

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, MARCH 14, 2024 - 1:00 P.M.**

CALL TO ORDER

Mr. Siepman, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: James Siepman Richard Morris William Groskopf
 Gary Szpara Robert Peregrine

Commission

Members Absent: Christine Howard

Staff

Members Present: Jason Fruth, Planning Manager
 Jacob Heermans, Senior Land Use Specialist
 Kathy Brady, Support Staff Supervisor

CORRESPONDENCE: None.

MEETING APPROVAL None.

PUBLIC COMMENT: None.

• **CU104 (Glenn Benidt) Town of Ottawa, Section 11**

Mr. Fruth pointed out the location of the property at W350 S2505 Waterville Road in the Town of Ottawa on the aerial photograph. He indicated the request is for Conditional Use approval for a limited family business for the online sales of wholesale vehicles.

Mr. Fruth indicated the property is 21 acres in size, and located west of Waterville Road and north of the Preserve at Hunters Lake subdivision. The petitioner is proposing to utilize an existing office on the second floor of a detached accessory building on the property for an online wholesale vehicle business. There will be one part time employee and no retail or direct vehicle sales from the property. The Town of Ottawa recommended approval of the request subject to conditions. Conditions of note included:

- A maximum of 1 non-family member employee.
- The use expires on the sale or transfer of the property.
- A copy of the wholesale dealers license be provided prior to the permits being issued.
- No retail sales.
- No storage of wholesale vehicles onsite.
- The Preliminary Site Evaluation be conducted.
- Fire and building inspections be completed prior to occupancy.

After discussion, Mr. Peregrine moved, seconded by Mr. Szpara and carried unanimously, as conditioned, for approval, in accordance with the “Staff Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SP225 (Glenn Benidt) Town of Ottawa, Section 11**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU104) listed above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried unanimously, as conditioned, for approval, in accordance with the “Staff Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU106 (Evan McCarthy) Town of Oconomowoc, Section 26**

Mr. Fruth pointed out the location of the property at N60 W35144 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is to allow the existing nonconforming use (two dwelling units) to be maintained as a legal non-conforming use to accommodate a new main residence.

Mr. Heermans indicated the property has frontage on Okauchee Lake. The property contains two single family cottages, two detached garages, a shed and a boathouse. The petitioner is requesting a legal nonconforming use Conditional Use to protect the use (two dwelling units) in perpetuity and to allow for improvements beyond 50% of the equalized assessed value in order to construct a new residence near the lake. The cottage near the shore is proposed to be razed and a new residence constructed. The other cottage located near the road will be retained and utilized for temporary occupancy by the owners during construction and will then be occupied by the owner’s parents. He explained that the shoreland code states that non-conforming uses cannot exceed 50% of the assessed value and be expanded or enlarged. By approving this request it removes the 50% cap on the improvements and would allow the petitioners to raze and rebuild one of the residences. The lot is 1.34 acres in size, the residence near the shore is approximately 1,700 sq. ft. in size and the second cottage near the road is approximately 1,100 sq. ft. in size. The petitioner has agreed to remove a non-conforming detached garage near the shore as part of the proposal. The new residence to be constructed will be occupied by the property owner and his family. The Planning and Zoning division is recommending approval of the request subject to conditions.

Chairperson Siepmann clarified that the cottage and garage near the road would be retained. He asked Mr. Heermans to point out the structures which are proposed to be removed. Mr. Heermans indicated the detached garage near the shore would be removed and the larger residence near the shore would be razed and rebuilt as a new single family residence. He pointed out another smaller storage shed, west of the residence and an existing boathouse near the shore which would be retained, as proposed.

Mr. Groskopf verified that the request was for the petitioner to be able to retain the two residences on the lot and the new residence to be built would be 75 ft. from the lake, to which Mr. Heermans replied “Yes”. He asked, when does the detached garage near the shore need to be removed? Mr. Heermans responded that Condition No. 2 states that the nonconforming detached garage near the shore shall be removed prior to the owner obtaining an Occupancy Permit for the new residence. Mr. Fruth added that plans for the new residence have not been submitted as the petitioner wanted to receive approval for the Conditional Use first. Chairperson Siepmann asked if there was discussion regarding retaining the shed located northwest of the main residence because there will be 5 structures on the property. Mr. Fruth said in discussions with the petitioner regarding retaining both the shed and detached accessory building, the Planning staff urged the owner to remove at least one of the two. The owner indicated the shed had value to him. Chairperson Siepmann asked if the 3 ft. x 3 ft. shed on the survey was a pumphouse? Mr. Heermans indicated that he was unsure. Chairperson Siepmann expressed concerns with retaining 5 structures on the property. Mr. Groskopf agreed, and indicated that the petitioner can build a large residence and could find space in the new structure to eliminate the 10 ft. x 12 ft. shed northwest of the main residence. Mr. Heermans presented photographs of the shed being discussed. Chairperson Siepmann asked the representative from Regency Builders if the petitioner would consider removing the 10 ft. x 12 ft. shed? The representative indicated that the owner wasn’t married to keeping the shed and uses it for storage of ATV’s etc. Chairperson Siepmann suggested that wording be added to Condition No. 2 stating that the 10 ft. x 12 ft. shed located northwest of the main residence be removed after the new residence is built. The Commission and Mr. Fruth agreed.

After discussion, Mr. Groskopf moved, seconded by Mr. Szpara and carried unanimously, as conditioned, for approval, in accordance with the “Staff Recommendation” with a change to Condition No. 2 which will now read:

- 2. The nonconforming detached garage near the shore and the 10 ft. x 12 ft. shed located northwest of the main residence shall be removed prior to the owner obtaining an Occupancy Permit for the new residence.*

The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU107 (Brian and Sandy Flood) Town of Oconomowoc, Section 30**

Mr. Fruth pointed out the location of the property at located at N56 W39312 Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph. He indicated the request is for Conditional Use approval for an addition to the existing residence for an in-law unit.

Mr. Heermans indicated the property has frontage on Lac La Belle, is approximately 0.94 acres in size and contains a 2 story single family residence with an attached garage, deck, screen porch, swimming pool and detached garage. In 2023, the owners applied for a Zoning Permit for an addition to the principal structure, addition of living space on both the first and second floors and increasing the size of the attached garage. A new, larger, detached garage was also proposed to replace the existing detached garage. The addition included a first-floor workshop space on the southernmost part of the attached garage with a bedroom directly above. The proposed request is to modify the previously approved permit to allow an in-law unit. The proposed workshop on the first floor will be converted to a living room and kitchen, and the bedroom directly above will remain. A bathroom on the second floor will serve both the in-law unit and additional second floor bedrooms.

He presented the approved building plans for the addition permitted in 2023 showing a window on the south side of the addition, facing Wisconsin Avenue with the exterior door to the in-law unit on the east side of the attached garage. There is a fire door from the attached garage to the in-law unit providing an interior door from the principal residence to the in-law unit, as well as a connection on the second floor. The new building plans for the in-law unit now show an exterior door on the south side of the addition, replacing the window, and the door on the east side of the attached garage removed. In addition, the interior fire door from the attached garage to the in-law unit on the first floor is also removed. The new configuration removes the interior connection from the principal residence and the in-law unit on the first floor and creates the appearance of a duplex, when viewed from the road. The Planning and Zoning Division staff relayed the concerns to the applicant, and recommended that revised plans be submitted, more in line with the original approval, removing the door facing Wisconsin Avenue. The applicant has indicated that they are agreeable to that change. The Planning and Zoning Division staff is recommending approval of the request with conditions. A condition of note includes, the exterior door shall be removed and replaced with a window.

Mr. Heermans indicated at the public hearing, neighbors to the west expressed concerns regarding construction traffic and vehicles parked along Wisconsin Avenue creating a safety hazard and blocking their mailbox. They suggested “No Parking” signs be placed along Wisconsin Avenue. A condition was added stating that “Construction vehicles shall park on the subject property to the greatest extent practicable”.

Chairperson Siepmann asked what the size of the in-law suite is, to which Mr. Heermans responded, just under the allowable 800 sq. ft.

After discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried unanimously, as conditioned, for approval, in accordance with the “Staff Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SP228 (Brian and Sandy Flood) Town of Oconomowoc, Section 30**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU107) listed above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Szpara and carried unanimously, as conditioned, for approval, in accordance with the “Staff Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Groskopf to adjourn the meeting at 1:32 p.m.

Respectfully submitted,

Robert Peregrine

Robert Peregrine
Secretary

RP:kb