

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, AUGUST 17, 2017, 1:00 P.M.**

CALL TO ORDER

Mr. Morris, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Richard Morris James Siepmann William Maslowski
 Robert Hamilton

Members Absent: Robert Peregrine William Mitchell

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor

Guests Present: Gregory Peterson: PPC17_008
 Attorney Nancy Wilson: ZT-1857
 Tom Schepp:
 Steve Nichols: PPC17_007

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES: Approval of the July 20, 2017, Minutes.

Mr. Siepmann moved, seconded by Mr. Maslowski and carried for approval of the July 20, 2017, Minutes. (Mr. Maslowski abstained from voting, as he did not attend the meeting.)

PUBLIC COMMENT: None.

• **ZT-1856 (Select Storage 51, LLC/Thomas Schepp) Town of Waukesha, Section 1**

Mr. Fruth pointed out the location of the property at S16 W22171 S.T.H. 59 in the Town of Waukesha on the aerial photograph. He indicated the request is to rezone the property from the R-3 Single Family Residential District to the B-3 General Business District.

Mr. Fruth noted the property is approximately 5 acres in size and located on the south side of S.T.H. 59 (Arcadian Avenue). The proposal is to raze the existing residence and outbuildings on the property in order to construct two (2) commercial storage buildings. The buildings will be approximately 6,400 sq. ft. and 8,450 sq. ft. in size. Wetlands are located on the southern portion of the property. He presented a site plan of the property and noted that the Town of Waukesha has a 30 ft. wetland buffer provision. The Town recommended approval of the request with conditions.

Chairperson Morris asked if these would be individual storage units to which Mr. Fruth replied there would be storage buildings with mini-warehouse storage units for rent.

After discussion, Mr. Hamilton moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **ZT-1857 (Jeffrey Zsori/Patricia Mayer Revocable Trust) Town of Delafield, Section 34**

Mr. Fruth pointed out the location of the property at S11 W30520 Summit Avenue in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the A-2 Rural Home District.

Mr. Fruth indicated the property is located on the north side of S.T.H. 18, east of the Village of Wales. Currently, the petitioner's farm contains three (3) parcels, a 45-acre parcel, which is used for farming and contains a residence, and two (2), seven (7) acre parcels located immediately to the southeast. The petitioner is proposing to combine the two smaller parcels with the majority of the larger parcel to create a 48-acre parcel for farming purposes and the remaining 11.7-acre parcel (abutting S.T.H. 18) would contain the residence. Mr. Hamilton asked, if the smaller parcel could be split into two (2) lots and be developed in the future, and where would the access point be to S.T.H. 18? Mr. Fruth responded that if someone would acquire both the 11.7 and 48 acre parcels and combine the properties it could be developed into more units. In his opinion, he stated that a shared driveway may be suggested rather than a new access.

After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **ZT-1853 (Candy Treml) Town of Lisbon, Section 5**

Mr. Fruth pointed out the location of the property at N95 W26383 C.T.H. "Q" in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-5 Mini Farm District to the A-3 Agricultural/Residential Estate District.

Mr. Fruth indicated the petitioner resides on the property and is interested in opening a specialty gift shop in an accessory building on the property. The property contains a residence, an outbuilding and a barn, and is served by a shared driveway. At the public hearing, there was discussion from an adjacent neighbor who utilizes the shared driveway who expressed concerns regarding the intensification of the use relating to the proposed gift shop. Chairperson Morris stated it looked like there was an additional shared driveway on the property to the east. Mr. Fruth confirmed on the aerial photograph that it appears there are two (2) shared driveways on the neighbor's property.

After discussion, Mr. Maslowski moved, seconded by Mr. Hamilton and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCU-1638 (Candy Treml) Town of Lisbon, Section 5**

Mr. Fruth pointed out the location of the property at N95 W26383 C.T.H. "Q" in the Town of Lisbon on the aerial photograph. He indicated the request is for approval for the operation of a gift shop with occasional outdoor displays and special events.

Mr. Fruth indicated the Conditional Use (CU) request is related to the abovementioned rezone ZT-1853 for the gift shop operation. The Town of Lisbon recommended several conditions, which included Washington County and Department of Public Works approval, the CU request must be specific to the owner, all events are to end by 8:00 p.m. and no parking on the shared drive. The County recommended conditions relating to a more detailed Site Plan, Parking Plan, waste disposal, signage details, Outdoor Use Plan, a maximum of two

(2) special events per year, Environmental Health approval and an annual inspection would be required. Mr. Hamilton asked how long the gift shop has been in operation? Mr. Fruth replied, approximately one year and previously in the City of Delafield under a different name.

After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-17-LSBT-04 (Candy Tremel) Town of Lisbon, Section 5**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1638) listed above.

After a brief discussion, Mr. Siepmann moved, seconded by Mr. Hamilton and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PPC17 007 (Steven and Anne Nichols) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N51 W34310 Park Bay Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a retaining wall within 5 ft. of the east property line.

Mr. Fruth indicated the property contains two (2) retaining walls, however, one was built within five (5) ft. of the neighboring property line and within 75’ of the shoreline. The petitioner also constructed a new deck (without permits) within 75’ of the shoreline that did not comply with the setback provisions, which has since been removed. The Planning and Zoning Division Staff is recommending approval with conditions, regarding the screening of the retaining wall (possibly vines growing over and down the wall) and regarding obtaining a Minor Grading and Building Permit.

Mr. Maslowski asked how long has the wall been in place? Mr. Fruth replied, that he was unsure, however, the permit for the new home was issued in 2013, which clearly stated no new retaining walls permitted. He guessed maybe 2014/2015. Mr. Nichols, petitioner, said the walls were constructed in 2015. Mr. Maslowski asked, when the permit stated no new retaining walls did that imply no replacement of existing walls or no additional new retaining walls? Mr. Fruth said he was unsure of the specific language. Mr. Maslowski asked if the new walls were replacement walls to which Mr. Nichols replied, “Yes”. Mr. Nichols presented a packet of materials, containing photographs of other properties around the lake with retaining walls which are not screened and a petition with 40 signatures stating the petitioner should not be required to screen the walls. Mr. Maslowski asked Mr. Nichols if the retaining wall request was approved, would he come back at a later date and ask that the deck be allowed? Mr. Nichols replied, “No”, and added that he is still working with the Planning and Zoning Division Staff regarding any options for the deck, which he felt were exhausted. He added that a boathouse is being pursued in place of the east retaining wall. Mr. Maslowski asked if there would be enough room and access for the construction of a boathouse. Mr. Nichols said access for construction could be challenging, however, the residence on the property located to the east is planned to be razed and he may be able to gain access better during that period if the timing works out. Mr. Nichols added that he realizes the retaining walls were not permitted and wants to make it right. He stated the retaining walls did not negatively alter the drainage or increase the slope on the property. He is asking the Commission to reconsider the Planning Staff’s condition regarding the required screening of the wall. He said he reviewed

the County's Shoreland Ordinance and did not find anything regarding the requirement for screening of retaining walls. He expressed concerns with the required screening. He noted that vines, which were suggested by the Planning Staff, could have root systems that would interfere with the drainage system behind the walls. He stated that if he added plantings at the bottom of the retaining wall they might get damaged because he needed the yard space between the walls and the lake to store his pier and other items. In addition, he said the plantings would be temporary if he planned to build a boathouse.

Mr. Maslowski asked, if he moved to approve the request, does the petitioner have to come back for a boathouse permit? Mr. Fruth replied that there is a boathouse permit pending, however, the Planning and Zoning Division Staff is not sure whether the petitioner is proceeding with the approval for the boathouse. Mr. Nichols said that Ms. Leto, Senior Land Use Specialist was pushing him to close the retaining wall request first and he wanted to respect that.

Mr. Siepmann expressed concerns relating to the landscaping of the retaining walls. Although he appreciated the petitioner had used lannon stone materials for the wall, he noted that the Commission has to be consistent. He said that consistently, landscaping has been required to soften the visual impact of retaining walls from the lakeside. The County has strived to keep the shoreline natural and the common thread is to keep retaining walls looking as natural as they can be. He stated he would be opposed to removing the screening/landscaping condition. However, if the petitioner would apply for the boathouse, he suggested that the timeline for the screening be delayed in order to get the boathouse approved, and then screening the east wall would be unnecessary.

Chairperson Morris referred to the photographs supplied by the petitioner of the original retaining walls showing they were very well screened. Mr. Nichols said they were overgrown junipers. Mr. Fruth added that the County Landscape Architects could suggest plantings for screening. He asked Mr. Nichols to get information together regarding what type of backfill was utilized for the retaining walls to help them decide what type of vegetation would be appropriate. Chairperson Morris asked if the boathouse would be a working boathouse with a rail to which Mr. Nichols replied that there were no rails in the plans.

After discussion, Mr. Siepmann moved, seconded by Mr. Hamilton and carried unanimously for approval, in accordance with the "Staff Report and Recommendation" with the understanding that if the petitioner applies for a boathouse within the next 60 days, the landscaping requirement for the retaining wall to the east will not apply, however, the retaining wall to the west will still be required to be screened. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PPC17 008 (Lawrence and Wendy Schreiber) Town of Genesee, Section 26**

Mr. Fruth pointed out the location of the property at W289 S4971 Rockwood Trail in the Town of Genesee on the aerial photograph. He indicated the request is for a new guesthouse on an existing lot not abutting a public road.

Mr. Fruth indicated the property has frontage on Saylesville Pond in the Town of Genesee. The petitioners are proposing to construct a two (2) story accessory building. The first floor of the structure would be used as a garage and the second story would be utilized as a guesthouse. The Town approved the request provided a Deed Restriction be filed stating the guesthouse cannot be sold separately. Mr. Hamilton asked if there are any concerns regarding the onsite septic system with the addition of the guesthouse? Mr. Fruth answered that the Environmental Health Division would need to approve the septic system before permits are issued. Mr.

Peterson, contractor indicated a site evaluation was completed and the new structure would be able to be tied into the existing system.

After discussion, Mr. Siepmann moved, seconded by Mr. Maslowski and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Maslowski to adjourn at 1:44 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

