

**TOWN OF DELAFIELD**  
**PLAN COMMISSION MEETING**  
**Tuesday, December 6, 2011**

Members present: T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow, L. Cunningham

Members absent: B. Cooley

Also present: T. Barbeau, *Town Engineer*, P. Van Horn (left at 8:15 p.m.), *Town Board Supervisor*, R. Ackley, *Town Board Supervisor*, J. Stevens, *Lake Country Reporter*, 35 citizens

*Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Board and Plan Commission to solicit public input on additions and modifications to Chapter 17 (Zoning Code) of the Town of Delafield Code of Ordinances related to the keeping of chickens in residentially zoned lands, fence height between the shoreline and principal structure, and maximum driveway slope. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Chairman Kanter called the Public Hearing to order at 7:05 p.m. A quorum of the Town Board was present. The Town Clerk read the Public Hearing notice.*

*Engineer Barbeau referenced the proposed maximum driveway slope ordinance stating the purpose of setting a maximum driveway slope is to be consistent with the intent of driveway slopes described in Chapter 18 of the Town Code. The proposal is for 12% with the following exceptions: Existing driveways that exceed 12% may remain; Repair or repaving of existing driveways that exceed 12% shall be allowed; however, they shall not increase in slope; The Plan Commission may grant a driveway slope variance at the petition of the property owner.*

*Engineer Barbeau referenced the proposed ordinance stating the need to clarify current code reference to "face" of the principal structure and allowable fence height in the area between the shoreline and principal structure. Town Code currently states a maximum of 3 feet in fence height between the road right of way and the face of the principal structure. The definition of face is not addressed in the Code, so it is unclear as to what side of the structure to apply the fence height restriction to. The Code allows fences up to six feet in height between the shoreline (ordinary high water mark) and the principal structure. The proposed amendment addresses this situation by stating that the height of a fence located between the ordinary high water mark and the nearest portion or projection of the principal structure shall be no greater than 3 feet without Plan Commission approval.*

*Engineer Barbeau summarized the proposed chicken ordinance allowing the keeping of chickens in residential districts. He stated that definitions of chicken coop and chicken run were created. The proposed ordinance limits 8 chickens per lot and prohibits roosters. All owners are required to obtain an annual license that will apply to all chickens on the parcel, not to particular chickens which may change over the term of the license. Chickens must be kept in a coop and/or chicken run, and no more than one coop and run shall be allowed on the property. If the chicken run and coop exceeds 100 square feet, then the entire coop and run area shall be used in the open space, composite area of all accessory buildings and number of accessory buildings of the district in which they are located. All chicken coops and runs must meet double the required setback and offset provisions as if they were structures in the district in which they are located; or, if these setbacks and offsets cannot be met due to lot dimensions, they must be located the maximum distance as far off the property lines as is feasible. The sale of eggs at a roadside stand, sale of live or dressed chickens, sales of live chicks or feathers are prohibited. Chicken coops and runs shall be removed no later than 12 months after no longer keeping chickens on the property.*

*Paula Horning, N22W29130 Elmhurst Rd., spoke in support of the Ogden's request for chickens. She stated that she has 4 children who help the Ogdens with the chickens and love to learn how they lay eggs, to care for and watch them grow. The family enjoys the fresh eggs and sees this as a wonderful way to support local hobby farmers. Paula sees chickens as an economical positive, i.e., many families could use the extra income and, in some cases, the food. There never was an*

*issue with noise, and when the Ogdens had chickens they were contained in a well maintained coop. She feels this is a very positive move for the Town of Delafield.*

*Michelle Horning, N22W29130 Elmhurst Dr., stated that she always liked having the Ogden's chickens around. She got to help with them and watch them grow up. They didn't make any noise at night. When her mom ran out of eggs, they would go to the Ogden's house and get more. When Mrs. Ogden brought the chickens to school, everyone loved them. They didn't run through the school and didn't poop on the floor.*

*Abigail Horning, N22W29130 Elmhurst Dr., stated that she loved seeing the chickens grow up and that they are very quiet.*

*Rhonda Kathlou, N20W29132 Elmhurst Dr., spoke proactively for raising chickens. She stated that having chickens is a healthy option for eggs. She is not in favor of limiting the number of chickens to 8, as chicks take time to grow. When they become hens, you need a sufficient supply. Chickens offer a great opportunity for children to learn. Rhonda believes that the coops should be located closer to the residence to protect the chickens from foxes, coyotes, cats, etc.*

*David Buslee, 1729 Hillcrest, stated that 5 chickens have the same impact as one dog when it comes to excrement. He referenced a chicken ordinance recently passed in the City of Delafield allowing a maximum of five adult chickens per acre, not to exceed 20 adult chickens and to be kept for non-commercial use. He stated that there is a significant difference between a commercial operation and the residential raising of chickens. David stated that what chickens produce can be used in gardens. They are significantly quieter than dogs. He offered a consideration to change the proposed license requirement to register a property as having animals.*

*Jeanne Jaskolski, W282N3380 Taylors Woods, stated that her family has talked for some time about having chickens. They currently have a structure on their home that they would like to convert into a coop. The raising of chickens teaches children discipline and responsibility and supports local hobby farmers. She feels that it is very convenient to be able to get eggs on demand. Jeanne is not in favor of the proposed setback requirements and is against paying for a permit.*

*Meredith Van Horn, N12W29134 Creekside Ct., spoke against the proposed chicken ordinance stating that she does not want a chicken or 8 chickens as a neighbor. She is concerned about the smell and noise. Her home is located behind Prairie Hill Waldorf and at one time the school had a rooster that was very noisy all day. She suggested that children learn about chickens through a school field trip to a farm or a family trip to a 4-H building.*

*Maggie Fischer, W320N1005 Butternut Ridge Ct., stated that she would much rather hear a rooster than the highway noise. She is in favor of allowing chickens in the town.*

*Ann Thomas, N20W29352 Oakton Rd., stated that her family has helped the Ogdens, and it has been a very positive experience. She is in favor of allowing chickens.*

*Patti Beres, spoke in favor of allowing chickens in the town. She is against only allowing 8 of them. To allow more chickens does not mean more noise will occur. Having more chickens allows for more production and keeps the chickens cleaner and healthier. Chicken odor comes from improper care or ventilation. Patti stated that she was involved in 4-H, and she thinks the number of chickens allowed should not be just a blanket number; rather the number should be based on acreage. She is in favor of larger flocks and allowing one rooster, as she stated that it protects the flock and maintains a healthier flock.*

*Joe Johnson, W292N2093 Elmhurst, stated that he does not have an issue with chickens. There has to be some kind of relationship of acreage to birds. He feels that it is important to look at preexisting scenarios, and those people who have chickens should be grandfathered in.*

*Kate Barbour, W292N2051 Elmhurst Dr., stated that she is involved in Genesis Farm. The number of chickens should be based on acreage.*

*Molly Ogden, spoke in favor of fresh eggs. She likes to play with the chickens, and it is a positive experience. It is a unique animal to have and is not smelly. Chicken chores allow for discipline and it is fun to go into the chicken coop and get eggs. It is also fun for friends to enjoy the experience.*

*Kristen Thomas, N28W30211 Red Hawk Ct., spoke in support of chickens. She stated that they are great pets and a great responsibility. She is against allowing only 8 chickens.*

*Peter Ogden, W290N2171 Happy Hollow, stated that he loves living in the Town of Delafield and is very fortunate. He is in favor of passing an ordinance allowing chickens. It is a great experience for children. He stated the need to change the coop requirements from 100 sq. ft. to 50 sq. ft as long as the fenced in area is pervious.*

*Tom Henschel, N8W29582 Thames Ct., stated that he moved here because of the rural environment. Hens virtually make no noise. The proposed size of the coop should be made slightly larger based on acreage. It is good to have a run dimension. Tom believes that raising chickens are a wonderful, healthy family experience.*

*Sue Knutson, N22W29072 Happy Hollow Rd., stated that her major concern is lot size. She feels that if a person wishes to raise chickens they should get permission from their neighbor.*

*Pete Van Horn, N12W29134 Creekside Ct., thanked the Plan Commission for the amount of time spent on this issue. He presented the concerns as to who will monitor the smell issue, as the town does not have its own police department; who do residents complain to what kind of permit will be required.*

*Terri Mahoney-Ogden, W290N2171 Happy Hollow Rd., stated that raising chickens is a great experience and every day you get a gift (eggs). She also said the eggs taste better and are healthier to consume. Chickens do not smell and make little noise. It is a great family experience. The manure is valuable.*

*Kate Wimmer, W290N3041 Hillcrest Dr., stated her to support for the Ogdens. She believes that raising chickens is a very positive experience.*

*Chairman Kanter stated that the following individuals submitted e-mails regarding the subject matter: Michelle Horning, John and Paula Horning, Sue Knutson, Colleen Wahlen, Jim and Dawn Lotz, the Duchow family, Dr. Daniel T. and Laura Murray, Jay and Kiara Mack, Christa Banholzer, Meghan Hillmeyer and Toni Fickett.*

*The public hearing closed at 8:30 p.m.*

**First order of business:** Call to Order  
*Chairman Oberhaus called the meeting to order at 8:38 p.m.*

**Second order of business:** Approval of the minutes of October 4 and 18, 2011  
**MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE THE MINUTES OF OCTOBER 4 AND OCTOBER 18, 2011. MOTION CARRIED.**

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

- A. Waukesha County Board of Adjustment, Re: Approved variance for Michael and Kara Kaiser, N23 W28940 Louis Avenue.

None

**Fourth order of business:** Unfinished Business

- A. Farmers & Merchants Bank, Re: Consideration and possible action on a Certified Survey Map to create two parcels on vacant land known as Tax Key No. DELT 0777-996 located generally, southwest of the intersection of Maple Avenue and Hawksnest Drive.

*Engineer Barbeau stated that the subject CSM shows the required width for lot 2 has been met. The technical corrections have been addressed. A driveway easement shall be recorded at the time the CSM is recorded giving permanent access to the unplatted parcel located to the northwest of Lot 1, across Lot 1. Discussion followed on whether or not the division lines of the lots are correct. The width and location of the existing easement needs to be resolved.*

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO TABLE THIS MATTER UNTIL THE FIRST MEETING IN FEBRUARY. MOTION CARRIED.**

- B. Town of Delafield Plan Commission, Re: Consideration and possible action on proposed ordinances to create or modify the following sections of Chapter 17 of the Town of Delafield Code of Ordinances:

- Keeping chickens in residentially zoned districts and modify the current regulations in agriculturally zoned districts. (Chapters 17.02 2; 17.04 5; 17.06 5)
- Fence height regulations in lands between the shoreline and principal structure (Chapter 17.06 4)
- Maximum driveway slope (Chapter 17.09 2)

*Chairman Kanter stated the importance of allowing adequate time to absorb all the comments/information presented at the public hearing in order to make the best possible decision.*

**MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO TABLE THIS MATTER UNTIL THE FIRST MEETING IN JANUARY. MOTION CARRIED.****Fifth order of business:** New Business

- A. Lifestriders, Inc. S11 W29667 Summit Avenue, Re: Consideration and possible action on the site plan and plan of operation for Lifestriders, Inc.

*Engineer Barbeau stated that the Town has been working with Mr. Conley to submit documentation as to what operation will occur on the subject property in order to put a document into place. The primary activity is therapeutic riding, and the website indicates that counseling services are available for children, individuals or families. Engineer Barbeau reviewed Attorney Larson's draft plan of operation and site plan for Lifestriders. The only plan of operation available for the subject property is shown in an undated document from Harmony Farms, which does not date back to the 1983 approval but was only received some time between 2005 and 2011. Attorney Larson believes that a change in ownership would require a new conditional use.*

*Mr. Kanter referenced materials from the Lifestriders website stating that this is a mental health facility. In 1983, Harmony Farms was a stable for people to have fun at. He questioned whether or not this is a continuation of the 1983 operation or is it a substantial change. Discussion took place on this matter, and the majority ruled that this is not a substantial change.*

*Mr. Gratz stated that since the determination was made by a majority of the Plan Commission members that this is not a substantial change to the subject operation, Engineer Barbeau should be allowed to issue a zoning permit to Lifestriders, Inc.*

**MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO ALLOW ENGINEER BARBEAU TO ISSUE A ZONING PERMIT TO LIFESTRIDERS, INC., MR. GRATZ-AYE, MR. TAGTOW-AYE, MS. CUNNINGHAM-AYE, MR. KANTER-NO, CHAIRMAN OBERHAUS-AYE, MS. DUNDON-AYE. MOTION CARRIED 5-1.**

**MOTION MADE BY MS. CUNNINGHAM, SECONDED BY MR. TAGTOW TO TABLE UNTIL THE NEXT MEETING. MOTION CARRIED.**

B. Town of Delafield Re: Consideration and possible action on a request to repeal and recreate provisions in Chapter 17.10 (4) pertaining to the Town of Delafield Board of Appeals (referred to the Plan Commission from the Town Board meeting 11/8/11)

*Chairman Kanter stated that the proposed amendment would bring the Town Code up with current State law.*

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO RECOMMEND APPROVAL TO THE TOWN BOARD TO REPEAL AND RECREATE PROVISIONS IN CHAPTER 17.10 (4) PERTAINING TO THE TOWN OF DELAFIELD BOARD OF APPEALS. MOTION CARRIED.**

**Sixth order of business:** Discussion

A. None

**Seventh order of business:** Announcements and Planning Items – Next meeting – Tuesday, January 3, 2012. *The Plan Commission agreed to meet on Tuesday, December 13, 2011, prior to the Town Board meeting, to consider approval of the final site plan and plan of operation documents re: Lifestriders, Inc.*

**Eighth order of business:** Adjournment

**MOTION BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 10:30 P.M. MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on January 3, 2012