

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES
of Monday, August 4, 2014.
Unofficial until approved by the Plan Commission.
Approved as written (X) or with corrections () on 10/06/2014.

The regular meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, August 4, 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. Bickler, Foster/Members – present
Ms. Cameron/Member – present
Messrs. Barquist, Kohl, Owens, Waltersdorf/Members – absent
Ms. Schlieve/Clerk– present
Mr. Wiemer/Administrator – present
Mr. Macy/Attorney – present

ATTENDANCE

Brian Ewald, Jeff Fellows, Meme Fleming, Judy Fleming, Steve Fleming, George Ratkovitch

MINUTES

Motion (Bickler/Foster) to approve the minutes as printed, for the Plan Commission meeting held on June 2, 2014, *Carried Unanimously.*

DISCUSSION/ACTION REGARDING EXTRATERRITORIAL APPROVAL OF THE CERTIFIED SURVEY MAP (CSM) FOR PROPERTY LOCATED ON LAKELAND ROAD IN THE TOWN OF OCONOMOWOC OWNED BY GEORGE RATKOVITCH

Mr. Wiemer explained that the property is located across Hwy. 16 by the church in Okauchee. The CSM has received approval from the Town of Oconomowoc and Waukesha County Department of Parks and Land Use.

Motion (Bickler/Cameron) to recommend approval to the Village Board of Trustees of the CSM for property located on Lakeland Road in the Town of Oconomowoc owned by George Ratkovitch, *Carried Unanimously.*

DISCUSSION/ACTION REGARDING THE RENEWAL OF THE CONDITIONAL USE PERMIT FOR EWALD CHEVROLET BUICK, LLC, LOCATED AT 36833 E. WISCONSIN AVENUE, IN THE BUSINESS DISTRICT OF THE VILLAGE OF OCONOMOWOC LAKE

Mr. Wiemer noted that Mr. Brian Ewald was present to answer any questions in regard to the renewal of the Conditional Use Permit (CUP). Mr. Bickler noted that there should be an addition of Grand Butterfly Productions, owner of 36551 E. Wisconsin Avenue, to the list of parties of interest.

If approved, the CUP will have an expiration date of June 30, 2024 (10 year renewal). Mr. Wiemer noted that there are no changes proposed for the business and that there hadn't been any issues or problems in the past five (5) years.

Motion (Bickler/Foster) to recommend approval to the Village Board of Trustees of the CUP for Ewald Chevrolet Buick, LLC, located at 36833 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, with an expiration date of June 30, 2024, Carried Unanimously.

DISCUSSION/ACTION REGARDING THE RENEWAL OF THE CONDITIONAL USE PERMIT FOR EWALD MOTORS OF OCONOMOWOC, LLC d/b/a EWALD CHRYSLER JEEP DODGE OF OCONOMOWOC (FORMERLY KNOWN AS EWALD CHRYSLER, LLC), LOCATED AT 36833 E. WISCONSIN AVENUE, IN THE BUSINESS DISTRICT OF THE VILLAGE OF OCONOMOWOC LAKE

Mr. Wiemer noted that there hadn't been any issues or problems in the past five (5) years with this business. If approved, the CUP will have an expiration date of June 30, 2024 (10 year renewal).

Motion (Bickler/Foster) to recommend approval to the Village Board of Trustees of the CUP for Ewald Motors of Oconomowoc, LLC d/b/a Ewald Chrysler Jeep Dodge of Oconomowoc, located at 36833 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, with an expiration date of June 30, 2024, Carried Unanimously.

DISCUSSION/ACTION REGARDING THE REQUEST OF MR. JEFF FELLOWS TO CREATE A CONDITIONAL USE PERMIT FOR A LEGAL NON-CONFORMING STRUCTURE FOR PROPERTY LOCATED AT 4501 WEST BEACH ROAD, OCONOMOWOC, WISCONSIN

Mr. Wiemer reviewed the request for a Conditional Use Permit (CUP). Mr. Fellows has requested a CUP for the property at 4501 West Beach Road in the Village and has requested a 10-year renewal period. Normally, the renewal period for a CUP is five (5) years, and if the buildings on the property had been razed, they would need to be rebuilt in the exact locations within that five (5) year period. Mr. Fellows has requested a 10-year renewal period to allow more time to decide what to do with the property. Mr. Fellows provided a new Plat of Survey showing how close one of the garages is to the road.

Mr. Wiemer explained that the garage itself is not in road right-of-way; however, the cars that park in front of that garage are in road right-of-way and also present a hazard for drivers on Armour Road (where the driveway is located). Mr. Wiemer suggested that if the Plan Commission and Board of Trustees agreed to the extension of five (5) years for the CUP, they would then request that the garage closest to the road not be rebuilt. By not rebuilding that garage, the property owners would then not be infringing on Village right-of-way and would also be correcting a safety hazard.

Mr. Steve Fleming, Mrs. Judy Fleming, and Ms. Meme Fleming were present for the discussion. Mr. Fellows and the Fleming family all felt that not rebuilding the garage would not allow them enough space for storage on the property. Mrs. Fleming showed the Commissioners a proposed plan that would remove the two garages on the property and build one larger garage. It was determined that because the property is legal non-conforming, that the proposed plan could not be done. Rebuilding would have to be done on the exact footprint and be the exact size as the previous building, per the Zoning Code.

Discussion continued in regard to the fence on the property, which is completely in road right-of-way. Mr. Wiemer questioned whether the CUP request included razing the house, garages, and fence. Mr. Fellows stated that his plan is to raze all of those things, but he would want to rebuild all of it as well. There was discussion in regard to the fence which is in road right-of-way. Mr. Fellows would like to tear it down because its current condition is not very good; however, he would like to rebuild the fence in its exact location. The majority of the Commissioners felt that the fence should be removed and not replaced since it is in road right-of-way. It was noted that since the fence is in road right-of-way, the Village could have it removed.

Mr. Bickler summarized the request as follows.

- Mr. Fellows is asking for a CUP with a renewal of 10 years (5 year extension from normal CUP's) to remove all buildings and fencing on the property
- The Trustees would ask for the small garage closest to the road to be razed and not rebuilt in return for the 5-year extension of the CUP
- Mr. Fellows and the Fleming family would like to keep the small garage as it is needed for storage
- One possibility suggested was to leave the garages and tear down the house
- Another possibility suggested was to put up a garden shed for the storage issue
- Another suggestion was that they arrange the parking area on the side away from the road only

Mr. Fleming noted that they would have to leave all of the buildings standing because it was apparent that they could not proceed in the manner they had planned. Mr. Macy advised that they have the right to tear everything down now and rebuild in five (5) years. They could also request an extension to that five (5) year period by requesting a CUP in four and a half years, though there was no guarantee that it would be granted at that time. Mr. Fellows and the Fleming family decided that they would like to table the matter for now.

Motion (Bickler/Foster) to table the request for a CUP for property located at 4501 West Beach Road, owned by Jeff Fellows, Carried Unanimously.

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, PER REFERRAL BY THE PLAN COMMISSION AT ITS JUNE 2, 2014 MEETING AND THE BOARD OF TRUSTEES AT ITS JUNE 16, 2014 MEETING

Mr. Macy began the discussion by asking the question, if the principle structure is torn down, what then can the remaining structures be used for? Listed below are the uses and restrictions noted by the Commissioners.

- The structures remaining can only be used for storage and only of the owner's property
- No home office may be kept in the accessory structure even if there was a home office in the accessory structure when the principle structure was on the property
- No animals may be kept in the accessory structures
- No human habitation is allowed
- No kitchen facilities or its equivalent

- No motor homes may be stored in the accessory structures
- The accessory structures may be repaired and maintained and may be rebuilt on the same foot print
- No bathroom facilities unless already in existence
- The structures are subject to Chapter 17.33 of the Zoning Code of the Village of Oconomowoc Lake

Mr. Macy will continue to draft a revision to the ordinance and bring it to a future meeting for review and possible approval. No action was taken.

DISCUSSION/ACTION REGARDING A REVISION TO CHAPTER 17.32(2)(a) AND 17.32 (2)(b) OF THE ZONING CODE FOR THE VILLAGE OF OCONOMOWOC LAKE IN REFERENCE TO EXISTING LEGAL NON-CONFORMING STRUCTURES LOCATED IN THE BACK YARD (THE SIDE NOT FACING THE LAKE) OF THE PROPERTY

Mr. Wiemer noted that the proposed change was prompted by the request of Mr. and Mrs. Jason White of 4623 N. Hewitts Point Road, who had requested to convert an existing garage/apartment to a garage only. When reviewing the current Zoning Code, Mr. Wiemer stated that a change in use was not allowed in the Code; however, the location of the building for which the White's propose to change the usage is not on the lakeside and would have no affect on any lakeside views of the property. Mr. Wiemer felt that under those circumstances, a zoning change should be made.

Mr. Macy provided a revision to the Zoning Code that would allow the change of use for accessory structures that were not located between the main building and the high water mark or in the offset area of the main building. Mr. Macy explained that section (2)(a) and (2)(b) already exist. They have been revised by adding paragraphs 1 and 2 to Section (2)(a). Section (2)(a)1 applies to all non-conforming structures no matter where they are located on a property. Section (2)(a)2 allows the change of use when structures are located between the main building and the road. Section (2)(b) has been revised to include paragraphs 1 and 2. Section (2)(c) has been revised with new language that relates to the changes in sections (a) and (b).

Discussion followed regarding a suggestion by Mr. Bickler that the Village have the ability to request property owners to move a legal non-conforming structure into a more desirable location, which may still not be a legal location, but more desirable for the neighboring properties. A suggestion was made that perhaps a special exception category could be created to allow Mr. Bickler's suggestion. It was decided that this suggestion be taken to the Trustees for their comments before proceeding with any ordinance changes.

Motion (Bickler/Foster) to recommend approval to the Board of Trustees of the revisions to Chapter 17.32(2)(a) and 17.32(2)(b) and 17.32(2)(c) of the Zoning Code for the Village of Oconomowoc Lake in reference to existing legal non-conforming structures located in the back yard of the property, Carried Unanimously.

*Plan Commission Meeting
August 4, 2014*

This matter will be set for Public Hearing before the September 15, 2014 Village Board of Trustees meeting. It will also be placed on the agenda for the Village Board of Trustees on September 15, 2014 for discussion/action.

ADJOURNMENT

With no further discussion, a motion (Bickler/Foster) to adjourn the meeting at 9:20 p.m., *Carried Unanimously.*

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