

# Architectural Control Board

Minutes of June 23, 2014

The meeting was called to order at 7:00 p.m. In attendance were Mike Bickler, Jim Perkins, Sharon McNellis, Sandy Eppers, Amy Zea, Russ Kohl, Don Wiemer (Village Administrator), Michele Cannariato (Deputy Clerk) and Attorney John Macy.

Also present were:

Bush Nielsen, Reinhart Attorneys At Law, N16 W23250 Stoneridge Dr., Waukesha  
Bryan Clark, Ground Affects Landscaping  
Jeff and Meme Fellows, 36712 Armour Road  
Steve and Judy Fleming, 34837 Fairview Road  
Ulrich Jentsch, 34829 Fairview Road  
Tom Mortonsen, RA Smith, 16745 Bluemound Road  
Matt Kocourek, RA Smith, 16745 Bluemound Road  
Gary Etzel, 24 Enterprise Road, Delafield  
Derek and Michele Pawlak, 13 White Tail Lane  
Joe Faretta, 3871 LaLumiere Road  
John Van Rooy, Van Rooy and Associates, 2843 N. Prospect, Milwaukee  
Peter Kudlata, Flagstone, 1840 Lakefield Road, Cedarburg  
Jeremy Cardenas, 9 White Tail Lane  
Bridget Sheahan, 34737 Fairview Road  
Ken and Ximena Schweitz, 879 Timberline Ct.  
Pat Cannon, 10 White Tail Lane  
Jon Schoenheider, Regency Builders, 1133 Quail Ct., Pewaukee  
Steve Wollersheim, Home Deziqn, Elm Grove  
Paul Schultz, Sun Arc

1. Motion (Bickler/McNellis) to approve the minutes from the April 28, 2014 meeting. Carried Unanimously.

2. Discussion/action regarding the request of Mr. and Mrs. Ulrich Jentsch, 34829 Fairview Road, to reconstruct a new single family residence, garage and landscape plan approval.

Mr. Wiemer informed the board that the Village of Oconomowoc Lake had received copies of correspondence from the lawyer of the neighbor who opposes the granting of a building permit. He also reiterated some of the history of this application: The house plans were previously approved but the garage was not approved because there was no complete landscaping plan. The Jentsch's now want to excavate the basement and make it bigger. The Village recently changed the ordinance pertaining to this situation and it is now allowed to expand a basement below grade.

Paul Schultz from Sun Arc Studios presented the grading plan for the garage, which will be 2 stories on the front and 1 story in back (toward the road).

Mike Bickler asked about permeable pavers that were brought up at the previous meeting.

Tom Mortonsen from RA Smith addressed the issue of non-permeable pavers in the courtyard and stated that permeable pavers were not required by the DNR. They will be handling the storm water through a series of swails, piping and catch basins. The juniper hedge will be approximately 5 ½ feet. All of the retaining walls are 24 inches in height.

Matt Kocourek from RA Smith explained that the driveway is 10 feet wide and will be asphalt.

Paul Schultz: The new house will have the same footprint, the height of the walls, the pitch of the roof and the volume are all the same as the existing house. There will be a full finished basement. The current basement is a little over half the size of the footprint. The grading around the house will be the same.

Don Wiemer stated that all the codes are being met with these plans and they meet the letter of the law. He then informed the board that he had received an email from Kevin Cook, a neighbor on the other side of the property, requesting that a letter that was in the email be read at the meeting since the Cooks were out of town. Wiemer read the letter (see attached.)

Bush Nielson from Reinhart Attorneys At Law is the attorney for Steve and Judy Fleming, a neighbor of the property. Nielson referred to the ordinance that "...as to a legal non-conforming structure, the structure may be totally rebuilt if and only if such reconstruction is identical in all respects to the size, shape, height, location, footprint, style and use of the original structure." He stated that Mr. Jentsch is pushing the envelope in this reconstruction because it is not identical. Nielson then quoted the sub paragraph from the ordinance that reads "...that a legal non-conforming structure...subject to this board's approval may be reduced in size, may have its shape modified, may have its height lowered, may have its style modified, as long as the proposed structure is identical in all respects to the location..."

Nielson stated that the plans don't show that the footprint is exactly as the original footprint. He proceeded to enter 12 different photos of the existing house as exhibits into the record:

Exhibit 1: Shows the entryway of a side door with a canopy over it which will become enclosed in the new house, thus making the building closer to the lot line. He also stated that this is not really part of the footprint.

Exhibit 2: Another view of the entryway.

Exhibits 3 & 4: More views of the entryway.

Exhibits 5-10: Show views of the green house on the lake side of the house. This will become a spa room in the new house. Nielson states that this is not part of the footprint.

Exhibits 11 & 12: Show views of a screen porch at the rear of the property. Nielson states that this is also not part of the footprint. He also wants to verify that there was a permit pulled to build this porch since it is not a part of the original house.

Nielson discussed the asphalt driveway and non-permeable pavers and the solutions presented for storm water. The drainage gutter will run in the 2 feet between the house and the property line which will increase the density of that area. If anything in the front

of the house needs repair or maintenance, it will almost be impossible to get from the rear of the house to the front of the house (lake side) without trespassing on the adjacent properties.

Nielson then summarized his four points:

1. Enclosures are not part of the footprint: green house, front door entryway.
2. Non-permitted areas: screen porch.
3. The catch basins and non-permeable pavers and swale area – will increase the likelihood of trespass.
4. We need an accurate description of the property for the current footprint.
5. The Flemings want to talk about the style of the house.

Judy Fleming spoke about the opposition to these plans. They are concerned about the safety issue that there is no way to get to the front of the house from the back except the 2 feet on either side of the house. No equipment could fit in those 2 feet. She also questions the style of the new and old houses.

Jeff Fellows voiced his concerns:

- a. We need verifications of the dimensions of the old house to compare to the new.
- b. Why is the landscaping plan only preliminary?
- c. Driveway goes right down the lot line and headlights will shine in the Fleming's bedroom.
- d. Excavating plans – he has concerns about cave-ins. Several trees have already been damaged or destroyed.
- e. They need a Chapter 30 permit because they are within 1000 feet of the lake and there will be more that 10,000 square feet of soil displaced.

Steve Fleming talked about his well being 6-8 feet from the new driveway and is worried about the leaching of oils from the driveway. He is also concerned about the landscaping because now 82% of the property will be covered with non-permeable hard surfaces. He also would like to know exactly what material will be below the retaining walls – mulch, stone or grass.

Mr. Ulrich Jentsch introduced himself as the petitioner and then had his representatives address the issues.

Paul Schultz addressed the following:

1. The size of the house is identical to the current CSM. The front door entryway is on a slab and this will be enclosed as a 3 season room with a BBQ. There is an area to put a walkway in. The footprint does not include the overhang, only the foundation. Everything was duplicated exactly. The greenhouse has heating vents and access from the outside and the basement. The space will be exactly the same size in the new house. This will not affecting the grading or elevation. The basement will be one (1) foot deeper. This will be a spa room.

2. The screen porch in the back of the house was built in the 1950's or 1960's. The permit may have been issued by the Town of Summit. This is part of the footprint on the CSM from 1984.

Tom Mortonsen spoke to the storm water and drainage issues.

3. They are just reconstructing the existing swale, and there is a curb on the west side that is on both properties where the water drains. At the request of the Flemings, most of the drainage that went to the west will be diverted to flow south to the lake. The water will be picked up in the storm sewer on the east side of the house first. There is a pipe on the west side to pick up drainage from the existing swale and this will be replaced with an 8 inch pipe. Everything will be hand dug to avoid trespassing. The goal is to keep the runoff on the Jentzsch property and not let it go to the west.

Mr. Bickler asked about the amount of runoff exposure to the lake with the present system versus the rebuilt system. It was explained that there will be more runoff to the lake with the new system. Mr. Bickler explained that this was the reason permeable pavers had been discussed. A retaining pond may have to be considered.

4. With regard to an accurate description of the property, the 2014 CSM will show that the footprint is exactly the same. A copy of this CSM will be provided at the next meeting.

5. Paul Schultz addressed Judy Fleming's questions about the style of the existing house – it was probably built in the 1950's or 1960's so it could be called mid-century style. The new home will have the same roofline and the same height, using a prairie style. They will be adding stone and will use casement windows. The garage will match the house with a dormer window.

Mr. Schultz was asked to comment on the emergency access and trespassing issue. He stated that because the new house will have the exact same footprint, access will be the same and a mower or golf cart can fit between the house and the lot line. Mr. Bickler said that over the years the residents DID trespass onto the neighbor's yard to get to the lake. Mr. Jentzsch spoke to the issue and said that the plans could be changed and the enclosure around the side entryway could be eliminated.

Mr. Bickler addressed the preliminary landscape plans and said there should be more detail.

Mr. Perkins asked about protection of the site during excavation. Mr. Schultz responded that they will be using sheet pilings.

Mr. Schultz stated that Lake Country Engineering did the surveys and they concur with the DNR that a Chapter 30 permit is not needed.

Jeff Fellows:

- a. He expressed concern about a permit for the screen porch.
- b. He also asked about the style change in the house. John Macy explained that in the second part of the ordinance, it is stated that the Architectural Control Board can approve a change in style.

- c. He is still concerned about the Chapter 30. Mr. Wiemer explained that the DNR makes that decision and the Village was told that a Chapter 30 permit is not required.
- d. He appealed to Mr. Jentzsch to move the driveway so that it is not so close to the Fleming lot line.

Steve Fleming said that he still needs to hear how they will be able to build this house with only 2 feet to the lot line and not trespass on the neighbors' property.

Robin Debe, Realistic Builders, responded to this inquiry. He said he has experienced this situation many times, but is concerned about the trespassing issue. Mr. Bickler stated that this would have to be worked out with the neighbors and that the Arch Board does not deal with that issue.

Tom Mortonsen addressed Mr. Fellows appeal to move the driveway. The elevation is lower on the west side and the retaining walls that would have to be put in would have to be higher than the Village restriction of 24 inches. Mr. Bickler asked if the garage could be moved closer to the road (where the existing garage is) and then the driveway be moved farther east. Mr. Schultz responded that that area was going to be used for the septic system.

Mr. Mortonsen also addressed the issue of permeable pavers. He said that they have worked with them, but they really don't address major storm water issues and they do not recommend installing them.

Mr. Nielson reiterated his concerns about the parts of the house included in the footprint. He also stated that because of the change in the ordinance, the root cellar can now become a full basement, essentially doubling the living space of the existing house. Mr. Bickler responded that there is currently a family room, a game room, and bar in the basement, so it is more than just a root cellar.

Mrs. Fleming spoke about living space – She wanted a response to a hypothetical example: would a car port be able to be converted to living space? Mr. Bickler replied that the Arch Board could not reply to a hypothetical example, but in past practice garages have been converted to bedrooms, and boiler rooms have been converted to living space.

Mr. Bickler outlined the suggestions for the next meeting:

1. Remove the entryway from the plans
2. The Village should review their records for a permit for the screen porch.
3. Need copies of the 2014 CSM (a plan sized) with all of the dimensions including: height, volume, overhangs, etc.
4. A permanent landscape plan with plants and bedding.
5. Reviews of moving the garage and driveway. The Architectural Control Board wants to be certain that this is not an option.
6. The existing curbing is on neighbors' property – that should be left as is. Review if a retention pond is needed to stop additional water from flowing into the lake.

Mr. Perkins wants to compare the existing structure to a current CSM.

Motion (Bickler/McNellis) to adjourn and set the matter over to the next meeting on Monday, July 28<sup>th</sup>, 2014 at 7:00 p.m. Carried Unanimously.

3. Discussion/action regarding the request of Mr. and Mrs. Patrick Sheahan, 34737 Fairview Road, for repair, window change, and style modification as permitted under section 17.32(2)(b) of the Village Zoning Code as it pertains to legal nonconforming structures containing a single conforming use. This applies to the Boathouse.

Gary Etzel, the builder, presented the plans. He stated that the repairs were substantial so they wanted to make some revisions. There will be window changes and the rail around the deck will be cable rails (stainless steel). The colors will match the house.

Motion (Bickler/Eppers) to approve the plans as submitted. Carried Unanimously.

4. Discussion/action regarding the request of Mr. and Mrs. Ken Schwietz, 14 WhiteTail Lane, for a new single family residence.

The plans were presented by Steve Wollersheim from Home DeZign. He talked about the architecture of the new home: well within the setbacks, traditional prairie style, dimensional driftwood color asphalt shingle roof, masonry stucco, there will be a brick base in the color called "Morning Mist" and exterior will be bronze. The Ponds of Pabst homeowner's association has signed off on the plans.

Peter Kudlata from Flagstone Landscaping presented the landscaping plans. The lot is approximately 4 ½ acres and there will be evergreen buffer zones on the side lot lines. The house will be 205 feet from the west lot line, 90 feet on the north side, 116 feet on the south side, and 257 feet on the east.

Michele and Derek Pawlak spoke about the style of the house. Mrs. Pawlak produced a copy of the neighborhood bylaws that state all dwellings must be within the guidelines including the style of the house. They feel that this house is more contemporary than the other residences in the neighborhood. Mr. Pawlak said that he had talked to other people and was told that any deviations within a neighborhood would impact resale value.

Mr. Wiemer brought up the fact that the subdivision has their own Architectural Control Board and asked if they had signed off on it. Pat Cannon then spoke as the head of their homeowners' association. He said he had signed off on these plans because the construction techniques and roofing materials are much improved since the bylaws were written, the metal part of the home is in the back. He feels that the new home will bring home values up. Mr. Bickler talked about the change in roofing material and how it had been demonstrated that other materials were up to the standard of cedar shake. He also expressed that he felt that this style of home will fit into the neighborhood.

Motion (Bickler/Kohl) to approve the plans as submitted. Carried Unanimously.

5. Discussion/action regarding the request of Drs. Anil and Padma Doniparthi, 35308 Pabst Road, addition to residence.

John Van Rooy presented the plans for a one story addition to essentially create a shortcut across the courtyard from the kitchen to the living area. There will be French doors on either side of the turret space. The materials will all match the existing residence.

Mr. Bickler wanted clarification that the roof of this addition will not be accessible to be used for additional space.

Motion (Bickler/McNellis) to approve the plans as submitted. *Carried Unanimously.*

6. Discussion/action regarding the request of Mr. Joe Faretta, 3821 LaLumiere Road, deck and pergola.

Mr. Faretta showed the plans for an 8 X 13 foot deck with a pergola on the south side of the house.

Motion (Bickler/McNellis) to approve the plans as submitted. *Carried Unanimously.*

7. Discussion/action regarding the request of Mr. and Mrs. Cardenas, 9 WhiteTail Lane, for driveway pillars.

Bryan Clark from Ground Affects Landscaping presented the plans for the pillars. Pat Cannon signed off on the plans. The pillars will be 20 X 20 X 60 inches and the lights will match the lights on the house. The pillars will have a Bedford cap. Mr. Bickler suggested that the pillars have a copper cap to match the pillar at the end of the wing wall.

Motion (Bickler/McNellis) to approve the plans as submitted with the change of a copper cap to match the wing wall of the house.

8. Discussion/action regarding the request of Village of Oconomowoc Lake, 35328 W. Pabst Road, for replacement DPW garage and future salt/sand storage facility.

Mr. Wiemer presented the plans for a new garage for the Village. He stated that the garage was originally built in the 1960's and is currently 50' X 50'. It is deteriorating due to the salt vapors from storing salt. The new garage will be 50' X 70', built in the same area, with drive through garage doors. The walls will be textured steel and the roof will be the same color as the Village Hall. Eventually pines will be planted along the property line.

There is a salt storage shed and that will need to be replaced. The estimate for that was \$130,000 and the Village would like to get that estimate down to about \$30,000, so that's not on the plans at the moment.

The estimate for the new garage is \$600,000. There are unique floor drains. The poured concrete will be patterned to match the brick on the Village Hall. There will be an air exchange within the building. The first 4 or 5 feet of the walls will be the poured concrete so it won't deteriorate from the salt vapors. There will be a bathroom, office area, and mezzanine area.

Mr. Bickler, who has been involved with this project, said that there is a lot of site work because the grade will be raised 4 or 5 feet. The concrete is expensive and there has to be 2 holding tanks. There are hoists for lifting trucks, wash bays, heating, and insulation. This new garage will last longer than the old due to new technology in building materials.

Mr. Wiemer then explained that a municipal project must pay state union prevailing wage and a bond must be posted.

9. A motion (Bickler/Kohl) to accept the plans as submitted, Carried Unanimously.

10. A motion (Bickler/McNellis) to adjourn was made at approximately 10:00 p.m., Carried Unanimously.

Respectfully submitted,  
Michele Cannariato