

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 14, 2017

Members Present: L. Krause, E. Kranick, R. Troy, B. Cooley

Members Absent: P. Van Horn

Others Present: T. Barbeau, *Town Engineer*, T. Dunker, *Waukesha County Sheriff's Dept.*,
4 citizens

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of February 28, 2017 Town Board Minutes
MOTION MADE BY MR. COOLEY, SECONDED BY MR. TROY TO APPROVE AS PRESENTED. MOTION CARRIED.

Fifth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2017 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #58517 – #58554 IN THE AMOUNT OF \$84,678.24

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$30,202.10

MR. TROY/MR. KRANICK

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. None

Eighth order of business: New Business

A. Request of Michael and Margaret Schroeder, W22N28684 Louis Avenue, for an Exception or Modification Pursuant to Section 9.14(1) (b)1. of the Town of Delafield Code

Engineer Barbeau stated that this request was referred to the Town by Waukesha County. A recent change in their code included incorporating separation of buildings from principal building to any other building. This issue deals with the designation of accessory building next to an accessory building. Section 9.14(1) (b)1. of the Town code states that, "no building or structure shall be hereafter erected, converted, relocated, enlarged, structurally altered or moved from one location to another so that the building or structure is closer than 20 feet to any other structure on an adjacent lot measured from the out-ward most points of the two structures," The applicant is requesting to enlarge an existing accessory building that is 3.44 feet from an accessory building on an adjacent parcel of land. The enlargement will be 4.0 feet to the back (southwest) side of the building and 3.0 feet to the northwest side of the building. The addition will not result in the structure being closer to the adjacent building than is currently there. It will comply with the Waukesha County ordinance.

Pete Fechtmeier, Colby Construction and Paul Schultz, Architect, spoke on behalf of the applicants. They stated that the Waukesha County code requires a fire separation requirement, so they will need to add a 1-hour fire protection ceiling and walls to the boathouse. They are in the processing of removing the existing pitched roof and will install a flat roof. The existing height will remain.

After reviewing the findings of fact, the following determinations were made:

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THAT EXCEPTIONAL CIRCUMSTANCES ARE MET IN THIS CASE FOR THE FOLLOWING REASONS: THE EXISTING SEPARATION BETWEEN THE TWO EXISTING STRUCTURES IS 3.44 FEET. THE ENLARGEMENT OF THE SCHROEDER BOATHOUSE WILL BE 4.0 FEET TO THE BACK (SOUTHWEST) SIDE OF THE BUILDING AND 3.0 FEET TO THE NORTHWEST SIDE OF THE BUILDING. THE ADDITION WILL NOT RESULT IN THE STRUCTURE BEING CLOSER TO THE ADJACENT BUILDING THAN IS CURRENTLY THERE. THE ENLARGEMENT MEETS THE REQUIREMENTS OF THE WAUKESHA COUNTY SHORELAND ZONING ORDINANCE. THE COUNTY REQUIRES THE WALLS AND CEILING TO HAVE A 1- HOUR FIRE PROTECTION. MOTION CARRIED.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THAT PRESERVATION OF PROPERTY RIGHTS ARE MET IN THIS CASE FOR THE FOLLOWING REASONS: THE ENLARGEMENT ALLOWS THE OWNER TO HAVE SIMILAR RIGHTS ASSOCIATED WITH OTHER PROPERTIES IF THE BOATHOUSE WAS IN COMPLIANCE WITH THE ORDINANCE. THE IMPROVEMENTS REQUIRED BY THE WAUKESHA COUNTY ORDINANCE RESULTS IN ADDITIONAL FIRE PROTECTION OF THE STRUCTURE. MOTION CARRIED.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THAT ABSENCE OF DETRIMENT IS MET IN THIS CASE FOR THE FOLLOWING REASONS: THE ALLOWANCE OF THE ADDITION DOES NOT CHANGE THE SEPARATION DISTANCE BETWEEN BUILDINGS. THE ADDITION IS CONSISTENT WITH THE PURPOSE OF THE ORDINANCE TO PRESERVE PROPERTY VALUES; THIS DOES NOT ADVERSELY IMPACT RISKS OF FIRE ANY MORE THAN WHAT IS CURRENTLY PRESENT AT THE SITE, OR ADVERSELY AFFECT ACCESS BY PUBLIC SAFETY PERSONNEL AND EQUIPMENT OR RISKS TO PUBLIC SAFETY PERSONNEL, IT DOES NOT CREATE DISTURBANCE FROM ONE PROPERTY TO ANOTHER WHETHER BY NOISE OR OTHER CAUSE, OR SUBSTANTIALLY INTERFERE WITH THE PASSAGE OF LIGHT AND AIR BETWEEN BUILDINGS. MOTION CARRIED.

Based upon the foregoing, Applicant's request for an exception or modification is granted.

- B. Consideration and Possible Action on Approval of a Revised Hobby Kennel Conditional Use Permit for Del and Debra Molkentin, W316 N895 STH 83

Engineer Barbeau stated that the subject Conditional Use Permit has been in place since 1999. Due to a known change in the size of the premises, a public hearing was held in December. The neighbors expressed concerns that the owners have not been operating the kennel in accordance with their CUP, questioned the offsets stated in the CUP, dogs running loose and operating the business as a commercial kennel. Engineer Barbeau stated that as a result of comparing a new survey to the existing CUP conditions, he discovered that the legal description changed to reflect the existing boundaries for the parcel. Condition A of the CUP states that the dogs must be kept 56 feet away from the north property line and 50 feet from any other property line. Based on the resolution of ownership related to the north property line, the fence in area that ties to the rear of the house is now 50 feet from the north property line.

The Molquentin's are no longer requesting revisions to the CUP, as the Plan Commission was of the opinion that the changes were significant enough to require a public hearing. Engineer Barbeau stated that the only changes at this time are to add the revised the legal description and a current site plan into the document together with the 6-month review of the CUP at the recommendation of the Plan Commission.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE THE CONDITIONAL USE PERMIT AS PRESENTED BY THE TOWN ENGINEER. MOTION CARRIED.

C. Town Engineer's Presentation of Annual Stormwater Report

Engineer Barbeau stated that the subject report meets the annual requirement of the DNR and requires Town Board review and approval.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE THE ANNUAL STORMWATER REPORT AS PREPARED BY THE TOWN ENGINEER AND REQUEST THAT THE TOWN CHAIRMAN SIGN IT. MOTION CARRIED.

D. Supervisor Kranick - Update on Park and Recreation Items: North Shore Park Plans, Paul Sandgren Trail Sign and Easter Egg Hunt

Mr. Kranick distributed the subject proposed recreational trail sign plan. The DNR and City of Delafield are working with the Town on the project. The Easter egg hunt will be held on April 8 between 10 a.m. and noon at the Sports Commons. The Park and Recreation Commission is working with the Town Engineer on the plans for the paths in the new North Shore Park.

Ninth Order of business: Announcements and Planning Items

- A. Next Town Board Meeting – March 28
- B. Spring Election – April 4
- C. Next Plan Commission Meeting – Wednesday, April 5
- D. Next Park and Recreation Commission Meeting – March 21
- E. Town Annual Meeting – April 18 – 7:00 p.m.
- F. Next Wisconsin Town's Association, Waukesha County Unit Meeting – Wednesday, April 26 @ 6:30 p.m., Town of Genesee (Includes Board of Review Training)

Tenth Order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 7:41 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: March 28, 2017