

ENROLLED ORDINANCE 176-102

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 15, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI FARM DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT AND FROM THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO THE A-5 MINI FARM DISTRICT (RZ93)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Lisbon Town Board on November 22, 2021; 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 Lisbon Zoning Code, adopted by the Town of Lisbon on April 9, 2010, is hereby amended to conditionally rezone from the A-5 Mini Farm District to the R-1 Suburban Single Family Residential District and from the R-1 Suburban Single Family Residential District to the A-5 Mini Farm District, certain lands located in part of the NW ¼ of Section 15, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, 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 RZ93, is hereby approved, as conditioned by the town.


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

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

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF
SECTION 15, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN,
FROM THE A-5 MINI FARM DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY
RESIDENTIAL DISTRICT AND FROM THE R-1 SUBURBAN SINGLE FAMILY
RESIDENTIAL DISTRICT TO THE A-5 MINI FARM DISTRICT (RZ93)

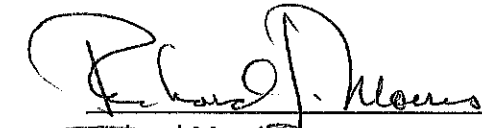
Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Keith Hammitt


Thomas A. Michalski


Chris Mommaerts

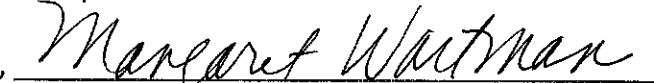

Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow

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

Date: 2/25/2022, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

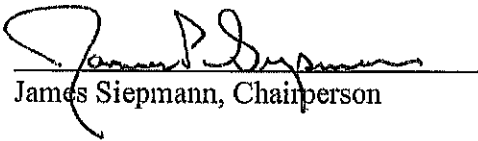
Date: 2/25/2022, 
Paul Farrow, County Executive

COMMISSION ACTION

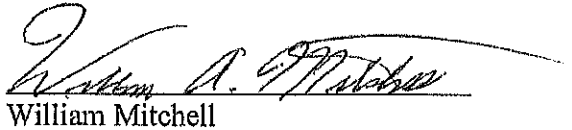
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends **approval** of **RZ93 (Steinmetz_Big Bear Investments)** in accordance with the attached "Staff Report and Recommendation".

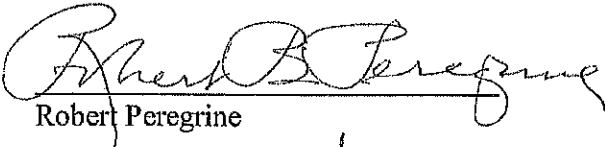
PARK AND PLANNING COMMISSION

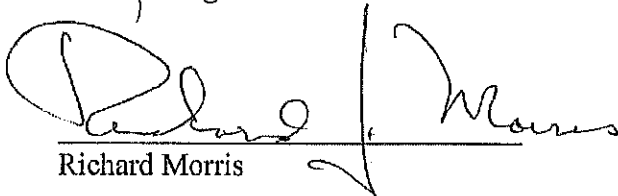
January 20, 2022

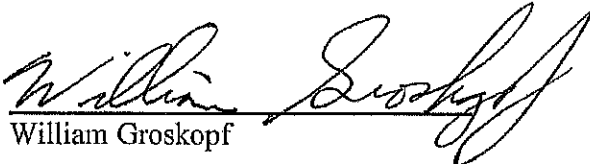

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


William Mitchell


Robert Peregrine


Richard Morris


William Groskopf

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

DATE: January 20, 2022

FILE NO.: RZ93

OWNER/APPLICANT: Donavon V. and Kristie K. Steinmetz
Big Bear Investments, LLC
W249 N7876 Hillside Road
Sussex, WI 53089

TAX KEY NOS.: LSBT 0202.990.001 and LSBT 0202.989

LOCATION:

LSBT 0202.990.001: Lot 1, CSM No. 9427, Volume 86, Page 55, located in part of the NW ¼ of Section 15, T8N, R19E, Town of Lisbon. More specifically, the property is located at W249 N7876 Hillside Road, containing approximately 5.4 acres.

LSBT 0202.989: Part of the NW ¼ of the NW ¼ of Section 15, T8N, R19E, Town of Lisbon. More specifically, the property is located at W249 N7844 Hillside Road, containing approximately 2.42 acres.

EXISTING ZONING DISTRICT CLASSIFICATION(S):

LSBT 0202.990.001: A-5 Mini Farm District

LSBT 0202.989: R-1 Suburban Single Family Residential District

REQUESTED ZONING DISTRICT CLASSIFICATION(S):

LSBT 0202.990.001: R-1 Suburban Single Family Residential District (one acre, 150' width)

LSBT 0202.989: A-5 Mini Farm District (five acres, 300' width)

EXISTING USE(S): Two residential parcels

REQUESTED USE(S):

To rezone the existing parcels and then request Certified Survey Map (CSM) approval of a reconfiguration of the lot lines resulting in a third residential lot 5.3 acres in size and which does not abut a public road. The two existing parcels would be reduced in size to 1.3 acres and 1.02 acres. Refer to rezone map attached.

PUBLIC HEARING DATE: November 4, 2021

PUBLIC COMMENT:

One property owner in the subdivision to the east stated there used to be a mini farm with animals that gave off an offensive odor on the larger parcel, so he is opposed to the A-5 zoning and would like all of the parcels to be rezoned as residential.

TOWN PLAN COMMISSION ACTION:

On November 4, 2021, the Town of Lisbon Plan Commission unanimously recommended approval of the rezone request to the Town Board and Waukesha County subject to the recommendations of the Town Planner and the Town Engineer.

TOWN BOARD ACTION:

On November 22, 2021, the Lisbon Town Board of Supervisors unanimously recommended approval of the rezone request (refer to Ordinance 2021-23 attached) to Waukesha County, subject to the recordation of the CSM as approved by the Town of Lisbon reconfiguring the lot lines as proposed. Failure to record the CSM with the Waukesha County Register of Deeds within 90 days of the Town Board approval of the subject Ordinance will cause the rezone to be null and void.

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

The Waukesha County and Town of Lisbon CDP's currently designate the subject parcels as Low Density Residential (20,000 square feet-1.4 acres per dwelling unit) and the proposal complies with both plans.

STAFF ANALYSIS:

The proposed rezoning is necessary in order for the property owner to redivide two lots into three lots, one of which will be considered a lot not abutting a public road because it only has a narrow portion of the property abutting the road ("flag lot"). The parcels are located on the east side of Hillside Road and south of Plainview Road. The lot not abutting a public road is also located in an area with mapped soils that may have seasonal high groundwater. Therefore, additional soil testing in the vicinity of any future proposed residence is recommended. The two smaller lots will be 1.0 and 1.3 acres in size and zoned R-1 Residential; and the lot not abutting a public road will be 5.3 acres in size and zoned A-5 Mini-Farm.

The adjacent land uses to the north are rural residential zoned R-1; to the south a residential subdivision zoned R-1; to the east a residential subdivision zoned R-2; and to the west agricultural land (across Hillside Road) zoned A-10 Agricultural.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the rezoning request consistent with the town's approval. The town has conceptually accepted the related CSM layout. The proposal is consistent with the Town and County Comprehensive Development Plans and will comply with the Town of Lisbon Zoning Ordinance in that the zoning categories are simply being readjusted to conform with the proposed lot lines and will meet the lot sizes and minimum average lot widths required in the respective zoning districts. If the rezone is approved, the property owner will submit a Final Certified Survey Map to the Town of Lisbon for consideration.

Respectfully submitted,

Sandra L. Scherer

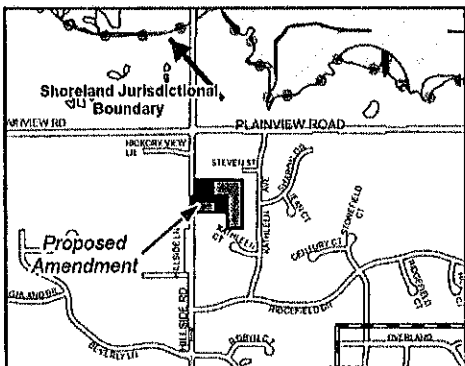
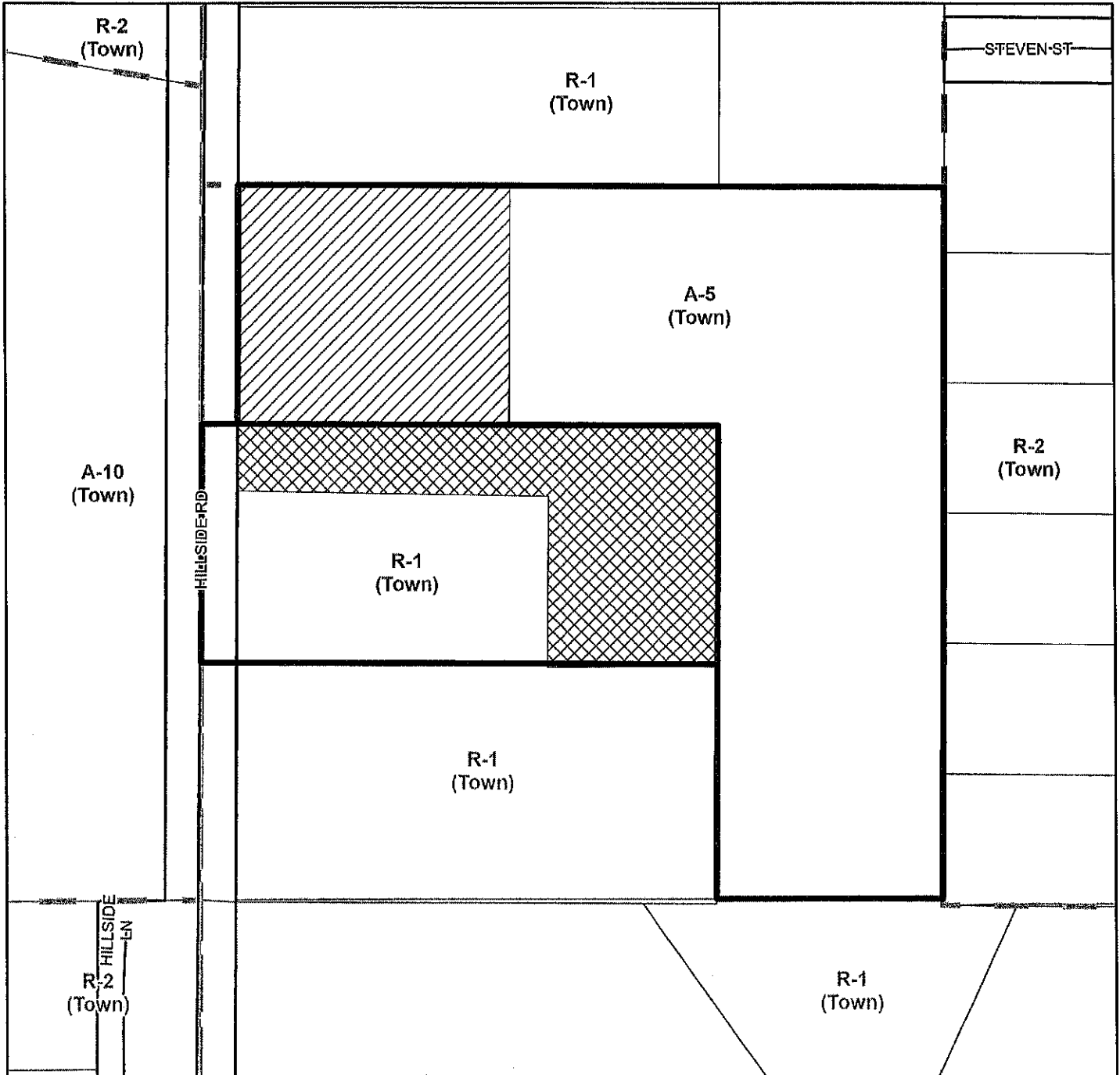
Sandy Scherer
Senior Planner

Attachment: Rezone Map
Town Ordinance 2021-23

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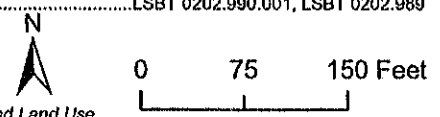
ZONING AMENDMENT

PT OF THE NORTHWEST 1/4 OF SECTION 15 , TOWN OF LISBON



- CONDITIONAL TOWN ZONING AMENDMENT FROM R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT TO A-5 MINI FARM DISTRICT (1.2 AC)
- CONDITIONAL TOWN ZONING AMENDMENT FROM A-5 MINI FARM DISTRICT TO R-1 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (1.3 AC)

FILE.....RZ93
 DATE OF PLAN COMMISSION.....1/20/22
 AREA OF CHANGE.....2.5 ACRES
 TAX KEY NUMBERS.....LSBT 0202.990.001, LSBT 0202.989



Prepared by the Waukesha County Department of Parks and Land Use

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

ORDINANCE 2021-23

ORDINANCE REZONING APPROXIMATELY 1.5 ACRES OF LAND LOCATED AT W249N7876 HILLSIDE ROAD, LSBT 0202.990.001, FROM THE A-5 MINI FARM ZONING DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND 1.4 ACRES OF LAND LOCATED AT W249N7844 HILLSIDE ROAD, LSBT 0202.989, FROM THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE A-5 MINI FARM ZONING DISTRICT, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Donovan Steinmetz of Big Bear Investments requests to rezone a portion of property from the A-5 Mini Farm Zoning District to the R-1 Suburban Single Family Residential Zoning District, and a portion of property from the R-1 Suburban Single Family Residential Zoning District to the A-5 Mini Farm Zoning District, based on a proposed Certified Survey Map to reconfigure lot boundaries; and

WHEREAS, the change in zoning is consistent with the Town of Lisbon Comprehensive Land Use Plan; and

WHEREAS, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, November 4, 2021.

NOW, THEREFORE, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The following described property is rezoned from A-5 Mini Farm to R-1 Suburban Single Family Residential:

LOT 1 CERT SURV 9427 VOL 86/55 PT NW1/4 SEC 15 T8N R19E DOC# 3475861
ALSO KNOWN AS LSBT 0202.990.001 (portion)

and the following described property is rezoned from R-1 Suburban Single Family Residential to A-5 Mini Farm:

PT NW1/4 OF NW1/4 SEC 15 T8N R19E; COM NW CRNR SEC 15; S00°31'W ON W LINE OF NW1/4 882.4 FT TO BGN; S00°31'W 220.00 FT; S89°40'E 480.00 FT; N00°31'E 220.00 FT; N89°40'W 480.00 FT TO BGN
ALSO KNOWN AS LSBT 0202.989 (portion)

With proposed zoning district boundaries as shown on the attached "Exhibit A".

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law, and upon the recording of a certified survey map for the property as approved by the Town of Lisbon. Failure to record the certified survey map with the Waukesha County Register of Deeds within 90 days of Town Board approval of this ordinance will cause the rezone to be null and void.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 22nd day of November, 2021.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

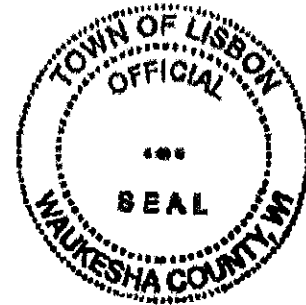
BY: [Signature]
JOSEPH OSTERMAN, Chairman

BY: [Signature]
DOUG BRAHM, Supervisor

BY: [Signature]
MARC MOONEN, Supervisor

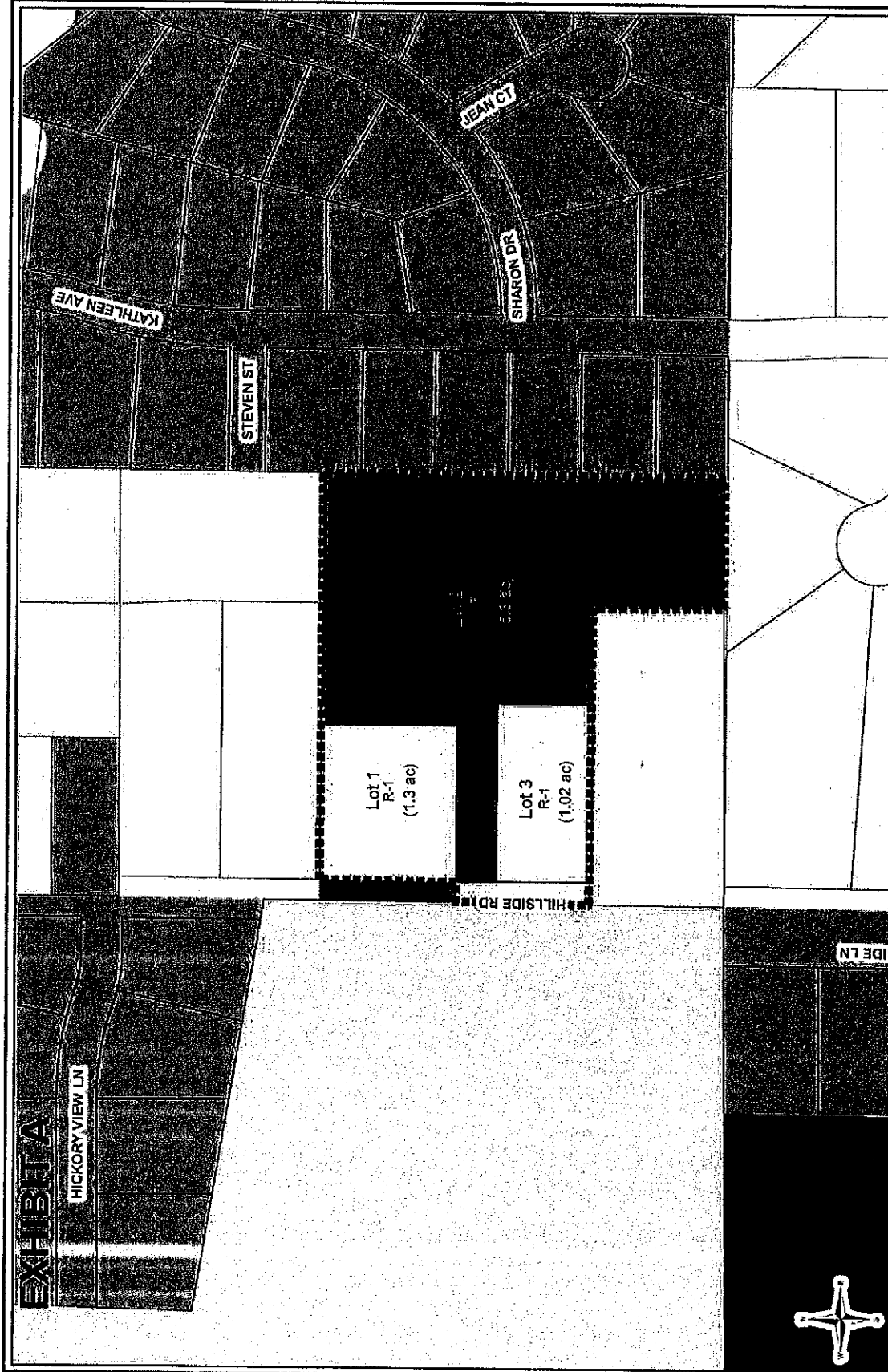
BY: [Signature]
LINDA BEAL, Supervisor

BY: R. Plotecher (via Zoom)
REBECCA PLOTECHER, Supervisor




ATTEST:

BY: [Signature]
ELISA M. CAPPOZZO, Town Clerk



Parcel ID LSBT0202990/LSBT0202989: Proposed Zoning

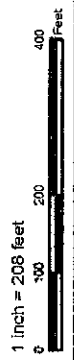
Town of Lisbon
Subject Parcels



vierbicher
planners engineers advisors

REGISTERED PROFESSIONAL ENGINEERS - MAINE
REGISTERED PROFESSIONAL LAND SURVEYORS - MAINE
REGISTERED PROFESSIONAL ARCHITECTS - MAINE
Professional Seal No. 155000 Expires 12/31/2020

AD-10	A-5	R-2	B-1	B-4	M-1	C-1
RD-5	A-3	R-3	B-2	BP	M-2	UC
A-10	R-1	RM	B-3	C-1	P-1	PR



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