



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, DECEMBER 12, 2023 AT 5:30 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 November 21, 2023

V. Order and Findings of Fact - Consideration and Possible Action

A. 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 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.

A public hearing was held on November 21, 2023, the appeal was considered and a motion carried to deny the appeal as summarized in the Order and Findings of Fact.

VI. Adjournment

Rob Umans
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: 12/08/2023 5:00 PM



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UNOFFICIAL MINUTES ZONING BOARD OF APPEALS 11/21/2023 MEETING TUESDAY, NOVEMBER 21, 2023 AT 6:30 PM VILLAGE HALL COUNCIL ROOM 250 WILLIAMS STREET WILLIAMS BAY, WI 53191

I. Call to Order

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

II. Roll Call

Present: Trustee Robert Umans, Commissioners Dennis Costello and Mike Fieweger

Also Present: Zoning Administrator Bonnie Schaeffer, Village Engineer Doug Snyder, Village Attorney Mark Schroeder, Attorney Steven Koch, Clerk Tina Kolls

Excused: Trustee George Vlach, Commissioners Roy Grada, Matt Robbins, and Tom Lothian

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

The motion to appoint Trustee Umans as Chair for the remainder of the meeting was initiated by Commissioner Fieweger and seconded by Commissioner Costello. Unanimously Carried.

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of August 15, 2023

The motion to approve the Zoning Board of Appeals Meeting Minutes of August 15, 2023 was initiated by Commissioner Fieweger and seconded by Commissioner Costello. Trustee Umans Abstained. Motion carries.

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.

The motion to open the public hearing was initiated by Trustee Umans and seconded by Commissioner Fieweger at 06:33pm. Unanimously Carried.

There was a lengthy discussion by several speakers both in favor of and opposed to the appeal. The highlights are:

- Attorney Philip Steigerwald with GKW & W, represented William and Lisa Brogan. Attorney Steigerwald stated the case of the Brogans and spoke in favor of the appeal.
- Lisa Brogan, 222 Circle Parkway, spoke in favor of the appeal.
- William Brogan, 222 Circle Parkway, spoke in favor of the appeal.
- Steve Zehner, Robinson Engineering, 500 Commercial Ct, spoke in favor of the appeal.
- Andrew Szafran, 266 Circle Parkway, spoke in favor of the appeal.
- Jeff Liljeberg, 230 Circle Parkway, spoke in favor of the appeal.
- Attorney Lenny Asaro, Faegre Drinker Biddle & Reath LLP, represented Chris and Melanie Coulter. Attorney Asaro stated the case of the Coulters and spoke in opposition to the appeal.
- Chris Coulter, 226 Circle Parkway, spoke in opposition to the appeal.
- Ryan Hibl, Stebnitz Builders, spoke in opposition to the appeal.
- Jeff Auberger, 204 Commerce # 3 Elkhorn, WI, spoke in opposition to the appeal.

B. Motion to Close Public Hearing

The Motion to close the public hearing was initiated by Commissioner Costello and seconded by Commissioner Fieweger at 09:09 pm. Unanimously Carried.

C. Consideration and possible action on recommendation of Appeal

The motion to deny the 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 was initiated by Commissioner Costello and seconded by Trustee Umans. Unanimously carried.

Votes:

Yes: Trustee Umans, Commissioner Costello

No: Commissioner Fieweger

Abstain: None

Result: Passes

VI. Adjournment

The motion to adjourn was initiated by Trustee Umans and seconded by Commissioner Costello at 09:20pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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

**FINDINGS OF FACT AND
ORDER DENYING THE APPEAL OF
WILLIAM AND LISA BROGAN**

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 above matter having come on for a hearing before the Zoning Board of Appeals of the Village of Williams Bay on November 21, 2023, the Appellants appearing in person and by their attorneys, Gardiner, Koch, Weisberg & Wrona, by their attorney, Philip Steigerwald, and the Owners of the site, Christopher and Melanie Coulter, appearing in person and by their attorney, Lenny Asaro, and Zoning Administrator Bonnie Schaeffer appearing in person and by her attorneys, Consigny Law Firm, S.C., by Attorney Mark Schroeder, and the Zoning Board of Appeals having reviewed all of the submissions, heard the presentations of the parties and their attorneys, and being fully advised in the premises, the Zoning Board of Appeals hereby makes the following findings:

1. The Zoning Board of Appeals finds that on November 14, 2022, the Coulters' General Contractor, Stebnitz Builders, Inc., filed a Zoning Permit Application with the Village of Williams Bay. A Zoning Permit was issued by the Zoning Administrator on November 14, 2022.
2. On March 13, 2023, the Zoning Administrator issued an updated Zoning Permit subject to a revised Site Plan dated March 7, 2023.
3. The appeal, pursuant to Section 390-1217-C provides as follows:

"Time limits for filing an appeal. Any appeal of an interpretation under the provision of this section shall be made per the requirements of Section 390-1216 within 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure

to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.”

4. The Appellants did not appeal the November 14, 2022 determination by the Zoning Administrator within 45 days.
5. The Appellants did not appeal the decision of the Zoning Administrator on March 13, 2023, within 45 days.
6. On August 25, 2023, the Zoning Administrator notified the Coulters of the Zoning Administrator’s conditional approval of the “Option E Plan.” The Zoning Administrator stated that the Option E Plan is in conformance with the Village Zoning Regulations.
7. On August 31, 2023, the Appellants were notified of the Zoning Administrator’s approval of the “Option E Plan.”
8. The Brogans filed their appeal on October 13, 2023. The deadline for filing the appeal was October 9, 2023.
9. The Brogans failed to file their appeal on or before the October 9, 2023, deadline.
10. The Brogans’ failure to initiate their appeal on or before the October 9, 2023, deadline constitutes a final and binding waiver of their right to appeal.

NOW THEREFORE, based upon the foregoing findings, the Zoning Board of Appeals of the Village of Williams Bay hereby decides as follows:

1. The appeal of the Brogans is hereby dismissed as the Zoning Board of Appeals lacks jurisdiction to decide the appeal of the Brogans due to the fact that it was filed outside of the 45-day appeal period set forth in Section 390-1217-C.

ZONING BOARD OF APPEALS:

Dated: _____

Robert Umans

Dated: _____

Dennis Costello

Dated: _____

Mike Fieweger