

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE VILLAGE BOARD PUBLIC HEARING MINUTES OF
MONDAY, November 16, 2009. Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 12/21/2009.

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, November 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. Bickler, Birbaum, Falstad, Fischer, Owens, and Shult/Trustees – present
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief and Administrator – present
Mr. Macy/Attorney – present

Attendance

Craig Ewald (Ewald Automotive), Ed Johnson, Jeff Fellows, Steve and Judy Fleming

The request of Ewald Kia DBA Ewald Real Estate 36883 LLC for a Conditional Use Permit for the property located at 36883 E. Wisconsin Avenue in the Business District of the Village of Oconomowoc Lake (formerly known as Pepino's of Oconomowoc), for the purpose of vehicle display.

Mr. Wiemer explained that a request for a Conditional Use Permit (CUP) by Ewald Kia had been presented to the Plan Commission on November 2, 2009. The request is for the property located at 36883 E. Wisconsin Avenue, formerly known as Pepino's of Oconomowoc. The requested CUP would allow Ewald Kia to display 25 Kia vehicles for sale on the property, and the CUP would be for a one-year period only. The Ewald management team is finalizing their plans for this property, and when that is completed they will present a revised request to the Plan Commission for the use of this property. Mr. Craig Ewald noted that the building that is currently on the property will not be used at the present time, but it has been thoroughly cleaned inside, and the grounds have also been cleaned up.

Mr. Ewald requested a revision to the proposed CUP to allow vehicles to be parked behind the existing building only during emergency situations, such as snow removal on the main lots of Ewald Chrysler and Ewald Chevrolet. Trustees indicated that they would consider the revision when the matter is acted upon at the regular monthly meeting (to be held immediately following the public hearing), but would recommend that vehicles could only be parked behind the existing building between the hours of 3:00 a.m. and 9:00 p.m.

The Plan Commission for the Village of Oconomowoc Lake has initiated a zoning amendment petition to amend the current Village Zoning Code (Chapter 17) regarding an ordinance to repeal and re-create the definition of "structure" and the regulations of retaining walls within the Village of Oconomowoc Lake Zoning Code.

Mr. Macy explained that the proposed amendment is reflected in the paragraphs following item 6 under "Structures shall not include". The two proposed paragraphs read as follows:

"Whether a construction constitutes one or more than one structure shall be determined by the Zoning Inspector based upon the above-ground elements. If there is a separation between the above-ground elements so that they appear to be separate structures, the above-ground elements shall be regulated as separate structures, and such separate structures may be restricted or prohibited as regulated herein. This shall be true even if the above ground elements are connected below ground, or by insubstantial

means that do not dispel the above-ground appearance of separate structures. Insubstantial means include, without limitation: unenclosed connections; connections that lack a roof or floor; connections that are not heated, ventilated or air conditioned in the manner of the main structure; connections that lack substantial structural elements that are present in the main structure; and connections that lack a foundation or footing.

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.”

The proposed revision affects the installation of swimming pools and ponds between the main residence and the lake. Recently swimming pools have been allowed within the area between the residence and the lake if they were attached to the foundation of the residence. In the revised ordinance, pools may only be installed on the lakefront side of the residence if that pool is completely enclosed within the main structure. Also, the revision would prohibit connecting structures via underground access using the same foundation.

The Plan Commission for the Village of Oconomowoc Lake has initiated a zoning amendment petition to amend the current Village Zoning Code (Chapter 17) regarding an ordinance to repeal and re-create the definition of “Structure, Original” within the Village of Oconomowoc Lake Zoning Code.

Mr. Macy explained that the new definition of “Structure, Original” reads as follows: *The original structure shall be the structure as it lawfully exists on the date of the application for a building permit or if the original structure has been removed from the property the original structure shall be the structure as it existed most recently within the last five years.*

Mr. Fellows expressed his concern regarding a property he owns. The property is currently considered legal non-conforming. He plans to raze the house that is currently on that property, but is uncertain about the time table for rebuilding. His concern is that since the property is non-conforming, then a main residence can only be rebuilt in the same footprint and with same area as the current existing house. Mr. Macy advised him that he could apply for a conditional use permit to allow him to rebuild at a date later than five years, using the dimensions of the house that currently exists. Mr. Fellows would need to have very specific documentation as to the size and area of the existing house prior to its razing in order to comply with the zoning code.

Motion (Bickler/Shult) to close the public hearing, at 7:33 p.m., *Carried Unanimously.*

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