



VILLAGE OF WILLIAMS BAY

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

Phone: 262-245-2700

NOTICE

EXTRATERRITORIAL ZONING BOARD OF APPEALS (ETZ ZBA) MEETING

TUESDAY, JULY 16, 2024 AT 5:30 PM

Williams Bay Village Hall Council Room

250 Williams Street

Williams Bay, WI 53191

A quorum of Village Board may be present

AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Review Minutes**
 - A. ETZ Zoning Board of Appeals Meeting Minutes of October 17, 2023
- V. **Variance Application**
 - A. Motion to Open Public Hearing - All interested in this matter are invited to attend.
APPLICANT(S): Marc & Elizabeth Niederkorn (Owners)
TAX KEY NUMBER: ICI 00243A
STREET ADDRESS: N2443 Cisco Rd, Town of Linn
The applicant is requesting a variance per section 390.1703(4)(c) to construct a new single-family residence having side yard setbacks of 4.6 feet on each side (15 feet required on each side).
 - B. Motion to Close Public Hearing
 - C. Consideration and possible action on recommendation of Variance
- VI. **Adjournment**

Don Parker
Chairman

Posted 07/09/2024



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Phone: 262-245-2700

MINUTES EXTRATERRITORIAL ZONING BOARD OF APPEALS MEETING TUESDAY, OCTOBER 17, 2023 AT 5:30 PM WILLIAMS BAY VILLAGE HALL COUNCIL ROOM 250 WILLIAMS STREET WILLIAM BAY, WI 53191

ZOOM MEETING LINK:

[HTTPS://US06WEB.ZOOM.US/J/81231525672?PWD=0LAOPWYHCIDAZNUGDBGY407A](https://us06web.zoom.us/j/81231525672?pwd=0LAOPWYHCIDAZNUGDBGY407A)

ZOOM MEETING ID: 812 3152 5672

ZOOM MEETING PASSCODE: 524589

I. Call to Order

Chairman Don Parker called the meeting to order at 05:30pm.

II. Roll Call

Present: Village of Williams Bay Board Members Don Parker, Vernon Choyce, and Dennis Costello, Town of Linn Board Members Bob Winter, and Boyd Whiting

Also Present: Zoning Administrator Bonnie Schaeffer, Clerk Tina Kolls

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all.

IV. Variance Application

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

APPLICANT(S): Robert and Sarah Elliott (Owners)

TAX KEY NUMBER: IRP 00017

STREET ADDRESS: W4417 Laurel Street, Town of Linn

The applicant is requesting a variance per sections 390.0315.l(6)(c) and 390.0315.l(7) to construct an accessory structure having a footprint of 1,540 square feet (maximum of 1,000 square feet allowed) and a height of 20 feet (maximum of 15 feet allowed).

Village of Williams Bay Board Member Don Parker opened the public hearing at 05:32 pm.

Robert and Sarah Elliott, W4417 Laurel Street, Town of Linn, explained that

B. Motion to Close Public Hearing

Village of Williams Bay Board Member Don Parker closed the public hearing at 06:11 pm.

C. Consideration and possible action on recommendation of Variance

The motion to deny the variance per sections 390.0315.l(6)(c) and 390.0315.l(7) to construct an accessory structure having a footprint of 1,540 square feet (maximum of 1,000 square feet allowed) and a height of 20 feet

(maximum of 15 feet allowed) was initiated by Village of Williams Bay Board Member Vernon Choyce and seconded by Village of Williams Bay Board Member Dennis Costello. Town of Linn Board Member Bob Winter Nay. Motion carries.

V. Adjournment

The motion to adjourn was initiated by None and seconded by Village of Williams Bay Board Member Dennis Costello at 06:16pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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

OFFICIAL PUBLICATION
FOR THE
VILLAGE OF WILLIAMS BAY
Walworth County, Wisconsin

NOTICE OF PUBLIC HEARING
FOR A
VARIANCE
BEFORE THE
EXTRATERRITORIAL ZONING BOARD OF APPEALS
OF THE TOWN OF LINN AND VILLAGE OF WILLIAMS BAY

July 16, 2024 at 5:30 PM
Village Hall Council Room
250 Williams Street

APPLICANTS: Marc and Elizabeth Niederkorn

TAX KEY: ICI 00243A

STREET ADDRESS: N2443 Cisco Rd, Town of Linn

The applicant is requesting a variance per section 390.1703(4)(c)[2] to construct a new single-family residence having side yard setbacks of 4.6 feet on each side (15 feet required on each side).

All interested in the above matter are invited to attend. Copies of the application are on file at the Village Hall and are available for public inspection during regular office hours on Monday, Tuesday, Wednesday, Friday from 8:30 am – 5:00 pm and Thursday 8:30 am – 12:00 pm.

Tina Kolls
Village Clerk
Published June 27, 2024 and July 3, 2024

Please do not print contents below the line!



APPLICATION OF A VARIANCE

(Requirements per Zoning Ordinance Section 18.1215)

Applicant name: Marc + Elizabeth Niederkorn

Applicant address: 456 Wentworth Cir, Cary, IL 60013

Applicant phone number: 847-668-4462

Address of subject site: N2443 Cisco Rd. Lake Geneva, WI 53147

Current zoning of subject site: R-1

Current land use of subject site: single family home

Written description of the proposed variance: _____

Sideyard setback of 4.3' on each side

Written justification for the proposed variance (or attach as a separate sheet): _____

Existing residence has sideyard setbacks totaling 7.9'
proposed residence increases total sideyard setback to 8.6'
this lot is 40' in width. without a variance a reasonable
home cannot be built

Requirements

- ☐ Map of the subject property showing its general location in relation to the Village as a whole.
- ☐ Map of the subject property at a scale of not less than 1" equals 800 feet showing:
 - Current zoning of the subject property and lands within 200 feet of the subject property and the jurisdiction(s) that maintains that control.
 - All lot dimensions of the subject property.
 - Graphic scale and a north arrow.
- ☐ Names and addresses of the owners of all lands within 200 feet of subject property as they appear on the current tax records of the Village of Williams Bay.
- ☐ Site Plan of the subject property as proposed for development (see Site Plan application requirements).

Dated this ____ day of _____, 20____

Respectfully submitted,

(Signature of Applicant)

Record of Administrative Procedures for Village Use

- | | |
|---|-----------------------|
| ☐ Application form filed with Village Clerk | Date: _____ By: _____ |
| ☐ Application fee of \$_____ received by Village Clerk | Date: _____ By: _____ |
| ☐ Reimbursement of professional consultant costs agreement executed | Date: _____ By: _____ |
| ☐ Certification that application is complete by Zoning Administrator | Date: _____ By: _____ |
| ☐ Evaluation report prepared by Zoning Administrator | Date: _____ By: _____ |
| ☐ Notified Neighboring Property Owners (within 200 feet) | Date: _____ By: _____ |
| ☐ Notified Neighboring Township Clerks (within 1,000 feet) | Date: _____ By: _____ |
| ☐ Class 2 legal notice sent to official newspaper by Village Clerk | Date: _____ By: _____ |
| ☐ Class 2 legal notice published on _____ and _____ | Date: _____ By: _____ |
| ☐ Zoning Board of Appeals public hearing
<i>(Within 30 days of certification application as complete by Zoning Administrator)</i> | Date: _____ By: _____ |
| ☐ Review/action by Zoning Board of Appeals
<i>(Within 30 days of public hearing)</i> | Date: _____ By: _____ |

Marc & Elizabeth Niederkorn
N2443 Cisco Road Lake Geneva, WI 53147

Residential Variance Justification

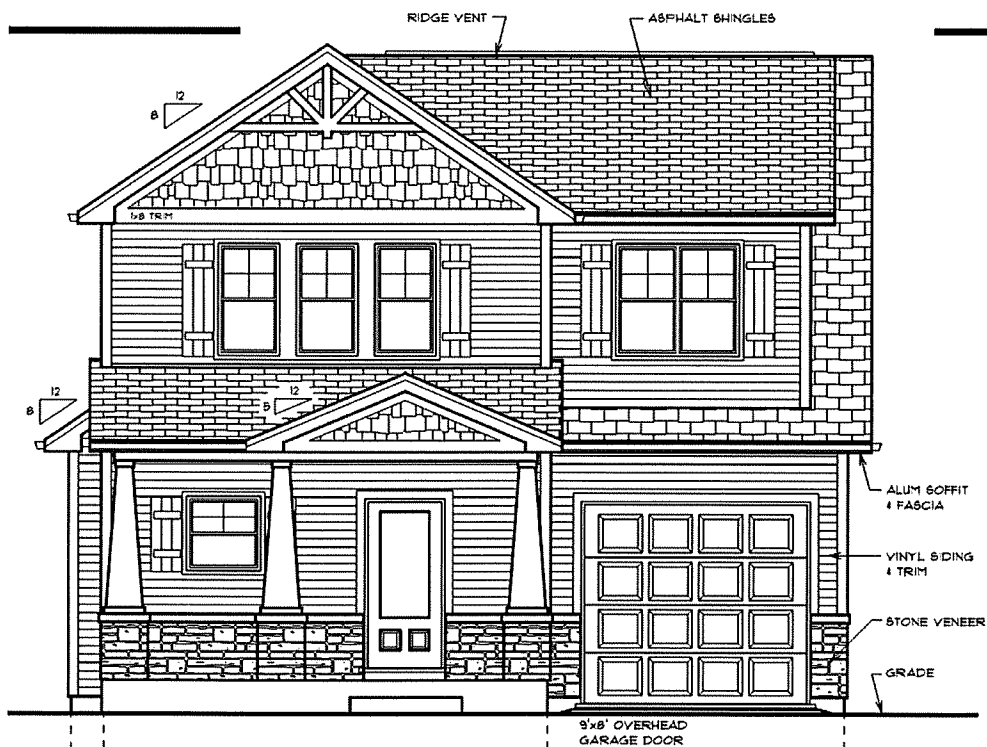
The setbacks for new construction are 25 feet from the front and rear and 15 feet from the side lot lines. The ETZ ordinance does not have any setback reductions for substandard lots.

My lot is only 40 feet wide, so according to the ordinance, a new residence on my lot could only be 10 feet wide without a variance. Under this ordinance, a reasonable home cannot be built.

My existing residence has side yard setbacks totaling 7.9 feet. The proposed new home increases the total setbacks to 8.6 feet. The house will be a two-story building with a basement.

I have owned this residence for 18 years, and I have personally spent a great deal of time and money updating it. I believe that I have made it very cute and comfortable. My family has found tremendous joy in spending time there, and my three daughters will have endless memories from spending their summers there. However, the house continues to deteriorate, and new issues arise every year. There are some fundamental problems due to the home's age and 60 years of additions and repairs.

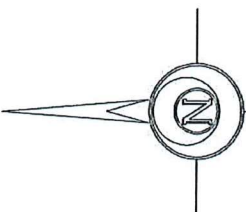
I am at a point where I am thinking about retirement, and I would like to build a home for my wife and I to move into within the next decade when our youngest graduates high school. We love the area, as well as Wisconsin taxes. I am not looking to build a mansion, but something bigger than the current house... with some amenities like a fireplace and a one-car garage. I believe this is a great solution for the present as well as the future. Thank you for your consideration.



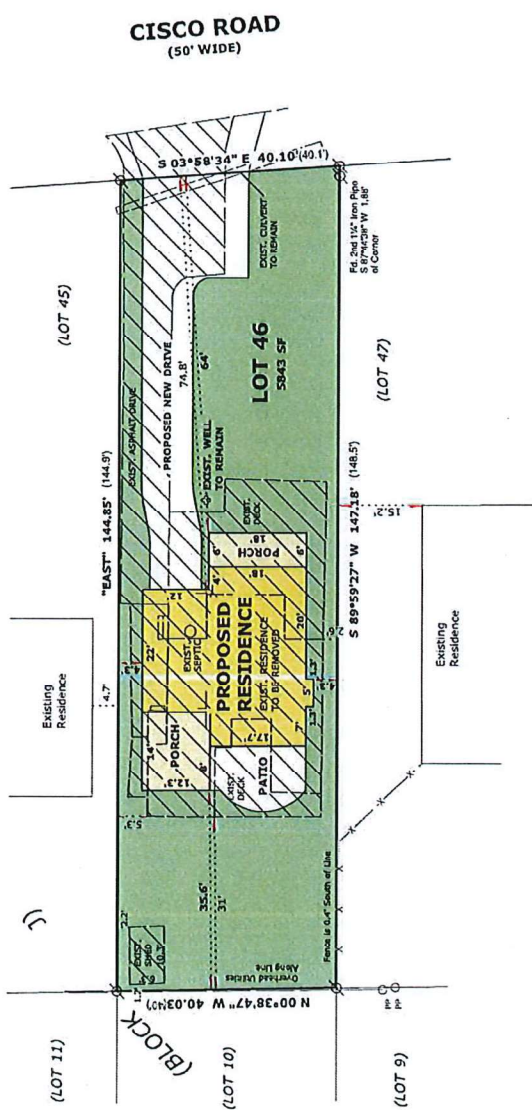
LAND-MARK SURVEYING
 Mark L. Miritz
 Wisconsin Professional Land Surveyor S-2582
 N9320 Knutson Drive
 Milwaukee, WI 53210
 Phone: (262) 949-1239
 MARKMIRITZ@LAND-MARKSURVEYING.COM

PLAT OF SURVEY & PLOT PLAN

LEGAL DESCRIPTION
 LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 5,
 TOWNSHIP 1 NORTH, RANGE 17 EAST, IN THE TOWN OF LINN, WALWORTH
 COUNTY, WISCONSIN
 LOT 46, BLOCK 3, CISCO BEACH SUBDIVISION



BASES OF BEARINGS:
 The North line of Lot 46
 being 150.01'



LEGEND

- FOUND IRON PIPE
- INDICATES STRUCTURE(S) AND APPURTANES THERE TO BE DEMOLISHED OR REMOVED (EXISTING STRUCTURE OF EXISTING SEPTIC SYSTEM)
- (x x) RECORDED AS DIMENSION
- EXISTING FENCE

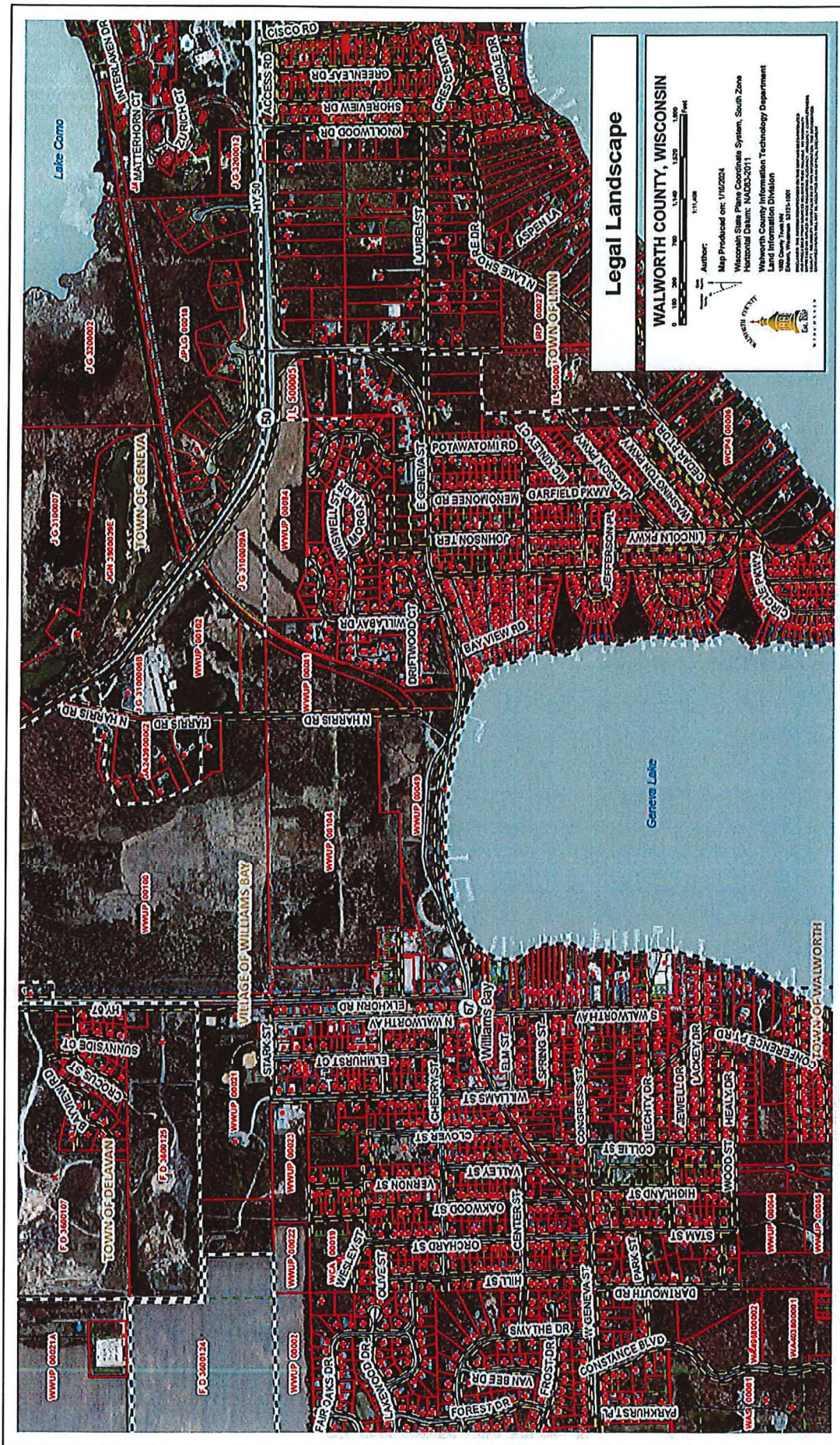
SCALE: 1 INCH = 20 FEET

"I hereby certify that the above described property has been surveyed by me or under my direction and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, easements, roadways and visible encroachments, if any, principal buildings thereon, boundary lines, and other features as shown on the map. This survey is made for the use of the present owners of the property and I warrant that the same is correct and I guarantee the title thereto within one year from date hereof."

ORDERED BY:
 Basso Builders Inc.
 405 Skyline Dr.
 Lake Geneva, WI 53147

MARK L. MIRITZ
 WISCONSIN PROFESSIONAL
 LAND SURVEYOR S-2582

DATE: January 9, 2024 JOB NO. 24.101





TOWN OF LINN

Date: May 14, 2024

NAME OF APPLICANT: Marc & Elizabeth Niederkorn

TOWN: Town of Linn

TAX PARCEL NUMBER: ICI 00243A

Variance: Marc & Elizabeth Niederkorn (applicants) of N2443 Cisco Rd, Lake Geneva, WI 53147 (Parcel No. ICI 00243A) are requesting a Residential Variance to build a new home for a side yard setback. Required side yard setbacks are 15 ft. Mr. and Ms. Niederkorn are requesting a 4.3-foot setback on each side.

TOWN OF LINN BOARD DECISION: Motion Passed 5-0

J. Weiss/ A.Palmer motioned to approve the CSM as presented.

Zimmerman-Yes, Livingston-Yes, Leith-Yes, Palmer-Yes, Weiss-Yes

Chairman Weiss read aloud the variance request from the agenda. Chairman Weiss informed the board members that the lot is smaller than a standard lot and currently has an existing home on it. The applicant was asking for a variance that is smaller than what is currently there. The Plan Commission was in favor of the variance request. There was no questions or further comments from any other board members.

Thank You,

Alyson Morris

Alyson Morris

Town of Linn Clerk



VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report Extraterritorial Zoning Board of Appeals Meeting July 16, 2024

July 9, 2024

APPLICANT(S): Marc and Elizabeth Niederkorn (Owners)

TAX KEY: ICI 00243A

STREET ADDRESS: N2443 Cisco Drive, Town of Linn

The applicant is requesting a variance per section 390.1703(4)(c)[2] to construct a new single-family residence having side yard setbacks of 4.6 feet on each side (15 feet required on each side).

Per Section 390-1215.D(2)(a through f), *Variance*, I have reviewed the request and provide the following comments for your consideration:

- The Town of Linn has recommended approval of the request.
- The proposed single-family residence is replacing an existing structure that is located 2.6' from the south side lot line and 5.3' from the north side lot line.
- The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per the following:
- (a) What exceptional or extraordinary circumstances or special factors are present that apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district, specifically the following:
 - [1] The hardship or difficulty is not peculiar to the subject property and different from that of other properties and affects all properties similarly.
 - [2] Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - [3] Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships. This is not applicable to the request.
 - [4] Violations by, or variances granted to, neighboring properties shall not justify a variance. This is not applicable to the request.
 - [5] The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.) This is not applicable to the request.
- (b) In what manner do the factors identified in Subsection D(2)(a) above prohibit the

development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property. All R-1, ETZ zoned properties are subject to the same regulations. However, the lot width of 40' presents a hardship.

- (c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties. The variance request does not appear to have any negative impact on adjacent properties.
- (d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(3) above] result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters. The variance request does not appear to have any impact on the character of the neighborhood, etc.
- (e) Have the factors that present the reason for the proposed variance been created by an act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this chapter? The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner, or their agent. The lot was platted and the existing home was constructed prior to the enactment of the current zoning ordinance.
- The proposed development does not conflict with the Village Comprehensive Plan.

Respectfully submitted,

Bonnie M. Schaeffer
Zoning Administrator