



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 19, 2024 AT 6:30 PM

**Village Hall Council Room
250 Williams Street
Williams Bay, WI 53191**

There may be a quorum of Village Trustees present, no board business will be conducted.

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 October 15, 2024
- V. **Variance Application**
 - A. Motion to Open Public Hearing - All interested in this matter are invited to attend
APPLICANT(S): Joseph & Meggen Burkard (Owners)
TAX KEY NUMBER: WCP 00120
STREET ADDRESS: 59 Lincoln Pkwy, Williams Bay, WI 53191
Applicant requests a variance to zoning code section 390-0213 SF-CPP Cedar Point Park Residential District to rebuild and add on to a deck to be located 2.0 feet from the side lot line (10' setback required).
 - B. Motion to Close Public Hearing
 - C. Consideration and Possible Action on Recommendation of Variance
- 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: 11/13/2024 5:00 PM



VILLAGE OF WILLIAMS BAY

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UNOFFICIAL MINUTES ZONING BOARD OF APPEALS MEETING 10/15/2024 MEETING TUESDAY, OCTOBER 15, 2024 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, Mike Fieweger, and Connie Gluth

Also Present: Zoning Administrator Bonnie Schaeffer, Clerk Tina Kolls

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

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.

III. Pledge of Allegiance

Pledge of Allegiance was recited by all.

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of July 16, 2024

The motion to approve the Zoning Board of Appeals Meeting Minutes of July 16, 2024 was initiated by Commissioner Fieweger and seconded by Commissioner Costello. Unanimously carried.

V. Variance Application

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

APPLICANT(S): William & Pamela Mitchell (Owners), Ron Amann, RJ Amman Builders (Agent)

TAX KEY NUMBER: WCP1 00026

STREET ADDRESS: 86 Birch Walnut Dr, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0213 SF-CPP Cedar Point Park Residential District to add a second story to the existing house located 5.3 feet from the side lot line (10' setback required).

The motion to Open Public Hearing was initiated by Trustee Umans and seconded by Commissioner Gluth at 06:35 PM. Unanimously carried.

William Mitchell, 86 Birch Walnut, explained that the house is 75 years old and that the setback was 5' back when it was built.

There was no one who spoke in favor.

There was no one who spoke in opposition.

Zoning Administrator Schaeffer stated that she felt it would be a hardship to change the walls to accommodate the upper level. Zoning Administrator Schaeffer stated there was no impact on the neighbors.

B. Motion to Close Public Hearing

The motion to Close Public Hearing was initiated by Trustee Umans and seconded by Commissioner Costello at 06:47 PM. Unanimously carried.

C. Consideration and Possible Action on Recommendation of Variance

The motion to approve the variance to zoning code section 390-0213 SF-CPP *Cedar Point Park Residential District* to add a second story to the existing house located 5.3 feet from the side lot line (10' setback required) was initiated by Commissioner Fieweger and seconded by Commissioner Gluth. Unanimously carried.

VI. Adjournment

The motion to adjourn was initiated by Trustee Umans and seconded by Commissioner Fieweger at 06:50pm. 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 APPLICATION
BEFORE THE
ZONING BOARD OF APPEALS
November 19, 2024 at 6:30 PM
Village Hall Council Room
250 Williams Street

APPLICANT(S): Joseph & Meggen Burkard (Owners)

TAX KEY NUMBER: WCP 00120

STREET ADDRESS: 59 Lincoln Pkwy., Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0213 SF-CPP *Cedar Point Park Residential District* to rebuild and add on to a deck to be located 2.0 feet from the side lot line (10' setback required).

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 October 31, 2024 and November 7, 2024

Please do not print contents below the line!



VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report

Zoning Board of Appeals Meeting

November 19, 2024

November 12, 2024

APPLICANT(S): Joseph & Meggen Burkard (Owners)

TAX KEY NUMBER: WCP 00120

STREET ADDRESS: 59 Lincoln Pkwy, Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0213 SF-CPP *Cedar Point Park Residential District* to rebuild and add on to a deck to be located 2.0 feet from the side lot line (10' setback required).

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

- CPPA recommendation for approval is attached.
- The home was constructed prior to passing of the current zoning regulations, and was constructed in a manner that makes it nearly impossible to maneuver a vehicle into the side load garage.
- The deck expansion is needed to move the support posts closer to the lot line and further from the garage door. The patio doors act as a second exit from the upper floor of the house.
- The proposed development does not appear to have any substantial impact on adjacent properties.
- The development will have no substantial impact on the neighborhood's character as it is consistent with location and size of development on adjoining lots.
- The proposed development does not conflict with the Village Comprehensive Plan.

Respectfully submitted,

Bonnie M. Schaeffer
Zoning Administrator



APPLICATION OF A VARIANCE

(Requirements per Zoning Ordinance Section 18.1215)

Applicant name: JOSEPH + MEGGLEN BURKARD

Applicant address: 59 LINCOLN PKWY, WILLIAMS BAY, WI 53191

Applicant phone number: 224 819 5236

Address of subject site: 59 LINCOLN PKWY, WILLIAMS BAY

Current zoning of subject site: RESIDENTIAL

Current land use of subject site: SINGLE FAMILY

Written description of the proposed variance: *SEE ATTACHED*

Written justification for the proposed variance (or attach as a separate sheet): *SEE ATTACHED*

Requirements

- Map of the subject property showing its general location in relation to the Village as a whole. *p.13*
- Map of the subject property at a scale of not less than 1" equals 800 feet showing: *PLAT OF SURVEY p.14*
 - 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. *p.12*
- Site Plan of the subject property as proposed for development (see Site Plan application requirements).

Dated this 16 day of OCTOBER, 20 24

Respectfully submitted,
Joseph Burkard Jr.
(Signature of Applicant)

Burkard Application for Variance_59 Lincoln Pkwy

Applicant Name: Joseph & Meggen Burkard
Applicant Address: 59 Lincoln Pkwy, Williams Bay, WI, 53191
Applicant Phone: 224-619-5236
Address of Site: 59 Lincoln Pkwy, Williams Bay, WI, 53191
Current Zoning: Residential
Current Land Use: Residential, Single-Family Home

Background:

We purchased our home in Cedar Point Park Association, Williams Bay, WI, on February 1, 2021. We moved into the home full-time from Illinois on July 1, 2022.

We received with the house original blueprints designed by Edward J. Barr, Architect, Exhibit 1, below. There is a stamp on the blueprints signed by the Cedar Point Park Association Caretaker and Building Commissioner. The blueprints were purchased in 1968 and the house built in 1971.

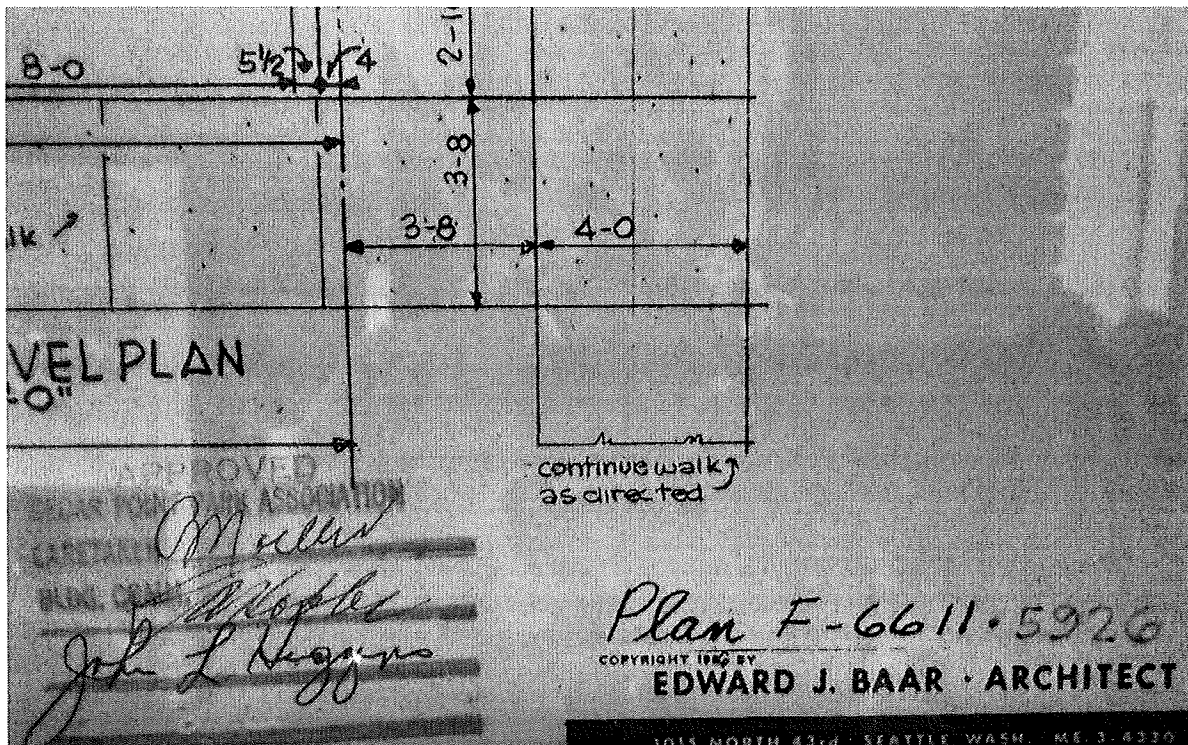


Exhibit 1. Approved Cedar Point Park Association stamp and signatures.

The blueprints depict the finished home. It appears the house was to be built such that you would drive straight into the garage from the road, see Exhibit 2, below.

Burkard Application for Variance_59 Lincoln Pkwy

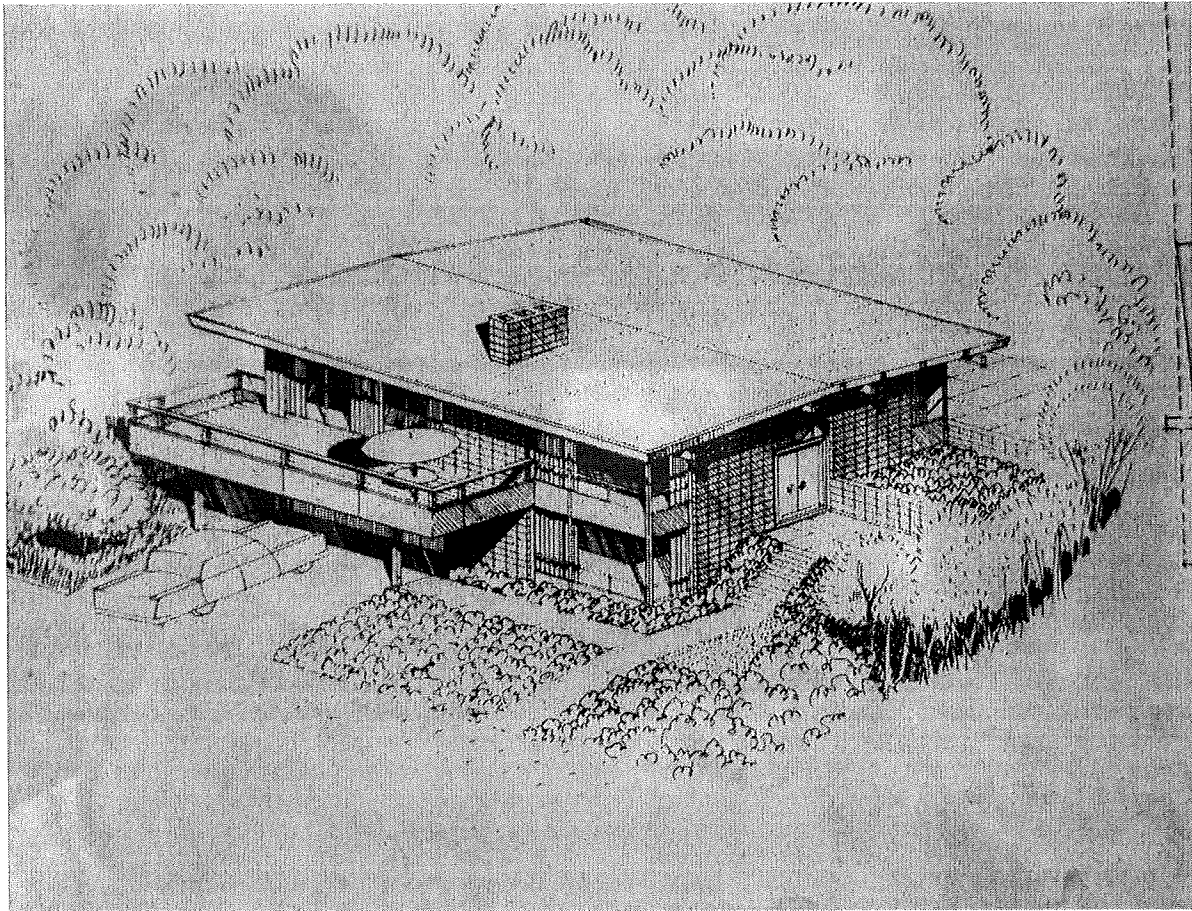


Exhibit 2. Drawing of the finished home taken from the blueprint.

However, when this unusual style brick bi-level was built on Cedar Point Park Association (CPPA) lot #147 in 1971, it had to be turned 90 degrees to fit the lot topography. As shown in the drawing above, the garage and basement are exposed on North side, while the basement is buried below ground on the South side of our lot. With Lincoln Pkwy on the West side of the lot, the driveway entrance required entering the garage from the West at a 90-degree turn.

Entering the garage is made even more difficult by the topography of the driveway, which slopes down (i.e., declines) almost 6' from street level. You will see in the picture below that the driveway is cut into the property and requires a retaining wall near the lot line. The white fence in the picture is essentially on the lot line, so the retaining wall is approximately 2' off the lot line, Exhibit 3-4, below.

As you see as well in the drawing above and pictures below, the deck serves as a necessary exit from the house through the patio doors. This is the only exit other than front door and garage.

Burkard Application for Variance_59 Lincoln Pkwy



Exhibit 3. Picture of the driveway looking West from beneath deck to Lincoln Pkwy.

Burkard Application for Variance_59 Lincoln Pkwy



Exhibit 4. Picture of the driveway looking East from driveway at retaining wall.

Written Description of Proposed Variance:

We are requesting a variance to rebuild our elevated deck, which is located above the driveway and adjacent to the garage, such that we can access our two-car garage below. We cannot currently access the garage with a vehicle because the primary deck support is set into the driveway, between the house and a retaining wall, which precludes access to the garage. This design flaw creates an extraordinary circumstance preventing access to our garage for Wisconsin winters.

Written Justification of Proposed Variance:

The proposed variance is in regard to the deck situated above the driveway. The main support beams for the deck are set a third of the way across the driveway, which restricts access to the garage. There is simply not enough space to make the 90-degree turn into the driveway with the post taking away a third of the driveway width, reference Exhibit 5, below.

Burkard Application for Variance_59 Lincoln Pkwy

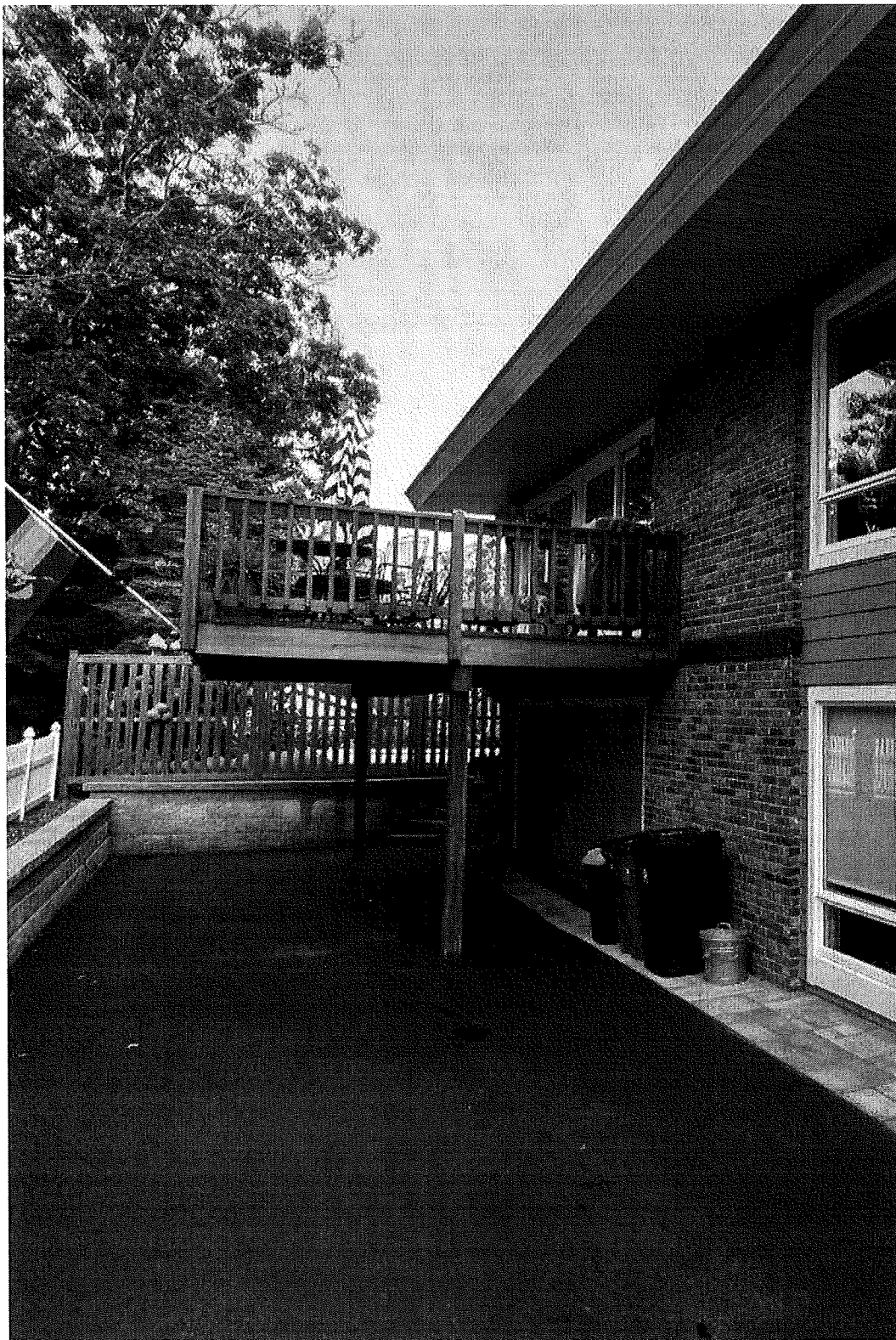


Exhibit 5. Picture of the deck and garage from the driveway 59 Lincoln Pkwy.

Burkard Application for Variance_59 Lincoln Pkwy

We are therefore requesting a variance to move the deck support beam and posts to the outside edge of the driveway, which will free up a third of the driveway width to allow vehicular access to the garage. The variance is required because moving the support posts to the edge of the driveway puts them within a few feet of the property line. The deck would be built atop the support structure, so the new deck structure will be within 20" from the white picket fence.

However as we examine the Plat of Survey, Exhibit 6, we see that the neighbors white picket fence is actually 0.4 feet (4.8") on our lot line, see attached screen shots from our plat of survey, Exhibit 7-8. Therefore the new deck will truly end 24" from the property line.

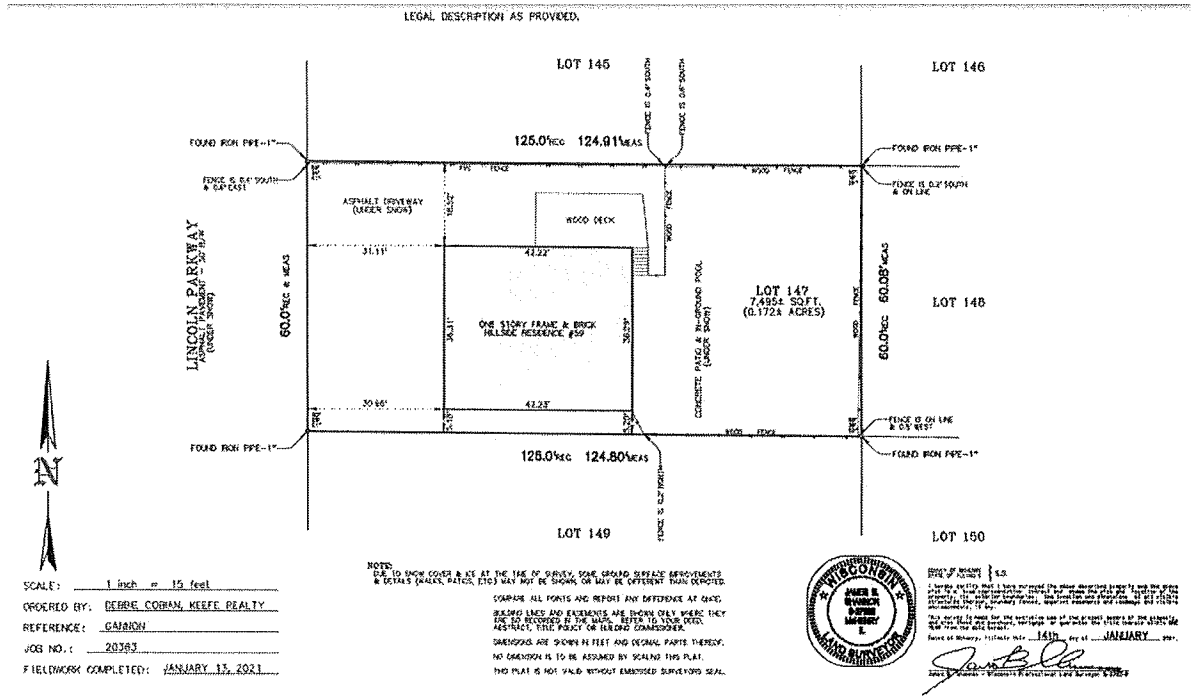


Exhibit 6. Plat of Survey, 59 Lincoln Pkwy, Williams Bay, WI 53191

Burkard Application for Variance_59 Lincoln Pkwy

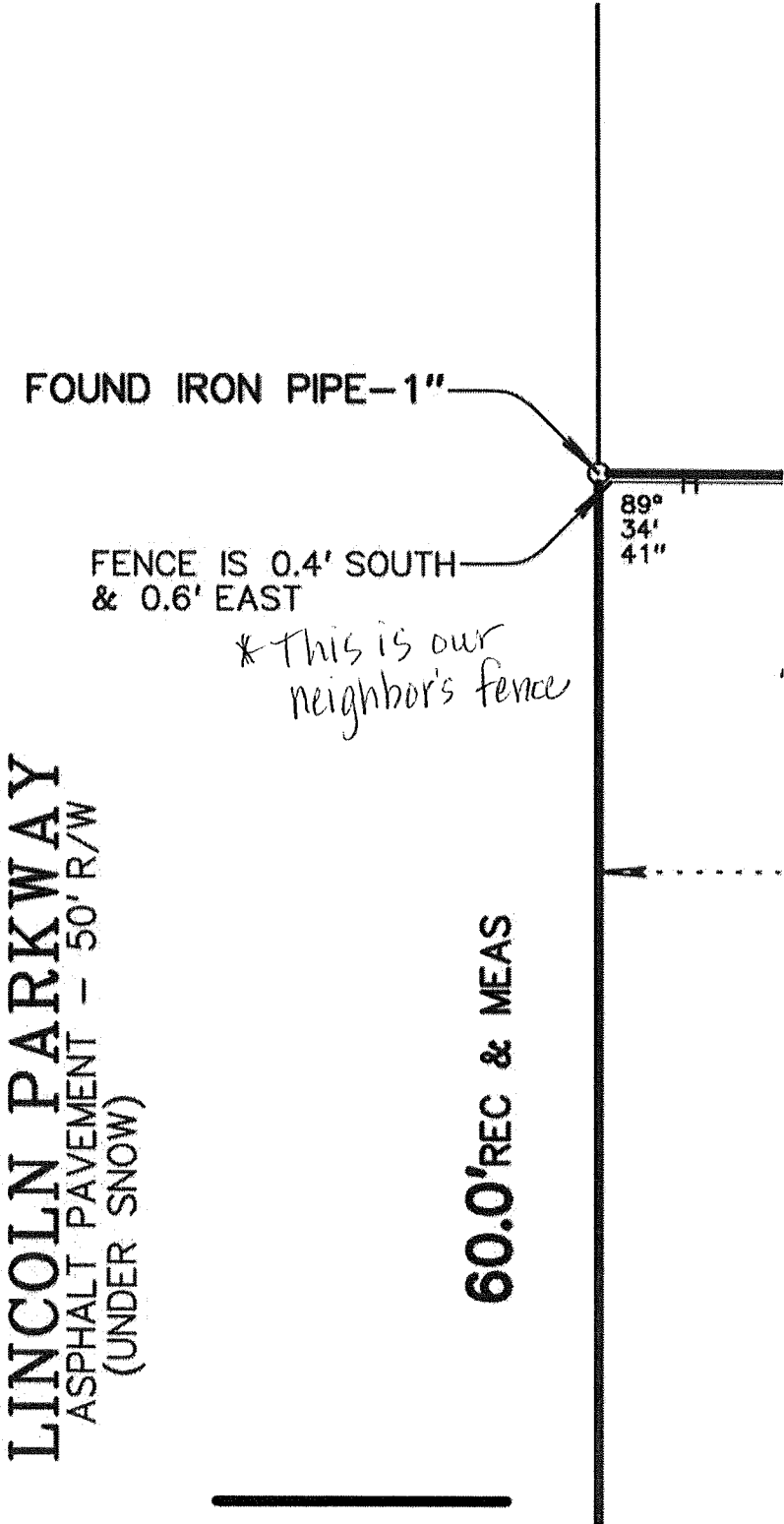


Exhibit 7. Plat of Survey "close up" - front of lot at 59 Lincoln Pkwy.

Burkard Application for Variance_59 Lincoln Pkwy

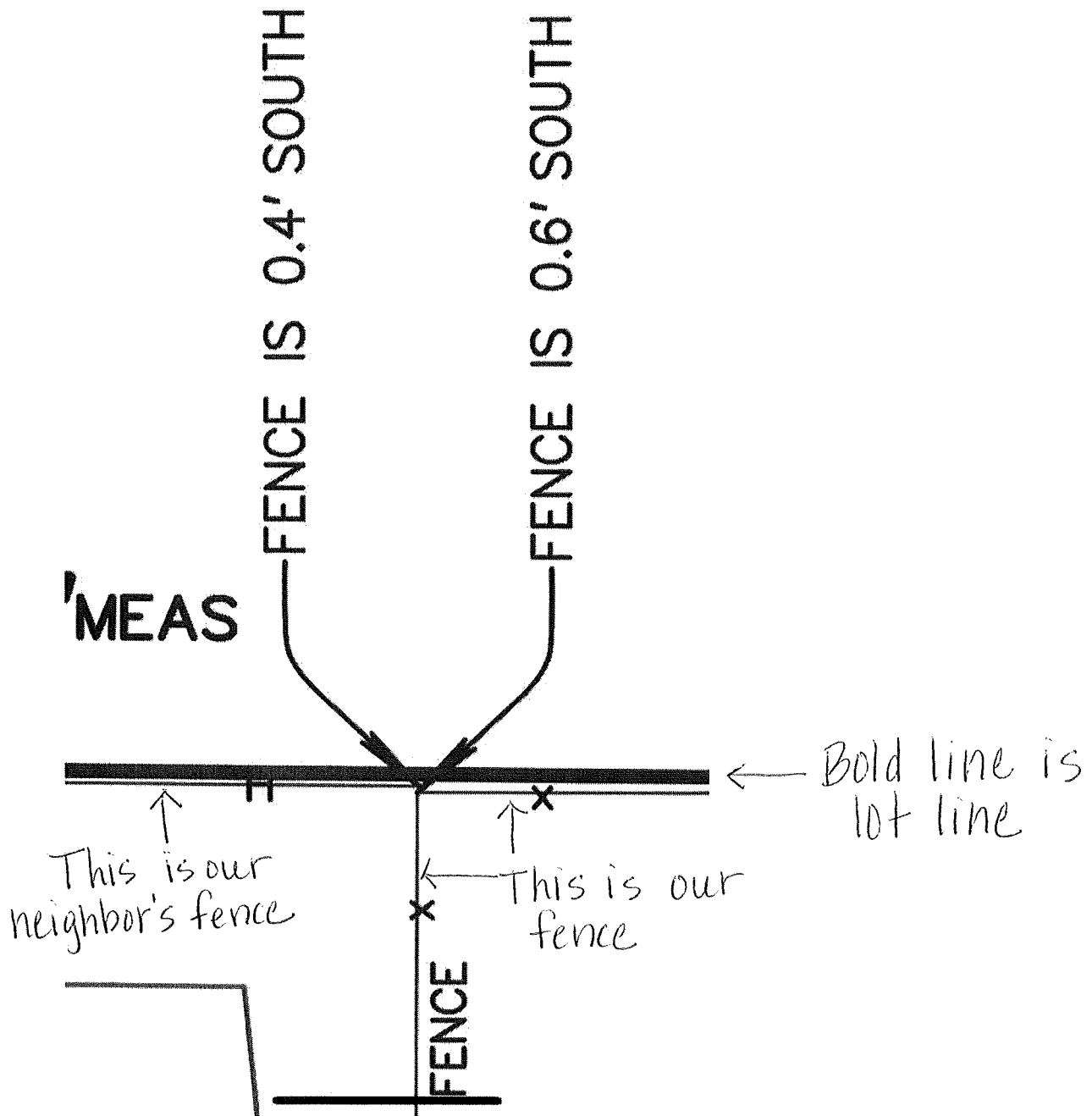


Exhibit 8. Plat of Survey "close up" – back of lot at 59 Lincoln Pkwy.

Burkard Application for Variance_59 Lincoln Pkwy

A rendering of the new deck in proximity to the retaining wall is below, Exhibit 9.

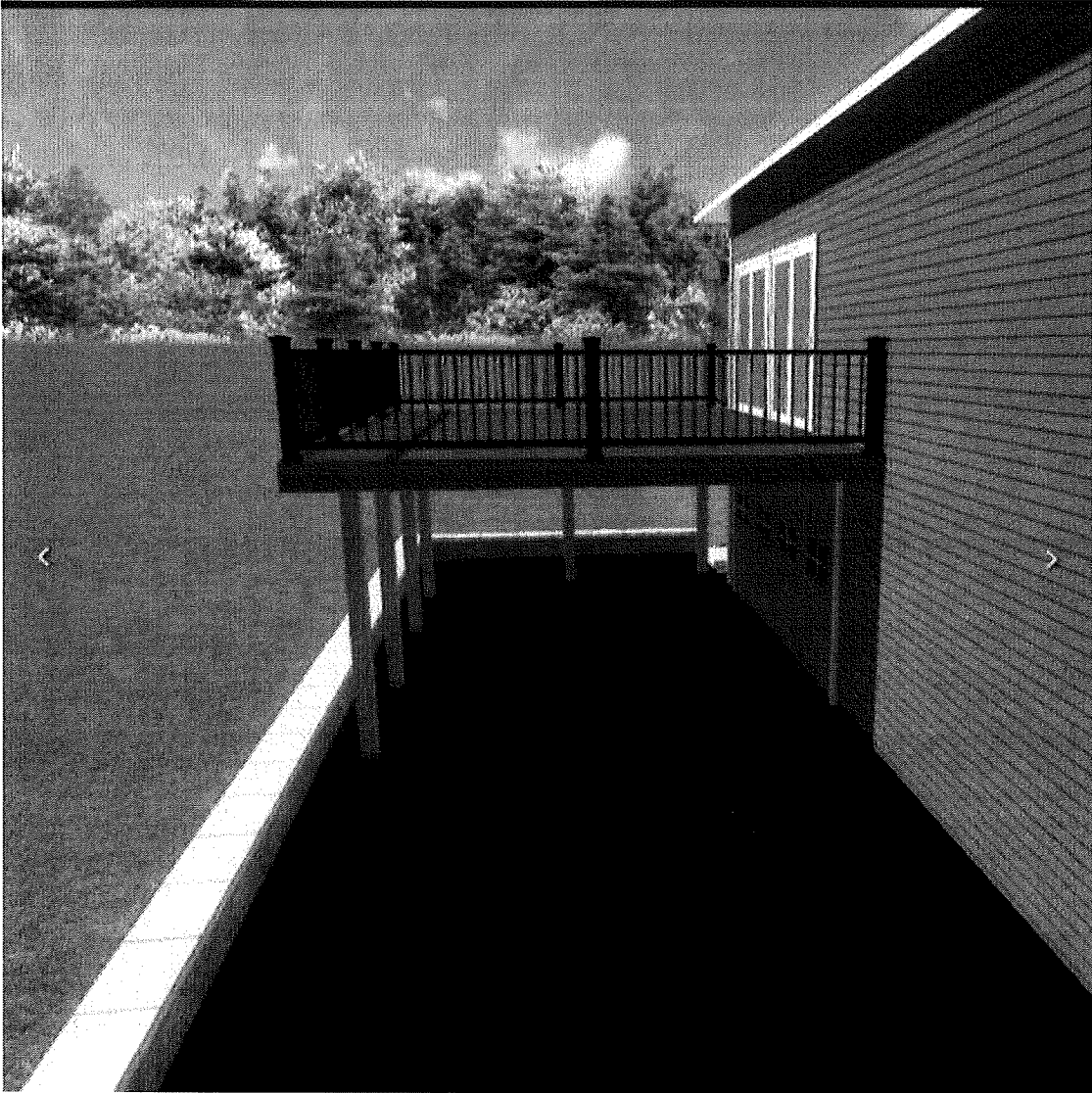


Exhibit 9. Rendering of new deck proposed for 59 Lincoln Pkwy.

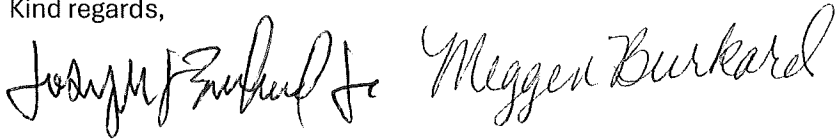
Burkard Application for Variance_59 Lincoln Pkwy

In addition to the proximity of the deck and support posts to the property line, we are also concerned about the structural design of the current deck. It was built with a cantilevered design that extends approximately 6' over the primary support posts. This is an issue because the section of the deck that extends beyond the support posts is rather springy, potentially unsafe, and not within current building code requirements, reference Exhibit 5, above.

We therefore request approval of our variance for the rebuild of our deck to make it safe and the garage beneath accessible. The net impact of the change will increase the deck size by 3' in depth, bringing it within 3' of the property line. Whereas the deck is currently 24'W x 12'D, the new deck will be 24'W x 15'D. We have already discussed this with Chris Hume, Building Committee at Cedar Point Park Association, and our adjacent neighbor, Keith Pulzup Sr., and they support our proposal.

Please feel free to visit our project site at 59 Lincoln Pkwy in Cedar Point. We think it will be apparent when you see the current deck – cantilevered almost 6' over the support, with support post anchored a third of the way across from house – that a new design is appropriate. Thank you.

Kind regards,

Handwritten signatures of Joseph and Meggen Burkard in black ink.

Joseph & Meggen Burkard

59 Lincoln Pkwy

Homeowners since 02/01/2021

Burkard Application for Variance_59 Lincoln Pkwy

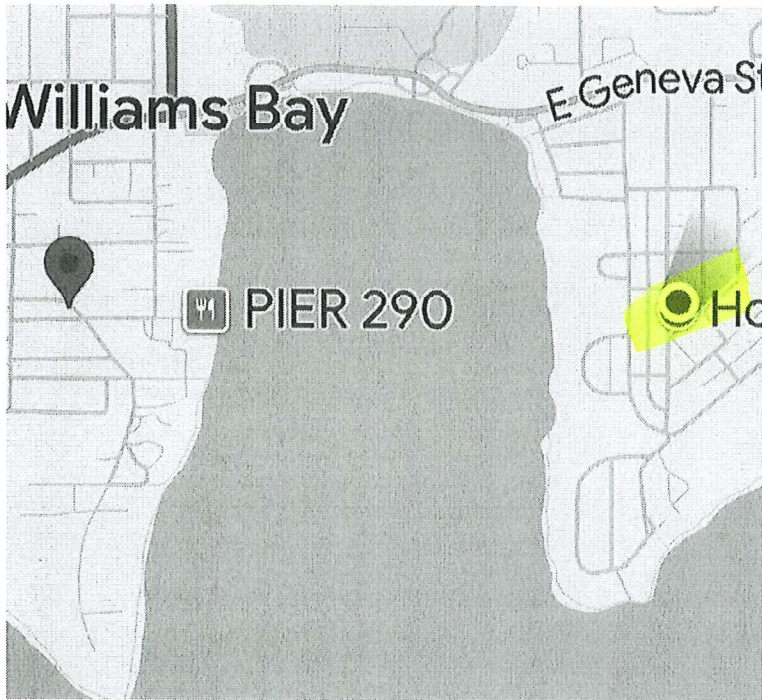
Neighbors within 200' of 59 Lincoln Pkwy:

- 45 Lincoln Pkwy – Jerry & Cathy Slovick
- 49 Lincoln Pkwy – Keith Pulzup Sr
- 50 Garfield Pkwy – Jill Carey
- 50 Lincoln Pkwy – Kathy & John DeCarlo
- 54 Lincoln Pkwy – Harry & Lori Sohen
- 55 Lincoln Pkwy – Matt & Kristy Faytle
- 58 Lincoln Pkwy – Edie O'Brien
- 60 Garfield Pkwy – Pat O'Brien
- 63 Lincoln Pkwy – Marie Cowhey / Cathy Cowhey
- 640 Jackson Pkwy – Kristin Stone



Burkard Application for Variance_59 Lincoln Pkwy

Map of 59 Lincoln Pkwy
relative Williams Bay, WI



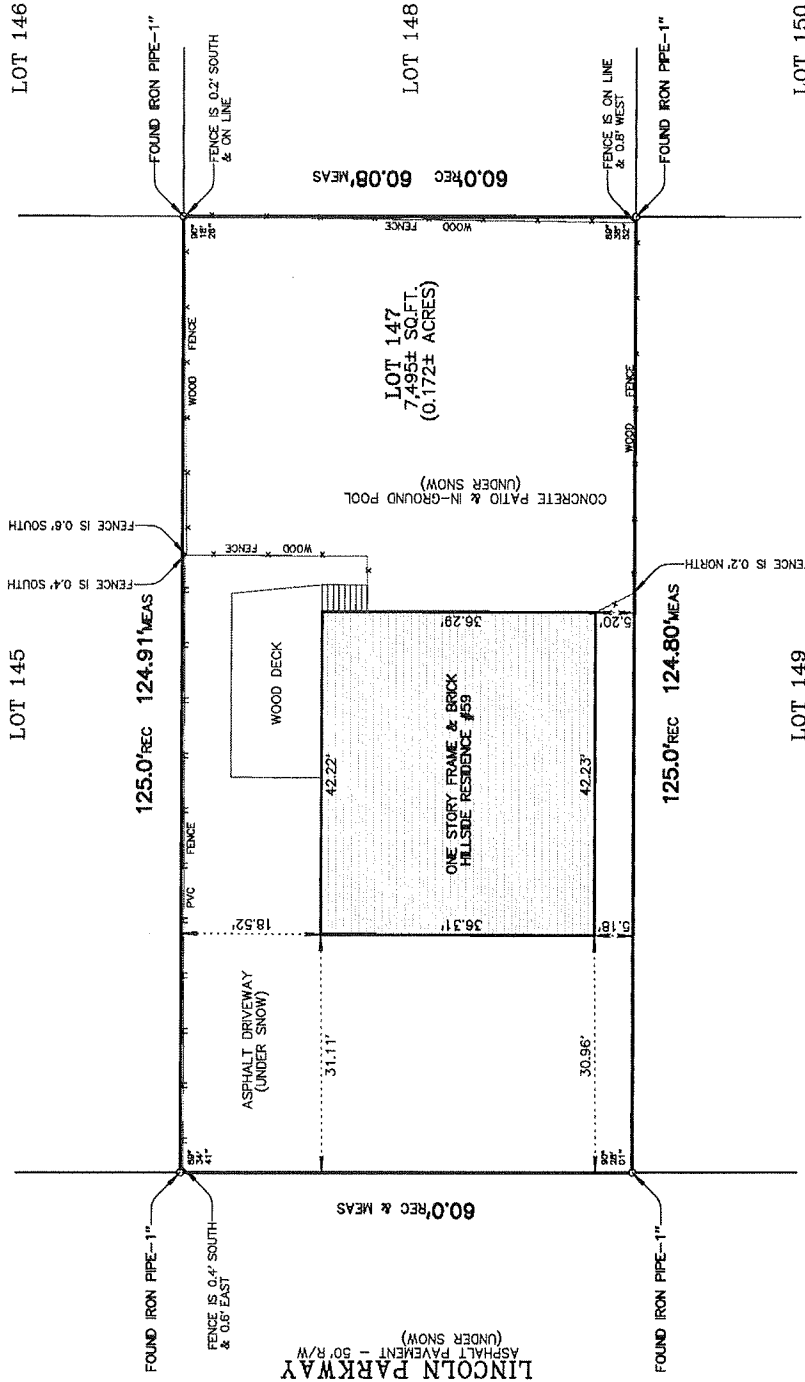
COMPASS ALTERNATIVES
 4706 GREGORY STREET
 WHEELING, ILLINOIS 60090
 Phone: 847-978-5124
 Both Illinois & Wisconsin

PHONE: 847-978-5124
 jims@compassdtermatives.com

PLAT OF SURVEY

LOT 147, CEDAR POINT PARK, ACCORDING TO THE RECORDED PLAT THEREOF.
 SAID LAND BEING IN THE VILLAGE OF WILLIAMS BAY, WALWORTH COUNTY, WISCONSIN.
 COMMONLY KNOWN AS: 59 LINCOLN PARKWAY, WILLIAMS BAY, WI 53191
 PERMANENT INDEX NUMBER: WCP 00120

LEGAL DESCRIPTION AS PROVIDED.



I hereby certify that I have surveyed the above described property, and the above plat is a true representation thereof and shows the size and location of the structures thereon, boundary lines, adjacent easements and roadways and other encumbrances, if any. The location and use of the present center of the property shall also be shown and performed, mortgage or guarantee the title thereto within one year from the date hereof.
 Dated at Mahesh, Illinois this 14th day of JANUARY, 2021.

James B. Gannon - Wisconsin Professional Land Surveyor 52765

NOTE: DUE TO SNOW COVER & ICE AT THE TIME OF SURVEY, SOME GROUND SURFACE IMPROVEMENTS & DETAILS (WALKS, PATIOS, ETC.) MAY NOT BE SHOWN, OR MAY BE DIFFERENT THAN DEPICTED.
 COMPARE ALL POINTS AND REPORT ANY DIFFERENCE AT ONCE
 BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS. REFER TO YOUR DEED, ABSTRACT, TITLE POLICY OR BUILDING COMMISSIONER.
 DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
 NO DIMENSION IS TO BE ASSUMED BY SCALING THIS PLAT.
 THIS PLAT IS NOT VALID WITHOUT EMBOSSED SURVEYORS SEAL.

SCALE: 1 inch = 15 feet
 ORDERED BY: DEBBIE COBIAN, KEEFFE REALTY
 REFERENCE: GANNON
 JOB NO.: 20363
 FIELDWORK COMPLETED: JANUARY 13, 2021

Bonnie Schaeffer

From: Building CedarPointPark <building@cedarpointpark.org>
Sent: Monday, October 14, 2024 10:20 AM
To: Bonnie Schaeffer
Cc: Joseph BURKARD; Meggen Burkard
Subject: 59 Lincoln Parkway - CPPA Approval

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Bonnie,

We have reviewed the plans for extending the existing deck towards the north property line at 59 Lincoln Parkway and the CPPA building committee recommends approval of these plans given the existing footprint and their current inability to access their garage. We have also spoken with the neighbor to the north who is supportive of the adjustment to the deck.

If you have any questions, please let me know.
Chris Hume

Building Committee
Cedar Point Park Association
building@cedarpointpark.org
50 Humboldt Parkway
PO Box 490
Williams Bay, WI 53191