

VILLAGE OF CHENEQUA
PLAN COMMISSION

MINUTES OF THE MAY 17, 2004 MEETING

The meeting was called to order at 5:00 p.m. by Commissioner William Biersach.

Present: William Biersach, Carla Garnham, Gary Zaiser, Andy Gehl, Tom Rolfs, Holly Warner, Peter Zlotocha. Also present Chief/Administrator Douglas, Village Attorney Krutz and Clerk/Treasurer Igl. Also present were residents Paul and Jo Ann Villavicencio, Louise Van Antwerpen, Dr. James and Sally Youker.

Neighboring property owner Sally Youker stated that she feels the proposed residence is too large for the lot and asked if landscaping could be required so that they would not see the swimming pool area from their second story. She stated that she was concerned that Mr. Boucher may plan to cut trees along the shoreline.

MOTION made by Rolfs, seconded by Gehl to approve the minutes of the April 19, 2004 meeting after revisions. Motion carried.

Plans for construction of a new residence on the Frank Boucher property at 5569 N Hwy 83 were discussed. The plans had originally been reviewed at the April meeting, however, the Plan Commission had asked for further information. Chief/Administrator Douglas stated that the application is for a conforming residence to be constructed on a legal lot and that all setbacks/height restrictions are met. Building Inspector Tising stated that the footprint for the residence is proposed at approximately 7,000 square foot which is only a slight increase from the footprint of the residence that had previously been on this lot. The proposed residence would be placed approximately 80 feet further back from the lake than the previous residence. Building Inspector Tising stated that the Village Code is specific with cutting of trees along the shoreline and that this situation will be monitored. It was pointed out that there is a small existing pump house located near the shoreline.

Copies of pictures and a rendering of a view from the lake were presented by Building Inspector Tising. The pictures were black and white. The rendering was not stamped by the firm which prepared it. Commissioner Garnham stated that she felt that the bottom picture on the exhibit (looking south) was not accurate. Commissioner Biersach stated that he felt that the existing tree lines on the property would limit the view of the house from the lake especially considering that the residence is proposed to be constructed 180 feet back from the shoreline. Commissioner Zaiser also stated that he did not believe the pictures accurately depicted the view from the lake. There was an extended discussion on the line of site rendering from the lake. Mr. Tising attempted to identify what was being depicted.

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Commissioner Zaiser stated that he had concerns regarding whether the applicant would maintain the existing foliage. Again, Building Inspector Tising stated that the Village Code Section 6.09 is very specific and allows only a 35' wide path to the lake with nothing additional cut within 75' of the lake. Building Inspector Tising stated that these conditions will be attached to the permit when issued.

Building Inspector Tising stated that the plans include very little outdoor lighting and that all exterior lighting is intended to be low wattage including the area around the pool. Garnham expressed concerns of the neighbors' view of the pool area. Building Inspector Tising stated that he had been told that Mr. Boucher plans to cooperate with neighbors regarding landscape materials between the properties to assist in blocking light. Building Inspector Tising stated that the lighting issue will be discussed with applicant as well as the landscape screening issue. Commissioner Zaiser raised a concern as to the effect of interior lighting given that the house has 72 windows facing the lake.

Building Inspector Tising stated that he had reviewed stormwater/runoff issues and reported that the roof area is approximately 1% larger than the previously existing residence. This produces only a slightly larger runoff factor. He also pointed out that the home will be constructed 80' further back from the lake than the previous house. Commissioner Zaiser stated that he visited the site and it was unclear to him as to whether the stakes nearest to the lake were the back of the house or the pool area.

Building Inspector Tising stated that the unattached garage had been moved south and the silos will be removed per the discussion at the April 19 meeting.

Building Inspector Tising stated that the application meets all conditions and complies with all regulations. Commission Garnham expressed concern that the house was not in keeping with the character of the Village and the lake properties and that the size of the house relative to the lot size would negatively impact the neighbors. Village Attorney Krutz stated that if the Plan Commission wanted to consider subjective criteria, it should base its decision on the criteria of Section 5.03(6)(b) of the Code.

After further discussion, Commissioner Zaiser stated that he felt it would have been helpful if the applicant had been present to discuss issues and concerns of the Plan Commission members as well as neighboring property owners such as lighting, tree cutting, roadway repairs, etc. Commissioner Zlotocha and Warner expressed concerns that the information provided, especially the photographs and the line of site depiction, was unclear and difficult to understand.

MOTION made by Garnham, seconded by Warner to deny the application per Village Code Section 5.03(6)(b) on the grounds that the proposed structure and its location on the lot will cause substantial depreciation to the property located immediately to the north.

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Commissioner Gehl stated that the Commission could only base its decision on the information provided to the Plan Commission to date. He stated that alterations could be made to the application to have less impact on the neighbors and that a more developed landscape plan. He also stated that a better view from the lake would be helpful to the Commission. Amendment to the motion made by Gehl, seconded by Garnham to add the term "based on information presented" to the Garnham motion. MOTION to amend the Garnham motion passed unanimously.

The Commissioners reviewed the options for the applicant if the Garnham motion carried and the application was denied. Those options included: 1) making alterations to the application and reapplying, 2) bringing an appeal to the Board of Appeals, 3) attempting to go to Circuit Court. Commissioner Biersach stated that he didn't agree that the residence would depreciate property values of the neighboring property.

Vote taken on amended motion: Garnham – in favor, all others – opposed. Motion failed 6-1.

MOTION made by Zaiser, second by Gehl to table until further information is provided. Motion carried.

Building Inspector Tising stated that he will meet with the applicant and his agent to ensure all information as requested by the Commission is clearly provided in time for review at the June meeting. The Commissioners also encouraged either Administrator Douglas or Mr. Tising to hold a meeting between the applicant, Mr. Boucher, and the neighbors to try to work out any major disputes.

MOTION made by Gehl, seconded by Biersach to adjourn at 7:10 p.m.

Respectfully submitted,

Darlene Igl
Clerk/Treasurer