

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Final Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, December 18, 2023

Village Clerk Lussow called the monthly meeting of the Plan Commission to order at 5:00 pm on December 18, 2023 in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Chairman Trustee Arvid Petersen, Trustee Rick Pappas, Cindy Wilson, Bob Ahern, Lisa Laing

Plan Commissioners absent: Sarah Lobdell, Tara Ramljak

Also Present: Kevin Day, Theresa Loomer, Drew Lussow, Origer Family, David Rassmussen, Allison Schwark, Justin Stuebs (Lake Geneva Architect), Dale Thorpe

Visitors Heard

None

Approve Minutes October 30, 2023 (Joint Plan Commission and Village Board Meeting)

The minutes from the Joint Plan Commission and Village Board Meeting from October 30, 2023, were distributed.

Commissioner Laing/Commissioner Ahern 2nd made a MOTION to approve the joint Plan Commission and Village Board meeting minutes for the October 30, 2023 meetings, as presented, and the MOTION carried without negative vote.

Plan Commission Public Hearing

Planned Development Rezone Application Filed by Origer Family / Mike Origer, at 1572 Teal Lane, Unit 1C, Wheeling, IL 60090 for Rezone from Lakefront Residential Zoning to Planned Development Zoning for the Construction of Four Additional Homes (Total of Five on Site) and Two Accessory Dwelling Units at the Property Located at 620 S. Lakeshore Drive, Tax Parcel No. STFV 00114

The public hearing opened at 5:01 pm. Jim and Mike Origer presented on behalf of their family's filed application. The Origers explained that they're trying to develop approximately one home per acre of land on the property to satisfy all the members in their family. The Origers mentioned that the other accessory dwelling units for the property are converting the existing tennis court to a pickle ball court with a space for parking underneath and the construction of a second building to act as a clubhouse that all family members can have access to. The Origers also mentioned that they will be providing easements for the water and sewer lines on the property. Attorney Thorpe then gave some further background by explaining that a few months ago the Village Board voted to amend the Village's code of allowing a limited exception of one principal structure per lot to allow for the Origers to proceed with their project. Attorney Thorpe mentioned that part of requirement for the Origers to move forward with their project would be that they would have to be in agreement with enforcing a deed restriction for the property so that no future platting or subdividing of the property could take place. Trustee Commissioner Pappas made a comment that the deed restriction stays in place and remains enforceable even if a new board were to come in and make changes down the line different than what the Village currently enforces. Attorney Thrope agreed with Trustee Commissioner Pappas' comment. David Rasmussen, Lot 9 Club Unique, stated that he was not in opposition to the Origer's plans however had some comments he'd like to make. Mr. Rassmussen stated it is nice that the Village can accommodate some property owners and wishes that same accommodation could be made for him regarding his application on file with the Village. After Mr. Rassmussen's comments Chairman Trustee Petersen asked if anyone else had any comments or questions regarding the application. Trustee Commissioner Pappas asked a question regarding if the

applicant had requested any flexibility in their planned development application for relief from our Environmental Corridor Overlay Zoning. Attorney Thorpe confirmed that the application did not ask for any relief from that overlay zoning. Trustee Pappas then questioned if the applicant would need to amend their planned development application if they wanted relief in the future from the Environmental Corridor Overlay Zoning since they didn't request any flexibility from the Environmental Corridor Overlay Zoning in the planned development they were currently seeking approval for. Attorney Thorpe mentioned if there was an Environmental Corridor Overlay Zoning then he believes they would need to most likely amend the application. Zoning Administrator Schwark stated that she didn't believe the property was located in the Environmental Corridor Overlay area and shouldn't be an issue, Trustee Pappas informed her to just double check to make sure that is the case. Commissioner Wilson then raised a question regarding if stormwater or any other asked for flexibility for the property has been reviewed and addressed by the Village. Zoning Administrator Schwark stated that based on the staff report that stormwater and potential flexibilities have been reviewed/addressed. Commissioner Laing asked a question regarding the building footprint and if any variance was needed regarding the building envelope. The Origers' addressed that question and stated they were nowhere near the setbacks and that there would be plenty of space should they need to "flex" into the footprint more. No one else had any comments and no one else spoke on the topic, the public hearing was closed at 5:20 pm.

Conditional Use Permit Filed by Sauk 556 LLC / Mark Tabit for Accessory Dwelling Unit for the Property Located at 556 Sauk Trail

The public hearing was opened at 5:21 pm. Justin Stuebs, Lake Geneva Architect, gave a brief presentation of his client's application request. Mr. Stuebs stated that the accessory structure has already been approved and that his client is requesting to add a small sink and bathroom to the accessory structure, which is why the conditional use permit application was submitted. Mr. Stuebs also mentioned that they are not looking to increase the size of the structure, just want to make it convenient for his client when coming up from the Lakefront without having to walk all the way back to the principal property. Commissioner Wilson raised a question that if approving this would set a bad precedent for others in the Village to do something similar. Zoning Administrator Schwark and Attorney Thorpe explained that the Village ordinance permits this use and request and that is it allowable based on the code. A resident was in attendance and asked for clarification on what the application would entail. Mr. Stuebs met with the resident and went over the application briefly with him and mentioned after the hearing he could address any further questions he might have. Commissioner Wilson asked a question regarding if there was anything permitting them from expanding the accessory structure. Zoning Administrator Schwark stated that the code states that the accessory structure can't be more than 50% of the primary principal structure and that based on the property this is really the maximum they could build without going over. Trustee Commissioner Pappas asked a question regarding the difference between a CUP and permitted use regarding an application like this. Attorney Thorpe gave a brief explanation regarding the differences between the two types. Commissioner Laing then asked for clarification that the structure has already been approved. Zoning Administrator Schwark confirmed that the structure itself has been approved by prior permits and the request is just regarding the addition of a sink and bathroom. No one else spoke on the topic, the public hearing was closed at 5:29 pm.

Plan Commission General Business

Recommendation on Planned Development Rezone Application Filed by Origer Family / Mike Origer, at 1572 Teal Lane, Unit 1C, Wheeling, IL 60090 for Rezone from Lakefront Residential Zoning to Planned Development Zoning for the Construction of Four Additional Homes (Total of Five on Site) and Two Accessory Dwelling Units at the Property Located at 620 S. Lakeshore Drive, Tax Parcel No. STFV 00114

Commissioner Trustee Pappas/Commissioner Wilson 2nd made a MOTION to recommend approval to the Village Board on the planned development rezone application filed by the Origer

Family / Mike Origer for rezone from Lakefront Residential Zoning to Planned Development Zoning for the construction of additional homes and accessory dwelling units for the property located at 620 S. Lakeshore Drive, as presented, and the MOTION carried without negative vote.

Recommendation on the Conditional Use Permit Filed by Sauk 556 LLC / Mark Tabit for Accessory Dwelling Unit for the Property Located at 556 Sauk Trail

Commissioner Wilson/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit filed by 556 Sauk LLC / Mark Tabit for an accessory dwelling unit for the property located at 556 Sauk Trail, as presented, and the MOTION carried without negative vote.

Discussion or Action on CSM Application Filed by Suval Family Trust / William and Diane Suval for Property Located at 398 Hillcrest Drive

Zoning Administrator Allison Schwark mentioned that the CSM Application request comes from the Suval Family Trust and that they are looking to combine two lots into one. Attorney Thorpe asked Zoning Administrator Schwark if the applicant gave any reason for why they are seeking this application. Zoning Administrator Schwark explained that she reached out to the applicant and that they stated they are eventually looking into building an accessory structure for the property once the primary residence is constructed and the only way to achieve that and meet setbacks is to combine the lots.

Commissioner Wilson/Commissioner Laing 2nd made a MOTION to approve the Certified Survey Map Application filed by the Suval Family Trust / William and Diane Suval for a lot combination for their property located at 398 Hillcrest Drive, as presented, and the MOTION carried without negative vote.

Adjournment

Commissioner Lobdell/Commissioner Trustee Pappas 2nd made a MOTION to adjourn the meeting at 5:35 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: 1/29/2024