

ENROLLED ORDINANCE 180-34

AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF THE NW ¼, OF SECTION 33, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT WITH THE EC ENVIRONMENTAL OVERLAY DISTRICT TO REMAIN (RZ159)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Delafield Town Board on July 22, 2025; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Delafield District Zoning Map of the Waukesha County Shoreland Protection Ordinance, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on July 20, 1998, is hereby amended to conditionally rezone from the A-2 Rural Home District to the A-3 Suburban Estate District with the EC Environmental Overlay District to remain, certain lands located in part of the NE ¼ of the NW ¼ of Section 33, T7N, R18E, Town of Delafield, as more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference, is hereby approved, subject to the following conditions:

1. The land division shall substantially conform to that as depicted upon Exhibit A and, prior to the north driveway being constructed, the local fire inspector shall be consulted and tree removal, grading and erosion control plans shall be reviewed and approved by the town and county.
2. No residence shall be constructed in the Primary Environmental Corridor (PEC).
3. Disturbance through the primary environmental corridor for access to a residence shall be minimized and the only land that can be disturbed is for a driveway corridor which shall be no greater than 24 feet wide.
4. The subject acreage shall be limited to a maximum of two parcels.


BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Delafield Clerk.

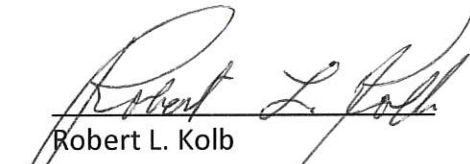
AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF THE NW ¼, OF SECTION 33, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT WITH THE EC ENVIRONMENTAL OVERLAY DISTRICT TO REMAIN (RZ159)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair


Wayne Euclide

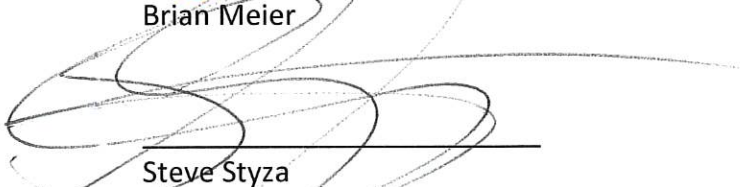

John G. Gscheidmeier


Robert L. Kolb


Absent

Johnny Koremenos


Brian Meier


Steve Styza


The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 09-26-2025 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

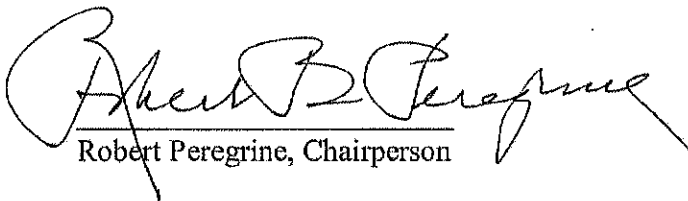
Date: 10/2/2025 
Paul Farrow, County Executive

COMMISSION ACTION

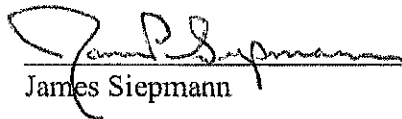
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the District Zoning Map of the Town of Merton Zoning Code hereby recommends approval of **RZ165 (Havnen/Rozman)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

August 21, 2025



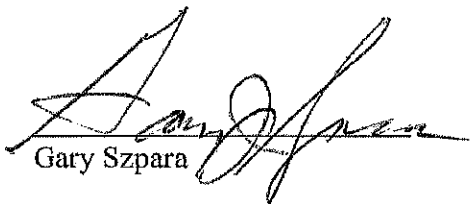
Robert Peregrine, Chairperson



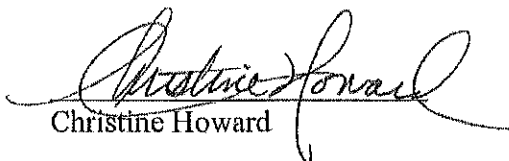
James Siepmann



William Groskopf



Gary Szpara



Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: August 21, 2025

FILE NO.: RZ159 and RZ165

OWNER: John Havnen and Philip Rozman
S15 W32056 High Meadow Circle
Delafield, WI 53018-3219

TAX KEY NO.: DELT 0850.999.001

LOCATION:

The property is described as Certified Survey Map No. 2323, located in part of the NE ¼ of the NW ¼, of Section 33, T7N, R18E, Town of Delafield. More specifically, the property is located at W316 S198 Highway 83 containing approximately 6.8 acres.

EXISTING ZONING:

A-2 Rural Home District (County and Town), EC Environmental Corridor Overlay District (County)

PROPOSED ZONING:

A-3 Suburban Estate District (County) and A-3 Suburban Home District (Town)

EXISTING USE(S): Single-family residence and vacant land.

REQUESTED USE(S):

Land division for a new residential parcel.

PUBLIC HEARING DATE:

July 1, 2025

PUBLIC COMMENT:

Two neighbors expressed concerns with the information Zillow is providing to the public and expressed concern about the land being further divided in the future.

TOWN PLAN COMMISSION AND BOARD ACTION:

On July 1, 2025, the Town of Delafield Plan Commission unanimously recommended rezone approval with conditions as noted in the staff recommendation section of this report.

On July 22, 2025, the Town of Delafield Board unanimously recommended approval of RZ159 (county shoreland rezoning) and approved RZ165 (town rezoning), consistent with the Plan Commission's recommendation.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The town and county plans designate the majority of the west part of the property in the Suburban Density 1 Residential (1.5-2.9 acres per dwelling unit) and the east part of the property in the Primary Environmental Corridor (maximum one dwelling unit per five upland acres) categories. This yields two development rights. The proposal to rezone the property to allow for two lots complies with the plan density recommendations. The proposal to place the second dwelling unit outside of the environmental corridor is also consistent with the plan's recommendations.

STAFF ANALYSIS:

The approximately 6.8-acre subject property is located on the south side of State Highway 83, which runs parallel to Scuppernong Creek, near the intersection of Mary Ct. and approximately 1.3 miles south of Interstate 94. The county's shoreland jurisdiction extends 300' from the creek which includes the area of the property immediately along the highway. The balance of the property is subject to the Town of Delafield Zoning Code. The property contains significant terrain ranging from 975' amsl near the highway to approximately 1,080' amsl in the southeast corner of the parcel. The east part of the site is heavily wooded and is mapped as Primary Environmental Corridor.

The property is proposed to be rezoned from the A-2 to the A-3 District under both the town (RZ165) and county (RZ159) codes. The A-2 District has a three-acre minimum lot size, whereas the A-3 Suburban Estate District has a two-acre minimum lot size. The petitioner is proposing to divide the property to create a two-acre parcel containing the existing improvements and a 4.8-acre parcel to allow for a future residence (See Exhibit A). The existing single-family residence and accessory building are located near Highway 83. Lot 2 would be L shaped with the building site in an elevated clearing to the south of Lot 1 and to the west of the environmental corridor.

The existing residence has driveway access to STH 83 and there is a second existing driveway access to STH 83 along the proposed Lot 2 frontage that is expected to be used to access Lot 2. The State DOT has been consulted to determine that the two access points are acceptable. Soil tests still need to be submitted for Lot 2 to demonstrate an acceptable septic location, but that can be completed as part of the review of the proposed Certified Survey Map.

There is a mix of zoning categories in the immediate area. Properties to the south are generally zoned A-2 while properties to the north are zoned A-3, including the adjacent Scuppernong Springs condominium community.

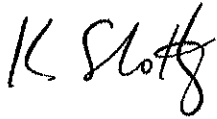
STAFF RECOMMENDATION:

Based upon the above analysis, the Planning and Zoning Division Staff recommends **conditional approval** of the zoning change subject to the following conditions. Conditions No. 1-3 will apply to both RZ159 and RZ165. Condition No. 4 will apply to RZ159:

1. The land division shall substantially conform to that as depicted upon Exhibit A and, prior to the north driveway being constructed, the local fire inspector shall be consulted and tree removal, grading and erosion control plans shall be reviewed and approved by the town and county.
2. No residence shall be constructed in the Primary Environmental Corridor (PEC).
3. Disturbance through the primary environmental corridor for access to a residence shall be minimized and the only land that can be disturbed is for a driveway corridor which shall be no greater than 24 feet wide.
4. The subject acreage shall be limited to a maximum of two parcels.

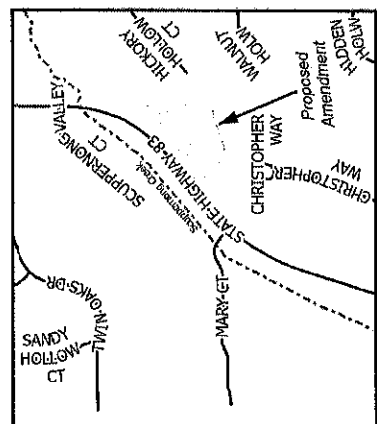
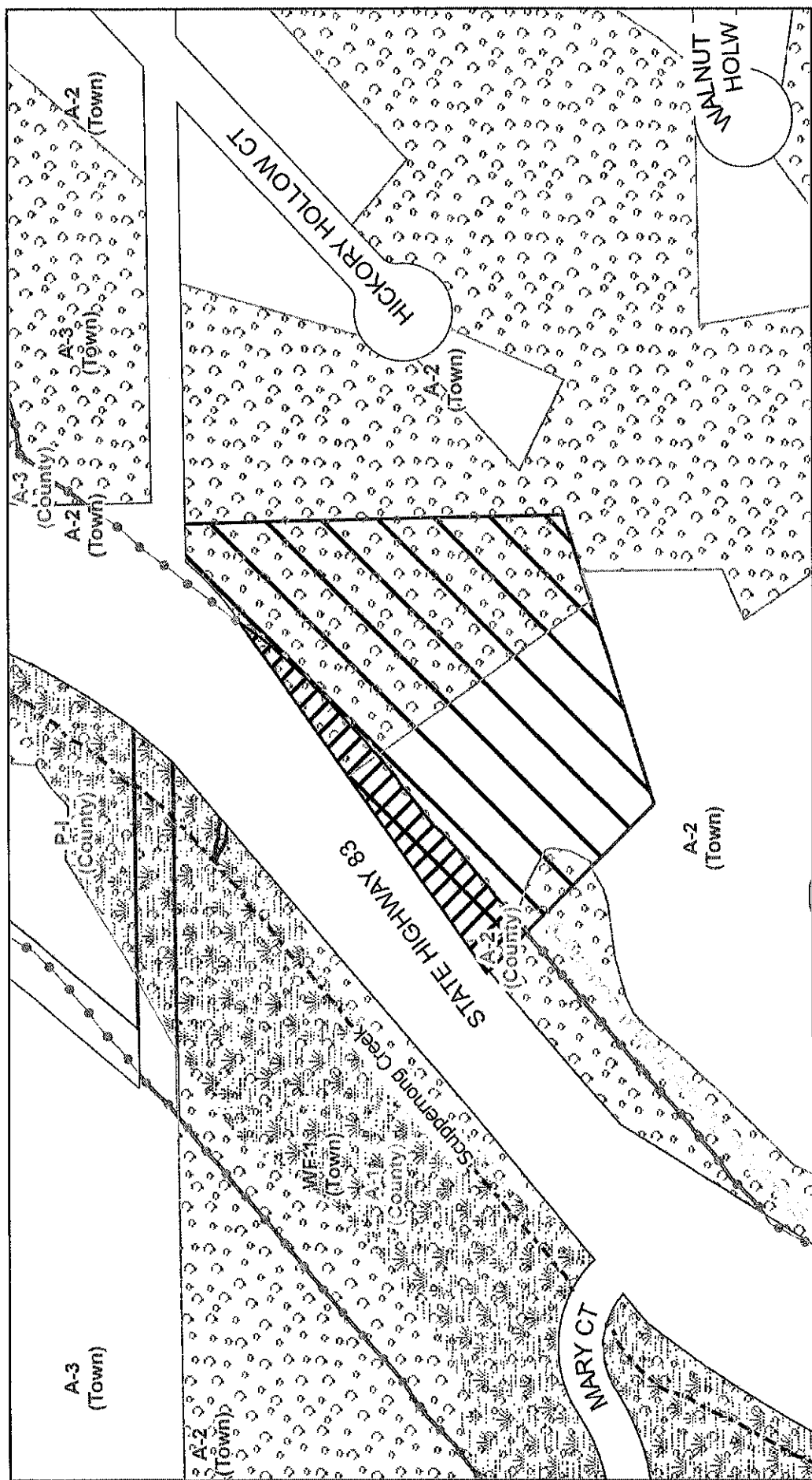
The proposed rezone is consistent with the Town and County Comprehensive Development Plan recommendations relative to density and protection of environmental corridors. The rezoning allows for the property owner to divide the property to create a second building site.





Respectfully submitted,

A handwritten signature in black ink, appearing to read "K Slotty". The signature is fluid and cursive, with the first letter "K" being large and prominent.

Kassie Slotty
Senior Land Use Specialist

Attachments: Rezone Map
 Exhibit A (concept land division)



	TOWN ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO A-3 SUBURBAN HOME DISTRICT
	COUNTY ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO A-3 SUBURBAN ESTATE DISTRICT (EC OVERLAY TO REMAIN)
	EC Environmental Corridor Overlay
	C-1 Conservancy Overlay
Note: FEMA Floodplain not shown on map	
FILE.....	RZ159 (COUNTY), RZ165 (TOWN)
DATE OF PLAN COMMISSION.....	8/21/25
AREA OF CHANGE.....	6.834 ACRES
TAX KEY NUMBER.....	DEL0850999001

ZONING AMENDMENT

PART OF NW1/4 SEC 33, T7N, R18E,
TOWN OF DELAFIELD

0 90 180 Feet

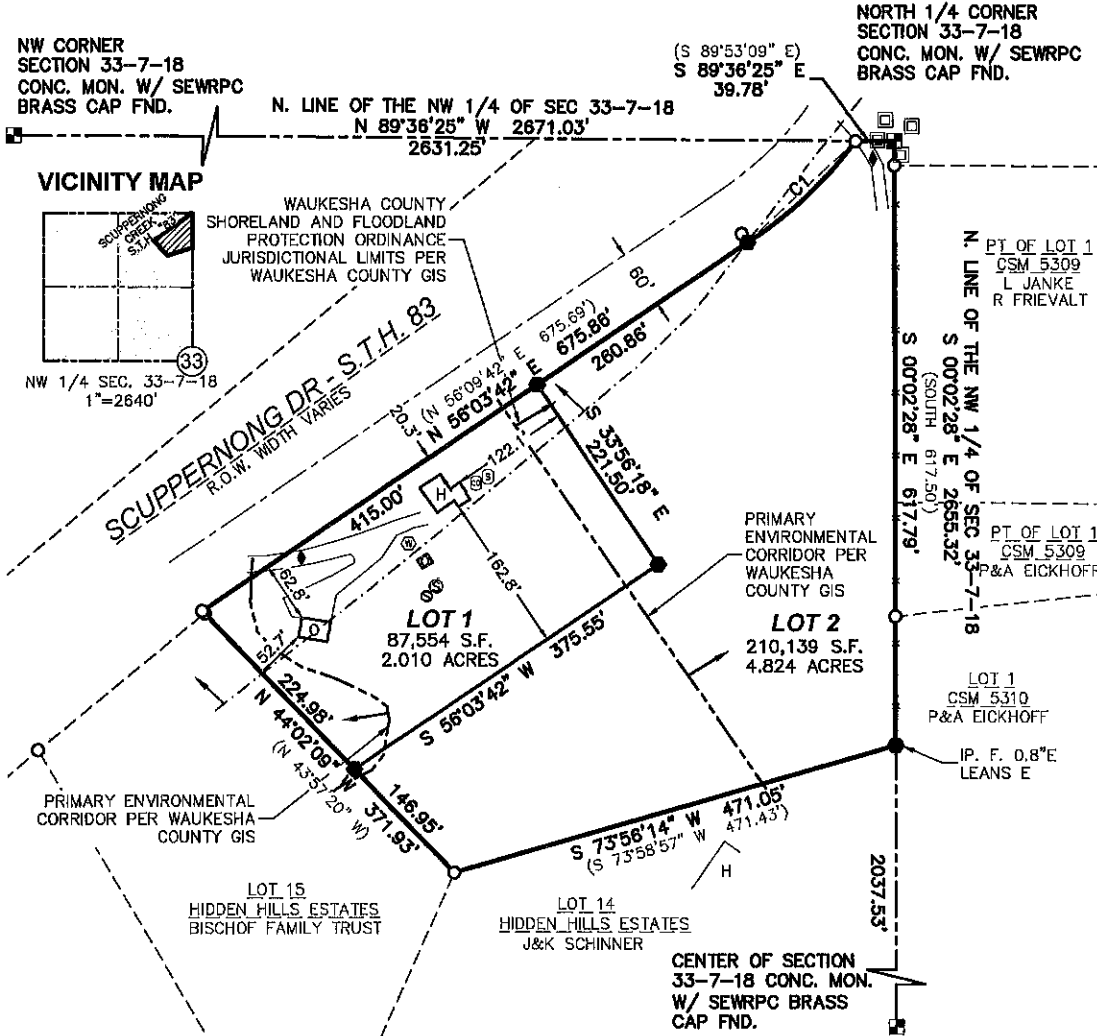
EXHIBIT A

RECEIVED 5/15/2025
DEPT PARKS & LAND USE

PRELIMINARY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

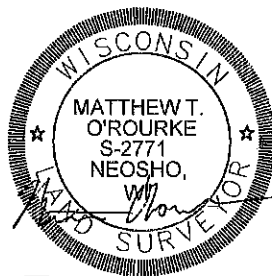
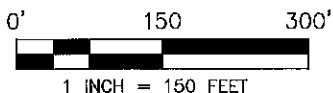
A REDIVISION OF CSM 2323, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JUNE 13, 1975,
IN VOL. 16, PAGES 312-313 AS DOCUMENT NO. 913994, BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF
SECTION 33, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	408.05'	21°22'31"	152.23'	151.35'	N 46°45'28" E	N 57°26'44" E	N 36°04'13" E
(C1)					(N 46°51'28" E)		



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONSIN 2011) AND REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SEC. 33-7-18 MEASURED AS N 89°36'25" W.



LEGEND

- SECTION CORNER MONUMENT
- CONCRETE MONUMENT
- FOUND 1" IRON PIPE OR NOTED WELL
- ⊙ SEPTIC VENT
- ⊗ SEPTIC CLEANOUT
- x WIRE FENCE
- 800 — EXISTING CONTOUR PER GIS
- GrE SOIL TYPE PER GIS
- (R) RECORD DIMENSION
- ◆ EXISTING DRIVEWAY LOCATION
- H EXISTING DWELLING
- o EXISTING OUTBUILDING

PREPARED FOR:
JOHN HAVNEN & PHILLIP ROZMAN
S15W32056 HIGH MEADOW CIR.
DELAFIELD, WI 53018

LAND SURVEYING • LAND PLANNING
955 LEXINGTON DRIVE
DELAFIELD, WI 53018
WWW.LANDTECHWI.COM
(262) 367-7599

REV 05/15/2025
DATED 05/13/2025
JOB# 25129
SHEET 1 OF 4

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

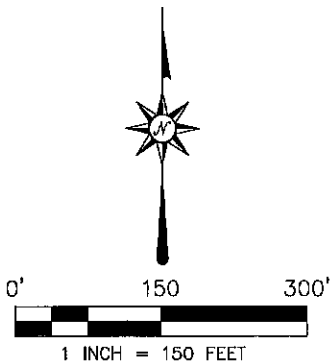
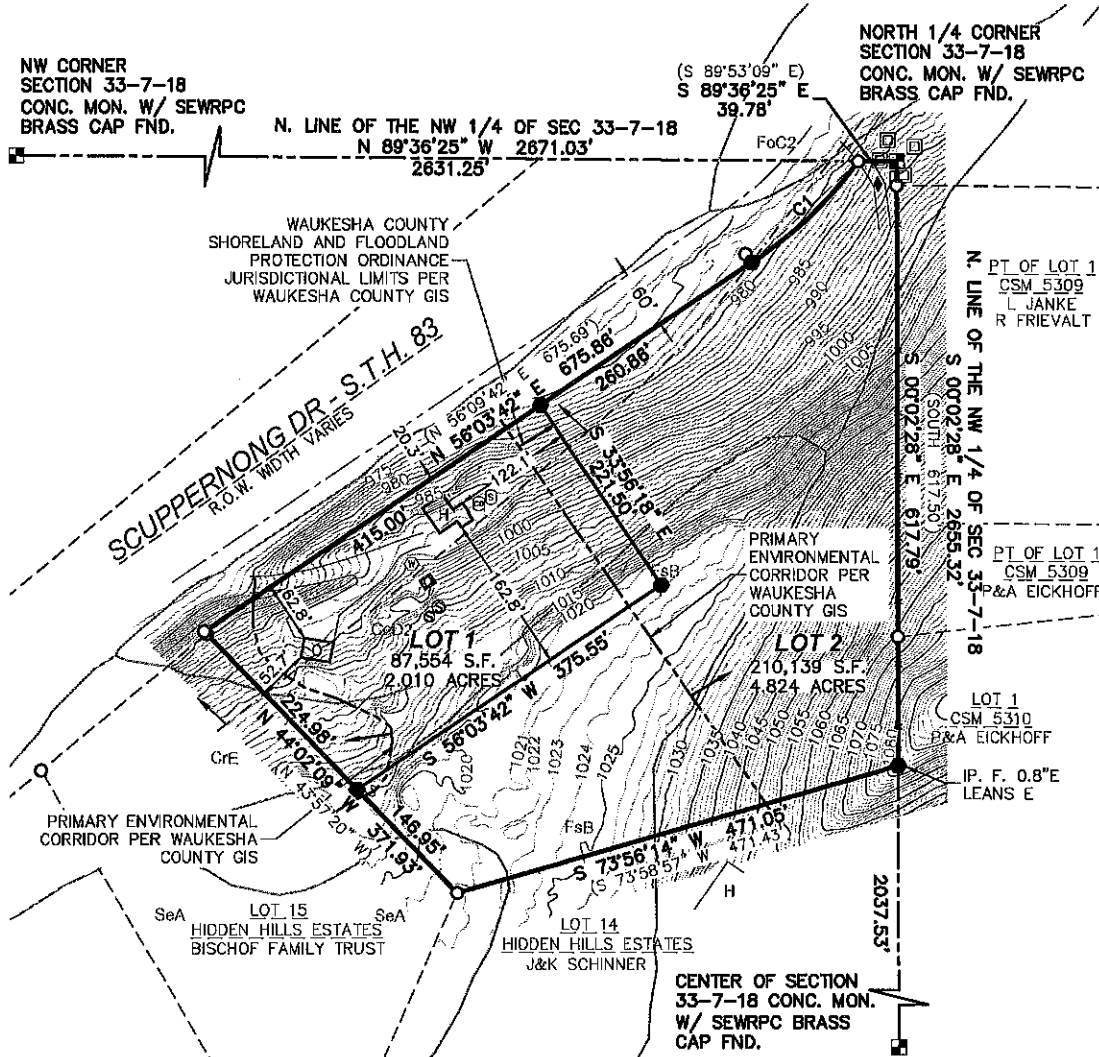
Referred on: 09/02/25

File Number: 180-O-035

Referred to: LU 8

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF CSM 2323, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JUNE 13, 1975,
IN VOL. 16, PAGES 312-313 AS DOCUMENT NO. 913994, BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF
SECTION 33, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



VOTE RESULTS

Consent Agenda

22 AYE 0 NAY 0 ABSTAIN 3 ABSENT

Majority Vote of Members Present

 Passed

D1 - Styza	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	S AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	M AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	ABSENT
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	ABSENT		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

09 23 2025 County Board Mtg (ID 3091)



Waukesha County Board of Supervisors

September 23 2025 07:26:43 PM

OpenMeeting
TECHNOLOGIES

1 AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP OF THE WAUKESHA
2 COUNTY SHORELAND PROTECTION ORDINANCE BY CONDITIONALLY REZONING
3 CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF THE NW ¼, OF SECTION 33,
4 T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN,
5 FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT
6 WITH THE EC ENVIRONMENTAL OVERLAY DISTRICT TO REMAIN
7 (RZ159)
8

9 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
10 this Ordinance was approved by the Delafield Town Board on July 22, 2025; and
11

12 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
13 Planning Commission, which recommended approval and reported that recommendation to the
14 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
15 as required by Section 59.692, Wis. Stats.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
18 that the Town of Delafield District Zoning Map of the Waukesha County Shoreland Protection
19 Ordinance, Waukesha County, Wisconsin, adopted by the Waukesha County Board of
20 Supervisors on July 20, 1998, is hereby amended to conditionally rezone from the A-2 Rural
21 Home District to the A-3 Suburban Estate District with the EC Environmental Overlay District to
22 remain, certain lands located in part of the NE ¼ of the NW ¼ of Section 33, T7N, R18E, Town
23 of Delafield, as more specifically described in the "Staff Report and Recommendation" and map
24 on file in the office of the Waukesha County Department of Parks and Land Use and made a part
25 of this Ordinance by reference, is hereby approved, subject to the following conditions:
26

- 27 1. The land division shall substantially conform to that as depicted upon Exhibit A and, prior to
28 the north driveway being constructed, the local fire inspector shall be consulted and tree
29 removal, grading and erosion control plans shall be reviewed and approved by the town and
30 county.
31
- 32 2. No residence shall be constructed in the Primary Environmental Corridor (PEC).
33
- 34 3. Disturbance through the primary environmental corridor for access to a residence shall be
35 minimized and the only land that can be disturbed is for a driveway corridor which shall be
36 no greater than 24 feet wide.
37
- 38 4. The subject acreage shall be limited to a maximum of two parcels.

39 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
40 this Ordinance with the Town of Delafield Clerk.