

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**
(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, July 26, 2010

Chairman George Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: George Spadoni, Derek D’Auria, Harry Nelson, Micki O’Connell, Sarah Lobdell

Plan Commissioners absent: President Arvid Petersen, Mike Poivey

Also present: Martha Atkinson, Steve Beers, Administrator/Treasurer Kelly Hayden, Jim Howe, Rob Ireland, Library Director Nancy Krei, Laurie Larson, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Zoning Administrator/Building Inspector Ron Nyman, Sharon O’Brien, Rick Pappas, Margaret Reuland, Village Attorney Dale Thorpe, Trustee Cindy Wilson, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. Special Joint Session meeting of Village Board & CDA – **Monday, July 26, 2010, 6:30 pm**
2. Craft Days at Public Library – **Wednesdays, July 28 and August 4 & 11, 2010, 10:00 am**
3. Lakefront and Harbor Committee Meeting – **Wednesday, July 28, 2010, 4:30 pm**
4. Finance Committee Meeting – **Thursday, July 29, 2010, 6:00 pm**
5. Big Foot Lions Club Lobster Boil & Steak Fry – **Saturday, July 31, 2010**
6. Village Board Monthly Meeting – **Monday, August 2, 2010, 6:00 pm**
7. CDA Monthly Meeting – **Wednesday, August 4, 2010, 6:00 pm**
8. Scrapbook Programs at Library – **Saturdays, August 7 & 14, 2010, 10:00 am**
9. Assessor Office Hours at Village Hall – **Friday, August 13, 2010, 10:00 am to 2:00 pm**
10. 2010 Board of Review – **Monday, August 16, 2010, 2:00 pm**
11. Big Foot Recreation Movie Nights at the Fontana Beach – **Saturdays, August 7 & 21, 2010, Dusk**
12. Plan Commission Staff Meeting – **Wednesday, August 18, 2010, 1:00 pm**
13. Library Board Meeting – **Wednesday, August 18, 2010, 10:00 am**
14. Park Commission Meeting – **Wednesday, August 18, 2010, 6:00 pm**
15. Plan Commission Monthly Meeting – **Monday, August 30, 2010, 5:30 pm**
16. Protection Committee Monthly Meeting – **Monday, August 30, 2010, 5:45 pm**

Approve Minutes

Commissioner Lobdell/Commissioner D’Auria 2nd made a MOTION to approve the minutes for the meetings held June 28, 2010 and July 6, 2010 as presented, and the MOTION carried without negative vote.

General Business

Condominium Plat Filed by Stephen Beers, 454 North Lakeshore Drive, for Hawks Woods Condominium Association

Attorney Jim Howe, representing Steve Beers, presented the proposed condominium association plat and declarations. Howe stated that the plat creates three units, and there are single-family residences

located on Unit 1 and Unit 2, and the undeveloped conforming lot designated Unit 3 also can accommodate a single-family residence. There also currently is a 1,340-square-foot, free-standing guest house located on Unit 1 near North Lakeshore Drive. Howe stated that there is 115-feet of lake frontage, and the three slips that are on the current pier will not and cannot be increased. Howe stated that the proposal calls for no increases in what is already located on the three lots, it just creates a condominium association form of ownership of the land. Howe stated that if approved, the condominium declarations would afford the right to one of the current three slips to the owners of Unit 2 and Unit 3, which are located on the west side of North Lakeshore Drive. Unit 1 is located on the east side of the road. Thorpe stated that prior to considering approval of the plat and declarations, he would suggest that additional language be added to the declarations that state no further subdivision be allowed and that the Village is given the right to enforce the covenant as well as the condominium association; and that no increases in density within the proposed association or expansion of the association be permitted. O'Connell asked questions about the definition of the three proposed units and how many residential structures would be allowed. Howe stated that Unit 1 on the lakeside of the road currently has a single-family residence and a guest house; Unit 2 has a single-family residence; and Unit 3 is a buildable lot that could accommodate a single-family residence. The current zoning code allows for the guest house on Unit 1 to be modified, with restrictions. Following discussion, it was determined that confusion was created by the use of the word dwelling in the preliminary declarations. The applicant was directed to modify sections 7.1, 4.2 and 13 of the declarations to clarify the principal structures, with one on each of the three respective condominium association units; to clarify that there is an existing guesthouse on Unit 1; to clarify the definitions of unit and dwelling; and to clarify that there is one pier, with three slips, and that one of the current three slips shall be assigned to each of the three units. In response to a question, Howe stated that the pedestrian walkway to the lakefront will constitute the common area. Hayden stated that a major difference between the current condominium plat proposal and previous proposals submitted by Beers is that the previous proposals attempted to create two separate units on the lot on the lakeside of the road, where the current single-family residence and guesthouse are located. Hayden stated that the current proposal is creating a three-unit condominium association out of three conforming lots and no changes in density or zoning are being requested. Geneva Lake Conservancy Executive Director Joseph McHugh stated that the concept of using a condominium plat to provide ownership for lake rights is not appropriate. McHugh stated that the village can authorize a form of land ownership with a condominium association plat, but it can't transfer lakefront riparian rights to owners of lots that are not located on the lakefront. McHugh stated that the approval could be precedent setting and the marina condominium statutes being cited are not relevant. McHugh stated that the issue is the use of a plat to transfer ownership rights off the lake. Martha Atkinson stated that she owns the neighboring lots and that ownership is not as constant as the land. Atkinson stated that someone else will own the properties in the future and the confusion that some of the people expressed that night with the condominium association proposal will come back. Atkinson stated that she does not understand the terms being used that night and asked Beers the reason for the proposal. Beers stated that he would like to provide his residence, located on the proposed Unit 2, and a future residence on Unit 3, the legal use of a pier slip on the lake. Sharon O'Brien stated that she is worried about future proposals and asked what would prevent other property owners from connecting lots all the way to Janesville and forming a condominium association with lake rights. O'Brien asked if the Village officials were using good judgment and protecting the lake. Thorpe stated that the proposal is not establishing a precedent in the Village. Thorpe stated that the Abbey Springs association has hundreds of property owners who have lake rights and the lakefront is located across South Lakeshore Drive from the residences. Thorpe stated that the proposal is no different than most of the existing associations in the Village. Thorpe stated that with regard to providing lake rights to people who owns property not directly located on the lake, the Village of Fontana and other property owners lease moorings to people.

Commissioner O'Connell/Commissioner Nelson 2nd made a MOTION to table the item for revisions to the proposed condominium association declarations. The MOTION carried without

negative vote.

Reintroduce Lakefront Zoning Code Ordinance Amendments that Were Not Approved in 2007

O'Connell stated that she and Village President Arvid Petersen suggested reintroducing some of the proposed lakefront zoning code ordinance amendments that were not adopted in 2007 when discussing the Beers' proposal at the last Plan Commission staff meeting. O'Connell stated that she would like to adopt some of the amendments that were proposed in the "Draft A" back in 2007. Spadoni stated that there were reasons why the Village Board voted against some of the amendments. Spadoni stated that the Village's ability to lease moorings could be impacted by a proposed amendment, and other proposals that have been historically allowed in the past could be prohibited in some of the previously denied amendment proposals. Spadoni stated that the Village has to be very careful and consider the reasons why all the proposed amendments were not adopted in the first place. Hayden stated that staff supported some of the amendments that were not adopted and stated that it would be a good idea to take another look. Thorpe stated that when the amendments were drafted for consideration by the Village, it was staff's suggestion to treat the lakefront zoning district as an area that has been developed and is no longer eligible to be subdivided. Beers stated that the Plan Commission and Village Board have had recent discussions about rewriting the entire Chapters 17 and 18. Beers stated that in the past, the Village of Fontana has adopted ordinance amendments in a kneejerk fashion when reacting to development issues. Beers stated that this philosophy has resulted in a lack of uniformity in the code which causes problems for land owners and developers and their architects and attorneys. Beers stated that the village needs to get some uniformity in its code and protect the land rights of the property owners who purchased their property and pay taxes on it with the expectation that they will have the same rights that they had when they made the purchase. O'Connell suggested that the item be tabled and the minutes from the meetings at which the initially proposed amendments were discussed be supplied to the Plan Commission members. O'Connell stated that the members also should review the recently adopted Comprehensive Master Plan and make sure the zoning code is in accordance with it. Martin was also directed to supply the Plan Commission members with the ordinance amendments that were adopted from the 2007 proposal.

Commissioner Lobdell/Commissioner Nelson 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Adjournment

Commissioner O'Connell/Commissioner Lobdell 2nd made a MOTION to adjourn the meeting at 6:15 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 8/30/2010