

VILLAGE OF CHENEQUA

CHENEQUA VILLAGE PLAN COMMISSION MEETING

MINUTES OF MONDAY, June 12, 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, June 12, 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. Zlotocha, Mr. Bellin, Ms. Surles / Members - present
Mr. Tising / Building Inspector – present
Mr. Douglas /Police Chief-Administrator – present
Ms. Zimdars /Clerk-Treasurer - present

Attendance

Sally Youker
Kathy Gillstrom
Dave Meier
Paul Villavicencio

Public Comment

None.

Chairman's Report

None.

Minutes

Motion (Bellin, Surles) to approve the Plan Commission minutes of the meeting held Monday, April 10, 2006, *Carried Unanimously*.

Review and consider submission by James & Sally Youker for a partial fence on the south side of their property located at 5581 N Hwy 83.

Building Inspector Tising summarized the plans saying the Youkers had applied for a fence permit, but the request submitted is to put the fence on the lot line instead of 2 feet off the lot line as required by the Village Code. He then said the proposed fence is 7 feet high and the code provides for fences up to 8 feet high with an added requirement to be 2 feet off the lot line. Attorney Krutz stated that village code guidelines are very strict and straight forward and can be found under 5.19.

Mr. Zlotocha then questioned if there had been an existing fence on the lot line, would it be allowed to be replaced on the lot line. Attorney Krutz responded by saying no new construction would be allowed in that case. Next Ms. Youker spoke saying the fence was being constructed to in order to provide screening and for noise reduction near the neighbor's pool area. She also said placing the fence 2 feet off the lot line would be difficult due to mature trees. Next she pointed out that an 8 foot fence on the lot line was approved per a letter dated 4-28-2004. She said this was the agreement when the Board of Appeals met, and so she was here to get the permit.

Village Administrator Douglas said section 5.17 does not allow a fence on the lot line, and that he was not opposed to a fence, but felt it should be put 2 feet back. Next Mr. Bellin pointed out that the neighbor's pool was very close to the driveway. Next Inspector Tising gave a visual

explanation to Plan Commission members in order to better explain what was being proposed. Ms. Youker then told the Commission that there were mature trees where the fence was supposed to be placed and according to her fence man, the huge roots of these trees would make it extremely difficult to put the fence in that location. Mr. Zlotocha then asked if this was a matter for the Board of Appeals. President Styza responded, saying that if the Plan Commission were to deny the fence, then Ms. Youker could make a request to go before the Board of Appeals. Ms. Surles asked if the Board of Appeals had approved the fence. Attorney Krutz cautioned that, yes, the fence was in the plan the Board of Appeals looked at previously. Mr. Rolfs pointed out that the Board of Appeals focused on specific issues and ignored others in respect to that plan. Inspector Tising pointed out there was no discussion in the minutes regarding a fence. Mr. Meier then questioned the reason for the 2 foot set back and was told it was so the fence could be properly maintained without being on the neighbor's property. Mr. Zlotocha clarified with Inspector Tising that the letter occurred before the Plan Commission and that the letter had less weight than the drawing did. President Styza told Ms. Youker the fence could be approved tonight if she would agree to a 2 foot setback per Village ordinance, or the Plan Commission could deny it and then she would need to go to the Board of Appeals. Ms. Youker asked when the Board of Appeals would next meet. Administrator Douglas said that first she would need to file for the Board of Appeals to meet. Attorney Krutz said there are 20 days from the date of the decision to appeal the decision. Next Mr. Zlotocha proposed a temporary fence to be moved later. President Styza asked Ms. Youker if she would rather have a fence 2 feet off the lot line or no fence at all, and said she didn't apply for a temporary fence.

Motion (Rolfs, Zlotocha) to deny fence as proposed on the lot line, but to approve the fence as proposed subject to a 2 foot set back requirement, Carried Unanimously. Inspector Tising then verified the neighboring generator is 10 feet off the lot line per code as a side concern of Youker.

Review and consider submission by Brian Gillstrom for new home construction for his property located at 5478 N. Hwy 83.

Administrator Douglas confirmed this was a legal non-conforming lot created in 1955 prior to the 1957 rules that regulate the sizes of lots. All side yard setbacks have been met. Inspector Tising said the Gillstroms have worked hard at meeting requests. He also pointed out that on the survey the address is Hwy 83 and swings in and there is a residence to the right. He also described the parcel as being high on a hill, and said the Gillstroms had brought in a tree plan. Both Zoning Administrator Douglas and Inspector Tising reviewed the site, and it was also noted the Gillstroms presented an exterior lighting plan, and the exterior would have to be low voltage. They also presented a landscaping plan, and a grading plan was submitted but not much grading will be required. The colors chosen conform with neighboring properties and the plans meet all the setbacks and requirements. Mr. Rolfs then asked if there was a driveway agreement. President Styza said a title search had been ordered, but no driveway agreement was found. Mr. Meier stated that the Gillstroms had consulted both him and the neighbors on everything and have been a pleasure to work with.

Motion (Rolfs, Surles) to approve plans submitted by Brian Gillstrom for new home construction for his property located at 5478 N. Hwy 83, Carried Unanimously.

Review and consider Certified Survey Map submitted by William and Cynthia Nack for the SE ¼ of the NE ¼ of Section 17, T8N, R18E, located in the Town of Merton per Village Code 6.18 extraterritorial jurisdiction.

President Styza pointed out that this was in the town of Merton and the Village was very limited in what it could do. He also said this was 3 + acres. Mr. Rolfs asked for clarification of location. Administrator Douglas said it was the same area as others, the NW portion of North Lake, and they were trying to combine lots 1 and lot 2 to make 1 lot on North Lake. Mr. Rolfs pointed out they needed extra acreage to meet the cover ratio for the Town of Merton. Mr. Zlotocha said he saw a problem from his point of view, that problem being that Merton does not require lake set back as Chenequa does, which would allow a large structure to go closer to the water. President Styza pointed out the CSM already had been approved by the Town, County and Parks and Planning. Mr. Bellin asked what was driving this and was told by Administrator Douglas that Mr. Rolfs' thoughts probably were correct and the Nack's probably needed land to meet the ratio.

Inspector Tising pointed out that if they were to tear down and rebuild they would need to meet the County's requirement of 75 feet. He also thought the Town probably had a meandering set back rule, but the County wouldn't. Ms. Surles said the existing structure could be added on to and the house would still remain 50 feet off the lake. Mr. Zlotocha suggested not signing the CSM. President Styza then recommended approving the CSM as we have little or no legal basis to deny it. Mr. Rolfs asked if more information could be acquired. Attorney Krutz said we only get notice of it. Mr. Rolfs then questioned if the CSM could be approved with a stipulation that the coverage ratio remains the same as the existing coverage ratio. Motion (Rolfs, Surles) to approve the CSM and we request that the County approve the coverage ratio based upon the existing lot, Carried Unanimously.

Review and consider Certified Survey Map submitted by John R. Van Goethem for the NW ¼ and SW ¼ of Section 16, T.8N., R.18E., Town of Merton per Village Code 6.18 extraterritorial jurisdiction.

Administrator Douglas explained that the reason for this request was because Jack had purchased the old fire truck from the Village and now needed to build a shed to store it in, but there was no survey, just an old legal description. Mr. Van Goethem was up against the County, and Town of Merton and finally got the survey. He also bought the strip of land from the Kettle Moraine Railroad.

Motion (Bellin, Surles) to approve the CSM as submitted, Carried Unanimously.

Administrator's Report

None.

Building Inspector's Report

None.

Adjournment

Meeting adjourned at 6:55 p.m.

Respectfully submitted by:

Bonita Zimdars
Chenequa Clerk/Treasurer

Approved and Ordered Posted by:

Bryce Styza
Chenequa Village President