

# VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE VILLAGE BOARD PUBLIC HEARING MINUTES OF  
MONDAY, February 16, 2009. Unofficial until approved by the Village Board.  
Approved as written ( ) or with corrections ( ) on \_\_\_\_\_.

## Public Hearing

A public hearing was held before the regular monthly meeting of the Village Board of the Village of Oconomowoc Lake, commencing at 7:00 PM, Monday, February 16, 2009, at the Village Hall, 35328 W. Pabst Road, Oconomowoc. Legal requirements for notification of the news media were met. Roll was taken with the following in attendance:

Mr. Kneiser/President – present  
Messrs. Birbaum, Fischer, and Shult/Trustees – present  
Messrs. Bickler, Owens, and Schinzer/Trustees – absent  
Ms. Schlieve/Clerk-Treasurer – present  
Mr. Wiemer/Police Chief and Administrator – present  
Mr. Paul E. Alexy/Attorney – present

## Attendance

Mike Theim, Bob Biebel (SEWRPC), Ed Johnson, Paige S. Meyer (Oconomowoc Focus)

## Zoning code changes regarding setback variances as they pertain to Architectural Control Board and Plan Commission review, and changes regarding the procedure to obtain a setback variance.

Mr. Kneiser stated that the changes requested to the setback variance ordinance have been recommended to the Village Board for approval by the Plan Commission. Mr. Wiemer explained that the changes requested are to clear up the zoning ordinance regarding setback variances. The current ordinance states that in order to have a setback variance case heard by the Board of Zoning Appeals (BZA), it must first receive approvals from the Plan Commission (PC) and the Architectural Control Board (ACB). The revision states that an applicant could present a case to the BZA prior to receiving approvals from the PC and ACB, but the case must still be presented to the PC and ACB. Any recommendations made by any of the three boards must be followed in order for the variance to be granted. Section 17.61(4)(b) will read as follows. The underlined portions are new to the section.

To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Setback variances shall not be granted without a public hearing, and shall be conditioned upon the approval of the PC, upon its consideration of the issues noted in Section 17.02 and Section 17.03, and the approval of the ACB, upon its consideration of the issues noted in Section 17.60(8), herein. The ACB, PC and/or BZA may each place reasonable conditions or restrictions on their approvals when granting any setback variances. Lot area variances shall not be granted if the purpose of the variance is to allow the lot to be divided into more parcels than would be allowed absent the variance. As to use variances, see Section 17.16(5) of this Code.

Mr. Wiemer also noted that changes have been recommended relating to special exceptions. The change is to subsection h, under Powers of the BZA, and is revised as follows. The underlined portions are new to the section.

Notwithstanding the provisions of Section 17.61(4)(b) regarding the granting of setback variances, the Board may, without a public hearing, grant a special exception on a case by case basis regarding setbacks and offsets for property located in the R-4 Low Density Residential District in the limited circumstances described in Section 17.385(5), with the approval of the PC, upon its consideration of the issues noted in Section 17.02 and 17.03, and the approval of the ACB, upon its consideration of the issues noted in Section 17.60(8), all as more fully described in Section 17.385(5).

Motion (Shult/Birbaum) to close the public hearing, at 7:06 p.m., Carried Unanimously.

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