

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES OF
Monday, May 5, 2008. Unofficial until approved by the Plan Commission.
Approved as written () or with corrections () on _____.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held immediately following the public hearing on Monday, May 5, 2008, commencing at 7:37 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, Birbaum, Clarkson, Foster, Langenbach,
Lyons, Members – present
Mr. Owens, Member – absent
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney – present

Attendance

Pat McAdams (McAdams Realty)

Minutes

Motion (Bickler/Lyons) to approve the Plan Commission meeting minutes for April 7, 2008, as written, Carried Unanimously.

Discussion/action regarding the request by Pat McAdams for McAdams Realty, located at 36903 and 36933 East Wisconsin Avenue, Village of Oconomowoc Lake, to amend the current Conditional Use permit for the redevelopment of certain properties approved on November 19, 2007, to allow for the redevelopment project to be developed as a commercial condominium and condominium plat in the B-1 zoning district and authorizing such Condominium Declaration and condominium plat for the above named properties. This amendment is required and this authorization is permitted subject to Plan Commission approval under section 17.34(3) of the Village Zoning Code.

Motion (Lyons/Langenbach) to table the matter to the June 2, 2008 Plan Commission meeting, with instructions for Mr. Macy and Mr. Wiemer to prepare language for ownership and deed notation, Carried Unanimously. It was noted that any proposed documents will be forwarded to Mr. McAdams and plan commission members in a timely manner so that all will have ample opportunity to review them before the meeting.

Discussion/action regarding use variances, per correspondence from Mr. Macy dated April 16, 2008.

Mr. Kneiser noted that currently the Village specifically prohibits use variances. Mr. Macy advised that, under the existing law, the Village's ordinance cannot prohibit the

Zoning Board of Appeals from granting use variances. There are a number of cases that have addressed this issue, several of which Mr. Macy included in his letter. Item number 3, sections A, B, and C of Mr. Macy's letter suggest other possible restraints that could be placed on use variances. After discussion regarding those possibilities, the commissioners directed Mr. Macy to prepare a draft that would define uses, areas, and reasonable use, in addition to listing the current uses of properties in the Village. Motion (Lyons/Birbaum) to table the matter to the June 2, 2008 Plan Commission meeting, at which time the draft prepared by Mr. Macy will be discussed, Carried Unanimously.

Discussion/action regarding the first draft of "An Ordinance to Create Section 17.35 of the Village of Oconomowoc Lake Zoning Code, Regarding Prohibiting Rental of Single-Family Dwellings for Terms of Less than Three Months", per correspondence from Mr. Macy dated April 28, 2008.

Mr. Kneiser briefly described the matter, and advised that the renting of properties for terms of less than three months could reasonably be construed to constitute a business. Rental of property is not a business that is approved according to current Village zoning code, which can be found in the definitions section of chapter 17 under "Office, Professional Home". Mr. Macy advised that he would feel confident defending the Village in a matter where the ordinance was being violated. In his letter of April 28, 2008, Mr. Macy suggests in item 5 that the Village could define single family use to exclude uses involving leases of less than three months—or, a new conditional use could be created to specifically address short-term leases. Motion (Birbaum/Bickler) to table the matter to the June 2, 2008 Plan Commission meeting, with instructions for Mr. Macy and Mr. Wiemer to do additional research on the matter, including any state laws governing hotels and boarding houses, Carried Unanimously.

Motion (Bickler/Birbaum) to adjourn the meeting at 8:30 p.m., Carried Unanimously.

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