

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES
of Monday, June 2, 2014.
Unofficial until approved by the Plan Commission.
Approved as written (X) or with corrections () on 08/04/2014.

The regular meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, June 2, 2014, commencing at 7:00 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. Birbaum/Chairperson – present
Messrs. Barquist, Bickler, Owens (arrived 7:30 PM), Waltersdorf/Members – present
Ms. Cameron/Member – present
Messrs. Foster, Kohl/Members – absent
Ms. Schlieve/Clerk– present
Mr. Wiemer/Administrator – present
Mr. Macy/Attorney – present

ATTENDANCE

Steve Macaione, Jon Spheeris, Amy Zea, John Zea

MINUTES

Motion (Bickler/Waltersdorf) to approve the minutes as printed, for the Plan Commission meeting held on May 5, 2014, Carried Unanimously.

DISCUSSION/ACTION REGARDING EXTRATERRITORIAL APPROVAL OF THE CERTIFIED SURVEY MAP (CSM) FOR PROPERTY LOCATED ON NICKEL'S POINT ROAD IN THE TOWN OF OCONOMOWOC OWNED BY FAYE ANN MEYER AND COLLEEN MEYER, AND FLORENCE SCHNEIDER LIVING TRUST

Mr. Wiemer explained that the creation of the Certified Survey Map (CSM) was the result of moving the property line and easement. There is no impact on the Village.

Motion (Bickler/Barquist) to recommend approval to the Village Board of Trustees of the CSM for property located on Nickel's Point Road in the Town of Oconomowoc owned by Faye Ann Meyer and Colleen Meyer, and Florence Schneider Living Trust, Carried Unanimously.

DISCUSSION/ACTION REGARDING THE CSM FOR PROPERTY OWNED BY DWIGHT AND KAREN SWANSON LOCATED ON PABST ROAD IN THE VILLAGE OF OCONOMOWOC LAKE

Mr. Wiemer explained that this CSM had been previously approved by the Plan Commission and the Village Board of Trustees; however, too much time passed in getting it recorded with the Waukesha County Register of Deeds, per their rules, and the CSM now has to be re-approved. There are no changes to the CSM from the one previously approved by the Plan and Board.

Motion (Bickler/Waltersdorf) to recommend to the Board of Trustees approval of the CSM for Dwight and Karen Swanson, Carried Unanimously.

DISCUSSION/ACTION REGARDING SIGNAGE FOR THE LAKE CLUB'S NEW TENNIS BUILDING

Mr. Steve Macaione was present as representative of the Lake Club, and provided a rendering of the signage proposed for the Lake Club's new tennis building. Mr. Wiemer advised the Commissioners that the signage also needs the approval of the Trustees per the Conditional Use Permit held by the Lake Club.

Motion (Bickler/Waltersdorf) to approve the signage as presented and recommend to the Village Board of Trustees approval of the new signage, Carried Unanimously.

DISCUSSION/ACTION REGARDING THE REQUEST OF JOHN AND AMY ZEA FOR A CONDITIONAL USE PERMIT TO ALLOW THE ACCESSORY STRUCTURES TO REMAIN ON A PROPERTY IF THE MAIN RESIDENCE IS REMOVED REGARDING THE PROPERTY LOCATED AT 36301 SOUTH BEACH ROAD

Mr. and Mrs. Zea made a request to the Village for a Conditional Use Permit (CUP) in order to allow them to keep the existing legal non-conforming structures (a 2-car garage, barn, and equipment building) in the event that the main residence must be removed from the property located at 36301 South Beach Road. John and Amy Zea are considering purchasing that property currently owned by Richard Etzel.

Mr. Wiemer pointed out several other properties in the Village where the main residence had been removed, either intentionally or by fire, and the existing accessory structures were left on the property. Some examples given include the boat house formerly owned by Dwight and Karen Swanson located on Pabst Road, the garage located at 4645 N. Lake Club Circle, and the storage building that was allowed to remain after the main residence burned down at 36024 South Beach Road.

Discussion followed. The Commissioners created a list of restrictions that would be included in a CUP for the accessory structures on the property if the main residence is removed. Those restrictions are as follows.

- The CUP runs with the land
- Allows the house to be removed
- Does not include the keeping of animals
- The buildings on the property must be maintained as specified in the Zoning Code, property maintenance section
- The use must be as is specified in the Zoning Code
- No signage is allowed on the property
- The CUP may (shall) be terminated upon the completion of a new residence that conforms to the Zoning Code
- There can be no rental of space in the accessory structures
- The buildings cannot be used for human habitation
- There can be no additional accessory buildings built on the property

Motion (Bickler/Owens) to recommend the approval to the Village Board of Trustees the issuance of a Conditional Use Permit for the property located at 36301 South Beach Road to allow the accessory structures to remain on the property if the main residence is removed, subject to the restrictions noted above, Carried Unanimously.

Mr. Macy will prepare a draft of the CUP for review. The matter will be set for public hearing on June 16, 2014 at 7:00 p.m. immediately prior to the regular monthly Trustee meeting.

DISCUSSION/ACTION REGARDING CHAPTER 17, ZONING CODE, SECTIONS 17.19(1)(e) AND 17.19(2)(d) RELATING TO THE STATUS OF ACCESSORY STRUCTURES WHEN THE RESIDENCE IS REMOVED

This item was moved up in the meeting from the agenda order at Mr. Wiemer's request since the Commissioners were already on the topic in dealing with the Zea request.

Mr. Wiemer and Mr. Macy disagree on portions of this matter. Mr. Wiemer feels that accessory structures on a property with no main residence are considered legal non-conforming. Mr. Macy feels that those structures are illegal structures. Mr. Birbaum asked whether or not the Village wanted to create an ordinance that does not allow accessory structures to remain if the main residence is removed. Discussion followed with the following ideas expressed.

- If the accessory structures are allowed to remain they must be maintained
- If property owners are given the right to keep accessory buildings then what are the rules for those structures?
- Past practice has been to allow the accessory buildings to remain on the property

After further discussion, the Commissioners created a list of restrictions for accessory structures/buildings that are on a property when the main residence has been removed.

- No home office or professional space
- No animals may be kept in the structures/buildings
- No human habitation is allowed
- The property owners must comply with section 17.32 of the Zoning Code, Nonconforming Uses, Structures and Lots
- No temporary or minor structures may be built on the property
- No additional accessory structures/buildings may be built on the property

The Commissioners favored allowing accessory structures to remain on a property when the residence is removed with the conditions cited above, but felt the Village Trustees should have an opportunity to comment before a draft ordinance is prepared.

Motion (Owens/Bickler) to refer to the Village Board of Trustees for further consideration the matter of accessory structures when the residence is removed, Carried Unanimously.

DISCUSSION/ACTION REGARDING AN ORDINANCE TO REQUIRE PRIOR REVIEW OF SALES OR EXCHANGES OF PARCELS BETWEEN ADJOINING LANDOWNERS

Mr. Macy's communication of May 7, 2014 explains that a recent opinion of the Wisconsin Attorney General concluded that a municipality could adopt an ordinance to require prior review of sales or exchanges of parcels between adjoining landowners. This is a significant issue throughout the State. This matter was brought to the attention of the Village Board of Trustees at its May 19, 2014

meeting. The Trustees referred the matter to the Plan Commission to review and determine if an ordinance should be created to address the matter. Mr. Macy noted that several of the communities for which he is the municipal attorney have discovered illegal land transfers after the fact; sometimes the discoveries have come years later when a new owner applies for a building permit or other type of transaction. The Register of Deeds office used to contact municipalities when they were unsure whether the property was being legally transferred; however, the State advised them to record any deeds that were properly completed without notifying the municipalities. The assessors are notified and it is their responsibility to notify the municipalities of any changes, but they do not always do so. The Commissioners directed Mr. Macy to prepare an ordinance regarding this matter and it will be reviewed at the next Plan Commission meeting.

DISCUSSION/ACTION REGARDING CHAPTER 17, ZONING CODE, SECTION 17.32(2)(a) RELATING TO EXISTING NONCONFORMING STRUCTURES AND HOW THEY MAY BE REBUILT

Mr. Wiemer provided a memo to the Plan Commissioners in which he questioned whether a property owner, when rebuilding a legal nonconforming structure, can change the basement depth. For example, if the legal nonconforming structure that is being rebuilt had previously had a crawl space for its basement, can the property owner rebuild the structure with a full basement? This matter was presented to the Village Board of Trustees at its May 19, 2014 meeting at which time the Trustees voted to send this matter to the Plan Commission for its review and recommendation. The Commissioners, after discussion, agreed that the property owners should be able to expand the basement because no outside vision is affected.

Motion (Bickler/Owens) to initiate a petition to amend the Zoning Code to clarify what can occur below grade on a legal nonconforming structure and to authorize Mr. Macy to work with Mr. Bickler and Mr. Wiemer to draft an amendment per the discussion of the Plan Commission and recommend to the Village Board adoption of the same, Carried Unanimously.

ADJOURNMENT

With no further discussion, a motion (Bickler/Owens) to adjourn the meeting at 9:37 p.m., Carried Unanimously.

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