

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 34, T6N, R18E, TOWN OF GENESEE, FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT (SCZ-1372A)

WHEREAS the subject matter of this ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after public hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environment Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 and 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town of Genesee, Waukesha County, are hereby amended to conditionally rezone from the A-2 Rural Home District to the A-3 Suburban Estate District, certain lands located in part of the SW ¼ of Section 34, T6N, R18E, Town of Genesee, and 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 (SCZ-1372A) and subject to the following conditions:

1. Subject to the barn on Lot 2 being removed within nine months of the County Board approving this rezoning request.
2. Subject to the owner submitting to the Town Clerk and, receiving approval of, as to form from the Town Attorney and the amount from the Town Engineer, a Letter of Credit or cash to guarantee removal of the structures required to be removed as set forth herein within the allotted time period prior to the rezoning becoming effective.
3. In accordance with CSM 4523, recorded in the Office of the Waukesha County Register of Deeds as Document Number 1258217, affecting the subject property, Lots 1 and 2 cannot be sold or conveyed separately unless approved by the Town of Genesee. Therefore, any attempt to separate or separately convey Lots 1 and 2 will require a new Certified Survey Map to be submitted by the petitioners and approved by both the Town of Genesee and the Waukesha County Department of Parks and Land Use Staff in accordance with all applicable State, County or Local Ordinance regulations.
4. Subject to the Petitioners submitting to the Town Clerk, and receiving approval from the Town Engineer, proof from a licensed structural engineer that the silos on Lot 2 are structurally sound, prior to the rezoning becoming effective. In the alternative, if it is determined that either or both of the silos are not structurally sound, the same shall be made structurally sound to the satisfaction of the Town Engineer or removed from the property, all of which must be done prior to the rezoning becoming effective.

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

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 34, T6N, R18E, TOWN OF GENESEE, FROM THE A-2 RURAL HOME DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT (SCZ-1372A)

Presented by:
Land Use, Parks, and Environment Committee

Paul G. Vrakas
Paul G. Vrakas, Chair

Pauline T. Jaske
Pauline T. Jaske

James Jeskewitz
James Jeskewitz

Walter L. Kolb
Walter L. Kolb

Karen J. McNelly
Karen J. McNelly

Daniel F. Meissner
Daniel F. Meissner

Ronald V. Rydberg
Ronald V. Rydberg

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

Date: May 25, 2001, Kelly Spaeger, Deputy
Patricia E. Madden, County Clerk

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

Approved: ✓

Vetoed: _____

Date: 5-25-01, D. M. Finley
Daniel M. Finley, County Executive

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

FILE NO: SCZ-1372A

TAX KEY NUMBERS: GNT 1575.999.001

DATE: April 19, 2001

NAME OF PETITIONER: James & Debra Adamus
S63 W30961 Road X
Mukwonago, WI 53149

LOCATION OF PROPERTY:

Lot 1, CSM No. 4523, being a part of the SW ¼ of Section 34, T6N, R18E, Town of Genesee. More specifically, the property is located at S62 W30775 Road X containing approximately two (2) acres of land.

PRESENT ZONING:

A-2 Rural Home District (3-acre minimum).

PRESENT LAND USE:

An old barn and two (2) silos.

PROPOSED ZONING:

A-3 Suburban Estate District (2-acre minimum).

PROPOSED LAND USE:

Single-Family Residential.

PUBLIC HEARING DATE:

February 26, 2001.

PUBLIC REACTION:

One neighbor voiced concern about dividing the two properties, since he was told the properties could not be divided. According to the survey, Lots 1 and 2 cannot be sold separately unless approved by the Town of Genesee.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On February 26, 2001, the Town of Genesee Plan Commission recommended to the Town Board to approve the zoning amendment request subject to several conditions (Exhibit "A"). On March 12, 2001, the Town Board recommended to the Waukesha County Park and Planning Commission to approve the request and conditions as recommended by the Town Plan Commission.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Waukesha County Development Plan designates this parcel in the Suburban I Density Residential category, allowing development at 1.5 to 2.9 acres of lot area per dwelling unit. Therefore, the proposed request complies with the intent of the plan.

OTHER CONSIDERATIONS:

The petitioners own Lots 1 and 2 of CSM No. 4523. The lots are bisected by Road "X" with Lot 1 (2 acres) located south of Road "X" and Lot 2 (3.13 acres) located north of Road "X". The properties are legally tied together via a note of the face of the CSM that states "Lots 1 and 2 cannot be sold separately unless approved by the Town of Genesee." The Town of Genesee has approved the separation of lots by allowing Lot 1 to be rezoned. The owner of the properties would like to sell his existing residence and construct a new residence on Lot 2. No changes will occur to Lot 1. The purpose for the zoning amendment is to allow the two-acre parcel (Lot 1) to be conforming with the underlying A-3 Zoning District which requires a two-acre minimum. Lot 2 is conforming since it contains 3.13 acres of land in a three-acre zoning district.

STAFF RECOMMENDATION:

It is the opinion of the staff that this request be **approved** in accordance with the conditions set forth by the Town of Genesee Plan Commission on February 26, 2001, and the Town Board on March 12, 2001 (Exhibit "A"). The staff feels the proposed division of this parcel to accommodate a new residence is appropriate and within the spirit and intent of the Ordinance especially since the Town lots are divided by a town road and individually comply. In addition, the proposed request complies with the Waukesha County Development Plan

Respectfully submitted,



Jeffrey C. Herrmann
Senior Planner

JCH:kab/smv

Attachments: Exhibit "A"

N:\PLU New File System (In-Progress)\Planning & Zoning\Rezoning (RZ)\Staff Reports\1405_oct(Gillman).doc

RESOLUTION 01-04R

TOWN BOARD OF THE TOWN OF GENESEE

A Municipal Corporation

WHEREAS, a rezoning request was filed by James and Debra Adamus, to amend the District Zoning Map of the Waukesha County Zoning Code and the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance for the Town of Genesee from A-2 Rural Home to A-3 Suburban Estate, on the property described as follows:

Lot 1, Certified Survey Map 4523, located in part of the SE ¼ and the SW ¼ of the SW ¼ of Section 34, T6N, R18E, Town of Genesee; and

WHEREAS, a Joint Public Hearing was held by the Town of Genesee Plan Commission and a staff representative of the Waukesha County Park and Planning Commission on Monday, February 26, 2001 at 7:00 p.m. at the Genesee Town Hall located at S43 W31391 Highway 83, Genesee Depot, Wisconsin to consider said request; and

WHEREAS, the Town of Genesee Plan Commission following the public hearing, held a public meeting to discuss said request. After discussion in regards to said request, by motion, properly made and seconded, the Town of Genesee Plan Commission voted to recommend to the Town Board, approval of the request subject to several conditions contained herein; and

WHEREAS, the Town Board of the Town of Genesee held a public meeting on Monday March 12, 2001 to discuss said request. After discussion in regards to said request, by motion, properly made and seconded,

IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENESEE, it being the town affected by said proposed zoning amendment,

THAT, the request by the petitioner be approved subject to the following conditions:

1. Subject to the barn on Lot 2 being removed within 9 months of the County Board approving this rezoning request.

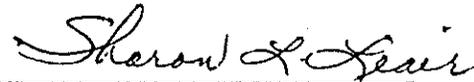
2. Subject to the owner submitting to the Town Clerk and, receiving approval as to the form from the Town Attorney and as to the amount from the Town Engineer, a letter of credit or cash to guarantee removal of the structures required to be removed as set forth herein within the allotted time period prior to the rezoning becoming effective.
3. In accordance with CSM 4523, recorded in the Office of the Waukesha County Register of Deeds as Document Number 1258217, affecting the subject property, Lots 1 & 2 cannot be sold or conveyed separately unless approved by the Town of Genesee. Therefore, as a condition of this rezoning request, any attempt to separate or separately convey Lots 1 and 2 will require a new Certified Survey Map to be submitted by the petitioners' and approved by both the Town of Genesee and the Waukesha County Department of Parks and Land Use Staff in accordance with all applicable State, County or Local ordinance regulations.
4. Subject to the Petitioners submitting to the Town Clerk, and receiving approval from the Town Engineer, proof from a licensed structural engineer that the silos on Lot 2 are structurally sound, prior to the rezoning becoming effective. In the alternative, if it is determined that either or both of the silos are not structurally sound, the same shall be made structurally sound to the satisfaction of the Town Engineer or removed from the property, all of which must be done prior to the rezoning becoming effective.

AND FURTHER BE IT RESOLVED;

BY THE TOWN BOARD OF THE TOWN OF GENESEE, that the Town of Genesee does hereby give notice to the County that it conditionally approved the proposed zoning amendment request of James and Debra Adamus.

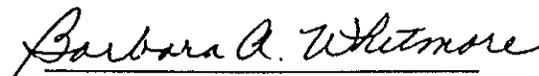
Dated this 12th day of March, 2001.

TOWN OF GENESEE



Sharon L. Leair, Town Chairman

ATTEST:



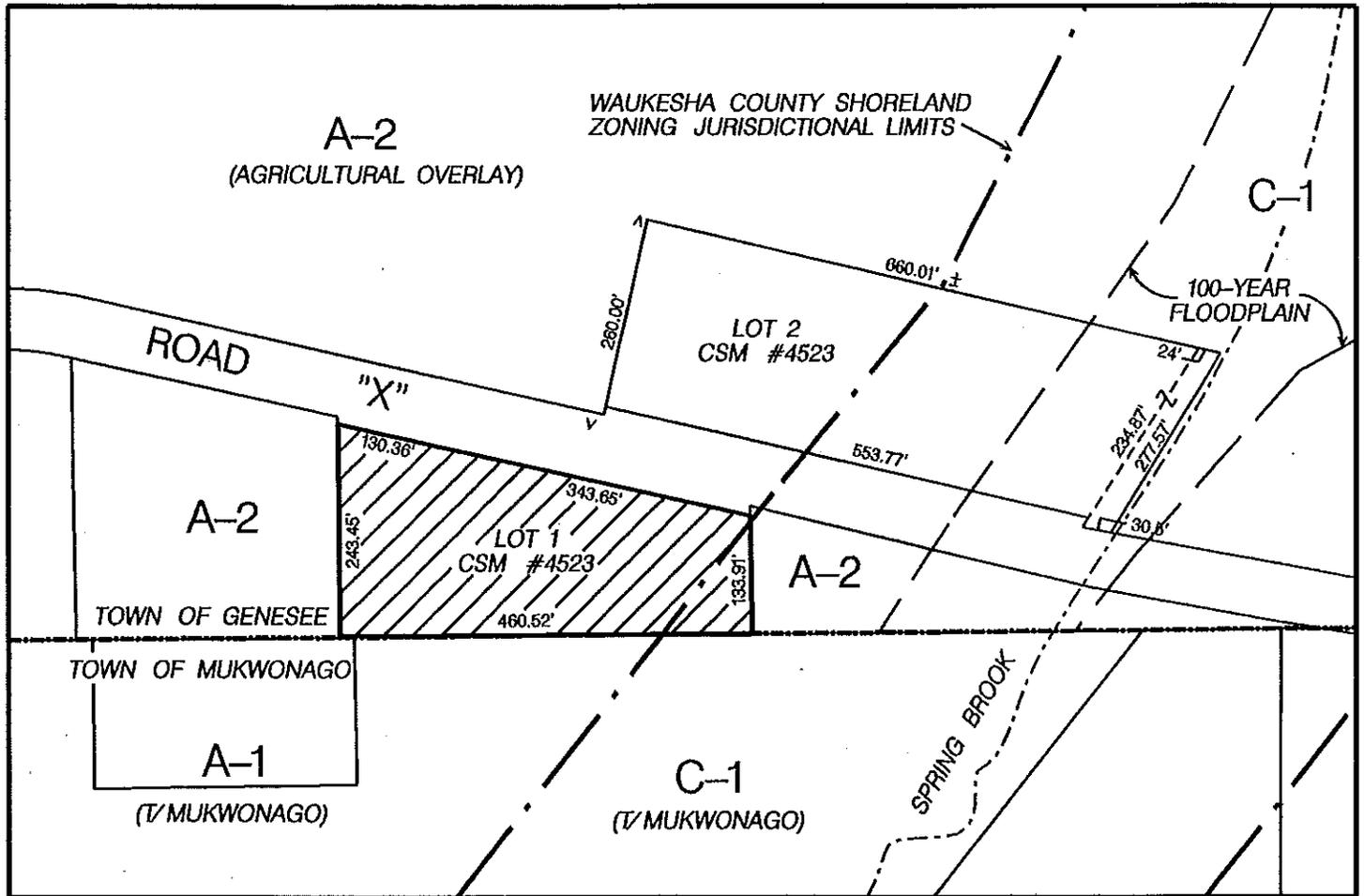
Barbara A. Whitmore, Town Clerk

Posted this 13th day of March, 2001

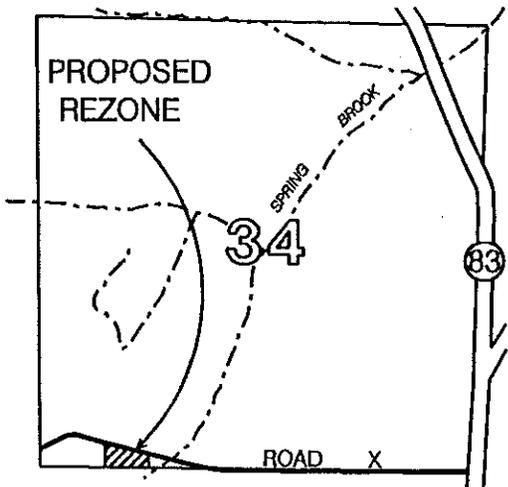
156-0-010

ZONING CHANGE

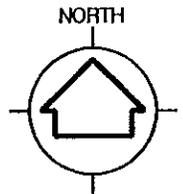
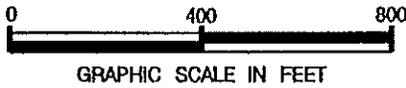
SW 1/4 OF SECTION 34
TOWN OF GENESEE



CONDITIONALLY REZONING FROM A-2 (RURAL HOME /3 AC)
TO A-3 (SUBURBAN ESTATE /2 AC)



LOCATION MAP SECTION 34



FILE.....SCZ-1372A

DRAWN.....4-12-01

SCALE.....1" = 400'

AREA.....2.0 ACRES

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

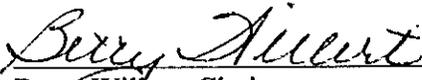
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COMMISSION ACTION

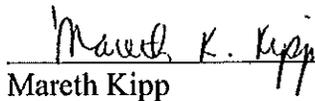
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends **APPROVAL** (SCZ-1372A James and Debra Adamus) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

April 5, 2001

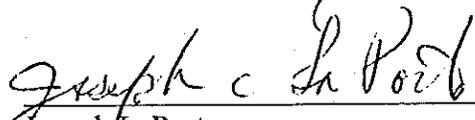

Betty Wilfert, Chairperson

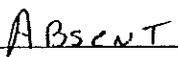

Vymanusonis


Mareth Kipp


Ellen Gennrich


Walter Kolb


Joseph LaPorte


Walter Baade

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/22/01

(ORD) NUMBER-1560010

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 S. WOLFF.....AYE
- 11 B. TESMER.....AYE
- 13 E. LA MONTE.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 C. SEITZ.....
- 21 W. KOLB.....AYE
- 23 E. KRAUS.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 ~~J. MAAS~~.....AYE
- 31 V. STROUD.....AYE
- 33 P. GUNDRUM.....AYE
- 35 K. McNELLY.....NAY

- 2 ~~C. WILSON~~.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 P. HAUKOHL.....AYE
- 12 J. WILLIAMS.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 J. ARNDT.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....
- 24 R. RYDBERG.....AYE
- 26 P. VRAKAS.....
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....AYE
- 32 C. WICHGERS.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-32