



Village of Twin Lakes

105 East Main St. • PO Box 1024 • Twin Lakes, WI 53181

• Phone (262)877-2858 •

AGENDA

Board of Appeals Meeting • January 15, 2025 @ 5:00pm

Twin Lakes Village Hall Board Room 105 E Main St, Twin Lakes WI 53181

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Disclosure of Board Member Participation
 - a. Board Chairman Tom Porps has disclosed a conflict of interest regarding agenda items 10-13. They will participate in agenda items 5 through 9 but will recuse themselves from items 10 through 13.
5. Approval of Previous Minutes from May 23, 2024
6. Approval of Previous Minutes from July 11 2024
7. Approval of Previous Minutes from November 12, 2024
8. Discussion and possible action regarding a new procedure for Board of Appeals: Board of Appeals Meeting Schedule and Application Deadlines
9. Discussion and possible action regarding a new procedure for Board of Appeals: Board of Appeals Staff Report
10. Public Hearing pursuant to Section 17.40.040 of the Village Municipal Code, the applicant, Michael Gartenberg requests relief from the regulations outlined in Section 17.39.070 - Special Regulations for properties in the Shoreland Protection Overlay District.
11. Close of Public Hearing for Michael Gartenberg's Application for Relief from Shoreland Protection Regulations under Section 17.39.070 of the Village Municipal Code.

12. Deliberations and determination pursuant to Section 17.40.040 of the Village Municipal Code on the appeal issues filed the applicant, Michael Gartenberg requests relief from the regulations outlined in Section 17.39.070 - Special Regulations for properties in the Shoreland Protection Overlay District. Specifically:

B: Proximity of accessory structures to the Ordinary High-Water Mark (OHWM) and side lot lines.

C: Limitations on size and total square footage of accessory structures in the shore yard

D: Height restrictions for accessory structures in the shore yard.

13. Adjourn

MATTERS MAY BE TAKEN IN ORDER OTHER THAN LISTED

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Clerk Treasurer's office in advance so the appropriate accommodations can be made.



Conflict of Interest and Participation Disclosure Statement

Board of Appeals Meeting January 15, 2025 @ 5:00pm Hearing: Michael Gartenberg

I, Tom Porps, hereby disclose that I have a conflict of interest regarding agenda items 10-13, which pertain to the application of Michael Gartenberg and the relief requested under Section 17.39.070 of the Village Municipal Code.

In accordance with Wisconsin Open Meetings Law and the Village's conflict of interest policies, I will fully recuse myself from participating in any discussion, deliberation, or vote on these items. I will leave the meeting during those agenda items to avoid any appearance of influence or bias.

However, I will participate in agenda items 5 through 8, as they are unrelated to the identified conflict. I am making this disclosure to ensure transparency and to maintain the integrity of this board's proceedings.

Village of Twin Lakes Board of Appeals Meeting Minutes

Date: Thursday, May 23, 2024 – 5:30 p.m

Location: Village Hall Board Room, 105 E Main St, Twin Lakes, WI

CALL TO ORDER BY CHAIRPERSON PORPS AT 5:30PM / PLEDGE OF ALLEGIANCE/

ROLL CALL: Tom Porps, Lisa Wallerich, Bill Busse, Tom Kuhlmeier, Joe Rhamey (absent) Also Present: Deputy Clerk Colleen Hoyt

VARIANCE REQUEST BY JOSEPH SAENGER SR. Parcel # 86-4-119-322-1200 and 86-4-119-322-1205, 1313 Musial Road

Mr. Saenger was sworn in and presented his variance request. The Zoning Permit was denied in part by zoning ordinance 17.20.030 C Side Yard.

Proposed additions are as follows:

- Lifting the existing house to pour in concrete to create a basement from the current 3.5 ft crawl space.
- Installation of a drain tile and foundation work.
- Addition of a second floor over the main section of the house (approximately 560 square feet).
- Addition of a side deck to the existing structure.

The cottage is 3.2 feet off the westerly lot line.

Mr. Saenger explained that the cottage holds sentimental value to his family, who have been coming to Twin Lakes for generations.

Mr. Saenger stated, "I'm picking the house up, pouring a footing on the floor, putting in a drain tile, and then blocking up the 3.5 ft crawl space so it becomes a basement. Over the center of the house, there's a 560-square-foot section that's the main house, and I'm proposing to add a second floor to that."

Tom Porps remarked that the footprint of the structure would not increase horizontally, maintaining the current nonconformity status. However, he questioned whether building upward (vertically) would be considered an increase in the structure's footprint under zoning regulations.

ADJOURNMENT

A motion to adjourn the meeting was made by Tom Porps and seconded by Tom Kuhlmeier. The meeting was adjourned at 6:43 PM.

The board will seek clarification from the zoning department regarding whether a vertical addition is considered an expansion of the structure's footprint.

/s/Colleen Hoyt, Village Deputy Clerk

Village of Twin Lakes Board of Appeals Meeting Minutes

Date: Thursday, July 11 2024 – 5:30 p.m

Location: Village Hall Board Room, 105 E Main St, Twin Lakes, WI

CALL TO ORDER BY CHAIRPERSON PORPS AT 5:30PM / PLEDGE OF

ALLEGIANCE/ROLL CALL: Tom Porps, Bill Busse, Tom Kuhlmeier, Joe Rhamey, Lisa Wallerich (absent), Also Present: Deputy Clerk Colleen Hoyt

VARIANCE REQUEST BY JOSEPH SAENGER SR. Parcel # 86-4-119-322-1200 and 86-4-119-322-1205, 1313 Musial Road

Hearing Continuance from May 23, 2024.

Attorney Jeffrey Janet from Smith and Janet Law, 326 East Main Street, appeared on behalf of Joseph and Joanne Saenger, property owners of 1313 Musial Road.

The Zoning Permit was denied in part by zoning ordinance 17.20.030 C Side Yard.

Further Discussion – Review of the Variance Request:

The Board reviewed the variance request to build an addition to the existing single-family home, specifically requesting a side yard setback of 3.2 ft, instead of the required 10 ft.

Existing Structure Use:

The applicant confirmed that the existing structure would not be torn down and that the proposal was to add to the current home, utilizing portions of the structure.

Timeline for Construction:

The applicant hoped to have the project completed by June 2025, ideally before spring.

Public Interest and Neighbor Approval:

The Board acknowledged the support from the applicant's neighbor, who had submitted a letter not objecting to the variance. All members agreed that granting the variance would not negatively affect the public interest.

Unique Property Limitations:

The Board found that the property's topography and soil conditions limited its usability. These factors, including the high water table and soil unsuitable for a new foundation, justified the variance request.

Unnecessary Hardship:

The Board recognized the unnecessary hardship caused by the property's unique limitations and the small size of the existing structure. Modern standards and appliances were difficult to accommodate within the current space, making it burdensome to prevent the applicant from making necessary improvements.

Expansion of Footprint and Non-Conforming Structure:

Board Member Busse raised concerns about expanding the footprint of the non-conforming structure. He referenced zoning regulations, which state that if a non-conforming structure is dismantled by more than 50% of its current value, it must be rebuilt in compliance with zoning regulations. However, the structure may be rebuilt within its existing footprint as long as it stays within the maximum height allowance of 35 ft and 2.5 stories.

Busse emphasized that maintaining the existing footprint was key to his decision and wanted to ensure that the addition would not expand beyond the 3.2 ft side yard setback. The Board agreed that the proposal complied with the height limit and did not expand the structure beyond the existing footprint.

Motion to Approve the Variance:

A motion to approve the variance was made by Chairperson Porps seconded by the Board. The motion to grant the variance passed unanimously.

Clarification on Conditions:

While not an amendment to the motion, Board Member Busse reiterated that the footprint must remain unchanged, and the height must stay within the allowable limit of 35 ft.

Appeal Process:

Chairperson Porps noted that any aggrieved party would have 30 days to appeal the Board's decision to Circuit Court.

Conclusion:

The variance was officially granted, and the applicant was informed of the next steps, including signing the final documents after the 30-day appeal window.

8. Adjournment:

The meeting adjourned at 6:36pm.

/s/Colleen Hoyt, Village Deputy Clerk

Village of Twin Lakes Board of Appeals Meeting Minutes

Date: November 12, 2024

Location: Twin Lakes Village Hall, 105 East Main Street, Twin Lakes, Wisconsin

Call to Order

The meeting was called to order at 1:00 p.m. by Chairman Tom Porps. Members were asked to silence their cell phones, and the Pledge of Allegiance was recited.

Roll Call

The following members were present:

- Tom Porps (Chairman)
- Bill Busse
- Jordan Cates
- Tom Kuhlmeier

Agenda Item: Survey Issue - Motion and Reconsideration

The board discussed the appeal filed by Dr. Bryan Neal concerning the survey of the property at 200 West Park Drive. The primary issue was whether the survey provided by the appellant met the Village code requirements for impervious surface calculations.

Motion to Approve the Survey as Adequate

Chairman Tom Porps made a motion to approve the survey as meeting the necessary burden of proof under the Village code. The motion was seconded by Bill Busse. The board voted unanimously (4-0) to approve the survey.

Reconsideration of the Motion

Following the vote, Chairman Porps expressed concerns about the accuracy and completeness of the survey. He raised issues about missing dimensions and calculations required by the Village code and questioned whether the survey adequately demonstrated compliance. Porps noted that past surveys had discrepancies and suggested that a new, more detailed survey be requested from the appellant.

Porps led the reconsideration discussion, stating that he believed the initial motion might have been premature without verifying the accuracy of the provided survey. He emphasized the importance of ensuring that all necessary measurements were clearly documented to avoid future issues.

Discussion Among Board Members

Initially, Jordan Cates supported the adequacy of the survey and voted in favor of the original motion. However, during the reconsideration discussion led by Porps, Cates changed his position, agreeing that additional survey details might be necessary. He stated that while he believed the current survey met basic requirements, a new survey with more comprehensive measurements would provide greater clarity and compliance.

Attorney Objections

Attorney Santarelli, representing Robert King, objected strongly to the reconsideration of the motion. He argued that the survey already provided sufficient proof to meet the Village's requirements and that requesting additional surveys would cause unnecessary delays. Santarelli stated that his client had complied with all relevant codes and that the board was unfairly shifting the goalposts after an initial favorable decision.

Santarelli further noted that the board's request for additional survey details was inconsistent with past practices and could set a problematic precedent.

Outcome

Despite Attorney Santarelli's objections, the board ultimately voted to rescind the original motion and request a new survey from the appellant that included additional measurements and detailed calculations. The board agreed that ensuring the accuracy and completeness of the survey was essential for compliance with the Village code.

Restriction on Future Lawsuits

During the discussion, the board noted that Dr. Bryan Neal would waive his right to bring any further legal challenges related to this specific survey and appeal issue. This agreement was made on the condition that the appellant would provide an updated survey with the additional requested details. Attorney Matthew Fernholz, representing Dr. Neal, confirmed this agreement on behalf of his client.

The motion to rescind the original approval and request a new survey was passed by a majority vote.

Adjournment

The meeting was adjourned at 5:55 p.m.

/s/Colleen Hoyt, Village Deputy Clerk

Memorandum

To: Board of Appeals

From: Colleen Hoyt – Village Deputy Clerk

Date: December 28, 2024

Subject: Proposal for Establishing a Yearly Meeting Schedule

I. Purpose

The purpose of this memorandum is to propose the establishment of a yearly meeting schedule for the Board of Appeals. This schedule will provide specific dates for meetings to be held on the **third Thursday of each month**, with the clarification that meetings will only occur if there is a submitted and complete application. This structure aims to enhance predictability for applicants, improve administrative efficiency, and support timely decision-making processes.

II. Background

Currently, the Board of Appeals operates without a pre-established meeting schedule. This lack of structure creates several challenges, including:

- **Uncertainty for Applicants:** Applicants face difficulties in planning submissions due to the ad hoc scheduling of meetings.
- **Administrative Inefficiencies:** Staff and Board members must coordinate meetings on an as-needed basis, leading to potential delays.
- **Lack of Predictability:** The absence of a clear schedule can discourage participation and slow the review process.

To address these challenges, it is critical to establish a structured yet flexible meeting schedule.

III. Proposed Yearly Meeting Schedule

To improve operations while maintaining flexibility, I propose the following:

1. **Annual Posting of Tentative Meeting Dates:**
 - A yearly schedule will be developed and published in December.
 - Meetings will be scheduled for the **third Thursday of each month**, but only held **if there is a submitted application** requiring the Board's review.
2. **Defined Application Deadlines:**
 - Applications must be submitted **five weeks prior** to the scheduled meeting date to allow for adequate review.
 - If no applications are submitted by the deadline, the meeting will not take place.
3. **Public Posting of the Schedule:**
 - The tentative meeting dates and associated application deadlines will be published on the Village's website and available in the Clerk's Office.

IV. Benefits of a Structured Timeline

Adopting this approach offers several benefits:

1. **Predictability for Applicants:**
 - Applicants will know when meetings are tentatively scheduled and can plan accordingly.
 - Clear application deadlines will reduce confusion and improve the applicant experience.
2. **Administrative Efficiency:**

- Staff will have a structured timeline for processing applications and preparing materials for the Board.

3. **Flexibility for the Board:**

- Members can plan their schedules around the tentative dates with clarity on whether a meeting will be required.

V. Recommendation

I recommend that the Board of Appeals approve the adoption of a yearly meeting schedule, with meetings tentatively set for the **third Thursday of each month**, contingent upon the submission of an application. The first schedule will be published after its approval, listing all potential meeting dates and associated application deadlines for the upcoming year.

VI. Next Steps

1. Upon approval, the meeting schedule, including application deadlines, will be made publicly available through the Village's website and in Village Hall.

2025 Board of Appeals Meeting Schedule and Application Deadlines

The Village of Twin Lakes Board of Appeals will hold its meetings **as needed** on the third Thursday of each month in 2025. Meetings will be held in the Twin Lakes Village Hall Board Room and will begin at 5:00pm.

Meeting Schedule and Application Deadlines

Written notice is required to be filed within twenty (20) days with the Village Clerks office following the final decision of the Building Inspector/Zoning Administrator or other entity, specifying the grounds setting forth the order being appealed and the respects in which said person feels themselves aggrieved and outlining any claims that said order to ruling is erroneous or illegal.

Before submitting your Board of Appeals application, you must meet with the Zoning Administrator to review your application and ensure it is complete. This meeting must take place at least one week before the Application Deadline for the hearing you wish to attend.

Meeting Date	Application Deadline
February 20, 2025	January 16, 2025
March 20, 2025	February 13, 2025
April 17, 2025	March 13, 2025
May 15, 2025	April 10, 2025
June 19, 2025	May 15, 2025
July 17, 2025	June 12, 2025
August 21, 2025	July 17, 2025
September 18, 2025	August 14, 2025
October 16, 2025	September 11, 2025
November 20, 2025	October 16, 2025
December 18, 2025	November 13, 2025

Submission Details

Applications must be submitted to the Twin Lakes Village Hall Clerks office by the deadlines listed above. Incomplete applications or those received after the deadline will not be included on the agenda for the corresponding meeting date.

Contact Information

For questions regarding applications or the appeals process, please contact our village Zoning Administrator at 262-977-7719 or zoning@twinlakeswi.gov

Approved on _____

Village of Twin Lakes Board of Appeals

Memorandum

To: Twin Lakes Board of Appeals
From: Colleen Hoyt - Village Deputy Clerk
Date: 12/10/2024

Subject: Staff Reports for Board of Appeals

Purpose

To ensure the integrity and transparency of the zoning appeal process, it is proposed that a formal staff report be incorporated into the materials provided to the Board of Appeals for each case.

Background

Since I have started here, two Board of Appeals meetings have been postponed due to insufficient information provided to the Board regarding the zoning administrator's decisions. Currently, the only documentation provided to the Board is the denial letter sent to the applicant and the application that was filled out by the applicant. While this information outlines the decision, it lacks the depth necessary for the Board to thoroughly evaluate the case during their review process.

Proposed Changes

1. Introduction of Staff Reports:

- A staff report will accompany all cases presented to the Board of Appeals.
- The report will provide a detailed explanation of the zoning administrator's decision, including:
 - The specific zoning code provisions involved.
 - The reasoning behind the decision.
 - Any relevant background information or context.

2. Structure of the Staff Report:

- **Case Summary:** Brief description of the appeal, including applicant details and requested relief.
- **Applicable Zoning Codes:** List of relevant sections of the zoning ordinance.
- **Analysis:** Explanation of how the zoning codes apply to the case, including any factors leading to the decision.
- **Recommendation:** Staff's professional recommendation, if appropriate, based on the zoning code.

3. Benefits:

- Provides the Board with comprehensive, standardized information for each case.
- Reduces delays by ensuring the Board has all necessary details to make informed decisions.
- Enhances transparency and accountability within the zoning appeal process.
- Establishes a clear and detailed record that can be invaluable if the Village's decision is ever challenged in court. The staff report will serve as evidence of the rationale and due diligence involved in the process.
- Formalizing this requirement as an ordinance ensures consistency and compliance across all appeals, preventing potential oversights in the process.
- Codification strengthens the Village's legal position by demonstrating that the procedure is standardized and not ad hoc, which is particularly valuable in legal challenges.

Implementation

- Staff reports will be drafted by the Zoning Administrator and included in the meeting packets sent to Board members in advance of the scheduled hearings.
- Reports will also be made available to applicants to ensure clarity and fairness in the process.

Conclusion

By incorporating staff reports into the zoning appeal process, we aim to improve the efficiency, integrity, and professionalism of Board of Appeals meetings. This change will provide all parties with the information needed to uphold the Village's zoning regulations while respecting the rights of applicants. Furthermore, codifying this process as an ordinance will provide a durable framework for future zoning appeal proceedings.

Please feel free to reach out with any questions or suggestions regarding this proposed change.

2025 Board of Appeals – Staff Report

Variance Request: Click or tap here to enter text.

Board of Appeals: Click or tap here to enter text.

Date: Click or tap here to enter text.

1. What were the specific reasons for denying the zoning permit and what aspects of the application were non-compliant with zoning code?

(Provide details and cite the relevant sections of the zoning code.)

Click or tap here to enter text.

2. Was the denial based solely on zoning regulations, or were other considerations involved (e.g., public safety, environmental concerns)?

Click or tap here to enter text.

3. Did the applicant have an opportunity to address or correct the deficiencies in their application before the denial?

Yes No

(If yes, what efforts were made, and why were they insufficient?)

Click or tap here to enter text.

4. Were alternative solutions or modifications to the proposal explored or suggested to the applicant?

Yes No

(If yes, describe them and why they were not pursued.)

Click or tap here to enter text.

5. Were there any consultations with other departments, committees, or professionals before the denial?

(e.g., legal counsel, engineering staff, Plan Commission)

Click or tap here to enter text.

6. What are the specific grounds for the applicant's variance request?

(e.g., unique property hardship, inability to use the property as zoned, etc.) Click or tap here to enter text.

7. Would approving the variance cause any negative impacts on neighboring properties?

(Consider property values, privacy, environmental concerns, etc.)

Click or tap here to enter text.

December 4,2024

Board of Appeals.

We are responding to a letter we received regarding construction of a garage at 301 West Park Drive.

We reside at 305 West Park Drive and are the immediate neighbors of Michael and Faye Gartenberg.

We do not object to the construction of a garage on the property.

We do object to granting any of the three(3) variances requested.

As you are aware,from a previous request to build a home on the property, the property has multiple issues from the small size of the property to the location on the channel and bay as well as being partially in a flood plain. Also the issue of the Shoreland Protection Overlay District must be taken into consideration.

The property currently has an attached two (2) car garage as well as a free standing shed behind the garage. No hardship exists.

A standard free standing garage (as defined by the village) of no more then 1200 square feet and no higher then 12 feet is all that should be approved.

Please take our concerns into consideration as you discuss and move forward.

Thank you

Raymond and Lynda Rapacz

305 West Park Drive.

January 8,2025

Board of Appeals.

We are responding to a letter we received regarding construction of a garage at 301 West Park Drive.

We reside at 305 West Park Drive and are the immediate neighbors of Michael and Faye Gartenberg.

We do not object to the construction of a garage on the property.

We do object to granting any of the three (3) variances requested.

As you are aware from a previous request to build a home on the property,the property has multiple issues from the small size of the property to the location on the channel and bay as well as a large portion of the property being in a flood plain. Also the Shoreland Protection Overlay District and how it will be impacted must be addressed.

The initial request for these variances was denied by Bonnie Schaeffer,Zoning Administrator.

We would like to address these specific ordinances.

The request is for an accessory structure greater than 1200sq ft with a height exceeding 12ft.

This is not acceptable in the Shoreland Protection Overlay District. Ordinance 17.39.070.

The channel shore adjacent to this property is in a constant state of deterioration and erosion .

Will the shore tolerate excavation as well as heavy equipment? Failure of the shore would be catastrophic!

A request to build 5ft from our lot line is also unacceptable. The current 2 car attached garage as well as a free standing shed are currently only approximately 3 ft from our lot line. How many variances does one get? And how safe is it to have these structures so close together?

The Gartenberg property currently has a solid asphalt (non-pervious) parking pad that can accommodate between 8-10 cars. We understand he plans on keeping this pad. If it remains and he adds a garage of any size the property will not meet the aggregate amount of impervious surface in the shore yard of at least 20%. Ordinance 17.39.070.

We are aware that Mr Gartenberg would like his garage to mirror the garage at 313 West Park Drive. However there are many differences.

313 West Park Drive had a pre-existing garage with living quarters.

No variances were required for construction of the garage.

There was electricity, water and sewer already on the property.

Not in a Shoreland Protection area.

Most of the property is not in a flood plain.

There is no water or sewer at 301 West Park Drive.

Most of it is in the flood plain.

It is in the Shoreland Protection Overlay District.

There is no pre-existing structure to "grandfather in."

301 West Park Drive has never had an existing structure on the property for over 100 years because of the issues mentioned earlier.

Because the property is in Twin Lakes Park, as Mr. Gartenberg has pointed out, does not mean the ordinances don't apply. The rules are for everyone.

An even more pressing issue is that there, to our knowledge, have been no architectural designs submitted. There have been no soil samples submitted and most importantly...where and how is the standing water being diverted???? This is an issue the Village is all too familiar with. Will there be only a landscape designer or a civil engineer redirecting the flow of water? This property floods very easily. There are weeks that go by that it cannot be mowed because of the standing water. The property is a bog and that explains why nothing has ever been built there. Mr. Gartenberg is correct that this is the only property out of 6 with no accessory structure...because it is in the flood plain and Shoreland Protection Overlay District. The other properties are not!

Will all of the requirements of Ordinance 14.12.090 regarding Drainage Plans be enforced?

The Gartenbergs claim a hardship but there is none. The property is used daily. There is a garden and a sidewalk leading to their pier and boat lifts. There is a brand new over the water deck with dining and lounge furniture. There is newly installed outdoor lighting.

There are a myriad of additional ways to use the property. Volleyball court, badminton court a large garden maybe even additional trees to soak up the standing water or a gazebo. You can use your imagination.

There is a difference between unusable and unbuildable. This property is unbuildable.

Would the garage be beautiful? We are sure it would but beautiful still requires variances.

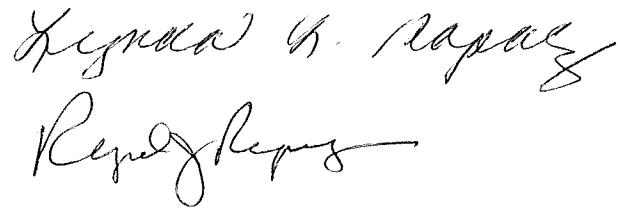
On a personal note ,about a year ago at a public Village Board meeting I personally asked President Skinner about the possibility of a garage on the property. His response: " Lynda, a garage is a garage is a garage. Nobody can sleep in it or live in it. 1200sqft no higher then 12ft."

Mr. Gartenberg was present at that meeting.

Thank you

Raymond and Lynda Rapacz

305 West Park Drive



Lynda G. Rapacz
Raymond Rapacz

FW: January 15, 2025 Board of Appeals Meeting: Gartenberg Case

From: Rich Adloff
Sent: Thursday, January 2, 2025 11:23 AM
To: Laura Jager <villageadmin@twinlakeswi.gov>
Cc: Zoning Administrator <zoning@twinlakeswi.gov>
Subject: January 15, 2025 Board of Appeals Meeting: Gartenberg Case

DRAFT

Dear Ms. Schaeffer,

As you are aware the Gartenbergs will be presenting their case for appeal of the decision to decline their permit request. The request is to build a garage on the northside of West Park Drive across from their home.

My wife Mary and I will attend the above referenced meeting but we thought this additional form of support may be helpful.

There are many facts that support the appeal but for now please note two things.

First, this project will be completed with the highest quality and will match the style and color of the home and, like the home, will continue the "lake feel" aesthetic the Gartenbergs used with the original renovation about 20 years ago.

Second, the drainage of the land will be improved with this project. Micheal will present the details on the 15th. Please know that this will also be done with the highest quality and integrity.

Please feel free to contact me if I can be of further assistance ahead for the meeting on the 15th.

Sincerely,
Rich Adloff
1701 E. Lakeshore Dr., Twin Lakes, WI
847-525-4832



Village of Twin Lakes
105 E Main St, PO Box 1024, Twin Lakes WI 53181

January 6, 2025

Good evening Board of Appeals members. I'm unable to attend this evening, but I would like to put my thoughts into writing. The Gartenberg project would be situated on a 6600 square-foot lot certainly more than ample for a garage. The Gartenberg's meet the requirements for a variance. The garage would not harm the public interest. It meets the unique land requirement. It also meets the hardship requirement because he can't really put anything else there. It would be a useless piece of property.

A handwritten signature in black ink, appearing to read "Howard Skinner", with a checkmark at the end of the signature.

Howard Skinner
Village president



VILLAGE OF TWIN LAKES

105 East Main Street P O Box 1024 Twin Lakes, Wisconsin 53181

Phone (262) 877-2858 Fax (262) 877-4019

OCTOBER 31, 2024

MICHAEL GARTENBERG
1112 N. DEARBORN ST, #5
CHICAGO, IL 60610

IN RE: 301 W PARK DR.
PARCEL # 86-4-119-282-3140

The Building and Zoning Department is in receipt of a zoning permit application dated October 24, 2024 from Michael Gartenberg, for construction of a detached garage at 301 W. PARK DR., VILLAGE OF TWIN LAKES. The Zoning Permit is denied in accordance with the following Twin Lakes Municipal Code Section(s):

17.39.070 Special Regulations.

B. With the exception of stairs not greater than four (4) feet in width and associated landings not greater than the width of the stairs and no greater than four (4) feet in length as measured in the direction of travel, no accessory structure in the Shoreland Protection Overlay District shall be located closer than fifteen (15) feet to the OHWM of a navigable lake, channel or stream nor closer than fifteen (15) feet to the side lot line. (Ord. 2007-3-1)

C. No individual accessory structure in the shore yard shall exceed six hundred (600) square feet and the total of all accessory structures in the shore yard on a given premises shall not exceed one thousand two hundred (1,200) square feet. The aggregate amount of impervious surface in the shore yard shall not exceed twenty percent (20%) of the total area of the shore yard.

D. The maximum height of an accessory structure in the shore yard shall not exceed twelve (12) feet measured from the average of the existing grade at the corners of the structure or at least four (4) points equally spaced around the perimeter of the structure

The detached garage is proposed to be located five (5) feet from the side lot line (15 feet required), 981.6 square feet in area (maximum of 600 square feet permitted), and 22-24 feet in height (maximum of 12 feet permitted).

The Board of Appeals has been established to hear those cases in which an individual or business has been aggrieved by any decision of the Twin Lakes Building Inspector. You may appeal this decision to the Board of Zoning Appeals of the Village of Twin Lakes within **twenty (20) days** from the date of this letter. Applications must be made in writing and conform to the requirements set forth in Chapter 17.40 of the Twin Lakes Municipal Code.

For a *Dimensional Variance*, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The Applicant must also demonstrate that the hardship relates to physical limitations unique to the Applicant's property and must show that the public interest will not be harmed, if a Variance is granted.

Please contact the Village Hall to receive a Board of Appeals Variance Packet, if you choose to request a hearing.

If you have any questions, contact me Thursday at the Twin Lakes Village Hall Building and Zoning Department (262) 977-7719, between the hours of 10:00 am and 1:00 pm.

Bonnie Schaeffer

Zoning Administrator
Village of Twin Lakes

Michael Gartenberg

MICHAEL GARTENBERG

Mailing address: 1112 North Dearborn Street, Chicago, IL 60610

Twin Lakes Address: 301 West Park Dr. Twin Lakes, WI 53181

PHONE: (847) 751-6800 EMAIL: Mikegartenberg@gmail.com

To: Bonnie Schaeffer Zoning Administrator
Village of Twin Lakes
105 East Main St.
Twin Lakes, WI 53181

Dear Bonnie:

Enclosed are all of the completed documents required for my completed application for a board of appeals variance request.

I have included 10 copies of the following:

- Your written notice stating the decision to deny my zoning application dated 10/31/24.
- The completed form requesting the variance.
- Complete survey of the property.
- Complete metes and bounds legal description of the property in question.
- A plan of the proposed footprint of the planned structure. An actual design of the structure is not included as it is yet to be finalized pending the variance. The proposed structure would be a traditional garage structure with rough dimensions of 24' by 40.9' (982.4 sq. feet) and 22-24' tall.

I did not include the affidavit of posting as it will be returned to you upon posting.

I have also included my check in the amount of \$900, covering all of the costs of the appeals meeting.

If approved, our plan is to begin construction in early March, weather depending. Our expected completion date would be roughly six weeks after the start of construction, or the end of April.

I believe everything is in order, in order to proceed with this appeal. Should you find anything missing, please do not hesitate to reach out to me.

Many thanks,

Michael


Michael Gartenberg

mikegartenberg@gmail.com

847-751-6800

Justification for the request

APPEAL OF AN ADMINISTRATIVE DECISION: Provide a description of your appeal:

Village Official(s) who made the decision you are appealing: Bonnie Schaeffer
– Zoning Administrator

Decision of the official(s): The proposed accessory structure was denied because it does not meet the special shore yard regulations concerning setbacks, square footage, and building height.

Describe your appeal:

The following requests have been made:

1. A five-foot setback from the neighboring property, instead of the fifteen-foot setback mandated for a shore yard (a five-foot setback is the standard for regular accessory structures).
2. A single structure of 1,000 square feet, rather than the permitted two structures of 600 square feet each (for a total of 1,200 square feet) required for a shore yard.
3. A building height of 22-24 feet, compared to the 12-foot limit established for shore yards.

Variance: State in the space below how your variance request conforms to the Three Standards Test as described in the attached Q&A document. Attach a separate sheet if necessary:

- 1) Unnecessary hardship is present because: Without this variance, this portion of our property would have no reasonable use due to the strict shore yard requirements. The shore yard designation significantly limits the buildable area, rendering it impractical to construct a viable accessory structure.
- 2) The hardship is due to the unique features of this property, in that: The hardship arises from the unique characteristics of this property. It is one of only six properties divided into two sections by West Park Drive. Furthermore, it is situated on the channel that connects the two lakes. Notably, this is the only property among the six that does not have an accessory structure.
- 3) The variance will not be contrary to the public interest because: Allowing the garage to be built with the requested variances would align with the character of neighboring properties. It would closely match the adjacent property in terms of square footage, setbacks, and building height. The garage would also be constructed in the same style and using the same materials

as the main living structure. Additionally, this property is situated in the Twin Lakes Park Subdivision, where homes are located on the isthmus between the two lakes. Most properties in this subdivision are built on narrow lots, and many do not conform to current zoning requirements. Therefore, the proposed structure would be consistent with the existing homes in the area.

APPLICATION TO THE
BOARD OF APPEALS
 VILLAGE OF TWIN LAKES, WISCONSIN



General Information (please type or print clearly)

	Applicant/Agent	Owner
Name	Michael Gartenberg	Faye + Michael Gartenberg
Address	1112 N. Dearborn #5, Chicago	301 West Park Dr. T.L.
Phone	847-751-6800	847-751-6800
Fax		

Type of Request: Variance from Code Requirements
 Appeal of Administrative Decision

Property Information (Attach additional sheets if necessary)

Address of Property in Question, Twin Lakes, WI 301 WEST PARK DR.

Legal Description: 1000 - J LOT 1 MOUNT MORIATH SUB SEC 28-T-1-R 19
 DOC #1637405

Current Use and Improvements: FAMILY HOME

Proposed Use and Improvements: ADDITION OF A GARAGE ON OPEN LAND
 THAT IS PART OF THE PLOT BUT ~~NEEDS~~ ACROSS THE STREET
 FROM THE MAIN LIVING STRUCTURE.

Dimensions:	Required	Requested
Street Yard	25 ft.	43.1 ft.
Left Side Yard	15 ft.	5 ft.
Right Side Yard	15 ft.	18.5 ft.
Rear Yard	25 ft.	36.58 ft.
Area	2x60 ² sq. ft.	1000 sq. ft.
Other		

Is this a corner lot? YES NO

Zoning District: SHORE YARD

Code Reference (Section No.):
 17.39.070

OFFICE USE ONLY

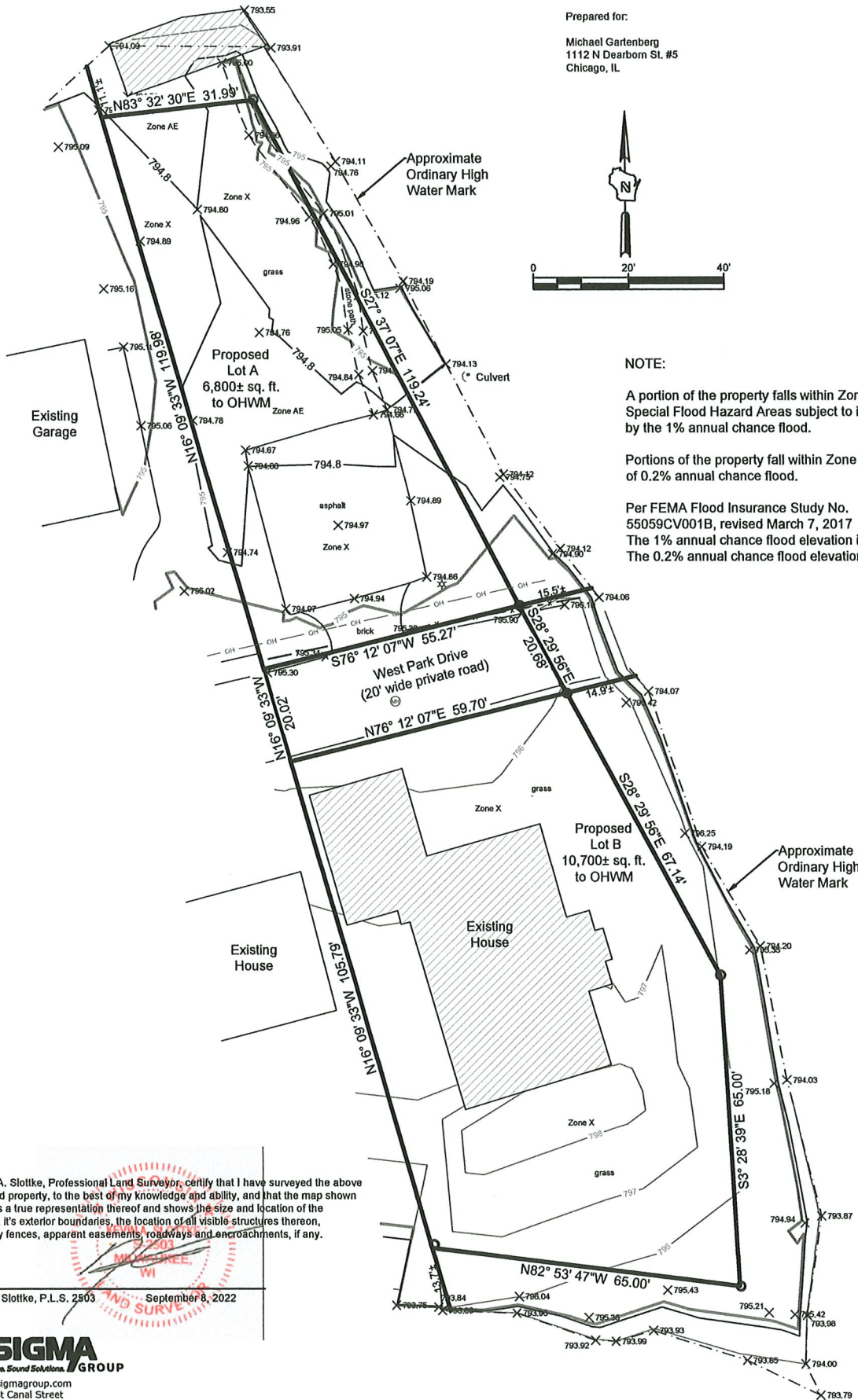
Date Application Filed: _____ File Number: _____
 Board of Appeals Action & Date: _____ Fee Paid/Receipt #: \$900.00
 Conditions: _____

Plat of Survey

Lot 1, Mount Moriah Subdivision, located in Government Lot 4 in the Northwest $\frac{1}{4}$ of Section 28, Town 1 North, Range 19 East, Village of Twin Lakes, County of Kenosha, State of Wisconsin

Prepared for:

Michael Gartenberg
1112 N Dearborn St. #5
Chicago, IL



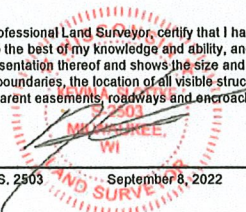
NOTE:

A portion of the property falls within Zone AE - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood.

Portions of the property fall within Zone X - areas of 0.2% annual chance flood.

Per FEMA Flood Insurance Study No. 55059CV001B, revised March 7, 2017
The 1% annual chance flood elevation is 794.8.
The 0.2% annual chance flood elevation is 795.5

I, Kevin A. Slotke, Professional Land Surveyor, certify that I have surveyed the above described property, to the best of my knowledge and ability, and that the map shown hereon is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures thereon, boundary fences, apparent easements, roadways and encroachments, if any.

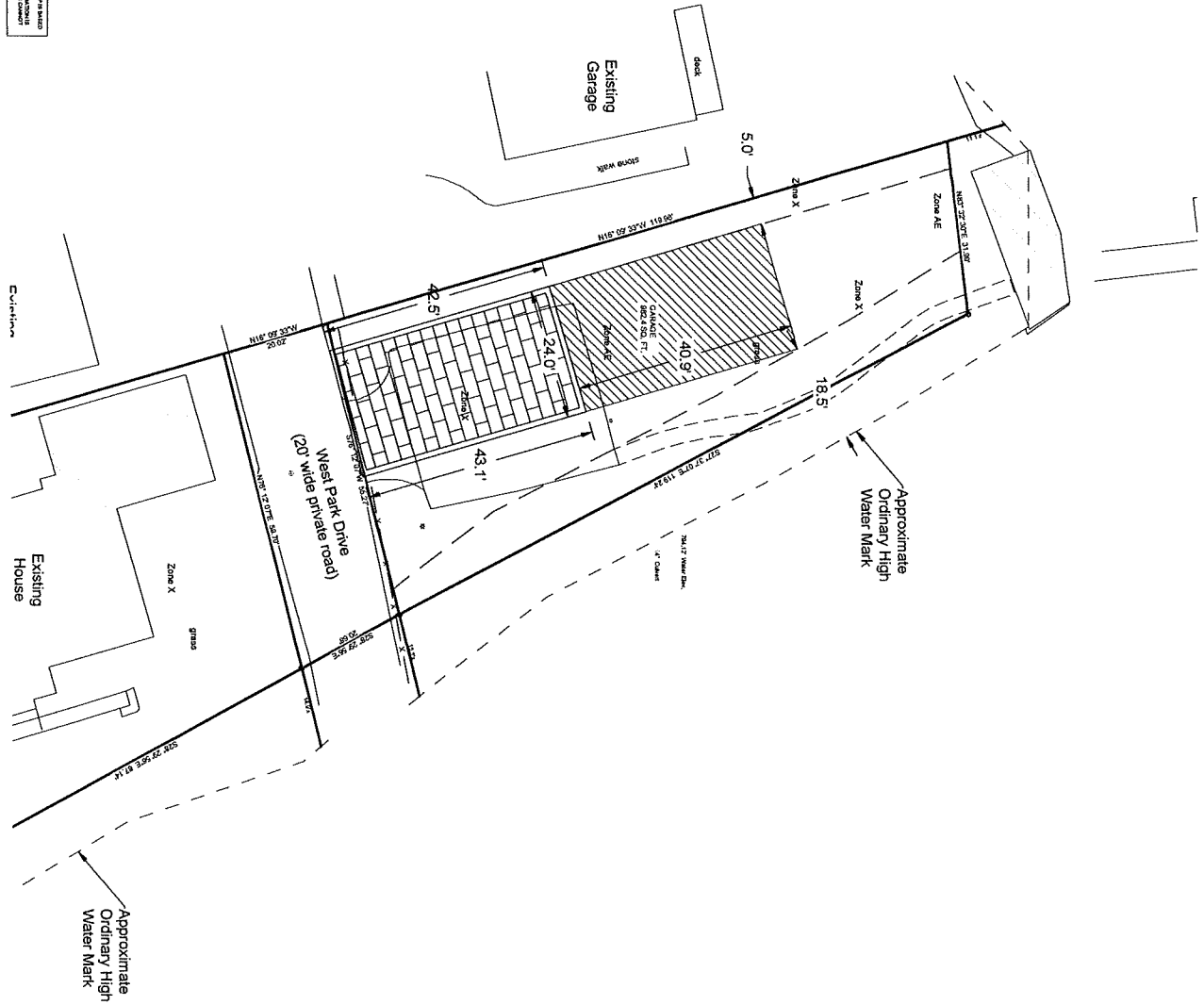


Kevin A. Slotke, P.L.S. 2503 September 8, 2022

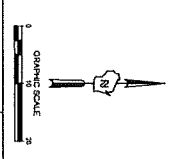
THE SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

CALL SIGMA, INC.
 1-800-231-4311
 1000 W. WISCONSIN AVE.
 MILWAUKEE, WI 53233
 FAX: 414-442-1210

THE INFORMATION ON THIS PRELIMINARY SITE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION ON THIS PRELIMINARY SITE PLAN IS NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION ON THIS PRELIMINARY SITE PLAN IS NOT TO BE USED FOR CONSTRUCTION.



THE SIGMA GROUP
 1000 W. WISCONSIN AVE.
 MILWAUKEE, WI 53233
 FAX: 414-442-1210



TWIN LAKES RESIDENTIAL DEVELOPMENT
 301 W PARK DR
 TWIN LAKES, WI 53181

SITE PLAN

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

SCALE	1"=10'
PROJECT NO.	21321
ISSUE DATE	1/20/23
DATE	1/20/23
DRAWN BY	
CHECKED BY	
APPROVED BY	
SHEET NO.	C100

Existing and proposed sanitary and stormwater management, utility and drainage easements.
Red line is right of way easement. No additional easements or utility pipes on property.



Chapter 17.39

SHORELAND PROTECTION OVERLAY DISTRICT

Sections:

17.39.010 Shoreland Protection Overlay District--Purpose.

17.39.020 Definitions.

17.39.030 Uses.

17.39.040 Lot Areas and Width.

17.39.050 Building Height and Area.

17.39.060 Setback and Yards.

17.39.070 Special Regulations.

17.39.080 Nonconforming Uses and Structures.

17.39.010 Shoreland Protection Overlay District--Purpose.

The Shoreland Protection Overlay District is intended to provide for orderly development of shorelands in the Village of Twin Lakes while providing for the preservation of shore cover and furthering the aesthetic appearance of the shoreline. The District includes all lands within one hundred (100) feet, and all parcels whereby a portion of the parcel comes within one hundred (100) feet, of the Ordinary High Water Mark of any navigable lake, channel or stream within the Village as identified in Section 17.38.110 of this Code. (Ord. 2012-8-1)

17.39.020 Definitions.

For the purpose of this Chapter certain terms and words are defined as follows:

- A. "Accessory structure" shall be defined for purposes of this Chapter as any building or portion of a building subordinate to the principal structure and used for a purpose customarily incidental to the permitted use of the principal structure or the use of the premises or any other thing constructed or erected on the premises, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. With the exception of decks, when an accessory structure, as defined elsewhere in this Code, is part of the principal structure or is substantially attached thereto, the yard requirements of the principal structure shall be applied to the accessory structure.
- B. "Vegetative buffer" shall be defined as an area of vegetation containing a combination of native genotype plants, trees, and shrubs maintained along the shoreline or edge of a navigable lake, channel, or stream for the purpose of reducing the impact from adjacent upland and waterward activities.
- C. "Shorelands" shall have the same meaning as in Section 17.37.030(42) of this Code.
- D. "Shore yard" shall be defined as the land between the Ordinary High Water Mark (OHWM) and the building setback line on properties within the District having frontage on a navigable waterway or other waterway defined in this Chapter. (Ord. 2012-8-1)

17.39.030 Uses.

Any use permitted or allowed on a conditional basis in the underlying basic use District is allowed as a permitted or conditional use in the Shoreland Protection Overlay District. (Ord. 2012-8-1).

17.39.040 Lot Areas and Width.

Lot area and width shall conform to that required in the underlying basic use District except that lots created in the Shoreland Protection Overlay District after the effective date of the Ordinance codified in this Chapter shall have a minimum width of fifty (50) feet at the OHWM. (Ord. 2012-8-1)

17.39.050 Building Height and Area.

Building and structure height and area shall conform to the requirements of the underlying basic use District except as defined in this Chapter. (Ord. 2012-8-1)

17.39.060 Setback and Yards.

All buildings and structures shall conform to the setback and yard requirements of the underlying District except as defined in this Chapter. (Ord. 2012-8-1)

17.39.070 Special Regulations.

- A. No principal structure, as defined in the underlying basic use District, in the Shoreland Protection Overlay District shall be located closer than sixty (60) feet to the OHWM of a navigable lake, channel or stream. This setback may be reduced to the average of the setback of the principal structures on the adjoining improved properties upon design, timely installation and continued maintenance of a fifteen (15) foot vegetative buffer on the premises of a design and maintenance plan acceptable to the Village. Installation of the buffer shall be secured by a bond or cash escrow in sufficient amount to ensure installation. In no case may the shore yard setback for principal structures be less than twenty-five (25) feet. Upon installation and prior to return of the bond or escrow, a final photograph of the vegetative buffer shall be submitted to the Building Inspector.
- B. With the exception of stairs not greater than four (4) feet in width and associated landings not greater than the width of the stairs and no greater than four (4) feet in length as measured in the direction of travel, no accessory structure in the Shoreland Protection Overlay District shall be located closer than fifteen (15) feet to the OHWM of a navigable lake, channel or stream nor closer than fifteen (15) feet to the side lot line. (Ord. 2007-3-1)
- C. No individual accessory structure in the shore yard shall exceed six hundred (600) square feet and the total of all accessory structures in the shore yard on a given premises shall not exceed one thousand two hundred (1,200) square feet. The aggregate amount of impervious surface in the shore yard shall not exceed twenty percent (20%) of the total area of the shore yard.
- D. The maximum height of an accessory structure in the shore yard shall not exceed twelve (12) feet measured from the average of the existing grade at the corners of the structure or at least four (4) points equally spaced around the perimeter of the structure.
- E. Notwithstanding an access way to the water, which may not exceed thirty percent (30%) of the total footage of the property measured at the OHWM, existing vegetative buffers shall be maintained within fifteen (15) feet of the OHWM.
- F. To preserve the scenic beauty of shorelands, to control erosion, and to reduce nutrient flow from the shorelands, the following shore cover regulations shall be enforced in the shore yard:
 - 1. No more than thirty percent (30%) of the vegetative cover shall be clear cut;
 - 2. Clear cutting of more than thirty percent (30%) of the vegetative cover may be allowed if the cutting is mitigated by the planting of new vegetation at a ratio of two (2) new plantings for each one (1) removed;
 - 3. Cutting of this thirty percent (30%) shall not create a clear cut opening in the District greater than thirty (30) feet wide for every one hundred (100) feet of shoreline prorated for the width of the subject parcel;
 - 4. In the remaining seventy percent (70%), cutting shall leave sufficient cover to screen cars, dwelling and accessory structures as seen from the water; and preserve natural beauty and control erosion;
 - 5. Except within fifteen (15) feet of the OHWM, these provisions shall not apply to the removal of dead, diseased or dying trees, or to silvicultural thinning upon recommendations of a certified or licensed Arborist. This work may be allowed within fifteen (15) feet of the OHWM upon receipt of a permit from the Village.
- G. Filling and grading in the Shoreland Protection Overlay District shall be permitted only after the granting of a permit by the Village of Twin Lakes pursuant to Chapter 14.22 of this Code related to Grading, Filling and Stormwater Control. In addition, filling or grading which exposes more than ten

thousand (10,000) square feet of the bank of a navigable body of water shall require a permit from the Wisconsin Department of Natural Resources (DNR) pursuant Wisconsin Statutes.

- H. Grading of existing beaches in the Shoreland Protection Overlay District for the purpose of maintenance of existing beaches to their previous historical condition and grade shall be permitted upon the issuance of a permit by the Building Inspector and proper authority of the DNR. No new or additional sand may be added to a property to create, enhance or otherwise extend a beach or sand area within fifteen (15) feet of the OHWM. Filling of or creation of sand areas will be allowed more than fifteen (15) feet above the OHWM upon installation and maintenance of a buffer or barrier to prevent the travel of sand into the adjacent waterway. Requests for such permit shall include a photograph of the existing beach. A final photograph is required upon completion of the maintenance, each photograph to be submitted to the Building Inspector.

(Ord. 2012-8-1)

17.39.080 Nonconforming Uses and Structures.

- A. Uses and structures, whether principal or accessory, lawfully existing or located at the time of the passage of this Chapter or amendments thereto may continue although such use or structure does not conform to this Chapter.
- B. When a nonconforming structure, whether principal or accessory, containing a nonconforming use is intentionally dismantled to the extent of more than fifty percent (50%) of its current locally assessed value, it shall not be reconstructed except in conformity with the regulations of this Code. A legal nonconforming structure may be dismantled and rebuilt within its existing footprint, and up to the maximum height allowed by the underlying zoning district, even if such height is taller than the previous structure's height, provided that the resulting structure is no more nonconforming than was the prior structure.(Ord. 2012-8-1) (Ord. 2019-5-1 (part)).