

**CITY OF LAKE GENEVA  
PLAN COMMISSION MEETING**

**MONDAY, JULY 20, 2015 - 6:30 PM  
COUNCIL CHAMBERS, CITY HALL**

**Minutes**

**1. Meeting called to order by Mayor Connors at 6:30 pm.**

**2. Roll Call**

Present: John Gibbs, Doug Skates, Sarah Adams, Tyler Frederick

Also Present: Planner Mike Slavney, Atty. Dan Draper, Mayor Connors, Inspector Robers, Assistant Gregoles

Not Present: Al Kupsik, Cindy Flower

**3. Approve Minutes of June 15, 2015 Plan Commission meeting as distributed.**

**MOTION #1**

Skates/Gibbs moved to approve the minutes of June 15, 2015 Plan Commission meeting as distributed.

The motion carried unanimously.

**4. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to five (5) minutes.**

**PUBLIC SPEAKER #1 – Mark Emmer - 821 Wisconsin Street, LG**

*RE Item #10 / Gave a handout map titled "170 Available Spaces"*

Emmer gave some alternative suggestions for school staff parking rather than spending excessive funds on creating the proposed parking lot for only 30 spaces.

1. He suggested that 80-85 parking spaces from the surrounding streets and neighborhoods should be allocated for the school staff during school hours.
2. Turn the green area of Maple Park into additional parking lot space.

**PUBLIC SPEAKER #2 – Maureen Marks - 834 Dodge Street, LG**

*Re Item #10*

Marks feels the City is rushing and getting ahead of itself and has concerns about the proposed parking lot.

She would like to know how the Conceptual Design can be discussed when the zoning change has not yet been approved. She mentioned limited congestion times at the school are only about 4 times a day for only 10-15 minutes each. As a Historic district she feels that adding a parking lot is not preserving the city. In addition, she is also concerned that utilities were already measured out 10 days ago and how can they do that before anything has been approved.

**PUBLIC SPEAKER #3 – Charlene Klein - 817 Wisconsin Street, LG**

*Re Item #10 – Gave two handouts (Nat'l Register of Historic Places & Zoning Laws)*

Klein respectfully request reconsideration of this proposed parking lot. She noted that the location is zoned SR-4 which is single family residential and the residents in the neighborhood would like it to remain as such. They have concerns that it will devalue the homes around it and increase noise and congestion.

**PUBLIC SPEAKER #4 – Virgil Watke - 3954 Elkhorn Road (4 unit Apt Bldg owner)**

*Item #10*

As a property owner and landlord he stated that his renters have concerns regarding what to expect in the future and feels that another parking lot will take away from the neighborhood.

**PUBLIC SPEAKER #5 – Terry O’Neill - 954 George Street, LG**

*Re Item #10*

O’Neill feels that the parking lot is being requested by the School Board on behalf of an Absentee Landlord. He gave a list of 10 items that cannot be met. He has many concerns regarding the proposed parking lot including safety issues.

**5. Acknowledgment of Correspondence – None**

**6. Downtown Design Review.**

- A. Application by LuRae Bruzan for It’s a Chic Thing, 706 Geneva Street, Lake Geneva, WI 53147 for a new exterior sign at the storefront at Tax Key No. ZOP 00259.**

**DISCUSSION**

Inspector Robers gave brief overview of sign details.

**MOTION #2**

Skates/Adams moved to approve the application by LuRae Bruzan for It’s a Chic Thing, 706 Geneva Street, Lake Geneva, WI 53147 for a new exterior sign at the storefront at Tax Key No. ZOP 00259. The motion carried unanimously.

- B. Application by Robyn Scott for Popcorn Peddlers, 233 Broad Street, Lake Geneva, WI 53147 for a new exterior sign at the storefront at Tax Key No. ZA110300001.**

**DISCUSSION**

Inspector Robers gave brief overview of sign details.

**MOTION #3**

Mayor Connors/Gibbs moved to approve the application by Robyn Scott for Popcorn Peddlers, 233 Broad Street, Lake Geneva, WI 53147 for a new exterior sign at the storefront at Tax Key No. ZA110300001. The motion carried unanimously.

**7. Public Hearing and recommendation on a Conditional Use Application filed by Scott DeParvine & Ashlee Box agents for Mariane E Weigley, 38137 N. Bolton Place, Antioch, IL 60002, to construct a Single Family Residence using the SR-4 Zoning requirements in an Estate Residential Zoning District (ER-1) located at a vacant lot on Pine Tree Lane, Tax Key No. ZSY 00025.**

**DISCUSSION**

*Scott DeParvine & Ashlee Box (agents) 38137 N. Bolton Place, Antioch, IL 60002*

They gave a brief overview of the details regarding changing the house plan to further accommodate the setbacks. There was a brief discussion amongst the Commission and Planner Slavney to clarify those details.

**PUBLIC SPEAKER #1 – Joe Cartiff – 725 Pine Tree Lane, LG**

Cartiff stated that he approves of what the applicant is trying to do and would encourage the Commission to pass it. Cartiff asked if they would have to come back to make any future changes and Planner Slavney confirmed that yes they would need to come back for approval. Cartiff also requested that they try to save the old oak tree on the property.

**MOTION #3**

Skates/Gibbs moved to close the public hearing. Motion carried unanimously.

**DISCUSSION**

Commission discussed and clarified details of how to adjust the plans to accommodate and protect the old oak tree.

**MOTION #4**

Skates/Gibbs moved to approve the recommendation on a Conditional Use Application filed by Scott DeParvine & Ashlee Box agents for Mariane E Weigley, 38137 N. Bolton Place, Antioch, IL 60002, to construct a Single Family Residence using the SR-4 Zoning requirements in an Estate Residential Zoning District (ER-1) located at a vacant lot on Pine Tree Lane, Tax Key No. ZSY 00025, including the requirement to work with staff to shift the house left or right in an effort to preserve the tree and to include the location of the tree on the survey.

The motion carried unanimously.

Mayor Connors/Skates moved to amend (#1) the motion to shift the home east or west as needed and as reasonably agreed by staff and the home owners, to protect the old oak tree. The motion carried unanimously.

Mayor Connors/Adams moved to amend (#2) the motion to recommend that they amend the survey to show the old oak tree. The motion carried unanimously.

- 8. Public Hearing and recommendation on a Precise Implement Plan (PIP) Amendment for Symphony Bay Development (formally Southwind Farms) by Orleans Homes, 1834 Walden Office Square #300, Schaumburg , IL 60173 for a General Development Plan for the re-plating of a previously approved subdivision East of Edwards Blvd. between Townline Road and Bloomfield Road in the City of Lake Geneva, WI 53147, for the Tax Key No's. ZSF 00001 – 00326.**

**DISCUSSION** - Brian Pollard/Fairwyn Development & Rick Zirk/Orleans Homes

Applicant gave brief overview of the details and used a power point presentation to show floor plans and elevations etc. There was a brief discussion amongst the Commissioners, Planner Slavney and Attorney Draper to clarify those details and the appropriate process for the coming legalities. Including any needed findings or details forthcoming for the Fire Department.

Public Hearing – No Comments

**MOTION #5**

Skates/Gibbs moved to close the public hearing. Motion unanimously carried.

**DISCUSSION**

Commission continued discussion with attorney Draper clarifying that they are approving this GDP so applicant can take the next step and petition to have the original plat vacated and move forward from there. They would then come back with a plat showing everything on the new plat.

**MOTION #6**

Mayor Connors/Gibbs moved to approve the recommendation on a Precise Implement Plan (PIP) Amendment for Symphony Bay Development (formally Southwind Farms) by Orleans Homes, 1834 Walden Office Square #300, Schaumburg , IL 60173 for a General Development Plan for the re-plating of a previously approved subdivision East of Edwards Blvd. between Townline Road and Bloomfield Road in the City of Lake Geneva, WI 53147, for the Tax Key No's. ZSF 00001 – 00326. Including staff recommendations, a developers agreement, verification of turning radius' for the Fire Department as agreed upon and foundation elevations. Also including the finding of facts found in the staff report. The motion carried unanimously.

- 9. Public Hearing and recommendation on a Conditional Use Application filed by Tyler N Terhark, 801 Hudson Trail, Lake Geneva, WI 53147, for the installation of a decorative fence in excess of three feet (six feet) in the side street yard on Townline Road at 801 Hudson Trail, Lake Geneva, Tax Key No. ZTT 00055.**

**DISCUSSION**

Tyler N Terhark – applicant, addressed the commission regarding the details of the fence application. The Commission and Planner Slavney discussed and clarified the details of the request.

Public Hearing – No Comments

**MOTION #7**

Adams/Skates moved to close the public hearing. Motion unanimously carried.

**DISCUSSION**

There was a brief continued discussion amongst the Commission to clarify the application details.

**MOTION #8**

Skates/Fredericks moved to approve the recommendation on a Conditional Use Application filed by Tyler N Terhark, 801 Hudson Trail, Lake Geneva, WI 53147, for the installation of a decorative fence in excess of three feet (six feet) in the side street yard on Townline Road at 801 Hudson Trail, Lake Geneva, Tax Key No. ZTT 00055. To include staff recommendations and finding of facts as presented at the Staff meeting. The motion carried unanimously.

**10. Review and discussion of a Conceptual Design for a Parking Lot by Lake Geneva Joint 1 School District, 208 South Street, Lake Geneva WI, 53147, for the property located at 833 Wisconsin Street, Tax Key No. ZOP 00100.**

**DISCUSSION**

Bill Henry / Kehoe, Henry & Associates and Warren Flitcroft/Business Mgr From the School District Applicants gave a brief overview of conceptual design for a parking lot located at 833 Wisconsin Street. There was a brief discussion amongst the Commission to clarify those details.

**11. Adjournment**

**MOTION #9**

Skates/Adams moved to adjourn the meeting at 8:19 pm.  
The motion carried unanimously.

*/s/Jackie Gregoles, B&Z Administrative Assistant*

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE PLAN COMMISSION.**



United States Department of the Interior  
National Park Service

National Register of Historic Places  
Continuation Sheet

Maple Park Historic District

Section 7 Page 32 Lake Geneva, Walworth County, Wisconsin

BUILDING INVENTORY

<i>Address</i>	<i>Name</i>	<i>Style</i>	<i>Date of Construction</i>	<i>Status</i>
434 Warren St.		One Story Cube	c.1920 <sup>177</sup>	C
523 Warren St.	Clarence Lone	Gabled Ell	c.1900 <sup>178</sup>	NC
529 Warren St.		One Story Cube	c.1920 <sup>179</sup>	C
531 Warren St.		Gabled Ell	c.1920 <sup>180</sup>	NC
816 Wisconsin St.	Hugh Reed	Colonial Revival	1876,c.1930 <sup>181</sup>	C
817 Wisconsin St.	P. H. Moore	Italianate	1875 <sup>182</sup>	C
821 Wisconsin St.	Joel Barber	Front Gable	1860 <sup>183</sup>	C
822 Wisconsin St.	Wausau Apartment Bldg.	Contemporary	c.1970 <sup>184</sup>	NC
827 Wisconsin St.		Greek Revival	c.1865 <sup>185</sup>	C
830 Wisconsin St.	Wausau Apartment Bldg.	Contemporary	c.1975 <sup>186</sup>	NC
833 Wisconsin St.	C. E. Brandon	Cross Gable	1874 <sup>187</sup>	C
900 Wisconsin St.	Central School/High School	Classical Revival/ Prairie Influenced	1904, 1928-29,1960 <sup>188</sup>	C
	Architect (1904): Van Ryn & deGelleke	Builder: C. O. LaSalle <sup>189</sup>		
	Architect (1928-29): J. C. Llewellyn & Co.	Builder: Libertyville Construction Company <sup>190</sup>		
1001 Wisconsin St.	Apartment Building	Contemporary	c.1960 <sup>191</sup>	NC
1009-19 Wisconsin	Apartment Building	Contemporary	c.1965 <sup>192</sup>	NC
1014 Wisconsin St.	John Burt	Front Gable	1886 <sup>193</sup>	C

<sup>176</sup> *Ibid.*

<sup>177</sup> Sanborn-Perris Maps.

<sup>178</sup> Tax Rolls, Sanborn-Perris Maps.

<sup>179</sup> Tax Rolls, field observation.

<sup>180</sup> Field observation.

<sup>181</sup> Tax Rolls, Sanborn-Perris Maps.

<sup>182</sup> Tax Rolls; *Lake Geneva Herald*, 19 June 1875, p. 3.

<sup>183</sup> *Ibid.*

<sup>184</sup> City Directories; this apartment house plan appears in the Wausau Homes plan book, 1972, in possession of the author.

<sup>185</sup> Tax Rolls, Sanborn-Perris Maps, Plat Maps, Bird's Eye Views.

<sup>186</sup> City Directories; this apartment house plan appears in the Wausau Homes plan book, 1972, in possession of the author.

<sup>187</sup> Tax Rolls, Sanborn-Perris Maps, Plat Maps, Bird's Eye Views.

<sup>188</sup> Date stones; "High School Opening Draws Large Crowd," *Lake Geneva News Tribune*, 28 November 1929, p. 1.

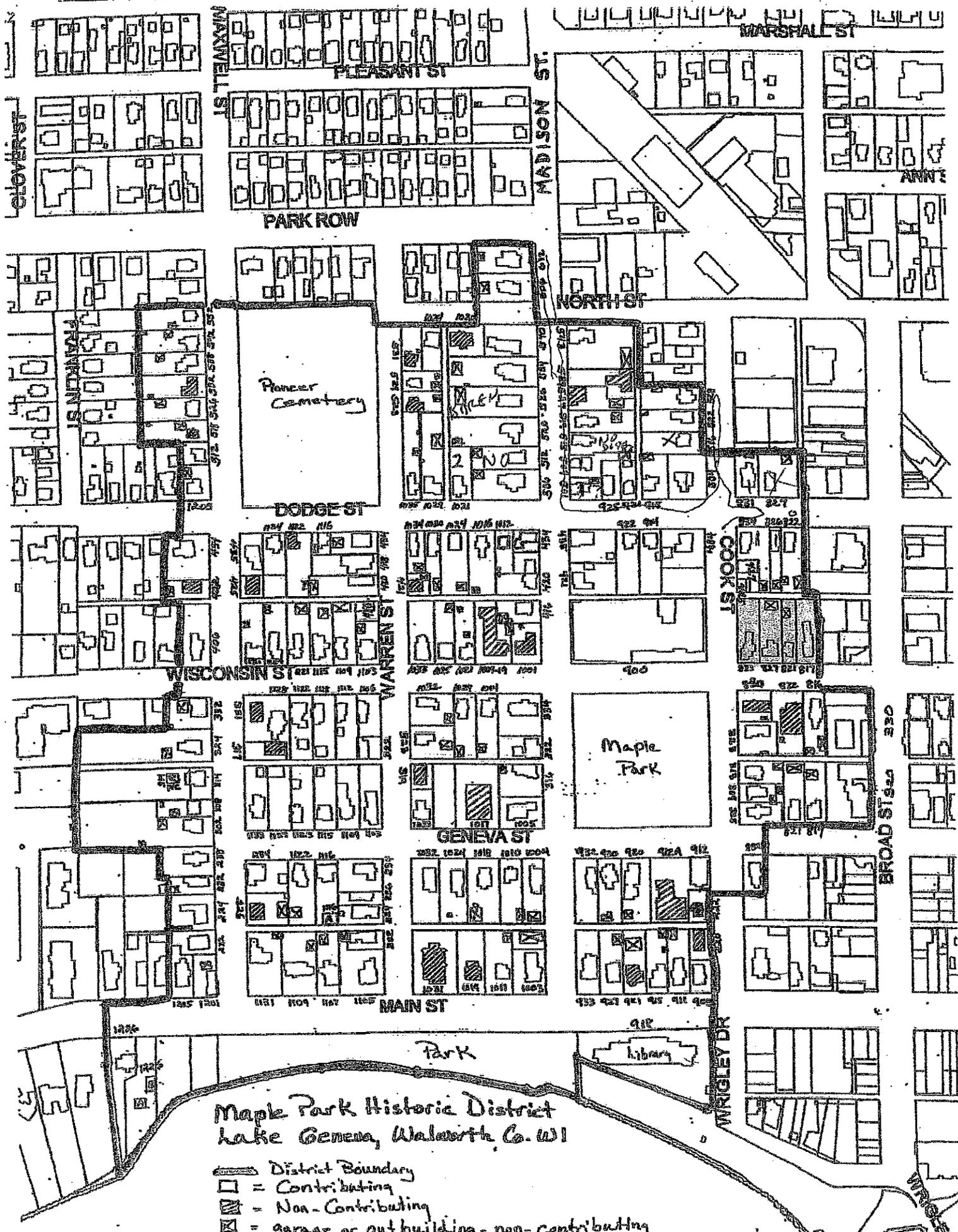
<sup>189</sup> *Lake Geneva Herald*, 5 August 1904, p. 1; 29 July 1904, p. 1.

<sup>190</sup> "Work on New School Started This Morning," *Lake Geneva News Tribune*, 20 December 1928, p. 1.

<sup>191</sup> City Directories.

<sup>192</sup> City Directories.

<sup>193</sup> Tax Rolls, Sanborn-Perris Maps, Plat Maps, Bird's Eye Views.



Maple Park Historic District  
Lake Geneva, Walworth Co. WI

- District Boundary
- = Contributing
- ▨ = Non-Contributing
- ◻ = garage or out building - non-contributing

TO: Lake Geneva Planning Commission  
FROM: Mary Jo Fesenmaier, 955 George Street  
DATE: July 20, 2015  
RE: Planning

I am not able to be here this evening, so I have attached documents that upon research I believe might aid you in your planning deliberations tonight and in the future.

Thank you for your consideration and for serving our community in this important capacity

## **Zoning Laws: Requiring Consistency with a Comprehensive Plan**

By Alan R. Romero

Zoning enabling acts all contain some version of a requirement that the zoning ordinance be "in accordance with a comprehensive plan." This means that not only must the originally adopted ordinance be in accordance with a comprehensive plan, but so must amendments to the ordinance. This statutory requirement limits local legislative freedom to adopt amendments requested by landowners.

State approaches to interpreting and applying requirements of consistency with a comprehensive plan include the following:

- **The zoning ordinance must be rational.** In most states, the requirement of consistency with a comprehensive plan isn't very restrictive. Most courts have interpreted the requirement to mean simply that the zoning ordinance itself must reveal a rational plan of zoning, not that the zoning ordinance must comply with a separate document called a *comprehensive plan*.

Therefore, most courts hold that as long as a zoning amendment could rationally be thought to be consistent with the public interest, it's in accordance with a comprehensive plan.

- **The zoning ordinance must comply with a written plan.** Some states require that the zoning ordinance be consistent with an actual written plan for the community. Such a requirement is more of a limit on legislative freedom to zone and amend.

In some of these states, an amendment to a zoning ordinance simply can't allow something that the comprehensive plan doesn't allow. Therefore, the landowner may need to first seek amendment of the plan before seeking amendment of the zoning ordinance—and some states limit the circumstances in which the plan may be amended or how often it may be amended.

- **The zoning ordinance must be in basic harmony with a written plan.** In some states, the zoning ordinance only needs to be generally consistent with a written

plan. The legislative body may amend the zoning ordinance to allow something not allowed in the comprehensive plan—or to forbid something allowed by the comprehensive plan—as long as the amendment is in basic harmony with the purposes of the plan.

- **The court reviews a zoning ordinance differently if it's inconsistent with a written plan.** When a zoning amendment is inconsistent with the plan in some respects, some courts have shifted the burden to the government to demonstrate how the amendment advances the purposes of the plan.

They may also review the amendment decision to determine whether the evidence before the legislative body could have supported a conclusion that the amendment was consistent with the plan.

## Spot zoning

From Wikipedia, the free encyclopedia

Jump to: navigation, search

**Spot zoning** is the application of zoning to a specific parcel or parcels of land within a larger zoned area when the rezoning is usually at odds with a city's master plan and current zoning restrictions. Spot zoning may be ruled invalid as an "arbitrary, capricious and unreasonable treatment" of a limited parcel of land by a local zoning ordinance.<sup>[1]</sup> While zoning regulates the land use in whole districts, spot zoning makes unjustified exceptions for a parcel or parcels within a district.<sup>[2]</sup>

The small size of the parcel is not the sole defining characteristic of a spot zone. Rather, the defining characteristic is the narrowness and unjustified nature of the benefit to the particular property owner, to the detriment of a general land use plan or public goals. The rezoning may provide unjustified special treatment that benefits a particular owner, while undermining the pre-existing rights and uses of adjacent property owners. This would be called an instance of spot zoning. On the other hand, a change in zoning for a small land area may not be a spot zone, if it is consistent with, and furthers the purposes of the general area plan.

For example, a small zone allowing limited commercial uses such as a corner store within a residential area may not be a spot zone, but a carve-out for an industrial use or a night club might be considered a case of spot zoning. In the first case, the differing land uses are mutually compatible and supportive. In the latter case, the residential nature of the area would be harmed by a conflicting land use.

When the change in zoning does not advance a general public purpose in land use, courts may rule certain instances of spot zoning as illegal. The Standard State Zoning Enabling Act states "all such regulations shall be uniform for each class or kind of building throughout each district."<sup>[3]</sup> It may also be an invalid exercise of authority, if spot zoning is not a right conferred upon the body by the state's zoning enabling statute, because it deviates from the plan set out by the enabling statute.<sup>[1]</sup>