



Geneva Lake Conservancy

“COMMON GROUND. COMMUNITY CHARACTER. NATURAL RESOURCES.”

P.O. Box 588 • 398 Mill Street • Fontana, WI 53125
Phone (262) 275-5700 • Fax (262) 275-0579
Email GLC@genevaonline.com
www.genevalakeconservancy.org

BOARD OF DIRECTORS

Charles Colman

Thursday, March 26, 2009 ⁽¹⁾

Charles Ebeling

Grace Eckland

HAND DELIVERED

William Gage, Jr.

Village Trustees & Plan Commissioners
Village of Fontana-on-Geneva Lake
175 Valley View Drive
P.O. Box 200
Fontana, WI 53125

Dennis Jordan

Robert Klockars

John Notz, Jr.

Sharon O'Brien

RE: Hawks Woods Condominium Development

Steven Pope

Dear Friends:

Thomas Ramsey

I would like to start out by thanking the members of the Village Board and the Plan Commission that were present at the recent Candidate Forum for generously taking their time to explain the pending Hawks Woods proposal to myself and the concerned citizens in the audience. I further wish to reiterate my comments made at the event and formally state objection to the pending development proposal on behalf of the Geneva Lake Conservancy.

Rudy Rasin

Dawn Ripkey

Robert M. Six

Todd Watters

Ongoing subdivision and development within the shorelands of Geneva Lake threatens the very qualities that make this beautiful area such a remarkable place to live, work and play. People move here to find a level of peace by the water that is not available elsewhere; to unwind on the lake and relax along its shores. The Village itself recognizes this quality and promises visitors to its website that Fontana offers the peace and serenity of small town life.

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Overdevelopment threatens not only the environment and the scenery, but the economy as well. In a report issued by the Wisconsin Department of Natural Resources in 2003, scenic beauty and relaxation were the number one reasons tourists cited for pumping billions of tourist dollars into the Wisconsin economy. Studies have shown that excessive development, which impacts water quality by replacing trees and natural scenery with lawns, buildings and driveways, threatens the very aspects of lakeside living that people and property owners value most.

Glenn Solheim

Edward Weed

David Weinberg

Approving shoreland development projects, which increase the residential density along the shores of Geneva Lake, impact the water quality, degrade the scenery, and affect the rural nature of the region, is not good policy. There is only one jewel that is Geneva Lake and we all carry a special responsibility to protect it from harm.

The Village of Fontana has continuously shown that it acknowledges the responsibility it has to protect the lake. You and your predecessors have worked tirelessly to protect the lake by stemming the tide of overdevelopment that increases the risk of lake pollution and scenic degradation. In 1993, in response to public alarm and concern, the Village, under the leadership of then President William Turner, closed the door on "Flag Lot" development. The Village's current planning consultant, Vandewalle & Associates, who was also employed by the Village back in 1993, stated that prohibiting "Flag Lots" was clearly consistent with the spirit and intent of the goals, policies and recommendations in the Village's Comprehensive Master Plan. Specifically, they confirmed that the plan placed great emphasis on protecting the low density residential character of the community, and the aesthetic and environmental quality of the Village. The issue of carefully controlling lakefront development and ensuring protection of views to and from Geneva Lake and the lakeshore was a concern of the Village in 1993 and remains one today.

More recently, in April of 2007, the Village Board placed a moratorium on the acceptance, review and approval of land divisions, subdivision applications and condominium plat applications for lakefront properties. The moratorium was put in place after the Village had heard two requests for the subdivision of lakefront properties. Unfortunately, the push by the Village to curb lakefront development resulted in only minor changes to the zoning ordinance, such as removing the term "caretaker's units" and adding a clarified definition for "accessory living quarters." During the process, Village Attorney Dale Thorpe was quoted by the Lake Geneva Regional News as stating that the ordinance would do little to address the problem of overdeveloping the lakefront. The Geneva Lake Conservancy shares his concern.

Beyond zoning, the Conservancy applauds the Village in its efforts to protect the Lake through its adoption late last year of an ordinance that limits the use of fertilizers containing phosphorous. The Village again acknowledged in that recent ordinance that Geneva Lake was a natural asset which enhanced the environmental, recreational, cultural and economic resources of the area and contributed to the general health and welfare of the public.

Bearing in mind the historical efforts of the Village to protect the lake, as well as the several comments by Trustees and Plan Commissioners at the Candidate Forum who claimed they were not in favor of uninhibited lakefront shoreland development, the Geneva Lake Conservancy knows that both the Plan Commission and the Village Board are taking this issue seriously. Once the facts have been considered, the Geneva Lake Conservancy asks that the Village of Fontana stay true to its history of carefully controlling lakefront development and deny the Hawks Woods development proposal.

Otherwise, the continued overdevelopment of our lakefront will eventually destroy the very reason we build our homes here in the first place.

Thank you in advance for your continued perseverance.

Sincerely,



Joseph A. McHugh
Executive Director
Geneva Lake Conservancy
Direct Line: 262.203.1541

Attachment: Public Hearing Comments | Hawks Woods Condominium Development

⁽¹⁾ Revised: March 30, 2009 – Submitted for the Official Record @ Public Hearing
Note - The original letter incorrectly referred to the development as "Hawks View". This revised document is being resubmitted to the Village of Fontana for placement in the file, in order to avoid confusion whenever the file is reviewed in the future.

ZONING ISSUES | QUESTIONS & COMMENTARY ⁽¹⁾

Public Hearing: March 30, 2009

Hawks Woods Condominium Development

The Geneva Lake Conservancy asks that Village officials please address the following issues when considering the Hawks Woods Condominium Development proposal:

1. The lakefront property in the Hawks Woods development contains a second existing house or “gatehouse” that is currently legal non-conforming in its current residential use. Although the Village has changed the code so that a second principal residential structure is now allowable with a Conditional Use Permit (CUP), a previously existing legal non-conforming building is not automatically granted CUP status. Section 18-140(b) of the Village’s Municipal Code states that An existing legal nonconforming building or use may be granted conditional use status as provided in section 18-154 and subject to building, site and operational plan approval. The applicant’s request for an “allocation of land” to justify the elevation of the existing non-conforming building to a second principal residence will result in a residential density of approximately one unit per acre, which would not otherwise be allowed on lands located within the PEC (Primary Environmental Corridor) district. Per Section 18-101(e)(4)a.1., development within the PEC District requires a minimum of five acres per dwelling unit. The Geneva Lake Conservancy requests that CUP status not be granted.
2. The lakefront property in the Hawks Woods development is partially located in the Village of Fontana’s Lakeshore Overlay District (OLS). This district is intended to apply to lakeshore properties the specialized regulations appropriate to their unique character, with particular recognition of the disproportionately high land value of lake frontage, the problems of over-intensive exploitation of such frontage, the extreme vulnerability of lakeshore properties to nuisance and to adverse effect on property value, and the problems of pollution and public safety resulting from overuse. Per Section 18-99(d) Single Use, No lot in this district shall by deed, covenant, easement, or other device or agreement provide for right of access to Geneva Lake by other than the owner or legal occupant of the lot and his guests, except in the case of a public park or way, public utility easement, patrons of a commercial use or a planned development specifically permitted under this Ordinance. Because a change to Planned Development zoning is not being requested, the Geneva Lake Conservancy presents that allowing residential properties on the opposite side of North Shore Drive to gain ownership and access to the lakefront via the common element of a Condominium form of ownership is not, and should not be, allowed.
3. The condominium plat prepared by surveyor Peter Gordon, as agent for Farris, Hansen & Associates, clearly states that the Village will be approving the plat pursuant to Chapter 17 of the Land Division Regulations for the Village of Fontana-on-Geneva Lake. Section 17-4(9) specifies that Each condominium project shall be reviewed on the basis of a condominium plat prepared pursuant to § 703.11, Wis. Stats., and other applicable statutes, as well as these land division and subdivision regulations as a plat or certified survey map for the land development or subdivision elements of the project. Platting procedures in subsections 17-

4(3) and (4) shall apply to village review of condominium plats. Section 17-4(3)b. confirms that a Development Impact Study is required for condominium plats by including reference to subsection 17-4(2). Per Section 17-4(2) Development impact study, a development impact study shall be submitted in connection with any proposed certified survey, condominium plat, or preliminary plat. The development impact study shall be in writing, shall address the impacts of the proposal on the village infrastructure, on municipal services, and on the respective school district, and such topics as listed in appendix A. In addition to addressing the following issues; Surface transportation, Stormwater management, Wastewater collection and treatment, Potable water supply, storage, and distribution systems, Park/recreation facilities. Refuse collection, and Impacts on other development, Appendix A states that the application process requires a Tree survey/impact statement. The letter provided by the applicant's attorney, Timothy P. Swatek, is simply a written opinion that claims the impact is "essentially insignificant." The Geneva Lake Conservancy asks that the applicant be required to provide a full and complete statement that includes the proposed development's impact on existing trees, so that the total impact can be clearly understood and assessed.

4. The only discernible impact of the proposal, per Attorney Swatek's February 10, 2009 letter as regards the project's potential development impacts, is that the current carriage house on the lakefront property can be rebuilt and sold as a second home. This statement gets ahead of and ignores the Village's discretionary authority to grant CUP status to a legal non-conforming building as described earlier.
5. As a condominium development, Section 17-6(3)(i)6. requires, under subsection a., that A subdivision or condominium development abutting a navigable waterway shall, according to the provisions of § 236.16(3) Wis. Stats., provide access at least 60 feet wide to the low water mark so that there will be public access, connected to public roads, at one-half-mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the State of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided. A public hearing with notice of such hearing by publication of a class 2 notice and mailing by registered mail of such notice to adjoining landowners shall be held prior to plan commission approval of any land division required to include public access to a waterway. The Geneva Lake Conservancy presents that the Hawks Woods proposal does not comply with the public access requirement and should not be approved.

The ordinance issues provided above are merely intended to stimulate discussion amongst the Plan Commissioners and Village Trustees as the Hawks Woods proposal is considered. Regardless of the zoning and platting issues involved, the Conservancy maintains that negative impacts to the lake and the region should remain the dominant concern.

⁽¹⁾ Revised: March 30, 2009 – Submitted for the Official Record @ Public Hearing
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