

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

(Official Minutes)

SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN  
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE  
Immediately Followed by  
REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, August 29, 2005**

President Whowell called the monthly meeting of the Plan Commission to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call vote: Larson, Eakright, O’Connell, Treptow, President Whowell

**Plan Commissioners absent:** Spadoni, Poivey

**President Whowell announced that because of a lack of a quorum, the special meeting and public hearing with the Joint ETZ Committee was postponed until September.**

**Also present:** David Audino, Stan Estes, Jim and Megan Feeney, Therese Gulbransen, Joanne and Patrick Hannigan, Village Administrator Kelly Hayden-Staggs, David Hurkman, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Jim McGrath, Interim CDA Director Joseph McHugh, Brian Michel, Lynne and Pete Novak, Building Inspector Ron Nyman, Trustee Pete Petersen, Treasurer Peg Pollitt, Trustee Ron Pollitt, Village Planner Mike Slavney, Village Attorney Dale Thorpe, Diane Urlakis, Public Works Director Craig Workman

**Visitors Heard**

David Audino and one of his planners presented updated elevations and architectural drawings for the residences in the proposed planned development on the site of the former quarry. Audino stated that the plans were modified according to input the developers received at previous Plan Commission meetings and during a tour of the Village with Trustee Larson and Park Commissioner Sharon O’Brien. Most of the retaining wall along the back portion of the development area has been removed from the initial plans because of a new layout, which also calls for a public road to lead into the subdivision from Highway 67. The public road will come to an end at a “turn-around” for school busses. The three roads that wind through subdivision will be private, if the precise implementation plan is approved.

**Approve Minutes**

Commissioner Eakright/Commissioner Larson 2<sup>nd</sup> made a MOTION to approve the minutes for meetings held on July 25, 2005 and August 8, 2005, and the MOTION carried without negative vote.

**Public Hearings**

**Conditional Use Permit Application filed by Patrick and Joanne Hannigan, 653 Hazel Court, Fontana, under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code**

President Whowell opened the Public Hearing at 6:14 pm. Joanne Hannigan presented the same proposal that was presented at last month’s meeting. Staff recommended approval of the CUP as presented because the proposal would improve the nonconforming conditions of the lot and residence. If approved, the new home would be moved out of the public right-of-way and the residence would feature one off-street parking stall. There currently is no off-street parking for the residence. The Glenwood Springs Board of Directors submitted a letter that states in part: “While we are always in favor of our residents improving their property, we are concerned about the absence of sufficient off street parking for this proposed six bedroom house. ... It is our Board’s position that with the tear down of the current structure, ample parking needs to be included in the new plan. On a positive note, we are pleased that the Hannigans have reduced their building footprint and have not

increased the structure height.” An attorney representing Brian Michel stated that his client objects to the proposal because an addition to the existing second-floor of the Hannigan residence would “completely block the view” of Geneva Lake from a bedroom window of the Michel’s residence. The attorney presented photographs that were shot from the bedroom window of the Michel’s residence. The attorney and Michel stated that if the view was lost from the bedroom, the value of the home would be decreased. Margaret Mandril stated that she also has a residence located behind the Hannigan site, and she supports the proposal as presented. She stated that if approved, the new home will improve safety in the subdivision and it will add value to the rest of the neighborhood. Glenwood Springs Association President Therese Gulbransen requested that the plans be modified to include another off-street parking stall. Dave Johanson stated that he lives 50 feet from the current Hannigan residence, and he is concerned that the proposal calls for the cutting down of two mature trees that are located on association property. Joanne Hannigan stated that the trees will be replaced by dwarf River Birch trees. Later in the meeting, Gulbransen stated that she was unaware that the trees were located on association property, and the Board of Directors had not discussed the ramifications of the building proposal on trees located on association property. The association trees would have to be cut down during construction, because of their proximity to the current residence. John Baumgart stated that he favors the proposal. He stated that previous building projects have eliminated the view of Geneva Lake from his property, and the proposal would add value to the neighborhood. President Whowell closed the public hearing at 6:55 pm. Larson stated that she does not favor the proposal because it would add too much volume to the existing home and the proposed pitch of the roof is not appropriate. Larson stated that the loss of the mature trees also is a concern. Treptow stated that he favors the proposal as presented, and he does not think that the view from the bedroom window of the Michel residence would be completely blocked by the new residence. Treptow stated that the loss of trees will be addressed by the Tree Ordinance, and the location of two trees on the association property is an issue between the Hannigans and the association. Eakright stated that he likes the proposal to improve the nonconforming conditions, but an increase from four to six bedrooms may be adding too much volume to the residence. O’Connell stated that parking is a real problem in the area, and the plan should be modified to include two off-street parking stalls. O’Connell stated that she also feels the plan calls for too much volume on the lot. Hayden-Staggs stated that staff favors the plan because it complies with the spirit of the nonconforming lots ordinance and she is not convinced that the view of Geneva Lake from the Michel residence will be blocked; however, a landscaping plan would have to be submitted for approval and the parking situation should be addressed. President Whowell suggested that the Plan Commission consider a motion to table the issue in order for the applicants to work on a compromise to alleviate some of the concerns expressed. Hayden-Staggs stated that if the Plan Commissioners want the plan altered, they have to provide detailed direction to the staff members because the staff already favors the plan as proposed. Thorpe suggested that the Hannigan’s architect could meet with the village staff and some of the neighbors to make modifications to the initial plans. The Hannigans stated that their architect would not come to the Village of Fontana from Naperville, IL for a meeting; however, he would maybe participate in a conference call. O’Connell stated that the plans should be modified so the new residence has less total volume, and one more off-street parking stall should be added.

Commissioner O’Connell/Commissioner Larson 2<sup>nd</sup> made a MOTION to table the CUP Application, and the MOTION carried without negative vote.

**Petition to Repeal and Recreate Section 18-102 (Floodplain Zoning Ordinance) and Section 18-376 (Wetland Mapping Disputes) and Repeal Section 18-103 of the Village of Fontana Municipal Code**

Thorpe stated that the model ordinance provided by the Department of Natural Resources was revised in order to make it more consistent with the Village of Fontana Municipal Code. Thorpe stated that the draft ordinance being considered at the public hearing also has been under the review of the DNR for the past several months. Thorpe stated that the DNR still has to approve two minor language changes made by Thorpe prior to final adoption by the Village Board. Thorpe stated that the public hearing before the Plan Commission and a positive recommendation is the first step in making the Village eligible for the FEMA National Flood Insurance Program. President Whowell opened the public hearing at 7:34 pm. Eakright asked if the Village has mapped its flood plain areas. Thorpe stated that the floodplain was designated in the 1970s, and the Village began the application

process for the National Flood Insurance Program; however, for reasons unknown, the application process was never completed. The only developed area in the village in the designated floodplain is the Abbey Ridge development. There were no other comments made before President Whowell closed the public hearing at 7:37 pm.

Commissioner O'Connell/Commissioner Treptow 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Petition to Repeal and Recreate Section 18-102 (Floodplain Zoning Ordinance) and Section 18-376 (Wetland Mapping Disputes) and Repeal Section 18-103, with the incorporation of changes made to Sections 3.3 and 4.3 as presented, and the MOTION carried without negative vote.

### **General Business**

#### **Raze or Repair Order Regarding Segura Property at 173 Fontana Avenue**

McCarthy stated that the Village has been attempting to work with the property owner for the past several months with regard to the dilapidated and unsafe conditions of the residence and its lot and the garbage and debris in the yard. Thorpe stated the Village should make sure to conduct a Title Search and follow due-process in attempting to contact the owner of the property before the residence is razed.

Commissioner Larson/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to approve the initiation of the process to raze the residence on the Segura property at 173 Fontana Avenue, and the MOTION carried without negative vote.

#### **Certified Survey Map Filed by Anthony and Diane Urlakis, Linn Township**

After an initial discussion, staff requested that the proposal be tabled in order for additional review. Concerns were with regard to its adherence with the extraterritorial zoning requirements and street frontage, and to make sure the proposal to split the one lot into two will result in two 5-acre lots, which is the minimum requirement of the zoning district.

Commissioner Eakright/Commissioner Larson 2<sup>nd</sup> made a MOTION to table the matter until the next Plan Commission meeting, and the MOTION carried without negative vote.

#### **Building, Site and Operational Plan Filed by Pete and Lynne Novak for Novak's, 158 Fontana Boulevard**

Pete and Lynne Novak presented their proposal to add an outdoor patio onto the existing building. Garden walls will be three sides on the patio and a wrought iron fence on the fourth side. After discussion on a right-of-way ownership issue with Walworth County, the Novaks stated that they will construct the patio on their property. Hayden-Staggs stated that as well as the condition to keep the patio out of the right-of-way, staff suggested other conditions for approval. Hayden-Staggs stated that one of the conditions, that the exact use of the second-floor area be specifically designated on the BSOP, can be amended if the Novaks change their plans in the future.

Commissioner O'Connell/Commissioner Eakright 2<sup>nd</sup> made a MOTION to approve the BSOP as presented, with the conditions that the patio be constructed on the Novak's property, that the Dumpster area is screened, that the exact use of the second-floor area be designated on the application, that a detailed landscaping plan be submitted, that a lighting and signage plan be submitted and approved if the current lighting and signage is altered, and that a detailed parking plan be submitted, and the MOTION carried without negative vote.

#### **Building, Site and Operational Plan Amendment Filed by Abbey Ridge Condominium Association**

Jim McGrath stated that the association members are seeking approval for the construction of decks on the 48 units in the development. The decks would be about 4 feet out from the buildings and extend across the fronts of the units. McGrath stated that one contractor would be used for the entire project; however, the individual unit owners would not be required to construct the decks at this time. If approved, the association would have all the pilings required for the decks poured at this time. Following the presentation of initial concerns from McCarthy and Nyman, Thorpe stated that since many of the units were constructed on wetlands, and the pilings are proposed to be located in wetlands, the association should have presented the proposal to the DNR for approval prior to coming to the Plan Commission. Thorpe stated that the DNR has jurisdiction over wetlands and its approval would be required before the Village can even consider the proposal. McGrath stated the

association will contact the DNR. Thorpe stated that if the DNR approves the plan, the association will need Village approval of a unified site plan amendment, and an amendment to the approved condominium plat and condominium association declaration.

**Building, Site and Operational Plan Filed by David and Susan Hurkman for Fontana Jeweler, 553 Highway 67**

David Hurkman presented his plans to renovate the building and its façade, and to operate a retail jewelry sales and service and clock and watch repair business. Staff recommended approval of the BSOP with the condition that any new lighting or signage proposed for the site meet the Village of Fontana Municipal Code. The Hurkmans will work with the CDA on the parking and landscaping plan, which will not be completed until after the Highway 67 construction project.

Commissioner Eakright/Commissioner Larson 2<sup>nd</sup> made a MOTION to approve the BSOP filed by David and Susan Hurkman with the condition that lighting and signage adheres to the Village of Fontana Municipal Code, and the MOTION carried without negative vote.

**Pending Items for Future Agendas**

1. Hubertz Annexation
2. Tracy Annexation/Development Proposal
3. Village Inn Condominium Ownership Proposal
4. Audino Quarry Planned Development – Par Development, Inc.
5. Hehr Condominium Plat

**Adjournment**

Commissioner Treptow/Commissioner Eakright 2<sup>nd</sup> made a MOTION to adjourn the meeting at 8:46 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: 09-26-05