

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, December 3, 2013**

Members present: T. Oberhaus, C. Dundon, M. Tagtow, B. Cooley, G. Reich, E. Kranick

Members absent: P. Kanter

Also present: T. Barbeau, *Town Engineer*, A. Barrows, *Waukesha County*, 19 citizens

*Prior to the start of the scheduled Plan Commission meeting there will be a joint public hearing in front of the Plan Commission and a representative of the Waukesha County Department of Parks and Land Use. The purpose is to hear comments on a request by Martin Vosburg, S43 W23746 Landmark Drive, Waukesha, WI for significant land altering activities in association with the construction of a single-family residence located on a vacant parcel of land north of W330 N187 Kettle Moraine Drive (CTH C). The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Chairman Oberhaus called the public hearing to order at 7:00 p.m. and Amy Barrows read the Notice.*

*Amy Barrows stated that the subject property is zoned A-2 rural home district, which requires a 3-acre minimum lot size and 200 ft. in average width. The town and county both have it planned for Suburban II density residential, which requires 3-4.9 acres per unit. The property was created in 2007 as part of a 2-lot subdivision. There is a private ingress/egress easement that provides access to the property directly to the west. There is a slope on the west side of the property. The adjacent house is several feet above this property. There is a small knoll right in the center of the property that they are using to build the house on. The knoll is at an elevation of approximately 970 and the house will be at 975. The extent of fill will be at 8-9 feet on the northeast corner of the property and there is about 7 ft. on the south side adjacent to the garage. That area of disturbance will constitute about 19,624 sq. ft. They are putting in a temporary construction pad and getting temporary access off of CTH C.*

*Bill Zach spoke on behalf of Mr. Vosburg stating that the permit process required him to do soil borings to determine the water table elevation on the lot. The results indicated that there is high ground water in the location where the house is to be placed. This requires him to place the basement floor at least 1 foot above the high water mark and bring in fill material to meet the proposed first floor grade. He is requesting a basement floor grade of 966 and 975 for the yard grade.*

*There was no public comment.*

**First order of business:** Call to Order and Pledge of Allegiance  
*Chairman Oberhaus called the meeting to order at 7:20 p.m. and led all in the Pledge of Allegiance.*

**Second order of business:** Approval of the minutes of November 5, 2013.  
**MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO APPROVE AS PRESENTED. MOTION CARRIED.**

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. REICH TO TAKE ITEM 5A OUT OF ORDER. MOTION CARRIED.**

**Fifth Order of Business:** New Business  
A. Martin and Deborah Vosburg, S43 W23746 Landmark Dr., Waukesha, WI, Re:  
Consideration and recommendation to Waukesha County Parks and Land Use Department regarding land altering activities on Lot 2, CSM 10440, located approximately 2,200 feet

north of Government Hill Road on the west side of CTH C, north of W330 N187 Kettle Moraine Drive (CTH C).

*The Town Engineer recommended the allowance of grading to 6:1 slopes to avoid placing the house on top of a knoll.*

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO RECOMMEND APPROVAL OF THE CONDITIONAL USE DOCUMENT TO WAUKESHA COUNTY WITH THE UNDERSTANDING THAT ALL SLOPES WILL BE BETWEEN 4:1 AND 8:1 AND ALL GRADING WILL BE APPROVED BY ENGINEER BARBEAU. MOTION CARRIED.**

**Third order of business:** Communications (for discussion and possible action):

A. Jason Hernandez & F. John Stark, III, Re: Short Term Rentals

*This item will be addressed in the fourth order of business.*

**Fourth Order of Business:** Unfinished Business

A. Town of Delafield, Re: Consideration, review and recommendation to the Town Board on vacation rentals of homes on Pewaukee Lake and in the Town (tabled 10/1/13).

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.**

*Engineer Barbeau reviewed the draft ordinance prepared by the Town Attorney that would allow vacation rental establishments in the Town as a Conditional Use in all the residential districts of the Town. Discussion followed on the definition of vacation rental establishment with the suggestion to add "one month" to the actual duration of the stay. Mr. Kranick stated his request to table this item to allow time to further research this matter.*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TAGTOW TO TABLE. MR. COOLEY-NAY, MS. DUNDON-AYE, CHAIRMAN OBERHAUS-NAY, MR. KRANICK-AYE, MR. REICH-NAY, MR. TAGTOW-AYE. MOTION FAILED.**

*Discussion followed on the number of sleeping occupants in the vacation rental establishment. The general consensus is 8 people per 1,000 square feet of living area. In addition, no more than 4 times the number of persons would be allowed at the site. A minimum of one off-street parking spot shall be provided for every guest bedroom with a minimum of three. The Plan Commission discussed the following revisions to the draft ordinance: On Page 3 letter g, the word "front" should be eliminated and the words "street side" should be added; One Page 1 in the 3<sup>rd</sup> Whereas, the words "for-profit" should be eliminated; One Page 4 letter j, the word "regular" should be eliminated; On Page 5 D. the word "of" should be replaced with "or". The Plan Commission felt that they needed additional time to discuss this matter before sending it to the Town Board.*

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO TABLE. MOTION CARRIED.**

B. Jodi & Steve Janke, N43 W29216 Prairie Wind Circle North, by agent Susan Schmidt, James Craig Builders, Re: Request for reconsideration of the conditions included in the motion for a height increase (base and overall) on a home proposed for Lot 11, The Enclave, on Summerhill Road.

*Susan Schmidt stated that at the meeting last month, the Plan Commission approved the request for the 31 feet eave height and 48.7 overall height increase as long as the deck is*

extended to be in line with the windows in the upper level. She is requesting reconsideration, as the Town Code does not require the deck extension.

Engineer Barbeau spoke with the Town Building Inspector and he stated that since the room is not marked as a bedroom, he would not require the jump platform/deck to be extended under the windows.

Discussion followed on the fire chief's comments from the meeting last month regarding fire access to the bedroom windows not being doable with their 35' long ground ladders. The fire department needs access to the backside of the house, and it is not easily accessible. The Plan Commission requested the fire chief's attendance at the next meeting to clarify this issue.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE HEIGHT INCREASE AND REMOVE THE CONTINGENCY OF THE DECK. MR. COOLEY-AYE, MS. DUNDON-AYE, CHAIRMAN OBERHAUS-NAY, MR. KRANICK-AYE, MR. TAGTOW-NAY, MR. REICH-NAY. MOTION FAILED.**

**MOTION MADE BY MR. REICH, SECONDED MR. KRANICK TO TABLE TO ALLOW THE FIRE CHIEF TO PROVIDE ADDITIONAL INFORMATION. MR. COOLEY-NAY, MS. DUNDON-AYE, CHAIRMAN OBERHAUS-AYE, MR. KRANICK-AYE, MR. TAGTOW-AYE, MR. REICH-AYE. MOTION CARRIED 5-1.**

- C. Kelly Trust, W284 N3298 Lakeside Road, by Keith Kindred, RLS, Yaggy Colby Associates, agent, Re: Consideration and possible action on a request for approval of a Certified Survey Map on lands located at W284 N3298 Lakeside Road to establish the common lot line between properties.

*The Kelly Trust properties are made up of Lots 7, 8 and part of Lot 6 of a subdivision named East Lakeside. The Kelly Trust is selling off the westerly vacant lot. Mr. Kindred prepared a CSM, for approval by the Town and County, because there was some discrepancy as to the location of the property line between Lots 7 and 8. The strip of land that was attached from Lot 6 is now fully incorporated into the CSM and is a permanent part of Lot 1. The lots meet the area and width requirement of the R-L district.*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. REICH TO APPROVE A CERTIFIED SURVEY MAP ON LANDS LOCATED AT W284 N3298 LAKESIDE ROAD TO ESTABLISH THE COMMON LOT LINE BETWEEN PROPERTIES SUBJECT TO THE INCORPORATION OF ANY COMMENTS BY WAUKESHA COUNTY. MOTION CARRIED.**

- D. Martin and Mary Crain, W283 N3320 Lakeside Road, Re: Consideration and possible action on a request for a height increase (overall) on a detached garage located at W283 N3320 Lakeside Road.

*Engineer Barbeau stated that the subject owners are requesting to construct a new detached garage in a conforming location on their property. It will have an exposure on the south elevation and result in an overall height of 24.25 feet. The base height is approximately 9 feet and meets the base height requirement of 12 feet between the highest finished grade and the eave, measured on the side of the building having the highest finished grade. The roof will slope at a 12/12 pitch. This request meets all dimensional requirements of the R-L zoning district except for overall height. The setbacks and offsets have been increased to meet the requirements of the zoning code.*

**MOTION MADE BY MR. REICH, SECONDED BY MR. TAGTOW TO APPROVE A HEIGHT INCREASE (OVERALL) ON A DETACHED GARAGE LOCATED AT W283 N3320 LAKESIDE ROAD. MOTION CARRIED.**

E. Pat Leverence, Lynndale Farms, N47 W28270 Lynndale Road, Re: Consideration and possible action on a request to revise the Conditional Use permit approved in November, 2013 to operate a wedding, meeting and banquet facility in the westernmost barn located at N47 W28270 Lynndale Road to eliminate the proposed parking lot expansion, reduce the maximum capacity of the venue to not more than 100 persons and revise the restroom layout.

*Engineer Barbeau stated that Ms. Leverence contacted him regarding installation of a fire sprinkler system in her facility. She is not ready to make the investment at this time and is requesting approval to eliminate the proposed parking lot expansion, reduce the restroom facility sizes and limit the capacity of the facility to no more than 100 persons. The Plan Commission considered the conditional use approval in November to adequately allow a reduction in the use, so a new conditional use is not necessary.*

**MOTION MADE BY MR. REICH, SECONDED BY MR. COOLEY TO TAKE NO ACTION. MOTION CARRIED.**

**Sixth Order of Business:** Discussion:  
None

**Seventh Order of Business:** Announcements and Planning Items:  
Next meetings - Tuesday, January 7, 2014  
Tuesday, January 21, 2014 Workshop (environmental corridors, green roofs, definition changes)

**Eighth Order of Business:** Adjournment

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. KRANICK TO ADJOURN AT 9:30 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC  
Town Clerk/Treasurer

Minutes approved on January 7, 2014