

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES on Monday, May 2, 2022.
Unofficial until approved by the Plan Commission:
Approved as written (X) or with corrections () on 6/6/2022.

A regular meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, May 2, 2022, commencing at 7:01 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:

Chairman & Village President Bickler; Members: Kohl, Fischer, Heinrich, Mielke, Fitch & Waltersdorf
(Sheahan arrived at 7:15)

Also present: Zoning Administrator Wiemer, Administrator Janicsek, Clerk Sayles & Attorney Macy

Attendance: None

Pledge of Allegiance

Discussion/action regarding approval of minutes from the April 18, 2022 Special Plan Commission meeting.

Motion (Waltersdorf/Kohl) to approve the minutes from the April 18, 2022 Special Plan Commission meeting as written. *Carried 6-0-1 (Fitch abstain).*

Discussion/action on Zoning Code 17.32 as it pertains to a legal non-conforming use and its impact on the residence.

Mr. Wiemer reviewed a current request and stated the Village Board discussed the matter and sent it to the Plan Commission for discussion and possible action. Several similar properties have legal non-conforming uses, and the current ordinance which was written in the 90's. He asked the board to consider removing "legal non-conforming use" condition from this section of the ordinance. This would allow building changes even to non-conforming structures, without eliminating the non-conforming use, as in a second living quarters. Attorney Macy reviewed the difference between "non-conforming use" and "non-conforming structure" and that there are different rules for each. Mr. Fischer clarified that what is being discussed is that both legal non-conforming uses and legal non-conforming structures be treated the same.

Motion (Waltersdorf/Kohl) to direct Village Staff to adopt the language Don prepared into the ordinance to read:

"Regardless of the foregoing provisions in this subsection (1), the footprint of a legal nonconforming primary residence on a parcel containing existing legal non-conforming uses, subject to architectural control Board approval, may be expanded into areas of the lot where the expansion fully complies with all offset and setback requirements of the district in which it is located provided that the expansion is otherwise in compliance with all applicable laws. In passing upon such matters, the Architectural Control Board shall consider all of the following factors: the size of

the lot; the size and location of the existing legal nonconforming structure; the size and location of any other structures on the lot; the size and location of the proposed expansion; the impact, if any, that the expansion may have upon neighboring properties; whether the proposed expansion would violate the intent of the Zoning Ordinance; and such other matters as the Architectural Control Board finds to be relevant in the interests of the public health, safety, welfare, and protection of property values of the Village”, and to bring the modification to the Village Board for approval. Carried Unanimously.

Discussion/action regarding permitted location of sport courts on residential property.

Mr. Wiemer stated that sport courts are becoming more popular on residential properties. Our current zoning code is not clear on handling them and their placement. Currently there are tennis and basketball courts, usually located in the rear of the principal residence, some are located between the house and the lake. Attorney Macy reviewed the current language of the zoning code. Mr. Wiemer asked the board to consider clarifying the zoning code to state whether sport courts should be allowed between the house and the water, in side yards and or just in rear yards and to determine what setbacks and offsets similar to how structures are limited.

Plan Commission members discussed existing sport courts as well as an interest in preserving the natural beauty on the lake side of residences. The Plan Commission would like to include setback and side yard restrictions for all new, permanently designated areas for sporting activities on residential lots.

Motion (Waltersdorf/Sheahan) to direct Village Staff to work with Attorney Macy to develop draft language for an ordinance related to permanently designated areas for sports activity on residential properties between the house and the lake, using Plan Commission comments regarding location and surfaces, stating an interest of preserving the natural look of the lake; and bring proposed ordinance back to the Plan Commission. Carried Unanimously.

Discussion/action on a DRAFT of an Ordinance to regulate paths, sidewalks and/or stairways and/or any combination of the same in the Village of Oconomowoc Lake.

Mr. Wiemer stated staff spent a lot of time considering the draft ordinance included in the packet, and referred to the summary page from Attorney Macy with regard to the draft ordinance to regulate paths, sidewalks and/or stairways to the lake. Plan commission members discussed at length and requested language be added that the restriction is for paths greater than 25 feet from the residence and that any path greater than 4 feet wide must be permeable and 50% grass.

Motion (Waltersdorf/Sheahan) to direct staff to tweak the language of the DRAFT ordinance as discussed and take it to the Village Board for review and possible approval. Carried Unanimously.

Discussion regarding zoning restriction for a structure located between a house and the water, and in the side yard.

Mr. Wiemer reviewed a property in the village with water on 3 sides and the code states there are to be no structures between the house and the water. The R-1 Zoning District was changed to allow accessory structure “at least 200 feet from high water mark of a channel connected to the Oconomowoc Lake”. The question for the Plan Commission is whether to change the language in the other districts as well with a possible setback of 75 feet from a channel. Mr. Wiemer also asked commission members to consider properties on LaLumiere as well due to smaller lots and residences being closer to the road. He further asked if the setback measurement from the water should jump property lines if there is property between a residence and the water. Plan Commission members discussed the issues and asked Attorney Macy to work with staff to draft changes to the

R-2, R-3 and R-4 districts with regard to structures and the water, and bring the same back to the Plan Commission for discussion and possible action.

ADJOURNMENT

With no further discussion, a motion (Mielke/Heinrich) was made to adjourn the meeting at 9:14 p.m., Carried Unanimously.

Respectfully submitted by:
Theresa Sayles, Village Clerk
