



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Edward Kranick  
**Supervisors**  
Steve Michels  
Joe Woelfle  
Magalie Miller  
Terri Mahoney-Ogden  
**Clerk/Treasurer**  
Dan Green

### TOWN OF DELAFIELD PLAN COMMISSION MEETING

Tuesday, July 11, 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 a joint public hearing in front of the Town Plan Commission and a representative of the Waukesha County Department of Parks and Land Use, Planning Division staff. The hearing is at the request of Pewaukee Yacht Club, by J. Cody Ziegler, Commodore, to amend their Conditional Use Permit to update certain language in the current CUP that reflects the current operation and to extend hours of operation to full year use. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

### AGENDA

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of June 6, 2023.
3. Communications (for discussion and possible action): None
4. Unfinished Business: None
5. New Business:
  - A. Natalie Peters, N7 W29938 Bryn Drive, Re: Consideration and possible action on a request for a Home Occupation to operate an aesthetics and skin care business.
  - B. Pewaukee Yacht Club, N22 W28204 Edgewater Drive, by Cody Ziegler, Commodore, Consideration and possible action to amend their Conditional Use Permit to update certain language in the current CUP that will reflect the current operation and to extend hours of operation to full year use.
  - C. Nathan Strom, W303 N2606 Maple Avenue, Re: Consideration and possible action on a request to install a six-foot tall fence along the sides of his lot between the roadside face of his house and the Town right-of-way line and between the lakeside face of his house and a point 75 feet from the ordinary high water mark.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: August 1, 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**  
**PLAN COMMISSION MEETING**  
**TUESDAY, June 6, 2023, 6:30 P.M.**

**Video Link:** There is no video for this meeting.

**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: Chairperson Kranick, Supervisor Michels, Commissioner Dickenson, Commissioner Mihalovich, Commissioner Cummings, Supervisor Janusiak, and Plan Commission Chairman Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

**Second order of business:** Approval of the minutes of March 21, 2023.

Motion by Chairman Kranick to approve the minutes from March 21, 2023. *Seconded by Commissioner Dickenson. Motion passed 7-0.*

**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. Kevin and Tracey Scharnek, N27 W30037 Maple Avenue, Re: Consideration and possible action on a request for a driveway slope variance at their proposed new house to be located at N27 W30037 Maple Avenue.

Engineer Barbeau explained this location is on Maple Avenue, just west of the "Jolly Fisherman" curve. There is an existing partial driveway on the property where the driveway will be added. The house sits further back on the lot where they will have a garage and a large slab in front. The existing driveway has a slope of 16% and the extended driveway will have an average slope of 18%. In the past, the Plan Commission has set a percentage for driveways at 12% as an acceptable slope. The Plan Commission can grant a variance for any slope over 12%. Larger slopes can cause issues in the winter, especially for emergency vehicles. In the past, the Plan Commission has required stairs to get down their driveway. The engineer spoke to the applicant about changing the grade of the house, but due to the height restrictions imposed by Waukesha County, they cannot change the grade. The engineer explained that due to their limited options, would recommend approval.

Chairman Fitzgerald questioned if the applicant could move the house closer to the road and shorten the driveway. Carl Tomich, the builder, explained that the house is where it is because if you moved it closer to the road you would be moving further into the ground. He also explained that Waukesha County has a maximum amount of fill. All the homes on Maple have steep driveways. Commissioner Dickenson asked if there were any liability issues if emergency vehicles cannot get down the driveway. Engineer Barbeau stated the fire department will do whatever they have to do. Supervisor Michels stated he lives on Maple Avenue and probably doesn't meet the 12% slope. This property already is nonconforming with their current driveway.

*Motion by Chairman Kranick to approve the driveway slope variance in accordance with the plans dated August 31, 2022 (latest version). Seconded by Supervisor Michels. Motion passed 7-0.*

- B. Steve Nagel, N8 W30025 Woodcrest Drive, Re: Consideration and possible action on a request to install a 7-foot high garden fence between the right-of-way line and front of the house extended to the lot lines.

Engineer Barbeau explained the applicant wants to put a fence on his property that exceeds 3 feet in height. There is a high wire line easement to the east of the property. The driveway comes off Woodcrest, and the fenced area is next to the driveway to the east. Staff asked the applicant to talk to the neighbors to get some input. Six neighbors submitted letters with no objection to the fence. The fence is already installed and is made of 2"x2" posts with chicken wire to keep out the deer. Fences that are between the right-of-way and the front of the house are limited to 3 feet in height. Anything higher requires Plan Commission approval. The proposed fence is 6.5 feet tall according to the applicant. The location is between the driveway and the utility easement. The engineer's recommendation is to approve the fence as proposed because it is hard to see unless you are looking for it. In the winter you will see it more. The Plan Commission may require this to be a seasonal fence. This way the neighbors would not see the fence in the winter.

*Motion by Chairman Kranick to approve a fence for the property located at N8W30025 Woodcrest Drive, as a year-round fence. Seconded by Supervisor Michels. Motion passes 7-0.*

**Sixth Order of Business** Discussion: None

**Seventh Order of Business**: Announcements and Planning Items: Next meeting: July 11, 2023.

**Eighth Order of Business**: Adjournment

*Motion by Chairman Kranick to adjourn the June 6, 2023, Plan Commission meeting at 6:47 p.m. Seconded by Commissioner Dickenson. Motion passed 7-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer

# Plan Commission Report for July 11, 2023

## **Natalie Peters Home Occupation Agenda Item No. 5. A.**

Applicant: Natalie Peters

Project: Lake Country Aesthetics, LLC

Requested Action: Approval of a Home Occupation to operate an aesthetics and skin care business at her residence

Zoning: A-2 Rural Home District

Location: N7 W29938 Bryn Drive

### **Report**

Ms. Peters is a Nurse Practitioner who treats patients for aesthetics and wellness related to skin conditions; she is also able to write prescriptions for skin conditions. Ms. Peters currently operates her business out of a facility in Hartland. She has looked for available facilities in the Town of Delafield, but has not been able find a location. She would have 4 to 6 patients visit her home three days a week. She would have one other employee on the premises, which is allowed by the home occupation permit.

Home Occupation is defined as a gainful occupation or profession conducted by a member of or members of a family within their dwelling, where the space used is incidental to the principal residential use of the property. Code section 17.03 1. D. requires Plan Commission approval of a Home Occupation permit, and lists a number of conditions. The applicant has addressed each of the conditions as noted on the attached information.

### **Staff Recommendation:**

Based on the information provided, it appears that Ms. Peters meets the conditions outlined in the Town code for Home Occupations. Subject to consideration of any new information presented at the meeting, I recommend approval of the proposed Home Occupation as proposed.

Tim Barbeau, Town Engineer  
June 27, 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: Natalie Peters	Name: Natalie Peters
Address N7W29938 Bryn Dr	Address N7W29938 Bryn Dr
City State Zip Waukesha, WI 53188	City State Zip Waukesha, WI 53188
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 checked="" 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 type="checkbox"/> Other.....\$50.00 minimum              |

**PROJECT NAME:** Lake Country Aesthetics LLC

Property Address: N7W29938 Bryn Drr

Tax ID/Parcel ID: DELT0822997 Lot Size: 2.58 (Mike Hadley informed me lot is 3 acres so I'm uncertain)

Current Zoning: A2 Proposed Zoning (if applicable): \_\_\_\_\_

Present Use: Residential Intended Use (if applicable): Residential & Occupational

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.

See Attached

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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.

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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.

*Natalie Peters*

Signature of Owner

06/08/2023

Date

Natalie Peters

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.

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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.

06/08/2023

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

\_\_\_\_\_  
Date

Natalie Peters

\_\_\_\_\_  
Owner's name (please print)

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

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

The Plan Commission shall review Home Occupation Permit Applications. The Plan Commission shall not grant a Home Occupation Permit unless all of the following conditions have been met:

a. The home occupation shall be conducted only completely within the dwelling unit, & not in any accessory building or structure, & not within any garage or on porch, deck, patio or other unenclosed or partially-enclosed portion of the dwelling unit. I would see patients in an unoccupied room in my finished, exposed basement. (I'll get sq footage info for you but it's definitely less than 25% of home.)

Sq Feet  
5235 total  
\* 380 office

b. The home occupation shall be conducted by a resident of the dwelling unit, & no more than 1 other person shall be employed on the premises, on either a part-time or full-time basis in the business. I, Natalie Peters, am the owner of the dwelling unit & I have one staff, Nova Murphy, who is my administrator.

c. No more than 25% of the total living area of the dwelling (exclusive of garage & porch areas) shall be used for the home occupation. No problem whatsoever. I'm not having patients throughout my home; I only need a small space to see one patient at a time.

d. The portion of the dwelling unit used for the home occupation shall not serve as a storage facility for a business conducted off-premises. Not applicable

e. The sale of items at the location of the home occupation shall be limited to items produced onsite & shall be conducted only on an appointment basis. Our retail is mostly done online or dropshipped from our vendors to our patients/customers. We are not a store; I see patients on an appointment basis only, for medical/aesthetic/wellness.

f. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible. There is nothing to be externally visible.

g. Only 1 sign, not to exceed 3 sq ft, may be used to advertise a home occupation. Said sign shall not be located within right-of-way, & shall be of an appearance which is harmonious with nearby residential areas. Any sign will most definitely meet these requirements; I'm extraordinarily particular with maintaining a clean, cohesive exterior.

h. The use of the dwelling unit for a home occupation shall in no way be incompatible with the character of nearby residential areas. Of course.

i. Multiple home occupations may be carried on in any single dwelling unit, if all uses meet the conditions of the home occupation regulations & if the plans of operations do not negatively affect adjacent or surrounding neighbors. Only one occupation applies in this circumstance, but stipulation is noted.

j. No more than 2 customers (or 2 parties of customers) shall be within the residence at any one time. I see patients three days a week, one at a time, 1-6 in a day – so this criteria more than meets criteria of our regular traffic.

k. Regardless of the number of home occupations taking place in a single dwelling unit, a minimum of 2 off-street parking spaces reserved for business use shall be provided on site. Fortunately I have two large driveways, either of which will be more than sufficient for two designated parking spaces.

l. In the case of rental properties, the property owner's written permission must be obtained and submitted as part of the conditional use permit petition. Not applicable.

# Plan Commission Report for July 11, 2023

## **Pewaukee Yacht Club Agenda Item No. 5 B.**

Applicant: Cody Ziegler

Project: Pewaukee Yacht Club

Requested Action: Recommendation to Waukesha County on modifications to the Conditional Use Permit.

Zoning: B-1 Business (County)

Location: N22 W28204 Edgewater Drive

### **Report**

The Pewaukee Yacht Club (PYC) is requesting various modifications to their Conditional Use Permit to reflect current operations at the site and to request the allowance of year-round events without notice to the Town Clerk. A red-lined version of the changes is included in your packets.

Staff has reviewed the proposed document and questioned Condition A. 3. (H). related to number of events in the “off” season and Condition A. 4. related to shared parking. Mr. Ziegler has responded with an in-depth explanation of their operation related to these two items. (email attached).

### **Staff Recommendation:**

None of the requested changes are substantial except the removal of any Town approval for events in the off season. Since the number of events are anticipated to be minimal and occasional, I am not opposed to the allowance of additional events in the off-season. If the use of the site becomes a nuisance during the off season, the Town can require that the CUP be reviewed. Subject to any new information heard at the public hearing or from the applicant, I recommend that the Plan Commission provide a positive recommendation for approval of the document, subject to including the following comments into the document:

- Property description should include all Tax Identification Numbers owned by PYC (DELT 0722-027; DELT 0813-998-001; DELT 0813-007)
- Add the following to Conditions A. 3. (G) and (H): “During the “off season” special events, on an occasional basis, such as social functions, winter get together or a New Year’s Eve party shall be allowed without Town approval.”
- Condition A. 4.: Lot 4 Located south of Edgewater and is the easternmost parking lot. Add under (A): “Lot 4 shall be used primarily for automobile parking; however, boat and trailer parking may be allowed in lots 2 and 4 for a special events that are small and not a strain on parking.”
- Condition A. 7., remove the reference to PLSS since they are not a party to this CUP.
- Revise signature page to reflect the current Commodore.

Tim Barbeau, Town Engineer June 27, 2023



# TOWN OF DELAFIELD

## APPLICATION FOR PLAN COMMISSION AGENDA

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(PLEASE PRINT)

Owner Information	Applicant
Name: Pewaukee Yacht Club	Name: Cody Ziegler
Address N22w28204 Edgewater Dr	Address W284N3214 Lakeside Rd
City State Zip Pewaukee, WI 53072	City State Zip Pewaukee, WI 53072
Telephone Number (262) 691-9927	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.

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|---|--|
| <input type="checkbox"/> Site Plan.....\$150.00             | <input type="checkbox"/> Home Occupation.....\$50.00           |
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| <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          |
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| <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:** Requested Changes to Conditional Use Permit

**Property Address:** N22w28204 Edgewater Dr, Pewaukee, WI 53072

**Tax ID/Parcel ID:** DELT0772027, DELT0813007, DELT0813998001 **Lot Size:** 3.0656

**Current Zoning:** Commercial, Mercantile **Proposed Zoning (if applicable):** \_\_\_\_\_

**Present Use:** Yacht Club **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.

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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.

Requested changes to existing conditional use permit.

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# Required Forms for Submittal

### Required Forms Checklist:

- Legal Description (all applications)
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- Certification for Division of Land (Certified Survey Map land splits)

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

*J. C. [Signature]*  
Signature of Owner

6/14/2023  
Date

J. Cody Reylet  
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

6/14/2023  
Date

J. Cody Taylor  
Owner's name (please print)

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

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





WHEREAS, the Town of Delafield Plan Commission has given the matter due consideration, and the Town Board has based its determination on the effect of granting a Conditional Use Permit on the health, general welfare, safety and economic prosperity of the Town and specifically of the immediate neighborhood in which said use is located, and has given due consideration as to the effect of the Conditional Use on the established character and quality of the area, the rights of the adjoining owners, the overall appearance, the landscaping, the type of constructions, the movement of traffic, parking, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect on the neighborhood as a result of noise, dust, smoke, odor or other similar factors, and has determined that a Conditional Use would be appropriate provided that the Conditional Use is operated pursuant to the following conditions and in strict compliance with the same.

NOW THEREFORE,

Commencing upon the date hereof, the modifications requested by Waukesha County and previously the Town of Delafield are hereby incorporated into this document with the conditions as written below, also

Commencing upon the date hereof, a Conditional Use Permit for the subject premises is hereby granted. The Conditional Use Permit shall apply only to this specific use of the aforesaid premises by Pewaukee Yacht Club and the Conditional Use Permit shall continue in existence only so long as the Conditional Use is operated with each and every one of the following conditions, restrictions and limitations.

**PROPERTY DESCRIPTION:**

All that part of the SE ¼ of Section 13 and of the NE ¼ of Section 24, T7N, R19E, Town of Delafield, Waukesha County, Wisconsin. See attached Exhibit "A" for a full legal description. Also known as Tax Key No. DELT 0772.027.

**CONDITIONS IMPOSED:**

A. This Conditional Use Permit is granted for the operation of a sailing club subject to the following conditions:

1. The property consists of approximately 2.4 acres of land.
2. Site Plan.

The location of all buildings, parking areas, drives, landscaping features, signs, lighting and drainage facilities shall be as shown on the site plan and landscape plan prepared by Landgraphics, dated 1/31/03, and as further modified by the Plan and Planting Plan prepared by Welch Hanson Associates with a revision date of March 20, 2003, both of which are attached as Exhibits to Document No. 3646981.

3. Plan of Operation.

(A) The property and building will be used by members and guests of PYC, the Pewaukee Lake Sailing School (PLSS), regattas, and occasional private functions such as weddings.

(B) The facilities consist of:

- a. Four piers. East launch pier. West launch pier. Main pier. Sailing School support pier. The attached "EXHIBIT B" depicts the property and location of piers. ~~Three piers. One dock for hand launched boats. One launch ramp for lifting boats.~~
- b. Dry sail adjacent to water with storage rack for junior sailing program boats (~~prams~~).
- c. Paved parking lots on south side of Edgewater Drive for parking of racing sailboats and trailers, no more than four transient support/safety boats and trailers, and automobiles. ~~Paved parking lots on south side of Edgewater Drive for parking of racing sailboats, trailers and automobiles.~~
- d. Storage building.
- e. Restrooms and storage room in building connected to

Formatted: Tab stops: 3.25 , Centered

- sanitary district building lying immediately east of the PYC property.
- f. Outdoor grill with roof.
  - g. Main building (club house) with bar facility, main meeting room, serving kitchen and restrooms.
- (C) The functions of the club are:
- a. Sponsor and manage sailing events.
  - b. Sponsor social functions for members.
  - c. Sponsor inter-club sailing events.
  - d. Provide facility for junior and adult sailing instructions.
  - e. Provide bar and meeting facilities for members.
  - f. Provide launching and docking facilities for members.
  - g. Provide gas for members' powerboats.
- (D) PYC is run by an elected board of directors and managed in part by the board and a paid club manager. Bar, gas (to members only) and building functions are supervised by a paid manager. The sailing and social events are run by volunteers.
- (E) Food service is either catered or provided by volunteer members. All food service is available only in conjunction with special events.
- (F) Bar hours are limited and stated by club by-laws. Operation of the bar shall conform to all local, county, and state licenses and regulations.
- (G) The Pewaukee Lake Sailing School, a leasing tenant of the PYC, may begin operations no earlier than March 15 of each calendar year. Normal operations begin April 1 and end the second weekend of November. ~~Activities are primarily on weekends during May through September.~~ Boat storage is not allowed from November 1 to March 31. Special events may be held on days outside of the normal dates of operation; however, the Pewaukee Yacht Club must provide notice to the Town Clerk at least one month prior to the event as to the nature of the event.
- (H) Pewaukee Yacht Club normal operations begin April 1 and end the October 31. Activities are primarily on the weekends. Two club owned safety/support boats may be stored in Lot 1 from November 1 to March 31. Special events may be held on days outside of the normal dates of operation; however, the Pewaukee Yacht Club must provide notice to the Town Clerk at least one month prior to the event as to the nature of the event.
- ~~(H)~~ Hours of operation are limited to Sunday through Thursday, 6 a.m. to 11 p.m. and Friday and Saturday, 6 a.m. to 1 a.m. Additional hours of operation for special events only may be given after Plan Commission review of a special events calendar, which is to be submitted for review and approval by the Plan Commission at least one month prior to the event.
- ~~(I)~~ Non-member use of launching, parking, or building is prohibited except for guests during inter-club events and occasional rental for weddings, and special occasions.
- ~~(J)~~ Support and safety Club-owned watercrafts may be moored overnight during normal operations. Additionally, the Club is allowed to have ~~two (2)~~ six (6) small boats (less than 16 feet in length) on lifts and ~~two (2)~~ four (4) small boats (less than 16 feet in length) on the sailing school support pier, and two (2) small boats

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(less than 16 feet in length) on trailers and stored in the west parking lot (Lot 1).

(~~KL~~) Landscaping for the site shall be as shown in the Planting Plan prepared by Welch Hanson Associates dated March 20, 2003.

4. Boat and automobile parking on site shall be limited to the following:

For purposes of this Conditional Use, the following numbers are hereby assigned to the parking lots as part of the PYC lands. Exhibit B depicts the property and location of lots:

Lot 1: Located west of the clubhouse, north of Edgewater and adjacent to the lake.

Lot 2: Located south of Edgewater Drive and to the westernmost lot.

Lot 3: Located south of Edgewater, directly east of Lot 2 and is designated as "existing dry sail parking" on the site plan by Landgraphics.

Lot 4: Located south of Edgewater and is the easternmost parking lot.

(A) Automobile parking: Automobile and temporary boat/trailer parking for special events: Lots 2 and 4 (Approximately 65 stalls)~~Lots 2 and 4 (approximately 65 stalls).~~

(B) Dry sail parking and temporary automobile parking for special events: Lots 1 and 3 (44 stalls)

(C) ~~Pram-Dinghy~~ storage in Lot 1 (Two racks with an overall dimension of 25 feet by 40 feet, to hold 60 prams, pram six is no more than 4 feet by 8 feet; storage rack to be no greater than 6 feet in height).

(D) Dry sail parking in Lot 1 shall be placed on a pervious surface (grass, pea gravel, geo-grid, etc.). Access between Edgewater Drive and the lake may be an impervious surface such as asphalt.

5. Retail and wholesale sales of equipment is not permitted, except for beverages and snack food, and one (1) vending machine on site.

6. Gasoline may be dispensed to members only from the westernmost pier out of two existing on-site storage tanks, which holds not more than 500 and 550 gallons of gasoline, respectively. The fuel pumps shall be in accordance with **Section 4.(g)17.E** of the Waukesha County Shoreland and Floodland Protection Ordinance and all other applicable DILHR codes.

7. Piers.

-- No additional piers shall be constructed or erected to serve this facility.

-- The maximum pier length shall be 140 feet from the shoreline as measured perpendicular to the shoreline. This pier length has been "grandfathered" in since it was existing before adoption of Section 17.10(5)(s) (pre-1998 numbering system) of the Town Code and is shown on a site plan dated April 16, 1966.

-- No pier shall be closer than 25 feet from an adjacent lot line not owned by the PYC or PLSS, except for the easternmost pier, which has been "grandfathered" in since it was existing before the adoption of Section 17.10(5)(s) (pre-1998 numbering system) of the Town Code and is shown on a site plan dated April 16, 1966.

~~-- No pier shall be closer than 25 feet from an adjacent lot line except for the easternmost pier, which has been "grandfathered" in since it was existing before adoption of Section 17.10(5)(s) (pre-1998 numbering system) of the Town Code and is shown on a site plan dated April 16, 1966.~~

-- No pier erected closer than 50 feet from an adjacent lot line extension shall be more than 50 feet in length.

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- The composite length of the piers as measured perpendicular to the shoreline shall not be greater than the lake frontage of the property on which the facility is located.

8. All boat launch facilities shall not be located closer than 20 feet from the adjacent lot lines extended into the water, except that the launch on the east side of the parcel shall be allowed as reflected on the drawing titled "Boat Ramp Topo" prepared by RSV Engineering and dated 3/31/08 **and attached to Document No. 3646981.**

A dry sail launch has been constructed at the north end of Lot 1 and is allowed under a previous approval of the Conditional Use Permit.

9. Parking.

A parking plan shall be submitted to and approved by **Waukesha County, with a recommendation from** the Town Plan Commission. On-site parking and boat storage shall be provided for as shown on the site plan. Parking lot may be illuminated provided that any lights are shielded to eliminate glare on adjacent property owners and the lake, and is subject to the review and approval by the Plan Commission **and Waukesha County.** All parking lots shall be hard surfaced, with the exception of a portion of Lot 1 as explained in Section 4(D). There shall be no parking within the street right-of-way.

10. Buildings and Appurtenances.

The building shall be maintained in the same or improved condition, as they now exist. There shall be no expansion of any existing building without prior approval of **Waukesha County with a recommendation from** the Town Plan Commission.

11. Outside Storage.

There shall be no outside storage except for the boats described herein. All boat storage and parking shall be screened as shown on the approved landscape plan. Storage of tractor used to assist in launching the boats shall be inside an existing garage or shed.

12. Signage.

No additional signage shall be permitted unless the PYC submits, and **Waukesha County** approves a signage plan, **with a recommendation from the Town Plan Commission.**

13. Existing landscaping shall be maintained in its present condition. New landscaping shall be as shown on the landscape plan and approved by the Town Plan Commission and Waukesha County. All plants and trees shall be watered, fertilized, and maintained to assure growth. Any diseased or dead trees shall be replaced with a similar tree or plant of a size equal to the average size of adjacent trees but in no case less than that were part of the original planting.

14. Non-Permitted Uses.

Any use not specifically listed as permitted shall be considered to be prohibited. In case of question as to the classification of use, the question shall be submitted to the Town Plan Commission **and Waukesha County** for a determination.

15. By-laws.

The current by-laws of the PYC are attached and made a part of this document.

- B. The building and grounds shall be maintained in a neat, attractive, and orderly way. The property shall comply with all applicable fire codes and all rules,

regulations, and ordinances of the Town of Delafield, County of Waukesha, and State of Wisconsin.

- C. In the management and operation of the facility, every attempt possible should be made to alleviate the potential for nuisances and disturbances to surrounding residential neighborhoods. Any complaints by adjacent property owners or any other person affected shall be reviewed by the Town Plan Commission which will make findings as to whether or not such nuisance exist, and, if so, what provisions ought to be made to abate the nuisances. All complaints regarding nuisances shall be subject to the nuisance provisions of the Town and also any other appropriate state or County laws. The findings and recommendations of the Town Plan Commission shall be forwarded to the Town Board for action.
- D. No use is hereby authorized unless that use is conducted in a lawful, orderly, and peaceful manner. Nothing in this permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Town of Delafield, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority. This Conditional Use Permit shall not be deemed to constitute a **Zoning or Building Permit**, nor shall this permit constitute any other license or permit required by town **or County** ordinances or other law.
- E. The Conditional Use hereby authorized shall be confined to the premises described, without extension or expansion, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by **Waukesha County** as being in compliance with all pertinent ordinances, after review and recommendation by the Town Plan Commission.
- F. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of this approval, or should a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with the surrounding areas, or considerations of public health, safety or welfare, said Conditional Use may be terminated by action of **Waukesha County** following referral from the **Town Plan Commission** for public hearing and recommendation thereof.
- G. Any subsequent change, alteration, or addition to the use approved herein shall be submitted to Waukesha County and the Town Plan Commission and, if in the opinion of the County and the Plan Commission, such change, alteration, or addition constitutes a substantial change, alteration, or addition based on the standards set forth herein, a **joint** public hearing before the Town Plan Commission **and Waukesha County** shall be required pursuant to Section **4(c) of the Waukesha County Shoreland and Floodland Protection Ordinance**. Any change, addition, or alteration of the physical premises, lands, or ownership, shall be considered substantial and shall require a new Conditional Use Permit requiring full compliance with all town **and County** procedures and ordinances in place at the time.
- H. Should any paragraph or phrase of this Conditional Use Permit be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.
- I. This Conditional Use shall be in effect for a period of five (5) years from the date affixed below. Three months prior to the expiration of said term, this Conditional Use shall be reviewed by Waukesha County and the Plan Commission of the Town of Delafield. In the event that the use of the property is compatible with the use of the surrounding properties, and the grantee is in compliance with all the terms of this permit, then, and in that event, Waukesha County and the Town of Delafield shall renew this Conditional Use for an additional period as established by the Town Plan Commission and the County; otherwise, said Conditional Use may be terminated by action of **Waukesha County** following referral to the Town Plan Commission for public hearing and recommendation thereof.
- J. The Town and/or County reserves the right to review any condition imposed as part of this Conditional Use/Plan of Operation if said use becomes a problem in the area. The Town Plan Commission or Waukesha County may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area.

Let copies of this Conditional Use Permit be filed in the permanent records of **Waukesha County** and the Town **Plan Commission** of the Town of Delafield, let a copy of this Permit be recorded at the Waukesha County Register of Deeds as a covenant on the title for the premises for which this Conditional Use is granted, and let copies be sent to the proper Town and County authorities and the grantee.

Signed: \_\_\_\_\_  
Joseph Barker, Commodore  
Pewaukee Yacht Club

STATE OF WISCONSIN)  
SS  
COUNTY OF WAUKESHA)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named representative of lands described above, \_\_\_\_\_ to be known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:  
\_\_\_\_\_

This instrument was drafted by the  
Waukesha County Department of Parks and Land Use



Pewaukee Yacht Club  
PO Box 101  
Pewaukee, WI 53072  
Tel: +1 262 691 9927

Dan Green  
Administrator, Town of Delafield  
W302 N1254 Maple Avenue  
Delafield WI 53018

Dan,

The Pewaukee Yacht Club (“PYC”) is pleased to submit an application for changes to the existing Conditional Use Permit (“CUP”). The existing CUP was last updated in 2017, and an internal audit of the permit was conducted in fall of 2022 in conjunction with the Pewaukee Lake Sailing School (“PLSS”); who leases the facility and grounds from the PYC for shared use.

The mission of the PYC is to promote inland scow racing on Pewaukee Lake while fostering safe use of Pewaukee Lake for all. The PLSS offers an avenue for youth and adults to learn the sport of sailing without having to be a member of the yacht club. Both entities are proud to operate at the PYC’ owned facility on N22W28204 Edgewater Dr, Pewaukee, WI 53072, which is subject to a CUP from the Town of Delafield. Since the CUP was last updated in 2017, both the PYC and PLSS have grown to record membership and enrollment however the day-to-day operations have remained largely the same.

The internal audit of the CUP by both the PYC and PLSS revealed some inconsistencies/outdated language in the CUP, and updated language has been incorporated as a part of this application. In addition to the general clean-up of some of the language within the existing CUP, some material changes have also been requested – specifically regarding the expanded need for safety and support vessels to administer the teaching and racing of sailboats due to the growing enrollment at the PLSS and growing membership of the PYC.

The PYC and PLSS have met preliminarily with both the Town of Delafield and Waukesha County to review these requested changes. Both the PYC and PLSS will continue to remain compliant with the conditional uses set forth and act as outstanding entities in Delafield and Waukesha County.

Thank you for your time and consideration of these changes.

Very Sincerely,

J. Cody Ziegler  
Commodore, Pewaukee Yacht Club

EXHIBIT B




Description of Piers

- A) Main Pier\*
- B) West Launch Pier
- C) East Launch Pier
- D) Sailing School Support Pier\*

\*Not to scale

Description of Lots

- 1) Lot 1
- 2) Lot 2
- 3) Lot 3
- 4) Lot 4

 Pewaukee Lake Sailing School Owned Lot



# TOPOGRAPHIC SURVEY

BEING ALL OF LOT 7 OF BEACH BAY SUBDIVISION PLAT, AND ALL OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 10853, AND BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, IN TOWNSHIP 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, ALSO BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, AND PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 19, IN THE CITY OF PEWAUKEE, ALL IN WAUKESHA COUNTY, WISCONSIN

CURVE TABLE							
CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TAN BEARING 1	TAN BEARING 2
C1	76.93'	35°59'45"	48.33'	47.54'	S59°05'34"W	S77°05'26"W	S41°05'41"W
C2	324.66'	13°13'54"	74.98'	74.81'	N47°43'30"E	N54°20'27"E	N41°06'33"E
C3	324.66'	19°40'43"	111.51'	110.96'	N74°07'42"E	N74°07'42"E	N54°26'58"E
C4	370.71'	22°35'50"	146.21'	145.26'	N52°17'32"E	N63°35'27"E	N40°59'37"E
C5	16.93'	35°59'18"	10.64'	10.46'	N59°12'00"E	S77°11'39"W	S41°12'21"W

## LEGEND

- CONCRETE SECTION CORNER MONUMENT W/ BRASS CAP FOUND
- 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- 1" REBAR SET (UNLESS OTHERWISE STATED)
- RECORDED AS / DEEDED AS
- SANITARY LID, SANITARY MAIN LINE
- STORM CULVERT
- STORM MANHOLE, CATCH BASIN, STORM MAINLINE
- WELL
- UTILITY POLE, OVERHEAD LINES, GUY ANCHOR
- LIGHT POLE
- BURIED GAS LINE & METER
- BURIED ELECTRIC, METER, & BOX
- BURIED COMMUNICATION LINE & PEDESTAL
- CHAIN LINK FENCE LINE
- WOODEN FENCE LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- RIP RAP
- GRAVEL SURFACE
- SAND SURFACE
- CONCRETE SURFACE
- SPOT ELEVATION
- TREE LINE

**SURVEYOR**  
 KETHA A. KINDRED,  
 PLS S. 2082  
 SEH, INC.  
 501 MAPLE AVE.  
 DELAFIELD, WI 53018  
 (262) 370-0185  
 KKINDRED@SEHINC.COM

**SURVEY FOR**  
 PETE FEICHTMEIER  
 COLBY CONSTRUCTION  
 709 MILWAUKEE ST. STE A  
 DELAFIELD, WI 53018  
 (262) 646-4701  
 PETE@COLBYCONSTRUCTION.COM

**PROPERTY ADDRESS'S**  
 PEWAUKEE LAKE SAILING SCHOOL  
 N22W28000 EDGEWATER DR  
 PEWAUKEE, WI 53072  
 TAX KEY: DELT0813997  
 DOC # 3723029

PEWAUKEE YACHT CLUB  
 N22W28024 EDGEWATER DR  
 PEWAUKEE, WI 53072  
 TAX KEY: DELT0772027  
 DOC # 3827754

LAKE PEWAUKEE SANITARY  
 N22W28024 EDGEWATER DR  
 PEWAUKEE, WI 53072  
 TAX KEY: DELT0813015  
 DOC # 1045918

LAKE PEWAUKEE SANITARY  
 DISTRICT & PEWAUKEE LAKE  
 SANITARY DISTRICT  
 TAX KEY: PWC093899002  
 DOC # 3627250

PEWAUKEE LAKE SAILING SCHOOL  
 W278N2243 PROSPECT AVE  
 PEWAUKEE, WI 53072  
 TAX KEY: PWC0938996  
 DOC # 3485816

PEWAUKEE YACHT CLUB  
 N22W27971 EDGEWATER DR  
 PEWAUKEE, WI 53072  
 TAX KEY: PWC0938997  
 DOC # 2947828

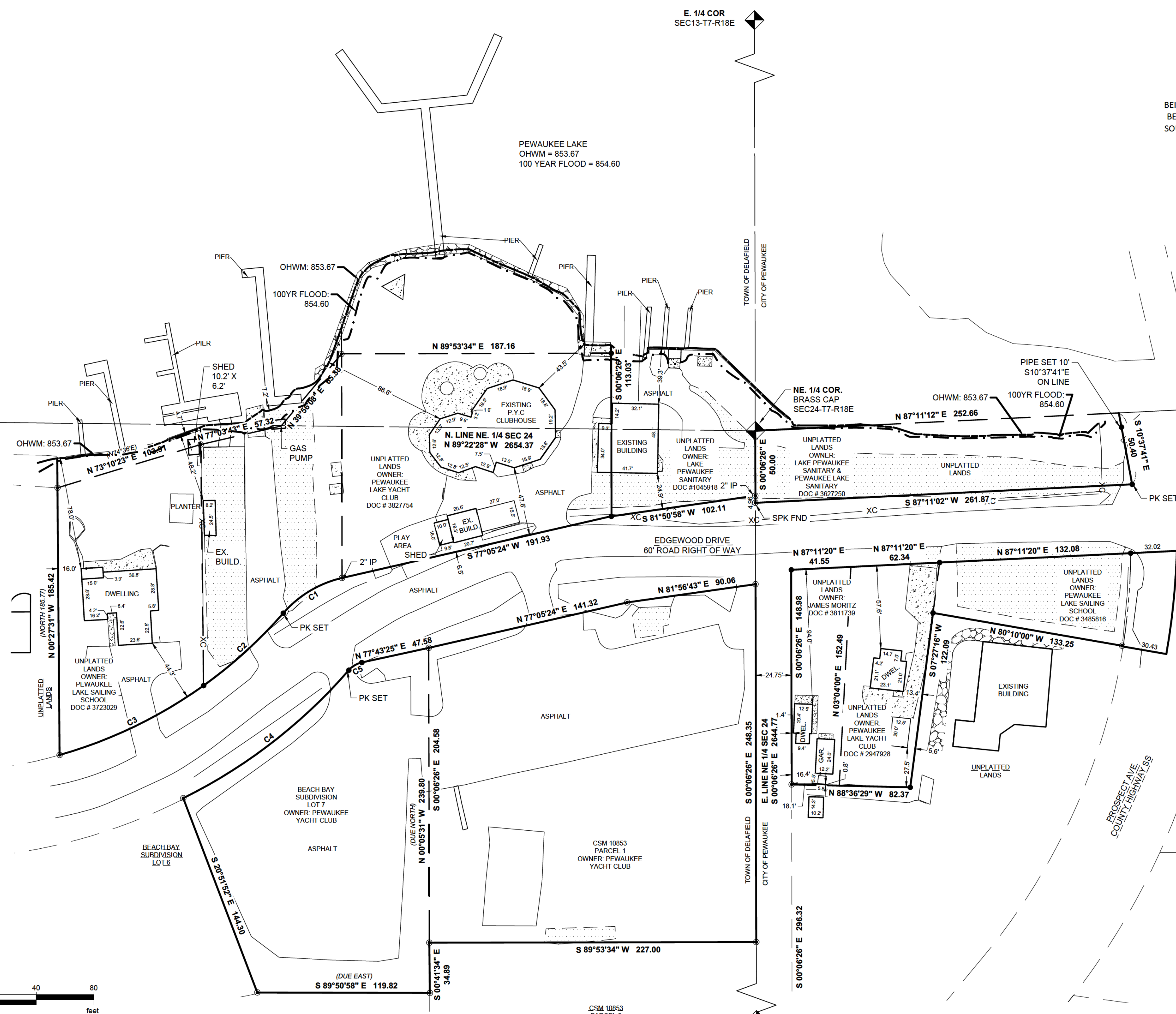
JAMES MORRITZ  
 W22N27995 EDGEWATER DR  
 PEWAUKEE, WI 53072  
 TAX KEY: PWC0938996  
 DOC # 3811739

PEWAUKEE YACHT CLUB  
 TAX KEY: DELT0813998001  
 CSM 10853 PARCEL 1  
 DOC # 3823507

PEWAUKEE YACHT CLUB  
 TAX KEY: DELT0813007  
 LOT 7 BEACH BAY SUBDIVISION  
 DOC # 476334



BEARINGS AND DISTANCES REFERENCED TO NAD27 WISCONSIN STATE PLANES, SOUTH ZONE ON THE EAST LINE OF THE NORTHEAST 1/4, SEC 24-7-18 ON ITS ASSUMED BEARING OF SOUTH 00°06'26" EAST

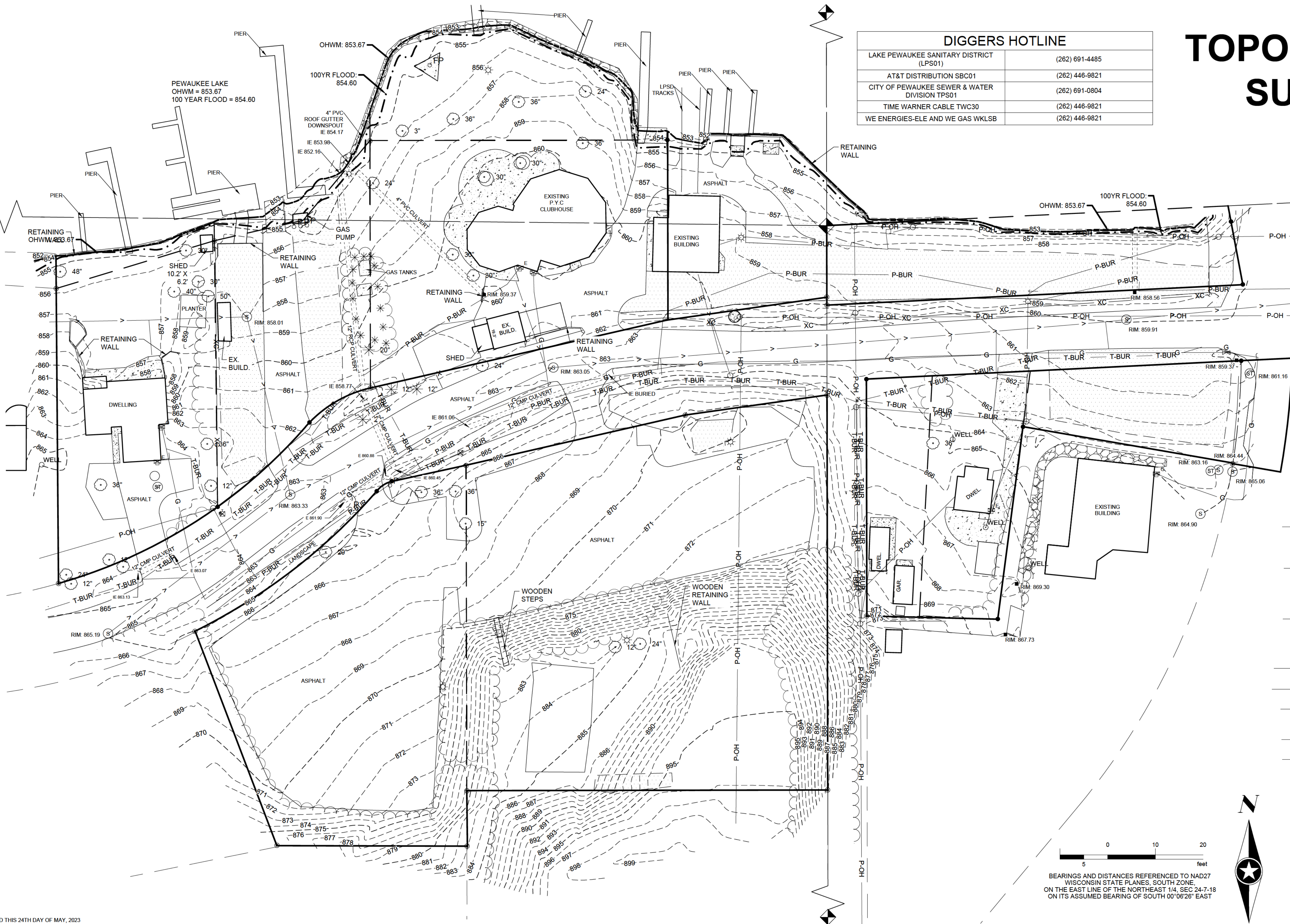


**SURVEYOR'S CERTIFICATE:**  
 I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS, AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

DATED THIS 24TH DAY OF MAY, 2023

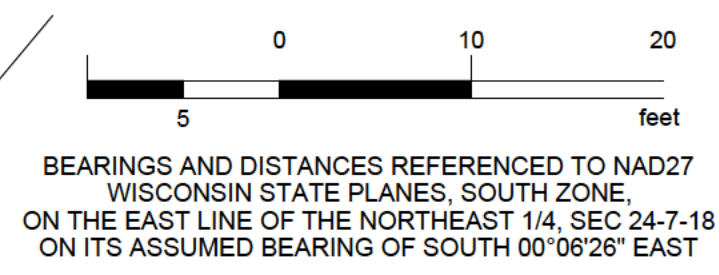
# TOPOGRAPHIC SURVEY

DIGGERS HOTLINE	
LAKE PEWAUKEE SANITARY DISTRICT (LPS01)	(262) 691-4485
AT&T DISTRIBUTION SBC01	(262) 446-9821
CITY OF PEWAUKEE SEWER & WATER DIVISION TPS01	(262) 691-0804
TIME WARNER CABLE TWC30	(262) 446-9821
WE ENERGIES-ELE AND WE GAS WKLSB	(262) 446-9821



### LEGEND

- CONCRETE SECTION CORNER MONUMENT W/ BRASS CAP FOUND
- 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- 1" REBAR SET (UNLESS OTHERWISE STATED)
- RECORDED AS / DEEDED AS
- SANITARY LID, SANITARY MAIN LINE
- STORM CULVERT
- STORM MANHOLE, CATCH BASIN, STORM MAINLINE
- WELL
- UTILITY POLE, OVERHEAD LINES, GUY ANCHOR
- LIGHT POLE
- BURIED GAS LINE & METER
- BURIED ELECTRIC, METER, & BOX
- BURIED COMMUNICATION LINE & PEDESTAL
- CHAIN LINK FENCE LINE
- WOODEN FENCE LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- RIP RAP
- GRAVEL SURFACE
- SAND SURFACE
- CONCRETE SURFACE
- SPOT ELEVATION



DATED THIS 24TH DAY OF MAY, 2023

SEH PROJECT: COLBC 172693  
 DRAWN BY: KGB  
 CHECKED BY: KAK

PATH: X:\AE\C\COLBC\172693\9-SURVEY\92-CAD\10-C3D\COLBC\_172693\_POS.DWG



## TOPOGRAPHIC SURVEY

BEING ALL OF LOT 7 OF BEACH BAY SUBDIVISION PLAT, AND ALL OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 10853, AND BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, IN TOWNSHIP 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, ALSO BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, AND PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 19, IN THE CITY OF PEWAUKEE, ALL IN WAUKESHA COUNTY, WISCONSIN

# Plan Commission Report for July 11, 2023

## **Nathan Strom Agenda Item No. 5 C.**

Applicant: Nathan Strom

Project: Fence installation

Requested Action: Approval of a 6-foot-high fence to be located along the sides of his lot between the roadside face of his house and the Town right-of-way line and between the lakeside face of his house and a point 75 feet from the ordinary high-water mark.

Zoning: R-3 Residential (County)

Location: W303 N2606 Maple Avenue

### **Report**

Mr. Strom is requesting approval of a solid, six-foot-high to be located along the sides of his lot between the roadside face of his house and the Town right-of-way line and between the lakeside face of his house and a point 75 feet from the ordinary high-water mark. The material for the fence is white vinyl.

Section 17.06 Accessory Uses, Buildings and Structures, subsection 4. Structures Other Than Buildings, subsection B. Fences, No. 4 states, “*Any such structure greater than three feet in height located between the road right-of-way line and the nearest portion or projection of the principal building measured from the right-of-way line, extended to the side lot lines may be permitted with the approval of the Plan Commission;*” and No. 5 states, “*Any such structure located between the Ordinary High Water Mark (OHWM) and the nearest portion or projection of the principal structure measured from the OHWM extended to the side lot lines, shall be no greater than three feet without Plan Commission approval.*”

### **Staff Recommendation:**

The original intent of only allowing short fences in the front and rear yards was to promote open space and avoid any type of “prison wall” look. The Strom house is located very close to adjacent homes (12.6 feet to house to the north, and 5.6 feet to the house on the south). The fence will provide privacy to all neighbors. There is a similar fence located three properties to the south of the Strom property and a wooden fence three properties to the north of the Strom property.

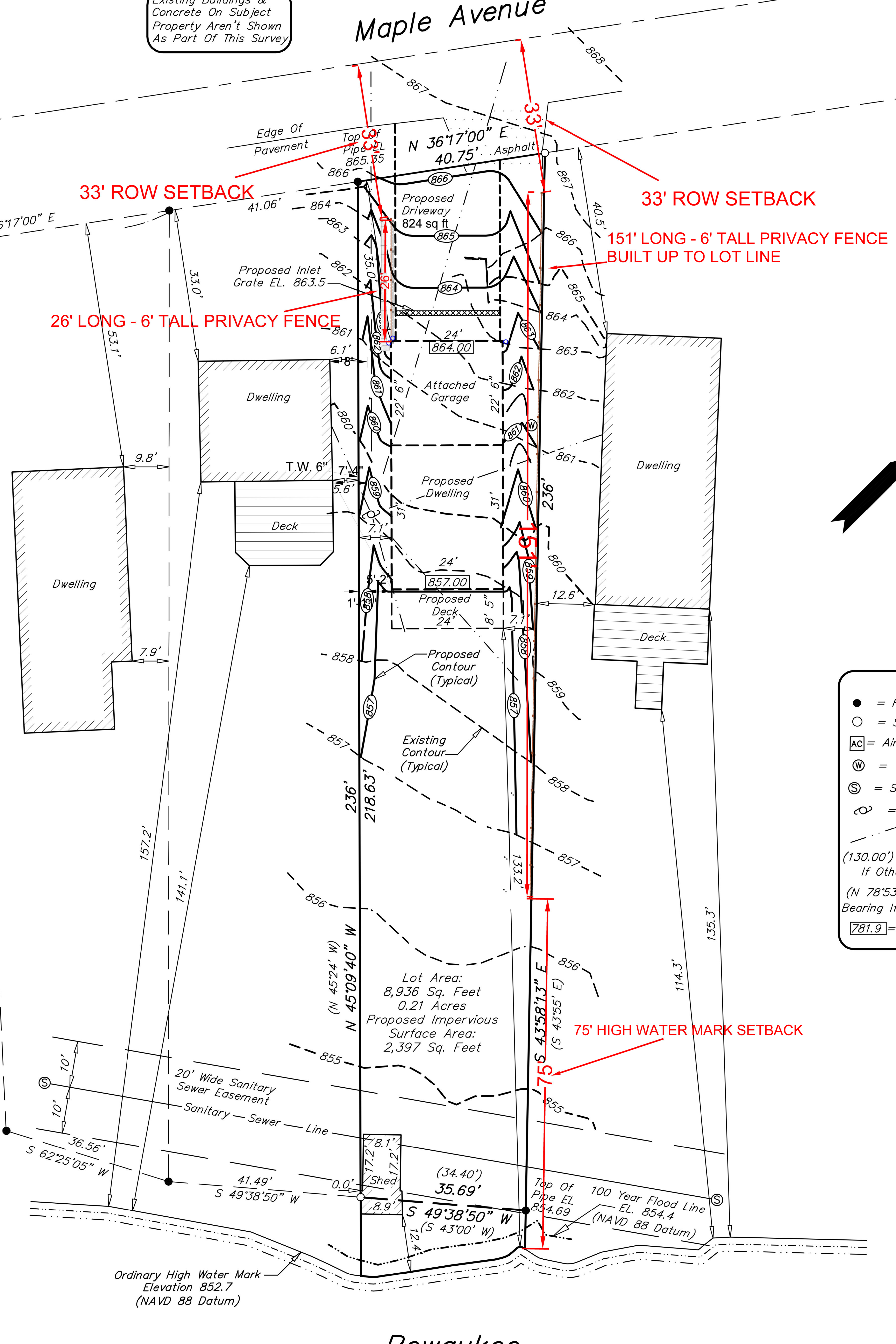
Subject to any new information heard at the Plan Commission meeting, I recommend approval of the request for a 6-foot-high fence to be located along the sides of his lot between the roadside face of his house and the Town right-of-way line and between the lakeside face of his house and a point 75 feet from the ordinary high-water mark

Tim Barbeau, Town Engineer

June 20, 2023

Existing Buildings & Concrete On Subject Property Aren't Shown As Part Of This Survey

Maple Avenue



33' ROW SETBACK

33' ROW SETBACK

151' LONG - 6' TALL PRIVACY FENCE BUILT UP TO LOT LINE

26' LONG - 6' TALL PRIVACY FENCE

75' HIGH WATER MARK SETBACK

Lot Area:  
8,936 Sq. Feet  
0.21 Acres  
Proposed Impervious  
Surface Area:  
2,397 Sq. Feet

- = A
- = S
- AC = Air
- W =
- ⊙ = S
- ⊗ =
- (130.00')
- If Oth
- (N 78°53'
- Bearing In
- 781.9 =

Ordinary High Water Mark  
Elevation 852.7  
(NAVD 88 Datum)

Bowaukeo



# 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: Nathan Strom	Name:
Address: W303N2606 Maple Ave	Address
State Zip City: WI 53072 Pewaukee	City <span style="float: right;">State Zip</span>
Telephone Number: [REDACTED]	Telephone Number
Email: [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.

- |  |  |
|--|--|
| Site Plan.....\$150.00<br>Grading Plan.....\$50.00<br><br>Lighting Plan.....\$50.00<br><br>Signage Plan.....\$75.00<br>Preliminary Plat.....\$300.00<br><br>Final Plat.....\$150.00<br>Certified Survey Map.....\$250.00<br>Developer's Agreement.....\$100.00<br><br>Planned unit Development.....\$225.00<br>Conceptual Plan Review.....\$50.00<br>Other.....\$50.00 minimum | Home Occupation.....\$50.00<br><br>Zoning Amendment.....\$300.00<br><br>Land Use Amendment.....\$300.00<br>Conditional Use.....\$225.00<br><br>Plan of Operation.....\$150.00<br>Current Zoning:<br>_____<br>_____<br><br>Lot Size:<br>Proposed Zoning (if applicable) |
|--|--|

**PROJECT NAME:** Property Address: Tax ID/Parcel ID:  
 Present Use: 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.

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

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.

Petition to build a Fence.



## **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 Date

Print Name

### **For Office Use Only**

Application Received

Date Received

PC Meeting Date

Public Hearing Date

Publication Date (if required)

Amount Received Received by

Board Meeting Date



**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.

\_\_\_\_\_ June 12th 2023 \_\_\_\_\_ Signature of  
Owner Date

\_\_\_\_\_ Nathan Strom \_\_\_\_\_  
Owner’s name (please print)

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

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







# Town of Delafield

## Zoning Permit Application Information

**NOTE: This is only a guideline and is not a substitute for the language in the Zoning or Building Code. Please refer to those codes for detailed information about your request.**

### I. General Process

In order to build or improve your home or business or add hard surfaces, you are required to obtain both a zoning permit and a building permit. In the Town of Delafield, the issuance of permits is accomplished in two steps. Tim Barbeau and Mike Hadley are the zoning administrators and review and issue zoning permits. Mike Hadley is also the building inspector and issues building permits once a zoning permit is issued. If you live in a shoreland area (1,000 feet from a lake or 300 feet from a navigable waterway), you will be required to apply for and receive a permit from Waukesha County Department of Parks and Land Use, Planning Division. Once the county approves and issues a zoning permit, it is sent to the Town. When the Town has completed the permit reviews, copies of all permits are issued to the applicant. It is suggested that applicants contact the Town zoning administrator for initial consultation or submit the necessary forms and fees to the Town clerk's office during normal business hours and the information will be passed on to the zoning administrator for review.

### II. Information Required to get a Zoning Permit

The following items are required in order to obtain a zoning permit (explained in more detail below).

- Completed Zoning Permit Check List
- Plat of Survey (see exceptions below)
- 1 Copy of the construction plans
- Acknowledgement of open space balance form
- Signed Owner Zoning Notice Form (to be received from Zoning Administrator)

Zoning Permit Checklist: The form can be found online at [www.townofdelafield.org](http://www.townofdelafield.org), under the "Licenses and Permits" tab. Complete the upper section, sign the document and submit to the building inspector (or if he is not at the Town Hall, submit to the Town Clerk's office to forward to the inspector).

Plat of Survey: The plat of survey must show all existing and planned structures and hard surfaces (house, garage, sheds, patio, sidewalk, decks, pools, hardscape, etc.). In addition to the normal information provided on a plat of survey, it shall also include setback distances (front, shore) and offset distances (side, rear), and a listing of hard surfaces with the square footages for each item. The survey needs to be signed and stamped by the surveyor. For more improvements that do not involve the construction of a building, (landscape, hardscape or driveway modification) and a building permit is not needed, a site plan prepared by a registered engineer, architect or landscape architect containing all the required information above may be substituted for the Plat of Survey.

For zoning permits on lots that have at least 1,500 square feet more open space than the minimum required by the Code, no plat of survey is required, however, the applicant must provide an aerial photo or other plan showing and calculating the open space on the property (see Code Section 17.03 1.A 2. E(3) for more detail on this option).

Construction Plans: One copy of the construction plans (floor plans, elevations) is required to be submitted to the Zoning Administrator to confirm that the survey or site plan matches the proposed building and to confirm other zoning items such as eave height and overall height.



Acknowledgement of Open Space Balance: Prior to the zoning permit being issued, the owner of the property must sign an acknowledgement of open space balance form which informs the owner the balance of open space left on the property. A copy of the form will be included in the owner's building permit file.

**III. Additional Requirements/Information**

1. An as-built survey showing the final open space calculations of new homes, additions, improvements on lots on Pewaukee Lake or improvements that reduce the open space to within 500 square feet or less of what is required, must be submitted to the zoning administrator to confirm that the property conforms to the code before occupancy is granted.
2. For lands that are not served by public sanitary sewer, a Preliminary Site Assessment is required. Contact Waukesha County Department of Parks and Land Use, Environmental Health Division at (262) 896-8300.
3. For lands that abut a County Highway, contact the Waukesha County Department of Public Works at (262) 548-7740 for a highway access permit.
4. For lands that abut a State Highway, contact the WisDOT at (262) 521-5344 for a State access permit.

**Contact Information:**

Mike Hadley  
 Building Inspector  
 Office Hours: Monday, Wednesday, and Friday: 8:00 – 10:30 a.m.  
 Fax: 262-646-8687  
 Office: 262-646-2778  
 Email: mhadley@safebuilt.com

<b>Project Location (Building Address)</b> W303N2606 Maple Ave Pewaukee WI 53702		<b>TOWN OF DELAFIELD ZONING PERMIT CHECK LIST</b>		<b>Permit No.</b>	
				<b>Tax Key No.</b> DELT0780026	
<b>Owner's Name (print) Mailing Address Phone No. Email</b> Nathan Strom W303N2606 Maple Ave Pewaukee WI 53702 262-880-5727 nate.abds@gmail.com					
<b>Contractor Mailing Address Phone No. Email</b> S66W14427 W Janesville Rd, Muskego, WI 53150 Brett@terratirmawi.com 414-4 2 2 - 9 4 4 0					
<b>Surveyor/Landscape Architect Mailing Address Phone No. Email</b>					
<b>PROJECT INFORMATION</b>	<b>Subdivision Name</b> CRYSTAL SPRING PARK		<b>Lot No.</b> LOT•18		<b>Block No.</b> SE1/4 SEC 15 T7N R18E
<b>Zoning District</b> R-3, DSO	<b>Lot Area</b> 8010 Sq. Ft.	<b>Offsets/ Setbacks</b>	<b>Front</b> Ft.	<b>Rear</b> Ft.	<b>Left</b> Ft. <b>Right</b> Ft.

<b>1. PROJECT</b>  Other: FENCING	<b>2. AREA INFORMATION</b>  Living Area Sq. Ft. Garage Sq. Ft. Shed Sq. Ft.  Other Sq. Ft.	<b>3. TYPE</b>  Single Family
<b>4. MISC. INFORMATION</b>  Height (to eave) Ft. Wetland Setback Ft. Height (overall) Ft. Accessory Structures EA Lot  Width Ft. Open Space % Shoreland Setback Ft. Subdivision Restrictions  Survey with drawing of project attached.		<b>5. SEWAGE DISPOSAL</b>  Public Sewer
The applicant agrees to comply with the Town of Delafield Ordinances and with the conditions of this permit; understands that the issuance of the permit created no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate.  SIGNATURE OF APPLICANT DATE:		
<b>OFFICE USE ONLY</b>		
<b>OPEN SPACE CALCULATION</b>  House Sf Required O S Area % Garage Sf Required O.S. Area Sf. Driveway Sf. Lot Area Sf. Patio Sf. Hard Surfaces Sf. Deck Sf. Open Space Area Sf. Pool Sf. Open Space % Sidewalks Sf. Balance of Access. Bldgs. Sf. Other Sf.  Total Sf. FEES  Review Fee Zoning permit Fee  Total		<b>Permit Issued By Municipal Agent</b>  Name:  Date:  <b>Conditions:</b> 1. This permit is issued pursuant to the attached conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. Owner/builder is solely responsible for compliance with all applicable State, Local, Building, and Zoning codes. 2. Permit expires one year from the date issued. 3. Work shall be performed between the following times:  7:00AM – 8:00PM Monday-Friday 7:00AM – 5:00PM Saturday 8:00AM – 5:00PM Sunday

Distribution: Owner Zoning Administrator Building Inspector Assessor 4/2015

# Town of Delafield

## Acknowledgement of Open Space Balance Form

OWNER	Nathan Strom
ADDRESS	W303N2606 Maple Ave Pewaukee WI 53702

TAX KEY NO.	DELT0780026
ZONING DISTRICT	R-3, DSO
LOT AREA (s.f.)	8010 sq ft
OPEN SPACE REQUIRED (%/s.f.)	
OPEN SPACE PROPOSED (%/s.f.)	
BALANCE OF OPEN SPACE (s.f.)	

I hereby acknowledge that I have received and reviewed the information noted above and am aware of the balance of open space on my property.

Owner (print)

Owner (signed) Date

Received By: \_\_\_\_\_ Date: \_\_\_\_\_