

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION And JOINT  
SESSION with EXTRATERRITORIAL ZONING COMMITTEE  
(Town of Walworth, Town of Linn, and Village of Fontana)  
**Monday, January 30, 2023**

Village Clerk Lussow called the monthly meeting of the Plan Commission and Joint Session with Extraterritorial Zoning Committee (Town of Walworth, Town of Linn, and Village of Fontana) to order at 5:02 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Cindy Wilson, Sarah Lobdell, Tara Ramljak, Lisa Laing  
**Plan Commissioners absent:** Bob Ahern, Chairman Trustee Petersen  
**Fontana ETZ Members present:** Cindy Wilson, Sarah Lobdell  
**Fontana ETZ Members absent:** Bob Ahern  
**Linn ETZ Members present:** Larry Aasen, John Zils  
**Linn ETZ Members absent:** Chris Todd  
**Walworth ETZ Members present:** Ken Magowan, Steve Santeler, Jim Van Dreser  
**Also Present:** Kevin Day, James Gray, Sonja Kruesel, Theresa Loomer, Drew Lussow, Captain Neumann, Bonnie Schaeffer, Dale Thorpe

**Elect Chairperson Pro-Tem**

Due to the absence of Chairman Trustee Petersen a chairperson pro-tem was needed to be appointed for the meeting. Village Clerk Lussow asked for one of the Commissioners to make a motion to appoint a chairperson pro-tem.

Commissioner Ramljak/Commissioner Wilson 2<sup>nd</sup> made a MOTION to appoint Commissioner Lobdell as Chairperson Pro-Tem for the meeting, and the MOTION carried without negative vote.

**Visitors Heard**

James Gray stated he was in attendance for Joint Session Public Hearing agenda item number 2. The Committee stated they would allow him to speak on the matter when they got to that point on the agenda.

**Approve Minutes October 24, 2022**

The minutes from the October 24, 2022 meeting were distributed.

Commissioner Laing/Commissioner Ramljak 2<sup>nd</sup> made a MOTION to approve the minutes from the October 24, 2022 meeting, and the MOTION carried without negative vote.

**Joint Session Public Hearing**

**Zoning Code Ordinance Amendments to Recreate Article XVI, Sections 18-300 Through 18-399**

The public hearing was opened at 5:05 pm. Attorney Thorpe provided a brief background on the amendments made to recreate Article XVI, Sections 18-300 through 18-399. Attorney Thorpe stated no new changes were being made, but instead the entire code is being re-adopted as an effective date of the meeting as a protective measure for the Village as well as to show that the article and sections were reviewed and compliant as of this date. Walworth Joint ETZ member Van Dreser asked what the purpose is if nothing was being changed. Attorney Thorpe explained that it was being done as a protective measure to re-adopt the current code and bring it to an effective date as of today. No one else spoke for or against the proposed zoning code ordinance amendments to recreate Article XVI, Sections 18-300 through 18-399. The public hearing was then closed at 5:07 pm.

### **Zoning Code Ordinance Amendments to Sections 18-336 Through 18-337 and 18-339 Through 18-346**

The public hearing was opened at 5:08 pm. Attorney Thorpe explained the changes behind the zoning code ordinance amendments to Sections 18-336 through 18-337 and 18-339 through 18-346. Attorney Thorpe stated that the changes recreate the tables in the ordinances to reflect the height changes based on the staff's recommendation for each zoning district. After the explanation from Attorney Thorpe, Commissioner Lobdell opened the hearing up to anyone present to speak on the matter. Mr. Gray stated he wished to address the Commission. Mr. Gray stated that he has an issue with the proposed zoning code ordinance amendments and that the height changes would directly impact his property he purchased back in 2006. Attorney Thorpe then asked Mr. Gray if the building was already built on his property or if it was in the process of being built, because if it was already built it would be "grandfathered" as a legal non-conforming structure. Mr. Gray responded and stated that due to financial issues over the years the property has never fully been developed, however he purchased the property with the intent that he would have the 55ft height restriction instead of the newly proposed 35ft height capacity for his structure. Mr. Gray also informed the Committee that his property is somewhat unique due to the slope of the property which is a main factor in needing the full 55ft for his proposed build. After hearing from Mr. Gray, Attorney Thorpe asked if the Village's Planner and Zoning Administrator had anything to add to the topic. Zoning Administrator Schaeffer stated the proposed changes being recommended help rectify height inconsistencies throughout the zoning districts and these changes would allow for consistencies in all zoning districts going forward. Zoning Administrator Schaeffer was in support of the proposed changes as discussed with Village staff. Village Planner Kruesel also spoke and supported what was previously stated by Zoning Administrator Schaeffer and reiterated that this proposed ordinance would "clean up" the errors and inconsistencies within the zoning district and allow for a more concise interpretation going forward. Village Planner Kruesel ended her comments by saying based on her review of the original policy by the Village along with the review with Village staff that she would also support the proposed changes. After some discussion between Mr. Gray and Attorney Thorpe, Plan Commissioner Lobdell asked if anyone else had anything to say on the matter. With no one else speaking for or against the proposed zoning code ordinance amendments to Sections 18-336 through 18-337 and 18-339 through 18-346. The public hearing was then closed at 5:27 pm. There was additional discussion by the ETZ members. Walworth ETZ Member Van Dresser asked Village Planner Kruesel and Zoning Administrator Schaeffer why the change in the code was necessary. Both Village Planner Kruesel and Zoning Administrator Schaeffer replied that based on their reviews they didn't see a reason for a taller building to be built in the zoning districts than what is allowed within the Village, so they felt it was necessary for conformity. Walworth ETZ Member Santeler added that he understands where both sides are coming from however, he believes there are resources available to residents who wish to contest things like this by asking for a variance for the property. Walworth ETZ Member Santeler believes that Mr. Gray may have a case since it does seem his property is unique based on the stated uniqueness of the slope. Linn ETZ Member Aasen stated he recalled this topic being discussed in the past and believes that due to those discussions that is why the original ordinance calls for the 55ft and it had to do with sightlines. Plan Commissioner Lobdell then asked again if anyone had any further questions, with no one else further wanting to contribute to the topic, a roll call vote was taken on the motion presented for the zoning code ordinance amendments to Sections 18-336 Through 18-337 and 18-339 Through 18-346.

### **Zoning Code Ordinance Amendments to Chapter 18 – Communication Towers Ordinances**

The public hearing was opened at 5:45 pm. Attorney Thorpe stated that the zoning code ordinance amendments to Chapter 18 were to mirror what Walworth County has more closely in their zoning code and would allow the Village to become consistent and compliant with the 2013 Wireless Sighting Law regarding Communication Towers. This law maintains that emergency communication towers are treated differently than other towers due to the paramount need they provide as a service

to the County for the safety off all residents living in the county. This law also permits towers as a conditional use in all zoning districts. Village Planner Kruesel stated that Walworth County has plans to add an emergency communication tower which will be approvable as a result of the ordinance amendment. Captain Neumann from Walworth County spoke about the County's request and added that the current Walworth County communication tower system is over 30 years old and is in desperate need of an update. The update would provide communication access for all in the county to be able to communicate with one another on the same system as well as covering the whole county and leaving no one exempt. Walworth ETZ Member Van Dresser asked Captain Neumann a question regarding the location of where the tower is being placed. Captain Neumann explained that it would be near the intersection of County Road B and Cobblestone Road. Plan Commission Member Ramljak also asked Captain Neumann a question regarding other potential uses of the tower and if it could also be used by cellular companies to increase coverage in the areas as well. Captain Neumann stated that currently the only intended use of the communication tower is strictly for the emergency communication as stated in their application, however that could be something that could be explored in the future but is not currently intended as part of the county's plans. Plan Commissioner Lobdell asked if anyone else had any comments on the matter and no one else spoke for or against the proposed zoning code ordinance amendments to Chapter 18 regarding the Communication Towers Ordinances. The public hearing was then closed at 5:54 pm.

#### **Joint Session General Business**

#### **ETZ Recommendation on the Zoning Code Ordinance Amendments to Recreate Article XVI, Sections 18-300 through 18-399**

Walworth ETZ Commissioner Santeler / Linn ETZ Commissioner Zils 2<sup>nd</sup> made a MOTION of the Joint ETZ to recommend in favor the approval of the Zoning Code Ordinance Amendments to recreate Article XVI, Sections 18-300 through 18-399, as presented, and the MOTION carried without negative vote.

#### **Plan Commission Recommendation on the Zoning Code Ordinance Amendments to Recreate Article XVI, Sections 18-300 Through 18-399**

Commissioner Laing/Commissioner Ramljak 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Zoning Code Ordinance Amendments to recreate Article XVI, Sections 18-300 through 18-399, as presented, and the MOTION carried without negative vote.

#### **ETZ Recommendation on the Zoning Code Ordinance Amendments to Sections 18-336 Though 18-337 and 18-339 Through 18-346**

Walworth ETZ Member Van Dreser/Fontana ETZ Member Lobdell 2<sup>nd</sup> made a MOTION on behalf of the Joint ETZ to recommend Village Board approval of the Zoning Code Ordinance Amendments to Sections 18-336 through 18-337 and 18-339 through 18-346, as presented, and the roll call vote was as follows:

Linn Joint ETZ Member Aasen – No

Linn Joint ETZ Member Zils – No

Walworth Joint ETZ Member Magowan – No

Walworth Joint ETZ Member Van Dreser – Aye

Walworth Joint ETZ Member Santeler – Aye

Fontana Joint ETZ Member Wilson – Aye

Fontana Joint ETZ Member Lobdell – Aye

The MOTION fails 2-3 due to not achieving the required positive votes from the Joint ETZ Members in order for this ordinance change to be favorably recommended. Linn Joint ETZ Member Todd and Fontana Joint ETZ Member Ahem were Absent.

#### **Plan Commission Recommendation on the Zoning Code Ordinance Amendments to Sections 18-336 Through 18-337 and 18-339 Through 18-346**

Commissioner Wilson/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Zoning Code Ordinance Amendments to Sections 18-336 through 18-337 and 18-339 through 18-346, as presented, and the MOTION carried without negative vote.

**ETZ Recommendation on the Zoning Code Ordinance Amendments to Chapter 18 regarding Communication Towers Ordinances**

Walworth ETZ Member Van Dreser /Walworth ETZ Member Santeler 2<sup>nd</sup> made to recommend Village Board approval of the Zoning Code Ordinance Amendments to Chapter 18 regarding Communication Towers Ordinances, as presented, and the MOTION carried without negative vote.

**Plan Commission Recommendation on the Zoning Code Ordinance Amendments to Chapter 18 regarding Communication Towers**

Commissioner Laing/Commissioner Ramljak 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Zoning Code Ordinance Amendments to Chapter 18 regarding Communication Towers Ordinances, as presented, and the MOTION carried without negative vote.

**Adjournment Joint ETZ Committees**

Linn ETZ Member Zils/Walworth ETZ Member Santeler 2<sup>nd</sup> made a MOTION to adjourn the joint ETZ Committee meeting of the Village of Fontana, the Town of Linn, and the Town of Walworth meeting at 5:56 pm, and the MOTION carried without negative vote.

**Adjournment**

Commissioner Wilson/Commissioner Laing 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:57 pm, and the MOTION carried without negative vote.

Minutes prepared by: Drew Lussow/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: 02/27/2023