Brogan <williambrogan219@gmail.com>
To: Jeff Auberger <jeff@stebnitzbuilders.com>
Cc: Lisa Brogan <Lisa.S.Brogan@outlook.com>, Ryan Hibi <ryan@stebnitzbuilders.com>, chris coulter <ccoulter3339@gmail.com>, Melanie Coulter <ccoulter2401@gmail.com>
Date Sent: Monday, December 12, 2022 4:54:24 PM GMT-06:00
Date Received: Monday, December 12, 2022 4:54:24 PM GMT-06:00
Attachments: image001.png,image002.png,image003.png,image004.png,image005.png

Jeff,

We don't want to hold up your work, but will you please have Ryan call me at 262-475-3221 when they arrive and before they start work. I need to show them the cable and electrical area that is at the corner lot location. When the 226 house was built, the contractor cut OUR cable by the 226 driveway and just missed the electric line. For everyone's safety, I want to make sure they understand the potential dangerous situation. The replacement cable was not buried to the standard depth by Spectrum and could be easily damaged by a 3-inch stake, or the anticipated corner lot pipe, disrupting our internet, phone and cable TV (and my wife's ability to handle business meetings). Please confirm. Thank you.

On Mon, Dec 12, 2022, 15:08 Jeff Auberger <jeff@stebnitzbuilders.com> wrote:

Mr. Brogan,

We did enjoy our Thanksgiving, thank you.

My survey team will be using push-flags on the property line, just 2-3 inches into the ground, circled in orange paint. Stakes will only be installed at piped lot corners, so nothing is going into the ground in areas you describe for concern, any deeper than a couple inches.

Our work will begin tomorrow, Batterman is performing the work, diggers hotline has not been contacted, it's unnecessary for the work they'll be performing.

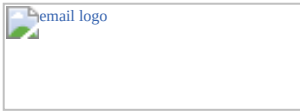
The items you reference as concern should not occur and are part of our standard protocol in tight/lake-lot situations. There is no plan to tie-off to your trees and that won't occur.

Ryan will be meeting them onsite, I'm out of town until Wednesday, they will contact me with any questions.

Best,

Jeff Auberger

Construction Consultant - Designer



p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](#)

a: 204 Commerce Court, #3, Elkhorn, WI 53121



From: William Brogan <williambrogan219@gmail.com>

Sent: Monday, December 12, 2022 1:59 PM

To: Jeff Auberger <jeff@stebnitzbuilders.com>

Cc: Lisa Brogan <Lisa.S.Brogan@outlook.com>; Ryan Hibl <ryan@stebnitzbuilders.com>; chris coulter <ccoulter3339@gmail.com>; Melanie Coulter <ccoulter2401@gmail.com>

Subject: Re: Activity and Communication - 226 Circle Pkwy

Dear Jeff,

Our Thanksgiving was very nice. I hope you and your family also enjoyed Thanksgiving.

I agree with your idea of having additional survey stakes placed on the property line. Our utilities run between the two houses. Accordingly, I have also contacted Diggers Hotline to mark the south side of our property. Their flagging should be completed no later than the 15th. We don't want your survey team to pound stakes until our utilities are flagged. I know that on both sides of the driveway on the Coulters' property there are electrical lines and (our) Spectrum cable TV/internet/phone lines. Did you ask Diggers to flag this area for everyone's protection?

What survey company are you using?

I have contacted Satter Surveying, LLC in Burlington to hire them to place additional survey stakes on the property line. They are the Surveyor of record with Walworth County for 226 Circle Parkway. They did the Plat of Survey on April 27, 2022.

Please let me know if you want to coordinate with your survey company.

Regarding communicating with your employees, I appreciate the contact information.

I have several concerns regarding the exterior work. Will you please share this information with your employees and your subcontractors.

Please never block my driveway, we live here full-time.

Please do not use my property for ingress and egress.

Please do not use any trees or structures on our property to attach equipment to for leverage. The heavy equipment operators discussed securing their equipment to our trees.

Please do not use our property for any type of staging area for equipment or materials.

Please use containment fencing (safety and silt fencing) to protect the lake and our property.

Thank you for the email. This is a helpful form of communication for your project.

Best regards,

William and Lisa Brogan

On Fri, Dec 9, 2022, 09:41 Jeff Auberger <jeff@stebnitzbuilders.com> wrote:

Dear Mr. and Mrs. Brogan,

I hope you had a nice Thanksgiving.

As I'm sure you've noticed, indoor work is well underway at the Coulter residence, however, I wanted to advise you that next week our surveyor will be outdoors staking the property.

I have instructed our survey team to locate and stake/flag all lot corners, as well as to install temporary stakes/flags at 20'-30' intervals from the road to near the waters edge on the common property line (between you and the Coulters). These stakes/flags are being installed adjacent to the property line (on the Coulter side of the line) and will remain until all exterior work is completed. These stakes/flags are being installed for your sake and ours and it is imperative that they remain as placed until we remove them upon completion of our exterior work.

We ask, if you have issue or concern with any workers onsite, work being performed or wish something communicated, you contact our Production Manager Ryan (contact info listed below) or me to address it and that you not engage our workers directly. Our workers have been advised the same.

PRIMARY CONTACT INFO:

- Production Manager Ryan:
 - cell: 262-949-8008
 - e-mail: ryan@stebnitzbuilders.com
- Jeff Auberger
 - cell: 262-379-4299
 - e-mail: jeff@stebnitzbuilders.com

Sincerely,

Jeff Auberger

Construction Consultant - Designer



p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](http://StebnitzBuilders.com)

a: 204 Commerce Court, #3, Elkhorn, WI 53121



This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.











Subject: Fwd: Fw: Open Records Request
From: William Brogan <williambrogan219@gmail.com>
To: Lisa Brogan <lisa.s.brogan@outlook.com>
Date Sent: Wednesday, March 22, 2023 3:59:33 PM GMT-05:00
Date Received: Wednesday, March 22, 2023 3:59:33 PM GMT-05:00
Attachments: 226 Circle Approved Hardscape Plans.pdf,226 Circle Hardscape Zoning Permit Rev 03-2023.pdf,Outlook-55vz3dwv.jpg,Outlook-vbamizd4.jpg

----- Forwarded message -----

From: Tina Kolls <clerk@vi.williamsbay.wi.gov>
Date: Wed, Mar 22, 2023, 15:42
Subject: Fw: Open Records Request
To: williambrogan219@gmail.com <williambrogan219@gmail.com>

Please find attached the documents requested.

Tina Kolls
Village Clerk
Village of Williams Bay
262-245-2700
250 Williams Street | P.O. Box 580 | Williams Bay | WI | 53191
www.vi.williamsbay.wi.gov

Elected Official and Members of Village Committees or Commissions:

In order to comply with Open Meeting Requirements, please limit any reply to only the sender of this electronic communication. Written communication, emails and faxes are generally considered open public records.



From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Sent: Wednesday, March 22, 2023 3:31 PM
To: Tina Kolls <clerk@vi.williamsbay.wi.gov>
Subject: Re: Open Records Request

Here you go.

Bonnie Schaeffer
Zoning Administrator
Office Hours M 2:30 - 4:30 pm W 1:00 - 4:00 pm
262-245-2700

From: Tina Kolls <clerk@vi.williamsbay.wi.gov>
Sent: Wednesday, March 22, 2023 3:07 PM
To: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Fw: Open Records Request

Hi Bonnie,

Could you let me know if this is something you would be able to pull for me?

Tina Kolls

Village Clerk

Village of Williams Bay

262-245-2700

250 Williams Street | P.O. Box 580 | Williams Bay | WI | 53191

www.vi.williamsbay.wi.gov

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From: William Brogan <williambrogan219@gmail.com>

Sent: Wednesday, March 22, 2023 2:41 PM

To: Tina Kolls <clerk@vi.williamsbay.wi.gov>

Subject: Re: Open Records Request

Hi Tina,

Thank you very much for responding to my request!

I made a mistake in my request. I requested an Exterior Building Permit and I believe the correct terminology is a Hardscape Plan and a Zoning Permit for 226 Circle Parkway.

Should I submit a new open request form to get the correct information? Or can you send me the Hardscape Plan and Zoning Permit.

I am very sorry to have made a mistake and wasting your time.

Please let me know how I should proceed.

Best regards,

On Wed, Mar 22, 2023, 12:39 Tina Kolls <clerk@vi.williamsbay.wi.gov> wrote:

I have attached the documents that I received in regard to your open records request for 226 Circle Parkway.

Tina Kolls

Village Clerk

Village of Williams Bay

262-245-2700

250 Williams Street | P.O. Box 580 | Williams Bay | WI | 53191

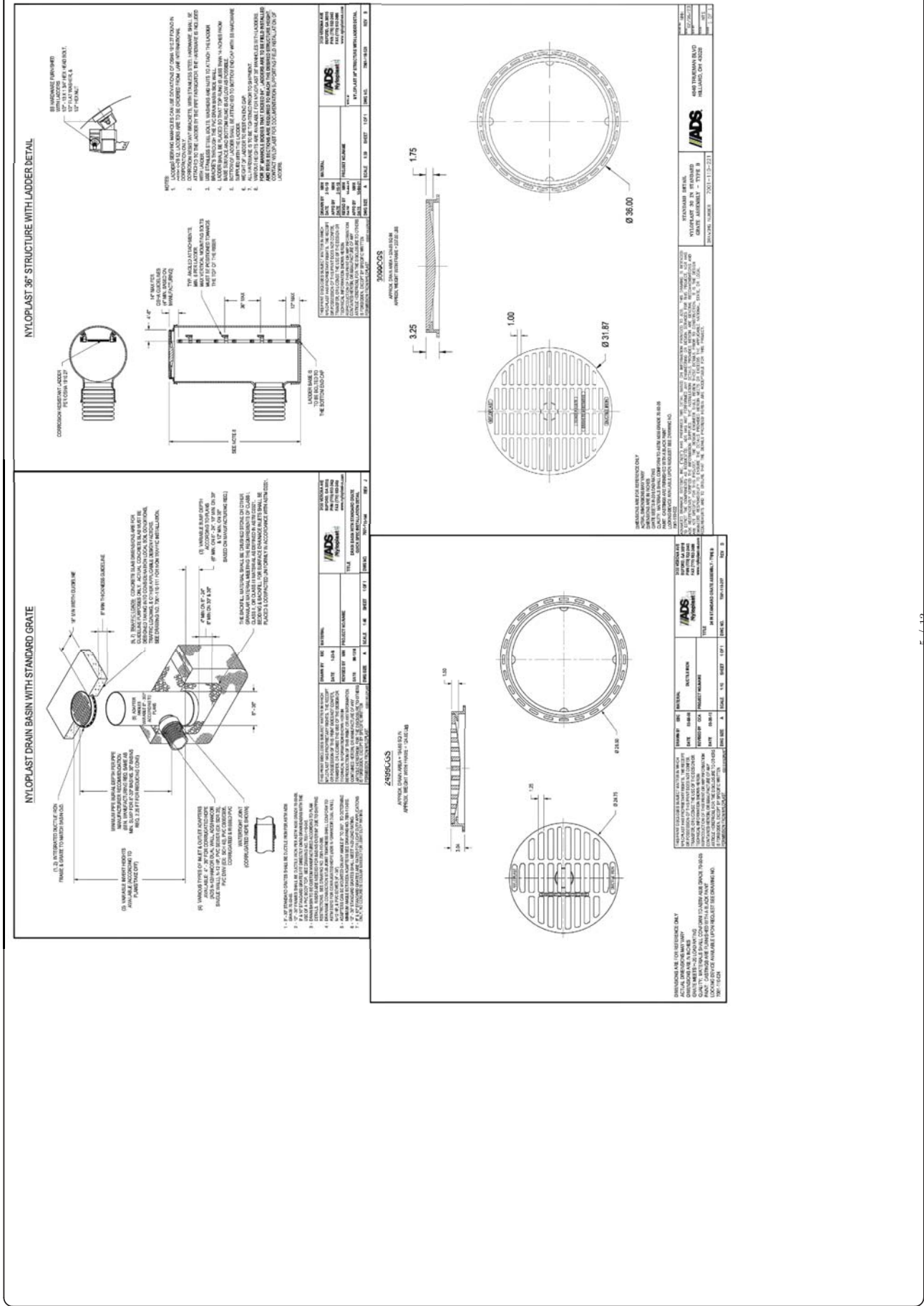
www.vi.williamsbay.wi.gov

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records.

[illegible]



Section 2721

GENERAL

GENERAL
PVC surface drainage joints shall include the drain bath type as indicated on the contract drawing and referenced within the contract specifications. The ductile iron gaskets for each of these fittings are to be considered an integral part of the surface drainage joint and shall be furnished by the same manufacturer. The surface drainage joints shall be as manufactured by Nyplast a division of Advanced Drainage Systems, Inc., or prior approval equal

MATERIALS

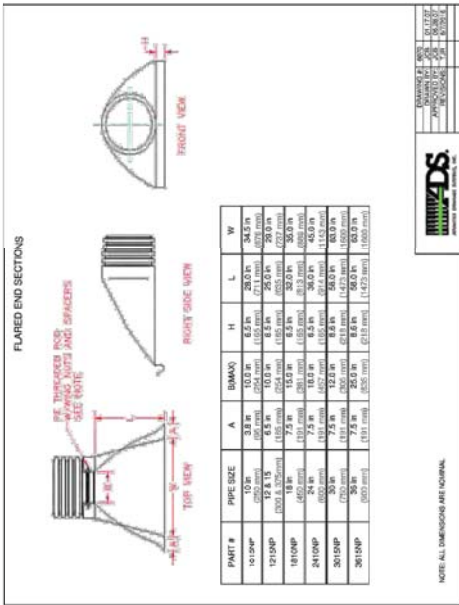
MATERIALS

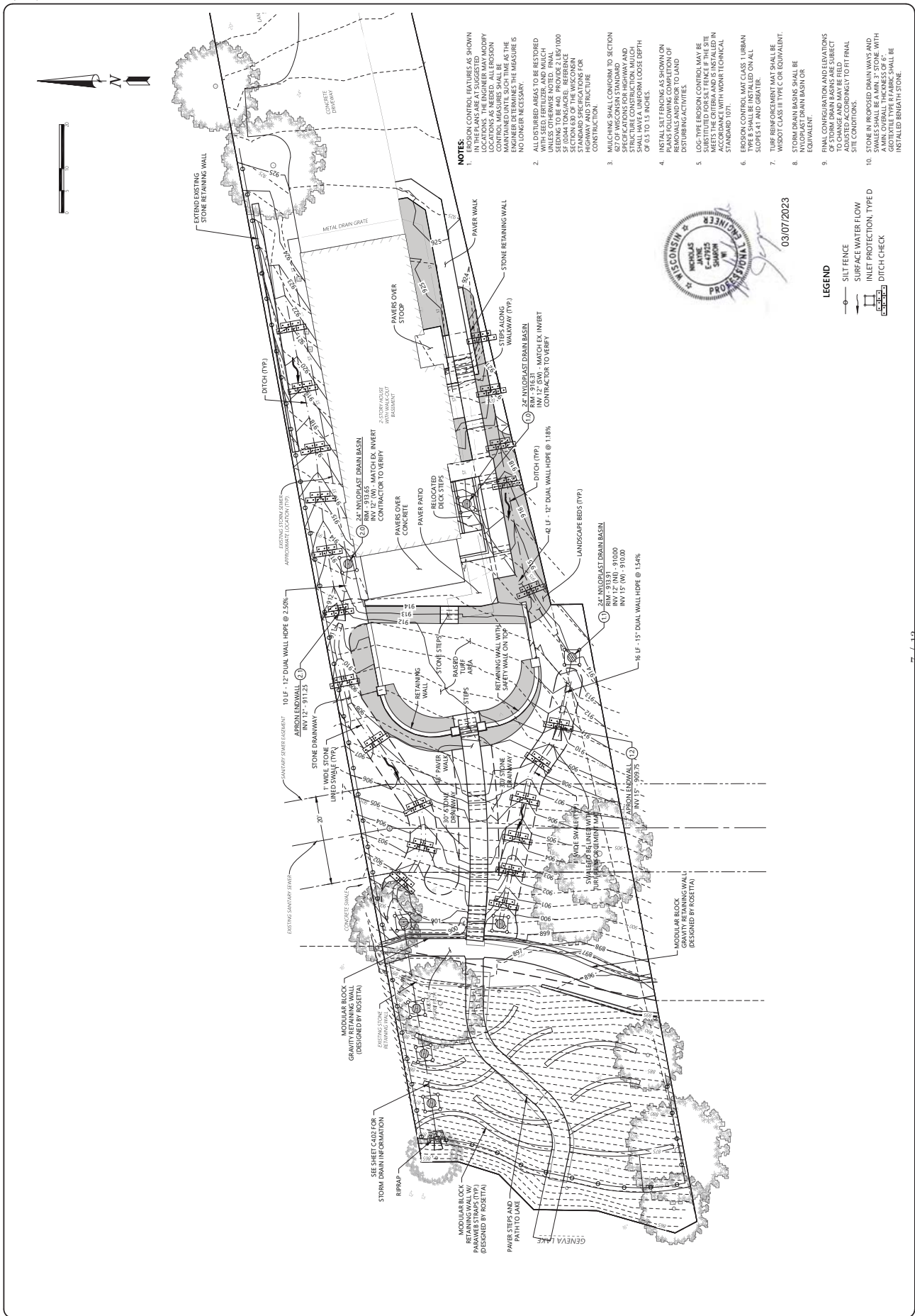
The main drains required for the contract shall be manufactured from P.V.C pipe stock, utilizing a thermforming process to reform the pipe stock to the specified dimensions. The drainage pipe connection rules shall be manufactured from P.V.C pipe stock and formed to provide a watertight connection with the specified pipe system. The joint fittings shall conform to ASTM D1585 for drain and sewer plastic pipe and plastic pipe and plastic pipe fittings. The fittings shall be electroplated brass shall conform to ASTM F427. The pipe end support shall be formed to the main body of the drain main or catch basin. The raw material used to manufacture the main drain pipe stock that is used to form the main body of the drainage drain line shall conform to ASTM D1784 Class 12454.

The grates and frames furnished for all surface drainage inlets shall be ductile iron for structural sizes 8", 10", 12", 15", 18", 24", 30" and 36" and shall be made specifically for each basin so as to provide a round bottom flange that closely matches the diameter of the surface drainage inlet. Grates for drain basins shall be capable of supporting without failure loads as specified by Nypcoflex. 12" and 15" square grates will be fitted to the frame using pins. Ductile iron used in the manufacture of the castings shall conform to ASTM A536. Grates and covers shall be pre-painted black.

INSTALLATION

INSTALLATION The specified PVC surface drainage tray shall be installed using conventional flexible pipe jack-it materials and procedures. The bedrock material shall be removed or other grout or material having the required properties of class 1, class 2 or class 3 as defined in ASTM D662. Bedding and backfill for the drainage tray shall be compacted to a minimum depth of 12 inches (305 mm) below the drainage tray. The drainage tray shall be installed at a minimum slope of 1/4" per foot (2%) to the outlet. No brick, stone or concrete block will be required to set the grade to the final gutter height. For final installation, a concrete wall shall be poured on the outside of the drainage tray. The concrete shall be designed taking into consideration local soil conditions, traffic loading, and other applicable design factors. For other installation considerations such as migration of gases, ground water and soil foundations refer to ASTM D2321 guidelines.

[illegible]





VILLAGE OF WILLIAMS BAY

ZONING PERMIT

NO. Z22-105

DATE: NOVEMBER 14, 2022

Has been issued to: CHRISTOPHER & MELANIE COULTER – 226 CIRCLE PKWY.

For: Tax Key #WCP3 00011A

RETAINING WALLS, PAVER PATIO, WALKWAYS, & STONE STAIRS



Zoning Administrator

Permit must be posted until project is complete



Zoning Permit Application Village of Williams Bay

250 Williams Street x PO Box 580 x Williams Bay, WI 53191
Phone: 262-245-2700 x Fax: 262-245-2705

Request:

Please check all that apply.

- ☐ Residential Principal Use 1 or 2 Family \$175.00
☐ Residential Addition \$75.00
☐ Residential Accessory Use \$75.00
☐ Fence \$75.00
☐ Deck \$75.00
☐ Swimming Pool \$100.00
☐ Commercial Principal Use (includes multi-family) \$150.00
☐ Commercial Addition \$100.00
☐ Commercial Accessory Use \$100.00
☐ Signage \$50.00 first 20 sq. ft. plus \$.50 per sq. ft. thereafter
☒ Lakefront and Shoreyard Projects \$75.00
☐ Other: _____ Fee: _____

Date application was received:

Fee Paid: 75.00

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Owner's Name: Christopher R. & Melanie M. Coulter Phone No.: 3096573375

Mailing Address: 5434 W STONEBRIDGE CT City: PEORIA, IL 60615

Applicant's Name: Stebnitz Builders, Inc Phone No. 262-723-7232

Mailing Address: 204 Commerce Ct. #3 Elkhorn, WI 53121

Physical Address of Site: 226 Circle Pkwy Williams Bay, WI Tax Parcel No: WCP3 00011A

Subdivision Name: Cedar Point Park Third Addition Lot No. 212 Block No. _____

Current Zoning of Site: _____ Current Overlay Districts of Site: _____

Proposed type of structure: Retaining walls, paver walkways and stone stairs

Proposed use of structure or site: personal access from driveway or walk-out basement to shoreland

Lot Area 15,376 sq. ft. Proposed Bldg. / Structure Footprint Area 0.00 sq. ft.

Existing Building Coverage on Site: 10 % Proposed 10 %

Existing Impervious Surface Coverage on Site: 8.6 % Proposed 11.8 %

Proposed Setbacks: Front 65.3 Rear _____ Left 10.5 Right 10.3

Proposed Building Height 5 ft.

Applicant's Signature: [Signature] Date: 11/14/22

OFFICE USE ONLY:

PERMIT FEES:

Permit \$ 75.00
Admin Fee \$ _____
Other \$ _____
Total \$ 75.00

PERMIT ISSUED BY:

Name: B. Schaffner Date: 11/14/22
Tel: 262-245-2700 Permit No. 222-105

CONDITIONS OF APPROVAL:

PER SITE PLAN DATED 11/03/2022
UPDATED 03/13/2023 WITH BATTERMAN PLANS DATED
03/07/2023 AND APPROVED BY VILLAGE ENGINEER 03/02/23





Subject: Re: Dangerous Lakepath at 226 Circle Parkway
From: William Brogan <williambrogan219@gmail.com>
To: Ryan Hibl <ryan@stebnitzbuilders.com>
Cc: "Christopher R. Coulter" <ccoulter3339@gmail.com>, Jeff Auberger <jeff@stebnitzbuilders.com>, Dan Stebnitz <dan@stebnitzbuilders.com>, Village Administrator <admin@williamsbay.org>, Bonnie Schaeffer <zoning@williamsbay.org>, Bill Duncan <bduncan@williamsbay.org>, office@cedarpointpark.org
Date Sent: Friday, March 31, 2023 11:33:43 AM GMT-05:00
Date Received: Friday, March 31, 2023 11:33:43 AM GMT-05:00

Thank you!

On Fri, Mar 31, 2023, 08:20 Ryan Hibl <ryan@stebnitzbuilders.com> wrote:

Mr. Brogan, Thank you for reaching out and letting me know your concerns. I apologize for your inconvenience. We will install fencing from our barricades down to the lake on both sides to attempt to detour people from crossing the barricades. We do have multiple signs coming from both directions attempting to re-route walkers in the community easements of the alternate path. They do say "path is closed xxx' ahead. Use alternate route" then another as it gets closer. Use this route with arrows pointing to the public easements. I will have 2 more signs made that point them back to the alternate routes to place at the Coulter's property along with a no trespassing signs. "The alternate route path xxx' back" signs will take a couple days to be made but I will get the no trespassing signs up today. If you would like I will purchase a couple "No trespassing" signs that you can hang on your property for the time being until the path is back open. Just let me know. This work is only going to take 3-4 weeks pending weather. We are trying and hoping to make least disruptive as possible for you and all of Cedar Point. Thank you for reaching out.

Thanks, Ryan

From: William Brogan <williambrogan219@gmail.com>
Sent: Thursday, March 30, 2023 5:27 PM
To: Ryan Hibl <ryan@stebnitzbuilders.com>
Cc: Christopher R. Coulter <ccoulter3339@gmail.com>; Jeff Auberger <jeff@stebnitzbuilders.com>; Dan Stebnitz <dan@stebnitzbuilders.com>; Village Administrator <admin@williamsbay.org>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>; office@cedarpointpark.org
Subject: Dangerous Lakepath at 226 Circle Parkway

Hi Ryan,

Walkers and hikers are climbing over and around the perimeter fencing due to your Lakepath detour. It is scary to watch.

At a minimum, there needs to be better signage at multiple points along the Lakepath and multiple detour signs in the park.

There needs to be better signage at the security fence to direct people to "turn around and go back" to the detour in the parks. It instead says "follow alternate path" so they have created their own.

Wakers are creating their own "detour" by climbing down below the Lakepath to the steep Lakefront to cross over your property by walking on top of the the existing retaining wall like a gymnast on a balance beam. It is horrifying. The drop off on your property is extremely steep and dangerous. Someone is going to get hurt.

Maybe there should be flaggers and safety personnel.

The warmer weather is bringing out more and more walkers. April is the time of year when seasonal traffic on the Lakepath is greatly increased.

No one is accustomed to this type of detour.

Moreover, your detour creates potentially liability for US because the hikers are trying to leave the Lakepath on OUR property (because yours is fenced off) to climb below the Lakepath on the steep hill to avoid your detour and create their own shortcut. In addition, today they have started to walk up our lawn to your patio, and when they see YOUR property is fenced off, they trespass on OUR private property, to try to climb up to the street between our houses --which is an area with no path or sidewalk, just a steep icy hill of stones and gravel with bushes, trees and multiple other obstacles. It is not our job to tell them to leave our property to avoid injury, and they are opening hostile about the path closure and demand answers even though the situation is not of our making.

I have attached a photo of the steep and dangerous retaining wall people are climbing on.

I am including the Village of Williams Bay and Cedar Point Park. I do not have a solution to this extremely dangerous situation.

Please let me know how you are going to solve this problem for all parties involved. Thank you in advance.

Sincerely,

William Brogan

222 Circle Parkway

On Mon, Mar 27, 2023, 10:07 Ryan Hibl <ryan@stebnitzbuilders.com> wrote:

Good morning Bill, I have contacted them and they will be installing silt fence this morning. Thank you for reaching out with your concern.

Ryan

Sent from my U.S.Cellular© Smartphone

----- Original message -----

From: William Brogan <williambrogan219@gmail.com>

Date: 3/27/23 9:56 AM (GMT-06:00)

To: Ryan Hibl <ryan@stebnitzbuilders.com>

Cc: "Christopher R. Coulter" <ccoulter3339@gmail.com>, Jeff Auberger <jeff@stebnitzbuilders.com>, Dan Stebnitz <dan@stebnitzbuilders.com>

Subject: Re: Update

Good morning Ryan,

The excavation work has started. There is no silt fencing or protective fencing installed.

I have contacted the Village.

Your Building permits require fencing.

Thank you,

William Brogan

There is no

On Fri, Mar 24, 2023, 06:07 Ryan Hibl <ryan@stebnitzbuilders.com> wrote:

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Ryan Hibl

Production Manger

p: [262.723.7232](tel:262.723.7232) tf: [800.410.8027](tel:800.410.8027) w: [Stebnitz Builders, Inc](http://StebnitzBuilders.com)

c: [262.949.8008](tel:262.949.8008) a: [204 Commerce Court, #3, Elkhorn, WI 53121](http://204CommerceCourt.com)

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Subject: RE: Flooding runoff at 226 Circle Parkway
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: William Brogan <williambrogan219@gmail.com>, Ryan Hibl <ryan@stebnitzbuilders.com>
Cc: "Christopher R. Coulter" <ccoulter3339@gmail.com>, Jeff Auberger <jeff@stebnitzbuilders.com>, Dan Stebnitz <dan@stebnitzbuilders.com>, Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, "office@cedarpointpark.org" <office@cedarpointpark.org>, Michael Moore <mmoore@safebuilt.com>, Dave Hendrix <dhendrix@safebuilt.com>, Doug Snyder <dsnyder@baxterwoodman.com>
Date Sent: Tuesday, April 4, 2023 3:04:41 PM GMT-05:00
Date Received: Tuesday, April 4, 2023 3:04:47 PM GMT-05:00

Bill,

The Village's Building Inspector was on-site this morning and placed a temporary stop work order on exterior work with the request that all required/approved erosion control measures be properly re-installed today. Thank you for letting us know of the specific issues related to your property and the building inspector will be sure that they are addressed as well.

Thanks,

Dave

David Lothspeich
Village Administrator

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, April 4, 2023 2:54 PM
To: Ryan Hibl <ryan@stebnitzbuilders.com>
Cc: Christopher R. Coulter <ccoulter3339@gmail.com>; Jeff Auberger <jeff@stebnitzbuilders.com>; Dan Stebnitz <dan@stebnitzbuilders.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Bill Duncan <bduncan@vi.williamsbay.wi.gov>; office@cedarpointpark.org
Subject: Flooding runoff at 226 Circle Parkway

Ryan,

There is extreme volume of dirty run-off to my house from the driveway with the piles of stones. As you know, there is no silt fence in place.

There is also excessive run-off on the lake side of the house. The silt fence is not properly installed. I have videos of both, but they are too large to send.

Please correct this problem before our basement floods.
There is a break in the rain, before the larger storms come tonight.

Thank you,
William Brogan
222 Circle Parkway

On Fri, Mar 31, 2023, 11:33 William Brogan <williambrogan219@gmail.com> wrote:

Thank you!

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Mr. Brogan, Thank you for reaching out and letting me know your concerns. I apologize for your inconvenience. We will install fencing from our barricades down to the lake on both sides to attempt to detour people from crossing the

barricades. We do have multiple signs coming from both directions attempting to re-route walkers in the community easements of the alternate path. They do say "path is closed xxx' ahead. Use alternate route" then another as it gets closer. Use this route with arrows pointing to the public easements. I will have 2 more signs made that point them back to the alternate routes to place at the Coulter's property along with a no trespassing signs. "The alternate route path xxx' back" signs will take a couple days to be made but I will get the no trespassing signs up today. If you would like I will purchase a couple "No trespassing" signs that you can hang on your property for the time being until the path is back open. Just let me know. This work is only going to take 3-4 weeks pending weather. We are trying and hoping to make least disruptive as possible for you and all of Cedar Point. Thank you for reaching out.

Thanks, Ryan

From: William Brogan <williambrogan219@gmail.com>
Sent: Thursday, March 30, 2023 5:27 PM
To: Ryan Hibl <ryan@stebnitzbuilders.com>
Cc: Christopher R. Coulter <ccoulter3339@gmail.com>; Jeff Auberger <jeff@stebnitzbuilders.com>; Dan Stebnitz <dan@stebnitzbuilders.com>; Village Administrator <admin@williamsbay.org>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>; office@cedarpointpark.org
Subject: Dangerous Lakepath at 226 Circle Parkway

Hi Ryan,

Walkers and hikers are climbing over and around the perimeter fencing due to your Lakepath detour. It is scary to watch.

At a minimum, there needs to be better signage at multiple points along the Lakepath and multiple detour signs in the park.

There needs to be better signage at the security fence to direct people to "turn around and go back" to the detour in the parks. It instead says "follow alternate path" so they have created their own.

Wakers are creating their own "detour" by climbing down below the Lakepath to the steep Lakefront to cross over your property by walking on top of the the existing retaining wall like a gymnast on a balance beam. It is horrifying. The drop off on your property is extremely steep and dangerous. Someone is going to get hurt.

Maybe there should be flaggers and safety personnel.

The warmer weather is bringing out more and more walkers. April is the time of year when seasonal traffic on the Lakepath is greatly increased.

No one is accustomed to this type of detour.

Moreover, your detour creates potentially liability for US because the hikers are trying to leave the Lakepath on OUR property (because yours is fenced off) to climb below the Lakepath on the steep hill to avoid your detour and create their own shortcut. In addition, today they have started to walk up our lawn to your patio, and when they see YOUR property is fenced off, they trespass on OUR private property, to try to climb up to the street between our houses -- which is an area with no path or sidewalk, just a steep icy hill of stones and gravel with bushes, trees and multiple other obstacles. It is not our job to tell them to leave our property to avoid injury, and they are opening hostile about the path closure and demand answers even though the situation is not of our making.

I have attached a photo of the steep and dangerous retaining wall people are climbing on.

I am including the Village of Williams Bay and Cedar Point Park. I do not have a solution to this extremely dangerous situation.

Please let me know how you are going to solve this problem for all parties involved. Thank you in advance.

Sincerely,
William Brogan
222 Circle Parkway

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Good morning Bill, I have contacted them and they will be installing silt fence this morning. Thank you for reaching out with your concern.

Ryan

Sent from my U.S.Cellular© Smartphone

----- Original message -----

From: William Brogan <williambrogan219@gmail.com>

Date: 3/27/23 9:56 AM (GMT-06:00)

To: Ryan Hibl <ryan@stebnitzbuilders.com>

Cc: "Christopher R. Coulter" <ccoulter3339@gmail.com>, Jeff Auberger <jeff@stebnitzbuilders.com>, Dan Stebnitz <dan@stebnitzbuilders.com>

Subject: Re: Update

Good morning Ryan,

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I have contacted the Village.

Your Building permits require fencing.

Thank you,

William Brogan

There is no

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Ryan Hibl

Production Manger

p: [262.723.7232](tel:262.723.7232) tf: 800.410.8027 w: [Stebnitz Builders, Inc](#)

c: [262.949.8008](tel:262.949.8008) a: [204 Commerce Court, #3, Elkhorn, WI 53121](#)

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Subject: Trespassing and damage to property
From: William Brogan <williambrogan219@gmail.com>
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Ryan Hibl <ryan@stebnitzbuilders.com>, "Christopher R. Coulter" <ccoulter3339@gmail.com>, Jeff Auberger <jeff@stebnitzbuilders.com>, Dan Stebnitz <dan@stebnitzbuilders.com>, Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, office@cedarpointpark.org, Michael Moore <mmoore@safebuilt.com>, Dave Hendrix <dhendrix@safebuilt.com>, Doug Snyder <dsnyder@baxterwoodman.com>
Date Sent: Friday, April 7, 2023 10:33:08 AM GMT-05:00
Date Received: Friday, April 7, 2023 10:33:08 AM GMT-05:00

Ryan,

Your backhoe operator has taken off a huge branch of our oak tree.

I have called the police for trespassing and property damage.

You need to be here.

William Brogan

On Tue, Apr 4, 2023, 15:04 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Bill,

The Village's Building Inspector was on-site this morning and placed a temporary stop work order on exterior work with the request that all required/approved erosion control measures be properly re-installed today. Thank you for letting us know of the specific issues related to your property and the building inspector will be sure that they are addressed as well.

Thanks,

Dave

David Lothspeich

Village Administrator

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, April 4, 2023 2:54 PM
To: Ryan Hibl <ryan@stebnitzbuilders.com>
Cc: Christopher R. Coulter <ccoulter3339@gmail.com>; Jeff Auberger <jeff@stebnitzbuilders.com>; Dan Stebnitz <dan@stebnitzbuilders.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Bill Duncan <bduncan@vi.williamsbay.wi.gov>; office@cedarpointpark.org
Subject: Flooding runoff at 226 Circle Parkway

Ryan,

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I have videos of both, but they are too large to send.

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Thank you,

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222 Circle Parkway

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Cc: Christopher R. Coulter <ccoulter3339@gmail.com>; Jeff Auberger <jeff@stebnitzbuilders.com>; Dan Stebnitz <dan@stebnitzbuilders.com>; Village Administrator <admin@williamsbay.org>; Bonnie Schaeffer <zoning@williamsbay.org>; Bill Duncan <bduncan@williamsbay.org>; office@cedarpointpark.org

Subject: Dangerous Lakepath at 226 Circle Parkway

Hi Ryan,

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I have attached a photo of the steep and dangerous retaining wall people are climbing on.

I am including the Village of Williams Bay and Cedar Point Park. I do not have a solution to this extremely dangerous situation.

Please let me know how you are going to solve this problem for all parties involved. Thank you in advance.

Sincerely,

William Brogan

222 Circle Parkway

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Ryan

Sent from my U.S.Cellular© Smartphone

----- Original message -----

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Date: 3/27/23 9:56 AM (GMT-06:00)

To: Ryan Hibl <ryan@stebnitzbuilders.com>

Cc: "Christopher R. Coulter" <ccoulter3339@gmail.com>, Jeff Auberger <jeff@stebnitzbuilders.com>, Dan Stebnitz <dan@stebnitzbuilders.com>

Subject: Re: Update

Good morning Ryan,

The excavation work has started. There is no silt fencing or protective fencing installed.

I have contacted the Village.

Your Building permits require fencing.

Thank you,

William Brogan

There is no

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Ryan Hibl

Production Manger

p: [262.723.7232](tel:262.723.7232) tf: [800.410.8027](tel:800.410.8027) w: [Stebnitz Builders, Inc](#)

c: [262.949.8008](tel:262.949.8008) a: [204 Commerce Court, #3, Elkhorn, WI 53121](#)

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Subject: Building code set backs at 226 Circle Parkway, Williams Bay
From: William Brogan <williambrogan219@gmail.com>
To: Village Administrator <admin@williamsbay.org>, Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, Chris Coulter <ccoulter3339@gmail.com>, mcodeenforcement@gmail.com
Bcc: Lisa Brogan <lisa.s.brogan@outlook.com>
Date Sent: Friday, June 23, 2023 9:04:47 AM GMT-05:00
Date Received: Friday, June 23, 2023 9:04:47 AM GMT-05:00
Attachments: IMG_0949.jpg, IMG_0939.jpg

Dear Village Administrator,

My name is William Brogan and I live at 222 Circle Parkway.

During the lengthy exterior excavation work with heavy equipment, we have not been able to live at our house. We check the completed work every evening. Yesterday they started building structures above the Lakepath and near the west side of the house. The house was built to the edge of the Village's 10 foot set back requirements along the north side of the property line. I want to make the Village immediately aware of the concrete structure that is being built beyond the footprint of the house on the north side property line. It looks like it clearly violates the 10 foot setback requirements. The final plan dated November 3, 2022 appears to indicate that the retaining wall will follow the line of the building footprint which is shown as 10 feet three inches from our property line. This plan was provided to us by the Village on March 22, 2023, in response to our formal request.

The height of the wall appears to clearly violate the approved plan. The plan appears to show a retaining wall plus safety wall and railing which is chest high to a human ("not to scale") at its highest point. The retaining wall ALONE now appears to be much higher than as depicted on this plan and while we have not entered their property to measure it, it appears to already be at the level of the wall on the uphill side of the Lakepath which appears to be about 55 inches high. We previously raised our concerns that a professional plan should be required, drawn to scale.

I want to make the Village immediately aware of this problem. Would you please have someone from the Village address our concerns and enforce the building codes in place and require compliance with the plan. This will save the owners and contractor time and money to immediately address the issues, before continuing their project.

I also want to reiterate my concern that the structures are being built within the 150 foot building line setback from the Lake. Building a patio beyond the building line is not allowed. This is not landscaping terracing but concrete walls which impede our view of the Lake. The elevation of the stairs from the Lakepath to the house seems to not follow the plan and to be in violation of the Village's building code setback requirements and change in elevation constraints. In conjunction with the work below the Lakepath, the green space ratio is out of character with Cedar Point Park and Village of Williams Bay guidance.

If you have any questions, I can also be reached at 262-475-3221.

I thank you in advance for addressing this issue.

Best regards,





Subject: 226 Circle Parkway
From: William Brogan <williambrogan219@gmail.com>
To: Village Administrator <admin@williamsbay.org>, mcodeenforcement@gmail.com, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, chris coulter <ccoulter3339@gmail.com>, Becky Tobin <admin@vi.williamsbay.wi.gov>
Bcc: Lisa Brogan <lisa.s.brogan@outlook.com>
Date Sent: Wednesday, July 5, 2023 11:20:09 AM GMT-05:00
Date Received: Wednesday, July 5, 2023 11:20:09 AM GMT-05:00
Attachments: IMG_1038.jpg, IMG_1044.jpg, Mark-Up 11.4.22 Coulter plan.png

Dear Village Administrator,

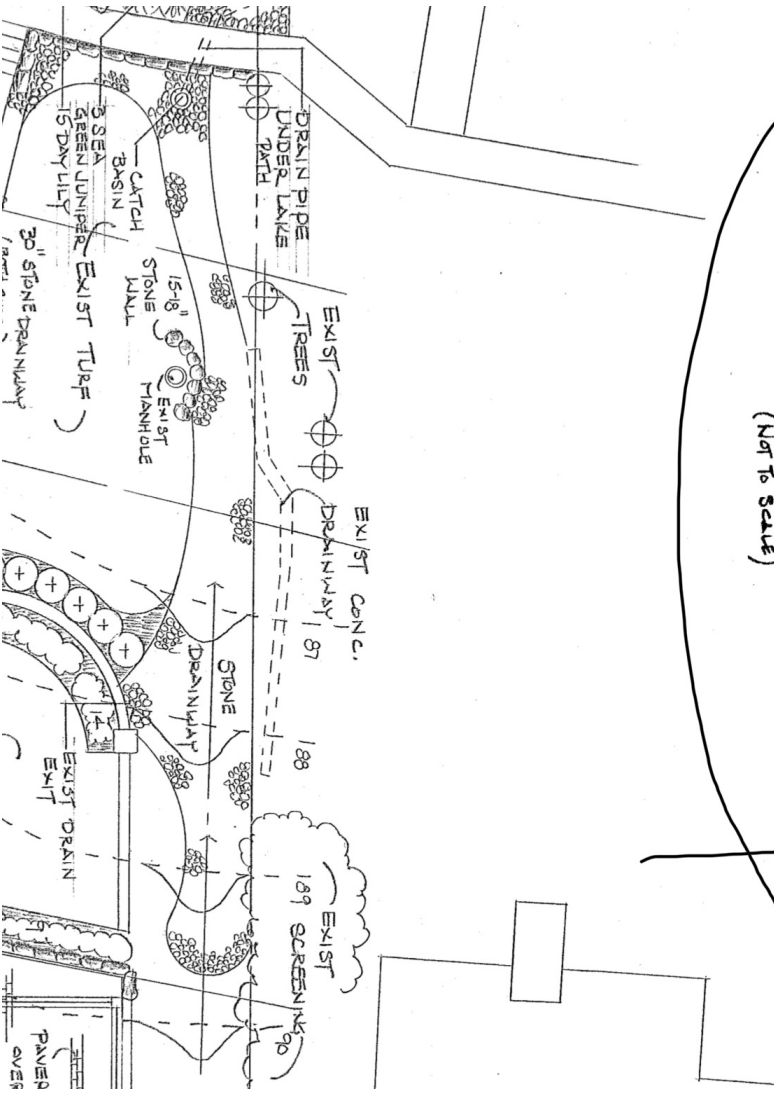
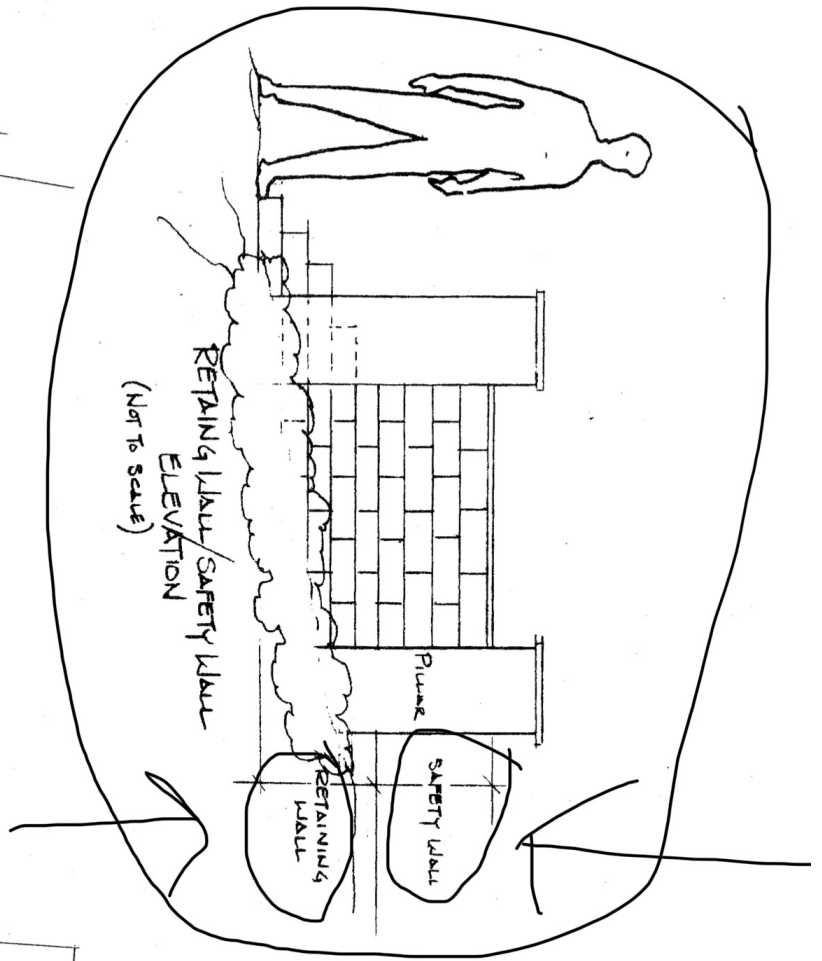
Following up on my email message and photos sent to you on the morning of June 23, 2023, I have received no response to my stated concerns that the work at 226 Circle Parkway does not appear to follow the plan provided to us by the Village on March 22, 2023, in response to our formal request made when the exterior work began. The height of the concrete wall has grown since that date, and as the attachments to this message indicate, the retaining wall PLUS safety wall is not supposed to exceed the chest height of a person, based on the plan the Village provided to us. We raised further concerns last October that any plan should be drawn professionally to scale.

We would like to know whether we will be receiving a substantive response from the Village Administrator and code enforcer. Please provide the courtesy of a response to this message. Thank you in advance.

Sincerely,
William Brogan
222 Circle Parkway
262-475-3221







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From: William Brogan <williambrogan219@gmail.com>
To: Village Administrator <admin@williamsbay.org>, Becky Tobin <admin@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@vi.williamsbay.wi.gov>, Bill Duncan <bduncan@williamsbay.org>, chris coulter <ccoulter3339@gmail.com>, mcodeenforcement@gmail.com
Bcc: Lisa Brogan <lisa.s.brogan@outlook.com>, Broganwi1961@gmail.com
Date Sent: Friday, July 7, 2023 11:58:13 AM GMT-05:00
Date Received: Friday, July 7, 2023 11:58:13 AM GMT-05:00
Attachments: Mark-Up Coulter Plan 11.3.23.png, IMG_1189.jpg, IMG_1044.jpg, IMG_1038.jpg

Dear Village Administrator, Code Enforcer, and others,

I have not heard from you in regard to my concerns as the construction continues at 226 Circle. I deserve a response as your taxpayer.

Since I last wrote on July 5, the stone wall has increased in height. Yesterday pavers were installed. Please see the attached mark-up of the plan and photos. According to the plan, pavers were only allowed in a very small area extending the existing concrete pad on the walk-out level but were to STOP behind the building line which is purportedly delineated as the "Lake Setback" on the plan. It appears that the plan is not being followed.

The plan provides a very small area of pavers flush with the existing walk-out concrete pad but behind the building line. Then a 24-inch retaining wall with steps down to a larger RAISED TURF AREA contained by another retaining wall. Based on the apparent work being done, the RAISED TURF AREA level and its retaining wall have been eliminated completely and instead the upper flush level area, flush with the walk-out pad, has been extended and prepared with gravel for the paver stones to its outer perimeter. In other words, instead of the very small extension of the concrete pad with pavers, the project has changed completely to a very large PAVER PATIO, it appears. Needless to say, if this is the case, this not only violates the plan, but affects drainage and your engineer's assessment of same, violates the building line which has been sacrosanct, and affects the green space ratio. It appears that by extending the retaining wall beyond the approved plan, the result is a wall which is far taller than the plan provides, which as we explained previously was to be chest-high to a person including both the retaining wall and the safety wall.

If my understanding is correct, this is beyond the pale and must be addressed before further construction occurs.

I request your response without further delay. Thank you in advance.

Respectfully,
William Brogan
222 Circle Parkway
262 475-3221

100









Subject: RE: Landscaping Project- 226 Circle Parkway
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: "Liljeberg, Jeff" <Jeff.Liljeberg@jll.com>, William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, "elilje230@gmail.com" <elilje230@gmail.com>
Date Sent: Monday, August 7, 2023 11:51:49 AM GMT-05:00
Date Received: Monday, August 7, 2023 11:51:54 AM GMT-05:00

All,

We are confirmed to meet at the Village Hall on Thursday, August 15 at 2:00 pm. Please reply with your confirmation.

Thanks,

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Monday, August 7, 2023 8:59 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Thank you, we will look forward to getting that meeting on the calendar and receiving the revised plan.

Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Monday, August 7, 2023 8:50 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Jeff and Ellen and William,

Good morning. The Village requested revisions to their draft plan and we expect to have the plans by mid-week and will send to all upon receipt.

I'm currently planning on Tuesday, August 15 between 2:00 pm and 5:00 pm depending upon everyone's schedules. I expect that we will have the meeting confirmed in the next day or two.

Thanks,

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Monday, August 7, 2023 8:20 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Good morning, following up on the email below in regard to scheduling the in person meeting and sending to Bill and myself the revised plan that has been submitted so at least we can have a look over before the meeting. Please let us know when we can schedule this either on August 14 or 15. Thanks for your consideration.

Jeff and Ellen

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: Liljeberg, Jeff <jeff.liljeberg@jll.com>
Sent: Thursday, August 3, 2023 6:54 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

Good morning and sorry to chime in late on the topic. I am available anytime on August 14 and August 15 other than after 3:30 pm if either of those days would work. I agree that getting the plans in advance of the meeting , even if difficult to interpret, could help facilitate the meeting so if you can send over, we would appreciate it.

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 11:41 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>

Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

You don't often get email from williambrogan219@gmail.com. [Learn why this is important](#)

Caution: Message from external sender

Dear Dave,

Thank you for this explanation. Especially if the plans are difficult to understand, we would request to see them now so that we can have a meaningful and productive meeting. We will hold any questions until the meeting if that is your preference. Thank you in advance for your cooperation.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 09:58 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

William,

I don't believe that this is scheduled for any meetings at this time and the public notice requirements would not allow for this to be considered by the ZBA on August 15. There have been some plans submitted that we can share but they are not easily understood (at least by me) and we were hoping for us to meet to review and discuss rather than just dumping plans to you which will likely generate questions. Please note that nothing has been approved beyond the original plans that the permit was issued for and no changes will be considered, let alone approved, until after we meet.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 9:48 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave and Bonnie,

Thank you for including us in the planning of this meeting. Is this matter going to be heard at the August 15, 2023 Zoning Board of Appeals Meeting? Has any amended plan been submitted? If so, may we have a copy to review at this time?

Thank you.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 08:16 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

All,

Unfortunately, my availability for next week is very limited and August 10 is not available. I would request that we focus on availability for the week of August 14, the earlier in the week the better. Please reply to all with dates/times that work for you.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, August 1, 2023 9:50 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Bonnie, Thank you for reaching out to us. We would like to participate in the meeting. Please let me know what date and time works for everyone. Our schedule is flexible. Who else is invited to the meeting? Thank you.

Best regards,
William Brogan

On Tue, Aug 1, 2023, 21:11 Liljeberg, Jeff <jeff.liljeberg@jll.com> wrote:

Hi Bonnie, unfortunately I have a business conflict in the city of Chicago that day. Any chance we can move that time to August 10 in the later afternoon?

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com

From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Sent: Tuesday, August 1, 2023 4:41 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; williambrogan219@gmail.com
Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Good Afternoon Mr. Liljeberg and Mr. Brogan,

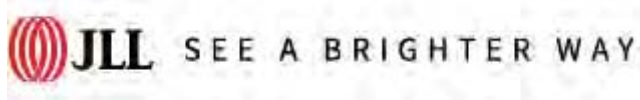
Would you be available to attend a meeting with the village administrator and myself next week Wednesday August 9th at 3:00 pm at the Village Hall to bring you up to speed on the status of the Coulter landscaping project?

Please confirm at your earliest convenience.

Thank you,

Please note that my office hours have changed.

Bonnie Schaeffer
Zoning Administrator
Office Hours Tues. 2 pm – 5pm & Wed. 11 am – 1 pm
262-245-2700 Ext. 4



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Jones Lang LaSalle

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Subject: Re: Landscaping Project- 226 Circle Parkway
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: William Brogan <williambrogan219@gmail.com>,"Liljeberg, Jeff" <Jeff.Liljeberg@jll.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, "elilje230@gmail.com" <elilje230@gmail.com>
Date Sent: Wednesday, August 9, 2023 10:24:51 AM GMT-05:00
Date Received: Wednesday, August 9, 2023 10:24:55 AM GMT-05:00

William,

The Village representatives will be those that have been directly involved with this project: Village Engineer Doug Snyder, Village Zoning Administrator Bonnie Schaeffer and myself. The Village Attorney has not been involved and has not been invited to attend. If Attorney's are present, then we will need to consult with our Attorney and evaluate whether to have this meeting. I would prefer for us to all meet without Attorney's and then everyone can decide whether Attorney's need to be involved.

Please let me know how you plan to proceed.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 9, 2023 10:18 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com <elilje230@gmail.com>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave,

I am writing to re-confirm that my wife Lisa and I will attend the meeting on Tuesday, August 15th at 2:00 PM, along with our attorney in this matter, Tom Gardiner.

Who else will be attending the meeting? Will Doug Snyder be there?

When will we receive the plan? We deserve a reasonable opportunity to review it with our attorney and engineer before the meeting. Thank you.

Best regards,
William Brogan

On Tue, Aug 8, 2023, 21:20 Liljeberg, Jeff <Jeff.Liljeberg@jll.com> wrote:
Hi Dave, are you still on target to send us the Coulter plan tomorrow so we can review it?

Thx, Jeff

Jeff Liljeberg
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International Director
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Tenant Representation
tel +1 312-228-2728, cell 312-286-8595

Jeff.Liljeberg@am.jll.com



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Sent: Monday, August 7, 2023 11:54 AM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

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Correction. Tuesday, August 15.

From: David Lothspeich
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To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

All,

We are confirmed to meet at the Village Hall on Thursday, August 15 at 2:00 pm. Please reply with your confirmation.

Thanks,

Dave

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Sent: Monday, August 7, 2023 8:59 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Thank you, we will look forward to getting that meeting on the calendar and receiving the revised plan.

Jeff

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Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

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Jeff and Ellen and William,

Good morning. The Village requested revisions to their draft plan and we expect to have the plans by mid-week and will send to all upon receipt.

I'm currently planning on Tuesday, August 15 between 2:00 pm and 5:00 pm depending upon everyone's schedules. I expect that we will have the meeting confirmed in the next day or two.

Thanks,

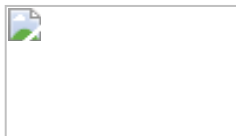
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Subject: RE: Landscaping Project- 226 Circle Parkway

Good morning, following up on the email below in regard to scheduling the in person meeting and sending to Bill and myself the revised plan that has been submitted so at least we can have a look over before the meeting. Please let us know when we can schedule this either on August 14 or 15. Thanks for your consideration.

Jeff and Ellen

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
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tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



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Sent: Thursday, August 3, 2023 6:54 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

Good morning and sorry to chime in late on the topic. I am available anytime on August 14 and August 15 other than after 3:30 pm if either of those days would work. I agree that getting the plans in advance of the meeting, even if difficult to interpret, could help facilitate the meeting so if you can send over, we would appreciate it.

Thanks, Jeff

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tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 11:41 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

You don't often get email from williambrogan219@gmail.com. [Learn why this is important](#)

Caution: Message from external sender

Dear Dave,

Thank you for this explanation. Especially if the plans are difficult to understand, we would request to see them now so that we can have a meaningful and productive meeting. We will hold any questions until the meeting if that is your preference. Thank you in advance for your cooperation.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 09:58 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

William,

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From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 9:48 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave and Bonnie,

Thank you for including us in the planning of this meeting. Is this matter going to be heard at the August 15, 2023 Zoning Board of Appeals Meeting? Has any amended plan been submitted? If so, may we have a copy to review at this time?

Thank you.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 08:16 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

All,

Unfortunately, my availability for next week is very limited and August 10 is not available. I would request that we focus on availability for the week of August 14, the earlier in the week the better. Please reply to all with dates/times that work for you.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>

Sent: Tuesday, August 1, 2023 9:50 PM

To: Liljeberg, Jeff <jeff.liljeberg@jll.com>

Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>

Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Bonnie, Thank you for reaching out to us. We would like to participate in the meeting. Please let me know what date and time works for everyone. Our schedule is flexible. Who else is invited to the meeting? Thank you.

Best regards,
William Brogan

On Tue, Aug 1, 2023, 21:11 Liljeberg, Jeff <jeff.liljeberg@jll.com> wrote:

Hi Bonnie, unfortunately I have a business conflict in the city of Chicago that day. Any chance we can move that time to August 10 in the later afternoon?

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com

From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Sent: Tuesday, August 1, 2023 4:41 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; williambrogan219@gmail.com
Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Good Afternoon Mr. Liljeberg and Mr. Brogan,

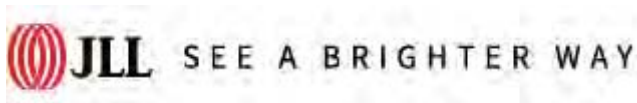
Would you be available to attend a meeting with the village administrator and myself next week Wednesday August 9th at 3:00 pm at the Village Hall to bring you up to speed on the status of the Coulter landscaping project?

Please confirm at your earliest convenience.

Thank you,

Please note that my office hours have changed.

Bonnie Schaeffer
Zoning Administrator
Office Hours Tues. 2 pm – 5pm & Wed. 11 am – 1 pm
262-245-2700 Ext. 4



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Subject: Re: Meeting

From: David Lothspeich <admin@vi.williamsbay.wi.gov>

To: William Brogan <williambrogan219@gmail.com>,"Liljeberg, Jeff" <jeff.liljeberg@jll.com>,"elilje230@gmail.com" <elilje230@gmail.com>,Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>

Date Sent: Wednesday, August 9, 2023 11:50:22 AM GMT-05:00

Date Received: Wednesday, August 9, 2023 11:50:29 AM GMT-05:00

Great, we are expecting the Plan by Friday and will send out upon receipt. Thank you

David Lothspeich
Village Administrator
Village of Williams Bay
847-421-7715

From: William Brogan <williambrogan219@gmail.com>

Sent: Wednesday, August 9, 2023 11:42:14 AM

To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; elilje230@gmail.com <elilje230@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>

Subject: Meeting

Dear Dave,

We will agree to attend without our attorney. When will we receive the plan?

Thank you,
William

Subject: RE: Landscaping Project- 226 Circle Parkway
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: "Liljeberg, Jeff" <Jeff.Liljeberg@jll.com>, William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, "elilje230@gmail.com" <elilje230@gmail.com>, Doug Snyder <dsnyder@baxterwoodman.com>, Municipal Code Enforcement <mcodeenforcement@gmail.com>
Date Sent: Friday, August 11, 2023 4:40:48 PM GMT-05:00
Date Received: Friday, August 11, 2023 4:40:54 PM GMT-05:00
Attachments: 226 Revised Plan 34521 - C4.01D Site Layout Grading Drainage Plan - Option D-sealed.pdf

All,

The attached revised plan "option d" was just received by the Village. Disclaimer that they have not been reviewed by the Village but as we will be meeting early next week I am sharing so that everyone has a chance to review prior to our meeting.

Thank you for your patience.

Dave

From: David Lothspeich
Sent: Friday, August 11, 2023 12:42 PM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Jeff,

We were supposed to get plans yesterday and not received as of this writing. We have contacted the contractor requesting the plans today and will pass along as soon as received.

My apologies for not having these to you yesterday.

Dave

From: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>
Sent: Friday, August 11, 2023 11:52 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>; William Brogan <williambrogan219@gmail.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: Landscaping Project- 226 Circle Parkway

Hi Dave, are you still on target to send us the revised plan today?

Thx, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
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Jeff.liljeberg@am.jll.com



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Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: [EXTERNAL] RE: Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Correction. **Tuesday**, August 15.

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To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
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All,

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Thanks,

Dave

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Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
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Sent: Thursday, August 3, 2023 6:54 AM
To: William Brogan <williambrogan219@gmail.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; elilje230@gmail.com
Subject: RE: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

Good morning and sorry to chime in late on the topic. I am available anytime on August 14 and August 15 other than after 3:30 pm if either of those days would work. I agree that getting the plans in advance of the meeting, even if difficult to interpret, could help facilitate the meeting so if you can send over, we would appreciate it.

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com



From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 11:41 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Re: Landscaping Project- 226 Circle Parkway

You don't often get email from williambrogan219@gmail.com. [Learn why this is important](#)

Caution: Message from external sender

Dear Dave,

Thank you for this explanation. Especially if the plans are difficult to understand, we would request to see them now so that we can have a meaningful and productive meeting. We will hold any questions until the meeting if that is your preference. Thank you in advance for your cooperation.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 09:58 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

William,

I don't believe that this is scheduled for any meetings at this time and the public notice requirements would not allow for this to be considered by the ZBA on August 15. There have been some plans submitted that we can share but they are not easily understood (at least by me) and we were hoping for us to meet to review and discuss rather than just dumping plans to you which will likely generate questions. Please note that nothing has been approved beyond the original plans that the permit was issued for and no changes will be considered, let alone approved, until after we meet.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Wednesday, August 2, 2023 9:48 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Liljeberg, Jeff <jeff.liljeberg@jll.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Dave and Bonnie,

Thank you for including us in the planning of this meeting. Is this matter going to be heard at the August 15, 2023 Zoning Board of Appeals Meeting? Has any amended plan been submitted? If so, may we have a copy to review at this time?

Thank you.

Best regards,
William Brogan

On Wed, Aug 2, 2023, 08:16 David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

All,

Unfortunately, my availability for next week is very limited and August 10 is not available. I would request that we focus on availability for the week of August 14, the earlier in the week the better. Please reply to all with dates/times that work for you.

Thanks,

Dave

From: William Brogan <williambrogan219@gmail.com>
Sent: Tuesday, August 1, 2023 9:50 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: Re: Landscaping Project- 226 Circle Parkway

Dear Bonnie, Thank you for reaching out to us. We would like to participate in the meeting. Please let me know what date and time works for everyone. Our schedule is flexible. Who else is invited to the meeting? Thank you.

Best regards,
William Brogan

On Tue, Aug 1, 2023, 21:11 Liljeberg, Jeff <jeff.liljeberg@jll.com> wrote:

Hi Bonnie, unfortunately I have a business conflict in the city of Chicago that day. Any chance we can move that time to August 10 in the later afternoon?

Thanks, Jeff

Jeff Liljeberg
Executive Managing Director/
International Director
Jones Lang LaSalle
Tenant Representation
tel +1 312-228-2728, cell 312-286-8595
Jeff.liljeberg@am.jll.com

From: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>
Sent: Tuesday, August 1, 2023 4:41 PM
To: Liljeberg, Jeff <jeff.liljeberg@jll.com>; williambrogan219@gmail.com

Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: [EXTERNAL] Landscaping Project- 226 Circle Parkway

Caution: Message from external sender

Good Afternoon Mr. Liljeberg and Mr. Brogan,

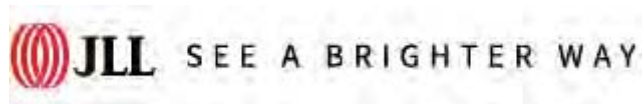
Would you be available to attend a meeting with the village administrator and myself next week Wednesday August 9th at 3:00 pm at the Village Hall to bring you up to speed on the status of the Coulter landscaping project?

Please confirm at your earliest convenience.

Thank you,

Please note that my office hours have changed.

Bonnie Schaeffer
Zoning Administrator
Office Hours Tues. 2 pm – 5pm & Wed. 11 am – 1 pm
262-245-2700 Ext. 4

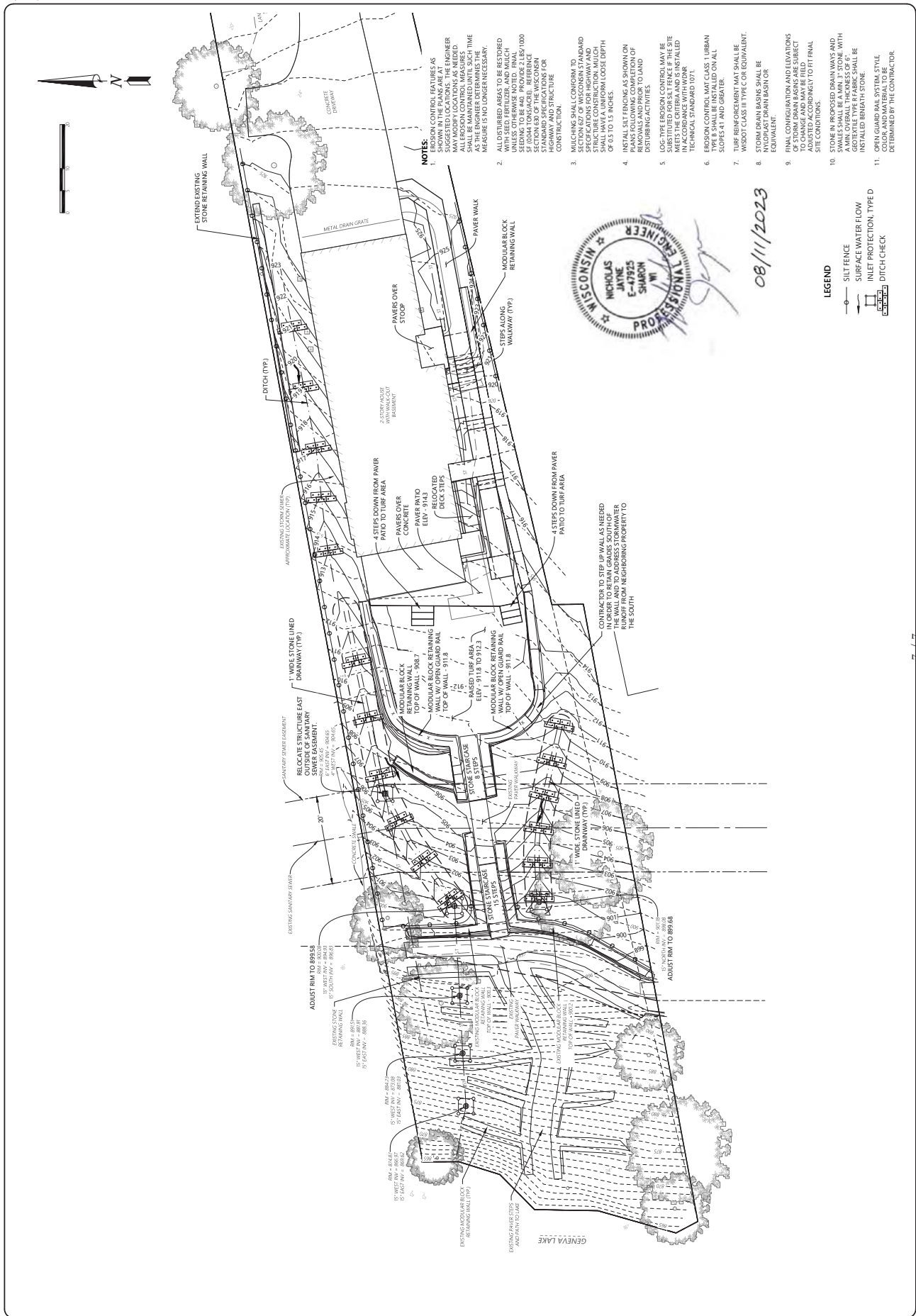


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Subject: Re: Village of Williams Bay / Building Code

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>

To: Chris Hume <chume11@yahoo.com>

Cc: William Brogan New 2022 <williambrogan219@gmail.com>, "office@cedarpointpark.org" <office@cedarpointpark.org>

Date Sent: Sunday, August 27, 2023 3:04:55 PM GMT-05:00

Date Received: Sunday, August 27, 2023 3:05:00 PM GMT-05:00

Thank you very much, Chris. We heard from a neighbor that there may have been a new plan submitted after our August 15 meeting with the Village and if that is true, no one has provided it to us. Do you have an updated plan and can you provide it to us? We have asked the Village and have not received a response, even though we have an Open Records Request outstanding.

Thank you again.

Sincerely, Lisa and William

On Aug 27, 2023, at 2:57 PM, Chris Hume <chume11@yahoo.com> wrote:

I will be speaking with the Village tomorrow to confirm that they will issue written responses to the questions raised, and to overall zoning conformance. To my knowledge no revised permits or approvals have been granted.

Chris

On Saturday, August 26, 2023 at 03:38:38 PM CDT, Lisa Brogan <lisa.s.brogan@outlook.com> wrote:

Dear Chris,

On August 7th we submitted our time-sensitive complaint regarding the illegal construction at 226 Circle. As you are aware, the Village acknowledged that the construction of the stone wall, elevated walkway, and Lakefront concrete blocks does NOT follow the plan approved in November. We made objections to the Village with regard to that plan, as it violated Lakefront and side setbacks, allowed dangerous clear-cutting of the Lakefront, allowed direction of stormwater to our Lakefront to the risk of collapse, and changed the contour of the Lakefront to direct water illegally on to our property, among other reasons.

We further objected to the Village in October and November (first three plans) that the plan must be submitted to CPPA before a permit can be issued by the Village and that this requirement is mandatory and not permissive as set forth in the Village of Williams Bay Code.

At our meeting with the Village, it was confirmed that the stone structure is beyond the building line and Lakefront setback, is too high, is too close to the neighboring property lines, covers the sewer easement which is drawn as ten feet in either direction of the sanitary sewer, and is not covered with grass as was required (instead, stone pavers were used until the work was stopped by Order of Village on July 6th).

The wall is 10 to 15 feet high even without the proposed guardrail of unspecified material, type and color. The maximum height of the so-called "retaining wall" AND "optional safety wall," COMBINED, was to be 30 inches plus 24 inches on the lower grass level. Nowhere on the property was the retaining wall AND safety wall combined to be higher than chest-high on a human. It was discussed that the stairs from the Lakepath are illegally elevated.

Our engineer from Robinson Engineering in Lake Geneva confirmed that the work below the Lakepath does not follow the plan either, the pitch and materials are different than what was approved. The Village said they would require an as-built survey, from top to bottom, and share it with us.

It was also confirmed that DNR did NOT approve the Plan.

What are you doing to help us? Time is passing without even the courtesy of an update. Thank you.

Sincerely,
Lisa and William Brogan

On Aug 18, 2023, at 1:33 PM, Chris Hume <chume11@yahoo.com> wrote:

I have received your email and am reviewing it, I'll be in touch.

Chris

On Friday, August 18, 2023 at 11:27:53 AM CDT, Lisa Brogan <lisa.s.brogan@outlook.com> wrote:

Dear Chris,

Below is the message we sent to Bonnie and Dave yesterday asking for clarification on why Bonnie said the Village has no authority to enforce the setback on the property at 226 Circle Parkway. She and Dave told us that the setback is part of the Cedar Point bylaws, but not part of the Village Code. This is incorrect. We referred her to the Code and now she has corrected herself and sent us the Code section which sets forth the setbacks we referred to, which are clearly set forth in the Code.

Cedar Point Park and the Village need to enforce the lakefront setback, building line, and 10 foot side setbacks. Our message below set forth our questions for clarification to Bonnie and Dave.

We are very upset that we complained to Cedar Point Park about this project over and over beginning last Fall. No one would help us. We cannot be forced to live with this illegal structure because everyone allowed it to get bigger and bigger until they finally paid attention and stopped the work. We have the original deed for Cedar Point Park, the setbacks are covenants and conditions that must be abided by. In addition, the Code of the Village of Williams Bay codifies the setbacks.

What will you do to enforce the rules that have applied to everyone else, for decades, and protect the rolling lawns of Cedar Point Park? What will you do to protect our views and our property value? What will you do to prevent the lakefront from collapsing as it did three houses down from us due to clear cutting?

Thank you,
Lisa and William Brogan
312 664-4861

Begin forwarded message:

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Date: August 17, 2023 at 1:48:21 PM CDT
To: admin@vi.williamsbay.wi.gov, zoning@vi.williamsbay.wi.gov
Cc: William Brogan New 2022 <williambrogan219@gmail.com>
Subject: Village of Williams Bay / Building Code

Dear Dave and Bonnie,

Thank you again for Monday's meeting and Bonnie's email from yesterday.

At the meeting we spent a lot of time discussing whether the Village has authority to enforce the building line. You did not want our attorney at the meeting so we had to struggle to understand the Village's position. We think the Village's position needs to be clarified by the Village attorney to you and to us, and to our attorney, before Cedar Point finishes its review. We want to clarify with you our understanding of what you are telling us, so that we can meet with our attorney and engineer and report back to and discuss with them. We are not stating any legal position we are seeking clarification of your position.

You are now acknowledging that the specific building line for Lot 212 is in fact set forth in the Williams Bay Building Code. If so, why is this not enforceable by the Village?

At the meeting we asked whether the building line is the line that the owner/contractor intended to delineate as "Lakefront setback" on the 11/3/22 plan. Is that your understanding? (We added the caveat that we cannot agree or disagree as to exactly how the building line should be drawn since the 11/3/22 site plan is not drawn on a plat of survey.). We attach the recorded survey for Lot 212 showing the "Lake setback per zoning conditions desc." Is that the building line?

We also discussed side setbacks. We asked whether the formula for the side setback for this Lot is in the Code. You said the setbacks in Cedar Point are very complicated, but we asked whether the side setback formula applies as follows: the Lot is in Third Addition and is irregular (not rectangular) so we add the front and back lot lines, divide in half, then multiply by 0.16. The setback is that result or 10 feet, whichever is larger. Here it is 10 feet. Please confirm or correct us.

The permit application shows a 10.3 feet setback on our side, and 10.5 feet for the other side, consistent with the setbacks on the plat of survey. You approved this application. The original Coulter site plan showed 10.3 feet on our side and 10.5 feet on the other side, consistent with the permit application and seemingly in compliance with the Code.

We don't understand why you said the side setbacks are 6 inches. Please explain and point us to this requirement.

As for the Lakefront setback / building line, the permit application seeks a permit for a "structure." Structure is also defined in Section 390-0114 of the Williams Bay zoning code as: "Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances."

The permit application identifies the proposed "structure" as "retaining walls, paver walkways and stone stairs" (not paver patio) for "personal access from driveway or walk-out basement to shoreland."

The Village code excerpted below says that the building line as used relating to each lot in CPPA **"shall mean the required setback for the location of all structures in all cases."** (Our emphasis.)

Our understanding has been that no structures may be built beyond the Lakefront setback. Period. This is very important to protecting our Lake and trees, protecting our property values, our views, and protecting us from storm water run-off. If you allow this, you are single-handedly destroying the character of Cedar Point Park. Look at the rolling lawns up and down the Lakefront...interrupted by this enormous structure. Look at the original deed creating Cedar Point Park! Where will it end?

The permit also shows 5 feet in height for the structure. The 11/3/2022 plan approved by this permit clearly shows the retaining wall PLUS safety wall for the raised turf patio to be 30 inches plus 24 inch optional safety wall. The upper small paver patio was drawn to have a 24 inch retaining wall. The site plan shows a human standing next to the retaining wall PLUS safety wall and the height varies but never exceeds chest-high, which is arguably consistent with the 30 + 24 inch structure (we objected previously that this should have been required to have been drawn to scale). This has been violated by MANY feet. Has your engineer measured the walls as they exist on our side of the property? If the blocks are 12 inches high (are they?) then is stone wall structure 10 to 15 feet high as viewed from our property? Is the lower patio raised 10 to 15 feet or more above the NEW grade?

Was the extreme elevation of the walkway from the Lakepath allowed? Didn't the approved plan merely call for "replace exist. wall with new stone"? Even without the guardrail this elevated walkway blocks our Lake view.

How would lowering the wall by 2 feet "make us better off" as Mr. Snyder tried to convince us when the retaining wall PLUS SAFETY WALL was supposed to be chest high at its highest point? The proposal is to lower the wall by two feet at one point and then add a guardrail of undetermined size, type, material and color? The wall is going to be higher not lower, exceed the building line, violate the permit and block our Lake views.

We ran out of time to discuss the “existing” and “proposed” impervious surface coverage on site as included on the permit application. Shouldn’t this be recalculated to the as-built site, and as to any proposed new plan? There is no grass whatsoever on the site as built now.

You indicated that the Village may have no authority to impose the CPPA Rules and By-Laws. Why? The setbacks and building line at issue are set forth in the Code and are on the original deed, which we can send to you in a separate email.

Moreover, as far as the CPPA input, the Code (excerpted below) says the Village SHALL consider CPPA’s report and recommendations. In the law, “shall” is mandatory and not permissive. It does say that the Village Building Inspector has not delegated its authority to the CPPA Building Committee, and we have not argued that CPPA replaces the Village Building Inspector.

As a final point, It was extremely difficult to hold our tongues and listen to the Village tell us that what is done is done and the Village has to try to work with what has already been built. How can that be a legitimate position when we wrote repeatedly every step of the way with photos to raise the alarm, copying everyone we could find including zoning and code enforcement, asking the Village to look at what they are building? The wall was too close to our property line. The wall was too high. The wall was being built higher still. Now they are adding pavers and gravel. Where were all of you—in particular between June 23 and the stop-work order on July 6? That is when this wall could have been stopped at the first level! We alerted you multiple times and did not even receive the courtesy of a response until after the stop-work order. To be clear, policing this site was not our obligation. Building beyond the Lakefront setback / building line should not have been allowed in the first instance, this is an illegal structure.

Now WE must suffer forever for the failure of the Village to enforce the approved site plan? Particularly where the violation is intentional and egregious?

We remodeled our house at great expense (rather than tearing down) to abide by the grandfathered setback in order to keep our deck. We looked at the 230 Circle house and Lot 212 for purchase and are very familiar with the constraints. Indeed, Bonnie said that several Cedar Point owners have put in retaining walls on the Lakefront without a permit and she has required them to be torn out. Why is this situation any different?

Didn’t the Mirbeau / Hummel litigation in Lake Geneva cause the municipal liability carrier in the area to contact their municipalities and warn them to treat all parties equally under the zoning laws?

Thank you for listening. Please clarify the building line and setbacks, so we can discuss with our attorney and engineer. Please share the answers with CPPA for their review. Please let us know when the survey is completed of the as-built site from top to bottom.

Best regards,
Lisa and William Brogan

Subject: Fourth Request for Records - Re: 226 Circle Parkway - Update

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>

To: David Lothspeich <admin@vi.williamsbay.wi.gov>

Cc: Doug Snyder <dsnyder@baxterwoodman.com>, Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, Mark Schroeder <mschroeder@janesvillelaw.com>, Thomas Gardiner <tgardiner@gkwwlaw.com>, William Brogan <williambrogan219@gmail.com>

Date Sent: Wednesday, October 4, 2023 12:01:18 PM GMT-05:00

Date Received: Wednesday, October 4, 2023 12:01:30 PM GMT-05:00

Attachments: Open Records Request.pdf

Dear Dave,

You have not responded to my reply below. Attached is an Open Records request for this document alone. We will be dropping the original form off in person at the Village Hall early this afternoon. When will the document be ready for pick-up?

Please advise.

Thank you,
Lisa and William Brogan

On Oct 4, 2023, at 9:56 AM, Lisa Brogan <Lisa.S.Brogan@outlook.com> wrote:

Dear Dave,

The email ruling not only referred to and purported to attach BOTH the Annotated As-Built Survey and the Annotated Original Approved Plan, but specifically stated that the Village's decision was based in pertinent part on the Annotated Original Approved Plan. We are entitled to see the Annotated Original Approved Plan and are requesting that you provide it now without further delay.

Lisa and William Brogan

On Oct 4, 2023, at 8:50 AM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

My apologies for the confusion on this. The "Annotated As-Built Survey" is the correct document and the original email erroneously referred to the "Annotated Original Approved Plan".

Regards,

Dave

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Sent: Tuesday, October 3, 2023 4:40 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Mark Schroeder <mschroeder@janesvillelaw.com>; Thomas Gardiner <tgardiner@gkwwlaw.com>; William Brogan <williambrogan219@gmail.com>
Subject: Re: 226 Circle Parkway - Update

Dear Dave,

Thank you for your second message. It appears that you re-sent the Annotated As-Built Survey.

We requested the “Annotated Original Approved Plan” which was referenced in your attachment list as attachment #2.

Thank you.

On Oct 3, 2023, at 3:08 PM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

Sorry about that, please refer to the attached.

Dave

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Sent: Tuesday, October 3, 2023 3:00 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Mark Schroeder <mschroeder@janesvillelaw.com>; Thomas Gardiner <tgardiner@gkwwlaw.com>; William Brogan <williambrogan219@gmail.com>
Subject: Re: 226 Circle Parkway - Update

Dear Dave, thank you for re-sending the original email. Once again, it is missing the "Annotated Original Approved Plan" referenced in your attachment list as attachment #2.

Please forward this document at your earliest convenience. It is said to form the basis for the Village's decision. Thank you.

On Oct 3, 2023, at 2:13 PM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

As requested in your email today, I am forwarding the original email and the 3 attachments from August 31st.

Regards,

Dave

From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Thursday, August 31, 2023 5:56 PM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich

Dear Mr. Liljeberg and Mr. Brogan,

Based upon approval by the Village Engineer for compliance with drainage and engineering requirements, conformance with the Village Zoning Regulations and determination that the revised plans are in substantial conformance with the original approved permit plans,

Village Zoning Administrator Bonnie Schaeffer has conditionally approved the Site Layout, Grading, and Drainage Plan **34521 – C4.01E – Option E.pdf (copy attached)** dated August 16, 2023 prepared by Batterman for the Coulter residence located at 226 Circle Parkway. Please refer to the attached documents:

1. Annotated As-Built Survey dimensioning the distance from the house to the inside of the retaining wall.
2. Annotated Original Approved Plan dimensioning the distance from the house to the inside of the retaining wall as well as documenting the square footage of the turf area.
3. Option E showing the revisions to the plan. As shown in the attached documents, in the original design, the distance from the house to the inside of the retaining wall was 42.4'. In the as-built condition, the distance from the house to the inside of the retaining wall is 44.3', which is a difference of 1.9'. Additionally, the square footage of the raised turf area in the original design was proposed as 765 square feet, while the square footage of the raised turf area in Option E, with the as-built location of the wall, is 750 square feet, which is less than the original approved design.

Village Engineer Doug Snyder, Baxter Woodman, reviewed and recommended approval of the revised plans shown on the attached file labeled **34521 – C4.01E – Option E.pdf** as an addendum to the original approved plan noting the following from the attached file **34521 – Stebnitz – As-Built (Annotated Exhibit).pdf**:

1. The elevation and area of the “raised turf area” is similar to the original approval.
2. The wall placement differs from the original plan because the final structural design of the walls was being done after the original plan was approved.

3. There are flat areas adjacent to the stairs rather than the 4/1 slopes on the approved plan; none appear large enough to install landscape furniture and all should be landscaped to meet the approved plan.
4. The walls appear to have stabilized the slope.
5. They are using alternate means to provide the guard rail on the perimeter of the raised turf area and alternate means of conveying the stormwater on their parcel. The wall near the south property line is allowing stormwater from the neighbor to enter the parcel and is less than 30 inches high.

The property owner for 226 Circle Parkway agreed to abide by the following conditions of approval and the Village is lifting the stop work order.

1. A final as-built survey shall be provided upon project completion. The as-built survey must be in accordance with the improvement elevations and locations shown on Option E.
2. The new retaining wall to the south extending from the elevated area to the south entry door will not exceed 30 inches in height.
3. The elevated area will be natural grass rather than "turf".
4. The Village will not be responsible for replacing any improvements placed within the sanitary sewer easement area. The property owner signed the attached **Amendment to Easement for Sewer Main Extension (draft 8.28.23)** agreement that will be recorded against the property.
5. All areas shall be landscaped to as shown on the original approved plan except where modifications are necessary to accommodate the revised Option E.
6. All lighting shall be in conformance with Village Zoning Ordinance Section 390-0807 Exterior Lighting Standards.

Thank you for working with the Village and for your patience.

Best Regards,

David Lothspeich

Village Administrator

Village of Williams Bay, WI

262-686-2336

<34521 - C4.01E - Option E.pdf>

<34521 - Stebnitz - As-Built (Annotated Exhibit).pdf>

<Amendment to Easement for Sewer Main Extension (draft 8.28.23).pdf>

<34521 - Stebnitz - As-Built (Annotated Exhibit).pdf>



VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org
Phone: 262-245-2700

Open Records Request Form

Please fill out this form if you are requesting an inspection or photocopies of public records.

Public records may be requested, inspected, and/or copies obtained during normal business hours on Monday, Tuesday, Wednesday, and Friday 8:30 AM to 5:00 PM, and on Thursday 8:30AM to 12:00PM. In some cases, records may require retrieval and therefore may not be immediately available for inspection. Every effort will be made to respond to the open records request as soon as is practicable and without delay.

The cost of photocopying of records shall be .25 cents per side of page, which has been calculated to be the actual, necessary, and direct cost of reproduction. In some cases, such response costs may go beyond simply copying a requested record, requiring location or research. In these cases, the Records Custodian may charge for any and all costs associated with complying with an open record request up to and including applicable shipping, mailing and hourly wages of Records Custodian or designee thereof, pursuant to §19.35(3). Any information given orally or in writing by Village Officials may be subject to errors or omissions and shall not be a binding liability upon the Village of Williams Bay.

REQUESTOR'S INFORMATION (Please Print)

NAME: Lisa Brogan

ADDRESS: 222 Circle Parkway

PHONE: 312 664-4861 EMAIL: lisa.s.brogan@outlook.com

Preferred Contact: ☐ Phone ☒ Email

Document Requested: "Annotated Original Approved Plan"
referenced in David Lothspeich's 8/31/23 5:56 PM
email to William Brogan and others bearing the
subject line "226 Circle Parkway - Updated"

Document to be:

☐ Picked Up

☐ Mailed

☒ Emailed

Lisa S. Brogan
Signature

10/4/23
Date

MUNICIPAL RECORDS USE

DATE RECEIVED: _____

BY: _____

DATE COMPLETED: _____

RECORDS CUSTODIAN: _____

FEE (If Required): _____

Subject: RE: 226 Circle Parkway - Update
From: David Lothspeich <admin@vi.williamsbay.wi.gov>
To: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>, Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>, Mark Schroeder <mschroeder@janesvillelaw.com>, Thomas Gardiner <tgardiner@gkwwlaw.com>, William Brogan <williambrogan219@gmail.com>, Tina Kolls <clerk@vi.williamsbay.wi.gov>
Date Sent: Wednesday, October 4, 2023 4:27:50 PM GMT-05:00
Date Received: Wednesday, October 4, 2023 4:27:59 PM GMT-05:00
Attachments: 34521 - C4.01 - Site Layout-Original Design - Sent 10042023.pdf

Mrs. Brogan,

The document that I sent to you (attached) is what was referenced in the 8/31 email.

Know that the Village Engineer and Zoning Administrator reviewed their files as well and did not locate a file with that name and we concluded that the file I sent to you was the file that was incorrectly referenced in the 8/31 email.

Dave

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Sent: Wednesday, October 4, 2023 4:22 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Mark Schroeder <mschroeder@janesvillelaw.com>; Thomas Gardiner <tgardiner@gkwwlaw.com>; William Brogan <williambrogan219@gmail.com>; Tina Kolls <clerk@vi.williamsbay.wi.gov>
Subject: Re: 226 Circle Parkway - Update

Dear Dave,

This document was specifically and expressly identified and relied upon by the Village in its decision.

Please be clear on this important issue. Are you saying this document never existed? Or are you saying you cannot now locate it in your file?

Wouldn't the Zoning Administrator and Village Engineer have possession or control of this important document relied upon in their review and ruling? Are their files within the scope of the Open Records request?

Thank you.

On Oct 4, 2023, at 4:05 PM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

As referenced in my previous email, Village Clerk Kolls will officially respond to your Open Meetings request for the same document.

Having searched my files, there is no document "Annotated Original Approved Plan" but it is our belief that the attached plan is what was erroneously referenced as "Annotated Original Approved Plan" in my 8/31 email.

Dave

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Sent: Wednesday, October 4, 2023 9:56 AM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Mark Schroeder <mschroeder@janesvillelaw.com>; Thomas Gardiner <tgardiner@gkwwlaw.com>; William Brogan <williambrogan219@gmail.com>
Subject: Re: 226 Circle Parkway - Update

Dear Dave,

The email ruling not only referred to and purported to attach BOTH the Annotated As-Built Survey and the Annotated Original Approved Plan, but specifically stated that the Village's decision was based in pertinent part on the Annotated Original Approved Plan. We are entitled to see the Annotated Original Approved Plan and are requesting that you provide it now without further delay.

Lisa and William Brogan

On Oct 4, 2023, at 8:50 AM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

My apologies for the confusion on this. The "Annotated As-Built Survey" is the correct document and the original email erroneously referred to the "Annotated Original Approved Plan".

Regards,

Dave

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Sent: Tuesday, October 3, 2023 4:40 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Mark Schroeder <mschroeder@janesvillelaw.com>; Thomas Gardiner <tgardiner@gkwwlaw.com>; William Brogan <williambrogan219@gmail.com>
Subject: Re: 226 Circle Parkway - Update

Dear Dave,

Thank you for your second message. It appears that you re-sent the Annotated As-Built Survey.

We requested the "Annotated Original Approved Plan" which was referenced in your attachment list as attachment #2.

Thank you.

On Oct 3, 2023, at 3:08 PM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

Sorry about that, please refer to the attached.

Dave

From: Lisa Brogan <Lisa.S.Brogan@outlook.com>
Sent: Tuesday, October 3, 2023 3:00 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Mark Schroeder <mschroeder@janesvillelaw.com>; Thomas Gardiner <tgardiner@gkwwlaw.com>; William Brogan <williambrogan219@gmail.com>
Subject: Re: 226 Circle Parkway - Update

Dear Dave, thank you for re-sending the original email. Once again, it is missing the "Annotated Original Approved Plan" referenced in your attachment list as attachment #2.

Please forward this document at your earliest convenience. It is said to form the basis for the Village's decision. Thank you.

On Oct 3, 2023, at 2:13 PM, David Lothspeich <admin@vi.williamsbay.wi.gov> wrote:

Mrs. Brogan,

As requested in your email today, I am forwarding the original email and the 3 attachments from August 31st.

Regards,

Dave

From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Thursday, August 31, 2023 5:56 PM
To: Liljeberg, Jeff <Jeff.Liljeberg@jll.com>; William Brogan <williambrogan219@gmail.com>
Cc: Doug Snyder <dsnyder@baxterwoodman.com>; Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Subject: 226 Circle Parkway - Update

Dear Mr. Liljeberg and Mr. Brogan,

Based upon approval by the Village Engineer for compliance with drainage and engineering requirements, conformance with the Village Zoning Regulations and determination that the revised plans are in substantial conformance with the original approved permit plans,

Village Zoning Administrator Bonnie Schaeffer has conditionally approved the Site Layout, Grading, and Drainage Plan **34521 – C4.01E – Option E.pdf (copy attached)** dated August 16, 2023 prepared by Batterman for the Coulter residence located at 226 Circle Parkway. Please refer to the attached documents:

1. Annotated As-Built Survey dimensioning the distance from the house to the inside of the retaining wall.
2. Annotated Original Approved Plan dimensioning the distance from the house to the inside of the retaining wall as well as documenting the square footage of the turf area.
3. Option E showing the revisions to the plan. As shown in the attached documents, in the original design, the distance from the house to the inside of the retaining wall was 42.4'. In the as-built condition, the distance from the house to the inside of the retaining wall is 44.3', which is a difference of 1.9'. Additionally, the square footage of the raised turf area in the original design was proposed as 765 square feet, while the square footage of the raised turf area in Option E, with the as-built location of the wall, is 750 square feet, which is less than the original approved design.

Village Engineer Doug Snyder, Baxter Woodman, reviewed and recommended approval of the revised plans shown on the attached file labeled **34521 – C4.01E – Option E.pdf** as an addendum to the original approved plan noting the following from the attached file **34521 – Stebnitz – As-Built (Annotated Exhibit).pdf**:

1. The elevation and area of the “raised turf area” is similar to the original approval.
2. The wall placement differs from the original plan because the final structural design of the walls was being done after the original plan was approved.
3. There are flat areas adjacent to the stairs rather than the 4/1 slopes on the approved plan; none appear large enough to install landscape furniture and all should be landscaped to meet the approved plan.
4. The walls appear to have stabilized the slope.
5. They are using alternate means to provide the guard rail on the perimeter of the raised turf area and alternate means of conveying the stormwater on their parcel. The wall near the south property line is allowing stormwater from the neighbor to enter the parcel and is less than 30 inches high.

The property owner for 226 Circle Parkway agreed to abide by the following conditions of approval and the Village is lifting the stop work order.

1. A final as-built survey shall be provided upon project completion. The as-built survey must be in accordance with the improvement elevations and locations shown on Option E.
2. The new retaining wall to the south extending from the elevated area to the south entry door will not exceed 30 inches in height.

3. The elevated area will be natural grass rather than "turf".
4. The Village will not be responsible for replacing any improvements placed within the sanitary sewer easement area. The property owner signed the attached **Amendment to Easement for Sewer Main Extension (draft 8.28.23)** agreement that will be recorded against the property.
5. All areas shall be landscaped to as shown on the original approved plan except where modifications are necessary to accommodate the revised Option E.
6. All lighting shall be in conformance with Village Zoning Ordinance Section 390-0807 Exterior Lighting Standards.

Thank you for working with the Village and for your patience.

Best Regards,

David Lothspeich
Village Administrator
Village of Williams Bay, WI
262-686-2336

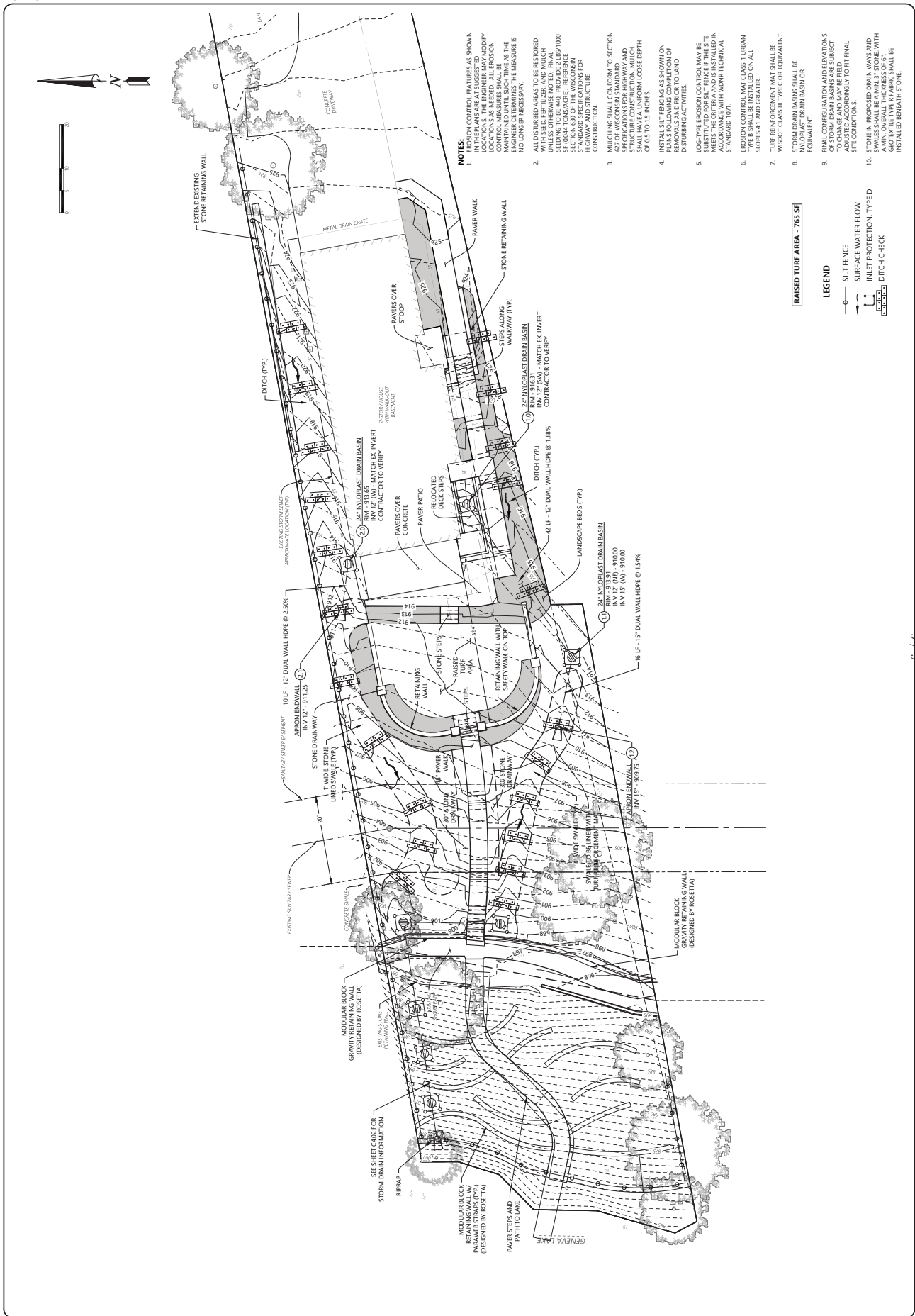
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<34521 - Stebnitz - As-Built (Annotated Exhibit).pdf>

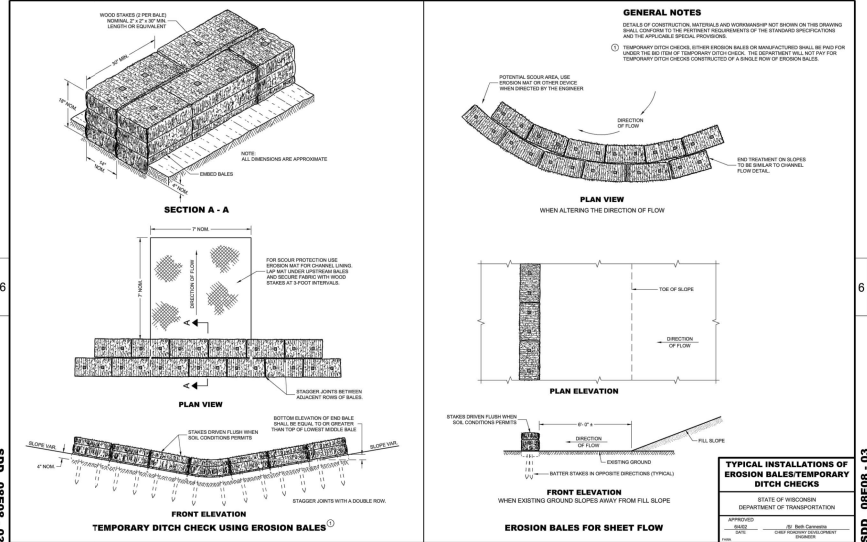
<Amendment to Easement for Sewer Main Extension (draft 8.28.23).pdf>

<34521 - Stebnitz - As-Built (Annotated Exhibit).pdf>

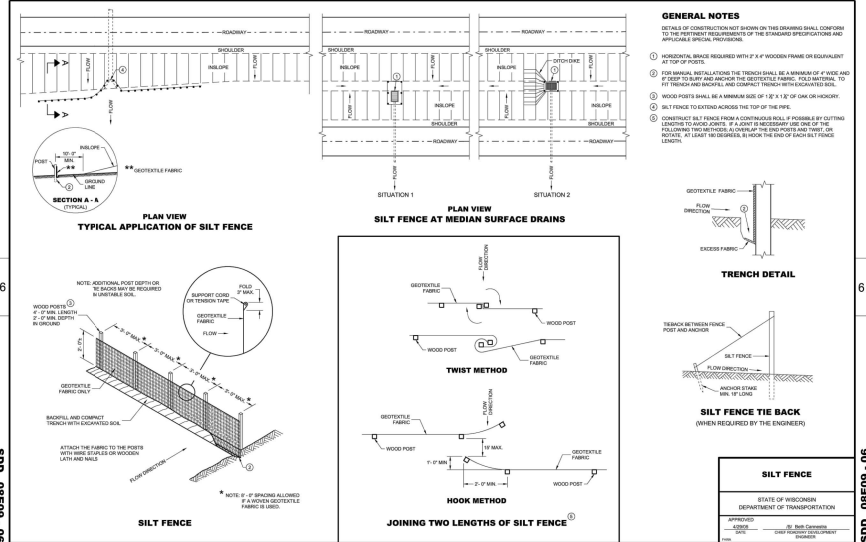
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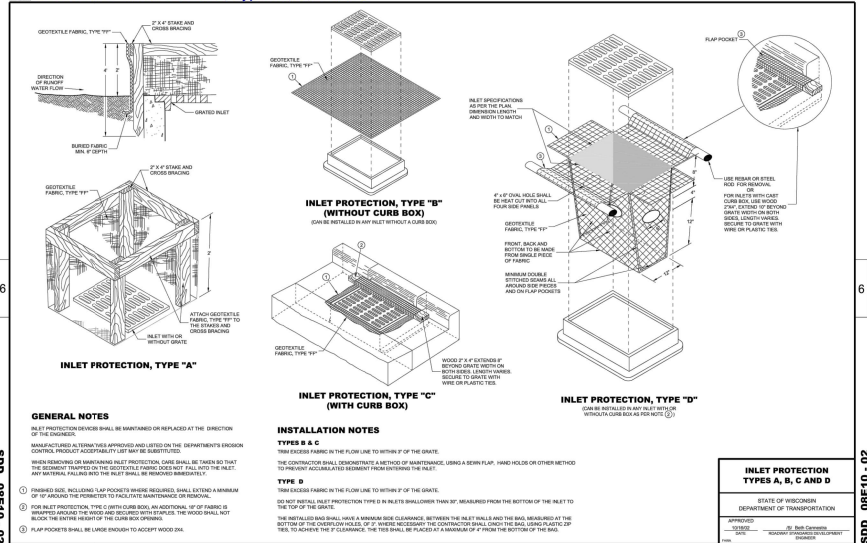
SDD 08E08 Typical Installations of Erosion Bales / Temporary Ditch Checks



SDD 08E09 Silt Fence



SDD 08E10 Inlet Protection, Types A, B, C and D



Batterman
engineers, surveyors, planners

1040 N. Wisconsin St.
Eaton, WI 53121
(262) 776-2700

19 N. High Street
Janesville, WI 53111
(608) 745-9550

2857 Randall Drive
Beloit, WI 53511
(608) 365-4464

www.batterman.com

ISSUANCE

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

PROJECT: [Signature]

DATE: [Signature]

COULTER RESIDENCE
226 CIRCLE PARKWAY
VILLAGE OF WILLIAMS BAY
WALWORTH COUNTY, WISCONSIN

3/15/21 - CLUT - EC DETAILS

EROSION CONTROL DETAILS

3/15/21 - CLUT - EC DETAILS

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

PROJECT: [Signature]

DATE: [Signature]

SHEET NO.

C3.01

Section 2721

Engineered Surface Drainage Products

GENERAL

PVC surface drainage inlets shall include the drain basin type as indicated on the contract drawing and referenced within the contract specifications. The ductile iron grates for each of these fittings are to be considered an integral part of the surface drainage inlet and shall be furnished by the same manufacturer. The surface drainage inlets shall be as manufactured by Nyloplast a division of Advanced Drainage Systems, Inc., or prior approved equal.

MATERIALS

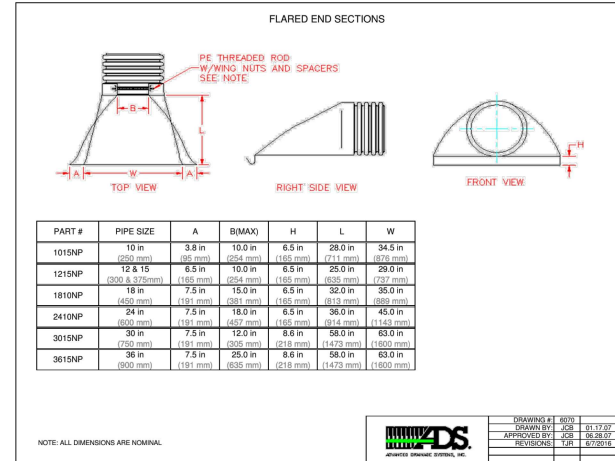
The drain basins required for this contract shall be manufactured from PVC pipe stock, utilizing a thermoforming process to reform the pipe stock to the specified configuration. The drainage pipe connection stubs shall be manufactured from PVC pipe stock and formed to provide a watertight connection with the specified pipe system. This joint tightness shall conform to ASTM D3212 for joints for drain and sewer plastic pipe using flexible elastomeric seals. The flexible elastomeric seals shall conform to ASTM F477. The pipe bell spigot shall be joined to the main body of the drain basin or catch basin. The new material used to manufacture the pipe stock that is used to manufacture the main body and pipe stubs of the surface drainage inlets shall conform to ASTM D1784 cell class 12454.

The grates and frames furnished for all surface drainage inlets shall be ductile iron for structure sizes 8", 10", 12", 15", 18", 24", 30" and 36" and shall be made specifically for each basin so as to provide a round bottom flange that closely matches the diameter of the surface drainage inlet. Grates for drain basins shall be capable of supporting various wheel loads as specified by Nyloplast. 12" and 15" square grates will be hinged to the frame using pins. Ductile iron used in the manufacture of the castings shall conform to ASTM A536, grade 70-50-05. Grates and covers shall be provided painted black.

INSTALLATION

The specified PVC surface drainage inlet shall be installed using conventional flexible pipe backfill materials and procedures. The backfill material shall be crushed stone or other granular material meeting the requirements of class 1, class 2, or class 3 material as defined in ASTM D2321. Bedding and backfill for surface drainage inlets shall be well placed and compacted uniformly in accordance with ASTM D2321. The drain basin body will be cut at the time of the final grade. No brick, stone or concrete block will be required to set the grate to the final grade height. For load rated installations, a concrete slab shall be poured under and around the grate and frame. The concrete slab must be designed taking into consideration local soil conditions, traffic loading, and other applicable design factors. For other installation considerations such as migration of fines, ground water, and soft foundations refer to ASTM D2321 guidelines.

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	DATE	3-10-06		
THIS PRINT DISCLOSES SUBJECT MATTER IN WHICH NYLOPLAST HAS PROPRIETARY RIGHTS. THE REPEAT OR POSSESSION OF THIS PRINT DOES NOT CONFER, TRANSFER, OR LICENSE THE USE OF THE DESIGN OR TECHNICAL INFORMATION SHOWN HEREIN. REPRODUCTION OF THIS PRINT OR ANY INFORMATION CONTAINED HEREIN, OR MANUFACTURE OF ANY ARTICLE HEREFROM, FOR THE DISCLOSURE TO OTHERS IS FORBIDDEN, EXCEPT BY SPECIFIC WRITTEN PERMISSION FROM NYLOPLAST.	REVIEWED BY	NMI	PROJECT NUMBER	TITLE
	DATE	02-21-16		
8 IN - 36 IN DRAIN BASIN SPECIFICATIONS				
DWG SIZE A	SCALE	1:1	SHEET 1 OF 1	DWG NO. 700-110-041 REV J





Batterman
engineers, surveyors, planners

1304 N. Wisconsin St.
Ebbw, WI 53121
(262) 776-2520

19 N. High Street
Janesville, WI 53111
(608) 743-9350

2857 Randall Drive
Burlingame, WI 53111
(608) 365-4464

ISSUANCE

DESIGNED BY	CA
CHECKED BY	NMI
APPROVED BY	JCB
PROJECT NO.	700-110-041

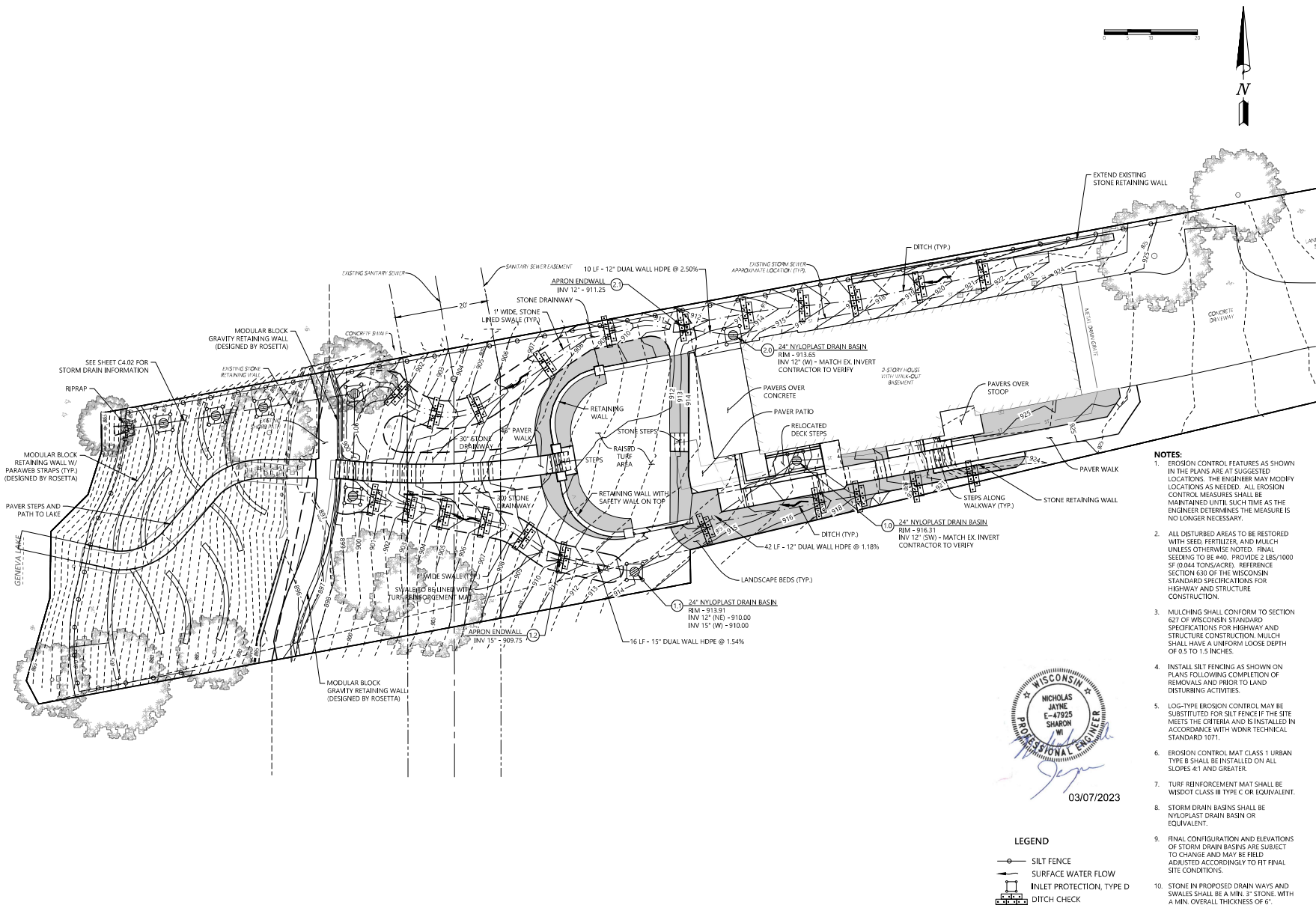
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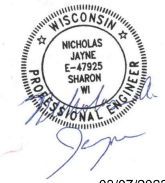
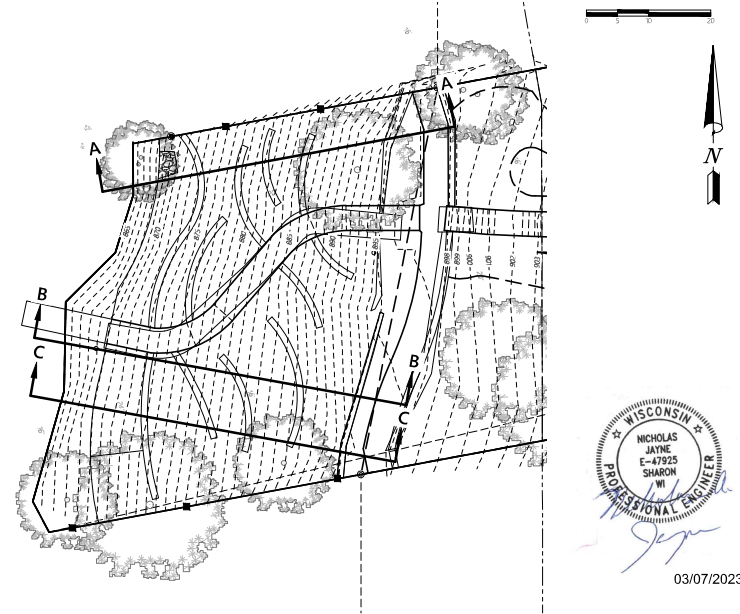
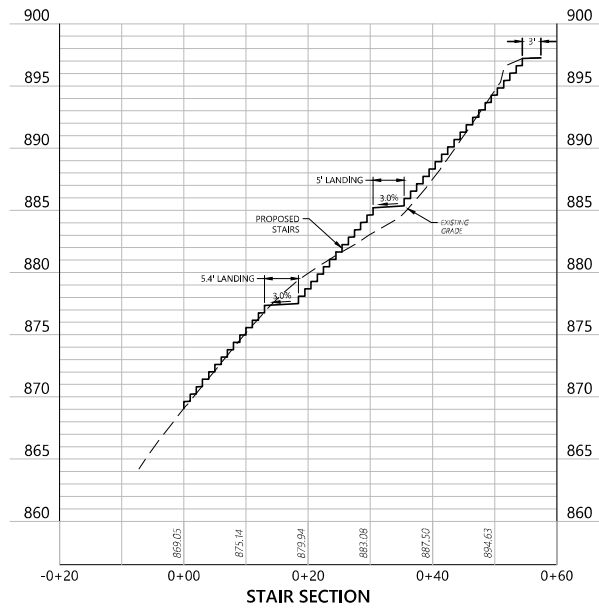
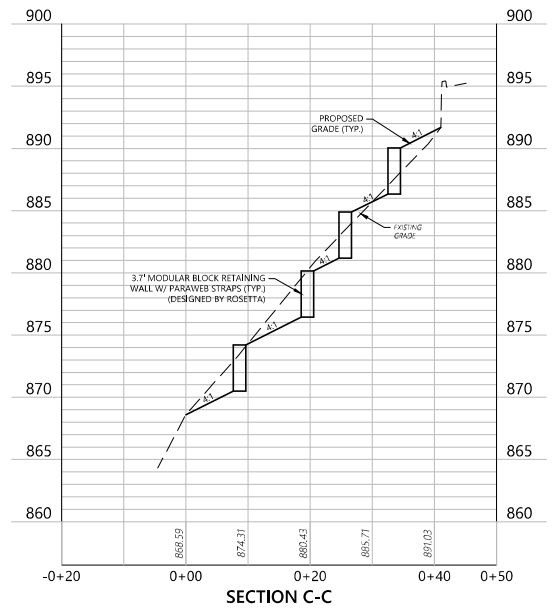
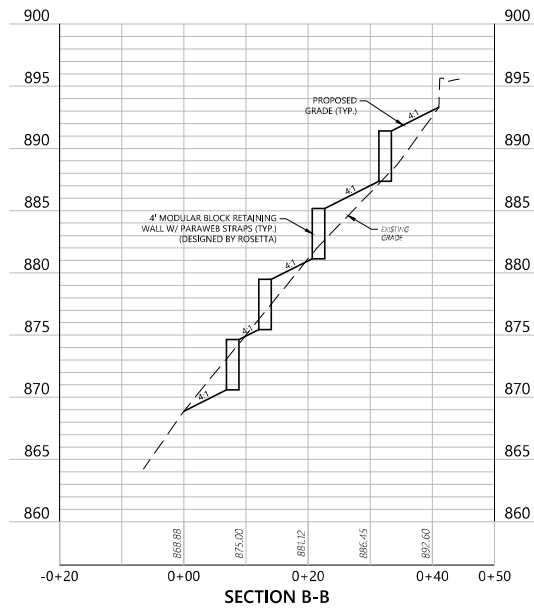
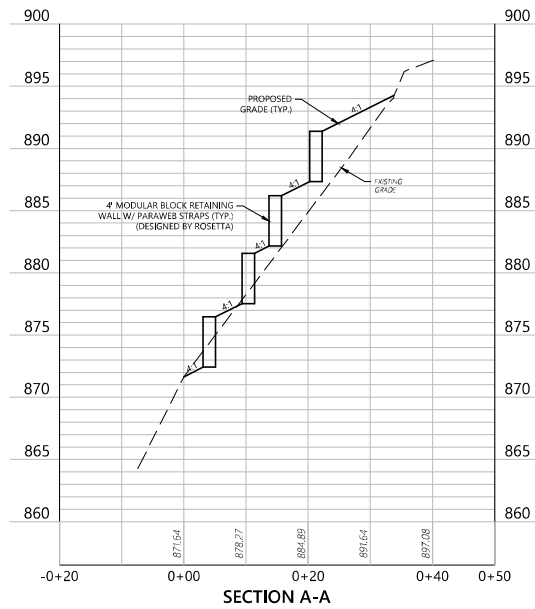
COUTLER RESIDENCE
226 CIRCLE PARKWAY
VILLAGE OF WILLIAMS BAY
WALWORTH COUNTY, WISCONSIN

3/24/16 - CCB - DETAILS DWS

DESIGNED BY: EC
CHECKED BY: NJ
APPROVED BY: NJ
PROJECT NO.: 700-110-041

SHEET NO.: C3.03





03/07/2023

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(608) 365-4464

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ISSUANCE

PROJECT SUBMITTAL	2024-05-01
PROJECT SUBMITTAL	2024-05-01
PROJECT SUBMITTAL	2024-05-01
PROJECT SUBMITTAL	2024-05-01
PROJECT SUBMITTAL	2024-05-01
PROJECT SUBMITTAL	2024-05-01

CROSS SECTIONS

COULTER RESIDENCE
226 CIRCLE PARKWAY
VILLAGE OF WILLIAMS BAY
WALWORTH COUNTY, WISCONSIN

34521 - C-C201 - CROSS SECTIONS.DWG

DESIGNED BY: JC

DRAWN BY: JC

CHECKED BY: NJ

APPROVED BY: NJ

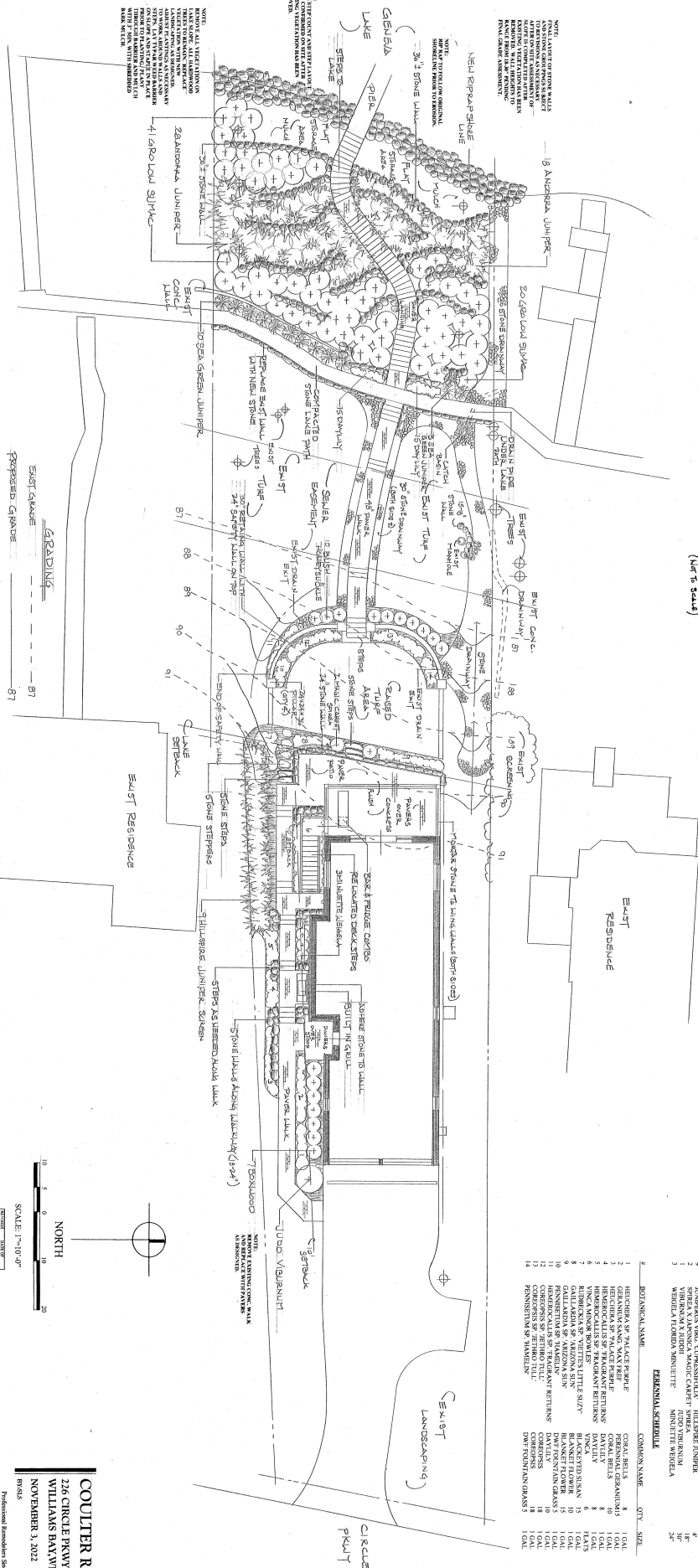
PROJECT NO.: 34521

SHEET NO.: C7.01



- [illegible]

PERENNIAL SCHEDULE

[illegible]

COLTLER RESIDENCE
226 CIRCLE PRVY
WILLIAMS PAV.VI 5191
NOVEMBER 3, 2022
BRISAL

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Evanston, WI 53121
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WILLIAMS PAV.VI 5191
NOVEMBER 3, 2022



VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report Zoning Board of Appeals Meeting November 21, 2023

November 13, 2023

APPLICANT(S): William and Lisa Brogan, 222 Circle Parkway, Williams Bay, WI 53191

OWNER OF SITE: Christopher and Melanie Coulter

TAX KEY NUMBER: WCP3 00011A

STREET ADDRESS: 226 Circle Parkway, Williams Bay, WI 53191

The applicant has filed an appeal per Section 390-1217 regarding zoning administrator conditional approval of Site Layout, Grading, and Drainage Plan 34521 – C4.01E – Option E for the Coulter residence located at 226 Circle Parkway.

NOVEMBER 2022 ZONING PERMIT

On November 14, 2022, I issued a zoning permit to the Coulters for retaining walls, paver patio, walkways, and stone stairs. In fact, this permit was put on hold on November 30, 2022 based on Village Engineer recommendations that a revised plan be submitted showing the following:

- Existing site plan with existing spot elevations, existing drainage pipes with sizes and invert elevations, the location of the Village sanitary sewer, existing contour lines and existing drainage patterns for the entire property.
- Proposed grading plan showing proposed spot elevations, proposed drainage pipes with sizes, proposed changes to the contour lines, proposed drainage patterns for the entire property, and erosion control provisions.
- Approval of the neighbor if the plans require use of their property.

This permit was not appealed.

MARCH 2023 APPROVAL OF REVISED PLANS

On March 13, 2023, the permit was updated to include revised plans dated March 7, 2023. The revised plans showed all improvements on the Coulter property, were approved by the Village Engineer, and still included retaining walls, paver patio, walkways, and stone stairs.

This revised permit was not appealed.

AUGUST 2023 APPROVAL OF REVISED PLANS

In early July, a stop work order was issued by the Village based on a site visit by the Village Engineer determining that the project was not being completed per the March 2023 approved plans. An as-built survey did in fact show that this was the case. Coulter's engineer and contractor provided an alternate plan known as Site Layout, Grading, and Drainage Plan 34521 – C4.01E – Option E. This plan was reviewed and approved by the Village Engineer.

On August 21, 2023, Stebnitz Builders sent the alternate plan to Chris Hume at Cedar Point Park Association (CPPA).

On August 25, 2023, I sent an email to the Coulters and their contractor giving conditional approval to Option E:

"The Village conditionally approves Site Layout, Grading, and Drainage Plan Option E (copy attached) dated August 16, 2023 prepared by Batterman for the Coulter residence located at 226 Circle Parkway based upon conformance with the Village Zoning Regulations, approval by the Village Engineer for compliance with drainage and engineering requirements, and substantial conformance with the original approved permit plans. The Village will lift the stop work order upon receipt of your written acknowledgement to abide by the conditions of approval.

1. A final as-built survey shall be provided upon project completion. The as-built survey must be in accordance with the improvement elevations and locations shown on Option E.
2. The new retaining wall to the south extending from the elevated area to the south entry door will not exceed 30 inches in height.
3. The elevated area will be natural grass rather than "turf".
4. The Village will not be responsible for replacing any improvements placed within the sanitary sewer easement area. The Village attorney will draft an easement agreement to that effect, and the property owner agrees to promptly sign said easement agreement.
5. All areas shall be landscaped to as shown on the original approved plan (copy attached) except where modifications are necessary to accommodate the revised Option E.
6. All lighting shall be in conformance with Village Zoning Ordinance Section 390-0807 Exterior Lighting Standards.

Please respond with any questions or concerns (if any), and your written agreement to abide by these conditions."

On August 30, 2023, I received an email from the contractor stating that Stebnitz Builders and the Coulters agree and do hereby commit to abiding by the conditions of the Village approval.

On August 30, 2023, I sent an email to the contractor advising that the stop work order was lifted and work was allowed to continue.

On August 31, 2023, the Village Administrator sent an email to the neighboring property owners advising them of my decision.

The approval of this revised Option E is the subject of the appeal.

ZONING ADMINISTRATOR JUSTIFICATION OF DECISION

The revised plan Option E was in substantial conformance with the March 2023 approved plans, was in conformance with village zoning regulations, and was compliant with drainage and engineering recommendations.

- Conformance with March 2023 approved plans:
 - Option E - added retaining walls along the stone steps, along the walkway at the south side of the house, and below the taller retaining wall.
 - Option E - the raised area is 1.9' further west and 15 square feet smaller.
 - Option E - storm drain system is moved further south.
- Conformance with village zoning regulations:
 - Retaining walls are very common in the Village and have been utilized to create flat areas to be used for various purposes. Retaining walls have historically been allowed to intrude into setback areas with restrictions. If the retaining wall is 30 inches or less in height, then it can be as close as 6 inches to the lot line. If the retaining wall is taller than 30 inches, it must be at least 3' from the lot line. This is based on the performance standards listed in Section 390-0809. Historically, improvements have been allowed Cedar Point Park within the shore yard setback area including stairs, landings, and decks.
- Compliance with drainage and engineering recommendations:
 - The elevation and area of the "raised turf area" is similar to the original approval.
 - The wall placement differs from the original plan because the final structural design of the walls was done after the original plan was approved.
 - There are flat areas adjacent to the stairs rather than the 4/1 slopes on the approved plan; none appear large enough to install landscape furniture and all should be landscaped to meet the approved plan.
 - The walls appear to have stabilized the slope.
 - The applicant opted to immediately install permanent sod in the drainageways rather than install topsoil, seed, mulch, and the ditch checks shown on the approved plan (s); this selected option is preferred by the Village Engineer and prevents erosion.
 - The Wisconsin DNR reviewed the plans and confirmed that they did not have jurisdiction over the project.

Respectfully submitted,

Bonnie M. Schaeffer
Zoning Administrator

FW: UPDATE: 226 Circle Pkwy Update

Jeff Auberger <jeff@stebnitzbuilders.com>

Mon 8/21/2023 12:14 PM

To: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>

Cc: David Lothspeich <admin@vi.williamsbay.wi.gov>; Doug Snyder <dsnyder@baxterwoodman.com>; Chris Coulter <ccoulter3339@gmail.com>

 3 attachments (8 MB)

34521 - C4.01 - Site Layout-Original Design.pdf; 34521 - Stebnitz - As-Built (Annotated Exhibit).pdf; 34521 - C4.01E - Option E.pdf;

Good morning, Bonnie,

I wanted you to be aware that I shared this thread, with attached plans, to Chris Hume of CPPA. I don't imagine they'll comment as the plan option E is generally better than permitted with the only real change being the short retaining wall along the south property line to retain stairs and manage stormwater runoff, but, who knows. You'll see I've asked/offered.

We look forward to hearing from you and getting moving, again.

Thanks,

Jeff Auberger

Construction Consultant - Designer

p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](https://www.stebnitzbuilders.com)

a: 204 Commerce Court, #3, Elkhorn, WI 53121

From: Jeff Auberger

Sent: Monday, August 21, 2023 12:05 PM

To: Chris Hume <chume11@yahoo.com>

Cc: Chris Coulter <ccoulter3339@gmail.com>

Subject: UPDATE: 226 Circle Pkwy Update

Good morning, Chris,

I hope this finds you well.

To follow is an update on activities for the past week.

Our meeting with the Village last week was reasonable and productive. We learned the Liljebergs and Brogans met with Village staff prior to our meeting with them (Dave, Bonnie and Doug).

Our discussion revolved primarily around the height of the "elevated turf area" and the height of the retaining walls around it. And, some question about proximity of retaining walls to setbacks.

We generated one more plan option, which we believe, generally, everyone is in agreement with.

Please see the string below and confirmed by the attachments.

Regarding proximity of retaining walls under 30" high, please see the code section below confirming 6" side yard setback:

NOTE: As now planned, the low retaining walls being installed near the south property line are 2.1' away (at their closest point (at entry stoop) prior to our construction, the retaining walls surrounding the entry stoop were 1.4' from the property line. These walls are deemed necessary to manage stormwater run-off from the Liljeberg property, their finished yard grade failed to follow their approved plan.

Chapter 390: Zoning

§ 390-0809: Fencing standards.

<https://ecode360.com/34302394>

The Option E, attached here, is "better" than the permitted plan in several ways:

1. The elevated turf area is at or *below permitted height*.

2. The top of the retaining walls creating the elevated turf area are about 2.4' *lower than permitted*.
3. The physical area of the elevated turf area is 15sqft *smaller than permitted*.
4. Retaining wall being constructed along the south property is 2.1' away at its closest point, previously as-built it was 1.4' away, *so it's 8" better than as built*

Exceptions:

1. The retaining wall being added along the south property line. This is necessary to manage stormwater run-off from the south – see pic below for previous retaining wall location(1.4' off)
2. A portion of the retaining walls creating the elevated turf area were built 1.9' further from the house than what was permitted, but not in violation of the ordinance and overall, the square footage of the turf area has been reduced.

Let me know if you need anything else from me. We don't imagine the CPPA needs to review or approve the plan changes, but certainly want you aware. By all practical standards the changes/adjustments are all within the intent of the plan, but let me know if you have a different opinion.

We have been doing all we can to appease, comply and proceed (giving-up the approved/permitted seat/safety wall around the elevated turf area was a BIG give-up) we hope you can see that and can help us make that happen.

Best regards,

Jeff Auberger
Construction Consultant - Designer

p: 262.723.7232 c: 262.379.4299 w: [Stebnitz Builders, Inc](http://StebnitzBuilders.com)
a: 204 Commerce Court, #3, Elkhorn, WI 53121

From: Nicholas Jayne <NJayne@rhbatterman.com>
Sent: Thursday, August 17, 2023 12:20 PM
To: Jeff Auberger <jeff@stebnitzbuilders.com>; David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Doug Snyder <dsnyder@baxterwoodman.com>; chris coulter <ccoulter3339@gmail.com>;

Frank McKearn <FMcKearn@rhbatterman.com>

Subject: RE: 226 Circle Pkwy Update

Good afternoon,

Please see the attached documents that were requested in our meeting from Tuesday. The attachments are the following:

- Annotated As-Built Survey dimensioning the distance from the house to the inside of the retaining wall.
- Annotated Original Approved Plan dimensioning the distance from the house to the inside of the retaining wall as well as documenting the square footage of the turf area.
- Option E showing the revisions to the plan discussed in the meeting as well as the changes discussed in Jeff's email below.

As shown in the attached documents, in the original design, the distance from the house to the inside of the retaining wall was 42.4'. In the as-built condition, the distance from the house to the inside of the retaining wall is 44.3', which is a difference of 1.9'. Additionally, the square footage of the raised turf area in the original design was proposed as 765 square feet, while the square footage of the raised turf area in Option E, with the as-built location of the wall, is 750 square feet, which is less than the original approved design.

If you have any additional questions or need anything else, please do not hesitate to reach out.

Best,

Nicholas A. Jayne, P.E., CFM | Project Manager
Batterman | Engineering | Surveying | Planning

Beloit – Janesville – Elkhorn

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www.rhbatterman.com

From: Jeff Auberger <jeff@stebnitzbuilders.com>

Sent: Thursday, August 17, 2023 09:47

To: David Lothspeich <admin@vi.williamsbay.wi.gov>

Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Doug Snyder <dsnyder@baxterwoodman.com>; chris coulter <ccoulter3339@gmail.com>;

Nicholas Jayne <Njayne@rhbatterman.com>

Subject: RE: 226 Circle Pkwy Update

Good morning, Dave,

I want to update you on yesterday afternoon and this morning's activities as well as our intentions.

1. The "largest point" of the patio is 1.9' further from the house than the approved plan (plan dimension (which you'll also receive today with the OPTION E) is 42.4', you'll see below, as built and therefore, as proposed on the coming OPTION E, is 44.3')
2. The square footage of the elevated turf area, however, is less than the approved plan
3. Because we're believe we're going to move forward with this final version, we've also made two other minor, but logical adjustments, and want you to be aware of them they are:
 - a. The retaining wall (to the south) extending from the elevated turf area to the entry door on the south side of the home will be straightened-out to better capture the stairs (as shown along the balance of the south side), to make the turf area smaller, and be even further away from the south property line (see the drawing below)
 - b. Our proposed "top of wall" surrounding the turf area will be adjusted to about 912.3 (2.4' below approved plan) to work correctly with wall block installed (block thickness won't allow us to be 912')

The Batterman Team is working diligently to finalize and send all your way this morning.

Let me know if you need anything from us.

Jeff Auberger
Construction Consultant - Designer

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a: 204 Commerce Court, #3, Elkhorn, WI 53121

From: David Lothspeich <admin@vi.williamsbay.wi.gov>
Sent: Wednesday, August 16, 2023 2:36 PM
To: Jeff Auberger <jeff@stebnitzbuilders.com>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Doug Snyder <dsnyder@baxterwoodman.com>; chris coulter <ccoulter3339@gmail.com>; Nicholas Jayne <Njayne@rhbatterman.com>
Subject: RE: 226 Circle Pkwy Update

Jeff,

Thank you for the status update. We will review and will plan to have a response to you by Friday, hopefully tomorrow, if we have the plan by tomorrow morning.

Thanks,

Dave

From: Jeff Auberger <jeff@stebnitzbuilders.com>
Sent: Wednesday, August 16, 2023 2:16 PM
To: David Lothspeich <admin@vi.williamsbay.wi.gov>
Cc: Bonnie Schaeffer <zoning@vi.williamsbay.wi.gov>; Doug Snyder <dsnyder@baxterwoodman.com>; chris coulter <ccoulter3339@gmail.com>; Nicholas Jayne <Njayne@rhbatterman.com>
Subject: 226 Circle Pkwy Update

Good afternoon, David,

I wanted you to know that Nicholas was tied-up with some meetings this morning but did confirm that the patio is less than two feet further-extended (toward the lake) than plan. He is preparing the drawings with those dimensions for all of us. I'm hopeful we'll have those to you today.

Thank you.

Jeff Auberger
Construction Consultant - Designer

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a: 204 Commerce Court, #3, Elkhorn, WI 53121

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November 3, 2023

VIA E-MAIL

Mark A. Schroeder
Consigny Law Firm, S.C.
303 East Court St.
Janesville, WI 53545

Re: Appeal filed by William and Lisa Brogan on October 13, 2023, with respect to 226 Circle Parkway, Williams Bay, WI 53191 (the "Coulter Property")

Dear Mr. Schroeder:

We represent Christopher and Melanie Coulter (the "Coulters") with respect to the Coulter Property and the above-referenced appeal (the "Brogan Appeal").

On October 13, 2023, the Brogans filed the Brogan Appeal. The Brogans assert that in 2002 the Village's Zoning Administrator "approved the construction of extensive structures on" the Coulter Property (Brogan Appeal at 1) and that this "approval" was given in "violation of the Williams Bay Zoning Ordinance and is therefore void" (Brogan Appeal at 2). The Brogans allege that the approval violates the setback regulations of the zoning ordinance. The Brogans admit that on November 14, 2022, the Zoning Administrator approved the Coulters' Zoning Permit Application and issued the Zoning Permit. In fact, Exhibit E to the Brogan appeal is the Zoning Permit dated November 14, 2022. A condition of approval was the site plan dated November 3, 2022, which was attached to the Zoning Permit Application. The Brogans refer to this as the "November 22 Plan." (Brogan Appeal at 4). The Brogans argue that the November 22 Plan must be rescinded because it was illegally approved. (Brogan Appeal at 7). The Brogans assert that the Village approved an addendum to the November 22 Plan on August 31, 2023 (the "August 31 Addendum"). (Brogan Appeal at 7). Again, the Brogans allege that the August 31 Addendum violates the setback regulations. (Brogan Appeal at 7). The Brogans argue that the August 31 Addendum must be rescinded because it was illegally approved. (Brogan Appeal at 10). Importantly, in their appeal, the Brogans stated that "the same arguments set forth in the foregoing [appeal] as to the November 2022 Plan apply with equal or greater force" to the August 31 Addendum (i.e., the Option E Plan). (Brogan Appeal at 10).

Based on the foregoing, the Brogans appeal the *November 14, 2022*, approval of the Zoning Permit. The Brogans filed their appeal on October 13, 2023, pursuant to Section 390-1217 of the zoning ordinance.

The purpose of Section 390-1217 is to provide regulations that enable the Village to hear and decide on requests for appeals of the decision or interpretation of the Zoning Administrator. Section 390-1217, A. An appeal may be initiated by any person aggrieved, or by any officer,

department, board, or bureau of the Village affected by any decision of the Zoning Administrator. Section 390-1217, B.

An appeal shall be made within 45 days from the date of issuance of the interpretation by the Zoning Administrator. Section 390-1217, C. **Failure to initiate this appeal procedure within this forty-five-day period “shall” constitute a final and binding waiver of the right to appeal said interpretation. *Id.***

The Zoning Administrator “shall” determine whether the application is complete and fulfills the requirements of the zoning ordinance. Section 390-1217, E, (1). If the application is determined to be incomplete, the Zoning Administrator “shall” notify the applicant. *Id.*

Based on the Brogans’ statements in their appeal, the Brogans have demonstrated that they failed to initiate this appeal within 45 days of the November 14, 2022, approval of the Zoning Permit. The Brogans admit that “the same arguments set forth...as to the November 2022 Plan apply with equal or greater force” to the August 31 Addendum (i.e., the Option E Plan). (Brogan Appeal at 10). Pursuant to Section 390-1217, C, an appeal “shall” be made within 45 days from the date of issuance of the interpretation by the Zoning Administrator. The word “shall” means “mandatory.” Section 390-0112. The deadline for filing an appeal was December 29, 2022. The Brogans filed their appeal on October 13, 2023, which was *288 days after the deadline* set forth in Section 390-1217, C. The Brogans’ failure to file the appeal within the 45-day period (i.e., no later than December 29, 2022) constitutes a “final and binding waiver of the right to appeal.” The Brogans waived their right to appeal.¹

Assuming arguendo that the Brogans appeal the Zoning Administrator’s conditional approval of the Site Layout, Grading and Drainage Plan-Option E dated August 16, 2023, the 45-day deadline to file an appeal was October 9, 2023, because the Zoning Administrator issued her “interpretation” and approval on August 25, 2023, not August 31, 2023, as alleged by the Brogans. Based on this August 25, 2023, date, the 45-day deadline was October 9, 2023. The Brogans rely on the inapplicable August 31, 2023, to try to avoid the consequences of their failure to timely file an appeal. The Brogans filed their appeal with respect to the Option E Plan on October 13, 2023, which was after the October 9, 2023, deadline. Therefore, pursuant to Section 390-1217, C, the Brogans waived their right to appeal the conditional approval made by the Zoning Administrator.

Because the Brogans waived their right to appeal, their application for appeal is incomplete. As a result, pursuant to Section 390-1217, E, (1), the Zoning Administrator “shall” notify the Brogans that their application for appeal is incomplete because the Brogans waived their right to appeal.

Based on the foregoing, please advise whether the Brogans waived their right to appeal. If so, please advise whether the Zoning Administrator will be notifying the Brogans that: (a) their application for appeal is incomplete because the Brogans waived their right to appeal and (b) as a result, there will be no public hearing on their appeal.

An expedited response to this letter is warranted for several reasons. For example, if the Village concludes that the Brogans have not waived their right to appeal, then the Coulters may consider asking a court to intervene to declare as a matter of law that the Brogans waived their

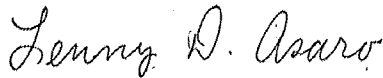
¹ The Coulters assert that the allegations, arguments, false statements and speculation that support the Brogans’ appeal are meritless assuming arguendo there is a factual basis for the Brogans’ appeal.

right to an appeal. Also, if a hearing on the appeal will take place later this month, then the Coulters intend to submit a written response to the appeal. It is my understanding that the Coulters should submit their written response on or before November 8, 2023. However, if the Village concludes that the Brogans waived their right to appeal, then it will be unnecessary to submit a written response to the appeal.

Please know that if this appeal goes to a hearing, the Coulters intend to zealously oppose the Brogans' baseless appeal by, among other things: (a) cross-examining the Brogans and their engineer, Steven Zehner, PE; (b) presenting the testimony of the Coulters, Jeff Auberger, Coulter-retained engineers and consultants, and Village representatives; (c) presenting exhibits and (d) identifying the numerous materially and knowingly false statements contained in the Brogan Appeal. Sadly, these false statements are the foundation of the Brogan Appeal.

Thank you for your consideration of this request. I look forward to your response.

Very truly yours,



Lenny D. Asaro

LDA/

cc: Christopher Coulter
Melanie Coulter
Thomas G. Gardiner

US.360348291.01

-----Original Message-----

From: Mark Schroeder

Sent: Wednesday, November 8, 2023 8:36 AM

To: vlach70@charter.net

Subject: RE: Zoning board of appeals

Good morning George

In response to your first question below, if the chairperson of the ZBA is not present, I agree with your suggestion that the ZBA follow a process similar to that of the village board. The secretary for the ZBA may call the meeting to order, members of the ZBA may nominate someone to serve as acting chairperson and that person may be elected by the members of the ZBA to chair that meeting. This is consistent with the provisions of Section 390-1105B. (7), which provides that the village president designates the chairperson and the ZBA may designate such other officers as it feels necessary, which would include an acting chairperson. This procedure is also consistent with Roberts Rules of Order 47:11-3.

As to your second question, the village ordinance specifies that the village president is to appoint two alternates to the ZBA. Section 390-1105A. (2). This wording is consistent with that contained in Wis. Stat. Sec. 62.23 (7) (e), which describes membership of the ZBA. If you wish, I could research whether the city would have the authority to enact a charter ordinance to allow for additional alternates to be appointed. Otherwise, the village is restricted to the appointment of two alternates to the ZBA.

Mark A. Schroeder

CONSIGNY LAW FIRM, S.C.

303 East Court Street

Janesville, WI 53545

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