

VILLAGE OF OCONOMOWOC LAKE

**OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES of
Monday, June 6, 2011.**

Unofficial until approved by the Plan Commission.

Approved as written (X) or with corrections () on 08/01/2011.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, June 6, 2011, 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. Birbaum/Chairperson – present
Messrs. Barquist, Bickler, Clarkson, Foster, Kohl/Members – present
Ms. Cameron/Member – present
Mr. Owens/Member – absent
Ms. Schlieve/Clerk – present
Mr. Wiemer/Administrator – present
Mr. Macy/Attorney – present

Attendance

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

MINUTES

Motion (Bickler/Foster) to approve the minutes as printed for the Plan Commission meeting held on February 7, 2011, *Carried Unanimously*.

Discussion/action regarding electronic sign ordinance, per postponement from the February 7, 2011 meeting

This matter was discussed by the Village Board of Trustees with the consensus that the matter would not be pursued.

Discussion/action regarding a request for additional antennas at the U.S. Cellular Site in the Village of Oconomowoc Lake. The existing conditional use permit requires Plan Commission approval for U.S. Cellular to add antennas.

Mr. Wiemer stated that U.S. Cellular has submitted a request to add three (3) antennas to their existing tower located in the Village wood lot. Mr. Barquist noted that he had a business relationship with U.S. Cellular ten years ago, but no longer had such a relationship. Mr. Macy advised that there was not a conflict of interest for Mr. Barquist.

Motion (Bickler/Clarkson) to approve the proposed addition of three (3) antennas, to include fiber optics if necessary, to the tower located in the Village wood lot, and that the plans would be provided to Administrator Wiemer for his review and approval, *Carried Unanimously*.

Discussion/action regarding regulations regarding use variances, per referral of the Village Board of Trustees and correspondence from Mr. Macy dated April 12, 2011 and April 27, 2011.

Mr. Macy's letter explains the differences between a use variance and an area variance. A use variance is one that permits a use other than that prescribed by the zoning ordinance in a particular district. An area variance has no relationship to a change of use. It is primarily a grant

to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by the restrictions of a zoning ordinance. Due to decisions in several court cases in years past which indicated that municipalities could not prohibit use variances, the Village chose to determine a legal use for each property in the Village. New rulings have indicated that municipalities may again be allowed to prohibit use variances. Mr. Wiemer requested the Plan Commission authorize Mr. Macy to rework the ordinance and re-insert the wording that would allow the Village to prohibit use variances.

Motion (Bickler/Foster) to authorize Mr. Macy to rework the ordinance to prohibit use variances, and to bring the matter to the next Plan Commission meeting for review, Carried Unanimously.

Discussion/action regarding Chapter 17 as it pertains to accessory structure removal required for land division.

Mr. Wiemer explained that there is the possibility that the property owned by the Swanson's will be split to facilitate a sale. A split of the property would leave a residence on one piece of property and the boat house on a second piece of property. The current zoning code does not allow the building of an accessory structure on a property when there is not a primary residence; however, the code does not refer to existing accessory structures when a property is divided. Discussion followed. Mr. Wiemer and Mr. Macy will work on possible zoning code revisions and bring the matter to the next Plan Commission meeting for review.

Mr. Bickler suggested that the Plan Commission revisit the matter of swimming pool placement for on-lake properties at their next meeting also. The commissioners agreed to that suggestion.

Adjournment

With no further discussion, a motion (Bickler/Barquist) to adjourn the meeting at 7:40 p.m., Carried Unanimously.

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