



VILLAGE OF WILLIAMS BAY

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OFFICIAL 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.