

# TOWN OF OCONOMOWOC

## PLAN COMMISSION MEETING MINUTES

November 2, 2015

Chairman Robert Peregrine called the meeting to order at 6:32 p.m. Commissioner's present included Linda Bergman, Richard Garvey, Terry Largent, James Roche and Kenneth Runyard. Commissioner James Navin had an excused absents. Also in attendance were Administrator/Planner Jeffrey Herrmann and Clerk/Treasurer Lori Opitz. For additional attendees please see attached sign in sheet.

1. **Approve Minutes for October 19, 2015 Town Plan Commission Meeting.** – Chairman Peregrine stated he would like line item #3 minutes to reflect that the public hearing was not closed, but adjourned to November 2<sup>nd</sup> as well as line item #5 showing the word “County” instead of “Counties”. Commissioner Roche made the motion to approve the minutes with the corrections requested by Chairman Peregrine. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments** - None
3. **Adjourned Public Hearing (previously held on 10/19/2015) by the Town of Oconomowoc Plan Commission to consider the request of Jason Myers, N53W37065 Madison St., Oconomowoc, Wisconsin 53066 to construct a 6' vinyl fence on the east side of his property. (Tax Key #OCOT0561255).** The petitioner did not appear and the Chairman Peregrine asked that the adjourned public hearing set for tonight to adjourn again until the November 16<sup>th</sup> meeting. Commissioner Garvey made the motion to approve the adjournment of the public hearing from tonight to the November 16<sup>th</sup> meeting. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.
4. **Consider and Act on the request Jason Myers, N53W37065 Madison St., Oconomowoc, Wisconsin 53066 to construct a 6' vinyl fence on the east side of his property. (Tax Key #OCOT0561255).** – The Board could not act on this line item because the public hearing was adjourned until November 16<sup>th</sup>. This line item will be brought back to the November 16<sup>th</sup> meeting.
5. **Consider and Act on changes to conditions on Conditional Use for Carolyn Hewitt for Barn at Trinity Peak, N80W38726 McMahan Road. Requesting permission for a family event on October 7, 2016 to exceed the maximum allowable number of persons. Also requesting to put up a tent for that event. (Tax Key #OCOT0463999003)** – Petitioner Carolyn Hewitt was present to ask the Board for permission for a family event on October 7<sup>th</sup>, 2016 to exceed the maximum allowable number of persons from 200 to 250 for the event and to have a tent set up for the event. Commissioner Bergman made the motion to approve the changes of the conditional use for Carolyn Hewitt for Barn at Trinity Peak, N80W38726 McMahan Road for the October 7<sup>th</sup>, 2016 family event to exceed the maximum allowable number of persons from 200 to 250 and to allow a tent on the property for the event. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.
6. **Consider and Act on the request from Ronald S. and Marietta A. Marshall 1994 Revocable Trust and Restatement of Ronald & Marietta A. Marshall 1994 Revocable Trust (owners) and Attorney T. Michael Schober (applicant) for after-the-fact variances from the shore and floodplain setback requirements and a special exception from the offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to allow the petitioner to retain a patio and retaining walls constructed without permits on the subject properties at W347N6119 and W347N6129 Road I, Town of Oconomowoc. (Tax Keys #OCOT0530113001 & OCOT0530111)** – Attorney Michael Schober was present for the petitioners. Attorney Schober stated a reduction in the elevation resulted in several retaining

# TOWN OF OCONOMOWOC

## PLAN COMMISSION MEETING MINUTES

walls being higher (lower) than the permitted 24 inches and because of the unique shape of the parcel and the presence of large mature trees, in order to save the trees, of necessity the retaining walls had to be over 24 inches in length to prevent erosion and exposure of the root structure and because of these unique physical conditions of the lot prevented full compliance with the ordinance resulting in hardship. Also, the current patio as well as the patio dry well and an infiltration area on the patio side of the retaining wall, the patio as constructed, captures water that would have otherwise run into the lake, which is currently entering the ground. Commissioner Roche made a motion to recommend to Waukesha Board of Adjustment approval of the requested after-the-fact variance from the shore and floodplain setback requirements and a special exception from the offset requirements of the Waukesha County Shoreland and Floodland Protection ordinance to allow the petitioner to retain a patio and retaining wall constructed without permits at the property located at W3476119 and W347N6129 Road I. Commissioner Largent seconded the motion. Motion carried by unanimous voice vote after Chairman Peregrine abstained from voting.

7. **Consider and Act on the request from Richard and Betty Casper (owners) and TLC Contracting, LLC (applicant) for a variance from the Floor Area Ratio requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to allow the petitioner to construct a second story addition to the existing residence at N51W35621 Bayridge Ct., Town of Oconomowoc (Tax Key #OCOT0571020)** – Commissioner Bergman stated the petitioners did not appear and the Board was unable to elicit any information concerning their petition for a variance, therefore, the Board is unable to make a recommendation. Commissioner Bergman made the motion to make no recommendations. Commissioner Runyard seconded the motion. Motion carried by unanimous voice vote.
8. **Consider and Act on the request from Jeff and Nicol Befus (owners) and Demlang Builders (applicant) for a variance from the Road Setback, Floor Area Ratio, Open Space, Shore and Floodplain Setback and Conservancy Setback requirements of the Waukesha County Shoreland and Floodland Protection Ordinance to allow the petitioner to construct a new single family residence on the existing home site at W352N5318 Lake Dr., Town of Oconomowoc (Tax Key #OCOT0569099)** – Petitioner Jeff Befus and Applicant Demlang Builders were present to ask to construct a new single family resident on the existing home site of the subject property at W352N5318 Lake Drive. They stated the lot is extremely small which limits what can be reasonably done to improve the existing conditions and the variance will not adversely affect the general public, but it will greatly improve the property and help the overall aesthetics of the property. Commissioner Bergman made a motion to recommend to Waukesha Board of Adjustment approval for a variance from the Road setback, floor area ration, open space, shore and floodplain setback and conservancy setback requirements to allow the petitioner to construct a new single family resident on existing home site at W352N5318 Lake Drive. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
9. **Adjourn** – Commissioner Bergman made a motion to adjourn at 7:00 p.m. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –  
Lori Opitz, WCMC  
Clerk/Treasurer