

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, January 26, 2015**

Chairman George Spadoni called the monthly meeting of the Plan Commission to order at 5:40 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: President Petersen (arrived at 5:44), Sarah Lobdell, Trustee Spadoni (arrived at 5:40), F. J. Frazier, Cynthia Nickolai

**Plan Commissioner absent:** Micki O'Connell

**Also present:** Don Holst, Merilee Holst, Library Director Nancy Krei, Clerk Theresa Linneman, Administrator Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Trustee Rick Pappas, Village Attorney Dale Thorpe

**Visitors Heard**

None

**Approve Minutes**

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to approve the minutes as submitted for the meeting held November 24, 2014, and the MOTION carried without negative vote.

**Public Hearing**

**Proposed Amendment to Section 18-13, Definitions, regarding Building Height Definition**

Building Inspector/Zoning Administrator Ron Nyman provided an overview of a proposed amendment to the definition for building height. The previous definition, before the zoning code was rewritten in 2012, defined building height as the low point of the structure to the peak of the structure, which made it very limiting. The current definition of building height extends from the lowest midpoint (average) of the structure to the highest midpoint (average) to determine maximum height, which Nyman indicated is a very lenient way to measure. The proposed change would modify the definition by requiring maximum building height to be calculated by measuring from the low point of the structure to the midpoint of the peak or ridge. The public hearing was opened by Trustee Spadoni at 5:42 pm. Trustee Rick Pappas, 543 Akwenasa Way, stated he was in favor of the amendment. No one spoke against the amendment. The public hearing was closed at 5:42 pm.

**General Business**

**Consider Amendment to Section 18-13, Definition, regarding Building Height Definition**

Commissioner Lobdell/Commissioner Nickolai 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed amendment to Section 18-13, Definitions, regarding the building height definition, as presented, and the MOTION carried without negative vote.

**LGYC Preannexation Agreement Amendment and Easement Approvals**

Martin explained the Village needs an easement for a municipal water main project for the portion of the new main that will be running through the Lake Geneva Yacht Club's property and looping back out to South Lakeshore Drive. Martin stated that the current agreement amendment will also record with the Walworth County Register of Deeds the permanent utility easement on the property that was approved but not recorded when the property was annexed into the Village in 2007. Thorpe cited Wisconsin State Statute 62.23(7) which grants the Plan Commission the authority to review and

recommend to the board all title acquisitions or sales. Thorpe stated that the amendment agreement is already drafted for presentation to the Village Board, but the easement documents need Plan Commission approval before being presented to the Village Board.

Commissioner Frazier/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Permanent Potable Water Easement and the Permanent Utility Easement, which are the attachments for the second amendment to the Lake Geneva Yacht Club Preannexation Agreement, and the MOTION carried without negative vote.

#### **Proposed Zoning Code Amendments for Accessory Structure Setback Standards Update**

A letter of opinion composed by Thorpe regarding an amendment to the accessory structure setback requirements was distributed at the meeting. The document included a draft of an ordinance repealing and recreating Zoning Code Sections 18-35(m) and 18-52(2), which as discussed at the previous Plan Commission meeting, would require enhanced setback standards for large accessory structures, specifically those in excess of 600 square feet; however, an exception will be made for properties abutting conservancy areas, undevelopable lots or parks. Thorpe indicated the change would have to be made in all 17 zoning code districts. Citizen Merliec Holst questioned how the ordinance change would affect a property owner with an existing structure if the owner sought to enlarge what is already there. Thorpe replied if it is enlarged prior to the ordinance being adopted, it would be under the standards of the current code, but if done after an ordinance amendment is adopted, it would be subject to the new requirements. Village Planner Mike Slavney submitted a letter stating he agrees with draft ordinance as written and believes it is consistent with the Village's Comprehensive Plan. Slavney wrote that he is in favor of adoption of the proposed amendments. Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to set the public hearing on the proposed zoning code amendment for accessory structure setback standards for Monday, February 23, 2015 at 5:30 pm, and the MOTION carried without negative vote.

#### **Proposed Zoning Code Amendment to Reestablish Property Maintenance Ordinance Update**

Nyman said the ordinance is still being worked on and he would have something for next month's meeting. Thorpe suggested referencing Middleton's ordinance as he said it is written very well. Commissioner Lobdell/President Petersen 2<sup>nd</sup> made a MOTION to table the proposed zoning code amendment to reestablish the property maintenance ordinance, and the MOTION carried without negative vote.

#### **Shodeen Rowhomes of Fontana PD Update**

Martin stated that the application has been filed for the condominium plat and declarations for the Shodeen Construction Company, LLC "Rowhomes of Fontana" project, as have the documents for the Precise Implementation Plan including engineering, grading and landscaping plans. Martin stated the condominium declaration and condo plat have to be reviewed by staff, as do the plans filed for the PIP. Thorpe stated that a development agreement also still has to be negotiated and presented for approval. Thorpe added from a legal and zoning point of view, Nyman is close to being able to certify that the application is complete. Thorpe stated that the last piece will be the signoff by the village engineers, most importantly the storm water management plan, which has been in the works for the last several weeks. Ultimately, the village is now close to certifying the application.

#### **Adjournment**

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:50 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, 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: 2/23/2015