

TOWN OF DELAFIELD PLAN COMMISSION MEETING

Tuesday April 17, 2007

Members present: E. Gratz, M. Tagtow, P. Kanter, T. Oberhaus, C. Dundon, G. Meyer

Members absent: L. Cunningham

Others present: T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 11 citizens

First order of business: Call to Order

Chairman Oberhaus called the meeting to order at 7:05 p.m.

Second order of business Amy Thomas, N64 W31243 Beaver Road, Hartland, Re: Request for a variance to increase the size of a "for sale" sign in accordance with Section 17.08 13. of the Town Code to be placed on the Thomas property along Golf Road, west of Elmhurst Road.

Mr. Barbeau indicated that sale, lease and rent signs on properties over 10 acres are limited to 16 square feet in accordance with 17.08 11.C.3. b. of the Town Code. Ms. Thomas is requesting a sign variance to install a sign that is 32 square feet. Mr. Barbeau clarified that the code allows signs to remain on site for 180 days, after which the applicant must request an extension from the Plan Commission. The Plan Commission requested that the Code Enforcement officer look into other signs in the Town for compliance (Ridgepoint, Lipha Tech).

Motion by Mr. Tagtow, seconded by Ms. Dundon to approve the proposed sign variance to 32 square feet. Carried.

Third order of business: Sean Rennau, Scott Byron & Company, Re: Request for approval of a retaining wall within five feet of the lot line at N26 W30123 Maple Avenue.

Mr. Barbeau explained that the proposed retaining walls are replacing existing retaining walls. The existing walls crossed the common lot line between the Wilson residence (N26 W30123 maple Avenue) and the Waite residence. Mr. Waite was present at the meeting and did not oppose the construction of the retaining wall. The drainage pattern will not change and currently runs on the Waite property before going back onto the Wilson property and down towards the lake. The Waite's will also have a retaining wall on their property. The Plan Commission discussed the approval of the retaining wall on the Waite land as well since it will all be part of one retaining wall system.

Motion by Mr. Meyer, seconded by Mr. Gratz to approve the retaining wall within five feet of the lot line with the condition that the plan for the Waite property be submitted to the Code Enforcement Officer for approval prior to construction. Carried

Fourth order of business: Carl Tomich, Westridge Builders, (tabled 4/4/07) Re: Request for approval of a Legal Non-Conforming Conditional Use permit to allow the construction of two single family condominiums on one parcel located at N26 W30249 Maple Avenue and approval of the site plan, grading plan, (former marina property), landscape plan, architectural drawings and materials.

Motion by Mr. Tagtow, seconded by Mr. Gratz to remove from the table. Carried

Mr. Kanter indicated that he had a conversation with Town Attorney Riffle regarding this development. The first issue that Attorney Riffle addressed with Mr. Kanter was whether the Town was creating a legal non-conforming use on this site. Mr. Riffle responded by stating that the Conditional Use for the former marina was never signed by the owner, so there never was a Conditional Use on the property. Since there was no Conditional Use, the marina and the multiple residential units on the property operated as a legal non-conforming use. The residences have been continuously used, so the Town would not be creating a new Conditional Use permit, but rather, continuing an existing legal non-conforming use.

The second issue was whether the Town was setting a precedent with respect to allowing the use as proposed. Mr. Riffle's response was that, if there is another property with a former marina on it that contains dilapidated buildings similar to what is at the former marina site, then the Town is not setting a precedent.

Mr. Gratz expressed his concern regarding the use of a Conditional Use permit to approve the Tomich proposal and questioned whether the allowance of two units on one lot meets the intent of the code.

Motion by Mr. Tagtow, seconded by Mr. Meyer to table matter until the next meeting in order for the applicant to be present to discuss the approval documents.

Fifth order of business: Mike Knoebel, N28 W29819 Shorewood Road, Pewaukee, Re: Request for change in property liners for properties located on Shady Lane and Shcrewood Road.

Mr. Knoebel owns two parcels of land. The first fronts on Shady lane and includes a rectangular parcel and a "finger" that extends to the east. The second lot is a rectangular lot that has lake frontage and is accessed by Shorewood Road. Mr. Knoebel would like to detach the "finger" portion of the first parcel and attach it to the second parcel. Both lots are non-conforming and neither will become more conforming after the reconfiguration of the lot lines. However, through the land split process, the Town can require removal of dilapidated, non-conforming structures that exist on both properties.

Motion by Mr. Gratz, seconded by Mr. Kanter to recommend to the Town Board that the applicant be allowed to reconfigure the lots in accordance with the CSM dated 2/28/07, submitted to the Plan Commission on 4/17/07, conditioned on the removal of the existing sheds located on both properties. Carried

Sixth order of business: Adjournment

Motion by Ms. Dundon, seconded by Mr. Gratz to adjourn at 8:20 p.m. Carried

Respectfully submitted,

Tim Barbeau, Town Engineer

Minutes approved on May 1, 2007