

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, MARCH 21, 2023, 6:30 P.M.**

**Video Link:** <https://www.youtube.com/watch?v=GvGSI6ckyY>

**Prior to the start of the scheduled Plan Commission meeting there will be three public hearings in front of the Plan Commission and Town Board. The first hearing is to solicit input on a request from Scott Kessler, representative of the Bruce J. Kessler Living Trust to amend the Town of Delafield zoning map from A-1 Agricultural District to A-3 Suburban Home District for the vacant property located south of W334 S188 Cushing Park Road. The second hearing is at the request of Janet McAuliffe for a Conditional Use Permit to operate a Hobby Kennel at W305 N2593 Ravine Court. The third public hearing will be a joint public hearing with Waukesha County Department of Parks and Land Use to consider a request from Oakton Investment, LLC for a Conditional Use Permit to continue a legal nonconforming use and improve the inside of the structure greater than 50% of the value located at N19 W28333 Oakton Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings.**

Public Comments: Engineer Barbeau reviewed the current A-1 historical zoning. A – 1 District changed to a minimum lot size of 30 acres. Currently the lot is considered a legal non-conforming lot. The size of the lot is 2.8 acres. The request is to rezone from A-1 to A-3 to come into compliance. It is still A-1 to the south and A-3 to the north. The east is R-1 and the west is A-1 PUD.

Jim Romanowski, W334S188 Cushing Park Road. Lives next to the property. He supports the request and looks forward to having new neighbors if that is the plan.

Chairman Fitzgerald closed the public hearing.

Public Comments: The second public hearing is on a Conditional Use request. Ben Greenberg from Waukesha County Parks and Land Use reviewed the request. The CUP is to allow the petitioners to do structural repairs due to a fire from an existing duplex. They need to obtain a CUP because the R-1 district which does not permit multi-family use. This duplex predates the ordinance. LPSD has records going back to the mid-1970s. There is evidence they have a legal non-conforming status. The ordinance would allow them to do repairs up to 50% of its assessed value into the structure. The damage exceeds that 50% threshold. By obtaining CUP status, the 50% rule goes away. They are seeking the conditional use to exceed the 50% threshold. The lot is 1 acre and there is a golf course to the south and west, and a subdivision to the east. There is a substation to the immediate west. The owner considered a rezone to R-3 and apply for a multifamily CUP, but given this is fire damage, this is an easier path forward. The Comprehensive Plan does accommodate the 2 units on 1 acre with low density residential. Staff looked at the property and discussed some conditions: there is a history of a lot of vehicles on the property. Staff may consider advancing a condition that limits storage of vehicles on the property, and not using it as an auxiliary storage area. They also may request some trees to buffer the neighborhood to the east.

Engineer Barbeau explained this property is split with the zoning from Waukesha County and the Town. The house is not in the Town's zoning, and we are deferring to them to have the CUP. We could require a CUP through the Town as well, but thought we let the County do it since the home is in their zoning. He suggested a condition that if there are any major structural expansions of the house, in the future they will have to come back to the Town to get approval of that. This way we understand what the magnitude of expanding the property will look like in the future.

Bill Bahlmer, N19W28181 Oakton Road, lived next to the property for 2 years. They have been the best neighbors, Very kind and generous. He stated they have no problems with the work they want to do. He stated they reside in

the only house in the subdivision that can see their property. Over the years, he has not had a problem. The outside storage is no longer an issue since the previous tenant moved. He is all for finishing the construction and keeping the structure as is.

Joel Blanker, N19W28233 Oakton Rd, grew up in this duplex. This has always been a duplex and was made in 1925. He stated they are not expanding or changing the size or floor plan. They are just trying to replace smoke damaged interior and get it back to livable conditions. They plan to continue to live on the west side of the duplex. He brought an easement on the property dated April 1943, stating the structure is a duplex dwelling. The easement has to do with the clearing of the trees for the power lines.

**First order of business:** Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Dickenson, Commissioner Mihalovich, and Plan Commission Chairman Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Excused: Chairman Troy and Commissioner Janusiak.

**Second order of business:** Approval of the minutes of February 7, 2023.

Motion by Supervisor Kranick to approve the minutes from February 7, 2023. *Seconded by Commissioner Dickenson. Motion passed 4-0.*

**Third order of business:** Communications (for discussion and possible action): None

**Fourth order of business:** Unfinished Business: NONE

**Fifth order of business:** New Business:

- A. David J. French Revocable Trust of 1991, by Kathy Sawyer-Gutenkunst, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at W297 N2910 Oakwood Grove Road.

Engineer Barbeau presented the board with the latest survey map. The lot had an east/west line in the middle of it. They are combining the lots to conform with all zoning requirements. The property has some steep slopes. The Town and County has reviewed the CSM, and have not heard from Hartland at this time. This would be an approval to move to the Town Board.

*Motion by Supervisor Kranick to approve the CSM dated September 8, 2022, subject to satisfaction of any outstanding review comments from the Village of Hartland (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document. Seconded by Commissioner Dickenson. Motion passed 4-0.*

- B. Scott Kessler, representative for the Bruce J. Kessler Living Trust, Re: Consideration and possible action on a request to amend the Town of Delafield zoning map from A-1 Agricultural District to A-3 Suburban Home District for the vacant property located south of W334 S188 Cushing Park Road. Tax Key No. DELT0841-031-002.

*Motion by Supervisor Kranick to recommend to the Town Board to approve the request to amend the zoning on property known as Tax Key No. DELT 0841-031-002, located south of W334 S188 Cushing Park Road from A-1 Agricultural to A-3 Suburban Home District. Seconded by Commissioner Dickenson. Motion passed 4-0.*

- C. Oakton Investment, LLC, by Joel Blenker, agent, Re: Consideration and recommendation to Waukesha County Department of Parks and Land Use for a Conditional Use Permit to continue a legal nonconforming use and improve the inside of the structure greater than 50% of the value located at N19 W28333 Oakton Road

Engineer Barbeau explained this would be a recommendation to the County Board. Engineer Barbeau agrees with the conditions Ben Greenberg suggested. There have no been complaints about that property. Some of the staff didn't know it was a duplex. Engineer Barbeau suggested including a condition that any major structural expansion would come back to the Plan Commission for approval. The owner has no concerns with adding that condition.

*Motion by Supervisor Kranick to recommend to Waukesha County to proceed with the Conditional Use process subject to the conditions noted by Waukesha County and the condition of any exterior changes to the footprint of the property, the applicant would come back to the Town. Seconded by Commissioner Dickenson. Motion passed 4-0.*

- D. Janet McAuliffe, W305 N2593, Re: Consideration and possible action on a request for a Conditional Use Permit to operate a Hobby Kennel at W305 N2593 Ravine Court.

*Motion by Supervisor Kranick to remove "Janet McAuliffe, W305 N2593, Re: Consideration and possible action on a request for a Conditional Use Permit to operate a Hobby Kennel at W305 N2593 Ravine Court" from the agenda. Seconded by Nicole. Motion passed 4-0.*

**Sixth Order of Business** Discussion: None

**Seventh Order of Business**: Announcements and Planning Items: Next meeting: May 2, 2023.

**Eighth Order of Business**: Adjournment

*Motion by Supervisor Kranick to adjourn the March 21, 2023, Plan Commission meeting at 6:53 p.m. Seconded by Commissioner Dickenson. Motion passed 4-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer