



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Ron Troy  
**Supervisors**  
Edward Kranick  
Steve Michels  
Joe Woelfle  
Magalie Miller  
**Clerk/Treasurer**  
Dan Green

**TOWN OF DELAFIELD PLAN COMMISSION MEETING**  
**Tuesday, September 6, 2022, 6:30 p.m.**  
**Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018**

### AGENDA

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and a representative of Waukesha County Department of Parks and Land Use to solicit public input on a request from David Davis, Jr. to legalize an existing summer cottage to allow for remodeling in excess of 50% of the equalized value located at W285 N3136 Lakeside Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of August 2, 2022.
3. Communications (for discussion and possible action): None
4. Unfinished Business: None
5. New Business:
  - A. David Davis, Jr., W285 N3136 Lakeside Road, Re: Consideration and possible recommendation to Waukesha County to legalize an existing summer cottage to allow for remodeling in excess of 50% of the equalized value under Waukesha County Shoreland and Floodland Zoning.
  - B. Bill Halquist, Jr. N22 W28656 Louis Avenue, Re: Consideration and possible action on an approval of a Certified Survey Map for a lot combination at N22 W28656 Louis Avenue.
  - C. Robert & Jeanne Dierkes, W303 N2598 Maple Avenue, Consideration and possible action on an approval of a Certified Survey Map for a lot combination at W303 N2598 Maple Avenue.
  - D. Cormac and Tanya Palmer, W334 S1010 Cushing Park Road, Re: Consideration and possible action on a request for a height increase for an accessory building.
  - E. Town of Delafield Plan Commission, Re: Review of draft Lighting Ordinance.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: October 4, 2022.
8. Adjournment

#### PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by

any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, AUGUST 2, 2022, 6:30 P.M.**

**Video Link:** <https://www.youtube.com/watch?v=in5UpUfLKiE&t=2602s>

Prior to the start of the scheduled Plan Commission meeting there will be two public hearings. The first will be in front of the Town Board, Plan Commission, and a representative of Waukesha County to solicit public input on a request from Scott and Jinga Bence for land altering activities associated with the construction of a single-family house located at N23 W28296 Beach Park Circle.

**Public Comments:**

Ben Greenberg, Senior Planner from Waukesha County, give a site report and analysis of the request. The parcel is ½ acre on Beach Park Circle with 100 ft of frontage. It is 220 feet deep with an 8 feet slope toward the lake. There is a 3-4% slope average on the lot. Soil tests were conducted for seasonal high ground water. There is high ground water 3 feet from the surface, limiting the depth for the basement. The lot contains a 2-story single family home with no basement. None of the neighboring homes had full exposure of their basements. There were no clear road ditches. The petitioner proposes a new 2-story building with a basement. The basement will not have a full exposure, but you will be able to walk out of the basement into an area contained with retaining walls, steps, and ramps to get back to yard grade. They are proposing 4 feet of fill on the roadside which requires a Conditional Use Permit from the county. The owner wants to fill to make sure the grade is above the road, to push water away from their home. Side swale and drainage tiles are required. The revised plans meet the basement standards. Tim Barbeau, Ben Greenberg, and another staff member met the owner on site and provided comments, including improving side yard swales. The July 11<sup>th</sup> revision reflects the modifications. Waukesha County ordinances require a Conditional use Permit for land altering activities and a stormwater permit. Mr. Bence has applied for the permit and the County asks for a formal recommendation from the Town Plan Commission.

Chairman Fitzgerald asked if the home elevation is higher than the road, where the water will flow. Mr. Greenberg explained the water will be captured by the swales and divert back toward the lake. The major grading will create positive drainage toward the road from the garage. This was a concern and why a public hearing was required.

Chairman Troy expressed concern about water reaching the road and going onto another property. Engineer Barbeau explained the water would flow toward the road, with the intent to move the water back to the swales as much as possible. He explained it is hard to crown a driveway into a garage, but if there could be a slight crown, it may help divert the water before it reaches the road. Chairman Troy asked if a collection drain could be used to send the water to the lake. He expressed concerns that any water that gets diverted from the road to another property would result in calls from neighbors.

Glen Milesko, N23W28280 Beach Park Circle, expressed concerns about the pumping of water from their sump pump onto their property. They also expressed concerns about stormwater coming onto their property, since their land is significantly lower than the Bences. They want to make sure there would be no additional water from either sump pump or swales.

Lavern Milesko, N23W28280 Beach park Circle, stated she was concerned about what would happen to the water that gets back on the street.

**Public Hearing**

The second hearing is at the request of Tom Beaudry, 229 Lynndale Road, LLC, for an amendment to their conditional use permit to allow an expansion of the showroom at Cassandra's Motorsports located at N47 W28229 Lynndale Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

**Public Comments:** None

Engineer Barbeau explained this particular site has a legal non-conforming Conditional Use Permit, because the M-1 district has no outside storage. The CUP was issued in the 1970's and has perpetuated over the years. Any changes to the site or the building would have to come back for an amendment to the CUP. The addition and the lot boundaries require an amendment to the CUP. Assuming the CUP goes through, the lot becomes 7.4 acres. We would allow the expansion of the business showroom and the lot size. All other conditions would still be in place.

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

Chairman Fitzgerald called the meeting to order at 6:52 p.m. and led all in the Pledge of Allegiance.

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

Also present: Supervisor Miller, Engineer Tim Barbeau and Administrator Dan Green.

**Second order of business:** Approval of the minutes of July 12, 2022.

*Motion made by Commissioner Dickerson to approve the July 12, 2022, minutes. Seconded by Supervisor Kranick. Motion passed 5-0.*

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

Commissioner Casey Diderrich has resigned from the Plan Commission.

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

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

- A. Scott and Jinga Bence, N23 W28296 Beach Park Circle, Re: Consideration and recommendation to Waukesha county on the approval of land altering activities at N23 W28296 Beach Park Road associated with the construction of a new single-family house.

Chairman Troy stated the stormwater is an issue, and the runoff should not go where it has historically not gone before. Engineer Barbeau explained the driveway currently goes from the road, toward the home. The intent is to put a 1-foot-deep swale, that would act as a narrow, but defined channel, where the water can flow into. Mr. Greenberg noted the existing driveway sits at the property line, where there is a sheet flow of water. This can be improved where the proposed driveway will go, and a swale to divert that water.

Mr. Bence explained that currently the driveway is 20 feet wide and sheet flows at the property line. The driveway will be removed and become non-impervious surface, cutting that water off. He explained that the roof water will be carried with downspouts to a buried drainpipe, that leads to the lake. The sump pump will be routed to the back yard, past both neighbors' homes. The driveway edges are dipped down, so there will be a slight crown, and he explained the swales will be capturing 70% of the stormwater on a normal rain. Any water that flows to the street has 20 feet on his property to get to the swale.

Chairman Fitzgerald suggested putting a drain at the end of the driveway and piping it to the swales. Supervisor Kranick stated he was not aware of the current condition of the driveway and thinks the proposed will be a big improvement. Mr. Bence stated he has been in the construction business for 30 years, and does not think a pipe in addition to the swale would be needed.

Chairman Troy questioned if it was possible to flip the house on the building plans. Mr. Bence stated it is possible not preferred. He stated he could put a box drain at the corner of the driveway and extend it to the property line. Engineer Barbeau stated that if the area is compressed, a storm pipe would help. He also said sloping the driveway

a little more would help get the water to the sides, before going to the road. Mr. Bence explained the plan does not show the crown as much as he would like. Engineer Barbeau asked that the plans show a drop of 3 inches on each side.

*Motion by Supervisor Kranick to recommend to Waukesha County approving land altering activities at N23 W28296 Beach Park Road, associated with the construction of a new single-family house contingent on a 2% grade on the driveway edges and showing an extension of the drainage pipe in the southeast corner of the property near the road with plans submitted to reflect. Seconded by Chairman Troy. Motion passed 5-0.*

B. Tom Beaudry, 229 Lynndale Road, LLC, Re: Consideration and possible action on the following located at N47 W28229 Lynndale Road:

1. Certified Survey Map to split the land into two parcels

Engineer Barbeau explained the current property is on 19.9 acres. The request is to split the land into two parcels, a 7.4-acre lot and an 11.3-acre lot. There is an outlot proposed to the south for stormwater management to service both properties. Lot 1 has access off HWY JK, while lot two would have access off a shared driveway. The owner has contacted Waukesha County about the access and was accepted without requiring improvements. The Town will require a shared driveway agreement for the shared access, which staff will review and approve. The technical items on the CSM have been addressed by the surveyor. One item that needs revision is the limits of where Waukesha County's jurisdiction is on the map. It should only cover the high groundwater and wetland areas. The Town Board should require a shared driveway agreement to be recorded before, or at the same time of the CSM. Both lots will also be served by holding tanks.

*Motion by Supervisor Kranick to recommend to the Town Board approve a Certified Survey Map to split the land located at N47 W28229 Lynndale Road into two parcels as subject to all technical corrections by all extraterritorial jurisdictions and Waukesha County and the shared driveway agreement be executed at the time the CSM is recorded. Seconded by Commissioner Dickenson. Motion passed 5-0.*

2. Conditional Use Amendment for construction of an addition to the showroom at Cassandra's Motorsports and to update the property description.

Engineer Barbeau explained there are 30 stalls on their site plan that covers both employees and patrons of Cassandra's Motorsports (not auto sale spots). The building proposed is two-colored, insulated with a metal roof. The site grading is minimal, and the first floor of the building will extend west and drop off. There is some grading which will run to the west and south, and be contained on site. Water on the parking lot will flow into the shared pond to the southeast. The landscaping plan proposes trees for the west and south side of the building. They will shift the dumpsters to the north and enclose them. There is no new lighting being proposed and no changes to the current plan of operation. The showroom is used for new or preowned vehicles and watercraft. Staff recommends approving the amendment to the Conditional Use Permit for the construction of an addition to their showroom and a land split. The recommendation would also approve the site plan and grading plan dated 7/12/2022, as well as landscape and architecture plans.

*Motion by Supervisor Kranick to approve the site plan and grading plan prepared by CJ Engineering dated 7/12/2022, landscape plan prepared by InSite Landscape Design dated 7/12/2022, and architectural plans prepared by Galbraith, Carnahan Architects, LLC, dated 7/12/2022, as they relate to the Cassandra's Motorsports Expansion. Seconded by Commissioner Dickerson. Motion passed 5-0.*

*Motion by Supervisor Kranick to recommend to the Town Board approval of an amended Conditional Use Permit with a correction to the typo in paragraph one in conclusions of law. Seconded by Commissioner Dickenson. Motion passed 5-0.*

3. Site, Grading, Landscape, Lighting, Architectural and Plan of Operation for the expansion of the showroom for Cassandra's Motorsports

This item was discussed with Item #5b-4.

4. Site, Grading, Landscape, Lighting, Architectural and Plan of Operation for Lake Country Toy Box vehicle storage facility.

Engineer Barbeau explained the owner is proposing 47 condominium units, 30'x50' for storage of vehicles, boats, and motorhomes. Staff considered a Conditional Use Permit for self-storage; however, these units would be owned individually, not rented. We moved forward with this being an allowable use. The proposal meets the required setbacks, offset, and open space. Both properties (Cassandra's Motorsports) generate stormwater that flows to the stormwater pond to the south. The land on the southeast corner of the property cannot be used due to high ground water and wetland zoning. All the proposed buildings are on the high side of the site. The grading and drainage plans show runoff from north to south. There is some curb and gutter being proposed to capture the water and carry it to the pond. A preliminary stormwater plan was provided to Waukesha County, but they have not received final plans yet. Each unit will have a single light under their balcony and there will be 5 pole mounted lights, 3 on the west side and 2 on the east side. The lighting plan meets the standards provided in the draft version of the Town's lighting ordinance. The applicant has provided a landscape plan showing plantings to the east, and all the way around the stormwater pond. There is also a row of trees between lot 1 and lot 2.

The plan of operation is to have custom built storage areas. There are no plans by the owner to lease these units. They are proposing 24-hour operating hours for condo owners with access by a key fob. No businesses or outside storage will be allowed, and hazardous/flammable materials are limited. The applicant does not anticipate odors, gas, or noise. The only products on site will be petroleum products to operate vehicles. Lighting will be controlled by a timer.

Joe Galbraith, the architect for the project, explained the designs proposed are similar to what was presented in the concept design. He explained that while there are 47 condo units, they are spread among 10 or 11 buildings. Some condo owners may buy two or three units and combine them. The largest structure has 6 units, and the size of the structures are well under the threshold for requiring sprinkler systems. The design has an office and bathroom in each unit, along with a mezzanine and a balcony on the second story. All doors face the south, with natural light coming in. Two of the units are designed with taller garage doors for RVs (14' doors). All doors will have frosted glass fronts. He explained the slopes of the buildings work with the grading plan to drain water. The balconies will have cable railings systems. He showed examples of materials with two tone metal and translucent paneling. Driveways will cascade between each of the rows of units. Each unit will have a skylight and in floor heating. Each unit would be set up to have A/C, with natural gas heating.

Engineer Barbeau asked if the buildings would look the same if the same owner purchased three units. Mr. Galbraith explained that they would look the same from the outside, with interior walls being different. Chairman Troy questioned whether the Plan Commission should prohibit the use of solar panels. Engineer Barbeau stated the Town allows solar panels as accessory structures, but has little information about them in the Town Code. Supervisor Kranick questions how the units would handle

garbage collection. Mr. Beaudry explained they would most likely commission a garbage service for each unit. He also explained there will be multiple holding tanks on the site to service the units, and flow meters will be installed to monitor and charge for waste.

Commissioner Janusiak questions if tenants could sublease their units. Mr. Beaudry explained the intention is these units will create a community of car collectors. He hopes to create customers for his business. He explained that 6 or 7 cars can fit into each unit, and the intent is not to lease these units or spaces in the units. The leasing issue would be written into the condo documents. Chairman Troy questioned what the recourse would be if someone leased their unit. Mr. Beaudry stated the people who will be owning these will be very finicky and will not want to make the investment to lease them out.

Chairman Fitzgerald questions the hours of operation and if there could be limited access between midnight and 5:00 am. Chairman Troy had concerns about enforcement of any violations to what the Town imposes through the plan of operation. He explained that the plan of operation is going to be strict, and they will need to figure out how to enforce restrictions like 24-hour operations, leasing units, and overnight stays. The Plan Commission agreed that the plan of operation was incomplete, and that the plans should detail the garbage collection concerns, where the A/C units will go for each unit, and the restrictions that will be covered in the declaration of restrictions.

The Plan Commission discussed whether or not to wait on approving the landscaping, lighting, and architectural plans until the plan of operation was completed to their satisfaction. They agreed that they would wait to make a motion on the plan of operation until condo restrictions were written and submitted, and an updated site plan was submitted to address the questions of garbage and A/C unit placement.

*Motion by Supervisor Kranick to approve the site plan and site grading plan (as it relates to Lake Country Toy Box) prepared by CJ Engineering dated 7/12/2022, fire access exhibit prepared by CJ Engineering dated 6/14/2022, landscape plan prepared by InSite Landscape Design dated 7/12/2022, lighting plans prepared by Insight Landscape Design dated 7/14/2022, and architectural plans prepared by Galbraith Carnahan Architects, LLC dated 7/12/2022 subject to the resolution of the following conditions:*

- 1. No shared dumpsters on premises*
- 2. Resolution of the allowing of solar panels on the site, and indication of their placement*
- 3. The placement of A/C units on the site*
- 4. Approval of the stormwater management plan by Waukesha County. If the stormwater management plan review results in requiring significant changes to the site plan, the applicant must gain Plan Commission approval for the revised site plan*
- 5. Submission and approval of a Condominium Plat and Declarations*
- 6. Staff approval and recording of a shared driveway easement agreement for access to Lot 2 and to Outlot 1*
- 7. Waukesha County approval of holding tanks at the site, holding tank agreement approval by the Town Board and submission of a bond in accordance with the current Town of Delafield ordinance related to the holding tanks.*

*Motion seconded by Commissioner Dickenson. Motion passed 5-0.*

C. Town of Delafield Plan Commission, Re: Review of draft Lighting Ordinance.

The Plan Commission discussed the draft lighting ordinance and questioned enforcement for residential properties. The Commission agreed to bring this back to the next Plan Commission meeting for further discussion.

*Motion by Chairman Troy to table "Town of Delafield Plan Commission, Re: Review of draft Lighting Ordinance." to the next meeting. Seconded by Supervisor Kranick. Passed 5-0.*

**Sixth Order of Business** Discussion: None

**Seventh Order of Business**: Announcements and Planning Items: Next meeting: September 6, 2022.

**Eighth Order of Business**: Adjournment

*Motion by Supervisor Kranick to adjourn the August 2, 2022, Plan Commission meeting at 8:52 p.m. Seconded by Commissioner Dickenson. Motion passed 5-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer



## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a Joint Public Hearing will be held by the Town of Delafield Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use - Planning and Zoning Division, on **Tuesday, September 6, 2022, at 6:30 p.m.** at the Delafield Town Hall, located at W302 N1254 Maple Avenue, Delafield, WI, 53018, to consider the Conditional Use request (**CU78**) of Lakeside Road Property Trust (owner), David Davis, Jr. (Applicant), to legalize an existing summer cottage to allow for remodeling in excess of 50% of the equalized value.

The subject property is described as Lot 23, Map of East Lakeside, Sections 12 and 13, T7N, R18E, Town of Delafield. More specifically, the property is located at W285 N3136 Lakeside Rd., Pewaukee, WI, 53072-5159 (Tax Key No. DELT 0768.046).

For additional information regarding this public hearing, please contact Jacob Heermans of the Waukesha County Department of Parks and Land Use at (262) 548-7790.

All interested parties will be heard.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director  
515 W. Moreland Blvd.  
Waukesha, WI 53188

Legal notice to be published in the  
Lake Country Now on  
Wednesday, August 17, 2022 and  
Wednesday, August 24, 2022.

## Plan Commission Report for September 6, 2022

### **David Davis, Jr. Conditional Use Permit (County) for Summer Cottage Use Agenda Item No. 5. A.**

Applicant: David Davis

Project: Summer Cottage Remodeling

Requested Action: Recommendation to Waukesha County to allow a CUP that would create a legal summer cottage and allow remodeling in excess of 50% of the value.

Zoning: R-3 (County Zoning)

Location: W285 N3136 Lakeside Road

### **Report**

The County representative will provide background on this request. The lot currently contains a primary residence, a summer cottage and a garage. County code, as well as Town code, only allows one dwelling unit per parcel. The use of the property is legal nonconforming. Based on that status, he would not be able to improve the summer cottage more than 50% of the value of the cottage under County code. County code allows the owner to apply for conditional use status which would remove the legal nonconforming designation and place it under a conditional use designation. That would also allow the structure to be improved in excess of 50% unless conditions are imposed on the approval. My understanding is that the County was going to meet with the owner on August 30, 2022 to understand the request and to provide the Town with additional background information.

### **Staff Recommendation:**

In the past, State laws were written such that legal nonconforming structures could not be improved more than 50% of their value. That led to many of the nonconforming structures to be removed from properties in order to properties to become conforming. The allowance of a conditional use permit and improvements to a summer cottage may lead to other property owner to do the same. The Town would be perpetuating multiple residences on a single lot which is in conflict with Section 17.03 3. A. (below) of the Town code which states that there shall only be one dwelling unit per lot unless the Plan Commission determines that it meets the exception noted.

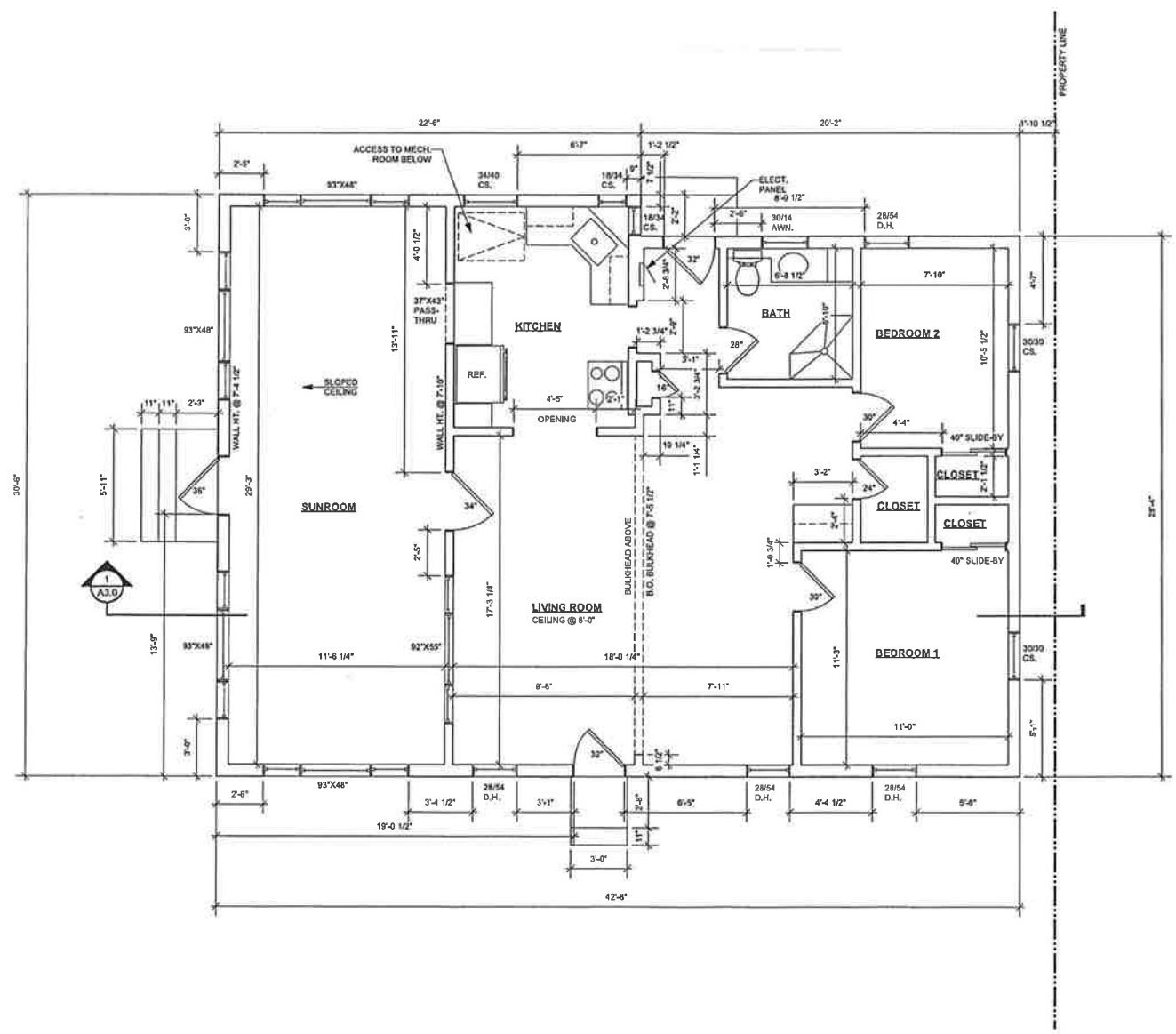
***Buildings and Structures Must Be On Lot.*** Every building and structure hereafter erected, converted, relocated, enlarged or structurally altered shall be located on a lot. In no case shall there be more than one principal building or structure on a lot, except upon a showing to the satisfaction of the Plan Commission that such approval will not be contrary to the spirit and intent of this chapter, upon prior approval of the Plan Commission, upon satisfying all conditions of the Plan Commission and provided that sufficient lot area is provided and the buildings or

*structures are so located so as to individually meet the setback, offset, lot size and open space requirements of the District in which they are located.*

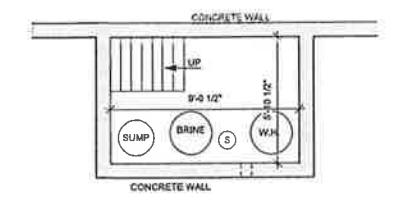
I recommend that the Town deny the request for a Conditional Use Permit on the basis that our code is written such that we do not want to perpetuate more than one dwelling unit per property.

Tim Barbeau, Town Engineer  
August 30, 2022

RECEIVED 7/1/2022  
DEPT PARKS & LAND USE



1 EXISTING FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

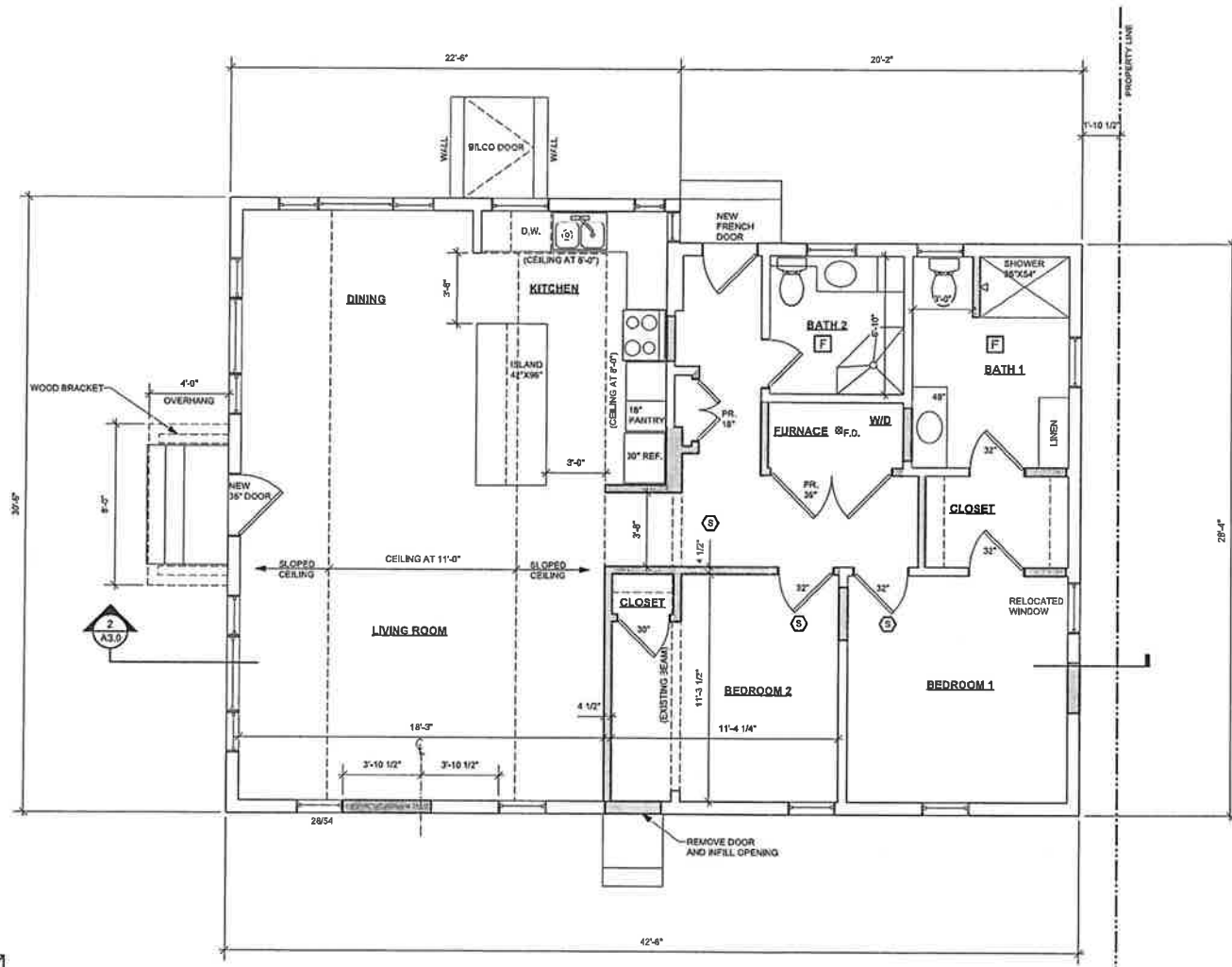


2 EXISTING MECH ROOM  
SCALE: 1/4" = 1'-0"

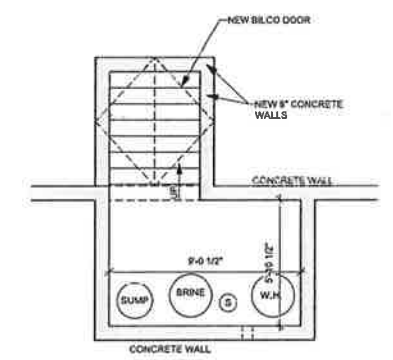
**DAVIS RESIDENCE REMODEL**  
W285 N3136 LAKESIDE ROAD, PEWAUKEE, WI 53072

PROGRESS SET 1/31/2022

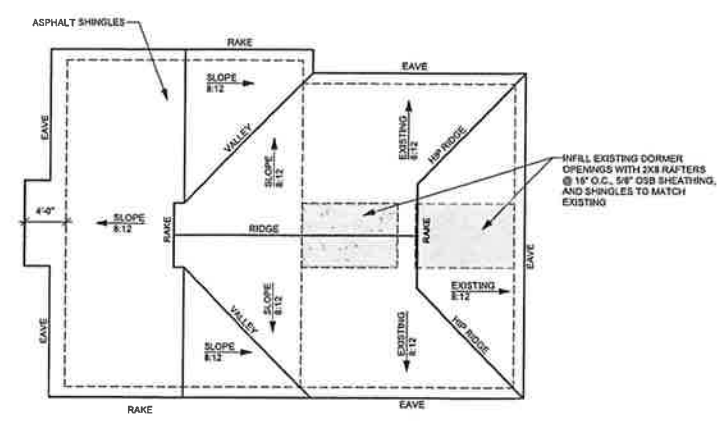
DS	DS DESIGN SERVICES LLC 14375 WISCONSIN AVENUE ELM GROVE, WI 53122 ATTN: DALE STREITENBERGER, AIA (414) 322-0406 dstreits@gmail.com	A1.0



**1** PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**2** PROPOSED MECH ROOM  
SCALE: 1/4" = 1'-0"



**3** PROPOSED ROOF PLAN  
SCALE: 1/8" = 1'-0"

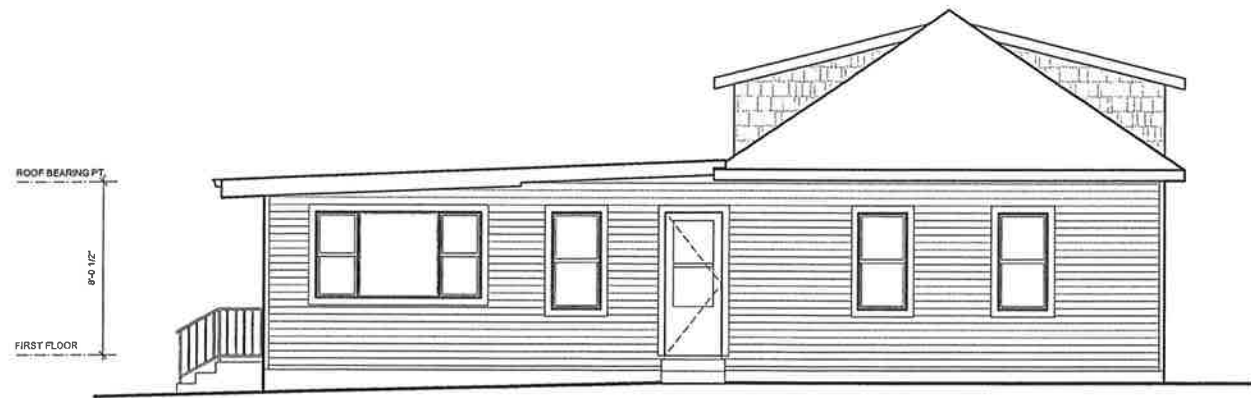
**LEGEND:**

- = COMBINATION SMOKE AND CARBON MONOXIDE DETECTOR
- = SMOKE DETECTOR
- = EXHAUST FAN
- = EXISTING WALLS TO REMAIN
- = NEW WALLS

**DAVIS RESIDENCE REMODEL**  
W285 N3136 LAKESIDE ROAD, PEWAUKEE, WI 53072

PROGRESS SET 1/31/2022

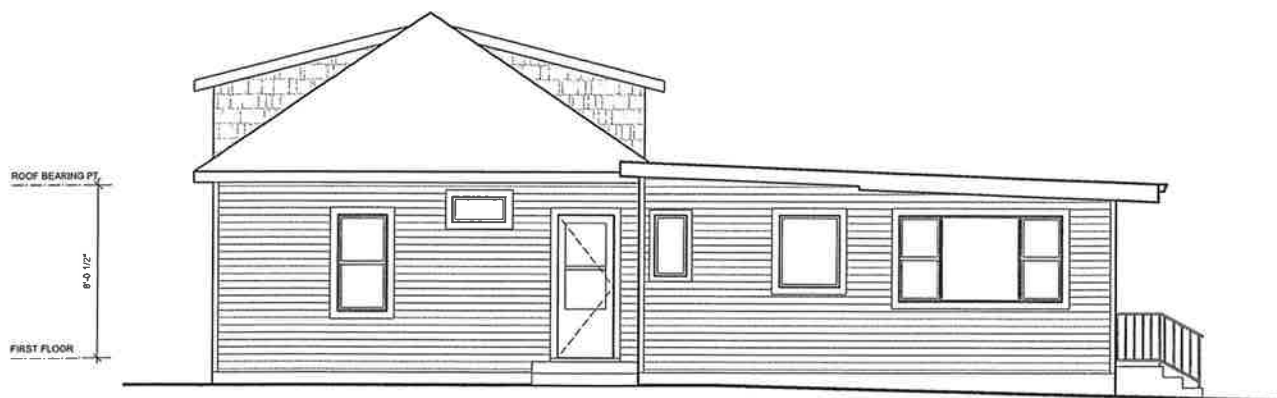
	<b>DS DESIGN SERVICES LLC</b> 14375 WISCONSIN AVENUE ELM GROVE, WI 53122 ATTN: DALE STREITENBERGER, AIA (414) 322-0406 dsirets@gmail.com	<b>A1.1</b>
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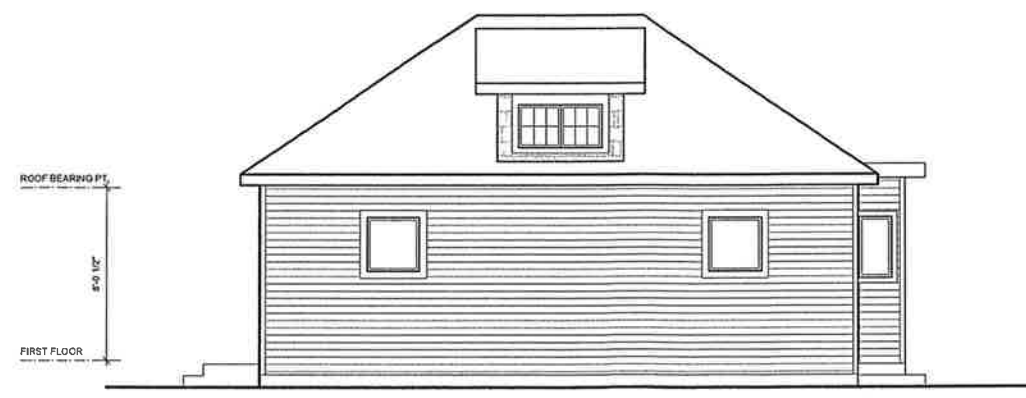
1 EXISTING FRONT (NORTH) ELEVATION  
SCALE: 1/4" = 1'-0"



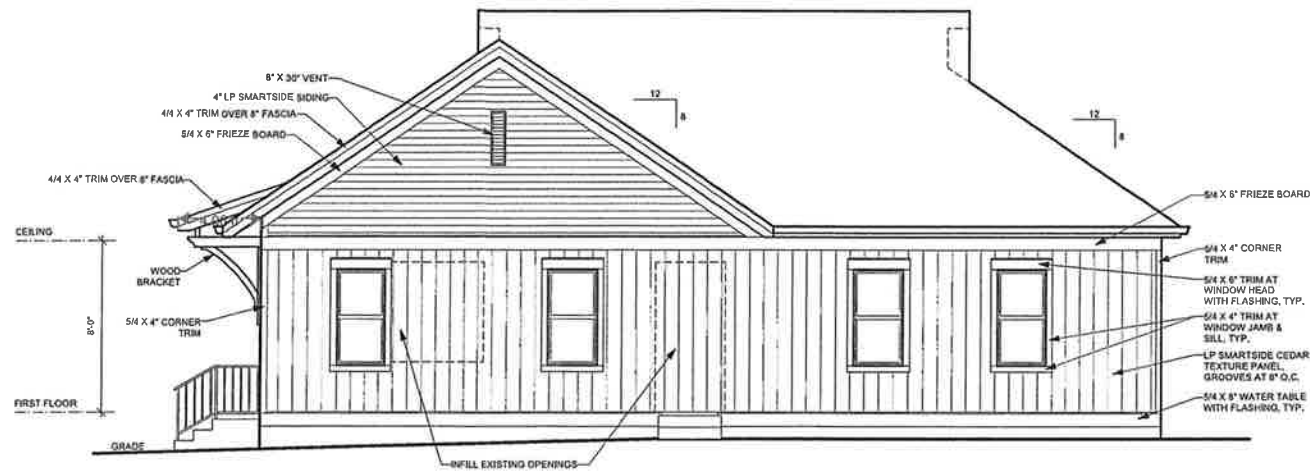
2 EXISTING SIDE (EAST) ELEVATION  
SCALE: 1/4" = 1'-0"



3 EXISTING REAR (SOUTH) ELEVATION  
SCALE: 1/4" = 1'-0" (LAKESIDE)



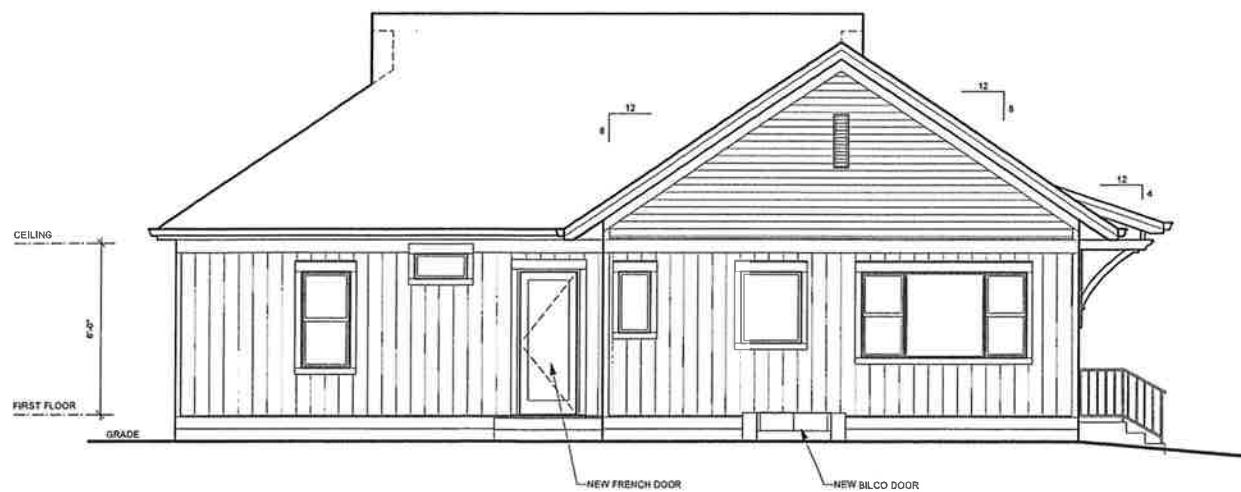
4 EXISTING SIDE (WEST) ELEVATION  
SCALE: 1/4" = 1'-0"



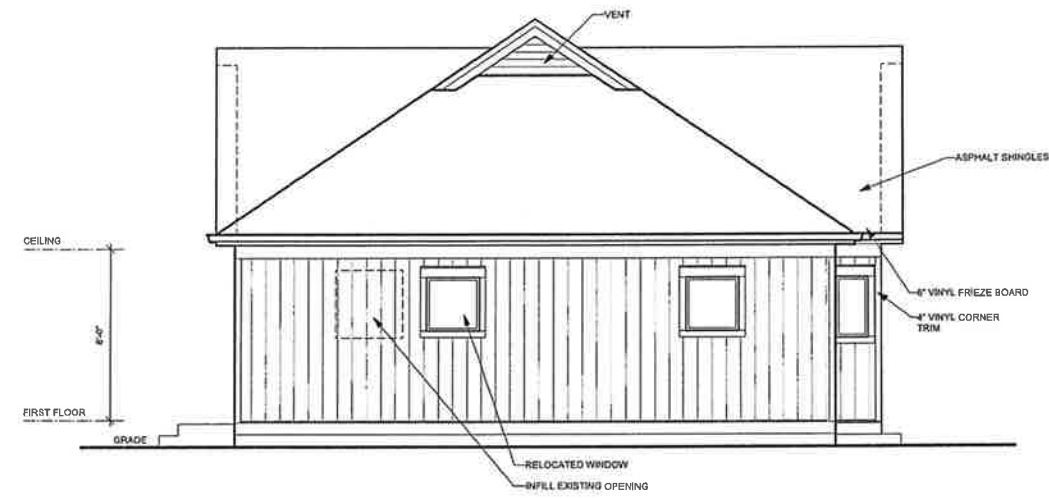
1 PROPOSED FRONT (NORTH) ELEVATION  
SCALE: 1/4" = 1'-0"



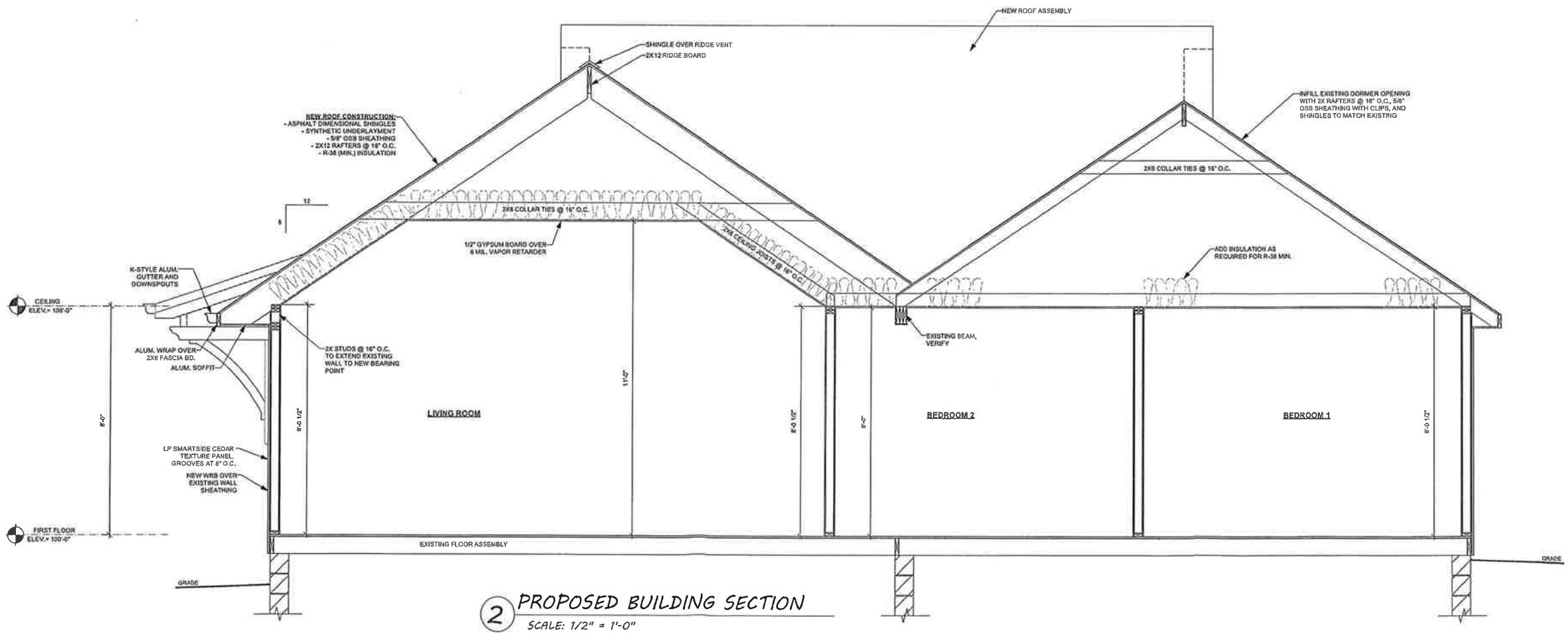
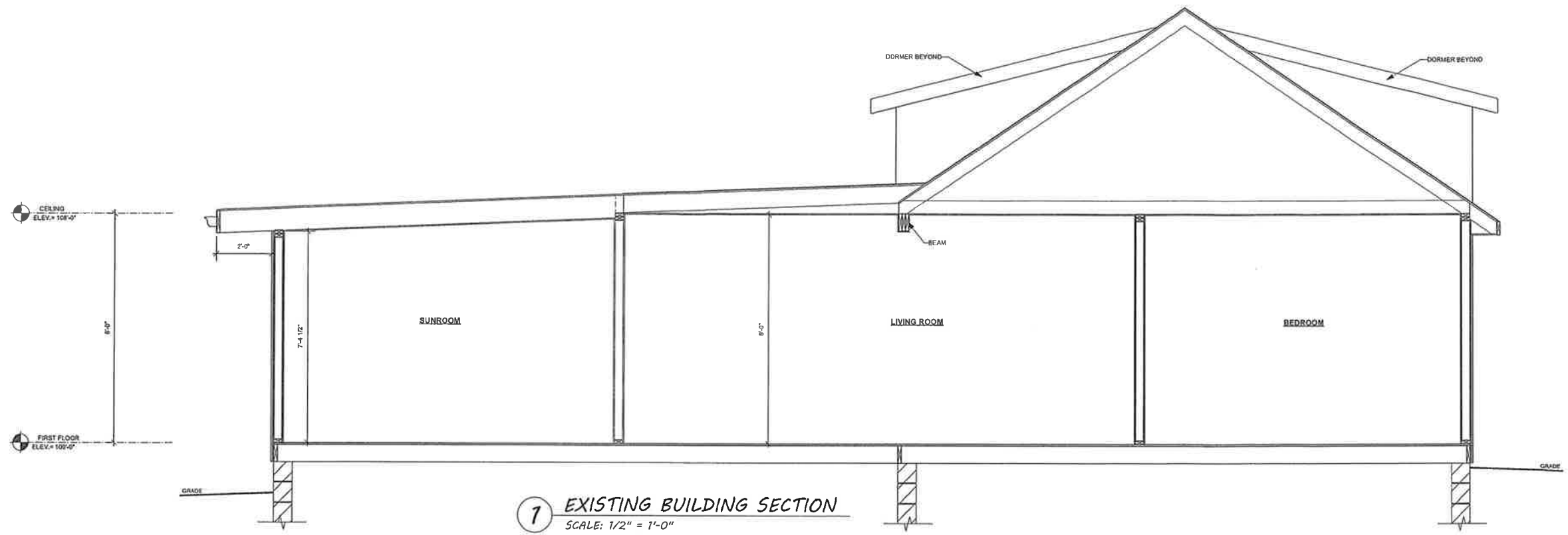
2 PROPOSED SIDE (EAST) ELEVATION  
SCALE: 1/4" = 1'-0"



3 PROPOSED REAR (SOUTH) ELEVATION  
SCALE: 1/4" = 1'-0"  
(LAKESIDE)



4 PROPOSED SIDE (WEST) ELEVATION  
SCALE: 1/4" = 1'-0"



**DAVIS RESIDENCE REMODEL**  
W285 N3136 LAKESIDE ROAD, PEWAUKEE, WI 53072

PROGRESS SET 1/31/2022

	<b>DS DESIGN SERVICES LLC</b> 14375 WISCONSIN AVENUE ELM GROVE, WI 53122 ATTN: DALE STREITENBERGER, AIA (414) 322-0406 dstreits@gmail.com	A3.0



**PLAT OF SURVEY**  
 BEING ALL OF LOT 23, MAP OF EAST LAKESIDE  
 LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 13  
 AND THE SE 1/4 OF THE SW 1/4 OF SECTION 12, T.07N., R.18E.,  
 TOWN OF DELAFIELD, WALKESHA COUNTY, WISCONSIN.

SURVEYOR:  
 KEITH A. KINDRED, PLS & SURV LAND SURVEYING HEADQUARTERS TRACT  
 404 N. WISCONSIN AVE DELAFIELD, WI 53004  
 (414) 540-0918 keith@keithkindred.com

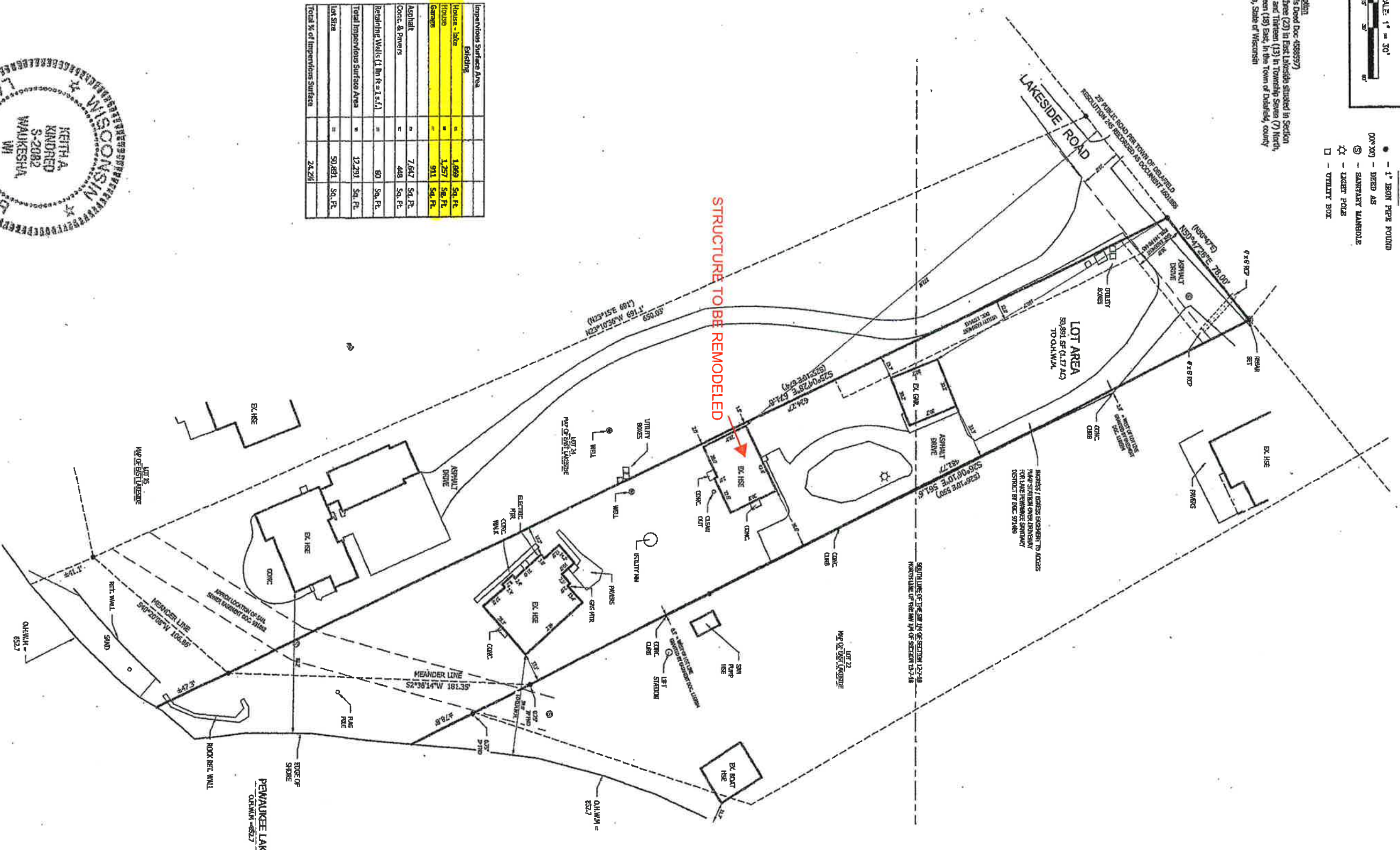
SURVEY FOR:  
 LANDSHIRE HOLD PROPERTIES TRACT  
 5410 WISCONSIN DRIVE DELAFIELD, WI 53004  
 BROWNE & CALDWELL, INC.



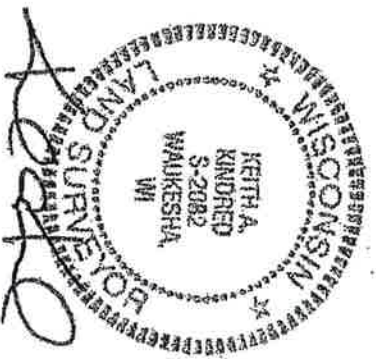
SCALE 1" = 30'

- LEGEND**
- - 1" IRON PIPE FOUND
  - - DEED AS
  - ⊙ - SANITARY MANHOLE
  - ☆ - LIGHT POLE
  - - UTILITY BOX

**Local Description:**  
 four Tract(s) Dead Dec-489937)  
 Lot Twenty-three (23) in East Lakeside situated in Section  
 Twelve (12) and Thirteen (13) in Township Seven (7) North,  
 Range Eighteen (18) East, in the Town of Delafield, County  
 of Walkesha, State of Wisconsin



Imperious Surface Area		Excluded	
House - John	=	1,690	Sq. Ft.
House	=	1,757	Sq. Ft.
Garage	=	911	Sq. Ft.
Asphalt	=	7,647	Sq. Ft.
Conc. & Pavers	=	408	Sq. Ft.
Retaining Walls (1 in ft = 1 sq. ft.)	=	60	Sq. Ft.
<b>Total Imperious Surface Area</b>	=	<b>12,291</b>	<b>Sq. Ft.</b>
<b>Lot Area</b>	=	<b>50,891</b>	<b>Sq. Ft.</b>
<b>Total % of Imperious Surface</b>	=	<b>24.2%</b>	



MAY 10, 2022

**RECEIVED 7/1/2022**  
 DEPT PARKS & LAND USE

## Plan Commission Report for September 6, 2022

### **Halquist Certified Survey Map Agenda Item No. 5. B.**

Applicant:	William Halquist
Project:	Land Combination
Requested Action:	Approval of Certified Survey Map
Zoning:	R-3 (County Zoning)
Location:	N22 W28656 Louis Avenue

### **Report**

Mr. Halquist is requesting approval of a Certified Survey Map (CSM) to combine portions of two lots of record into one lot for zoning compliance. The Halquist lot includes a second lot that is located on the opposite side of Louis Avenue. A restriction note on the survey indicates that Lots 1 and 2 must remain in the same ownership and cannot be sold separately. The CSM has been reviewed for conformance to Town and State code requirements. Minor technical corrections are required based on the review. Comments have been addressed in the CSM provided for consideration.

### **Staff Recommendation:**

I recommend approval of the CSM dated August 30, 2022, subject to the surveyor addressing any review comments from the City of Delafield and Waukesha County Department of Parks and Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer  
August 30, 2022

# CERTIFIED SURVEY MAP NO.

BEING LOT 16, BLOCK 1 AND LOT 6, BLOCK 3 AUER PARK ON PEWAUKEE LAKE, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 24 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL IN TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

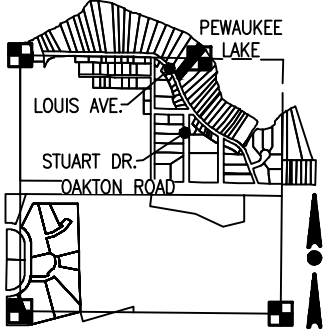
**PREPARED BY:**

TRIO ENGINEERING, LLC  
4100 N. CALHOUN RD. SUITE 300  
BROOKFIELD, WI 53005  
PHONE: 262-790-1480  
FAX: 262-790-1481

**OVERALL DETAIL SHEET**

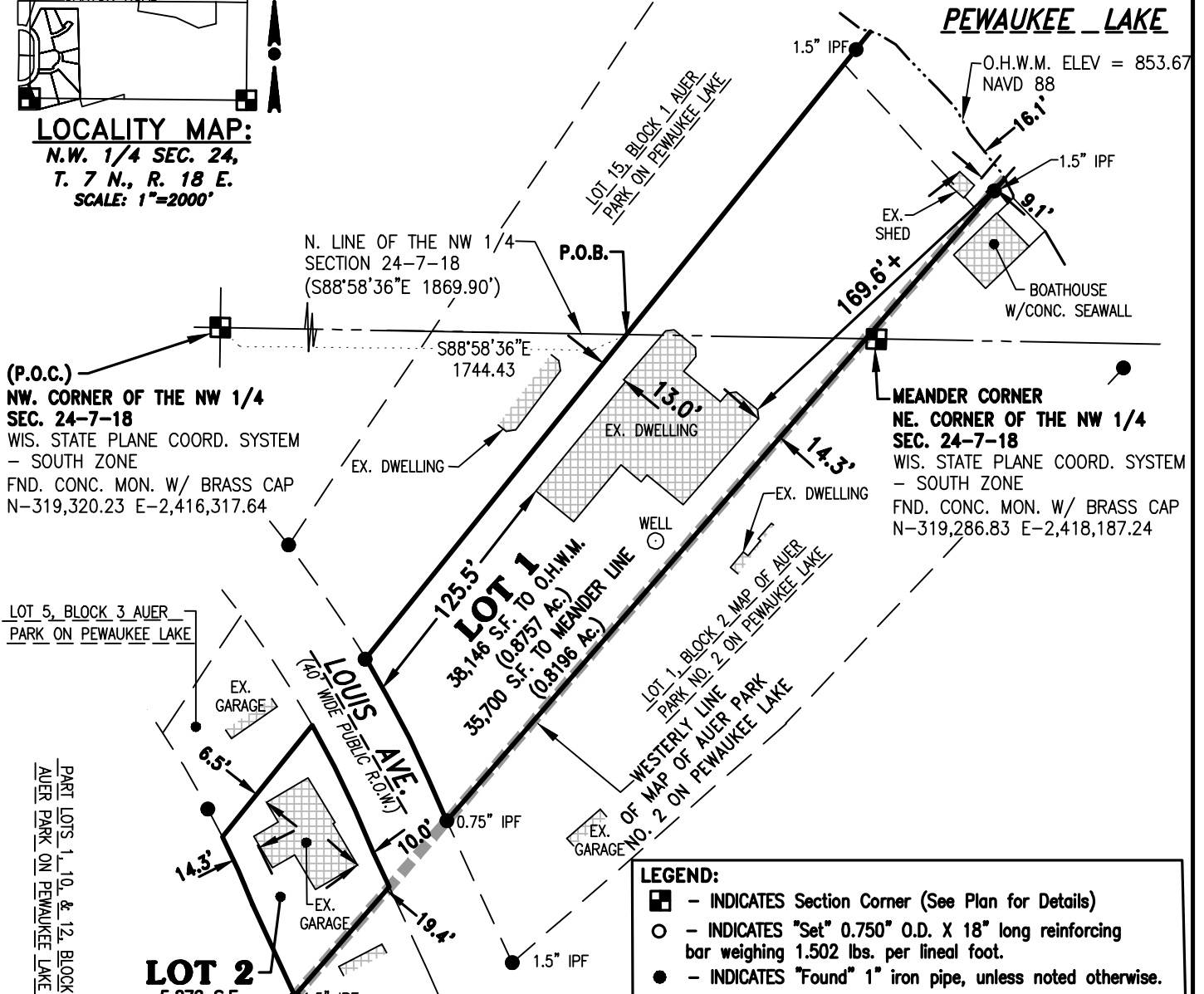
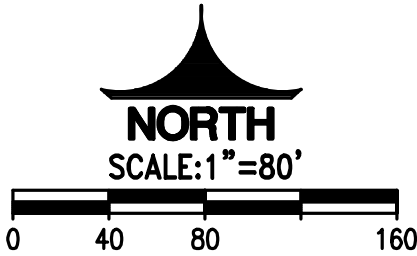
**PREPARED FOR:**

WILLIAM P. HALQUIST JR.  
N22W28656 LOUIS AVE.  
PEWAUKEE, WI 53072  
PHONE: 262-246-9000



**LOCALITY MAP:**

N.W. 1/4 SEC. 24,  
T. 7 N., R. 18 E.  
SCALE: 1"=2000'



**LEGEND:**

- - INDICATES Section Corner (See Plan for Details)
- - INDICATES "Set" 0.750" O.D. X 18" long reinforcing bar weighing 1.502 lbs. per lineal foot.
- - INDICATES "Found" 1" iron pipe, unless noted otherwise.

**NOTES:**

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-83), IN WHICH THE NORTH LINE OF THE N.W. 1/4 OF SECTION 24, TOWN 7 NORTH, RANGE 18 EAST, BEARS S88°58'36"E.
- ALL TELEPHONE LINES, ELECTRIC LINES, CABLE TELEVISION LINES, TELECOMMUNICATION LINES AND OTHER SIMILAR UTILITY SERVICES SHALL BE PLACED UNDERGROUND UNLESS THE APPLICANT OR UTILITY CAN DEMONSTRATE THAT UNDERGROUNDING IS NOT FEASIBLE.
- ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- LOTS 1 AND 2 MUST REMAIN UNDER THE SAME OWNERSHIP AND CANNOT BE SOLD SEPARATE FROM THE OTHER.
- THE ENTIRE PROPERTY IS WITHIN THE JURISDICTION OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE.
- THE LOT LINES AS SHOWN ARE A COMBINATION OF FOUND MONUMENTATION AND A KIT KUOKKANEN SURVEY DATED OCTOBER 12TH, 2009. THE RADIUS OF THE RIGHT-OF-WAY OF 573' SHOWN DID NOT MATCH THE MONUMENTS AT THE RIGHT-OF-WAY. I USED 573' RADIUS AT THE CENTERLINE.

X:\2021\21-002-252 Pewaukee Lake Lot 16 Survey\Drawings\Survey\CSM\530CSM01.dwg

# CERTIFIED SURVEY MAP NO.

BEING LOT 16, BLOCK 1 AND LOT 6, BLOCK 3 AUER PARK ON PEWAUKEE LAKE, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 24 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL IN TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

## PEWAUKEE LAKE

O.H.W.M. ELEV = 853.67 NAVD 88

### CURVE A

BRG = N26°31'00"W  
 CHORD DIST = 91.06  
 ARC DIST = 91.15  
 DELTA = 08°48'25"  
 RADIUS = 593.00

### CURVE B

BRG = S25°42'04"E  
 CHORD DIST = 71.06  
 ARC DIST = 71.11  
 DELTA = 07°22'05"  
 RADIUS = 553.00

### CURVE C

BRG = N24°02'28"W  
 CHORD DIST = 37.52  
 ARC DIST = 37.53  
 DELTA = 04°24'56"  
 RADIUS = 487.00

(P.O.C.)  
 NW CORNER OF  
 THE NW 1/4  
 SEC. 24-7-18

MEANDER CORNER  
 NE CORNER OF  
 THE NW 1/4  
 SEC. 24-7-18

N. LINE OF THE NW 1/4  
 SECTION 24-7-18  
 (S88°58'36"E 1869.90')

LOT 15, BLOCK 1 AUER  
 PARK ON PEWAUKEE LAKE

**LOT 1**  
 38,146 S.F. TO O.H.W.M.  
 (0.8757 Ac.)  
 35,700 S.F. TO MEANDER LINE  
 (0.8196 Ac.)

LOT 1, BLOCK 2 MAP OF AUER  
 PARK NO. 2 ON PEWAUKEE LAKE

**LOUIS AVE.**  
 (40' WIDE PUBLIC R.O.W.)

LOT 5, BLOCK 3 AUER  
 PARK ON PEWAUKEE LAKE

**LOT 2**  
 5,872 S.F.  
 (0.1348 Ac.)

LOT 1, BLOCK 4 MAP OF AUER  
 PARK NO. 2 ON PEWAUKEE LAKE

PART LOTS 1, 10, & 12, BLOCK 3  
 AUER PARK ON PEWAUKEE LAKE



SCALE: 1" = 60'



X:\2021\21-002-252 Pewaukee Lake Lot 16 Survey\Drawings\Survey\CSM\530CSM01.dwg

DRAFTED THIS 29TH DAY OF OCTOBER, 2021. REVISED 8-30-22.  
 THIS INSTRUMENT WAS DRAFTED BY TED R. INDERMUEHLE, S-3119

JOB NO. 21-014-252-01  
 SHEET 2 OF 5

**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_

BEING LOT 16, BLOCK 1 AND LOT 6, BLOCK 3 AUER PARK ON PEWAUKEE LAKE, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 24 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL IN TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE:**

STATE OF WISCONSIN )  
 )ss  
COUNTY OF WAUKESHA)

I, Ted R. Indermuehle, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped Lot 16, Block 1 and Lot 6, Block 3 Auer Park on Pewaukee Lake in that part of the Northeast 1/4 of the Northwest 1/4 of Section 24 and the Southeast 1/4 of the Southwest 1/4 of Section 13, all in Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of said Northwest 1/4, thence South 88°58'36" East along the North line of said Northwest 1/4, 1744.43 feet to the place of beginning of the lands hereinafter described.

Thence North 38°50'57" East 174.04 feet to a point on the Meander line of "Pewaukee Lake"; Thence South 42°18'36" East along said Meander line, 99.11 feet to a point; Thence South 40°59'27" West 405.70 feet to a point on the Northerly Right-of-Way of "Louis Ave.", said point being "Point A" of this description; Thence Northwesterly 91.15 feet along the arc of a curve whose center lies to the South, whose radius is 593.00 feet, whose delta angle is 08°48'25" and whose chord bears North 26°31'00" West along said Northerly line, 91.06 feet to a point; Thence North 38°50'57" East 208.66 feet to the point of beginning of this description.

Said Parcel contains 38,146 Square Feet (or 0.8757 Acres) of land to the Ordinary High Water Mark or 35,700 Square Feet (of 0.8196 Acres) of land to the Meander Line, more or less.

Also commencing at said "Point A" thence South 40°59'27" West along a "Tie Line", 43.85 feet to the place of beginning; Thence continuing South 40°59'27" West 72.35 feet to a point; Thence North 24°48'59" West 50.25 feet to a point; Thence Northwesterly 37.53 feet along the arc of a curve whose center lies to the South, whose radius is 487.00 feet, whose delta angle is 04°24'56" and whose chord bears North 24°02'28" West 37.52 feet to a point; Thence North 38°50'57" East 71.85 feet to a point on the Southerly Right-of-Way line of "Louis Ave."; Thence Southeasterly 71.11 feet along the arc of a curve whose center lies to the South, whose radius is 553.00 feet, whose delta angle is 07°22'05" and whose chord bears South 25°42'04" East along said Southerly line, 71.06 feet to a point; Thence South 24°48'59" East along said Southerly line, 18.93 feet to the point of beginning.

Said Parcel contains 5,872 Square Feet (or 0.1348 Acres) of land more or less.  
Combined lands contain 44,018 Square Feet (or 1.0105 Acres) of land to the Ordinary High Water Mark, more or less.

That I have made such survey, land division and map by the direction of **WILLIAM P. HALQUIST JR.**, owner of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Town of Delafield and Waukesha County in surveying, dividing and mapping the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Ted R. Indermuehle, P.L.S.  
Professional Land Surveyor, S-3119  
**TRIO ENGINEERING, LLC**  
4100 N. Calhoun Road, Suite 300  
Brookfield, WI 53005  
Phone: (262)790-1480 Fax: (262)790-1481

X:\2021\21-002-252 Pewaukee Lake Lot 16 Survey\Documents\Survey\530-Certified Survey Map\CSM-Halquist.doc

***CERTIFIED SURVEY MAP NO.*** \_\_\_\_\_

BEING LOT 16, BLOCK 1 AND LOT 6, BLOCK 3 AUER PARK ON PEWAUKEE LAKE, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 24 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL IN TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

**OWNER'S CERTIFICATE:**

As owner, I hereby certify that I have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes, and the Subdivision Regulations of the Town of Delafield and Waukesha County, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
William P. Halquist Jr., Owner

STATE OF WISCONSIN        )  
  ) ss  
COUNTY OF                    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, William P. Halquist Jr., Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, WI  
My commission expires: \_\_\_\_\_

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE:**

The above, which has been filed for approval as required by chapter 236 of the Wisconsin State Statues, is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Dale R. Shaver, Director

***CERTIFIED SURVEY MAP NO.*** \_\_\_\_\_

BEING LOT 16, BLOCK 1 AND LOT 6, BLOCK 3 AUER PARK ON PEWAUKEE LAKE, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 24 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, ALL IN TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

**TOWN OF DELAFIELD PLANNING COMMISSION APPROVAL:**

Approved by the Planning Commission of the Town of Delafield on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Kevin Fitzgerald, Chairman

\_\_\_\_\_  
Dan Green, Administrator-Clerk/Treasurer

**TOWN OF DELAFIELD BOARD APPROVAL:**

Approved by the Town Board of the Town of Delafied on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Ron Troy, Chairman

\_\_\_\_\_  
Dan Green, Administrator-Clerk/Treasurer

**EXTRATERRITORIAL CITY OF DELAFIELD PLAN COMMISSION APPROVAL:**

Be it resolved by the Plan Commission of the City of Delafield on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Molly Schneider, City Clerk

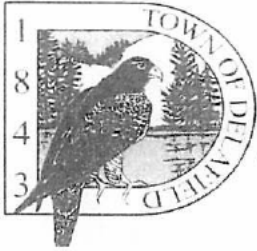
\_\_\_\_\_  
Kent Attwell, Mayor

**EXTRATERRITORIAL CITY OF DELAFIELD BOARD OF REVIEW APPROVAL:**

Be it resolved by the Board of Review of the City of Delafield on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Molly Schneider, City Clerk

\_\_\_\_\_  
Kent Attwell, Mayor



# TOWN OF DELAFIELD

## APPLICATION FOR PLAN COMMISSION AGENDA

*Plan Commission meetings are typically held the first Tuesday of every month. All applications must be submitted at least 3 weeks before a Plan Commission meeting to make the agenda. Any late submittals will be considered at the following meeting.*

(PLEASE PRINT)

Owner Information	Applicant
Name: William Halquist	Name: William Halquist
Address N22W28656 Louis Avenue	Address N22W28656 Louis avenue
City State Zip Pewaukee	City State Zip Pewaukee
Telephone Number [REDACTED]	Telephone Number [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

### APPLICATION TYPE AND FEE (CHECK ALL THAT APPLY)

\*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however, applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs.

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan.....\$150.00                       | <input type="checkbox"/> Home Occupation.....\$50.00           |
| <input type="checkbox"/> Site Grading Plan.....\$50.00                | <input type="checkbox"/> Zoning Amendment.....\$300.00         |
| <input type="checkbox"/> Lighting Plan.....\$50.00                    | <input type="checkbox"/> Land Use Amendment.....\$300.00       |
| <input type="checkbox"/> Signage Plan.....\$75.00                     | <input type="checkbox"/> Conditional Use.....\$225.00          |
| <input type="checkbox"/> Preliminary Plat.....\$300.00                | <input type="checkbox"/> Plan of Operation.....\$150.00        |
| <input type="checkbox"/> Final Plat.....\$150.00                      | <input type="checkbox"/> Planned unit Development.....\$225.00 |
| <input checked="" type="checkbox"/> Certified Survey Map.....\$250.00 | <input type="checkbox"/> Conceptual Plan Review.....\$50.00    |
| <input type="checkbox"/> Developer's Agreement.....\$100.00           | <input type="checkbox"/> Other.....\$50.00 minimum             |

**PROJECT NAME:** Halquist Garage

Property Address: N22W28651 Louis avenue

Tax ID/Parcel ID: Lot 3 Lot Size: .11

Current Zoning: \_\_\_\_\_ Proposed Zoning (if applicable): \_\_\_\_\_

Present Use: same garage Intended Use (if applicable): \_\_\_\_\_

A complete application along with the appropriate fees shall be submitted by the deadline outlined at the top of the application. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the project review checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Delafield reserves the right not to accept an application that is deemed incomplete.





# TOWN OF DELAFIELD PLAN COMMISSION APPLICATION

## Project Description

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet.

### **PETITION FOR REZONING**

In the space below, please describe the purpose of the rezoning.

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### **PETITION FOR LAND USE AMENDMENT**

In the space below, please describe the purpose of the Land Use Amendment.

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### **PETITION FOR CONDITIONAL USE**

In the space below, please describe the purpose of the Conditional Use.

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### **PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PLAT**

In the space below, please describe the intention of the land division.

join 2 properties for zoning compliance

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### **PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION**

In the space below, please describe the intention for the site plan, plan of operation, or other application.

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# Required Forms for Submittal

### Required Forms Checklist:


- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Map land splits)

### Submittal Information:

- One (1) copy of this application (signed & dated)
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to dgreen@townofdelafield.org).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
- Seven (7) copies of supporting materials larger than 11"x17".

I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.

  
 \_\_\_\_\_  
 Signature of Owner

8-22-2022  
 \_\_\_\_\_  
 Date

William Halquist  
 \_\_\_\_\_  
 Print Name

## For Office Use Only

Application Received \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 PC Meeting Date \_\_\_\_\_  
 Public Hearing Date \_\_\_\_\_

Amount Received \_\_\_\_\_  
 Received by \_\_\_\_\_  
 Board Meeting Date \_\_\_\_\_

Publication Date (if required) \_\_\_\_\_



**TOWN OF DELAFIELD**

**PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT**

**PLEASE BE ADVISED**

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

\*\*\*\*\*

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.

  
Signature of Owner

8-22-22  
Date

William H. Gust  
Owner's name (please print)

Form received by: \_\_\_\_\_

Date: \_\_\_\_\_

## Plan Commission Report for September 6, 2022

### **Dierkes Certified Survey Map Agenda Item No. 5. C.**

Applicant: Robert and Jeanne Dierkes  
Project: Land Combination  
Requested Action: Approval of Certified Survey Map  
Zoning: R-3 (County Zoning)  
Location: W303 N2598 Maple Avenue

#### **Report**

The Dierkes' are requesting approval of a Certified Survey Map (CSM) to combine portions of two lots of record into one lot. The CSM eliminates the lot line that passes through the existing house on the lot. The CSM includes dedication of right-of-way on Maple Avenue to the required road width. There is one minor text edit that has to be addressed (surveyor has been notified).

#### **Staff Recommendation:**

I recommend approval of the CSM dated August 24, 2022, subject to the surveyor addressing my text edit and any comments from the City of Delafield and Waukesha County Department of Parks And Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer  
August 30, 2022



# TOWN OF DELAFIELD

## APPLICATION FOR PLAN COMMISSION AGENDA

Plan Commission meetings are typically held the first Tuesday of every month. All applications must be submitted at least 3 weeks before a Plan Commission meeting to make the agenda. Any late submittals will be considered at the following meeting.

(PLEASE PRINT)

Owner Information	Applicant
Name: <u>Jeanne E. Dierkes, (Formerly Jeanne Margis)</u>	Name: <u>Robert + Jeanne Dierkes</u>
Address: <u>5944 Seneca Trail</u>	Address: <u>W303 N2598 Maple Ave</u>
City: <u>Hales Corners, WI</u> State: <u>WI</u> Zip: <u>53130</u>	City: <u>Pewaukee, WI</u> State: <u>WI</u> Zip: <u>53072</u>
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

### APPLICATION TYPE AND FEE (CHECK ALL THAT APPLY)

\*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however, applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs.

- |   |          |  |                 |
|---|----------|--|-----------------|
| <input type="checkbox"/> Site Plan.....                       | \$150.00 | <input type="checkbox"/> Home Occupation.....          | \$50.00         |
| <input type="checkbox"/> Site Grading Plan.....               | \$50.00  | <input type="checkbox"/> Zoning Amendment.....         | \$300.00        |
| <input type="checkbox"/> Lighting Plan.....                   | \$50.00  | <input type="checkbox"/> Land Use Amendment.....       | \$300.00        |
| <input type="checkbox"/> Signage Plan.....                    | \$75.00  | <input type="checkbox"/> Conditional Use.....          | \$225.00        |
| <input type="checkbox"/> Preliminary Plat.....                | \$300.00 | <input type="checkbox"/> Plan of Operation.....        | \$150.00        |
| <input type="checkbox"/> Final Plat.....                      | \$150.00 | <input type="checkbox"/> Planned unit Development..... | \$225.00        |
| <input checked="" type="checkbox"/> Certified Survey Map..... | \$250.00 | <input type="checkbox"/> Conceptual Plan Review.....   | \$50.00         |
| <input type="checkbox"/> Developer's Agreement.....           | \$100.00 | <input type="checkbox"/> Other.....                    | \$50.00 minimum |

PROJECT NAME: CSM  
 Property Address: W303 N2598 Maple Ave, Pewaukee, WI 53072  
 Tax ID/Parcel ID: DELT 780.017 Lot Size: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_ Proposed Zoning (if applicable): \_\_\_\_\_  
 Present Use: Single Family Intended Use (if applicable): \_\_\_\_\_

A complete application along with the appropriate fees shall be submitted by the deadline outlined at the top of the application. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the project review checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Delafield reserves the right not to accept an application that is deemed incomplete.



# TOWN OF DELAFIELD PLAN COMMISSION APPLICATION

## Project Description

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet.

### **PETITION FOR REZONING**

In the space below, please describe the purpose of the rezoning.

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### **PETITION FOR LAND USE AMENDM**

In the space below, please describe the purpose of the Land Use Amendment.

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### **PETITION FOR CONDITIONAL USE**

In the space below, please describe the purpose of the Conditional Use.

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### **PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PL**

In the space below, please describe the intention of the land division.

*Remove the line that divides the property. Combine into one, all land purchased in 1990 (tax Parcel 780.017) as described in the CSM.*

### **PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION**

In the space below, please describe the intention for the site plan, plan of operation, or other application.

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# Required Forms for Submittal

### Required Forms Checklist:

- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Map land splits)

### Submittal Information:

- One (1) copy of this application (signed & dated)
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to dgreen@townofdelafield.org).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
- Seven (7) copies of supporting materials larger than 11"x17".

I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.

Jeanne E. Dierkes  
Signature of Owner

8-25-2012  
Date

Jeanne E. Dierkes  
Print Name

### For Office Use Only

Application Received _____	Amount Received _____
Date Received _____	Received by _____
PC Meeting Date _____	Board Meeting Date _____
Public Hearing Date _____	

Publication Date (if required) \_\_\_\_\_



**TOWN OF DELAFIELD**

**PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT**

**PLEASE BE ADVISED**

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

\*\*\*\*\*

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.

Jeanne E. Dierkes  
Signature of Owner

8-25-2022  
Date

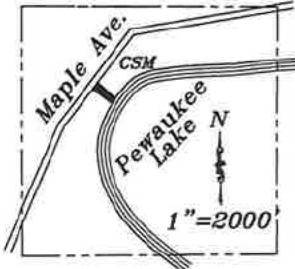
Jeanne E. Dierkes  
Owner's name (please print)

Form received by: Daniel Green  
Date: 8/25/2022



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Being a part Lot 18 and a part of Lot 19, Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.



**Graphic Scale**  
Scale: 1"=50'

**FLOOD DATA** This property is in Zone AE + X of the Flood Insurance Rate Map, Community Panel No. 55133C0178H which has an effective date of November 5, 2014 and IS in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

FEMA 100-Year Flood Elevation=854.4' (NAVD88)

**Vicinity Map**  
NW cor., SE 1/4 Sec. 15, T7N, R18E SE 1/4 Sec. 15-7-18 (conc. mon. w/brass cap)  
N 393,830.49  
E 2,439,861.65

**NOTE:**  
See sheets 2 for "Floodplain Preservation Area Restrictions" and "Basement Restriction-Groundwater" notes.

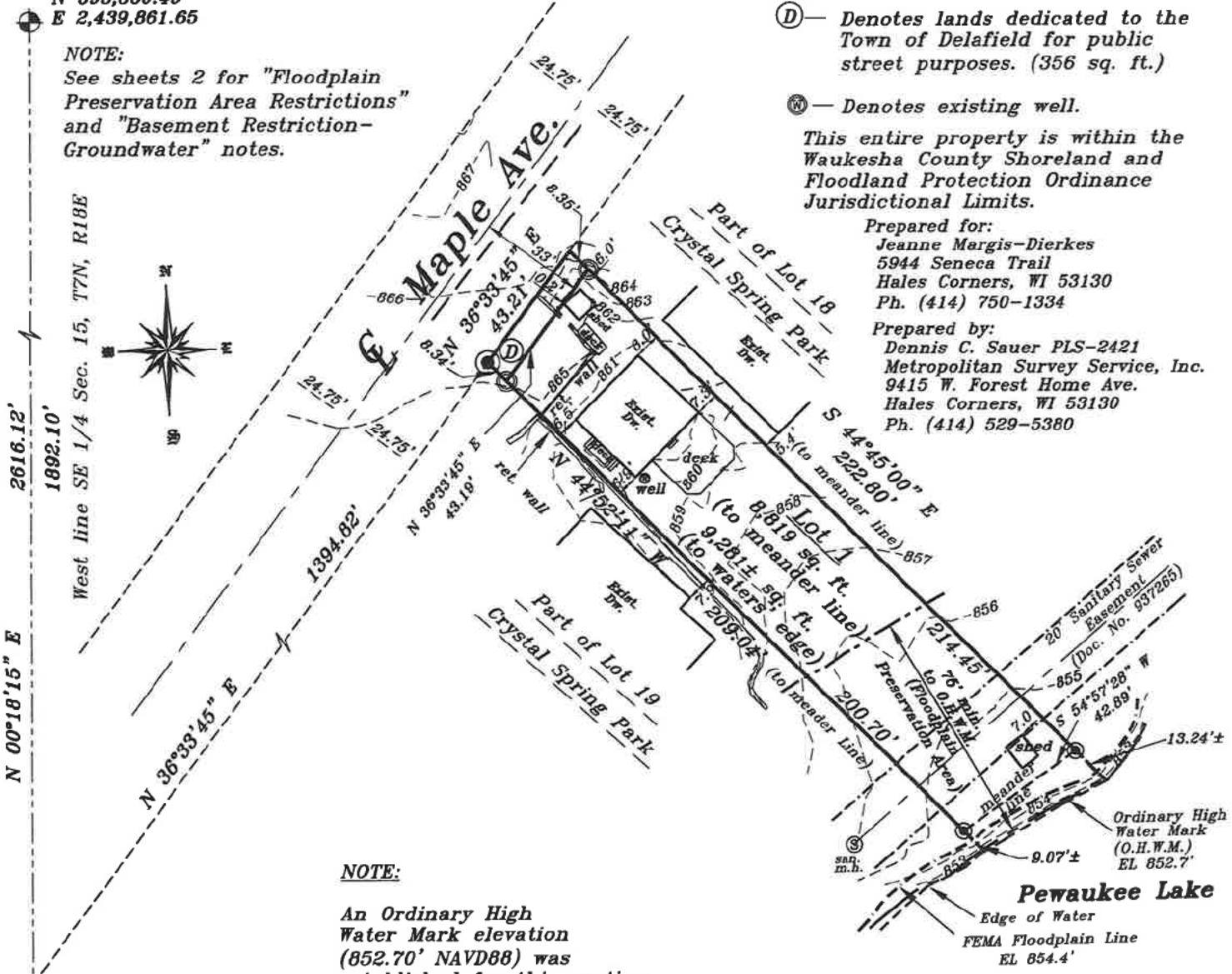
Ⓧ — Denotes lands dedicated to the Town of Delafield for public street purposes. (356 sq. ft.)

Ⓢ — Denotes existing well.

This entire property is within the Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits.

Prepared for:  
Jeanne Margis-Dierkes  
5944 Seneca Trail  
Hales Corners, WI 53130  
Ph. (414) 750-1334

Prepared by:  
Dennis C. Sauer PLS-2421  
Metropolitan Survey Service, Inc.  
9415 W. Forest Home Ave.  
Hales Corners, WI 53130  
Ph. (414) 529-5380



**NOTE:**  
An Ordinary High Water Mark elevation (852.70' NAVD88) was established for this portion of Pewaukee Lake, based on a staking done by the Wisconsin Department of Natural Resources on February 5, 2005 at W289 N3089 Lakeside Dr.

South cor., SE 1/4 Sec. 15, T7N, R18E (conc. mon. w/brass cap)  
N 391,214.65  
E 2,439,847.76

- Notes:**
- Ⓧ Denotes iron pipe set.
  - Ⓢ Denotes iron pipe found and accepted.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, (NAD 27)(Nov. 2008), with the North Line of the SE 1/4 of Sec. 15, T7N, R18E having an assumed bearing of N 89°18'13" W.  
Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of Lot 18 and a part of Lot 19, Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

BASEMENT RESTRICTION - GROUNDWATER

This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Delafield must also be complied with.

FLOODPLAIN RESTRICTIONS

Those areas identified as a Floodplain Preservation Area on sheet 1 of this Certified Survey Map shall be subject to the following restrictions:

1. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that invasive, dead, diseased, or dying vegetation may be removed, at the discretion of the landowner, and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted.
3. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited, unless grazing is conducted in order to manage invasive vegetation and approval is obtained by the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds are prohibited unless designed to enhance the natural environment. Ponds that may be permitted are subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
6. The construction of buildings is prohibited.



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of Lot 18 and a part of Lot 19, Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

I, Dennis C. Sauer, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a part of Lot 18 and a part of Lot 19, Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said Southeast 1/4; thence N 00°18'15" E along the West line of said Southeast 1/4, 724.02 feet to a point; thence N 36°33'45" E, 1394.82 feet to the point of beginning of the lands to be described; thence continuing N 36°33'45" E, 43.21 feet to a point; thence S 44°45'00" E, 222.80 feet to the meander line of Pewaukee Lake; thence S 54°57'28" W, 42.89 feet along said meander line; thence N 44°52'11" W, 209.04 feet to the point of beginning.

Together with those lands lying between the aforementioned meander line and the waters edge of Pewaukee Lake. Said lands continuing 9,176 square feet to meander line and 9,637 square feet more or less, to the water's edge.

That I have made such survey, land division and map by the direction of Jeanne Margis-Dierkes, owner of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

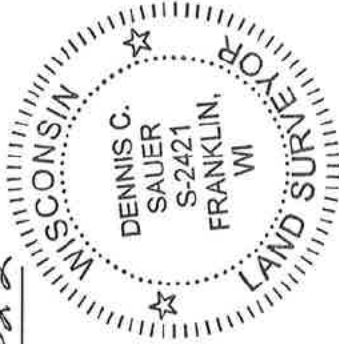
That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the requirements of the Town of Delafield, City of Delafield and the Waukesha County Department of Parks and Land Use, in surveying, dividing and mapping of the same.

August 24, 2022

Date



Dennis C. Sauer  
Professional Land Surveyor S-2421



PREPARED FOR:  
Jeanne Margis-Dierkes  
5944 Seneca Trail  
Hales Corners, WI 53130  
Phone: (414) 750-1334

PREPARED BY: Dennis C Sauer  
Metropolitan Survey Service  
9415 W Forest Home Ave, #202  
Hales Corners, WI 53130  
Phone: (414)529-5380

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of Lot 18 and a part of Lot 19, Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE:

Jeanne Margis-Dierkes, owner of said land, do hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and requirements of the Town of Delafield, City of Delafield and the Waukesha County Department of Parks and Land Use.

WITNESS the hand and seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Jeanne Margis-Dierkes, Owner

STATE OF WISCONSIN)  
WAUKESHA COUNTY ) SS

PERSONALLY, came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
Jeanne Margis-Dierkes, Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

PLAN COMMISSION APPROVAL

APPROVED by the Plan Commission of the Town of Delafield on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Kevin Fitzgerald, Chairman  
Town of Delafield

\_\_\_\_\_  
Dan Green, Town Clerk  
Town of Delafield



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of Lot 18 and a part of Lot 19, Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

EXTRATERRITORIAL APPROVAL

APPROVED by the City of Delafield this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Molly Schneider, City Clerk

\_\_\_\_\_  
Kent Attwell, Mayor

TOWN BOARD APPROVAL

APPROVED by the Town Board of the Town of Delafield on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

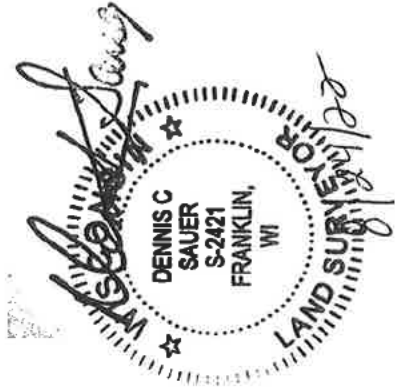
\_\_\_\_\_  
Ronald A. Troy, Chairman  
Town of Delafield

\_\_\_\_\_  
Dan Green, Town Clerk  
Town of Delafield

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL

The above, which has been filed for approval as required by Chapter 236.34, Wisconsin State Statutes is hereby approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Dale R. Shaver, Director



THIS INSTRUMENT WAS DRAFTED BY:  
Dennis C. Sauer, P.L.S. S-2421

# Plan Commission Report for September 6, 2022

## **Palmer Height Increase Agenda Item No. 5. D.**

Applicant: Cormac and Tanya Palmer, owners, Brent Ryan, agent

Project: Accessory Building

Requested Action: Height Increase for Accessory Building

Zoning: A-2 Rural Home District

Location: W334 S1010 Cushing Park Road

### **Report**

Mr. and Mrs. Palmer are proposing to install a 42' x 64' accessory building on their 8.04 acre parcel. The location and size of the building meets the zoning requirements of the A-2 district. Their request is to allow an increase in the height of the building.

<b>Parameter</b>	<b>Code requirement</b>	<b>Proposed</b>
Base Height	12 feet	14'4"
Overall Height	20 feet	26'-4"
Offset (side)	30 feet	90 feet
Offset (rear)	30 feet	45 feet

Mr. Ryan of Morton Buildings indicated that the additional height is due, in part, because of the desire of the owners to have a 6:12 roof pitch and 14 foot sidewalls (to the eave) in order to accommodate a 12 foot high garage door for an RV and other vehicles.

Section 17.03 6. D. allows the maximum height of any building or structure to be increased by not more than ten (10) feet. Their request is an increase in the height of 6'-4".

### **Staff Recommendation:**

The code allows increases in height with an increase of the setback and offsets. The location of the structure will be substantially off the property lines (90 feet and 45 feet), so it meets the additional offset distances. I do not object to the height increase request based on the location of the structure on the lot, as well the rural area of the location. The nearest house from the garage (beside their own) is 640 feet.

Tim Barbeau, Town Engineer  
August 30, 2022



# TOWN OF DELAFIELD

## APPLICATION FOR PLAN COMMISSION AGENDA

*Plan Commission meetings are typically held the first Tuesday of every month. All applications must be submitted at least 3 weeks before a Plan Commission meeting to make the agenda. Any late submittals will be considered at the following meeting.*

(PLEASE PRINT)

Owner Information	Applicant
Name: Tanya and Cormac Palmer	Name: Morton Buildings (Brent Ryan)
Address W334S1010 Cushing Park Rd.	Address W1190 American St.
City State Zip Delafield, Wi. 53018	City State Zip Ixonia, Wi. 53036
Telephone Number [REDACTED]	Telephone Number [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

### APPLICATION TYPE AND FEE (CHECK ALL THAT APPLY)

\*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however, applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs.

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan.....\$150.00             | <input type="checkbox"/> Home Occupation.....\$50.00           |
| <input type="checkbox"/> Site Grading Plan.....\$50.00      | <input type="checkbox"/> Zoning Amendment.....\$300.00         |
| <input type="checkbox"/> Lighting Plan.....\$50.00          | <input type="checkbox"/> Land Use Amendment.....\$300.00       |
| <input type="checkbox"/> Signage Plan.....\$75.00           | <input type="checkbox"/> Conditional Use.....\$225.00          |
| <input type="checkbox"/> Preliminary Plat.....\$300.00      | <input type="checkbox"/> Plan of Operation.....\$150.00        |
| <input type="checkbox"/> Final Plat.....\$150.00            | <input type="checkbox"/> Planned unit Development.....\$225.00 |
| <input type="checkbox"/> Certified Survey Map.....\$250.00  | <input type="checkbox"/> Conceptual Plan Review.....\$50.00    |
| <input type="checkbox"/> Developer's Agreement.....\$100.00 | <input checked="" type="checkbox"/> Other.....\$50.00 minimum  |

**PROJECT NAME:** Tanya and Cormac Palmer

Property Address: W334S1010 Cushing Park Rd.

Tax ID/Parcel ID: DELT0844998006 Lot Size: 8.042 A

Current Zoning: A-2 Proposed Zoning (if applicable) \_\_\_\_\_

Present Use: Homestead/Agriculture Intended Use (if applicable): Personal Storage

A complete application along with the appropriate fees shall be submitted by the deadline outlined at the top of the application. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the project review checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Delafield reserves the right not to accept an application that is deemed incomplete.



# TOWN OF DELAFIELD PLAN COMMISSION APPLICATION

## Project Description

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet.

### **PETITION FOR REZONING**

In the space below, please describe the purpose of the rezoning.

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### **PETITION FOR LAND USE AMENDMENT**

In the space below, please describe the purpose of the Land Use Amendment.

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### **PETITION FOR CONDITIONAL USE**

In the space below, please describe the purpose of the Conditional Use.

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### **PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PLAT**

In the space below, please describe the intention of the land division.

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### **PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION**

In the space below, please describe the intention for the site plan, plan of operation, or other application.

A building height increase from the 12' base height to 14'4" and 20' overall height to 26'4" as per allowed under section 17.03 6. D. Increase Permitted as found on page 21 of the zoning code.

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# Required Forms for Submittal

### Required Forms Checklist:

- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Map land splits)

### Submittal Information:

- One (1) copy of this application (signed & dated)
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to dgreen@townofdelafield.org).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
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I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.

Cornere Pal  
Signature of Owner

8-30-2022  
Date

CORMAC PALMER  
Print Name

## For Office Use Only

Application Received \_\_\_\_\_  
Date Received \_\_\_\_\_  
PC Meeting Date \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_

Amount Received \_\_\_\_\_  
Received by \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

Publication Date (if required) \_\_\_\_\_



306 42'x14' 4"x64' (#4)

26'4"

14'4"

42'

64'



**TOWN OF DELAFIELD**

**PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT**

**PLEASE BE ADVISED**

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

\*\*\*\*\*

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.

Cormac Palmer  
Signature of Owner

8-30-2022  
Date

Cormac Palmer  
Owner's name (please print)

Form received by: \_\_\_\_\_

Date: \_\_\_\_\_

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# Outdoor Lighting

(July 20, 2022)

## Table of Contents

- (1) Purpose and Intent
- (2) Applicability
- (3) Definitions
- (4) Establishment of Zones
- (5) Shielding and Exceptions
- (6) Total Outdoor Light Output Standards
- (7) General Regulations for All Outdoor Lighting
- (8) Zone 1 Non-Residential Outdoor Lighting Requirements
- (9) Zone 2 Residential Outdoor Lighting Requirements
- (10) Zone 3 Agricultural Outdoor Lighting Requirements
- (11) Special Uses
- (12) Light Trespass
- (13) Permits
- (14) Prohibitions

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(1) **Purpose and intent.** The purpose of this section to minimize "light trespass" or "obtrusive light," or more specifically to regulate and reduce the nuisance caused by unnecessary intensity of artificial illumination of property and buildings, to mitigate the impact on ecosystems, to promote the safety and welfare of its citizens by restricting glare producing sources of light and generally establish proper levels of lighting.

(2) **Applicability**

(a) The regulations within this Chapter shall apply to all luminaries installed, erected or maintained in all districts and be required as follows:

- All new land uses, developments, homes, buildings, structures.
- Building additions of 25 percent or more in terms of gross floor area either with a single addition or cumulative additions, shall meet the requirements of this section for the entire property.
- Additions of any size that increase the number of parking spaces by 25 percent.
- Building additions less than 25 percent shall meet the provisions of this section for any new outdoor lighting installed.
- Any change of use to an existing building or structure, except in the case of a single tenant in a multi-tenant building, shall meet the requirements of this section for the entire property to the greatest extent possible as determined by the Plan Commission.

(3) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Acreage, net.* The area of a parcel being developed for a development project including the open space required by the zoning district.

*Classifications of lighting.* Lighting shall be classified in one of the following categories:

- (a) *"Functional" lighting.* All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.
- (b) *"Safety" lighting.* All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.
- (c) *"Decorative" lighting.* Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.
- (d) *Multi-class lighting.* Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined above. All multi-class lighting shall comply with the most restrictive class of which it falls under.

*Color Rendition.* How a light source makes the colors of objects appear to the human eye and how subtle variations in color shades are revealed.

*Development project.* Any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the town for approval.

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**Direct illumination.** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

**Foot-candle.** A unit of light expressed in lumens per square foot.

**Fully shielded fixture or full cutoff fixture.** An outdoor light fixture shielded in such a manner that 100 percent of all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

**Glare.** Intense light from an illumination source which may result in visual impairment or discomfort. Also, a light ray emanating directly from a source such that it falls directly upon the eye of the observer.

**Hardscape.** Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.

**Height.** The height of a light structure shall be the vertical distance between the uppermost extremity of any light structure, pole or supporting member and the grade level.

**Light source.** A single artificial source of luminescence.

**Light trespass.** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

**Lumen.** The unit used to measure the actual amount of light which is produced by a lamp. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered. For avoidance of doubt, a lumens to watts comparison table is below:

Lumens	Incandescent Watts	Fluorescent/LED Watts
375lm	25W	6.23W
600lm	40W	10W
900lm	60W	15W
1125lm	75W	18.75W
1500lm	100W	25W
2250lm	150W	37.5W
3000lm	200W	50W

**Luminaire.** The complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

**Measurement.** For the purposes of this section, unless otherwise stated, illumination levels shall be measured at a point three feet above grade with the measuring device aimed directly at the light source(s) being measured. Measurements shall be taken using baffles or shields to separate the sources(s) under review from other existing or ambient sources such as streetlights, in a manner that eliminates to the greatest extent possible other light sources.

**Opaque.** A material that does not transmit light from an internal illumination source through that material.

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*Outdoor light fixtures.* Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, linear strip lights, search lights, spot lights and flood lights for:

- (a) Buildings and structures;
- (b) Recreational areas;
- (c) Parking lot areas;
- (d) Landscape and architectural lighting;
- (e) Signs (advertising or other);
- (f) Product display areas.
- (g) Private roadway and driveway lighting
- (h) Building overhangs and open canopies
- (i) Any similar use.

*Outdoor light output, total.* The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered.

*Partially shielded fixture.* An outdoor light fixture shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal, as determined by photometric test or certified by the manufacturer.

*Shielding.* A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is shielded from view from adjacent properties. Any structural part of the light fixture providing this shielding must be permanently affixed.

*Temporary lighting.* Lighting which does not conform to the provisions of this ordinance and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension, unless a longer extension is granted by specific approval by the Plan Commission. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects, not including exempt lighting listed in subsection (n). Temporary lighting shall be approved by the Plan Commission.

*Uniformity ratio.* The ratio of the average lighting level to the minimum lighting level.

*Use, abandonment of.* The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principle use of the property.

*Watt.* The unit used to measure the electrical power consumption of a lamp, or when describing a fixture, the fixture input wattage before ballast losses.

(4) **Establishment of zones.** Lighting zones are defined by zoning district.

- (a) *Zone 1*— Lands zoned B-1, B-2, B-3, M-1 and P-1

- (b) **Zone 2**— Lands zoned R-1, R-1A, R-2, R-3, A-2 (residentially used land), A-3 and all shoreland areas.
  - (c) **Zone 3**—A-1, A-E, A-2 (agriculturally used land with or without a residence).
  - (d) For uses that are allowed by conditional use in various zoning districts, the Zone shall be determined by the Plan Commission and based on the proposed use and surrounding area.
- (5) **Shielding and exceptions.** All nonexempt outdoor lighting fixtures shall have full shielding to prevent direct view of the lamp or reflector as viewed from anywhere along the property line or above the horizontal, except for the following:
- (a) Functional and Safety lighting fixtures with an initial lamp output at or below 500 lumens per fixture may be unshielded provided that the fixture is screened from public view.
  - (b) Functional and safety lighting fixtures with an initial lamp output at or below 1,000 lumens per fixture may be partially shielded provided that the fixture is screened from public view.
- (6) **Total outdoor light output standards.** Total outdoor lighting lumen output shall not exceed the limits in Table 1, given in lumens per square foot of hardscape. The following shall be included in this limit:
- (a) Indoor lighting, located within 12 feet of window glass, that is used for or contributes to illumination of displays, merchandise or signage shall be included in the total outdoor light output, by including 25 percent of the contributing as though they produced only one-quarter of the lamp's rated lumen output. If the indoor lighting is directed through the window glass or otherwise used for exterior illumination then the full 100 percent of the lamp's rated lumen output shall be included.
  - (b) Outdoor lighting fixtures that are fully shielded and installed under canopies, roof eaves and building overhangs are counted toward these limits according to the following:
    1. Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five feet but less than ten feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output, by including 25 percent of the contributing lamp's rated lumen output;
    2. Outdoor light fixtures located under the canopy and ten or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output, by including ten percent of the contributing lamp's rated lumen output.

**Table 1 Total Outdoor Light Output Standards**

Lighting Zone	Allowable lumens per square foot of hardscape
1	2.5 lumens
2	1.25 lumens
3	.5 lumens

- (7) **General regulations for all outdoor lighting.**



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All outdoor lighting fixtures shall be designed, located and specified with shielding and shall create cut off of light source view so that no glare or illumination is cast outside the boundaries of the property where the luminaire is located so as to constitute light trespass. No light levels shall be greater than 0.5 foot candles measured at a height of 3 feet above the grade at a property line or high water mark of a lake on which the luminaire is located, except as set forth herein. Outdoor lighting shall not be aimed toward or directed at a neighboring property

(a) *All classes of lighting.*

1. Luminaries attached to a building shall not exceed 16 feet in height from grade.

(b) *Functional lighting.*

1. The maximum illumination of any interior or exterior illuminated sign, including subdivision signs, shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 12 inches.
2. The maximum illumination of any vertical building surface shall not exceed 10 foot-candles.

(c) *Safety lighting.*

1. Parking lot lighting shall maintain a two foot-candle average and a uniformity ratio of 12:1.
2. The height of parking lot light structures may by right be, but shall not exceed, the greater of 20 feet or 75 percent of the height of the principal structure; provided in no case shall the height of any parking lot light structure exceed 20 feet or shall any structure located within 100 feet of a residential use or a undeveloped residentially zoned property exceed a height of 16 feet.
3. Light structures intended for pedestrian traffic shall not exceed 10 feet in height and have average illumination levels between 0.5 and one foot-candle.
4. Bollards shall not exceed 42 inches in height and 8,500 lumens per fixture with 0 percent of lumen output at or above the horizontal plane.
5. Security lighting shall not exceed 25 percent of the total allowed lumen output.
6. Lighting at entrance and exit doors shall not exceed 1.5 foot-candles at the floor or grade level.

(d) *Decorative lighting.*

1. Only the United States flag and the state flag shall be permitted to be illuminated from dusk to dawn. Other flags may be illuminated if they are located on the same pole or part of a group or array that includes the United States or state flag. Flag lighting sources shall not exceed 10,000 lamp lumens per flag pole and shall be shielded to prevent viewing the fixture opening, and designed to apply 80 percent of the fixture output onto the area of the flag.
2. Lighting of aesthetic features including but not limited to hardscape and landscape features, fountains, displays, and statuary shall not exceed 500 lumens per fixture.
3. The maximum illumination of any vertical building surface or facade shall not exceed 10 foot-candles.

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(8) ***Zone 1 Non-residential outdoor lighting requirements***

- (a) Total outdoor lighting lumen output shall not exceed the limits in Table 1.
- (b) All outdoor luminaries shall be reduced to 25% of total illumination by 10 p.m. with the following exceptions:
  - 1. Commercial, industrial and institutional uses which remain open after 10:00 p.m. as permitted by zoning regulations or conditional use requirements shall be allowed to keep their approved outdoor lighting on for the period of time they remain open and up to one-half hour after closing.
  - 2. Approved commercial, industrial, and institutional security lighting shall be allowed in accordance with the provisions of this Code.
  - 3. Motion sensor lighting shall be allowed for security purposes.
- (c) Recreational facilities. Shall be allowed to keep their approved outdoor lighting on for the period of time the recreational use continues.

(9) ***Zone 2 Residential Outdoor Lighting Requirements***

- (a) Residential subdivisions that require yard lamp post lighting shall be equipped with automatic dimmer switches that will reduce the light output by 50% after 10 p.m. every evening.
- (b) The maximum wattage for outdoor luminaries shall be 40 watts per fixture.
- (c) Residential properties may have security lighting; however security lighting shall be operated with motion sensors after 10 p.m. every evening.
- (d) Outdoor lighting fixtures located on berthing structures, piers or docks or designed to illuminate such structures shall be required to meet the following requirements:
  - 1. Flashing or rotating lights are prohibited
  - 2. Outdoor lighting fixtures shall, whether mounted on a berthing structure, pier or dock, or mounted such that it is designed to illuminate any such structure, shall have shielding or be fitted with an opaque light shield to limit the upward and outward projection of light to an angle no greater than 45 degrees below the horizon to prevent direct visibility of the lamp to persons on public waters or adjacent lands. Such outdoor light fixtures shall be limited to a maximum of one foot-candle measured at the ordinary high water mark.
  - 3. Outdoor lighting fixtures installed on or intended to illuminate berthing structures, piers or docks shall be turned off when not required for safety or security.

(10) ***Zone 3 Agricultural Outdoor Lighting Requirements***

- (a) The Town of Delafield recognizes the need for lighting related to farming and agricultural operations in the Town as well as a desire to minimize glare caused by lights associated with agricultural use. To the extent practicable, lighting for agricultural uses shall meet the following standards:

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1. Lighting shall be reduced at dusk to that lighting needed for safety of the operations and security of the agricultural use.
  2. The amount of light at the property lines shall be no greater than 0.5 foot-candles.
  3. Barn lights and/or flood lights shall be shielded or partially shielded to minimize dispersion outside the area being lit, and reduce glare and light trespass.
- (11) **Light trespass.** Unless otherwise approved in accordance with this section, all luminaries shall be of a full cutoff design and directed so as to confine the area of light dispersion to the property and/or building area which it is intended to illuminate. More specifically, all lighting installations shall conform to the following standards:
- (a) All luminaries except street lights shall be located, aimed or shielded so as to prevent stray light trespassing across property boundaries, measurable at or below 0.5 foot-candles while holding meter perpendicular to offending source(s).
  - (b) Where adjacent to non-residential property, the maximum permitted illumination level located 10 feet within that adjacent property shall be no greater than 0.1 horizontal foot-candles.
  - (c) Where adjacent to residential property, the maximum permitted illumination level on a residentially zoned parcel located immediately within that adjacent property shall be no greater than 0.01 horizontal foot-candles.
  - (d) Ground mounted lighting. In order to fully hide the light fixture from public view and to prevent glare and brightness from normal public view, all ground mounted luminaries designed or intended for purposes of illuminating, signs, flagpoles or other onsite amenities shall be completely screened, at the time of installation, with non-seasonal vegetative cover or other materials as approved by the Plan Commission. Additional louvers or shielding may be required to prevent source brightness and glare from normal public view.
- (12) **Special uses.** In addition to the requirements of this chapter, the following uses shall have additional restrictions.
- (a) *Illuminated outdoor recreation facilities.*
    1. Lighting for outdoor recreational facilities including athletic fields, courts, or tracks shall be exempt from the lumens per acre limits of this section.
    2. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America. (IESNA RP-6)
    3. Lighting trespass requirements are maintained.
    4. Lighting shall only be used for the period of time that the recreational use continues.
  - (b) *Auto display lots.*
    1. Lighting for display lots shall be exempt from the lumens per parcel limits of this section.
    2. Total output. The total light output used for illuminating display lots shall not exceed 20 foot-candles.

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3. Every display lot lighting system and design shall be certified by a registered engineer as conforming to all restrictions in this section.
- (c) *Service station canopies or similar structures with a canopy.*
1. All luminaries mounted on the under surface of service station canopies shall be fully shielded, recessed, and utilize flat glass or flat plastic (acrylic or polycarbonate) covers, with no direct illumination permitted at or above the horizontal plane.
  2. Total output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial lamp outputs in lumens, shall not exceed 20 foot-candles. All lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included toward the total.
  3. No lighting shall be placed on the facade or roof of the canopy.
- (d) *Public and Private street lighting.*
1. Where private street lighting is installed, on private or public roads, the luminaries shall be fully shielded and not exceed 2,700 lumens per fixture.

(13) **Permits.**

- (a) Prior to the erection, installation or placement of any exterior artificial light source, an application for permit shall be filed with the building inspector. All applications shall include
1. a scaled plan depicting the existing and proposed number of fixtures, specific locations, intensity (stated in wattage and lumens) and total lumens.
  2. manufacturers iso-footcandle curve reference plot
  3. light distribution contour plan
  4. manufacturers fixture and pole cut sheets with luminaire elements clearly defined on them
  5. type of illumination of all light sources.
  6. chart indicating the total hardscape area of the site

The building inspector shall forward the information to the Plan Commission, for approval. The plans submitted in compliance hereto shall not necessarily be deemed sufficient to fulfill the technical requirements of the building and electrical ordinance of the town but are in addition thereto.

- (b) Any permit issued by the building inspector under the provisions of this section shall expire and be null and void if not implemented within one year of the date of approval. Whenever a permit is granted in conjunction with a site plan approval, such permit shall be valid for the same time period as the related site plan.

(14) **Prohibitions.**

- (a) The following types of lighting shall be prohibited except as otherwise approved by planning commission:

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1. Swivel mounted luminaries.
  2. Outdoor neon lighting.
  3. Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.
  4. Display of intermittent lights or flashing, blinking, moving lights except as follows:
    - a. Where such lights are required by state or federal law.
    - b. Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.
  5. *Laser source light*. The use of laser source light or any similar high intensity light is prohibited.
  6. *Searchlights*.
  7. Light intended to illuminate naturally occurring environmental features including but not limited to wetlands, rivers, lakes and dedicated open spaces shall be prohibited except as approved as by the Plan Commission.
- (b) *Exceptions*. The Plan Commission, may approve exceptions to the provisions of this subsection where, in their opinion, strict compliance to the regulations is impractical and the alternative would further the public interest.
- (c) *Exemptions*. The following types of lighting shall be exempt from the outdoor lighting regulations:
1. Seasonal decorations are exempt from the requirements of this chapter unless it constitutes a public nuisance (traffic, safety, etc.).
  2. Tower lighting or any other lighting which is required by federal or state regulations.
  3. Special events when use and lighting are approved by the Plan Commission and Town Board.