

ENROLLED ORDINANCE 180-44

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE
BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼
OF SECTION 30, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY,
WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT
TO THE A-2 RURAL HOME DISTRICT
(RZ166)

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 August 26, 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 60.62, Wis. Stats.

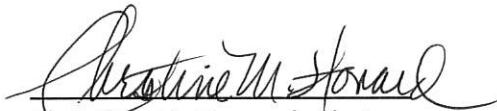
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to conditionally rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the SE ¼ of Section 30, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, 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 condition:

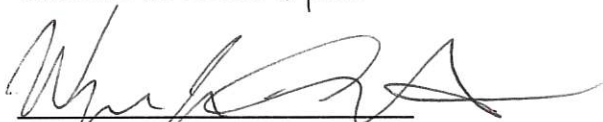
1. Documentation from the Waukesha County Environmental Health Division shall be submitted to the Town Planner that indicates suitable soils have been found on site that would allow for a septic system for a new residential home, prior to a Certified Survey Map being recorded.

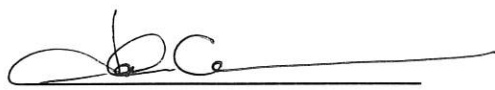
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

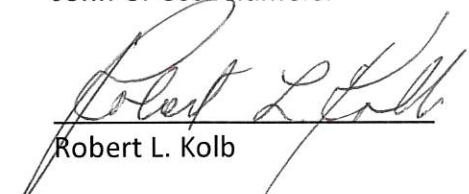
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY
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R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL
DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ166)

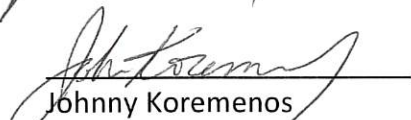
Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair

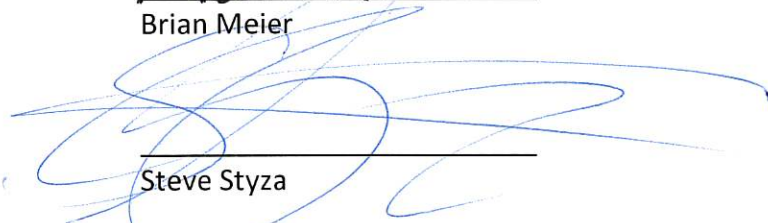

Wayne Euclide


John G. Gscheidmeier


Robert L. Kolb

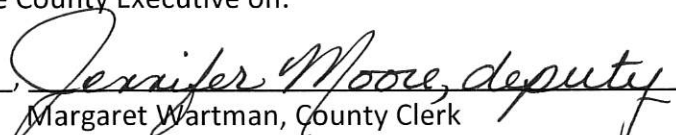

Johnny Koremenos


Absent
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: 10-31-2025


Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 11/3/2025

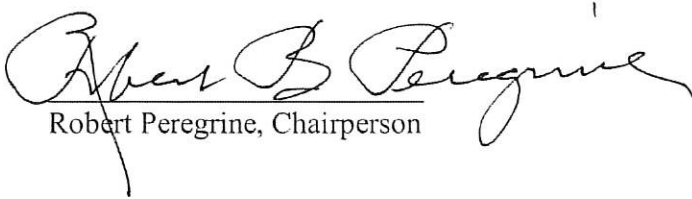

Paul Farrow, County Executive

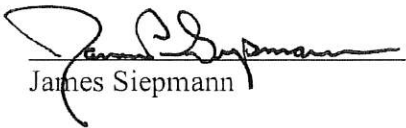
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the amend the District Zoning Map of the Town of Delafield Zoning Code, hereby recommends approval of **RZ166 (Irwin)** in accordance with the attached "Staff Report and Recommendation".

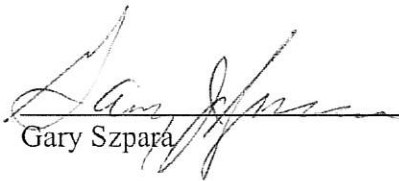
PARK AND PLANNING COMMISSION

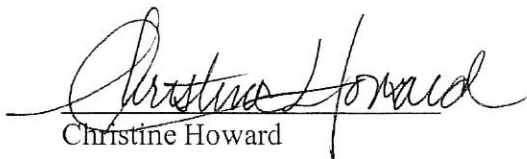
September 18, 2025


Robert Peregrine, Chairperson


James Siepmann

Absent
William Groskopf


Gary Szpara


Christine Howard

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

DATE: September 18, 2025

FILE NO.: RZ166

OWNER: William L. and Mary Karen Irwin
W330 N247 Kettle Moraine Drive
Delafield, WI 53018-2518

TAX KEY NO.: DELT 0840.994.003

LOCATION:

The property is described as part of Lot 2, Certified Survey Map No. 8537, being a part of the SE ¼ of Section 30, T7N, R18E, Town of Delafield. More specifically, the property is located at the Kettle Moraine Drive address cited above containing approximately 11.8 acres, of which, 3.1 acres is proposed to be rezoned.

EXISTING ZONING:

A-1 Agricultural District (Town)

PROPOSED ZONING:

A-2 Rural Home District (Town) with W-F 1 Wetland-Floodplain District, C-1 Conservancy Overlay (District to remain unchanged)

EXISTING USE(S):

Residential (single-family home in estate setting).

REQUESTED USE(S):

Residential (rezone the property to create a new 3.13-acre residential lot).

PUBLIC HEARING DATE:

August 5, 2025

PUBLIC COMMENT:

At the Town of Delafield Plan Commission meeting held on August 5, 2025, Kelly Cavaiani, neighbor to the proposed parcel, expressed concern regarding the proposal. She noted that this new parcel and residence would be in view of her backyard and affect her existing viewsheds and property value. Karen Irwin, owner of the existing parent parcel and applicant, spoke indicating that the new proposed parcel would have no impact on their property.

TOWN PLAN COMMISSION AND BOARD ACTION:

On August 5, 2025, the Town of Delafield Plan Commission unanimously recommended approval of the rezone with a condition that Waukesha County provide Town staff with certification that appropriate soil tests have been completed for the site. On August 26, 2025, the Town of Delafield Board unanimously recommended approval of the rezone as conditioned by the Plan Commission.

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 parent parcel in the Suburban Density II Residential (3.0-4.9 acres per dwelling unit) category with much of the west side of the property mapped in the Primary Environmental Corridor category (five upland acres per dwelling unit). These Referred on: 10/06/25 File Number: 180-O-045 Referred to: LU 3

plan designations allow for a maximum of two dwelling units on the subject lands. The proposal could add one additional dwelling unit to the property resulting in a maximum of two units. Therefore, the proposal is consistent with the density recommendations of both plans.

STAFF ANALYSIS:

The proposal is to rezone the east 3.1 acres of the subject 11.8-acre parcel from the Town of Delafield's A-1 Agricultural District, which is a 40-acre minimum district, to the Town's A-2 Rural Home District, which is a three-acre minimum category to allow for the creation of a new 3.1 acre lot (see Exhibit A). The property is a residential estate that is located amongst a cluster of other estates that share access to CTH C via a private road immediately opposite the Kettle Moraine State Forest. County Shoreland jurisdiction covers a small portion of the northeast corner of the current parent parcel and the proposed new parcel. This area is already designated as A-2 Rural Home District in the County's jurisdiction. The Town's zoning change is required to create a new lot less than the 40-acre minimum currently required. In this case, no district change is needed at the County level.

As noted above, the Town of Delafield Comprehensive Plan designates the lands as Suburban Density II Residential and Primary Environmental Corridor categories. This land use designation is consistent with the proposed zoning map amendment to the Town's A-2 district due to its minimum area requirement of three acres. With the anticipated use of this property also being a single-family residence, the proposed parcel's activities will also fit the spirit and intent of the district as well. The proposed parcel size will closely align with the three parcels immediately to the east.

There is one nearby parcel similarly zoned A-2 while the other larger parcels in the vicinity are zoned A-1. The town has been consistently rezoning smaller parcels out of the A-1 District over the past several years, recognizing that the 40-acre parcel size minimum is often out of sync with existing parcel sizes and land use plan recommendations. In this case, staff will communicate to the Town Planner a recommendation that the zoning of the remaining portion of the parent parcel also be examined more closely in the future to ensure a designation that aligns with its use and reduced area.

There are multiple wetland areas mapped on the proposed parcel, two of which are >0.25 acres and one that is <0.25 acres in size. One of the large wetland areas and the smaller one are located north of the private driveway in the buildable area of the proposed lot. While the County and DNR have these areas mapped, a delineation may be required to gain a more accurate depiction of where these areas end and where wetland setbacks would be measured from. Given the applicant's lot division application and provided certified survey map, staff does not believe that there are dimensional or setback issues that would render the proposed property unbuildable.

Topographically, the proposed lot has an approximately 8% slope coming from where the residence to the east sits on a higher section of land. This slope is less dramatic towards the rear of the property, potentially creating a more workable building envelope there. There is also indication of high groundwater and hydric soils on the proposed parcel. Any proposed residence may require soil testing and groundwater separation requirements from either the Town or County.

As part of the County review of the certified survey map application, the Planning and Zoning staff reached out to the County Department of Public Works (DPW) to understand if servicing another lot off of the private road connecting to County Highway C (Kettle Moraine Drive) would have any negative impacts on traffic volume or safety. The current access for this area services four parcels, with this proposed division creating a fifth. Staff at the DPW did not believe an additional single-family residential parcel off of County Highway C would create a significant negative impact on access and traffic flow. The town has also made a determination that another lot being served by the private road

is acceptable. An easement is being provided on the proposed CSM that will allow for a driveway to be shared by the existing residence and the proposed lot.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following condition which was required by the town.

1. Documentation from the Waukesha County Environmental Health Division shall be submitted to the Town Planner that indicates suitable soils have been found on site that would allow for a septic system for a new residential home, prior to a Certified Survey Map being recorded.

The rezoning will allow for the subject parcel to be divided and will place the new parcel in a zoning category that aligns with the parcel's size. The existing natural resource zoning categories will remain and will ensure that a future home is located outside of sensitive natural resources.

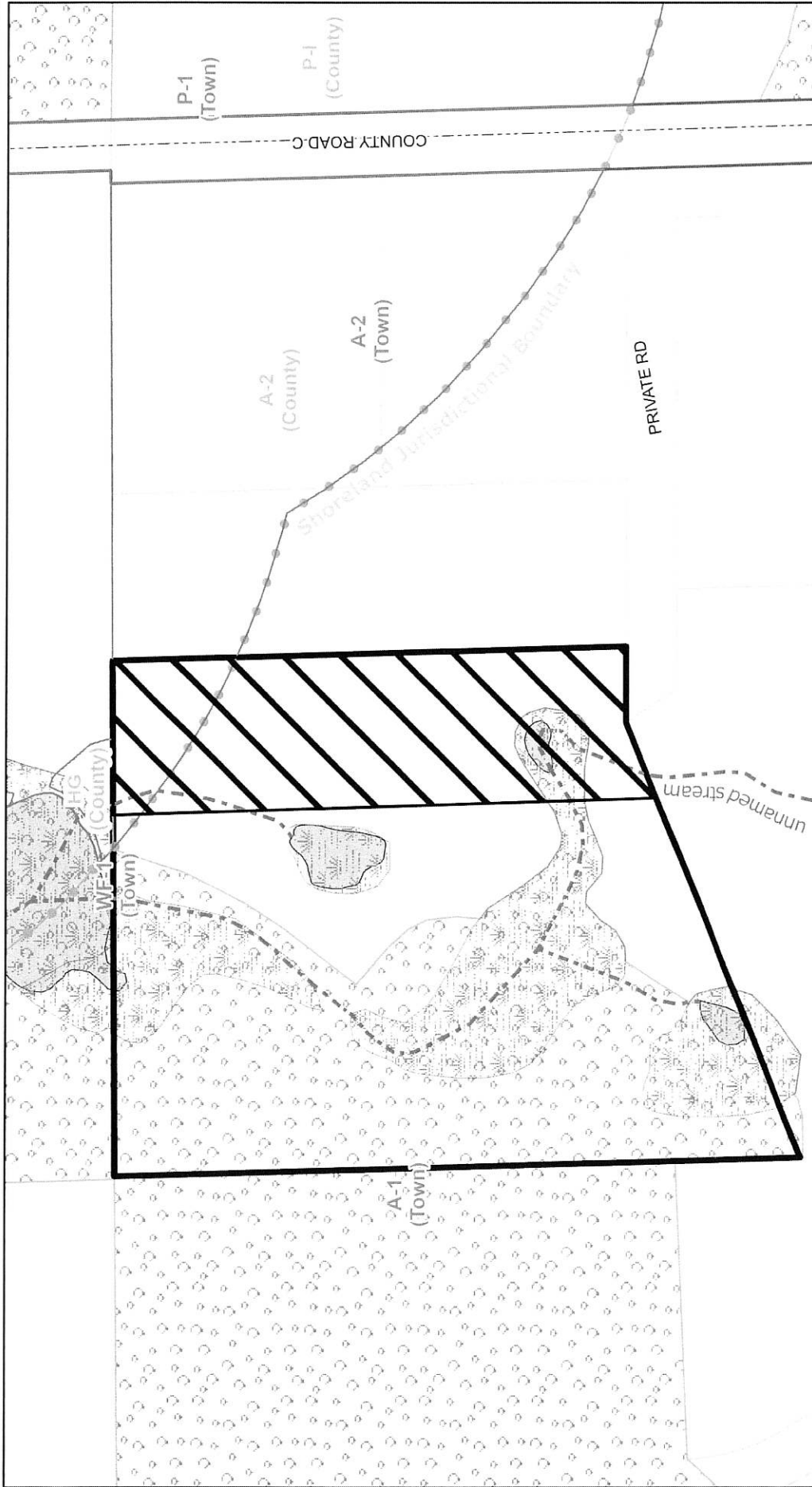
Respectfully submitted,

Evan G. Hoier

Evan G. Hoier
Senior Land Use Specialist

Attachment: Rezone Map
Exhibit A, proposed CSM

N:\PRKANDLU\Planning and Zoning\Rezoning\PROJECT FILES\Delafield\RZ166 Irwin\Staff Report_Exhibits_Decision Letter\RZ166 Irwin Staff Report.doc (EH)



ZONING AMENDMENT

PART OF SE1/4 SEC 30 T7N R18E,
TOWN OF DELAFIELD



CONDITIONAL TOWN ZONING CHANGE FROM A-1 AGRICULTURAL
DISTRICT TO A-2 RURAL HOME DISTRICT

C-1 Conservancy Overlay

WF - 1 Wetland Floodplain District

FILE.....RZ166
DATE OF PLAN COMMISSION.....09/18/25
AREA OF CHANGE.....3.1 ACRES
TAX KEY NUMBER.....DEL T0840994003

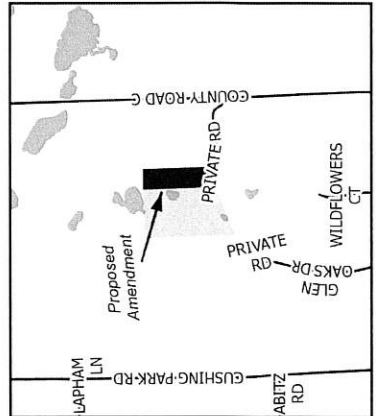


EXHIBIT A

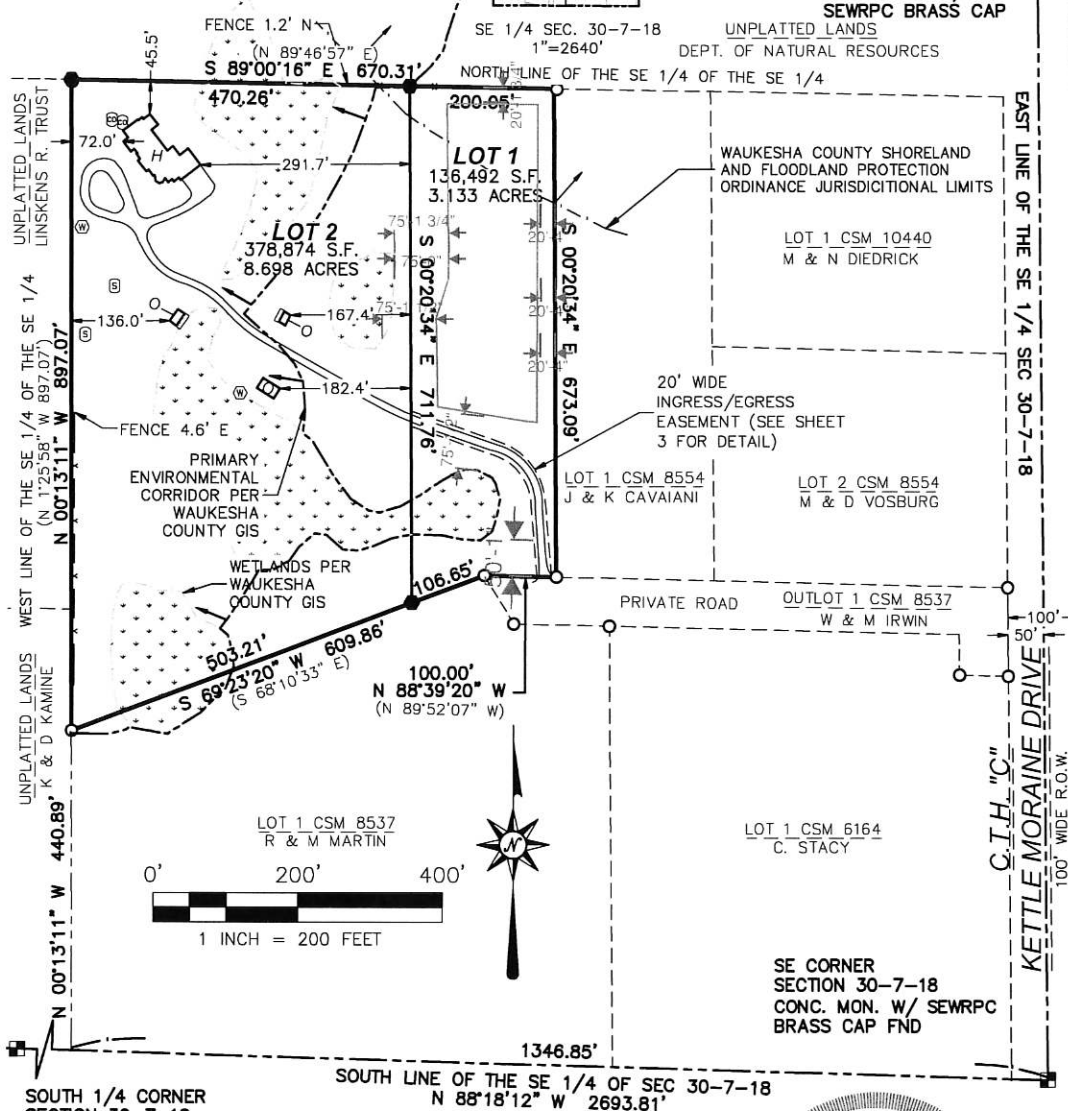
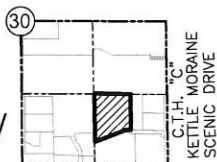
PRELIMINARY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 2 OF CSM 8537, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE IN VOL 75, P.44-46, ON MAY 14TH, 1998 AS DOCUMENT NO. 2318301, BEING A PART OF THE SOUTHEAST 1/4 OF THE SE 1/4 OF SECTION 30, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE SOUTH LINE OF THE SE 1/4 OF SEC. 30-7-18 MEASURED AS N88°18'12"W.

VICINITY MAP

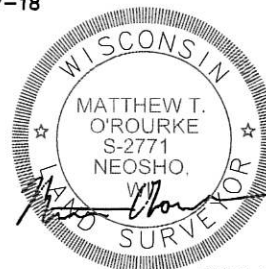


SOUTH 1/4 CORNER
SECTION 30-7-18
CONC. MON. W/ SEWRPC
BRASS CAP FND

- SEE SHEET 2 FOR CONTOURS AND SOILS.
- SEE SHEET 3 FOR LEGEND AND EASEMENT DETAIL.
- SEE SHEET 4 FOR NOTES.



LAND SURVEYING • LAND PLANNING
955 LEXINGTON DRIVE
DELAWARE, WI 53006
WWW.LANDTECHWI.COM
(262) 367-7599



PREPARED FOR:
WILLIAM L & MARY KAREN IRWIN
2014 JOINT REVOCABLE TRUST
W330N247 COUNTY ROAD C
DELAFIELD, WI 53018

DATED 07/15/25
JOB# 25172
SHEET 1 OF 6

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

VOTE RESULTS

Consent Agenda

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

17 Yes Votes Needed

 **Passed**

D1 - Styza	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier	AYE	D12 - Wolff	S AYE	D21 - Gaughan	AYE
D4 - Batzko	M AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	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		

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