

RESOLUTION NO. 116

**A RESOLUTION OF THE VILLAGE OF OCONOMOWOC LAKE  
VILLAGE PLAN COMMISSION TO GRANT A SPECIAL EXCEPTION  
TO WALTER G. GARLOCK**

**WHEREAS**, a petition has been filed by Walter G. Garlock (the "Petitioner"), owner of certain vacant property located within the Village of Oconomowoc Lake generally East of N48 W36355 East Wisconsin Avenue, more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Subject Property"); and

**WHEREAS**, the Petitioner seeks to conduct a mini-warehousing and small cubicle storage business on the Subject Property, and in order to do so the Petitioner is seeking a special exception from the setback requirements that would apply from the easement which serves the Subject Property; and

**WHEREAS**, pursuant to Section 17.39(2)(b) of the Village of Oconomowoc Lake Zoning Code the Village Plan Commission can grant a special exception from the otherwise applicable setback requirements, as described therein; and

**WHEREAS**, the Village of Oconomowoc Lake Plan Commission has had an opportunity to carefully consider the matter; and

**WHEREAS**, the Village of Oconomowoc Lake Plan Commission finds that the requested setback from the easement will not be adverse to the public health, safety, or welfare; will not be in conflict with the spirit or intent of the Village of Oconomowoc Lake Zoning Code; and will not otherwise be detrimental to the Village of Oconomowoc Lake or the immediate neighborhood where the proposed structures are proposed to be located.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Village of Oconomowoc Lake Plan Commission, as follows:

- A. A special exception from the otherwise applicable setback requirement from the easement which serves the Subject Property is hereby granted subject to the following conditions:
  - A. Conditional Use. Prior to this special exception taking effect, the Petitioner shall apply for and receive a conditional use permit for the operation of a mini-warehousing and small cubicle storage facility on the

Subject Property, and the Petitioner shall satisfy all conditions of the same. In addition, upon the expiration or termination of such conditional use permit, this special exception shall immediately and automatically terminate without further action of the Village of Oconomowoc Lake Plan Commission.


- B. Presentation Compliance. The use of the Subject Property shall be in substantial conformity with the presentation at the public hearing before the Village of Oconomowoc Lake Plan Commission held on April 4, 2005, and as reviewed and revised by the Village Plan Commission at its meeting subsequent to the public hearing.
  - C. Use Restricted. This special exception is granted only to Walter G. Garlock for the operation of a mini-warehousing and small cubicle storage facility as described above. Any change, addition, modification, alteration, and/or amendment of any aspect of the proposed use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands, or owners, other than as specifically authorized by the above-noted conditional use order shall require a new special exception and all procedures in place at the time must be followed.
- B. This special exception grant shall be recorded against the Subject Property by the property owner, and proof of recording shall be provided to the Village of Oconomowoc Lake Village Administrator, prior to this special exception taking effect.
- C. SEVERABILITY.  
The several sections of this resolution are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

D. EFFECTIVE DATE.

This resolution shall take effect immediately upon passage and posting or publication as provided by law upon satisfaction of the conditions precedent noted above.

Dated this 7<sup>th</sup> day of April, 2005.

VILLAGE OF OCONOMOWOC LAKE PLAN COMMISSION

  
Raymond Foster, Jr., President

ATTEST:

  
Kathy Kreuser, Village Clerk/Treasurer

Published and/or posted this 5<sup>th</sup> day of April, 2005.