

TOWN OF OCONOMOWOC  
SPECIAL PLAN COMMISSION MEETING

JUNE 29, 2011

Present: Chairman Kenneth Runyard, Commissioners Richard Garvey, James Navin, Janis Husak, Catherine Balthazor, Terry Largent, Town Planner Jeffrey Herrmann, approximately 13 citizens. Absent, Commissioner Robert Peregrine.

Chairman Runyard opened the meeting at 6:10 p.m.

**AGENDA**

**1. Approve minutes for June 20, 2011 Plan Commission meeting.**

Navin approved the minutes with the following correction: Item #3, last paragraph shall read "Husak moved to approve the variance for the fence for Steven and Rebecca Tiffany on Anchor Court, which fence shall be six (6) ft high, three (3) ft off the property line, sixty (60) ft in length from the northwest corner of the house." Seconded by Largent. Carried unanimously.

**2. Public comments: None**

**4. Consider & Act on CSM for Elaine & Stephen Kraut for Elizabeth Hintz and Heidi Johnson – N49 W39272 Wisconsin Avenue**

Jeff stated that there were errors in the original CSM, i.e. the secretary of the Plan Commission had Jan Miller as Acting Town Clerk, the flood plain elevation has changed, incorrect references regarding Hwy 16; therefore he recommended approval, subject to the Planners report.

Navin moved to recommend to the Town Board to approve the CSM subject to the Planner's report dated June 29, 2011. Seconded by Garvey. Carried unanimously.

**5. Consider and Act on Variance request from the offset and building height requirements of the Waukesha County Shoreland and Floodland Protection Ordinance as well as a special exception from the accessory building floor area ratio requirements of the Ordinance to allow the construction of a new detached garage for Sue Bennett, W347 N5920 Lake Drive, Oconomowoc, Wisconsin.**

Sue and Doug Johnson of DJ's Carpentry presented plans for the proposed garage. The height would be 14 ft, the same as the existing garage. They plan to expand the garage over an existing asphalt area adjacent to the garage. Expanding the garage would allow her to store a row boat and boat trailer under cover.

Navin moved to recommend to the Board of Adjustment that they approve the variances required for Sue Bennett to build the new garage on the existing footprint starting at the northwest corner and going

along 3.1 ft from the lot-line and with a 42 x 26 x 14 ft maximum high. Seconded by Husak. Carried unanimously.

**6. Consider and Act on Variance request from the shore setback, floodplain setback, floor area ratio, and the remodeling of a non-conforming structure in excess of 50% of its fair market value requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to allow the construction of several additions to and remodeling of the residence for John and Victoria Pakalski, N64 W34997 Road J, Oconomowoc, Wisconsin.**

No action was taken as the petitioners are working with the County on some changes.

**7. Consider and Act on removal of a portion of land from the Agricultural Land Preservation Plan for Robert Schowalter – Lot 1 of Certified Survey Map 6947 being a part of the SW ¼ and SE ¼ of Section 14 in the Town of Oconomowoc.**

The Town Board approved this matter this evening. This is the area being planned for a respite facility. Jeff explained that it should be removed from the County's preservation plan before they submit it to the State.

Navin moved to remove the property from the Ag Preservation plan so it can be used for a respite facility. Seconded by Garvey. Carried unanimously.

**8. Consider and Act on Limiting Hours of Usage on outside Deck for Okauchee Mystery Bar, LLC D/B/A Foolery's Liquid Therapy, N52 W35091 Lake Drive, Okauchee, Wisconsin**

This item is tabled. A resolution will be attempted with meetings with the owner, his attorney, Chief of Police and Jeff.

**Joint Public Hearing to consider the Conditional Use Permit request of Roy and Diane Innis, W379 N5736 Lake Road, Oconomowoc, Wisconsin, to allow the operation of a small engine repair and maintenance business from an existing detached garage.**

Chairman Runyard opened the Public Hearing at 6:30 p.m.

The property is located on a frontage road off old Hwy 67. It consists of a house, 2 garages and a shed.

The garage planned to be used is at the rear of the property and the petitioner stated that it is barely visible from the road. The property is zoned residential, residential density, a limited family business is allowed here under a Conditional Use.

The petitioner stated that there would be no traffic or parking as he offers pick up. The noise would be minimal as most of the work would be done inside the garage. The equipment would not be stored outside. He will not have inventory, but obtain whatever he needs as his customers need it. He has a full time job, 6 days a week, and plans this as a part time job to earn additional money.

Richard Scheerer, N57 W38033 Lakeland Drive, across the street. He objects to the request. His comments are included in his letter which is made a part of these minutes.

Ken Nelson, W379 N572 North Lake Road. He does not object, but has concerns about parking and containing noise.

Richard Scheerer presented a letter from William and Marjorie Babcock, currently out of town, objecting to the request. Jeff read the letter to the Plan Commission. This letter is made a part of these minutes.

John Magill, W379 N5731 Meadowview Road. Behind the petitioner. He stated that the shop and property is meticulous and he feels there is a need for this type of business. He supports the request.

Cathy Balthazor stated that she feels this is a tight location and is strictly residential.

Jan Husak questioned the sign. The petitioner stated that it would be small, maybe 2 ft x 2 ft, and removable. He also stated that noise heard previously was from a race car he keeps. He questions a neighbor who runs an oil dealership out of his home, stating that the environmental issue is greater there.

Sandy Peterson, W379 N5160 North Lake Road. She has noticed the noise and is concerned about the hours of operation.

John Magill stated that the former owner made outdoor furniture and had it displayed, with for sale signs, on the front yard. There was noise from power tools. He has not noticed noise from the petitioner.

The petitioner stated that he would like neighbors to talk to him if they have concerns about noise. Mr. Scheerer stated that they should not have to go to him – there should be no noise.

Chairman Runyard closed the Public Hearing at 6:50 p.m. and reopened the Plan Commission meeting.

**3. Consider and Act on Conditional Use Permit to operate a small engine repair and maintenance business from an existing detached garage for Roy and Diane Innis, W379 N5736 Lake Road, Oconomowoc, Wisconsin**

As the representative for Waukesha County appeared, Garvey moved to reconvene the Public Hearing. Seconded by Navin. Carried unanimously.

In answer to Amy Barrows' questions the petitioner stated that he is not on sewer, but the garage area is very dry, his used oil would be recycled, any equipment that needed to be gotten rid of would be

taken to a recycling center; the garage doors would be closed in the winter and in evenings in the summer; there is an exhaust system in the garage, all his equipment would be stored in the garage, no structural modifications to the building; the property is screened and is immaculate; there may be an occasional pick up or delivery as he is offering free pickup and delivery; he does not plan on a large volume of business; any noise concerns are related to the race car.

Chairman Runyard closed the Public Hearing at 7:10 p.m. and reopened the Plan Commission meeting.

**3. Consider and Act on Conditional Use Permit to operate a small engine repair and maintenance business from an existing detached garage for Roy and Diane Innis, W379 N5736 Lake Road, Oconomowoc, Wisconsin.**

Garvey moved to recommend to the Waukesha County Park and Planning Commission to approve the request of the Innis' to operate a small engine repair business in the stated garage with the following conditions: that he have no full time employees unless he comes back before the Plan Commission and submits a request for a new Conditional Use; that the door be closed in the garage when he is working on small engines; as far as testing his equipment, I don't see a problem with testing it outside; no outside storage; if there are any complaints the Town Planner will be contacted and the petitioner will be asked to appear; hours of operation will not be beyond 9:00 p.m.; there will be a one year review, all subject to the usual recommendations drawn up by Jeff. Seconded by Navin. Carried by a vote of 4 to 2.

**9. Adjourn**

Husak moved to adjourn. Seconded by Navin. Carried unanimously. Adjourned at 7:15 p.m.

Respectfully submitted,

Betty Callen, Recording Secretary