

Enrolled 156-34
~~PROPOSED~~ ORDINANCE 156-36

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
4 ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN
5 PART OF THE SW ¼ OF THE SE ¼ OF SECTION 30, T7N, R18E, TOWN OF
6 DELAFIELD, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1
7 RESIDENTIAL AND A-2 RURAL HOME DISTRICTS
8 (ZT-1417)
9

10
11 WHEREAS the subject matter of this Ordinance having been approved by the Delafield Town
12 Board on June 12, 2001, after Public Hearing, and the giving of requisite notice of said hearing,
13 and duly referred to and considered by the Waukesha County Park and Planning Commission,
14 and a recommendation for approval, thereon reported to the Land Use, Parks and Environment
15 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the
16 Wisconsin State Statutes.

17
18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
19 ORDAIN that the District Zoning Map for the Town of Delafield Zoning Ordinance, adopted by
20 the Town of Delafield on July 20, 1998, is hereby amended to conditionally rezone from the A-1
21 Agricultural District to the R-1 Residential and A-2 Rural Home Districts, certain lands located
22 in part of the SW ¼ of the SE ¼ of Section 30, T7N, R18E, Town of Delafield, and more
23 specifically described in the "Staff Report and Staff Recommendation" and map on file in the
24 office of the Waukesha County Department of Parks and Land Use, and made a part of this
25 Ordinance by reference (ZT-1417) and subject to the following conditions:
26

- 27 1. The preparation and approval of the Certified Survey Map whose boundaries shall follow the
28 proposed zoning descriptions.
29
30 2. A note shall be placed on the face of the Certified Survey Map indicating the existing residence
31 and new residence shall not be used as duplex-type units.
32

33 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
34 Ordinance with the Town Clerk of Delafield.
35

36 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
37 approval and publication.
38

39 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
40 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE
BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE
SE ¼ OF SECTION 30, T7N, R18E, TOWN OF DELAFIELD, FROM THE A-1 AGRICULTURAL
DISTRICT TO THE R-1 RESIDENTIAL AND A-2 RURAL HOME DISTRICTS
(ZT-1417)

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

Absent
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: August 31, 2001, Patricia E. Madden
Patricia E. Madden, County Clerk

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

Approved: ✓
Vetoed: _____
Date: 9-4, Daniel M. Finley
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of (ZT-1417 Kurt Kamine) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

July 26, 2001

Absent
Betty Willert, Chairperson

Vytautas P. Janusonis
Vy Janusonis

Mareth K. Kipp
Mareth Kipp

Ellen Gennrich
Ellen Gennrich

Walter Kolb
Walter Kolb

Absent
Joseph LaPorte

Absent
Walter Baade

STAFF REPORT AND RECOMMENDATION

ZONING MAP AMENDMENT

FILE NO: ZT-1417

TAX KEY NUMBER: DELT 840.989.001
DELT 840.989.002

DATE: July 26, 2001

NAME OF PETITIONER: Kurt Kamine
W334 N198 Cushing Park Road
Delafield, WI 53018

LOCATION OF PROPERTY:

Part of the SW ¼ of the SE ¼ of Section 30, T7N, R18E, Town of Delafield. More specifically, the property is located at W334 N198 Cushing Park Road.

PRESENT ZONING:

A-1 Agricultural District.

PROPOSED ZONING:

R-1 Residential District, requiring one-acre lots and A-2 Rural Home District, requiring three acres per lot.

PRESENT LAND USE:

Residence and barn.

PROPOSED LAND USE:

Second residence to be built in converted barn.

PUBLIC HEARING DATE:

May 15, 2001.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

The Town of Delafield Plan Commission, at their meeting on June 5, 2001, recommended to the Town Board to conditionally approve the rezoning request subject to the land being divided by Certified Survey Map.

TOWN BOARD ACTION:

The Town of Delafield Board, at their meeting on June 12, 2001, approved the rezoning request in accordance with the Town Plan Commission's recommendation and to restrict both residences as single-family structures.

COMPLIANCE WITH THE TOWN OF DELAFIELD LAND USE PLAN AND THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Town of Delafield Land Use Plan indicates the proposed residential land uses in a residential category. The Waukesha County Development Plan designates this area to be developed in residential uses with five-acre densities. The proposed rezone, while not consistent, is appropriate because there are two parcels of record which would permit two residences.

OTHER CONSIDERATIONS:

The property in question consists of two existing parcels of record, one parcel having three acres and the other parcel having two acres. The three-acre parcel has an existing residence and barn, and the vacant parcel is immediately adjacent to and south of the occupied parcel. The petitioner proposes to re-create the two lots in question and place the barn on a separate parcel and convert that barn into a new residence for himself. The petitioner presently resides in the residence at the site and wishes to restore the existing barn into a dwelling, with the existing residence being placed in the R-1 Residential District, and the parcel including the barn to be rezoned to the A-2 Rural Home District. It was indicated at the hearing the present residence was a duplex. The petitioner indicated it was built 15 years ago with two kitchens, however, it is not being used as a duplex, and he does not intend to use it as a duplex or sell it as a duplex, because it is a single-family home at the present time occupied by himself. He does indicate he wants to house and maintain some fowl and livestock on the property, for which the Town has indicated they will require a Conditional Use Permit, and any additional buildings housing the animals must be located 50' from the lot lines. The property does contain good soils to accommodate a new waste disposal system, which will be required for the new converted barn/residence. While the County Development Plan indicates the area should be developed with minimum five-acre densities, the area is divided into the existing parcels of record less than five acres, including the two that are the subject of this action, which have the right to build houses. In this case, the request is a fairly simple request to reconfigure the shape of the lots to accommodate the two residences which could be allowed at the present time without rezoning, but rezoning is necessary in order to accommodate a size parcel that is larger than three acres in order to convert and place the converted barn on said three plus (3+) acre parcel and to maintain livestock.

STAFF RECOMMENDATION:

It is the opinion of the Staff this request be approved. While this request is, on its surface, contrary to the County Development Plan, it should be recognized it does represent a reconfiguration of two existing parcels of record, both entitled to a single-family residence and this rezoning will not change that. It will only provide for a reconfiguration or shape of the two subject parcels in question. Therefore, we find it is not inconsistent with the plan to reconfigure the existing parcels of record and, accordingly, should be approved subject to the following conditions imposed by the Town Board:

1. The preparation and approval of the Certified Survey Map whose boundaries shall follow the proposed zoning descriptions.
2. A note being placed on the face of the Certified Survey Map indicating the existing residence and new residence shall not be used as duplex-type units.

Respectfully submitted,

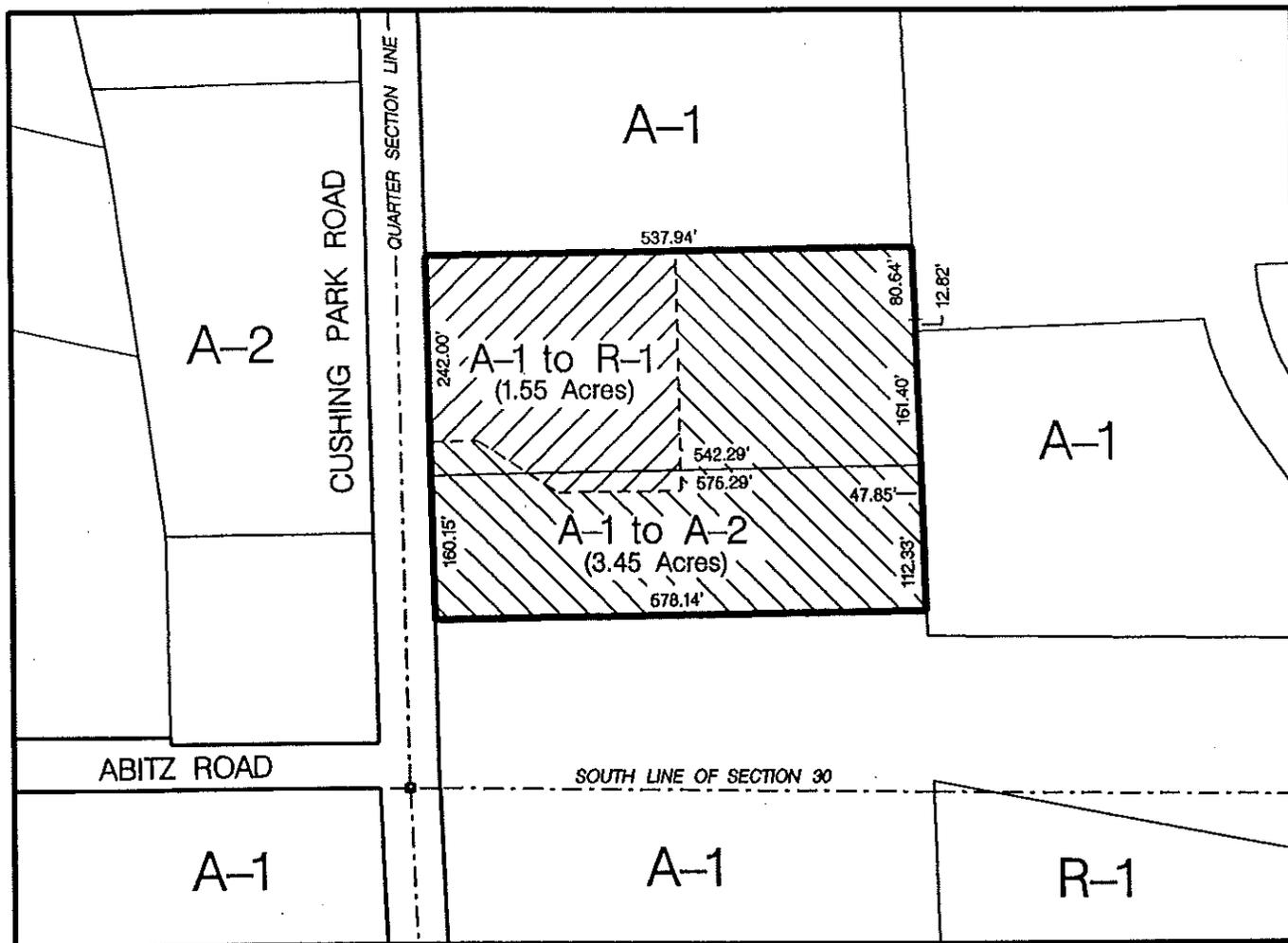
Richard L. Mace

Richard L. Mace
Planning and Zoning Manager

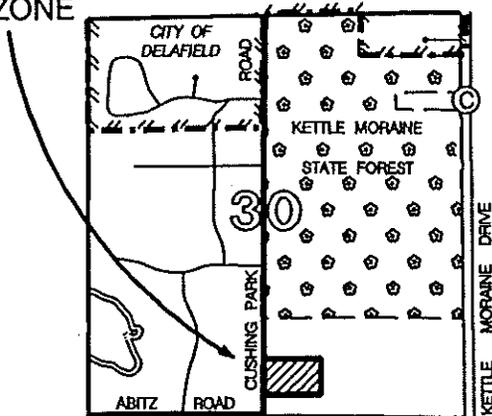
RLM:smv
Attachments: Map

ZONING CHANGE

PART OF THE SE 1/4 OF SECTION 30
TOWN OF DELAFIELD



PROPOSED REZONE



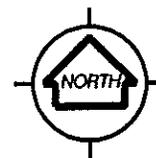
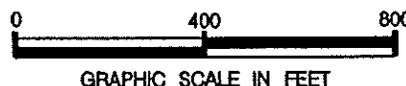
LOCATION MAP
T7N R18E SECTION 30

FILE.....ZT-1417

DRAWN.....7-26-01

SCALE.....1" = 200'

AREA OF CHANGE.....5.0 ACRES



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

27-1417

State of Wisconsin

Town of Delafield

Waukesha County

Ordinance Number 01-523

An Ordinance to rezone lands located in the Southeast 1/4 of Section 30, T7N, R18E from A-1 to R-1 and A-2

Te Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The zoning map of the Town of Delafield is hereby amended to change the zoning classification from A-1 to A-2 on the following described property:

All that part of the Southwest 1/4 of the Southeast 1/4 of Section 30, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of said Section 30, thence N0°55'36"W along the west line of the Southeast 1/4 of Section 30, 184.85 feet to the point of beginning; thence continuing N0°55'36"W, 200 feet; thence N89°04'24"E, 83.00 feet; thence S56°54'30"E, 106 feet; thence N89°04'24"E, 136 feet; thence N 0 55'36"W, 260 feet; thence N89°04'24"E, 263 feet; thence S02°04'02"E, 80.64 feet; thence S01°53'59"E, 189.25 feet; thence S01°58'17"E, 112.33 feet; thence S89°04'26"W, 578.14 feet to the point of beginning; thence S89°04'24"W, 308 feet to the west line of the Southeast 1/4 of Section 30; thence S0°55'36"E, 202.15 feet to the point of beginning.

The description above provides the general description of the parcel to be rezoned. Zoning lines shall conform to land split lines when CSM is developed to redivide the land.

Section 2:

The zoning map of the Town of Delafield is hereby amended to change the zoning classification from A-1 to R-1 on the following described property:

All that part of the Southwest 1/4 of the Southeast 1/4 of Section 30, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of said Section 30, thence N0°55'36"W along the west line of the Southeast 1/4 of Section 30, 184.85 feet to the point of beginning; thence continuing N0°55'36"W, 200 feet; thence N89°04'24"E, 83.00 feet; thence S56°54'30"E, 106 feet; thence N89°04'24"E, 136 feet; thence N 0 55'36"W, 260 feet; thence S89°04'24"W, 308 feet to the west line of the Southeast 1/4 of Section 30; thence S0°55'36"E, 202.15 feet to the point of beginning.

The description above provides the general description of the parcel to be rezoned. Zoning lines shall conform to land split lines when CSM is developed to redivide the land.

156-0-038

Section 3: The zoning change shall be conditioned upon:
1. preparation and approval of a Certified Survey Map whose boundaries follow the proposed zoning descriptions above.
2. a note be placed on the Certified Survey Map stating that the houses located on the lots described above, shall not be used as a duplex.

Section 4: Severability

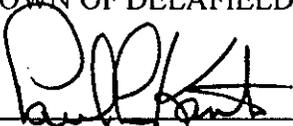
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section 5: Effective date

This Ordinance shall take effect immediately upon publication as provided by law.

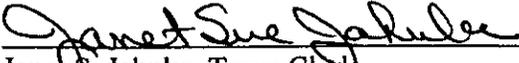
Dated this 12th day of June, 2001.

TOWN OF DELAFIELD



Paul L. Kanter, Town Chairperson

ATTEST:



Janet S. Jahnke, Town Clerk

Published the _____ day of _____, 2001.

rgb w:\1011608\0010608Zoning

Public Hearing
5/15/01

PC 6/5/01

TB 6/12/01

156-0-038²

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/28/01

(ORD) NUMBER-1560038

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.....AYE
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.....AYE

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

TOTAL AYES-33

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS_____

TOTAL VOTES-33