

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, October 6, 2015**

Members present: T. Oberhaus, L. Krause, E. Kranick, B. Cooley, C. Dundon, P. Kanter, G. Reich  
Also present: T. Barbeau, *Town Engineer*, 15 citizens

Prior to the start of the scheduled Plan Commission meeting there will be three public hearings in front of the Town Board and Plan Commission to solicit public input on the following requests: Randal Schoenfeld, N6 W30515 Maple Avenue (Tax Key No. 828-997-004) to rezone his property from A-1 Agricultural to R-1 Residential; Judith Williams, Granite Bay, CA, regarding the vacant 5 acre parcel located on the west side of Elmhurst Road approximately 600 feet south of Sylvan Trail (Tax Key No. 862-994) to rezone her property from A-1 Agricultural to A-2 Rural Home District; and Town of Delafield, regarding the property known as KE Park located on the south side of North Shore Drive, east of the property at N34 W29637 North Shore Drive, from R-1 Residential to P-1 Park and Recreation District. The Plan Commission meeting will begin immediately following the conclusion of the public hearings.

**Chairman Oberhaus called the Randal Schoenfeld Public Hearing to order at 7:10 p.m.** The clerk read the public hearing notice.

Mr. Schoenfeld explained his request. He is in the process of selling his house and wants it zoned correctly prior to sale.

There were no public comments.

Chairman Oberhaus called the Schoenfeld Public Hearing to a close at 7:13 p.m.

**Chairman Oberhaus called the Judith Williams Public Hearing to order at 7:13 p.m..** The clerk read the public hearing notice.

Mr. Kouba explained his request. He would like to purchase the property from Ms. Williams and have the property zoned correctly so that he can build a single family home on the parcel.

Mr. Kanter clarified the minimum lot size. The parcel cannot be divided in the future.

Ms. Dundon commented about accidents on Elmhurst recently. She is concerned about the driveway placement.

*Nicole Dickenson, W288S290 Elmhurst*

She has two concerns: Precedence for future development of the Judith Williams property (does this have any impact on how the rest of her property can be developed). Is there a longer term plan for her property or will it be developed piecemeal? Secondly, she would like clarification regarding storm water run-off. The previous owners of her property tried to work with both Williams families to identify a wetland. That resulted with the creation of a watershed map which is now called the Dickenson Watershed by the County. Please discuss what will be developed on the Judith Williams site. She is concerned that any development allowed by A-2 zoning will the topography and the water on Ms. William's property which will then come across the road onto Ms. Dickenson's property. She could have new water coming onto her land and that will impact her land and buildings. She distributed the wetland maps to the Plan Commission.

The Williams Wetland Restoration concept plan shows two ponds on her property; water would be drained from there via a pipe and pump to a portion of Lloyd William's property to create a wetland since it is already somewhat a wetland. The other sheet shows the watershed to her property. Everything within the red boundary drains into her property. Ms. Dickenson's concern is that, due to the change in any topography resulting from any building on the Judith Williams property, additional water will drain onto her property.

She stated that that there's about a 10 ft. difference in property height from one side of Elmhurst to the other. She asked that the Plan Commission be cautious as to what's planned on that property.

Engineer Barbeau responded that the Williams property drains northeast and eventually northwest. What stops the water currently is the road. A single family home would have a plan which would show the drainage. The natural flow is to Elmhurst. The Town normally wouldn't allow a culvert to divert the water across the road to another watershed.

Lynn Serafin, W288S110 Elmhurst

She is interested in any development on this property since that area gets very wet with heavy rains. If properties in the area are changed, it will have an impact on her property.

Chairman Oberhaus called the Judith Williams public hearing to a close at 7:28 p.m.

**Chairman Oberhaus called the Town of Delafield KE Park Public Hearing to order at 7:28 p.m.** The clerk read the public hearing notice.

Engineer Barbeau explained that this property is zoned residential and needs to be zoned as park land. This is the first step towards development of the park which the Town hopes to begin constructing next year. The park conceptual plan was approved last spring.

There were no questions from the Plan Commission members.

Lisa Pon, W288 N3735 Woodline Ct.

Ms. Pon is not familiar with the long-range plans for the park and requested clarification as to what's planned.

Engineer Barbeau explained that this will be a passive park with walking paths and open space; no lights, soccer fields, etc.

Chairman Oberhaus called the Town of Delafield KE Park Public Hearing to a close at 7:33 p.m.

**First order of business:** Call to Order and Pledge of Allegiance

Chairman Oberhaus called the meeting to order at 7:35 p.m. and led all in the Pledge of Allegiance.

**Second order of business:** Approval of the minutes of September 15, 2015

**MOTION BY MR. REICH, SECONDED BY MR. KANTER, TO APPROVE THE MINUTES OF THE SEPTEMBER 15, 2015 PLAN COMMISSION MEETING. MOTION CARRIED.**

**Third order of business:** Communications (for discussion and possible action): None

**Fourth order of business:** Unfinished Business: None

**Fifth order of business:** New Business:

- A Randal Schoenfeld, N6 W30515 Maple Avenue (Tax Key No. 828-997-004)  
Re: Consideration and possible action on a request to rezone the above noted property from A-1 Agricultural to R-1 Residential.

Engineer Barbeau explained that Mr. Schoenfeld owns a 1.555 acre property used for a single family residence. The zoning on the property is A-1 Agricultural, which requires a minimum of 40 acres. The rezoning will bring the property into conformance with the R-1 zoning district. The house on the property was built in 1992 and is served by an on-site septic system. Zoning on adjacent properties include R-1 to the west, A-1 to

the south, A-3 to the east and A-2 to the north on the north side of Maple Avenue. The existing house meets all the setbacks and offsets and has an open space of approximately 92% (95% required under A-1, 85% required under R-1).

Engineer Barbeau stated that it has long been a desire of the Town to have property owners bring their lots into conformance with the zoning code requirements. Although this allows additional hard surfaces under the R-1 zoning district, the lot can be considered conforming and any improvements will have to meet the current R-1 district requirements. This rezoning is consistent with the approval of a similar rezoning on the home adjacent to the west of the subject property a few years ago. Engineer Barbeau recommended approval of the request to rezone the land from A-1 to R-1. The recommendation would be sent to the Town Board and then to the County for their approval.

**MOTION MADE BY MR. KANTER, SECONDED BY MR. COOLEY, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE REQUEST TO REZONE THE PROPERTY AT N6W30515 MAPLE AVENUE (DELT0828-997-004) FROM A-1 AGRICULTURAL TO R-1 RESIDENTIAL.  
MOTION CARRIED.**

- B. Judith Williams, Granite Bay, CA, by Joshua Kouba, agent,  
Re: Consideration and possible action on a request to rezone a vacant 5 acre parcel located on the west side of Elmhurst Road approximately 600 feet south of Sylvan Trail (Tax Key No. 862-994) from A-1 Agricultural to A-2 Rural Home District.

Engineer Barbeau said Mr. Kouba has an accepted offer to purchase the 5 acre vacant parcel of land owned by Ms. Williams. The purchase is contingent on the property being rezoned to a conforming zoning. The intent would be to build a single family residence and probably an accessory building on the property. The land is currently legal nonconforming since the A-1 zoning district requires a 40 acre lot size. The land is a separate parcel from the 12.8 acre parcel also owned by Ms. Williams south of this parcel. There are no new plans for the remainder of her property. Properties to the north, south and east are also zoned A-1 and are legal nonconforming. Lands to the west are conforming (part of the Lloyd Williams Family farm). Access to the parcel will be located in the far northeast corner of the property across the street from a driveway that extends to property on the east side of Elmhurst Road per information from Waukesha County. The site will be served by an on-site septic system and well. It has been a desire to have Town property owners bring their lots into conformance with the zoning code requirements. Engineer Barbeau recommended approval of the request to rezone the land from A-1 to A-2.

Regarding water run-off, Engineer Barbeau explained that the home will probably be in the middle of the lot and the owner will have a long driveway. The land is cropped now, so seeding the property may help to slow the run-off. Engineer Barbeau doesn't anticipate added run-off in normal years. He reviews the grading plan to be sure it doesn't affect the neighbors. By case law, additional water shouldn't be coming off that property to impact the neighbors. Water will be directed to the north.

**MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE REQUEST TO REZONE THE VACANT 5 ACRE PARCEL LOCATED ON THE WEST SIDE OF ELMHURST ROAD APPROXIMATELY 600 FEET SOUTH OF SYLVAN TRAIL (DELT0862-994) FROM A-1 AGRICULTURAL TO A-2 RURAL HOME DISTRICT.  
MOTION CARRIED.**

- C. Kevin Krier, W299 N3464 Maple Avenue,  
Re: Consideration and possible action on a request to consider 3 accessory buildings to be rustic as defined in Section 17.02 the Town Zoning Code, located at W299 N3436 Maple Avenue.

Engineer Barbeau explained that the applicant is seeking approval from the Plan Commission to consider three existing accessory structures to be considered rustic structures. The owners anticipate and have started

planning to restore the facilities as explained in the supplemental materials submitted with the application. Work will include improving the structural integrity of the buildings, re-roofing and removing the 4' x 8' painted sheets of some type of composite material. The interior of the barn does indicate that the original boards are in place; however, it was difficult to determine the condition of the boards. The exterior of each of the buildings will be painted "barn red." The total of the three structures results in approximately 1.4% of the total lot area of 3.36 acres. Based on aerial photos from the County's GIS, it appear that the buildings were present in 1941 as part of a farming operation.

*A Rustic Structure (cr. 2002-09-002A) is defined in Town Code as any existing structure permanently located on property, which is set apart from other structures as being distinct due to its construction technique. They may be allowed in any district and shall not be counted in determining whether a proposed use complies with the open space, accessory building or other restrictions of that district. Rustic Structures are subject to specific requirements as defined at §17.02 2. of the Town Zoning Code. The Plan Commission makes the final determination regarding such structures.*

Engineer Barbeau stated he believes that the preservation of the all three structures has historical value of the agricultural use in the Town and should be considered an ideal candidate for designation as a rustic structure.

Mr. Krier explained his request. He has a mini farm with a 1830 farmhouse and 3 outbuildings. He is seeking approval of these structures as rustic or historical which will exempt them from the zoning code. He has a 3-part project in place. Timeline: He hopes to be done the 2<sup>nd</sup> week in April. The roofing and siding should be done by the end of summer if his plan is approved tonight. The facilities will be used for storage. He wants to get things out of public view. The house is similar to the barn but has had some additions. The additions will come off of both the machine shed and barn to make them period correct before the 2<sup>nd</sup> week of April.

Mr. Reich stated he has trouble approving the chicken coop as rustic since it is a newer structure. As defined in the ordinance, the structure has no significance historically. He asked for clarification of the impact if it is not designated as historic. Mr. Krier said it would be taken down eventually if it is not included in the approval. Mr. Oberhaus said the overall appearance is enhanced if the chicken coop is included. There is a garage attached to the house along with other additions. He questioned the driving force behind Mr. Krier's request. Mr. Krier would eventually like to build a second garage for pontoon boat storage and because he restores cars as a hobby. This approval would allow him to construct the added building.

**MOTION BY MR. KANTER, SECONDED BY MS. DUNDON, TO DESIGNATE 3 BUILDINGS, INCLUDING THE CHICKEN COOP DUE TO THE OVER-ALL PLAN, AS RUSTIC STRUCTURES.  
MOTION CARRIED.**

**MOTION BY MR. KANTER, SECONDED BY MR. COOLEY, TO RECOMMEND TO THE TOWN BOARD THE ACCEPTANCE OF THE PROPOSED RESTORATION AND MAINTENANCE AGREEMENT CONTINGENT UPON THE COMPLETION OF THE RESTORATION OF THESE STRUCTURES BEFORE ANY PERMITS FOR ADDITIONAL STRUCTURES OVER THE OPEN SPACE REQUIREMENT MAY BE GRANTED.  
MOTION CARRIED.**

- D. John Troutd, N21 W28694 Louis Avenue,  
Re: Consideration and possible action on a request for approval of a Certified Survey Map to reconfigure multiple parcels into 2 parcels located at N20 W28382 Oakton Road (house has been removed), Tax Key No. 813-041.

Engineer Barbeau stated that the land on which the CSM is proposed is made up of 4 individual lots of record that have been combined under one tax key number. The lots were never officially combined by CSM. Mr. Troutd would like to eliminate the 4 very narrow lots and create 2 lots which are laid out in a more orderly way that would create reasonably buildable lots. The resulting southerly lot would have frontage on Oakton Road of 125 feet and the northerly lot would have frontage on Beach Road of 106.6 feet. Both lots fall

completely within the Waukesha County Shoreland Zoning District; therefore the lot size regulations fall under the County's jurisdiction. The County zoning for the properties is R-3. The lot size meets County requirements. The properties will have to meet the side-lot set back in our Town Code.

Engineer Barbeau has reviewed the CSM and provided technical comments to the land surveyor for incorporation into the document. He is waiting for comments from Waukesha County. The CSM provides for an additional 8 feet of dedication along Oakton Road in order to conform to the Town's required right-of-way width of 66 feet (33 feet on the north side). He recommended approval of the CSM subject to satisfaction of the following conditions prior to the Town signing the final CSM:

- Incorporation of all technical comments provided by the Town Engineer
- Incorporation of all Waukesha County comments
- Each lot must be served by public sanitary sewer
- Payment of all charges

Responding to questions from Plan Commission members, Engineer Barbeau stated the adjoining properties are served by sewer. There is still a garage on Lot 1. There could potentially be enough space for two lots from Lot 1 but there may not be enough road frontage for that to be allowed. The Town still does the review of land splits and subdivisions even though the County has Shoreland Zoning jurisdiction. The County needs to sign off on the changes. The Town signs the documents last, so the owner needs to satisfy requirements from both the Town and the County to receive approval of the proposal.

Mr. Kanter questioned the lot lines and lot sizes since the Town Zoning Code requires 20,000 sq. ft. lots. Lot 2 needs to be 20,000 sq. ft. for him to agree to approve this request.

**MOTION BY MR. REICH, SECONDED BY MR. KANTER, TO TABLE THIS ITEM.  
MOTION CARRIED.**

Mr. Cooley recused himself and left the room.

- E. Paschal Frigo, W289 N3280 Lakeside Road,  
Re: Consideration and possible action on a request for a driveway slope variance per Section 17.09 2. Q. 1. c. for the driveway located at W284 N3280 Lakeside Road.

Engineer Barbeau explained that the applicant is proposing to raze an existing house and build a new house on the existing lot along Lakeside Road. The lot drops approximately 52 feet from Lakeside Road to the sanitary sewer easement (where they cannot change the grade). The driveway to the existing house is approximately 16%. In trying to site the new house, the grade drop is too steep to meet the maximum 12% driveway grade and have an exposure that is not substantially above existing grade. The architect is proposing to use a portion of the existing driveway and retain the 16% grade, but will be adding a new section of driveway with a slope that will approach 17.6%.

The 12% driveway slope is set as a standard in Section 18.06 (12) of the Town Code. Engineer Barbeau has used Section 17.09 2. Q of the Town Code, which was created in 2012, to regulate the maximum slope at 12%, with the following exceptions:

- Existing driveways that exceed 12% may remain.
- Repair or repaving of existing driveways greater than 12% shall be allowed, but shall not increase the slope.
- The Plan Commission may grant a driveway slope variance at the petition of the property owners.

Engineer Barbeau does not usually approve of driveways at a slope of greater than 12% due to the safety concerns that it imposes. Going up or down a slope greater than 12% in the winter will be very difficult. The owner currently has a very steep driveway and has had to navigate through the difficulties that it brings. The increase in slope for a small portion of new driveway will not significantly change the steepness of the slope. The variance provision was inserted into the code for this very situation. Raising the house to accommodate

the 12% driveway results in the lake side to have a substantial exposure (3+ stories). Lowering the house down the hill exacerbates the slope problem even greater. The lot is not wide enough to serpentine the driveway enough to reduce the slope.

Based on the information submitted and the fact that the current driveway is at a 16% slope, the new portion of the driveway will not be noticeably different than the current one. Since the same owner will use the new home, Engineer Barbeau recommends that the variance be granted. Engineer Barbeau has driven this driveway and does not consider it to be as bad as other similar driveways. It is still steep but it would be difficult to site the house even with a deeper exposure. He is concerned about the house height.

Mr. Frigo explained the situation.

**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON, TO APPROVE THIS REQUEST FOR A DRIVEWAY SLOPE VARIANCE. MOTION CARRIED.**

Mr. Cooley returned to the meeting.

- F. Town of Delafield, W302 N1254 Maple Avenue,  
Re: Consideration and possible action on a request to rezone the property known as KE Park located on the south side of North Shore Drive, east of the property at N34 W29637 North Shore Drive, from R-1 Residential to P-1 Park and Recreation District.

Engineer Barbeau said that the Town now owns the land dedicated to the Town for park purposes by the Neumann/Kranick development and the Siepmann development. The Park and Recreation Commission is moving forward with implementation of a master plan. The purpose of the rezoning is to put the land into the zoning district where it belongs and where the allowable uses are compatible to what is being proposed by the Park and Recreation Commission. He recommends approval of the request to rezone the land.

**MOTION MADE BY MR. KANTER, SECONDED BY MR. REICH, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE REQUEST TO REZONE THE PROPERTY KNOWN AS KE PARK LOCATED ON THE SOUTH SIDE OF NORTH SHORE DRIVE, EAST OF THE PROPERTY AT N34W29637 NORTH SHORE DRIVE, FROM R-1 RESIDENTIAL TO P-1 PARK AND RECREATION DISTRICT. MOTION CARRIED.**

**Sixth order of business:** Discussion: None

**Seventh order of business:** Announcements and Planning Items:  
99<sup>TH</sup> Assembly District Ceremony – 8:30 a.m., Friday, October 9, 2015  
Next Plan Commission meeting – Tuesday, October 20, 2015

**Eighth order of business:** Adjournment

**MOTION BY MR. REICH, SECONDED BY MR. KRANICK, TO ADJOURN AT 8:40 P.M. MOTION CARRIED.**

Respectfully submitted,

Lauren Beale  
Deputy Clerk/Treasurer  
Minutes approved on: November 3, 2015