



VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | williamsbay.org

Phone: 262-245-2700

OFFICIAL MINUTES ZBA 05/17/22 MEETING TUESDAY, MAY 17, 2022 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

I. Call to Order

Chairman Vlach called the meeting to order at 6:30pm.

II. Roll Call

Present: Trustees George Vlach, Robert Umans and Board Members Dennis Costello, Tom Lothian, Matt Robbins
Also Present: Zoning Administrator Schaeffer, Clerk Pankau-Daniels and Alternate Member Mike Fieweger

III. Pledge of Allegiance

IV. Minutes

A. Zoning Board of Appeals Meeting Minutes of April 19, 2022

The motion to Approve the Zoning Board of Appeals Meeting Minutes of April 19, 2022 was initiated by Tom Lothian and seconded by Matt Robbins. Vlach abstained, motion carried.

Chairman Vlach explained that the order of the agenda would be changed due to the popularity of one of the items. Therefore, agenda item VI. Variance Application for Congress Club will be moved to the end of the agenda, and item VII. Variance Application for Mahatma will go before it.

V. Variance Application

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

Chairman Vlach opened the public hearing at 6:34pm.

1. APPLICANT(S): Grant and Sarah Spellmeyer (Owner)

TAX KEY: WCP 00026

STREET ADDRESS: 117 Cedar Point Dr., Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-0213, *SF-CPP Cedar Point Park District*, to allow a side yard setback of 4.35 feet (10 feet required) and an alley setback of 7 feet (10 feet required) to construct a 22' x 22' attached garage in place of the existing 13' x 20' mudroom structure.

Greg Collins (Attorney for Spellmeyers) explained that the Spellmeyers are requesting two variances which would allow them to construct a two-car garage. He explained that the house is on a corner which is visible by both streets (Cedar and Lincoln), meaning in order to comply with the current ordinance and set the garage back two feet from the house, the property owners would need a variance to do so. He stated that if they are not granted a variance, they would not be able to build a garage, which has become somewhat of a necessity in today's world.

Tom Lothian clarified the setback distances for Cedar Point Park. Trustee Umans asked why they need a two-car garage and if they could build a one-car garage. Sarah Spellmeyer (Owner) explained that they have paddleboards, blow-up

floats, etc. that they need storage for.

Zoning Administrator Schaeffer explained that Cedar Point Park Association has approved the project and that residents have the right to have a garage through the Village Ordinances. Schaeffer explained that this garage would not be facing the alley, so there would not be any obstruction to the alley.

Spellmeyer stated that she wanted to add that she does not want her driveway located on the corner of Cedar and Lincoln as it is a blindspot while driving.

Sheri Lindquist (neighboring property) stated that the setbacks have been the same way since she built her house in 1955 and she has no objections to this project.

Bill Petullo (49 Garfield) stated he is representing the Cedar Point Park Association and they are in support of this request.

B. Motion to Close Public Hearing

Chairman Vlach closed the public hearing at 6:52pm.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach stated that the Zoning Board of Appeals deals with many properties in Cedar Point and that he always looks for the hardship. He said he believes this lot does have a hardship and that putting the garage on Cedar is not viable.

Lothian stated that he does not believe the lot is the hardship, but that the Village ordinances have created a hardship by granting every resident a garage and needing to find a place for one. Therefore he is in favor of this request due to the Ordinance.

Costello stated that he does not see a necessary hardship on the property as it can be used without a garage.

Robbins stated that he believes not having a garage is a hardship and he thinks the plans are visually pleasing, the neighbors and Cedar Point Park Association are in favor of it, and it's an appropriate size. Therefore, he is in favor of this request.

Trustee Umans stated that Cedar Point lots are often times oddly shaped and create a challenge for owners to make improvements to their property. He stated that since they are given the right to have a garage, they could put up a one-car garage and he is undecided since he cannot find a necessary hardship. He stated that he could be in favor of it since it is not bringing up any issues for the neighbors and no one is in opposition to it.

Tom Lothian asked Dennis Costello about why he believes there is not a hardship if the ordinance is not a hardship. Costello explained that he was worried when the Village created this ruling of granting residents a garage because everyone would be asking for one. He stated that the ordinance doesn't state what the size should be or gives any guidelines, so a one-car garage would be sufficient for this property.

Trustee Vlach stated that a garage is a right, but it doesn't state what kind of garage. The hardship is when the lots do not allow room for a garage and they would need to build within the zoning setbacks. He stated that he sees the hardship in this request and he is comfortable with the positioning of it in the plans.

The motion to Approve the Variance Application for 117 Cedar Point Drive was initiated by Tom Lothian and seconded by Matt Robbins. Costello nay, motion carried.

VII. Variance Application

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

Chairman Vlach opened the public hearing at 7:04pm.

1. APPLICANT(S): Arvind Mahatme (Owner), Roger Gerstad (Agent)
TAX KEY: WBAIL 00073
STREET ADDRESS: 461 Ashley Dr., Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-315.I(7) which states that no detached garage shall exceed 15 feet in height to increase the height of an existing detached garage to 22'4.5".

Roger Gerstad, builder representing Dr. Arvind Mahatme, explained that Dr. Mahatme has a unique hobby with automobiles and would like to continue with this hobby. He explained that they were granted a building permit in 2016 to allow for a detached garage and now that they would like to build a taller garage that would match the height of his existing house, so it would look aesthetically pleasing. He stated that they would like to increase the height of the building without imposing on any neighbors as Mahatme has a large piece of land and neighbors would not be nearby. Gerstad explained that they could add landscaping around it if the Zoning Board of Appeals desires.

Costello asked if Dr. Mahatme is intending to stack cars for his hobby. Gerstad stated that yes, he would be using vertical lifts in this garage. Lothian asked Zoning Administrator Schaeffer if there is something preventing them from building horizontal instead of vertical, and Gerstad explained that building horizontal would add a small amount of square footage, but not enough for what his client wanted to do with the space.

Zoning Administrator Schaeffer stated that it appeared to her that their main point of the argument was that they could build tall enough and still stay within the Zoning Ordinance, but it would not look aesthetically pleasing with it not being the same height as the house, so they wanted to build taller. She stated that she does not believe there is a hardship present and that there are no unique circumstances to the property.

Greg Nelson (468 Chasefield) asked the applicant if the roof slope would be the same or if it would become steeper. Gerstad explained that the roof would match the house as it is currently. Nelson asked if his car lift would require elevated garage doors. Gerstad explained that the height of the doors would remain the same.

Gerstad pointed out that the other detached garages in the neighbors are on half-acre lots, whereas this lot is over one-acre and the improvement that they are looking for is not as bold as it would be if it were a smaller lot.

Robbins asked how many spaces they have already. Gerstad stated that they have three attached and three detached right now.

B. Motion to Close Public Hearing

Chairman Vlach closed the public hearing at 7:16pm.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach stated that the biggest issue he heard is that there is no hardship and that this is just a "want" for a hobby. He stated that this garage seems massive and he could not grant a variance for a "want", not a "need".

Dennis Costello stated that he would potentially have stalls for nine vehicles at his property with the current and proposed spaces combined and that he cannot see a hardship for a hobby.

Tom Lothian stated that a hobby is not a hardship and he does not see the need for this request.

Trustee Umans stated that he should be able to expand horizontally within the Zoning code because of the size of his property, not vertically.

Zoning Administrator Schaeffer stated that there is also a restriction saying that the maximum size of a garage is 1,000 square feet and that the applicant has said it would not be enough space if they did that for the purpose they are looking for.

The motion to Deny the Variance Application for 461 Ashley Drive was initiated by Dennis Costello and seconded by

George Vlach. Unanimously carried.

VI. Variance Application

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

Chairman Vlach opened the public hearing at 7:22pm.

1. APPLICANT(S): Congress Club, Inc. (Owner), Chad Pollard (Agent)
TAX KEY: WWUP 00073
STREET ADDRESS: 200 Conference Point Rd., Williams Bay, WI 53191

Applicant requests a variance to zoning code section 390-315.I which states that one attached or detached garage and one shed shall be permitted by right and no detached garage shall exceed 1,000 square feet to construct two (2) additional detached garages that will total 6,048 square feet. There are five (5) pre-existing detached garages totaling 4,565 square feet located on the property.

Attorney Chad Pollard (Clair Law) shared a supplemental packet with the Board members and explained the Congress Club property and what has been grandfathered into the Zoning code since it was established so long ago. He stated that variances are almost always required for improvements that want to be made to these properties. He stated that this property is unique as it is owned by a shared entity of ten property owners and that all ten property owners are in favor of this proposed garage structures. He stated that the proposed garages are within the height restrictions and that the location is actually more compliant than the garage that was originally in existence. He stated that they have designed this to be within the tree lines so that they will not need to take down any trees. He stated that the electricity for these garages will be underground to keep the site clean. He showed that a storm drain would filter down the middle and into the existing system and that the proposed driveway matches the existing one to avoid standing water. He said that the structures will be painted the traditional green and white which Congress Club is known for since the 1800s. Pollard stated that time is of the essence as a lot of back and forth with entities has been happening and the insurance company is requiring that construction is completed by February 2023. He stated that builders are already saying the soonest they could come is December 2022. Pollard stated that Congress Club has 8 acres and only 10 units. He stated that due to the Village Ordinances you should be granted a garage of 1,000 square feet per resident, which would essentially grant a 10,000 square foot garage for Congress Club since there are 10 residents on the property. He explained that historically, time has changed and these properties started in the 1800s which should be valuable to the Village. He said that the hardship is that they deserve 1,000 square foot garages for each resident and currently they do not have that.

Dennis Costello stated that there are 10 residences, but only 7 garages in the plans. Pollard stated that instead of piecing 10 garages together, they decided to clump garages together to avoid taking down trees, which would get them 7 garages and the HOA will distribute them as listed in their bylaws.

Pollard stated that their neighborhood was built before the Zoning Code was in place. He stated that the water run-off concerns are creating problems for this property already, and so the garages are located at a higher spot on the property to avoid water getting into the garages. Pollard explained that they purposely placed the garages as far from the road as they could without cutting down trees so that they do not create obstructed views on the road. He stated that this property is stuck with non-conforming uses and variances will need to be granted for any improvement. He stated that the Loch Vista Club neighbors are in opposition, but no one has a right to a lake view unless an easement is in place. He also stated that the Conference Point Camp neighbors have provided a letter in support of the project. Pollard explained that he saw people complaining about the property being clear-cut in the assumption of getting this project approved. He stated that the trees were not clear-cut and they were not cut for this project, but actually because they were invasive and diseased trees. He stated that these garages are not commercial structures for residential use and that the heights are compliant. He said that the garages are just being put together in order to save the number of trees, as they do not believe 10 separate garages would be the best plan for the area.

Dennis Costello clarified that none of the ten residences have attached garages as this present moment. Matt Robbins asked if the existing detached garages will be improved. Attorney Pollard said currently there are not any plans to touch the existing units. Trustee Umans clarified that the plans have a height of 10 feet for a garage door. Umans stated that a

10 foot garage door is much taller than needed for a car, and that it sounds like this is going to be a boat storage facility, not a normal garage, which he has trouble with. Umans stated that he has seen many emails from residents in objection, he does not see a hardship and that the uniqueness of the property does not require something like this. Attorney Pollard stated that all of the letters in objection came from Loch Vista Club residents, which is a very small portion of the residents in the Village of Williams Bay as a whole. Tom Lothian stated that he is not swayed by whether this would affect one person versus 20 people in Loch Vista Club. He stated that he wants everyone to keep to the issue and not make this personal during the public comments portion. Lothian stated that the issue is not the design of the buildings, but rather the space that they need for the buildings.

Zoning Administrator Schaeffer stated that she does feel like they have a unique circumstance with this property because they were made non-conforming within the Zoning code due to having 10 residences on one parcel. She stated that a garage is a use by right within the Zoning code. She expressed concern that this would impact the neighboring property owners as they already have existing structures along the property lines and now they would be adding two more. She stated that she does not believe there is an overall negative impact to the Village, but there would be to the neighboring property owners.

Chairman Vlach noted that there were seventeen (17) written comments in objection and one (1) in favor submitted prior to the meeting. He stated that he is not going to read all of them out loud, but asked Clerk Pankau-Daniels to include them in the minutes.

Richard Lamkey (200 Conference Point Rd) stated that due to his background, he was asked to take over the landscaping for the Congress Club association. He stated that he took trees down that were diseased with oak wilt and removed underbrush and that they were not clear-cutting the property. He stated that he has three vehicles that he does not have garage space for currently.

Brendan Cashman (200 Conference Point Rd) stated that one of the existing buildings is original from 1882 which used to be used as a carriage house. The other existing buildings are also aging, but three out of the ten property owners are not in favor of taking them down. He stated that inevitably they will come down due to age. He said they have been told that they would not be able to rebuild in that space due to its location to the road. He stated that they have already given up a portion of their property for drainage control, so where the proposed garages would be going is where they would inevitably need to end up.

Hagen Harper (200 Conference Point Rd) stated that he bought house number one, so he received the garage unit that house number one had before him rather than being able to pick his own unit. He stated that thinking about the long term, they came up with this plan even though three of the ten members want to leave the existing buildings as they are. Harper stated that he would give up his current garage to someone else or to be torn down so that he can be in the newer garage to be forward thinking and prepared for the future. He stated that the existing structures are not really garages and are in fact old buildings from the main clubhouse that were made into "garages" that are no longer safe or sustainable.

Jane Helen (30 Upper Loch Vista) stated that she has been there for 49 years and has seen all of the neighborhoods change over the decades. She stated that she does not understand why pictures of the Loch Vista Club's houses with garages are in Attorney Pollard's Supplemental packet, as they are different properties and the Congress Club forefathers did not prepare for this predicament. She stated that Conference Point Camp would not be in objection to it because it doesn't come up to their backyard. She stated that she stands with her neighbors in Loch Vista and would hope they would do the same if this was going to be put in her backyard.

Tom Veselka (83 Lower Loch Vista) distributed a packet to the Zoning Board members and said he referenced the UW-System's Zoning Board handbook while doing his research. He stated that the handbook explains that there is a distinction between area variances versus use variances. He believes this application would be a use variance which requires much more justification than an area variance. He stated that the definition of a garage is for a passenger automobile, not a boat. He said the proposed garages are much larger than what a passenger automobile would need. He said that the handbook also states that area variances are usually small deviations from what is currently allowed

within the ordinance. He stated that the proposed project would require multiple, very large deviations which would make this a use variance and require a higher standard. He stated that this looks like a storage area for fairly large boats, not automobiles, and that it would alter the basic nature of the site. He stated that the area used to be a green area before the trees were removed in what he believes was in preparation for this garage. He stated that the neighboring area homes have garages and homes and gravel all spread out, not these large structures in one space. He stated that the proposed garages are going to be 6.7 times larger than his house and be in his backyard. He said that the roofs alone will cover about a quarter of an acre of land. He stated that you could fit six Loch Vista lots inside the area of these proposed garages, so they would certainly look out of character from the surrounding area. He said that these proposed structures will be made out of metal and will look totally different from the existing structures. He stated that a variance should only be granted if the space cannot be used without it. He stated that they have been using the space for years as it is and they can already store their boats on site. He stated that they are claiming a hardship, but they are not using the existing structure for automobiles, but rather for summer recreation items. He stated that the new garages would be built along the whole property line along his backyard. He stated that to the east he already sees one of the existing structures, so his entire lake view would be blocked if these new ones were to go up. He stated that the inconvenience of storing a boat or multiple cars is not a hardship. He stated that he is concerned about water drainage bouncing off the proposed landscaping and back onto his property. He expressed concern about drainage going into the lake. He expressed his concerns about this area possibly being in an Environmental Overlay district and not necessarily knowing if it would be or not after getting mixed opinions. He also expressed concern about nature and wildlife being eliminated from the area due to the structures. He stated that this would reduce his property value, as well as others in Loch Vista Club. He suggested alternatives like modifying the existing garages, using the existing garages' concrete pads to construct new garages or building in a different location that is already disturbed, such as over the parking lot behind the Congress Club members' houses.

Chris Henning (81 Lower Loch Vista) stated that Congress Club are good neighbors but that he objects to this proposal mainly because of the size. He stated that the appearance of these structures would not be a garage, but a commercial storage building and these would exceed the standard square footage by 302%. He stated that there needs to be a showing of a hardship, and currently there is adequate space for everyone to have a garage, so this application appears to be more like a "want" than a hardship. He stated that in a court case it was ruled that Zoning Boards must maintain the character of the area, and these structures would not fall into the character of the area since it is a residential area. He expressed concern about how these would affect the water drainage. He stated that if this is approved, he would ask that they make a condition to remove the concrete slab where one of the existing garages fell.

Chris Sultz (93 Lower Loch Vista) stated that Loch Vista is a social membership club with 52 individual lot owners, whereas Congress Club is one owner with 10 residents. He stated that Congress Club wants to be treated as one owner when it comes to property taxes, but when it comes to this, they want to be treated as 10 individuals to be ensured they get their property owner rights to a garage.

Christine Hutchison (88 Lower Loch Vista) stated that this would not impact only two properties, but it would impact all of Loch Vista. She stated that this would diminish their property values with having views of these structures. She questioned the number of trees that were taken down in the most recent history because, from her perspective, it looked like there were many that were taken down within the past two months.

Tamara Wojtowicz (106 Upper Loch Vista) stated that in the last two years her lake view has changed dramatically because trees have come down. She stated that obviously many have come down because she used to not have a lake view, and now she does.

Eileen Henning (81 Lower Loch Vista) submitted 23 signatures of residents who are in opposition of this variance application to Clerk Pankau-Daniels.

Tom Veselka (83 Lower Loch Vista) stated that he spoke with the Village's Tree Commissioner and she stated that she was not aware of any trees coming down in Congress Club and no tree permits were issued.

Chairman Vlach stated that a short break will be taken at 9:26pm. He called the meeting back to order at 9:34pm.

Trustee Vlach stated that Christine Hutchinson is going to email some pictures of the trees discussed to Clerk Pankau-Daniels to include in the minutes.

Attorney Pollard stated that they knew the objections were there but that they tried to design this plan to conserve the land as best as possible, rather than ten individual structures which would cut more into the tree line. He stated that everyone is trying to be good neighbors and that the purpose of him taking pictures of the garages in Loch Vista was to prove that they have garages, not to impose on their privacy. He stated that this is not a use variance as they are not changing the use of the property, and this in fact is an area variance. He stated that the drainage problems that occur on Loch Vista's property have been addressed with the drainage ditch that the Congress Club gave up area and money for. Attorney Pollard stated that the Congress Club is willing to take away the concrete slab that was underneath the garage that fell. He stated that the property is 8 acres that has been taking on the water and maintaining the green space and all they are asking for is two garages for 10 property owners.

Tom Lothian asked the Congress Club members if they could take down the existing structures, in what order would they take them down. Brendan Cashman answered what his opinion would be, but that it depends on which member you ask, and that to take down an existing structure they would need all ten members to vote yes on it according to their Association bylaws. Dennis Costello stated that the Board is not here to advise on how to get their plans done and that tacking on conditions to the application will not work. He suggested that they withdraw their application and come back with a different plan after hearing everyone's views tonight. Trustee Vlach confirmed with Zoning Administrator Schaeffer that if the Board denies this application, they would need to wait a year to come back with the same application, but they could come back at any time with a different plan. Attorney Pollard stated that he understands the Board isn't here to adjust their plans, but that they could place conditions on it in order to approve it at this meeting.

B. Motion to Close Public Hearing

Chairman Vlach closed the public hearing at 9:51pm and thanked everyone for their input.

C. Consideration and possible action on recommendation of Variance

Trustee Vlach stated that the ordinance does allow one garage per residence, not necessarily per property, and previous Boards did allow 10 residences on this property. He stated that the right to the garage is for up to 1,000 square feet, not a minimum of 1,000 square feet. He stated that he has concerns about the water drainage and views of the lake, yet he understands that people do not have a right to a view. He stated that he anticipates a lot of internal conflict within their own Association which the Zoning Board cannot help with, just like they cannot help with the placement of the buildings. He stated that he is not able to support this application.

Matt Robbins stated that he does not see a hardship and there is little to no support from the neighbors, including a possible drainage issue. He stated that he understands how they are trying to compromise between their own Association members and the neighboring ones. He stated that he does not support this application as it is now and they will need to do something with the old buildings. He believes there could be something done that helps please the entire neighborhood if they want to come up with a new plan.

Tom Lothian stated that he does believe there is a hardship because of the existence of the lot and the fact that there seems to be a loss of a building, which gives them the opportunity to review the whole process. He stated that he believes each one of these garages is 864 square feet, so they are already not maxing out their square footage per unit and that in the long term, there would actually be less square footage of garage space. He stated that he thinks the placement of these buildings could be different and that if he does choose to vote in favor of this, he would want to be sure the buildings do not exceed 10,000 square feet total. He stated that garages are possibly more of a responsible way of protecting the environment so that oil and pollution is leaking onto concrete and not gravel.

Dennis Costello stated that the property as it exists now can be used without a variance because there are buildings there that can be used for storage. He stated that a problem that came up to him was the urgency issue that just came up at the meeting due to an insurance company. It was clarified that those property owners could re-build the garage that was knocked down without a variance. Costello stated that the job of the Zoning Board is to deliberate on the application at hand, not suggest ideas for them to make this work.

Trustee Umans stated that in the short term, if the two new buildings go up, they would stay up for a long time, but the older buildings would eventually come down. He stated that when that happens, there could be a request from the Congress Club to replace all of those buildings with one large building which would look unsightly. He stated that these proposed garages would look out of character and would not be consistent with what the Zoning Board has approved in the past. He doesn't believe the garages are the intention for that area of the land.

The motion to Deny the Variance Application for 200 Conference Point Road was initiated by Dennis Costello and seconded by George Vlach. Lothian abstain, motion carried.

VIII. Adjournment

Chairman Vlach adjourned the meeting at 10:10pm.

/s/ Jackie Pankau-Daniels, Village Clerk

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