

Town of Merton
Joint Public Hearing with Waukesha County
Conditional Use Request of Candace Dingmann
To Conduct Land Altering Activities in Conjunction with the Construction of a
New Single-Family Residence with Attached Garage, Retaining Walls, Boathouse,
and Other Site Improvements
Minutes of June 5, 2019

Present: Chairman Klink, Commissioners Jensen, Griffin, Fleming, Morris, Siepmann, and Good, Attorney Chapman, Planner Haroldson, Waukesha County Senior Land Use Specialist Ben Greenberg, and Deputy Clerk Claas

Also Present: Sarah Resch, Chris Schmidt, Richard Eastman, Lou & Dawn Gastrow, Candace Dingmann, Jim Stefl, Joe Hanson of Hanson's Landscaping, Mark Augustine of LandMark Engineering, Dan Willems, Tony Zanon of Pinnacle Engineering Group, Peter Drescher, Ann Belter, Patricia Rosenberg, Joyce Anderson, Laura Milbrath, Kristie Miller, Linda Balthazor, Dave & Terry Van Slett, and Glenn Schmidt.

Public Hearing Called to Order by Chairman Klink at 6:15 p.m.

Greenberg read the Public Hearing Notice.

Greenberg stated the property is approximately ¼ acre and is located on the Highway C isthmus. It currently contains a 864 square foot one story residence with full exposure. The residence is located about 17 or 18 feet from the lake. The 75' deep lot has severe topography. Elevations change approximately 35' from road to lake with the most severe grades occurring near the road. The petitioner is proposing to raze the existing residence and construct a new two story home with a side entry garage in addition to a boathouse. The adjacent residences as well as many nearby residences sit much lower than the road, whereas the entry of the proposed home will sit near road grades at approximately an elevation of 907. The lakeside walkout elevation of 897 is proposed whereas the natural grades at that point sit 8 to 10 feet lower. Up to ten feet of fill along the entire exposure of the home in a series of 2 approximately 100' long retaining walls are proposed to tie in the proposed walkout elevations to the natural grades below. A 5' tall wall is proposed 28' from the shore and a second 4' tier would be located 34' from the shore. Additional walls north of the residence are proposed in order to create the side entry garage and additional parking. A 350 sq. ft. boathouse is also proposed. The County Development Plan, the Town Land Use Plan and the Shoreland ordinance do call for a preservation of topography. It is recognized that some site grading and backfill are necessary for residential development, there is concern that this request goes well beyond plan recommendations and ordinance requirements. Staff has communicated this to the petitioners and has indicated that considerations of home designs with double exposure would more effectively tie in to natural grades. There are concerns how the proposed home would fit into established pattern of development and there are additional concerns about unfinished or incomplete components of the land. The grades are somewhat inconsistent with the proposed wall heights in areas of the plan and the current grading plan is somewhat at odds with the house plan. Understanding those plans would be modified; there are some concerns with how the current grading plan ties in with the construction plans for the home.

Candace Dingmann is the owner and she is proposing to develop a single family home with a 2 car garage. This is a very unique lot less than 75' deep. They have been working with Waukesha County since October. In February she combined two lots by CSM in order to build a home. They have met the requirements. This is a very unique lot with a 35' drop from the road to the flat spot of the grass. There

are currently retaining walls there. This was a rental property. The previous owner never lived there. The property was not maintained. She is proposing that they reduce the amount of retaining walls that are currently on the property. The other challenge is that Highway C is a very narrow road, there is no parking, and so they are proposing in their design is to not only make a 2 car garage but in addition, two parking spots next to the house so they get the cars off the road. They are limited to a 2 car garage based on the square footage that they've been given. She stated that when she goes to work on the lot or maintain the lot, she is afraid that she will be hit by a car.

Jim Stefl – J Stefl Development – stated part of the issue is the 35' drop. The maximum house size is 35'. The street is at 910. There is absolutely no way to get in a garage. Safety is a huge issue. He had an on-site visit with two of Greenberg's co-workers and they said "wow, this is a busy road". They can't park in front of their house. There is simply no parking. On a Saturday he was driving through, and Hollywood's was busy and the road was congested. He said Stone Bank Fire Department came through and they had to hold up one lane driving path. The parking structure on side of the garage has actually been reduced and they had worked with one of Greenberg's partners. He had the blueprints. Stefl said he approved things verbally. They've done 10 separate surveys. They moved the garage in this direction, then they moved the garage in that direction. The last conversation they had talked about natural grades. There are no natural grades on that lot. There are retaining walls throughout that entire lot. He stated that as they saw on their site visit, there's a path that comes down the south side where there's a tree. At the height of that retained tree, it's 890. That is where one of their grades has to come to. They were given the landscape plan to the north of them and their survey which shows that the front first retaining wall that they have at the lake, they're grade is 885. Where their house is that's going to be demoed, it's a substantial drop and then comes back up. It's basically a crater. What they propose is making a 2' fill at that point. So it's not 883, it's 885 with a small swale between the two lots. That brings everything up to that point. That makes it a 4' wall or a 3' wall. It's not 100'. On the site visit they would have seen that where that tree is versus where the boathouse will be, there is absolutely no reason to run that first wall that far. That was drawn based on what was told to them by the County. Stefl doesn't think they need to change that based on the natural grades already down to that slope. They do need to do the retaining walls because they have to create a flat spot somewhere in this 35' drop to put a house. They have to have the height so they can drive into it with some sort of stability and they have to retain that. Stefl stated that most of the retaining walls are non-compliant and are failing, but theirs won't because they will be engineered and they will be done correctly and not one wall with the true grades will be over 4' high. Nothing there is natural. They are not touching anything to the south lot. They are going to blend into the grade that's already there. What is shown on the neighbor's survey shows that they will blend in perfectly with them with their retaining walls. Stefl stated it's kind of misrepresented when there is talk about natural and topography. They are going to take the grade from the cut from the house and pull the dirt forward.

Klink questioned if he contacted the neighbors regarding the retaining walls. Stefl stated the neighbors to the north sent an email and a letter to the Planner and to Dingmann saying that they are all for it. Stefl said any retaining walls that are over 4' they would have to have engineering, but said they would all be 4'. They are trying to stay within 4' so they can use natural lannon stone. He said he's been doing this since 1986 and he is not an expert, but he's been a journeyman mason and he's been building enough time to see things fail.

Haroldson questioned the plan and the height of the walls. Stefl said that is a very good representation of what is going to happen. The northwest corner is where the existing house is. They are going to fill that and blend grade with the house directly to the north of them. Griffin questioned the height of the

walls stating they would be 5'. Stefl stated the walls would be no higher than 4'. Greenberg questioned the grades and the topography. Stefl said the topography doesn't follow what's there. Greenberg stated this plan proposes no changes to establish the natural grades out there removing the house. Greenberg stated this is a proposed grading plan, not an existing grading plan and Greenberg thinks that's where the confusion is coming from. Stefl said they are trying to work with numbers that are no longer really there. Greenberg stated he sees no way to get from road to lake. He doesn't see any access proposed in this plan. Greenberg clarified that a dry access is not being proposed. Dingmann said she talked to Greenberg about the steps going down to the lake and in the 35' drop viewing area and they were told they could look at that at a later time. Greenberg asked what steps they are talking about. Are they talking about lake access? Dingmann said yes. Stefl suggested they walk the property. Stefl showed and discussed the plans to Haroldson and Greenberg.

Greenberg asked if the surveyor shot the existing grades or was he using information from the County GIS to establish the existing grades on this survey. Stefl said he used the GIS. Greenberg said it sounds like he shouldn't have because it's very different than what is seen here and that's what is causing confusion.

Greenberg stated that he thinks it's important that he brings up that this project also requires a variance from the shore setback requirements of the ordinance for construction of the walls. The boathouse needs road setback relief. Greenberg stated a number of these discussions that were had relative to the request for variance and he thinks they got into the grading plan. Greenberg stated they don't tell folks how to design their plans, but if they see a grading plan that comes across as incomplete, because natural grades aren't tying back into existing grades and it's simply an unexecutable plan, they will note these things to the owner or their surveyor or whoever is representing them and let them know that they can't approve their plan because it's incomplete. He thinks there is a little confusion between them indicating a plan was incomplete and tops and bottoms of walls were not tying into existing grades and not that they told an applicant to extend a wall. That simply did not happen.

Klink stated the Plan Commission is looking at what has been presented. If those grades were got off the GIS or if you didn't have a surveyor come out and shoot the grades to verify, it makes a difference to us. What you're telling us is different than what the Commissioners are looking at, which is confusing to us. Klink stated he's not doubting what he is saying as far as the grades and what they are, except some of it doesn't make sense. If you're doing something, it better make sense to the Planning Commission.

Dingmann stated the intention was to ask for the maximum that they needed, not knowing if that would be a 5' wall or a 4' wall. They won't know that until they get out there and get the house torn down and get that filled. Then they will get the right measurements. Their intention was to say this was the maximum that they need and get that approved and move forward. If it ends up a 4' wall then they won't need it engineered. But if it's a 5' wall, they plan on engineering it, but they won't know that until they take the house down.

Klink stated they should have gotten a surveyor out there to shoot the grades, not using the GIS. Stefl said the problem is the house is on the lot line. There is no relief whatsoever.

The public hearing was opened for public comments and concerns.

Linda Balthazor – W338N6439 Lakeview Drive – said she travels Highway C several times a day and she is so glad that Dingmann is taking a serious look at the parking situation. She can't imagine living on that

road. She is so glad Dingmann is adding two spots. She doesn't even like driving down it in the winter. Nobody has a place to park. She is a proponent of and all for the parking. Second thing is she does live on Okauchee Lake. This is the first time she has heard of Dingmann's house plans and she is filling 2' up from the existing house that sits 2' lower than the neighbor. So at least it's going to look consistent from the lakeside. Their floor line is in line with the other houses. Over the years some funky things have been done on that lake and she is really glad the Plan Commission is taking the time to look at their plan and see what she's doing. She knows Dingmann will do a good job and make it as appealing from the lakeside and it is from the road.

The public hearing closed at 6:47 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk