

# VILLAGE OF OCONOMOWOC LAKE

## OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES

of Monday, July 1, 2013.

Unofficial until approved by the Plan Commission.

Approved as written ( X ) or with corrections ( ) on 08/05/2013.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, July 1, 2013, 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, Foster, Kohl, Owens, Waltersdorf /Members – present  
Ms. Cameron/Member – present  
Ms. Schlieve/Clerk– present  
Mr. Wiemer/Administrator – present  
Mr. Macy/Attorney – present

### **ATTENDANCE**

Sonia Arminio (Konstant Architecture), Paul Konstant (Konstant Architecture), Pete Feichtmeier (Colby Construction), Brennan Smith, and John Van Rooy (John Van Rooy Associates)

### **MINUTES**

Motion (Bickler/Barquist) to approve the minutes as printed, for the Plan Commission meeting held on April 1, 2013, *Carried Unanimously*.

### **DISCUSSION/ACTION REGARDING PROPOSED CERTIFIED SURVEY MAP (CSM) FOR THE PROPERTY LOCATED AT 36802 W. ARMOUR ROAD, OCONOMOWOC, WISCONSIN, OWNED BY MICHAEL J. BICKLER, JR. AND MELISSA A. BICKLER, TAX KEY OCLV 0586-991-001.**

Mr. Wiemer reported that the proposed CSM had been submitted by Mr. and Mrs. Bickler. It was reviewed by Mark Powers of Lake Country Engineering, Inc. (Village Planner), who had the following six (6) comments based on his review of the proposed CSM.

1. Remove the "Preliminary" from the title on all pages
2. Add North arrow to location map
3. There is a 0.01' discrepancy in the 176.84' distance on the east line of the property. CSM 9832 has 176.83'. Either change the distance or show a "record as" distance.
4. Show names and address of clients on face of map
5. There is a distance of 21.84' shown near the SE lot corner which has no apparent value. Either remove the distance and corresponding line, or add the bearing of the line associated with the distance.

6. I recommend the survey remove all "deeded as" notations as this map matches CSM 9832 in all bearings and distances (with 1 exception) and the previous CSM referenced all deeded as variations.

Motion (Owens/Waltersdorf) to recommend to the Board of Trustees approval of the proposed Certified Survey Map (CSM) for the property located at 36802 W. Armour Road, Oconomowoc, Wisconsin, tax key OCLV 0586-991-001, owned by Michael J. Bickler, Jr. and Melissa A. Bickler, with the provision that the changes indicated in the six (6) comments from Mr. Powers be completed, Carried. Mr. Michael J. Bickler, Sr. abstained from the vote.

**DISCUSSION/ACTION REGARDING INTERPRETATION OF ZONING CODE 17.10 DEFINITIONS, BUILDING HEIGHT (4) THAT STATES ". . . NO MORE THAN THREE (3) STORIES OF HABITABLE SPACE SHALL EXIST WHEN VIEWED FROM THE WATERFRONT.", AS IT RELATES TO THE PROPERTY LOCATED AT 35308 W. PABST ROAD IN THE VILLAGE OF OCONOMOWOC LAKE.**

This matter is listed as item number 5 on the agenda. Mr. Birbaum requested it be moved up on the agenda due to a representative being present to address the matter.

Mr. Wiemer explained the matter using a digital presentation to more clearly show the Commissioners what is being proposed for the addition to the property located at 35308 W. Pabst Road in the Village of Oconomowoc Lake. Chapter 17.10 Definitions, Building Height (4) of the Village Zoning Code states that ". . . no more than three (3) stories of habitable space shall exist when viewed from the waterfront." The addition to the property is three (3) stories, includes an elevator between the existing house and the proposed addition, with the elevator extending to the roof level, or the fourth floor of the house. There is then a box shape on the fourth floor roof for the ingress and egress of the elevator. The roof would then be used as a deck. There would not be kitchen or bathroom facilities on the rooftop to assure that the space is not habitable. The question for the Commissioners is whether the fourth floor is considered a habitable space and would the project then not be allowed because more than three (3) stories could be viewed from the lake.

Mr. John Van Rooy, architect for the project, explained that the roof level (fourth floor) is recessed from view at the lake level. Between the existing house and the new addition (3 stories and the top floor) is a transition space for the elevator which separates the existing from the new. There is a stairwell and an elevator within the box that extends to the roof; and, the area will not be used for human habitation.

Motion (Bickler/Waltersdorf) to accept the proposed plans for an addition to the house located at 35308 W. Pabst Road, noting that the plans meet the intent of the ordinance, there will be no human habitation of either the fourth floor or the elevator and its transition space, and pursuant to the discussion and reasons set forth in the minutes, Carried. Mr. Foster abstained from the vote.

**DISCUSSION/ACTION REGARDING THE CONNECTION BETWEEN THE HOUSE AND GARAGE FOR THE PROPERTY LOCATED AT 35947 NORTH BEACH ROAD, OCONOMOWOC, WISCONSIN, OWNED BY BRENNAN AND MARGARET SMITH, TAX KEY OCLV 0582-987.**

Mr. Wiemer explained that the Architectural Control Board (ACB) had approved changes to the plans for the Smith property at its June meeting. Discussion followed regarding whether or not the

approved changes meet Village Zoning Code. Mr. Wiemer presented digital photographs of the plans for the property, which included hinged doors that could be removed in the open area of the pass through. Additionally, the plans call for removable glass panels that would be open in the summer and closed in the winter. The pass through is heated. The reason for the question regarding whether or not the plans meet code is that there are living quarters in the garage, therefore, the connection between the house and garage should be permanent, according to code. If there were no living quarters in the garage, the proposed plan would meet code.

Discussion continued with the Architect, Paul Konstant, explaining that the intent for the pass through had always been to keep it open during the summer months. Mr. Bickler reviewed the various plan changes that had been presented to and approved by the ACB. Mr. Smith noted that he views the plan as being no different than putting furniture on and off a patio seasonally. The house is a summer home for his family; they do not live there year-round.

Mr. Bickler suggested that instead of using removable windows, they use sliding glass panels on the pass through that would be permanently installed.

Motion (Bickler/Owens) to accept the proposed plans with the modification that the doors are to be permanently installed, and that the Village Administrator can give final approval for the project to proceed once the architect brings in a revised proposal, Carried Unanimously.

**DISCUSSION/ACTION REGARDING AMENDMENT TO THE ZONING CODE 17.10 DEFINITIONS, STRUCTURE, AS IT PERTAINS TO THE SEPARATION OF ABOVE-GROUND ELEMENTS.**

Mr. Bickler noted that a formula should be created that would prohibit a connection between habitable portions of the residence from being a walk-through only connection. The connection must also be acceptable for human habitation. Discussion followed regarding possible solutions to this matter. Mr. Birbaum noted that it appeared to be a consensus of the Commissioners that this portion of the Zoning Code needed to be re-written. It was suggested that Mr. Bickler and Mr. Wiemer work together to look at possible changes. One of the things that must be done is to define "human habitation". Mr. Wiemer stated that he would like to include Mr. James Perkins, chair of the ACB, in the discussion to get his viewpoint on the matter.

Motion (Bickler/Kohl) to table the matter until staff comes to a future meeting with revisions to the ordinance, Carried Unanimously.

**ADJOURNMENT**

With no further discussion, a motion (Bickler/Owens) to adjourn the meeting at 8:12 p.m., Carried Unanimously.

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