

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES OF Monday, October 12, 2009. Unofficial until approved by the Plan Commission. Approved as written (X) or with corrections () on November 2, 2009.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, October 12, 2009, 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. Kneiser/Chairperson – present
Messrs., Bickler, Birbaum, Clarkson, Langenbach, Lyons, Owens/Members – present
Mr., Foster/Member – absent
Ms. Schlieve/Clerk– present
Mr. Wiemer/Administrator – present
Mr. Macy/Attorney – present

Attendance

There was no one in attendance other than those noted above.

MINUTES

Motion (Langenbach/Birbaum) to approve the minutes for the Plan Commission Meeting and public hearing held on August 3, 2009, Carried Unanimously.

Discussion/action regarding the proposed Certified Survey Map (CSM) for a property located on Tweeden Lane in the West Shore Subdivision in the Town of Oconomowoc. The CSM combines two (2) lots. This is an extraterritorial review.

Motion (Bickler/Birbaum) to recommend to the Village Board of Trustees the approval of the proposed Certified Survey Map (CSM), which combines two (2) lots, for a property located on Tweeden Lane in the West Shore Subdivision in the Town of Oconomowoc, Carried Unanimously.

Discussion/action regarding An Ordinance to Repeal and Re-Crete the Definition of "Structure" and the Regulation of Retaining Walls Within the Village of Oconomowoc Lake Zoning Code.

Mr. Wiemer explained that building plans for a property in the Village had been presented for review by the Architectural Control Board. Those plans attached the main residential structure to an accessory structure through an underground connection. In doing so, the accessory structure is then considered part of the main residential structure because the foundations are connected. The method used is not in violation of current zoning code, which does not allow any structures between the residence and the water. Mr. Macy explained that the proposed ordinance provides that "construction constitutes one or more than one structure shall be determined by the Zoning Inspector based upon the above-ground elements."

Commissioners expressed concern regarding the placement of swimming pools. Current zoning would allow an in-ground pool to be built between the residence and the water, as long as the pool was connected to the foundation of the residence. Commissioners were concerned that if a pool can be connected to the foundation of the residence, then additional structures, such as a gazebo or pool house, could also be added to the property by connecting them to the foundation of the residence. The existing ordinance, which does not allow structures between the residence and the water, was created to prevent structures such as gazebos or pool houses in order to enhance the visual appearance of the properties from the lake.

Mr. Macy will add the following paragraph immediately following the paragraph that begins "Whether a construction ..."

"Swimming pools and ponds shall in all instances be considered separate structures regardless of the manner in which they are contained or connected to the footings or foundations of the main structure unless the swimming pool and/or pond are completely enclosed in the main structure."

Motion (Birbaum/Langenbach) to recommend approval to the Village Board of Trustees, with the changes as noted above, and after final review by the Plan Commissioners on November 2, 2009, Carried Unanimously.

Discussion/action regarding the Village of Oconomowoc Lake Zoning Code, Chapter 17.32(2)(b) Existing Nonconforming Structures.

Mr. Wiemer requested a clarification on 17.32(1)(b) and 17.32(2) sub paragraphs (a) and (b) of the Village Zoning Code, in which references are made to the "footprint and use of the original" structure. Mr. Wiemer questioned what the Village should consider the original structure. When referring to the original structure, are we referring to the structure when it was originally built, possibly many years ago, or are we referring to the "footprint and use of the original structure" as of today's date or the date the property owner wants to modify the non-conforming structure? Mr. Wiemer's opinion was that the paragraph refers to the latter, but he believes that the matter should be clarified. Discussion continued among Plan Commissioners regarding determining the original structure using a "date certain" plus or minus five years, or another designation of years. Motion (Bickler/Owens) to table the matter for further review, Carried Unanimously. Mr. Macy and Mr. Wiemer will research the matter further and report their findings and recommendation at a future Plan Commission meeting.

With no further discussion, a motion (Owens/Clarkson) to adjourn the meeting at 8:10 p.m., Carried Unanimously.

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