

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES OF
Monday, June 1, 2009. Unofficial until approved by the Plan Commission.
Approved as written (X) or with corrections () on August 3, 2009.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, June 1, 2009, commencing at 7:08 p.m., immediately following a public hearing, 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, Foster, Langenbach/Members – present
Messrs., Lyons, Owens/Members – absent
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney – present

Attendance

Scott Kestly, Tom Schuetz

MINUTES

Motion (Birbaum/Langenbach) to approve the minutes for the Plan Commission Meeting held on May 4, 2009, Carried Unanimously.

Discussion/action regarding the request of Mr. Tom Schuetz, on behalf of Oconomowoc Auto Parts Corporation, to renew his Conditional Use Permit. Oconomowoc Auto Parts is located at 36863 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district.

Mr. Wiemer explained the request made by Mr. Tom Schuetz. Motion (Foster/Birbaum) to recommend to the Village Board of Trustees approval of the request to renew the Conditional Use Permit for Oconomowoc Auto Parts Corporation, located at 36863 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district, Carried Unanimously.

Discussion/action regarding an Ordinance to Create the G-1 Government Zoning District.

Mr. Wiemer reviewed the revised Ordinance to create the G-1 Government Zoning District. Motion (Langenbach/Foster) to recommend to the Village Board of Trustees the adoption of the Ordinance to Create the G-1 Government Zoning District, and to set a public hearing for June 15, 2009, immediately preceding the regular Village Board of Trustees monthly meeting, Carried Unanimously.

Discussion/action regarding the request for a Conditional Use Permit for the property of Scott and Diana Kestly, 35308 W. Pabst Road, in the Village of Oconomowoc Lake.

Mr. Wiemer explained that Mr. Kestly had a few questions he would like addressed before he makes his decision regarding whether or not to keep the caretaker's house on his property, and proceed with the request for a Conditional Use Permit. Mr. Kestly explained that the caretaker's house has deteriorated over the years and needs extensive repairs. He would like some assurances that if he invests in the maintenance needed for the house, he will be able to use the house for human habitation now and into the future. Mr. Kneiser asked Mr. Macy to respond to Mr. Kestly's concerns. Mr. Macy explained that the law states that on the day the zoning was

changed in the Village, which stated that only one house for human habitation was allowed on a property; the owner had the right to continue to use the property as it had been used in the past. Additionally, Mr. Macy explained that a property cannot be reduced from its original size and continue to have more than one house used for human habitation unless the owner applies for, and is granted, a legal non-conforming conditional use permit. Mr. Macy advised that Mr. Kestly has the right to apply for, and be granted, a legal non-conforming conditional use permit. Mr. Macy noted that the legal non-conforming conditional use permit could be granted by the Village Board, but that the legal non-conforming conditional use permit could still be challenged by someone in the community. It is then possible that a judge could overrule the actions that the Plan Commission and Village Board had taken. Mr. Macy also noted that the Village has not in the past taken the stance of verifying whether additional houses on a property have been used for human habitation on a continual basis. Mr. Macy advised that a legal non-conforming conditional use permit could be issued to Mr. Kestly that reduced the size of the property from 90 acres to 8 acres and be silent as to his rights. Another option would be to take an additional step of determining what Mr. Kestly's rights are. That would include a public hearing where each of the rights would be determined. It was noted that Mr. Kestly had previously stated that the caretaker's house had not been used for human habitation for a number of years. That information causes some concern as to whether the house can now be used for human habitation. Commissioners noted that the caretaker's house has been in existence for 75 years and has been used for human habitation for most of that time. Commissioners also felt that the house is historically significant and every effort to retain the house should be made. Mr. Macy advised that the certified survey map will need to be revised to remove the comment "accessory buildings on lot are not to be used for residential purpose". Mr. Kestly stated that he was satisfied that the current members of the Plan Commission were in favor of retaining the caretaker's house and allowing human habitation, and would therefore like to continue with the legal non-conforming conditional use permit process.

Motion (Bickler/Birbaum) to recommend the approval to the Village Board of Trustees of a legal non-conforming conditional use permit for Scott and Diana Kestly to reduce the size of their property from the original 90 acres to the current 8 acres; and to allow human habitation in each of the two residences located on the property, Carried Unanimously.

Mr. Macy will make the necessary revisions to the draft conditional use permit, and it will be available for the public hearing and Village Board of Trustees meeting to be held on June 15, 2009.

Discussion/action regarding the request of Joseph Armeli, on behalf of Pepino's Restaurant of Oconomowoc, to renew his Conditional Use Permit. Pepino's Restaurant is located at 35883 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district.

Mr. Wiemer explained that Pepino's Restaurant is closed. The reason to renew the Conditional Use Permit is only to aid in the sale of the property. Commissioners noted that a new owner of the property will need a new Conditional Use Permit, so the renewal of the existing Conditional Use Permit is unnecessary. Motion (Bickler/Foster) to deny renewal of the Conditional Use Permit for Pepino's Restaurant, and direct staff to return the fees paid by First Bank Financial Centre and explain the reason for the denial, Carried Unanimously.

With no further discussion, a motion (Bickler/Clarkson) to adjourn the meeting at 7:43 p.m., Carried Unanimously.

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