

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Wednesday, April 6, 2011**

Members present: T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow and B. Cooley
Members absent: L. Cunningham
Also present: L. Krause, *Town Board Supervisor*, R. Ackley, *Town Board Supervisor*,
T. Barbeau, *Town Engineer*, 23 citizens

Public Hearing: 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 items:

1. Todd and Shari Showers, W315 N885 STH 83, Delafield, WI, for a Legal Non-Conforming Conditional Use permit to allow the construction of an addition to their house on their property at the address above which does not meet the current open space requirement of 90% in the A-3 Suburban Home zoning district and consideration of rezoning their property to R-1 Residential to bring the lot into conformance with the area requirements of the R-1 district. Chairman Oberhaus called the Public Hearing to order at 7:00 p.m. The Town Clerk read the Public Hearing Notice.

Shari Showers stated their request for a 4' x 18' addition on the north side of their home to build a room for their son. They are not changing their green space and are proposing to build on the existing patio.

Engineer Barbeau stated that the subject property is currently zoned A-3, which requires 2 acres and 90% open space. He informed the applicants of the requirement to combine their two lots into one, as part of the approval of the Conditional Use permit, since the existing detached garage does not meet the required offsets.

Dale Wawryzn, Rolling Hills Landscaping, questioned whether or not the Town of Delafield recognizes pervious pavers as landscape. Engineer Barbeau responded by stating that open cell pavers are counted 50% open space and 50% non-open space, and the cells must be vegetation or planting beds, green grass or natural grasses.

The public hearing closed at 7:12 p.m.

Public Hearing: 2. Request of Katie Williams, Green Life Charter School on lands owned by the Hartland Lakeside School District at N35 W29288 North Shore Drive to rezone lands from A-1 Agricultural and R-1 PUD to A-2 Rural Home District and for a Conditional Use permit to operate a school. The public hearing was called to order at 7:12 p.m.

Maria Fricker and Glen Schille, spoke on behalf of Hartland Lake School District stating their request to build a greenhouse for students to learn a trade (entrepreneurialism). The mission of the Green Life Charter is to offer experiences and learning that connects content knowledge and skills to real world application. Students are trained in project based learning. This is an instructional method where the learners are self directed, approach problems and provided with information on what activities to pursue. Waukesha County Technical College will build the greenhouse for free. The proposal is to allow the use of the little red school house that is located to the east of North Shore middle School. This property is owned by the school district along with a separate adjacent parcel referenced as Outlot 6 of Stillmeadow Subdivision. The proposal includes combining the lands into one lot and rezoning from A-1 and R-2 PUD to A-2 Rural Home District in order to construct the greenhouse and allow animals. The charter school hours are 8:41 a.m. to 3:51 p.m. Students walk from the North Shore Middle School to the Little Red School House, allowing for minimal use of the parking lot. There is no need to add to the one existing light on the building of property, since no evening activities will take place.

Ed Kranick, N34 W29637 North Shore Drive, questioned the size of the proposed greenhouse. He was informed that the proposed size is 50' x 20' and will be contained within the existing cyclone fence. He expressed his support of this proposal.

The public hearing closed at 7:25 p.m.

First order of business: Call to Order

Chairman Oberhaus called the meeting to order at 7:25 p.m.

Second order of business: Approval of the minutes of Tuesday, March 1, 2011

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.

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

A. Arenz, Molter, Macy and Riffle, S.C., (3/8/11) Re: Zoning Code Interpretation issue related to legal non-conforming Conditional Use permits.

None

Fourth order of business: Unfinished Business

A. Tim & Christie Hentges, W306 N2657 Woods Edge Road, Re: Consideration and possible action on a request for a legal non-conforming Conditional Use permit to allow the construction of a garage on their property, which does not meet the current open space requirement of 90% in the R-1a zoning district.

Mr. Hentges stated that he is looking for direction on the procedure to review open space requirements. The open space for his home does not meet the required open space for the R-1a zoning district. The existing open space is 86.79%, but 90% is required. The mechanism in the non-conforming section of the town code does allow for a conditional use permit. Section 17.07 2.C. allows for buildings to be extended as long as the change conforms to the established open space. Since the open space is already violated, any addition would violate the open space requirement.

Engineer Barbeau stated that many home were developed prior to the refinement of the open space definition in 1998. This is a legal and practical way to allow reasonable expansions of structures under certain conditions. Mr. Hentges questioned whether or not he should present this matter to the Board of Appeals. Mr. Kanter informed him that there is not a hardship in this case. This is the only option available at the present time. Mr. Hentges stated his request to review his option and work with the board to come to a resolution.

MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO TABLE. MOTION CARRIED.

B. Robert Stapleton, agent for AT&T, Re: Consideration and possible action on a request for a Conditional Use permit to construct a 130 foot tall monopole on property located at N13 W28620 Silvernail Road, owned by Greg Kazmierski and Nancy Downey.

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

The Conditional Use document was reviewed in detail. Engineer Barbeau stated that he has not received all the necessary information needed to finalize the proposal.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

Fifth order of business: New Business

- A. Dale Wawryzn, W331 N626 Erin Way, Re: Consideration and possible action on the request for renewal of his Home Occupation permit to operate Rolling Hills Landscaping Service.

Engineer Barbeau stated that he visited the subject property on 2 different occasions. He questioned Mr. Wawryzn why at one visit he noted 1 truck on the street and 1 in the driveway. Mr. Wawryzn confirmed that nothing has changed in the operation of his landscaping service. Also, there have been no complaints from neighbors.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE THE HOME OCCUPATION PERMIT TO OPERATE ROLLING HILLS LANDSCAPING SERVICE FOR ANOTHER YEAR. MR. GRATZ – ABSTAINED. MOTION CARRIED.

- B. Sean & Beth Jochims, W292 N2137 Elmhurst Drive, Re: Consideration and possible action on a request for a Home Occupation permit to operate a home office for billing and general office services related to Dr. Jochims medical practice.

Mr. Jochims stated that he uses the subject property as his second residence and is on site for administrative functions only. He travels to multiple locations to do his work, but he needs a base for billing and setting up appointments. He is requesting 2 staff people at the Elmhurst location.

The Plan Commission questioned Mr. Jochims as to whether or not this is really a home occupation. In referencing the town zoning code, Mr. Gratz stated that it limits the occupancy of the business to the resident of the dwelling and one other person. As Mr. Jochims does not reside in the home year-round, staff was directed to contact Attorney Larson for the definition of resident.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO TABLE. MOTION CARRIED.

- C. Todd and Shari Showers, W315 N885 STH 83, Delafield, WI, Re: Consideration and possible action on:
1. Legal Non-Conforming Conditional use permit to allow the construction of an addition to their house at the address above which does not meet the current open space requirement of 90% in the A-3 Suburban Home zoning district.

Engineer Barbeau was directed to draft a conditional use document for review.

2. Rezoning request from A-3 Suburban Home zoning district.

Engineer Barbeau stated that the owners need to prepare a certified survey map combining the two lots into one.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO TABLE. MOTION CARRIED.

- D. Hartland Lakeside School District No. 3 Consideration and possible action on the following requests:
1. To rezone lands at N35 W29288 North Shore Drive and an adjacent lot to the west from A-1 Agricultural and R-1 PUD to A-2 Rural Home District.

Engineer Barbeau reported current open space of 93.9%, excluding the little red school house. In response to the question as to what the rezoning would do to the density of Stillmeadow Subdivision, Engineer Barbeau stated he will research this matter and report back at a future meeting.

- 2. Certified Survey Map to combine school lands at N35 W29288 North Shore Drive and lands directly west of the noted address.

Engineer Barbeau stated that Hartland Lakeside School is dedicating 50 ft. for road purposes (on KE). There are some technical issues that need to be addressed.

- 3. Conditional Use permit for operation of the Green Life Charter School.

Engineer Barbeau stated that the conditional use document will be issued to Hartland Lakeside School District.

- 4. Site plan and plan of operation approval for a greenhouse adjacent to the school.

Engineer Barbeau stated that the subject documents were submitted and he will incorporate the hours of operation into the document.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

- E. Architectural Development Services, Inc. on behalf of Mr. and Mrs. Swan, Lot 4 Lakeside Conservancy Subdivision, Re: Consideration and possible action on revisions to the Town of Delafield Zoning Ordinance related to the base height and removal of options to vary the base height with the use of a sprinkler system.

The Plan Commission requested that the sprinkler system issue be re-addressed at a future meeting, to clarify what was discussed at the meeting held last January.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO TABLE. MOTION CARRIED.

Sixth order of business: Discussion

- A. None.

Seventh order of business: Announcements and Planning Items

Public Hearings: Tuesday, April 19, 2011 – American Messaging, Odgen, Carlsson

Next business meeting – Tuesday, May 2, 2011

Eighth order of business: Adjournment

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO ADJOURN AT 10:08 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on May 3, 2011