

ENROLLED ORDINANCE 168-20

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 33, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI FARM DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (ZT-1754)

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 January 10, 2013, 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 60.61, 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 rezone from the A-5 Mini Farm District to the R-1 Suburban Single Family Residential District, certain lands located in part of the NW ¼ of Section 33, 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 ZT-1754.

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.

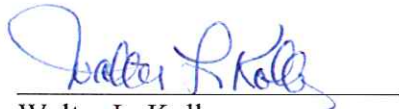
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

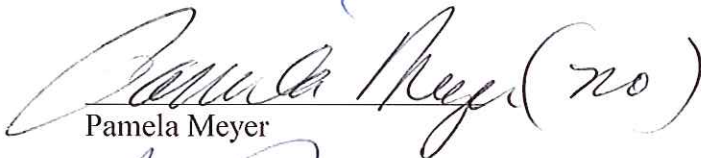
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY  
REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 33,  
T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM  
THE A-5 MINI FARM DISTRICT TO THE R-1 SUBURBAN SINGLE  
FAMILY RESIDENTIAL DISTRICT (ZT-1754)

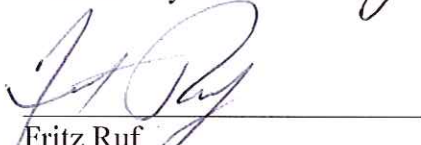
Presented by:  
Land Use, Parks, and Environment Committee

  
James A. Heinrich, Chair

  
Jim Batzko

  
Walter L. Kolb


  
Pamela Meyer

  
Fritz Ruf


  
Thomas J. Schellinger

  
Peter M. Wolff

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

Date: 6/28/13,   
Kathleen Novack, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 7-1-13,   
Daniel P. Vrakas, 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 Ordinance hereby recommends approval of ZT-1754 (James and Jill Simaras) in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

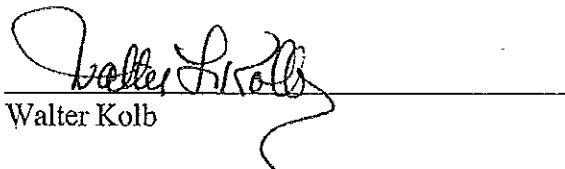
May 16, 2013


  
Robert Peregrine, Chairperson

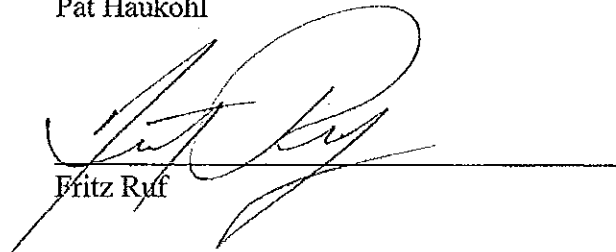
  
James Siepmann, Vice Chairperson

  
William Mitchell

  
Gary Goodchild

  
Walter Kolb

  
Pat Haukohl (NO)

  
Fritz Ruf

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

**DATE:** May 16, 2013

**FILE NO.:** ZT-1754

**OWNER:** James and Jill Simaras  
37340 Forest Drive  
Oconomowoc, WI 53066

**TAX KEY NO.:** LSBT 0274.990.002

**LOCATION:**

Outlot 1, Certified Survey Map (CSM) No. 10661, Volume 102, Page 302, located in the NW ¼ of Section 33, T8N, R19E, Town of Lisbon. More specifically, the subject parcel is located on the north side of Glen Ridge Court and contains 2.87 acres.

**EXISTING ZONING:** A-5 Mini Farm District (Town).

**PROPOSED ZONING:**

R-1 Suburban Single Family Residential District (Town) which required a minimum lot size of one acre and a minimum lot width of 150'.

**EXISTING LAND USE:** Vacant.

**REQUESTED LAND USE:** A two lot CSM for single-family residential use.

**PUBLIC HEARING DATE:** January 3, 2013.

**PUBLIC REACTION:**

An adjacent neighbor questioned whether this proposal would set a precedent for other people in the area to start subdividing their land and make smaller lots. He thought there was a two acre minimum in the Town of Lisbon. The Chairman stated that while there may be different opinions as to what the minimum lot size should be in the Town, the absolute minimum is one acre on private well and septic unless some type of conservation development is proposed. He further stated that this was explained under the Land Use Code, and per that code (the Comprehensive Development Plan), the petitioner has the ability to rezone his property.

**TOWN PLAN COMMISSION ACTION:**

On January 3, 2013, the Town of Lisbon Plan Commission voted unanimously to recommend approval of the rezone request to the Town Board subject to the recommendations of the Town Engineer which basically requested additional soil testing be done relative to a septic system and the depth to groundwater for the basement on Lot 2. It should be noted that soils information has been submitted for the on site waste disposal system. Additional tests at the actual house site may be required when a residence is proposed on the property. In addition, a Grading Plan must be submitted and approved by the Town Engineer for the lots at the time Building Permits are requested for the lots.

**TOWN BOARD ACTION:**

On January 10, 2013, the Town Board voted unanimously to approve the rezoning subject to the recommendations of the Town Engineer as stated above.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF LISBON COMPREHENSIVE DEVELOPMENT PLAN:**

Both the Town and County Comprehensive Development Plans designate this property as Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit), and the proposed rezoning of this site for residential use will be consistent with the purpose and intent of the Town and County Comprehensive Development Plans.

**STAFF ANALYSIS:**

A CSM for the property has been submitted to divide the existing outlot into a 1.53 acre and a 1.34 acre lot (See Exhibit "A") thus requiring the zoning change. A stakeout/topographic survey was also submitted which delineates a residence and attached garage as well as a 27' x 51' detached accessory building labeled "shop." It should be noted that the purpose and intent of the proposed R-1 District is to provide for low density suburban single-family residential development, therefore, this zoning district prohibits most business or commercial uses on the property unless the Town approves an allowable Conditional Use in advance.

The soil tests submitted for proposed Lots 1 and 2 indicate the properties will be served with A+4 mound type septic systems. The tests submitted for proposed Lot 1 were conducted on May 10, 2011, and indicate observed groundwater between 24 and 27 inches. In addition, the map accompanying the soil tests for Lot 1 shows the mound system across the entire width of the lot, and although the mound will likely not encompass that entire area, the driveway access to the site will have to be carefully planned around the mound system area due to the topography of the site and prohibitions on excessive cutting and filling of the natural slopes. The soil tests submitted for proposed Lot 2 were conducted on May 2, 2013, and indicate observed groundwater at 35 inches. A third set of soil tests were conducted on May 27, 2011, that appear to be located on the proposed common lot line between the two lots and indicates observed groundwater at 83 inches. A *Form A* was submitted for this third set of soil tests that indicates a one foot separation distance from the bottom of the basement floor to high groundwater, whereas the Town of Lisbon's Zoning Ordinance requires a three foot separation distance from high groundwater. The map accompanying *Form A* also appears to indicate the house site will be located in the middle of the mound system site. The point of all of the above observations is that the septic sites, houses, and driveways on both lots should be carefully planned to provide for the best possible development of the lots. If any soil tests are to be utilized for the basement elevations, they must be located at the actual house site and all provisions of Section 3(c)10 of the Town's Zoning Ordinance must be met. The properties to the south and west are zoned R-1, and the lands to the north and east are zoned A-5.

It was also noted during the review of this request that the CSM that created the outlot contains several notes. The proposed CSM does not contain any notes. The first note on the existing CSM states that at such time as a Building Permit is requested for Outlot 1, or any part thereof, a Grading Plan will be required for the home site. Said Plan shall be submitted to, and approved by, the Town Engineer prior to issuance of any said Permit. A second note states that driveways exceeding 12% slope shall be prohibited, along with excessive filling or cutting of natural slopes. Driveways will be served by Glen Ridge Court and drives will traverse slopes to get to future house sites. The final note on the existing CSM states the installation of a soil absorption system for septic tank effluent disposal on Outlot 1 is prohibited until such time as approved soil tests are provided to the Town and a Sanitary Permit is issued by the Waukesha County Environmental Health Division. It is recommended that revised notes reflecting these three issues be placed on the proposed CSM, as necessary, prior to the Town signing the CSM.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** in accordance with the Town's decision and with consideration given to the comments made in the Staff Analysis section above. The proposed use of the property is consistent with the Town and County Comprehensive Development Plans and is compatible with the immediate surrounding land uses.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

cc: Exhibit "A" (proposed draft CSM)  
Town Ordinance  
Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1754 Samaris 1st.doc

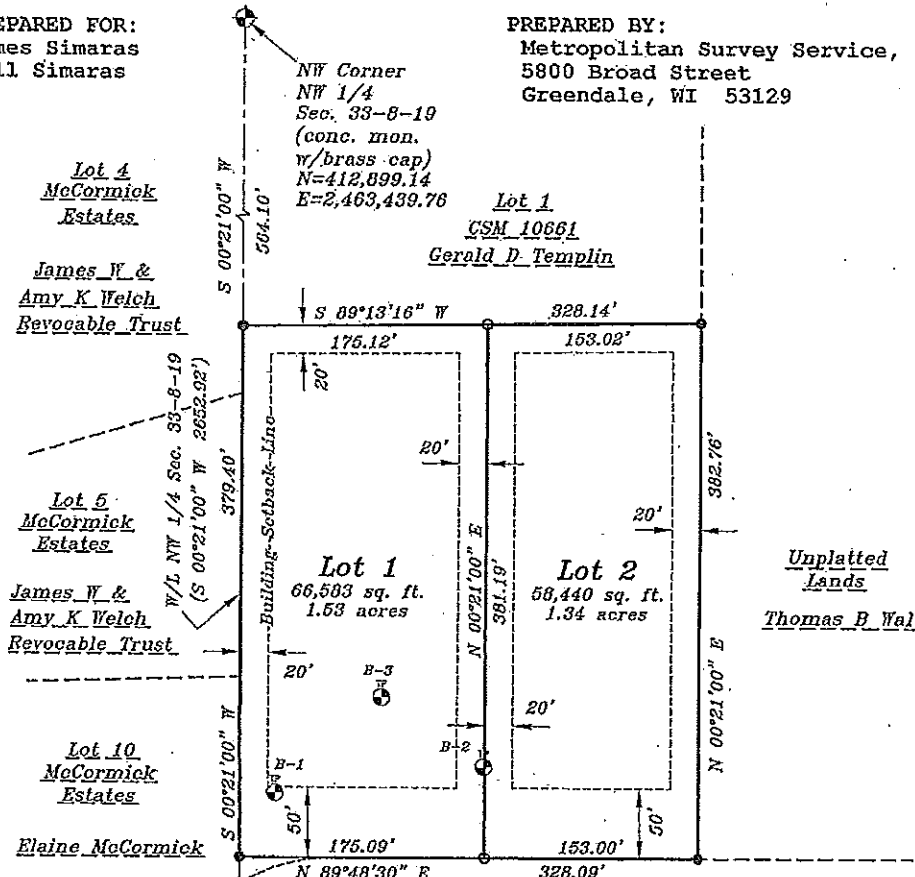
# EXHIBIT "A"

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Outlot 1 of Certified Survey Map No. 10661, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 33, Township 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin.

**PREPARED FOR:**  
James Simaras  
Jill Simaras

**PREPARED BY:**  
Metropolitan Survey Service, Inc.  
5800 Broad Street  
Greendale, WI 53129



Lot 4  
McCormick  
Estates

James W. &  
Amy K. Welch  
Revocable Trust

Lot 5  
McCormick  
Estates

James W. &  
Amy K. Welch  
Revocable Trust

Lot 10  
McCormick  
Estates

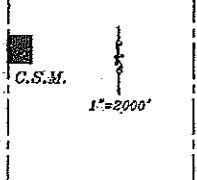
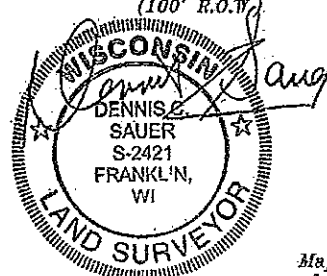
Elaine McCormick

Lot 1  
CSM 10661  
Gerald D. Templin

Unplatted  
Lands  
Thomas B. Wal

**Glen Ridge Court**  
(100' R.O.W.)

Richmond Road

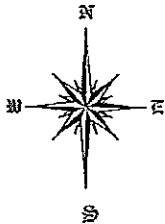
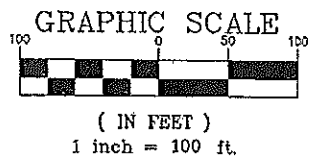


Lisbon Road C.T.H. "K"  
Vicinity Sketch  
SE 1/4 Sec. 33-8-17

SW Corner  
NW 1/4  
Sec. 33-8-19  
(conc. mon.  
w/brass cap)  
N=410,246.55  
E=2,463,423.56

December 17, 2012

Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone, with the West line of the NW 1/4 of Section 33, T8N, R19E having an assumed bearing of S 00°21'00" W, September 2011 Datum



- — Denotes 1" x 24" iron pipe, (1.05" O.D.), 1.13 lbs per lin. ft.
- — Denoted iron pipe found and accepted or set as noted.

CSM Job No. 103838

Sheet 1 of 4

168-0-020

6.

ORDINANCE 02-13

STATE OF WISCONSIN: TOWN OF LISBON: WAUKESHA COUNTY

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**ORDINANCE REZONING THE SIMARIS PROPERTY FROM THE A-5 MINI-FARM DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT ZONING CLASSIFICATION IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN**

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Whereas, James and Jill Simaris petitioned the Town of Lisbon to rezone Outlot 1 of CSM 10661 from A-5 Mini-Farm District to R-1 Suburban Single Family District; and

Whereas, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

Whereas, the Lisbon Plan Commission and Town Board held a joint Public Hearing on the zoning change January 3, 2013.

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 District to R-1 Suburban Single Family District:

Outlot 1 of CSM 10661, being part of the NW ¼ of the  
NW ¼ of Section 33, T8N R19 E.  
Town of Lisbon, Waukesha County WI.  
Tax Key No. LSBT 0274-990-002

**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.

**PASSED AND ADOPTED** by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 28<sup>th</sup> day of January, 2013.



TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
MATTHEW GEHRKE, Chairman

BY:   
RYAN LIPPERT, Supervisor

BY:   
DANIEL HEIER, Supervisor

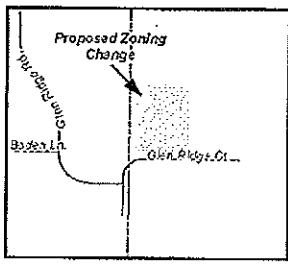
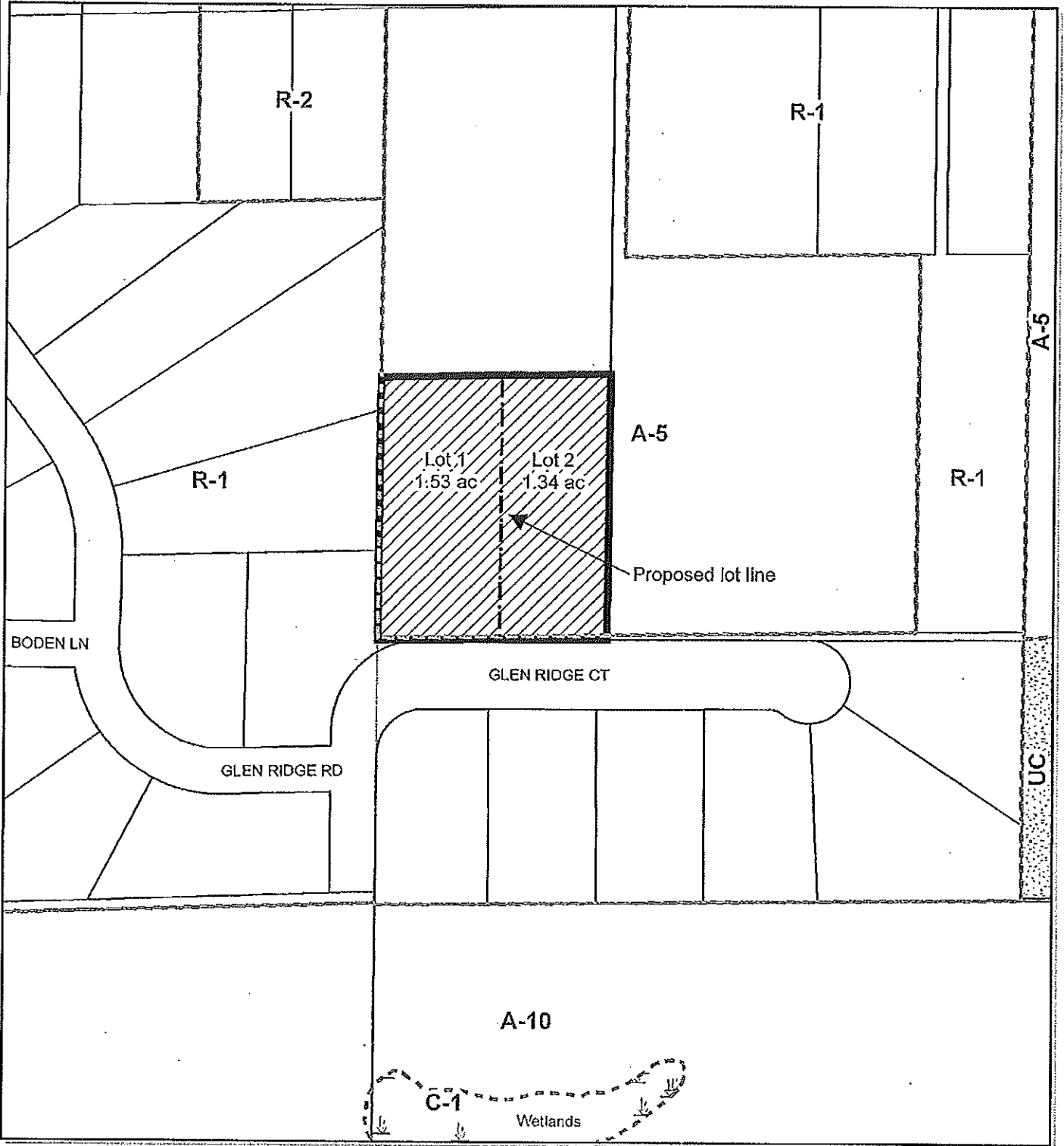
BY:   
JOSEPH OSTERMAN, Supervisor


ATTEST:

BY:   
JEFFREY MUSCHE, Town Clerk

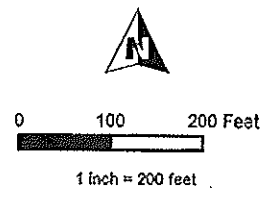
# ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 33  
TOWN OF LISBON



 TOWN ZONING CHANGE FROM A-5 MINI FARM DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT (2.87 AC)

FILE.....ZT-1754  
 DATE.....5/16/13  
 AREA OF CHANGE.....2.87 ACRES  
 TAX KEY NUMBER.....LSBT 0274.990.002



Prepared by the Waukesha County Department of Parks and Land Use

168-0-020

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/25/13

(ORD) NUMBER-1680020

- |                          |                          |
|--------------------------|--------------------------|
| 1 C. SLATTERY.....AYE    | 2 D. FALSTAD.....AYE     |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....AYE      |
| 5 J. BRANDTJEN.....AYE   | 6 J. JESKEWITZ.....AYE   |
| 7 J. GRANT.....AYE       | 8 P. HAUKOHL.....NAY     |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE       |
| 11 F. RUF.....AYE        | 12 P. WOLFF.....AYE      |
| 13 P. DECKER.....AYE     | 14 P. MEYER.....         |
| 15 W. KOLB.....AYE       | 16 M. CROWLEY.....NAY    |
| 17 D. PAULSON.....NAY    | 18 L. NELSON.....AYE     |
| 19 C. CUMMINGS.....NAY   | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....NAY      |
| 23 K. HAMMITT.....       | 24 D. DRAEGER.....AYE    |
| 25 G. YERKE.....AYE      |                          |

TOTAL AYES-18

TOTAL NAYS-05

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-23