

# VILLAGE OF OCONOMOWOC LAKE

**OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES OF Monday, February 2, 2009. Unofficial until approved by the Plan Commission. Approved as written ( X ) or with corrections ( ) on May 4, 2009.**

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, February 2, 2009, immediately following a public hearing, commencing at 7:05 p.m., at the Village Hall, 35328 W. Pabst Road, Oconomowoc. Legal requirements for notification as required by law have been met. Roll was taken with the following in attendance:

Mr. Kneiser/Chairperson – present  
Messrs., Bickler, Clarkson, Foster, Lyons, Owens/Members – present  
Messrs., Birbaum, Langenbach/Members – absent  
Ms. Schlieve/Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney – present

## **Attendance**

Victor Raasch (Vic's Flooring) and Kelly Smith (Kelly Smith Photography)

## **MINUTES**

Motion (Bickler/Lyons) to approve the minutes for the Plan Commission Meeting held on December 1, 2008, with the correction that Mr. Lyons should be added to the attendance list as being present at that meeting, *Carried Unanimously.*

## **Discussion/action regarding the request of Mr. Victor Raasch to amend his conditional use to allow a new business to lease a portion of the lower floor on the west side of his building located at 36115 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district. The proposed business is a photography studio.**

Motion (Owens/Foster) to recommend approval of the conditional use amendment to allow a photography studio to lease the northwest corner of the building owned by Mr. Victor Raasch, located at 36115 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district, *Carried Unanimously.* Mr. Macy was directed to draft the revised conditional use document. The document should also be amended to delete Penguin Spas as a leasee on Mr. Raasch's property.

## **Update on Binkowski zoning request in the City of Delafield.**

Mr. Wiemer and Mr. Macy reported on the City of Delafield Plan Commission meeting held on January 28, 2009 where the Binkowski request was heard. The City of Delafield was advised that the Village of Oconomowoc Lake will not accept any access to the Village through the 66-foot strip of property on Sawyer Road owned by the Binkowski family. The City of Delafield Plan Commission denied the Binkowski request for rezoning of their property.

## **Update on cooperative boundary agreement with the Town of Summit.**

Mr. Macy reported on the public hearing held on January 29, 2009 at the Town of Summit regarding the proposed Cooperative Boundary Plan between the Town of Summit and its neighbors, the Town of Delafield, Town of Oconomowoc, Town of Ottawa, Village of Dousman and Village of Oconomowoc Lake.

**Review of Attorney Macy's letter regarding setback variance procedures dated December 30, 2008.**

Mr. Macy explained that over the last several months a question has arisen as to whether or not the Village can deny a person an opportunity to appear before the Zoning Board of Appeals if their setback variance request has not gone to the Plan Commission and/or Architectural Control Board and/or if either of those entities has denied the setback variance. Mr. Macy suggested that the issue be readdressed with appropriate revisions to the Village Zoning Code. He noted that it may not be legally possible to stop someone from filing for and appearing before the Zoning Board of Appeals even though they have not previously appeared before the Plan Commission and Architectural Control Board. One suggestion to bring the Village ordinance into compliance with state law is to allow a variance applicant to be heard by the Zoning Board of Appeals whether or not they have received approval from the Plan Commission and the Architectural Control Board. Then, if the variance is denied, the applicant has the opportunity to file a writ of certiorari in the circuit court of Waukesha County. An applicant does not have the right to file a writ of certiorari with the circuit court without a denial from the Board of Zoning Appeals.

**Discussion/action to initiate a petition to amend the zoning code to resolve setback issues, and to recommend to the Village Board of Trustees an ordinance to amend the zoning code to address setback issues.**

Motion (Bickler/Lyons) to initiate a petition to amend the zoning code to resolve setback issues, and to recommend to the Village Board of Trustees an ordinance to amend the zoning code to address setback issues, Carried Unanimously.

Mr. Wiemer advised that this matter will require a public hearing before the Board of Trustees, and every effort will be made to have the matter heard on February 16, 2009, just prior to the regular meeting of the Board of Trustees.

With no further discussion, a motion (Bickler/Lyons) to adjourn the meeting at 7:36 p.m., Carried Unanimously.

Respectfully submitted by:  
Cindy J. Schlieve, Clerk-Treasurer