

ENROLLED ORDINANCE 177-46

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF GENESEE ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE SW ¼ OF SECTION 11, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL DISTRICT TO THE R-2 RESIDENTIAL (RZ104)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on July 11, 2022; 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 Genesee Zoning Code, adopted by the Town of Genesee on July 23, 2015, is hereby amended to rezone from the R-3 Residential District to the R-2 Residential District, certain lands located in part of the SW ¼ of the SW ¼ of Section 11, T6N, R18E, Town of Genesee, 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 RZ104, is hereby approved.

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

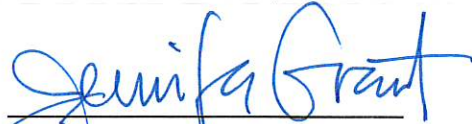
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF GENESEE ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE SW ¼ OF SECTION 11, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL DISTRICT TO THE R-2 RESIDENTIAL (RZ104)

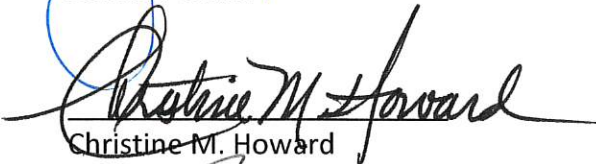
Presented by:
Land Use, Parks, and Environment Committee



Thomas A. Michalski, Chair



Jennifer Grant



Christine M. Howard



Robert L. Kolb



Brian Meier



Chris Mommaerts

Vacant

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

Date: 9/30/22, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____


Date: 9/30/2022, Paul Farrow
Paul Farrow, County Executive


COMMISSION ACTION

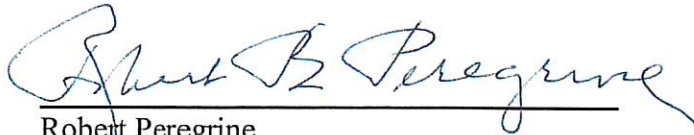
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code hereby recommends approval of **RZ104 (Smukowski)** in accordance with the attached "Staff Report and Recommendation".

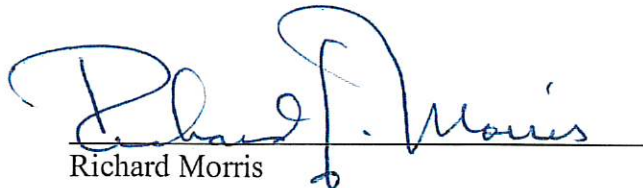
PARK AND PLANNING COMMISSION

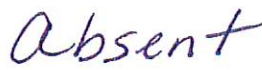
August 18, 2022


James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


Robert Peregrine


Richard Morris


William Groskopf

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

DATE: August 18, 2022

FILE NO.: RZ104

TAX KEY NO.: GNT 1483.997.001

OWNER: Kristilynn Smukowski
S30 W29856 Sunset Drive
Waukesha, WI 53189

LOCATION:
Lot 1, Certified Survey Map No. 10438, part of the SW ¼ of the SW ¼ of Section 11, T6N, R18E, Town of Genesee. More specifically the property is located on the north side of Sunset Drive, at the address cited above, containing approximately 0.97 acres.

EXISTING ZONING:
R-3 Residential District.

PROPOSED ZONING:
R-2 Residential District.

EXISTING LAND USE:
Single family residential.

PROPOSED LAND USE:
Single family residential with detached garage.

PUBLIC HEARING DATE:
April 25, 2022.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On May 23, 2022, the Town Plan Commission unanimously recommended approval of the rezoning request to the Town Board.

TOWN BOARD ACTION:
On July 11, 2022, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF GENESEE LAND USE PLAN (LUP):
The Town and County CDP's designate the subject parcel as Low Density Residential (20,000 sf – 1.4 ac/du) and the proposed rezone will comply with both plans.

STAFF ANALYSIS:

The subject property is located on the north side of Sunset Dr (CTH DE), just east of the Oak Ridge Estates subdivision and is 0.97 acres in size. The property contains a two story, single-family residence with an attached garage and patio and is served by a private sewage system.

The subject property was previously part of a larger lot that also encompassed the adjacent lot to the east. In 2006, the adjacent property owner sought and obtained a rezone of the larger parcel from R-1 Residential (1-acre minimum) to R-3 Residential (20,000 square foot minimum). The rezoning preceded a request for a conditional use on the adjacent property for an existing duplex, which was not allowed in the R-1 Residential category. In addition, the 2006 rezoning enabled the pre-existing larger parcel to become dividable and the subject property resulted.

The purpose of this zoning amendment is for the owner to construct a larger detached accessory building on the property. Under the current zoning, the owner is only allowed to construct a 500 square foot accessory building. Rezoning the property to the R-2 Residential District would allow the owner to construct a 900 square foot detached accessory building. No new lots are being created and no lot lines are being adjusted. The surrounding properties are currently zoned R-1 Residential, which allows for a homeowner to construct a 1,000 square foot detached accessory structure. The subject property, and the lot to the east do not meet the minimum lot size requirements to be rezoned to the R-1 Residential district. The R-2 District requires a minimum of 30,000 square feet per lot, whereas the existing R-3 designation allows lots as small as 20,000 square feet.

While spot rezoning has been discouraged by the courts, there are situations where the proposal to rezone a single parcel is simply the first parcel in the neighborhood to be re-classified to a more appropriate zone. In this case, it appears as though the R-2 District would also be logical for the adjacent property to the east. Both parcels are approximately one acre and more closely match the lot size standards of the R-2 District. The proposed zoning change to a different residential zoning district does not afford a change in the use of the property. The use of the property will still be residential with similar setbacks and offsets as the adjacent properties. In addition, the zoning being proposed is consistent with the Town of Genesee and Waukesha County Land Use Plans.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request. The proposal is consistent with Town and County plan recommendations.. The rezone will place the property in a zone that is more compatible with its size and allow the owner to construct a larger outbuilding on the property than would otherwise be allowed under the current zoning designation.

Respectfully submitted,

Jacob Heermans

Jacob Heermans
Senior Land Use Specialist

Attachments: Town Ordinance No. 22-4
Map

ORDINANCE 22-4

An Ordinance to amend the Zoning Map of the Town of Genesee from R-3 Residential District to R-2 Residential District on lands located in the SW ¼ of the SW ¼ of Section 11, T6N, R18E, Town of Genesee, Waukesha County Wisconsin

The Town Board of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The Town of Genesee Zoning Map is hereby amended to change the zoning classification from R-3 Residential District to R-2 Residential District on the following described parcel of land:

Lot 1 CSM 10438, being a part of the SW ¼ of the SW ¼ of Section 11, T6N, R18E, Town of Genesee. More specifically, the property is also known as Tax Key No. GNT 1483.997.001.

Section 2: 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 3: Effective Date.

This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 11 day of July, 2022.

BY THE TOWN BOARD OF THE TOWN OF GENESEE:

Sharon L. Leair, Town Chairman

ATTEST:

Meri Majeskie, Town Clerk



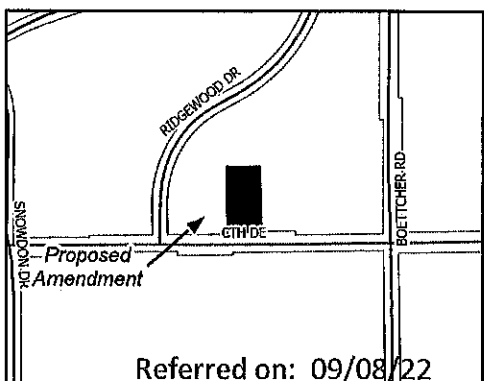
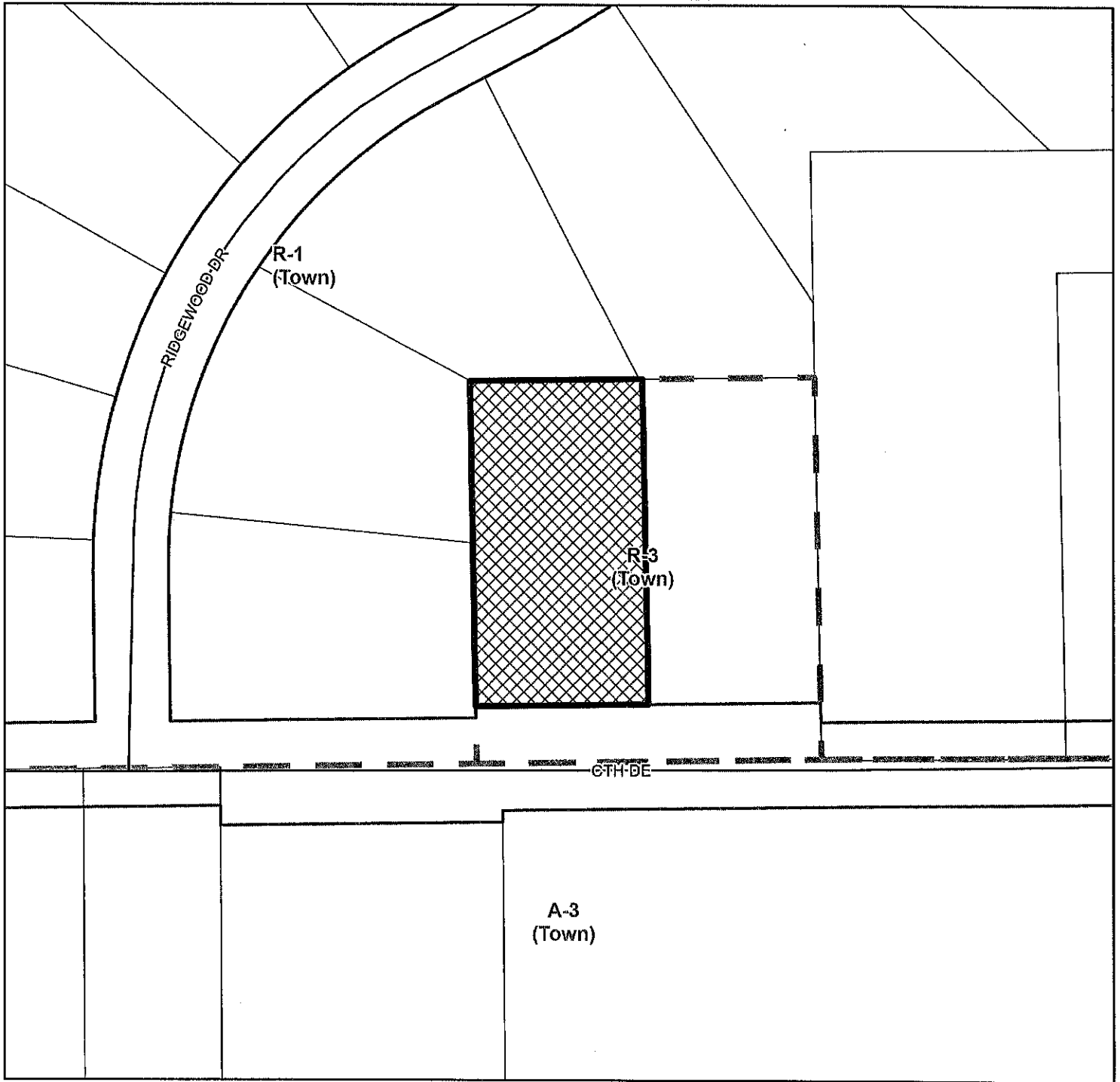
**Parcel to be Rezoned
from R-3 Residential District
to R-2 Residential District.**

- Legend**
- Municipal Boundar
 - Lots_2K
 - Lot
 - Unit
 - General Common i
 - Outlet
 - SimultaneousConv
 - Assessor Plat
 - CSM
 - Condominium
 - Subdivision
 - Cartoline_2K
 - EA-Easement_Line
 - PL-DA
 - PL-Extended_Tie_J
 - PL-Meander_Line
 - PL-Note
 - PL-Tie
 - PL-Tie_Line
 - <all other values>
 - Railroad_2K

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if the information is used for any other purpose, the same should be determined by procurement of professional maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from

ZONING AMENDMENT

PT OF THE SOUTHWEST 1/4, SECTION 11,
TOWN OF GENESEE



TOWN ZONING AMENDMENT FROM R-3 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT (0.96 AC)

FILE.....RZ104
 DATE OF PLAN COMMISSION.....8/18/22
 AREA OF CHANGE.....0.96 ACRES
 TAX KEY NUMBERS.....GNT 1483.997.001



0 75 150 Feet

VOTING RESULTS

AYE 23
NAY 0
ABSTAIN 1
ABSENT 2

Ordinance 177-O-051

Ordinance 177-O-051: Amend The District Zoning Ma...

✓ Passed By Majority Vote

D1 - Foti	AYE	D14 - Mommaerts	ABSENT
D2 - Weil	AYE	D15 - Kolb	AYE
D3 - Morris	AYE	D16 - Crowlev	AYE
D4 - Batzko	AYE	D17 - Meier	AYE
D5 - Grant	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Enriquez	AYE
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Vacant	ABSENT
D10 - Thieme	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Bangs	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

September 27 2022 with Closed Session - September 27 2022 07:46:37 PM

