



## 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, March 21, 6:30 p.m.

Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018

Prior to the start of the scheduled Plan Commission meeting there will be three public hearings in front of the Plan Commission and Town Board. The first hearing is to solicit input on a request from Scott Kessler, representative of the Bruce J. Kessler Living Trust to amend the Town of Delafield zoning map from A-1 Agricultural District to A-3 Suburban Home District for the vacant property located south of W334 S188 Cushing Park Road. The second hearing is at the request of Janet McAuliffe for a Conditional Use Permit to operate a Hobby Kennel at W305 N2593 Ravine Court. The third public hearing will be a joint public hearing with Waukesha County Department of Parks and Land Use to consider a request from Oakton Investment, LLC for a Conditional Use Permit to continue a legal nonconforming use and improve the inside of the structure greater than 50% of the value located at N19 W28233 Oakton Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings.

### AGENDA

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of February 7, 2023.
3. Communications (for discussion and possible action): None
4. Unfinished Business: None
5. New Business:
  - A. David J. French Revocable Trust of 1991, by Kathy Sawyer-Gutenkunst, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at W297 N2910 Oakwood Grove Road.
  - B. Scott Kessler, representative for the Bruce J. Kessler Living Trust, Re: Consideration and possible action on a request to amend the Town of Delafield zoning map from A-1 Agricultural District to A-3 Suburban Home District for the vacant property located south of W334 S188 Cushing Park Road. Tax Key No. DELT0841-031-002.
  - C. Oakton Investment, LLC, by Joel Blenker, agent, Re: Consideration and recommendation to Waukesha County Department of Parks and Land Use for a Conditional Use Permit to continue a legal nonconforming use and improve the inside of the structure greater than 50% of the value located at N19 W28333 Oakton Road
  - D. Janet McAuliffe, W305 N2593, Re: Consideration and possible action on a request for a Conditional Use Permit to operate a Hobby Kennel at W305 N2593 Ravine Court.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: **May 2, 2023.**
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  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Delafield Town Board and Plan Commission on Tuesday, March 21, 2023, starting at 6:30 p.m., at the Delafield Town Hall, W302 N1254 Maple Avenue, Delafield, WI 53018. The purpose of the hearing is to consider a request by Scott Kessler, representative of the Bruce J. Kessler Living Trust, owner, to rezone a vacant 2.98-acre parcel of land located south of W334 S188 Cushing Park Road. from A-1 Agricultural District to A-3 Suburban Home District. Tax Key No. is DELT0841-031-002.

For information regarding the public hearing, please contact Tim Barbeau, Town Engineer at (262) 317-3307 or Dan Green, Town Administrator at (262) 646-2398.

All interested parties will be heard.

TOWN OF DELAFIELD  
Ronald A. Troy, Chairman  
W302 N1254 Maple Avenue  
Delafield, WI 53018

Waukesha Freeman. Please run this notice in a column on March 7, 2023 and March 14, 2023.

TOWN OF DELAFIELD  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Delafield Town Board and Plan Commission on Tuesday, March 21, 2023, starting immediately after a public hearing that will begin at 6:30 p.m., at the Delafield Town Hall, W302 N1254 Maple Avenue, Delafield, WI 53018. The purpose of the hearing is to consider the request of Janet McAuliffe for a Hobby Kennel Conditional Use Permit to allow four (4) dogs on her property at W305 N2593 Ravine Court.

For information regarding the public hearing, please contact Tim Barbeau, Town Engineer at (262) 317-3307 or Dan Green, Town Administrator at (262) 646-2398.

All interested parties will be heard.

TOWN OF DELAFIELD  
Ronald A. Troy, Chairman  
W302 N1254 Maple Avenue  
Delafield, WI 53018

Waukesha Freeman. Please run this notice in a column on March 7, 2023 and March 14, 2023.



## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a Joint Public Hearing will be held by the Town of Delafield Plan Commission, Town Board and a Staff Representative of the Waukesha County Department of Parks and Land Use - Planning and Zoning Division, on **Tuesday, March 21, 2023, 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 (**CU86**) of Joel Blenker (owner), and Martin Rizo (applicant), for interior remodeling and structural repairs to a legal non-conforming duplex damaged by fire.

The subject property is located in part of the NE ¼ of Section 24, T7N, R18E, Town of Delafield. More specifically, the property is located at N19 W28233 Oakton Road, Pewaukee, WI, 53072-5177 (Tax Key No. DELT 0813.984).

For additional information regarding this public hearing, please contact Ben Greenberg 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  
Waukesha Freeman on  
Tuesday, March 7, 2023 and  
Tuesday, March 14, 2023.

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, FEBRUARY 7, 2023, 6:30 P.M.**

**Video Link:** <https://www.youtube.com/watch?v=603EKTxFQU>

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and Town Board. The hearing is to solicit input on an ordinance to repeal and recreate Section 17.08 7. B. of the Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings.

Public Comments: None

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

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

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

Also present: Engineer Tim Barbeau and Administrator Dan Green.

**Second order of business:** Approval of the minutes of January 3, 2023.

Motion by Chairman Troy to approve the minutes from January 3, 2023. *Seconded by Commissioner Dickenson. Motion passed 6-0.*

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

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

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

- A. Tim and Anna Trotier, N20 W29592 Glen Cove Road, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at N20 W29592 Glen Cove Road.

Engineer Barbeau explained the location of the property on East Glen Cove Road, just east of the bike path. The CSM would combine two existing lots into one. The intent is to remove the house and build a new home on the combined parcel. He recommends approval of the CSM subject to the satisfaction of any comments by the Town, City, and Waukesha County.

*Motion by Supervisor Kranick to recommend to the Town Board approval of a Certified Survey Map dated October 10, 2022, for Tim and Anna Trotier for the property located at N20W29592 Glen Cove Road, subject to the satisfaction of all outstanding review comments from the Town, City of Delafield, and Waukesha County Department of Parks and Land Use prior to the Town executing the document. Seconded by Commissioner Dickerson. Motion passed 6-0.*

- B. Town of Delafield, Re: Consideration and possible action on the adoption of an ordinance to repeal and recreate Section 17.08 7. B. of the Town of Delafield Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review.

Engineer Barbeau explained that the Plan Commission reviews all sign requests. Changes in state laws have changed how the Town can enforce signage. Many communities have changed to allow staff to approve signs that meet the code requirements. This ordinance allows Town staff to approve signs that meet our code, with variances from the code to be approved by the Plan Commission.

*Motion by Chairman Troy to approve and recommend to the Town Board approval of an ordinance to repeal and recreate Section 17.08 7. B. of the Town of Delafield Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review. Seconded by Supervisor Kranick. Motion passed 6-0.*

- C. Town of Delafield, Re: Consideration and possible recommendation to the Town Board to adopt Ordinance 2023-05 which would create Chapter 11 of the Town Code related to outdoor lighting.

Engineer Barbeau explained this has been talked about for the past three years. The conclusion that staff has made is to codify this ordinance for commercial properties. Residential and agricultural complaints can be covered by State nuisance laws. We talked about enforcing residential lighting, but would take too much staff time. State laws provide plenty of ability to address residential complaints. The commercial lighting will go into Chapter 11, so it does not require County approval for changes. We have a substantial purpose and intent based on commercial. We have definitions and applicability. This also comes into play in certain conditional uses. We have a requirement that existing businesses have to come into compliance by the end of this year. One of the measurements is by lumen level, which is 2.5 lumens per square foot of hard surface. All fixtures have to be cutoff fixtures, angled down. The code will require a reduction to 25% at night. It also requires light polls not to exceed a total height of 20 feet. Parking lots may require more lights, but are lighting less area. Lights at the property line can be no greater than .2 foot-candles.

Commissioner Janusiak questions 11.03.1 c-e, based on this ordinance being retroactive. Chairman Fitzgerald explained these were put in place when the ordinance was not going to be retroactive. The commission decided to add "additions" to subsection b, and remove 11.03.1 c-e. The commission discussed adding a way to waiver some requirements, and used light polls as an example, in the case businesses cannot come into compliance. The commission discussed specifically allowing waivers for poll height and light fixtures. This could be added to the end of 11.04. The Commission made the following changes to the ordinance:

- Eliminate 11.03.1. c-e.
- Grandfather in poll heights in Section 11.04.2.C.2, but enforce 20 feet for all new construction.
- Light fixtures for existing buildings seeking a variance must be approved by the Plan Commission in Section 11.04.2.
- Update 11.03 b. to read, "All new developments, buildings, structures, and modifications for i. commercial ii. Business iii. Industrial, and iv. Institutional uses.

*Motion by Chairman Troy to recommend to the Town Board approval of Ordinance 2023-05, and ordinance to create Chapter 11 of the Town Code related to outdoor lighting, subject to the following changes:*

- *Eliminate 11.03.1. c-e*
- *Grandfather in poll heights in Section 11.04.2.C.2, but enforce 20 feet for all new construction.*
- *Light fixtures for existing buildings seeking a variance must be approved by the Plan Commission in Section 11.04.2.*
- *Update 11.03 b. to read, "All new developments, buildings, structures, and modifications for i. commercial ii. Business iii. Industrial, and iv. Institutional uses.*

*Seconded by Commissioner Dickenson. Motion passed 6-0.*

**Seventh Order of Business:** Announcements and Planning Items: Next meeting: March 21, 2023.

**Eighth Order of Business:** Adjournment

*Motion by Supervisor Kranick to adjourn the February 7, 2023, Plan Commission meeting at 7:27 p.m. Seconded by Chairman Troy. Motion passed 6-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer

## Plan Commission Report for March 21, 2023

### **French Certified Survey Map Agenda Item No. 5. A.**

Applicant: David J. French Revocable Trust of 1991,  
owner, Kathy Sawyer-Gutenkunst, agent

Project: Land Combination

Requested Action: Approval of Certified Survey Map

Zoning: R-3 (County Zoning)

Location: W297 N2910 Oakwood Grove Road

### **Report**

The property owners are requesting approval of a Certified Survey Map (CSM) to combine two lots into one lot. The CSM creates a single 20,991 square foot parcel. The lot results in a conforming lot size in the County's R-3 Residential zoning district.

The CSM includes a dedication of 6 feet of land to create a 23-foot wide half-width of right-of-way, consistent with what is on the street width map and the lot to the south.

I have reviewed the document for conformance to Town requirements and find that the CSM as submitted meets Town requirements.

### **Staff Recommendation:**

I recommend approval of the CSM dated September 8, 2022, subject to satisfaction of any outstanding review comments from the Village of Hartland (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer  
March 7, 2023



# 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:<br>David J. French Revocable Trust | Name:<br>Kathy Gutenkunst, attorney           |
| Address<br>N28 W29685 Oakwood Grove Rd   | Address<br>N17W24222 Riverwood Dr.            |
| City State Zip<br>pewaukee wi 53072      | City State Zip<br>waukesha suite 250 WI 53188 |
| Telephone Number<br>[REDACTED]           | Telephone Number<br>[REDACTED]                |
| Email:<br>[REDACTED]                     | Email:<br>[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:** Oakwood Grove - French lot merger

**Property Address:** N28W29685 Oakwood Grove rd Pewaukee wi 53072

**Tax ID/Parcel ID:** 0774-009 & 0774-010      **Lot Size:** 120 x 174.93

**Current Zoning:** residential      **Proposed Zoning (if applicable)** N/A

**Present Use:** residential      **Intended Use (if applicable):** residential

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.

---

---

---

---

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

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

---

---

---

---

### **PETITION FOR CONDITIONAL USE**

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

---

---

---

---

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

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

owner wishes to merge two lots into one.

---

---

---

---

### **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.

---

---

---

---

---

---

---

---





# 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.

*David J. French*  
 Signature of Owner

2-10-2023

Date

David J. French

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.

Kathy Sy Dittel agent  
Signature of Owner

2-10-2023  
Date

David J. French  
Owner's name (please print)

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

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

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

Being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

**OWNERS:**  
 DAVID J. FRENCH REVOCABLE TRUST OF 1991  
 N28W29685 OAKWOOD GROVE ROAD  
 PEWAUKEE WI, 53072

**SURVEYOR:**  
 KETTLE MORaine SURVEYING INC.  
 PO BOX 357  
 EAGLE WI. 53119  
 262-366-0642

NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 14-7-18  
 STATE PLANE COORDINATES  
 NORTHING: 396,449.06  
 EASTING: 2,442,560.26

NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 14-7-18  
 STATE PLANE COORDINATES  
 NORTHING: 396,419.28  
 EASTING: 2,445,211.28

NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 14-7-18

S89°21'24"E

1610.14'

S89°21'24"E

1042.29'

THE ENTIRE PROPERTY IS WITHIN THE JURISDICTION OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE.

THIS C.S.M. DOES NOT CREATE ANY ADDITIONAL LOTS.

- FOUND 6" CONC. MON. W/BRASS CAP
- SET 1 1/4" O.D. X18" IRON PIPE WEIGHING 1.13 LBS./LIN. FT.
- S.C.C. SET CUT CROSS IN CONCRETE
- ( ) RECORDED AS DIMENSIONS
- ..... GREATER THAN 12% SLOPE

N89°21'24"W

69.00'

S89°21'24"E

1042.29'

1179.01'

S00°50'14"W

1179.01'

S00°50'14"W

1179.01'

S00°50'14"W

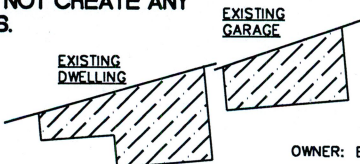
1179.01'

S00°50'14"W

1179.01'

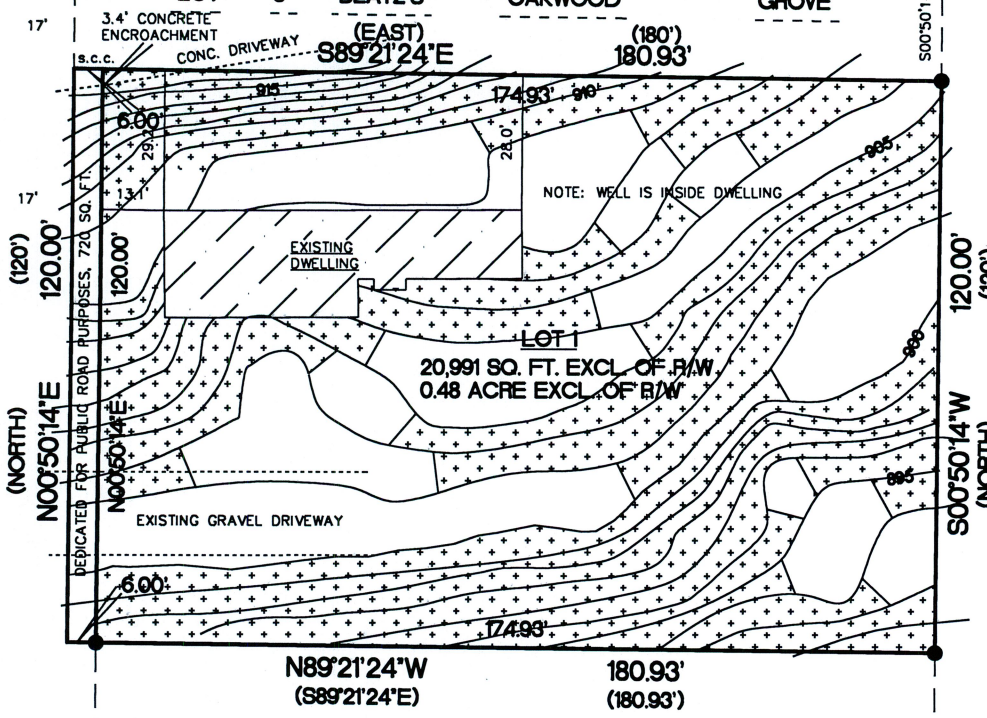
S00°50'14"W

1179.01'



OWNER: BONNIE GALUSHA

**LOT 8 BLATZ'S OAKWOOD GROVE**



NOTE: WELL IS INSIDE DWELLING

20,991 SQ. FT. EXCL. OF R/W  
 0.48 ACRE EXCL. OF R/W

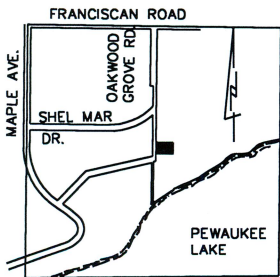
**LOT 1 C.S.M. NO. 12179**

OWNERS: ALAN G. HAUBNER/SHARON GAJEWSKI

LOT 1 C.S.M. NO. 11993

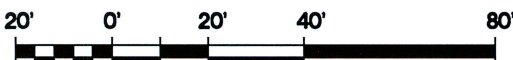
OWNER: DAVID J. FRENCH REVOCABLE TRUST OF 1991

**OAKWOOD GROVE ROAD**



**LOCATION MAP**  
 NW 1/4 SEC. 14-7-18  
 1"-2000'

SCALE 1"=40'



BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 14-7-18 IS ASSUMED TO BEAR N89°21'24"W, (NAD27).

**TERRANCE E. PISAREK S-1930**

DATED THIS 8TH DAY OF SEPTEMBER, 2022  
 REVISED THIS 11TH DAY OF MARCH, 2023  
 REVISED THIS 15TH DAY OF MARCH, 2023

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

Being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

**SURVEYORS CERTIFICATE**

I, Terrance E. Pisarek, Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped a parcel of land being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northwest ¼ of said Section 14; thence South 89°21'24" East along the North line of the Northwest ¼ of said Section 14, 1610.14 feet; to a Westerly line of Lot 1, Certified Survey Map No. 11993 extended Northerly; thence South 00°50'14" West along said Westerly line, 1179.01 feet to a Northerly Line of said Lot 1; thence North 89°21'24" West along said Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 69.00 feet to a Westerly line of said Lot 1 and the Easterly line of Lot 8 of said Blatz's Oakwood Grove Subdivision; thence South 00°50'14" West along said Westerly and Easterly line, 40.00 feet to the Northeast corner of said Lot 7 and the Point of Beginning; thence continuing South 00°50'14" West along said Westerly line and the Easterly line of said Lots 6 and 7, 120.00 feet to the Northerly line of Lot 1, Certified Survey Map No. 12179 and the Southerly line of said Lot 6; thence North 89°21'24" West along said Southerly and Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 180.93 feet to the Westerly line of said Lot 6; thence North 00°50'14" East along the Westerly lines of said Lots 6 and 7, 120.00 feet to the Northerly line of said Lot 7; thence South 89°21'24" East along said Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 180.93 feet to the Point of Beginning, dedicating the Westerly 6.00 feet for public Street purposes, containing 0.48 acres of land exclusive of the dedicated right of way.

That I have made such survey, land division and map by the direction of David J. French Revocable Trust of 1991, Owner of the land

That such map is a true and correct representation of all 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 State Statutes and the ordinances of the Town of Delafield, Village of Hartland and Waukesha County, in surveying, dividing and mapping the same.

Dated this 8<sup>th</sup> Day of September, 2022

Revised this 11<sup>th</sup> Day of March, 2023

Revised this 15<sup>th</sup> of March, 2023

\_\_\_\_\_  
**Terrance E. Pisarek S-1930**

**OWNERS CERTIFICATE**

I, David J. French as Trustee for the David J. French Revocable Trust of 1991, Dated August 14, 1991, as amended and restated, as owner, do hereby certify that I have caused the land described to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the Town of Delafield Land Division Ordinance.

I also certify that this plat is required to be approved by the following: Town of Delafield, Waukesha County and the Village of Hartland.

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
**David J French, Trustee**

State of Wisconsin)  
County of Waukesha)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the above named person, to me be known to be the person who signed the foregoing Instrument and acknowledged that he executed the same.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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

Being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

**TOWN BOARD APPROVAL**

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

\_\_\_\_\_  
**Ronald A. Troy, Chairman**

\_\_\_\_\_  
**Daniel Green, Town Clerk/Treasurer**

**PLAN COMMISSION APPROVAL**

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

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

\_\_\_\_\_  
**Daniel Green, Town Clerk/Treasurer**

**VILLAGE OF HARTLAND EXTRA TERRITORIAL APPROVAL**

This Certified Survey Map was approved by the Village of Hartland on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Jeffrey Pfannerstill, President**

\_\_\_\_\_  
**Darlene Igl, Clerk**

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

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

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

**BASEMENT RESTRICTION-GROUNDWATER**

The lands that are a part of this Certified Survey Map are located in an area with mapped soils that may contain seasonal high groundwater. Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code currently require 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 future proposed residence 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 be complied with.

**The Town has an Ordinance (Ordinance No. 249) designation the Right of Way of Oakwood Grove Road as 34 ft. except where it is demonstrated that the actual Right of Way designated by Ordinance No. 249. In this case, there is additional pavement adjacent to the subject property due to the curvature of the road requiring a dedication of 6 ft. of additional Right of Way on this Certified Survey Map.**

Dated this 8<sup>TH</sup> Day of September, 2022  
Revised this 11<sup>th</sup> Day of March, 2023  
Revised this 15<sup>th</sup> Day of March, 2023



## Plan Commission Report for March 21, 2023

### **Kessler Zoning Amendment Agenda Item No. 5. B.**

|                   |   |
|-------------------|---|
| Applicant:        | Scott Kessler, representative of the Bruce J. Kessler Living Trust  |
| Project:          | Zoning Amendment  |
| Requested Action: | Recommendation to Town Board to rezone the subject land from A-1 Agricultural to A-3 Suburban Home District |
| Zoning:           | A-1 Agricultural  |
| Location:         | Vacant property located south of W334 S188 Cushing Park Road  |

### **Report**

The subject property is currently zoned A-1 Agricultural and is legal non-conforming due to the lot size (2.8 net acres vs. 40 acres required by A-1). Prior to the 1998 zoning code update, the A-1 district allowed 3-acre residential lots. The code update designated the A-1 district to be the primary agricultural district and required a 40-acre lot size minimum. This resulted in a number of smaller A-1 lots to become legal nonconforming. Mr. Kessler has requested a zoning amendment to A-3 to bring the lot into zoning conformance with the zoning code for eventual sale and single-family home construction. The lot is currently vacant.

Adjacent zoning to the subject property includes A-3 to the north, A-1 to the south, A-1 PUD to the west and R-1 to the east. The Town has previously rezoned lands along the east side of Cushing Park Road to either A-2 or A-3 (depending on the lot size) to bring lots into conformance with the Town zoning code. Since this lot is less than 3 acres, the request is to rezone to A-3 Suburban Home District. Under the A-3 zoning, no future split of the land can take place.

### **Staff Recommendation:**

The proposed zoning amendment brings the lot into conformance with the Town zoning code which is positive for the community as a whole. The zoning request is compatible with the surrounding residential zoning. I recommend that the Plan Commission make a positive recommendation to the Town Board to approve the request to amend the zoning on property known as Tax Key No. DELT 0841-031-002, located south of W334 S188 Cushing Park Road from A-1 Agricultural to A-3 Suburban Home District.

Tim Barbeau, Town Engineer  
March 7, 2023



**Legend**

- Municipal Boundary\_2K
- Parcel\_Dimension\_2K
- Note\_Text\_2K
- Lots\_2K**
  - Lot
  - Unit
  - General Common Element
  - Outlot
- SimultaneousConveyance**
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartoline\_2K**
  - EA-Easement\_Line
  - PL-DA
  - PL-Extended\_Tie\_line
  - PL-Meander\_Line
  - PL-Note
  - PL-Tie
  - PL-Tie\_Line
  - <all other values>
- Railroad\_2K**

0 200.00 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**

Printed: 3/7/2023









# **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.

Property is currently non conforming as it is zoned A-1 with a requirement of a minimum of 30 acres.

Scott would like to have the 2.98 parcel abutting Cushing Park Road re-zoned to A-3 which has a

two acre minimum so that it is conforming and can be sold as a future home site for a single

family residence. Scott Kessler is the executor of his fathers estate. Bruce Kessler is Deceased

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

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

---

---

---

---

### **PETITION FOR CONDITIONAL USE**

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

---

---

---

---

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

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

---

---

---

---

### **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.

---

---

---

---

---

---

---

---





# 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](mailto: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

2/9/2023

Date

Scott Kessler

Print Name

## For Office Use Only

Application Received \_\_\_\_\_  
Date Received 2/10/23  
PC Meeting Date 3/21/23  
Public Hearing Date 3/21/23

Amount Received \$300  
Received by TGB  
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

2/9/2023  
Date

Scott Kessler  
Owner's name (please print)

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

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

**Property Details**

Tax Key: **DELT0841031**  
 Tax Year: **2022**

**1/31/2023 1:27:02 PM**  
**WAUKESHA COUNTY**  
**TOWN OF DELAFIELD**

**OWNER NAME AND MAILING ADDRESS**

BRUCE J KESSLER LIVING TRUST  
 W333S221 GLEN OAKS DR  
 DELAFIELD, WI 53018

[Click Here to Provide Updated Mailing Address](#)

**PROPERTY ADDRESS**

W333S221 GLEN OAKS DR  
 DELAFIELD, WI 53018

**LEGAL DESCRIPTION**

LOT 10 BLK 2 KELLY-GLEN SUBDIVISION PT SE1/4 SEC 30 & NE1/4 SEC 31 T7NR18E ALSO PT NE1/4 SEC 31 COM N1/4 COR S02°32'E 433.17 FT THE BGN S89°15'E 574.16 FT S01°44'E 227.00 FT N89°15'W 570.96 FT N02°32'W 227.16 FT TO BGN EX WLY 33 FT FOR ROAD 2.98 AC DOC# 3329202

**ASSESSMENT STATUS**

Assessment Year: 2022  
 Assessment Status: ACTIVE  
 Assessment Attributes: NONE  
 Deeded Acres:

**OWNERSHIP/LEGAL DESCRIPTION EXCEPTION DOCUMENTS**

BASIC VESTING DEED DOC 3329202

**ASSESSMENT INFORMATION**

Assessed By: GROTA APPRAISALS LLC  
 262-253-1142  
[ray@wi-assessor.com](mailto:ray@wi-assessor.com)  
 Board of Review Date: 5/2/2022

**Links to WI Dept of Revenue Resources:**  
[Guide for Property Owners](#)  
[Property Assessment Appeal Guide](#)  
[Board of Review Calendar](#)  
[Property Assessment Appeal Guide](#)

**PROPERTY VALUES**

| Property Class | Acres        | Land                | Improvement         | Total               |
|----------------|--------------|---------------------|---------------------|---------------------|
| RESIDENTIAL    | 4.580        | \$108,000.00        | \$268,000.00        | \$376,000.00        |
| <b>Total:</b>  | <b>4.580</b> | <b>\$108,000.00</b> | <b>\$268,000.00</b> | <b>\$376,000.00</b> |

**DISTRICTS**

| District Type | District Name         | DOR Code |
|---------------|-----------------------|----------|
| TOWN          | TOWN OF DELAFIELD     | 004      |
| SCHOOL        | KETTLE MORaine 1376   | 1376     |
| TCDB          | WAUKESHA TECH COLLEGE | 08       |
| UTIL          | GARBAGE / RECYCLING   |          |

This program accesses data from databases maintained by several County Departments and Local Municipalities. There may be inconsistencies in data depending on the date the information was gathered or the purpose for which it is maintained. Due to variances in sources and update cycles, there is no guarantee as to the accuracy of the data. For questions regarding Outstanding Taxes and Tax Payment records, contact the County Treasurer's office at (262)548-7029.

**For Tax Listing and GIS Viewer related issues, please see our FAQs [click here](#). If you still have tax listing questions, contact: [taxlisting@waukeshacounty.gov](mailto:taxlisting@waukeshacounty.gov). If you still have GIS Viewer questions, contact: [landinformation@waukeshacounty.gov](mailto:landinformation@waukeshacounty.gov).**

The following browsers are supported:    This page run 1/31/2023 1:27:02 PM.

ORDINANCE NO. 2023-08

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD FROM A-1 TO A-3 ON LANDS LOCATED AT THE NORTH ¼ CORNER OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY WISCONSIN**

The Town Board of Delafield, Waukesha County, Wisconsin, does hereby ordain as follows:

**SECTION 1:** The Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-1 to A-3 on the following described parcel of land:

Commencing at the North ¼ corner of Section 31, T7N, R18E, thence South 2°32' East, 433.17 feet to the point of beginning; thence South 89°15' East, 574.16 feet; thence South 1°44' East, 227.00 feet; thence North 89°15' West, 570.96 feet; thence North 2° 32' West, 227.16 feet to the point of beginning, excluding the westerly 33 feet for road purposes

**SECTION 2: Severability.**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3: Effective Date.**

This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 28th day of March 2023.

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:

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

ATTEST:

\_\_\_\_\_  
Dan Green  
Town Administrator/Clerk/Treasurer

## Plan Commission Report for March 21, 2023

### **Oakton Investments LLC Agenda Item No. 5. C.**

|                   |   |
|-------------------|---|
| Applicant:        | Joel Blenker, agent for owner, Oakton Investments, LLC  |
| Project:          | Waukesha County Conditional Use Permit  |
| Requested Action: | Recommendation to Waukesha County on a Conditional Use Permit to allow the continuation of a nonconforming use (duplex in single family zoning) and to allow the structure to be remodeled greater than 50% of the value. |
| Zoning:           | R-1 Residential (County) partial<br>R-1 (Town) partial  |
| Location:         | N19 W28333 Oakton Road  |

### **Report**

The request for a conditional use permit stems from the structure located at N19 W28333 Oakton Road being used as a duplex in a single-family zoning district and the request to perform more than 50% repair of the interior of the house due to a recent fire. The County code does not allow repairs greater than 50% of legal nonconforming structures. The Town Code does not allow any remodeling of structures with a legal nonconforming use unless it is made to conform to the zoning code. Both the Town and County have a code provision that allow legal nonconforming uses to be granted conditional uses to allow them to continue.

The property contains both County zoning (in which the structure is located) and Town zoning located east of the house. The County contacted the Town staff to determine if we would support a waiver of some sort to allow them to make the repairs of the structure greater than 50% of the value. In looking at our legal nonconforming code, we do not have the flexibility to allow a waiver to the code. If the entire structure was in our jurisdiction, our code requires that, "No structure containing a legal nonconforming use may be extended, enlarged, rebuilt, substituted, intensified, moved, remodeled, modified or added to except when required to do so by law or until the legal nonconforming use has been made to conform with this chapter."

Under the County zoning, the property is considered a nonconforming use, as the property does not have approvals for a multi-family structure. The Waukesha County Shoreland and Floodland Protection Ordinance places limitations on nonconforming uses:

- No such use shall be expanded or enlarged.

- When any such Legal Nonconforming Use of a Structure or lands is discontinued for twelve (12) consecutive months, any future use of the land or Structure shall conform to the use regulations of the applicable District.
- Total structural repairs or alterations to a Structure housing a Legal Nonconforming Use shall not equal or exceed fifty percent (50%) of the equalized assessed value of the Structure obtained from the County Real Property Tax Listing over the lifetime of the Structure. At such time as cumulative structural repairs or alterations to such a structure equal or exceed fifty percent (50%) of the equalized assessed value of the Structure, the use of the Structure shall be converted to conform with the applicable district regulations or the Structure shall be torn down.

Based on the value of the structure, and the extent of the damage from the fire, the County has determined that the work would exceed the 50% allowable threshold.

The subject property has historically been used as a duplex. Town records show that the assessor considered it a duplex in 1982. LPSD indicated that when they installed sewer to that residence between 1976 and 1978, the property was a duplex and was charged 2 dwelling equivalent units. An aerial photo from 1941 shows a structure on the property in the same location of the current structure. There is no record of a building permit for the original house in the Town files.

Recently, portions of the inside of the house were damaged in a fire. The owner desires to make repairs to the damaged portions of the house.

Both the County and Town have provisions to grant conditional use status to the nonconforming use. The owner has applied for approval of a Legal Non-conforming Conditional Use Permit (CUP). By going through the CUP process, we could recognize the current use of the structure and allow it to remain as it has for many years. We could also place conditions on the repair and remodeling of the structure as we move into the future. All conditions would be memorialized for future considerations.

The Town has had no complaints about the property over the last 25 years or so.

### **Staff Recommendation:**

The property has been used for many years as a duplex without violations, and the fire did not adversely affect the exterior of the structure such that it has to be rebuilt. The Town does not have exclusive duplex zoning for individual lots, though duplexes are allowed under a Planned Unit Development zoning scenario on lots greater than 20 acres. The CUP status would allow the duplex use and the structure to remain with the proposed improvements, for as long as the CUP allows.

Subject to hearing new information at the public hearing, I am in favor of allowing the use to be continued under a conditional use permit. Furthermore, I am in favor of allowing the interior work to proceed with a value greater than 50% of the value of the structure.

In evaluating this situation, I considered whether we are setting a precedent for other situations. I note that the code does allow the Town to consider conditional use status for legal nonconforming uses. With a conditional use, the Town and County can impose conditions that

can control what happens to the property in the future. Consideration of any conditional use approval is typically based on unique circumstances.

Tim Barbeau, Town Engineer  
March 14, 2023





**Legend**

- Conditional Zoning Change
- Shoreland Zoning Jurisdiction
- Delafield Shoreland Overlay
- North Lake Overlay
- C-1 Conservancy Overlay
- Environmental Corridor Overlay
- C-1 Conservancy Overlay Floodway
- Floodway (FEMA)
- Floodplain (FEMA)
- C-1 Conservancy Dam Floodway
- C-1 Conservancy Dam Floodway
- Existing Floodplain Development

**County Zoning Districts**

- A-1 Agricultural District
- A-2 Rural Home District
- A-3 Suburban Estate District
- A-4 Country Estate District
- A-5 Mini-Farm District
- A-B Agricultural Business District
- A-T Agricultural Land Preservation
- AD-10 Agricultural Density District
- B-1 Restricted Business District
- B-2 Local Business District
- B-3 General Business District
- B-4 Community Business District
- B-P Mixed Use Business District
- DOD Downtown Okauchee District
- FLC Farmland Conservancy
- FLP Farmland Preservation
- HG High Groundwater
- M-1 Limited Industrial District
- M-2 General Industrial District
- Not Zoned
- P-1 Public and Institutional District
- Q-1 Quarrying District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- RRD-5 Rural Residential District
- Right of Way

0 100.00 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**

Printed: 3/7/2023





## Plan Commission Report for March 21, 2023

### **McAuliffe Hobby Kennel Conditional Use Permit Agenda Item No. 5. D.**

Applicant: Janey McAuliffe, owner

Project: Hobby Kennel CUP

Requested Action: Recommendation to Town Board on the approval of a Conditional Use Permit for a Hobby Kennel.

Zoning: R-1A Residential

Location: W305 N2593 Ravine Court

### **Report**

Ms. McAuliffe currently has 3 dogs. Two of the dogs are older (12 ½ and 9). The third dog is a puppy. The older dogs want nothing to do with the puppy, so she wants an age-appropriate 4<sup>th</sup> dog to play with the puppy. Town code section 12.06 (7) limits the number of dogs to 3 per residential unit, except in a kennel authorized pursuant to Chapter 17 of the code. She has indicated that once one of the dogs dies, she will not need a hobby kennel (temporary situation).

Ms. McAuliffe made application for a Hobby Kennel Conditional Use Permit. A standard condition found in 17.05. 5.H.2. reads,

*“No more than 3 household pets shall be permitted on a 1 ½ acre site, plus 2 household pets per additional acre up to 10 household pets maximum.”*

My interpretation, which is consistent with what Waukesha County planning staff would consider, is that the code does not allow for a prorated reduction for lands that do not have the full additional acre. Thus, Ms. McAuliffe could not have one additional dog since she has 2.23 acres. The Plan Commission should weigh in on this interpretation.

The definition of Hobby Kennel in the Town Code is, *“A non-commercial establishment, structure or premises accessory to the principal use of the property where 3 or more household pets of 6 months minimum age are kept for such private purposes as pets, field trials, shows or hobby. The occasional raising of not more than 2 litters of household pets per year on the premises and the sale or disposal of the animals within 6 months of the birth shall also be considered a hobby kennel.”*

Ms. McAuliffe desires the additional dog as a pet and will not be breeding them at the site, or using them as show dogs. There will be no outside kennels. She has provided a sketch as to where she has a fenced in area (approximately 1,400 square feet) for the dogs to run and play. She has stated in her application that she is planning to add additional fencing to the enclosure

that will increase the fenced in area to approximately 2,500 square feet (no plans of the new area provided).

I have provided our standard conditional use evaluation with this report. There are standards for which we do not have facts or information to determination if all the criteria or standards are being met. If the Town desires to accept the use, additional information can be provided as a condition of approval, prior to issuance of the conditional use permit. Elements that do not meet the specific use criteria are as follows:

- Applicant has not provided a signed, sealed survey showing the location of features on the lot, adjacent structures, outdoor kennel location, fences, etc. A sketch was submitted.
- No plan was submitted to address household pets that get out of the kennel.
- The current fence area does not meet the 50-foot setback requirement to the closest lot line.
- The code allows only 3 pets on 1 ½ acres and 2 additional pets for each additional acre. A literal interpretation does not allow a proration of the number of dogs; however, the Plan Commission has the opportunity to interpret the code language for consideration.
- Other than a statement by the owner, there is no evidence provided that the noise generated by the dogs will not transmit beyond the boundaries of the property such that it becomes a nuisance.

Town Administrator Green has received a telephone call from one of the neighbors indicating that the dogs get out of the fenced area and make it difficult for delivery people to deliver packages to adjacent houses. The person also stated that there are deed restrictions in the subdivision that limit dogs to two per household

### **Staff Recommendation:**

Additional evidence or information is needed to determine if the request meets the criteria in the code to allow for an additional household pet. I have provided my comments to the applicant and will await additional information at the Plan Commission meeting.

At this time, I recommend denial of the request on the basis that the fenced in area for the dogs does not meet the 50-foot setback requirement. Also, based on the literal language of the code, the size of the lot does not allow for an additional household pet.

Should the Plan Commission desire to grant the Conditional Use request based on information provided at the meeting, any consideration would require the Plan Commission to consider the following conditions/requirements prior to granting approval:

- When one of the elderly dogs passes, the hobby kennel CUP is null and void and no other dogs may be added without reconsideration.
- The fence must be reconfigured such that it meets the 50-foot offset from the closest lot line.
- The Plan Commission must interpret the code regarding the number of dogs such that it would allow an additional dog for each ½ acre of land.
- Missing information must be submitted to the Plan Commission for consideration.

Tim Barbeau, Town Engineer

March 15, 2023



# 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:<br><i>Janet S M McAuliffe</i>    |                     |                      | Name:<br><i>owner</i> |        |      |
| Address:<br><i>W305N2593 Ravine Ct</i> |                     |                      | Address:              |        |      |
| City:<br><i>Pewaukee</i>               | State:<br><i>WI</i> | Zip:<br><i>53072</i> | City:                 | State: | Zip: |
| Telephone Number:<br>[REDACTED]        |                     |                      | Telephone Number:     |        |      |
| Email:<br>[REDACTED]                   |                     |                      | Email:                |        |      |

### 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 checked="" 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 |

*Dog #4 permit: no breeding  
no kennels*

**PROJECT NAME:** *Additional Addition of extra dog*

Property Address: *as per*

Tax ID/Parcel ID: *as above* Lot Size: *2.23 acres*

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

Present Use: *residential* 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.

---

---

---

---

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

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

---

---

---

---

### **PETITION FOR CONDITIONAL USE**

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

I have 3 dogs; Aisling 12 1/2, Isis 9, and Rosie 7 mos.  
The old dogs want nothing to do with the puppy -  
Rosie wants an age-appropriate playmate  
\* (over) \*

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

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

---

---

---

---

### **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.

---

---

---

---

---

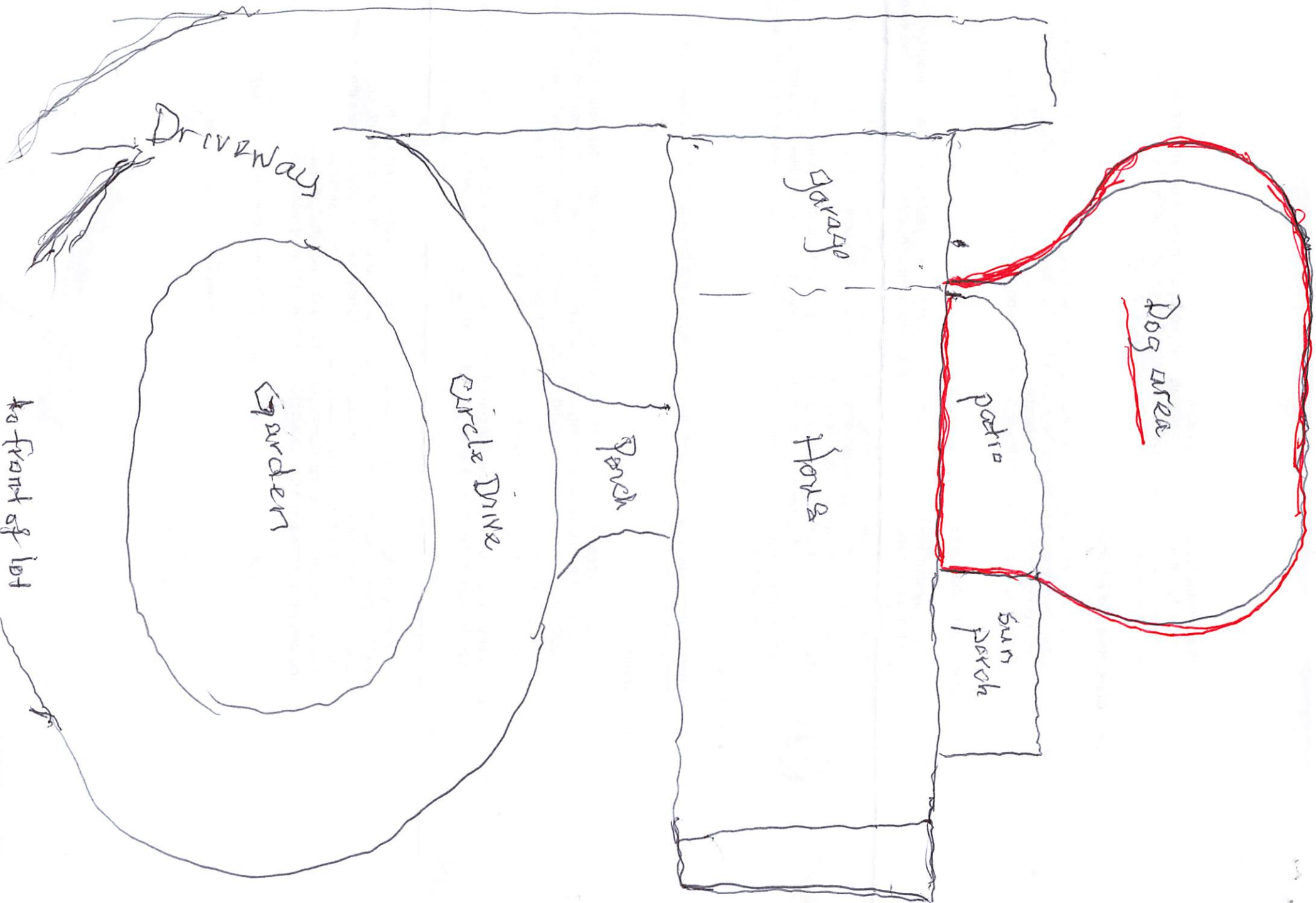
---

---

---

- 1) The dogs are ~~primarily~~ pets and live in the house (about 3000 sq feet with about 1500 sqft unfinished basement) They have free access to the fenced area in the back
- 2) I have a fenced area of about 100' perimeter in the back yard for them. Fence is 10' high  
Area is 1500 - 2000 sq ft.  
I pick up this area daily; weather and my health permitting
- 3) In the spring I will be adding 40' to the perimeter making it about 2500 sq. feet
- 4) I do not plan <sup>a)</sup> outdoor kennels  
⇒ ⇒ ⇒ ⇒ ⇒ <sup>b)</sup> boarding other dogs  
<sup>c)</sup> breeding
- 5) Aisling (Ash-leen) is a Newfoundland / Lab. mix  
She is 12 1/2, healthy, but showing signs of age  
Average lifespan for Newfies is 10 yrs.  
Average lifespan for Labs is 12 years  
So the time she has left is limited; likely 2-3 yrs at most
- 6) They <sup>a)</sup> get walked daily (weather permitting)  
<sup>b)</sup> get regular vet care  
<sup>c)</sup> are fully vaccinated  
<sup>d)</sup> are licensed  
<sup>e)</sup> get flea, tick and heartworm prevention
- 7) When I am doing yardwork in front, they are on ties, with shade and water available
- 8) In general, dogs are not big barkers. Only if someone, or a vehicle is visible or audible.

beyond ↑ edge of page = property line



- an automatic fire extinguishing system.
- c. The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the Town of Delafield Fire Department and in accord with their requirements to minimize fire and explosive hazards.

#### **4. Glare, Heat and External Lighting**

- a. No operation or activity shall produce any intense lighting, glare or heat with the source directly visible beyond the boundary of the property line. Operations producing light, glare, or heat shall be conducted within an enclosed building.
- b. External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

#### **5. Water Quality Standards**

- a. No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- b. No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Wis. Adm. Code NR 102 or in other applicable Chapters which regulate water quality.

#### **6. Noise**

No operation or activity shall transmit any noise beyond the boundaries of the property so that it becomes a nuisance.

#### **7. Vibration**

- a. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- b. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

#### **8. Traffic Impact**

- a. The Plan Commission reserves the right to require a traffic impact study in order to identify impacts to adjacent properties and roadways and to identify improvements or actions required to minimize or eliminate impacts. No use shall be approved unless the applicant implements the conclusions and recommendations of the study unless otherwise approved by the Plan Commission. The traffic study shall be prepared by a registered professional engineer in accordance with the following standards:
  - Manual on Transportation Studies (Institute of Transportation Engineers (ITE))





# 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.

Jan McAuliffe  
Signature of Owner

2/14/23  
Date

Jared S.M. McAuliffe  
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.

*Jan McAuliffe*  
Signature of Owner

2/14/23  
Date

Janet S M McAuliffe  
Owner's name (please print)

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

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

Town of Delafield, WI  
Decision Worksheet  
**Hobby Kennel Conditional Use**

The State of Wisconsin has preempted municipal authority regarding conditional use permits in a number of respects, effective November 29, 2017. Decisions concerning conditional use permits now must be based upon "substantial evidence," which is defined as follows:

"Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion."

Note two additional requirements of the new laws:

- Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence. In addition, conditions must be reasonable and to the extent practicable, measurable.
- If an applicant for a conditional use permit meets or agrees to meet all requirements and conditions specified in the ordinance, or those imposed by the Town of Vernon, the conditional use permit must be granted.

This decision sheet is provided as a tool to work through the decision-making process in light of the new statutory requirements and applicable Town of Vernon ordinances. As this is one of the first times the Town of Vernon has operated under the new conditional use laws, we will reserve the ability to proceed differently than outlined in this decision sheet if we find it is appropriate to do so.

|   | <b>A</b><br>Is Condition/<br>Requirement<br>Applicable?<br><br>(See explanation at<br>end of table) |    | <b>B</b><br>Has Applicant<br>Provided<br>Substantial<br>Evidence?<br><br>(See explanation at<br>end of table) |    | <b>C</b><br>Has Substantial<br>Evidence to the<br>Contrary Been<br>Provided?<br><br>(See explanation at<br>end of table) |           | <b>D</b><br>Is Condition/<br>Requirement<br>Met?<br><br>(See explanation at<br>end of table) |    |
|---|---|----|---|----|--|-----------|--|----|
| <b>Specific Conditional Use Criteria for a Hobby Kennel per 17.05 5. H.</b>   |   |    |   |    |  |           |  |    |
| A Hobby Kennel is an allowable conditional use in the R-1A Residential District subject to the following conditions:  |   |    |   |    |  |           |  |    |
| a. The applicant must provide an annual report that they meet the standards within the Hobby Kennel Conditional Use Code section, summary of complaints and any changed conditions in the neighborhood.         | Yes   | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence: Use permit has not been granted at this time.   |   |    |   |    |  |           |  |    |
| b. The lot must ne 1 ½ acres in area.   | <u>Yes</u>  | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence: Per the tax records, the lot size is 2.23 acres.  |   |    |   |    |  |           |  |    |
| c. Applicant shall provide a signed and sealed survey showing the location of all the features on the lot, adjacent structures, outdoor kennel location, fences and areas where household pets will be let out. | <u>Yes</u>  | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence: Property sketch provided, but not a signed, stamped survey. Could be a condition of approval.   |   |    |   |    |  |           |  |    |
| d. Plan shall be submitted to address household pets that get out of the kennel.  | <u>Yes</u>  | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence: No plan submitted. Language in the application indicates that dogs will be within the fenced area or if outside of that area, will be on ties.  |   |    |   |    |  |           |  |    |
| e. Plan shall be submitted detailing safety measures to be taken to assure that household pets do not run loose in the area.  | <u>Yes</u>  | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence No plan submitted. Language in the application indicates that dogs will be within the fenced area or if outside of that area, will be on ties.   |   |    |   |    |  |           |  |    |
| f. The kennel must be a minimum of 50 feet from the closest lot line.   | <u>Yes</u>  | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence Per GIS mapping, fence is located 42 feet from the northerly lot line at its closest point.  |   |    |   |    |  |           |  |    |
| g. No more than 3 household pets permitted on a 1 ½ acre site, plus 2 household pets per additional acre up to10 household pets maximum.  | <u>Yes</u>  | No | <u>Yes</u>  | No | Yes  | <u>No</u> | <u>Yes</u>   | No |
| Substantial Evidence Literal reading of the code does not provide for a prorated number of dogs based on lesser acreage.  |   |    |   |    |  |           |  |    |

- A:** Is the condition or requirement applicable? Specifically, is it related to the purpose of the ordinance, based on substantial evidence, reasonable, and to the extent practicable, measurable? If the answer is “no”, conditions that fail this test must be removed or revised to satisfy the test.
- B:** Does the Town of Vernon find that the applicant has provided substantial evidence to show that the applicant meets or agrees to meet this condition/requirement?
- C:** Has substantial evidence been provided to the contrary, showing that the applicant cannot meet the condition or requirement?
- D:** Does the Town of Vernon find, based upon substantial evidence presented, that the applicant meets or has agreed to meet this condition/requirement?

| <p><b>General Conditional Use Criteria – 17.05 4. F.</b></p>  | <p><b>A</b><br/>Is Condition/<br/>Requirement<br/>Applicable?<br/><br/>(See explanation at<br/>end of table)</p> | <p><b>B</b><br/>Has Applicant<br/>Provided<br/>Substantial<br/>Evidence?<br/><br/>(See explanation at<br/>end of table)</p> | <p><b>C</b><br/>Has Substantial<br/>Evidence to the<br/>Contrary Been<br/>Provided?<br/><br/>(See explanation at<br/>end of table)</p> | <p><b>D</b><br/>Is Condition/<br/>Requirement<br/>Met?<br/><br/>(See explanation at<br/>end of table)</p> |
|---|--|---|--|---|
| <p><b>Control of Odor:</b> No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor. The Plan Commission reserves the right to request an odor control plan from the applicant to identify potential odors and implement recommendations from the plan.</p>  | <p><u>Yes</u>    No</p>  | <p><u>Yes</u>    No</p>   | <p>Yes    <u>No</u></p>  | <p><u>Yes</u>    No</p>   |
| <p>Substantial Evidence: None Provided</p>  |  |   |  |   |
| <p><b>Control of Fire and Explosive Hazards:</b> a. All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices as may be required by the Fire Prevention Code. b. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system. c. The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the Town of Delafield Fire Department and in accord with their requirements to minimize fire and explosive hazard</p> | <p><u>Yes</u>    No</p>  | <p><u>Yes</u>    No</p>   | <p>Yes    <u>No</u></p>  | <p><u>Yes</u>    No</p>   |
| <p>Substantial Evidence: No manufacturing, so N/A</p>   |  |   |  |   |
| <p><b>Glare, Heat and External Lighting:</b> a. No operation or activity shall produce any intense lighting, glare or heat with the source directly visible beyond the boundary of the property line. Operations producing light, glare, or heat shall be conducted within an enclosed building. b. External lighting shall be shielded so that light rays do not adversely affect adjacent uses</p>  | <p><u>Yes</u>    No</p>  | <p><u>Yes</u>    No</p>   | <p>Yes    <u>No</u></p>  | <p><u>Yes</u>    No</p>   |
| <p>Substantial Evidence: N/A</p>  |  |   |  |   |
| <p><b>Water Quality Standards:</b> a. No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life. b. No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the</p>   | <p>Yes    No</p>   | <p>Yes    No</p>  | <p>Yes    No</p>   | <p>Yes    No</p>  |

|   |     |    |     |    |     |    |     |
|---|-----|----|-----|----|-----|----|-----|
| application of those standards set forth in Wis. Adm. Code NR 102 or in other applicable Chapters which regulate water quality  |     |    |     |    |     |    |     |
| Substantial Evidence: N/A   |     |    |     |    |     |    |     |
| <b>Noise:</b> No operation or activity shall transmit any noise beyond the boundaries of the property so that it becomes a nuisance.  | Yes | No | Yes | No | Yes | No | Yes |
| Substantial Evidence: Application states that “dogs are not big barkers. Only if someone or a vehicle is visible or audible” Information provided is not substantial evidence.  |     |    |     |    |     |    |     |
| <b>Vibration:</b> No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. b. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard   | Yes | No | Yes | No | Yes | No | Yes |
| Substantial Evidence: N/A   |     |    |     |    |     |    |     |
| <b>Traffic Impact:</b> The Plan Commission reserves the right to require a traffic impact study in order to identify impacts to adjacent properties and roadways and to identify improvements or actions required to minimize or eliminate impacts. No use shall be approved unless the applicant implements the conclusions and recommendations of the study unless otherwise approved by the Plan Commission. The traffic study shall be prepared by a registered professional engineer in accordance with the following standards: • Manual on Transportation Studies (Institute of Transportation Engineers (ITE)) • Traffic Impact Analysis Guidelines (Wisconsin Department of Transportation) • Manual on Uniform Traffic Control Devices (Federal Highway Administration) • Trip Generation Manual (Institute of Transportation Engineers) • Other local, county or state standards | Yes | No | Yes | No | Yes | No | Yes |
| Substantial Evidence: N/A Household pets.   |     |    |     |    |     |    |     |

- A:** Is the condition or requirement applicable? Specifically, is it related to the purpose of the ordinance, based on substantial evidence, reasonable, and to the extent practicable, measurable? If the answer is “no”, conditions that fail this test must be removed or revised to satisfy the test.
- B:** Does the Town of Vernon find that the applicant has provided substantial evidence to show that the applicant meets or agrees to meet this condition/requirement?
- C:** Has substantial evidence been provided to the contrary, showing that the applicant cannot meet the condition or requirement?
- D:** Does the Town of Vernon find, based upon substantial evidence presented, that the applicant meets or has agreed to meet this condition/requirement?



## Proposed Motions - Plan Commission

### A. Motion to Recommend Approval:

I move to recommend to the Town Board Approval of the conditional use for \_\_\_\_\_, as presented by the Town of Delafield Engineer and as agreed to by the applicant.

[include only if applicable:]

- The conditions stated within the conditional use order shall be modified in the manner described in the Town of Delafield's discussion.

### B. Motion to Recommend Denial:

I move to recommend to the Town Board Denial of the conditional use application as the applicant has failed to show by substantial evidence that the applicant meets or agrees to meet all of the requirements and conditions specified in the Town of Delafield Zoning Ordinance or those imposed by the Town of Delafield, and substantial evidence in the matter supports the decision to deny.

## Proposed Motions – Town Board

### A. Motion to Approve:

I move to grant the conditional use for the \_\_\_\_\_, as presented by the Town of Delafield Engineer and as agreed to by the applicant. The Town of Delafield Staff is directed to draft the conditional use order and place it in final form consistent with the Town of Delafield's discussion.

[include only if applicable:]

- The conditions stated within the conditional use order shall be modified in the manner described in the Town of Delafield's discussion.

### B. Motion to Deny:

I move to deny the conditional use application as the applicant has failed to show by substantial evidence that the applicant meets or agrees to meet all of the requirements and conditions specified in the Town of Delafield Zoning Ordinance or those imposed by the Town of Delafield, and substantial evidence in the matter supports the decision to deny. The Town of Delafield Staff is directed to draft a written decision for denial and place it in final form consistent with the Town of Delafield's discussion.