

VILLAGE OF CHENEQUA

CHENEQUA VILLAGE PLAN COMMISSION MEETING
MINUTES OF MONDAY, September 11, 2006.
Unofficial until approved by the Plan Commission.
Approved as written () or with corrections () on _____.

The regular monthly meeting of the Plan Commission of the Village of Chenequa was held at 6:00 PM on **Monday, September 11, 2006**, at the Village Hall, 31275 W. Hwy K, Chenequa, Wisconsin. Legal requirement for notification of the news media had been met. The following Commission members were in attendance:

Mr. Styza/Chairperson - present
Mr. Rolfs, Mr. Bellin, Mr. Foote / Members - present
Mr. Tising / Building Inspector – present
Mr. Douglas /Police Chief, Administrator, Zoning Administrator – present
Ms. Zimdars /Clerk-Treasurer - present

Attendance

Neil Burns (Swimming Pool Services); Kathy Seidel; William Grasch; Rich Grunke; Bill Biersach; Gwen Carroll; Brian Nahey, Judy Stark

Public Comment

None.

Chairman's Report

None.

Minutes

Motion (Rolf,Bellin) to approve the Plan Commission minutes of the meeting held Monday, August 14, 2006, *Carried Unanimously*.

Review and consider submission by Tom and Gwen Carroll for an addition of entrance pillars to their residence located at 7141 N. Hwy. 83.

Zoning Administrator Douglas told committee members the plan for the entrance pillars meets the current code requirements. He also said that all of the neighbors had been notified, with two of them coming in to see the plans and giving their approval. Zoning Administrator Douglas said this would fall under the fence ordinance; therefore a 2-foot offset is necessary. Mr. Bellin asked for clarification on the width between the pillars. Building Inspector Tising responded, saying it was 24 feet. The inspector also said there was enough swing to meet the new codes, but the Carrolls did not have to meet the new code yet, because the new codes were not in effect. Building Inspector Tising said the distance between the proposed pillars far exceeded the thirty-five foot swing requirement in order to accommodate emergency vehicles.

Motion (Bellin, Rolfs) to approve the addition of entrance pillars at 7141 N. Hwy 83.

Mr. Rolfs asked if it would be a locked gate and if so, would the village maintain access. Zoning Administrator Douglas said that access would be maintained with a lock box. *Carried Unanimously*.

Preliminary conceptual review of property land division by Richard Grunke and Bill Garasch (Mayer Trust) for property located at 31982 Treasure Island Drive.

President Styza described the submission to committee members. Zoning Administrator Douglas stated this is to be reviewed on a *preliminary conceptual* basis. Dr. Grunke had explained the proposed lot division with lot 1 having 320 feet of frontage (this is the south part); and is

proposing the 2-acre minimum. Lot 2 (this is the northern section) has 200 feet of frontage contained on 5 acres. Both lots meet the 150 feet minimum width requirement. Mr. Gallun owns the abutting property. Mr. Rolfs asked the reason for the proposed land division. Mr. Foote then questioned the level of exposure for the Village by being asked to approve a non-construction site. When questioned about the existing structure, President Styza said either the existing house stays and one house may be added, or 2 houses are added and the existing structure is removed. Mr. Foote asked if the Village would be faced with a request to build a house that would be non-conforming. The answer was no. Mr. Rolfs asked if either had plumbing. Then Dr. Grunke gave Plan Commission members an explanation of the proposal. Mr. Foote questioned if there were adequate dimensions to construct a conforming structure, the answer was yes. Mr. Rolfs asked for the requirement for space required between dwellings. President Styza asked if this plan met zoning requirements and if this could be split. Zoning Administrator Douglas said only one house would be permitted on each lot and as presented it does meet the current village applicable codes. Motion (Foote, Rolfs) for preliminary approval of property land division at 31982 Treasure Island Drive – subject to the survey, Carried Unanimously.

Review and consider submission by Keith and Pam Nettesheim for addition to a 2-story residence for their property located at 6642 Wildwood Point Road.

Mr. Rolfs stated that this was NOT an extraterritorial property and therefore the property owners should have been in attendance. Building Inspector Tising said although they are not required to be here, they are encouraged to do so. Zoning Administrator Douglas stated the plans met all zoning requirements. Building Inspector Tising said the owners intend to take a section of the home and add a secondary floor with 145 square feet and run the roofline back into the existing roof. Mr. Rolfs questioned the color and materials that would be used. Building Inspector Tising said it would be exactly the same as existing.

Motion (Foote, Bellin) to approve the submission for an addition to a 2-story residence for the property located at 6642 Wildwood Point Road Carried Unanimously.

Review and consider Certified Survey Map submitted by Kilbourn Road LLC for conditional approval of Certified Survey Map for the NE ¼ and NW ¼ of Section 16, T8N, R18E, Town of Merton, Waukesha County, Wisconsin per Village Code 6.18 extraterritorial jurisdiction.

President Styza explained the location of the property to Plan Commission members. Zoning Administrator Douglas went on to say he called the Town of Merton and was told that Corey Oil donated the out lot to the town. He said the town plans to do a re-beautification project next year when Hwy 83 is done, and will use the area for park benches, annual Christmas tree, etc.

Motion (Foote, Rolfs) to approve the Certified Survey Map submitted by Kilbourn Road LLC for the NE ¼ and NW ¼ of Section 16, T8N, R18E, Town of Merton, Carried Unanimously.

Review and consider recommendation of submissions by the Building/ Zoning ad-hoc committee for Village Code Sections: 5.03 Building and Land Disturbance Permits, 5.20 Swimming Pool Regulations, 5.22 Driveway Regulations, 5.23 Outdoor Lighting, 6.09 Removal of Shore Cover, and 6.10 Violation, Penalty.

President Styza explained the history of the formation of the building/zoning ad-hoc committee saying there had been a joint meeting of the Plan Commission and the Village Board and it had been determined that some of the ordinances for the Village needed to be reviewed. That was when the Building/Zoning ad-hoc committee was created. The committee is co-chaired by William Biersach and Kathy Seidel. He also said that any changes that affected chapter 6 of the code needed to go to public hearing.

Mr. Biersach told committee members that changes were previously submitted in February and that several of the recommended changes had been approved by the Plan Commission and subsequently passed on to the Village Board, and also others either passed or were given back to the committee for revisions. He said the packets that were sent to each Plan Commission member contained a summary of each of the recommendations proposed.

Code Section 5.03

First the change to building permit requirements was discussed. Mr. Biersach said that one of the issues that committee members wrestled with is the fact that there is some land disturbance

currently without proper oversight. He said this new section describes when a permit is required, and that the sections would be re-titled. He said the bold print under section C described what had just been discussed. He said the new language would allow the Village to require a permit whenever land disturbance is being done. President Styza asked if there were square footage requirements that went along with this section. Mr. Biersach told him at this stage, there were not. President Styza asked if there were standards set to determine if there are disturbances. Building Inspector Tising stated that he agreed with President Styza and said there has to be a square footage standard, and without a square footage factor, there wouldn't be much of a chance. He suggested the ordinance be re-written to include erosion control and the requirement of a permit.

Next Mr. Nahey said this is not applying to a permit where the grade is not changed. Building Inspector Tising said that any earth altering activity requires erosion control. Mr. Nahey responded saying, "then a permit is needed for farming?" President Styza said that any earth altering activity would require a permit – excavating, filling in, grading or earth altering. Ms. Seidel said you couldn't say, "any". Mr. Foote suggested the Commission should look at 5.16 and 5.17 after they are complete. Building Inspector Tising gave a brief explanation of instances when permit are required. He stated he liked the intent of this ordinance.

Code Section 5.20

Mr. Biersach told Plan Commission members that the current code deals with fencing around the pools. He said his committee addressed other pool concerns such as locations, visibility, and noise disturbance. He then explained the proposed revisions. He said that sections 1 & 2 were re-written in total, saying they started with a basic description but added that the pools are to be "built entirely in the ground." He said that above ground pools were also defined as framework installed above the ground and that the committee was not attempting to cover spas and hot tubs in this ordinance. Mr. Bellin asked what would happen if someone wanted to put a pond in, and Mr. Biersach told him that was excluded here. He said that location is a new section. He explained the other changes as well and also the new sections added. He pointed out that sections 3, 4, and 5 are current, and simply re-numbered. President Styza said the biggest change was that above ground pools were not allowed, and no pools would be allowed between the lake and a single-family residence. Building Inspector Tising said the height of 3'5" should be changed to 3'6" to comply with state regulations. He also felt the last line should be addressed requiring that all gates be automatically self-closing. Mr. Biersach stated that concept was not looked at, but that it was a good point. Attorney Krutz asked if subsection (d) was intended only to apply to lake homes, or if it was to apply to any single-family residence. He asked Mr. Biersach if the intent was to be more encompassing, to which Mr. Rolfs replied that it was. Consensus of the Commission was to move 5.20 forward to the Village Board.

Code Section 5.22

Mr. Biersach explained that this is new area being covered. He said his committee felt location is very important for proper water runoff. He said the committee was trying to limit visual intrusion on neighboring properties. He said this would apply to new and relocated driveways. He asked that committee members note in #5 that a number of numerical targets were given by Building Inspector Tising. He said these were guidelines and they were trying to give guidelines, but if they were not possible to meet the Village would write a letter to property owners requiring them to acknowledge that fire trucks may be unable to access their property due to an inadequate driveway. Building Inspector Tising said the codes in these drafts are pretty much standard in this environment. The consensus of the Plan Commission was to send code section 5.22 on to the Village Board.

Code Section 5.23

Mr. Biersach said that what's been done now is to get a simple regulation to address real problems as the committee sees it. It is intended to provide simple guidelines and see a lighting plan for all new residences. Mr. Foote asked if a neighbor had an existing plan but wanted to change it, would a permit be required. President Styza said that person would be required to comply with this. Attorney Krutz stated that most construction requirements had to be grandfathered, and

recommended an effective date be included. The consensus of the Plan Commission was to pass code section 5.23 on with an effective date.

Code Section 6.09

It was noted by Mr. Biersach that the current code doesn't have specifications for grading and tree removal within 75 feet of the lakeshore, however it does allow for the removal of dead and diseased trees. Mr. Foote asked what would happen if a tree were to simply fall over; and asked if the committee wanted to now dictate where people can put trees. The question was if a tree were blown over by the wind, would it need to be replaced? Mr. Biersach stated they wanted to keep the forestation at the same level. Attorney Krutz said it should be clarified because there is a gap. Mr. Foote said he didn't like section C, because it encroached too far into a person's rights. He said he felt that section was going too far.

Mr. Biersach said that grading should be defined. Building Inspector Tising said any type of land alteration should be defined. Mr. Styza said this is a stricter standard within 75 feet. Consensus was to move code section 6.09 on to the Village Board. Mr. Biersach said the only change would be the condition of the tree before its cut down.

Code Section 6.10

Mr. Biersach pointed out that this area had only a general statement and said the committee felt there should be guidelines for penalties and the method with which an owner would go about restoration. He also said the entire last 4 paragraphs were new. Zoning Administrator Douglas said previously, when going after restoration, the Village needed the DNR to do it. He said these changes would allow the village to enforce the penalties directly. It was decided that code section 6.10 would be moved on to the Village Board for consideration.

Administrator's Report

None.

Building Inspector's Report

None.

Adjournment

Meeting adjourned at 7:25 p.m.

Respectfully submitted by:

Bonita Zimdars
Chenequa Clerk/Treasurer

Approved and Ordered Posted by:

Bryce Styza
Chenequa Village President