

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
and JOINT SESSION with JOINT EXTRATERRITORIAL ZONING COMMITTEE  
(Village of Fontana, Town of Walworth)  
**Monday, August 31, 2020**

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

**Plan Commissioners present:** Roll call: FJ Frazier, Bob Kirkland, Bob Grant, Trustee Petersen, Bob Ahern

**Plan Commissioners absent:** Sarah Lobdell, Trustee Prudden

**Fontana ETZ Members present:** Bob Grant, Bob Ahern

**Walworth ETZ Members present:** Ken Magowan, Jim Van Dreser

**Also present:** Jason Bernard, Kevin Day, Theresa Loomer, Harry Mohr, Bonnie Schaeffer, Mike Slavney (by phone), Stephanie Smith, Dale Thorpe, Shawn Whowell, Thomas Whowell, Cindy Wilson

**Visitors Heard**

None

**Approve Minutes**

**July 27, 2020**

The minutes from July 27, 2020 meeting were distributed.

Trustee Petersen/Commissioner Grant 2<sup>nd</sup> made a MOTION to approve the minutes from the July 27, 2020 meeting, and the MOTION carried without negative vote.

**Joint Session Business**

**ETZ Recommendation on Site Plan Application Filed by Thomas and Shawn Whowell for a single-family residence, detached storage building and various accessory improvements in the C-3, ETZ Conservancy Residential District with Environmental Corridor Overlay at W5505 Oak Bluff Road, for Parcel EA161800052A in the Walworth ETZ**

Jason Bernard from Lake Geneva Architects stated that Thomas and Shawn Whowell purchased this five-acre piece of property ten years ago and would like to build a single-family home. The property is located in Fontana's ETZ district and is zoned C-3 with environmental corridor overlay. Bernard noted that since the property was purchased the zoning laws pertaining to Steep Slope and Woodland coverage have changed and that is why they are applying for a site plan review. The entire lot is covered with trees and the majority of the property has 12-percent grade which requires a 20-foot setback. Bernard stated they are proposing to build on 25-percent slope and presented various examples of slopes to the plan commission for explanation of what each type of slope looks like. Property owner Shawn Whowell stated the lot was pre-existing conforming prior to the changes with the EC overlay and Act 67. Attorney Dale Thorpe briefly explained the property has been in the ETZ for a couple decades, however the Environmental Corridor was extended with the 2011-2012 rewrite and then in 2017 Act 67 changed the rights of property owners. Commissioner Ahern questioned if they anticipate storm water run-off to be a problem for nearby property owners. Bernard explained drainage will not impact any other households as it naturally flows to the creek at the bottom of the hill. There were not any other concerns or questions from the commission members.

Commissioner Van Dreser/Commissioner Magowan 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the site plan application filed by Thomas and Shawn Whowell for a single family residence, detached storage building and various accessory improvements at W5505 Oak Bluff Road, Walworth for Parcel EA161800052A in the ETZ, and subject to the following staff conditions:

1. Subject to the final approval by the Village Engineer based on the concerns raised in the attached memo dated August 18, 2020.
2. Subject to the Site Plan being revised to clearly designate a “No Site Disturbance or Tree Cutting” area or areas on the lot to prevent additional tree clearing and/or mass grading of the site beyond the development envelope.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. This site plan review does not include final approval of the construction plans for the residence or other improvements. Future submittal of zoning permit and building permit applications are required.

The MOTION carried without negative vote.

**Plan Commission Recommendation on Site Plan Application Filed by Thomas and Shawn Whowell for a single-family residence, detached storage building and various accessory improvements in the C-3, ETZ Conservancy Residential District with Environmental Corridor Overlay at W5505 Oak Bluff Road, for Parcel EA161800052A in the Walworth ETZ**  
Trustee Petersen/Commissioner Ahern 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the site plan application filed by Thomas and Shawn Whowell for a single family residence, detached storage building and various accessory improvements at W5505 Oak Bluff Road, Walworth for Parcel EA161800052A in the ETZ, and subject to the following staff conditions:

1. Subject to the final approval by the Village Engineer based on the concerns raised in the attached memo dated August 18, 2020.
2. Subject to the Site Plan being revised to clearly designate a “No Site Disturbance or Tree Cutting” area or areas on the lot to prevent additional tree clearing and/or mass grading of the site beyond the development envelope.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. This site plan review does not include final approval of the construction plans for the residence or other improvements. Future submittal of zoning permit and building permit applications are required.

The MOTION carried without negative vote.

### **Adjournment ETZ Committee**

Commissioner Ahern/Commissioner Grant 2<sup>nd</sup> made a MOTION to adjourn the ETZ Committee at 5:42 pm, and the MOTION carried without negative vote.

### **Plan Commission Public Hearing**

#### **Ordinance Amendments for Chapter 18 Article XII Signage Standards**

The public hearing was opened at 5:43 pm. Zoning Administrator Bonnie Schaffer stated the amendment is in response to staff's recommendations of the proposed changes that were requested by the Realtors Association at the July Plan Commission meeting. When staff met the only modification they felt was appropriate was the increase in size from six square feet to ten square feet for arm and post style signs. Local realtor Harry Mohr, 513 Pheasant Ridge Lane, stated ten square feet is plenty big and the current real estate signs are just over six square feet. The public hearing was closed at 5:45 pm.

**Plan Commission Business**

**Plan Commission Recommendation on Ordinance Amendments for Chapter 18 Article XII Signage Standards**

Trustee Petersen stated there is no need for an increase in size six square feet is big enough. Village Planner Mike Slavney stated he agrees with the proposed changes that Bonnie Schaeffer has presented and respects Trustee Petersen’s opinion. Attorney Thorpe stated the Plan Commission needs to make a motion to recommend for or against the proposed amendment.

Trustee Petersen/Commissioner Ahern 2<sup>nd</sup> made a MOTION to deny the proposed change in size of arm and post signs to ten square feet, and the MOTION failed on a 2-3 vote with Commissioner Grant, Commissioner Frazier and Commissioner Kirkland oppose.

The discussion amongst the Plan Commission continued and members felt they should compromise to eight square feet instead of ten square feet. Attorney Thorpe stated if the proposed change is different than was originally noticed then a new public hearing must be scheduled to amend the ordinance to eight square feet.

Commissioner Kirkland/Commissioner Grant 2<sup>nd</sup> made a MOTION to approve the Ordinance Amendments for Chapter 18 Article XII Signage Standards as presented, and the roll call vote was as follows:

Commissioner Kirkland – Aye

Trustee Petersen – Nay

Commissioner Frazier – Nay

Commissioner Grant – Aye

Commissioner Ahern – Nay

The MOTION failed on a 2-3 vote.

Commissioner Grant/Commissioner Frazier 2<sup>nd</sup> made a MOTION for a non-favorable recommendation to the Village Board for the ordinance presented and request the Village Board consider an ordinance amendment of eight square feet for an arm and post sign, and the roll call vote was as follows:

Commissioner Kirkland – Aye

Trustee Petersen – Nay

Commissioner Frazier – Aye

Commissioner Grant – Aye

Commissioner Ahern – Aye

The MOTION carried on a 4-1 vote.

**Shoreland-Wetland Zoning Code Revisions Update**

Loomer stated the commission can anticipate a rough draft of code modifications for shoreland-wetland zoning, including additional and revised definitions. A public hearing will likely be set for the October meeting date.

**Accept Resignation of Chairman Frazier**

See next item.

**Accept Resignation of Commissioner Grant**

The Plan Commission thanked both Commissioners for their service and wished them the best on their future endeavors.

**Adjournment Plan Commission**

Trustee Petersen/Commissioner Kirkland 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 5:54 pm, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

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

APPROVED: 10/26/2020