

ENROLLED ORDINANCE 167-55

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1741)

WHEREAS, after proper notice was given a public hearing was held, the subject matter of this Ordinance was approved by the Delafield Town Board on September 11, 2012, 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 Delafield Zoning Ordinance, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the R-1 Residential District, certain lands located in part of the SW ¼ of Section 27, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, and more specifically described in the "Staff Report and Recommendation" and the 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-1741, 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 Delafield.

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

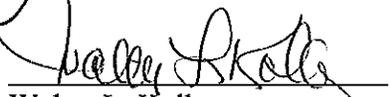
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

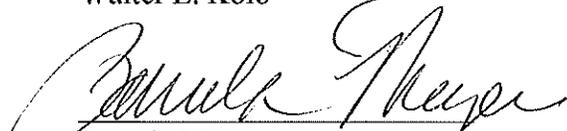
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING
ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SW ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT
TO THE R-1 RESIDENTIAL DISTRICT (ZT-1741)

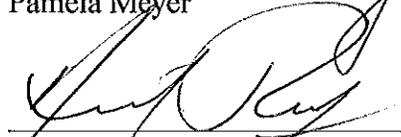
Presented by:
Land Use, Parks, and Environment Committee


James A. Heinrich, Chair

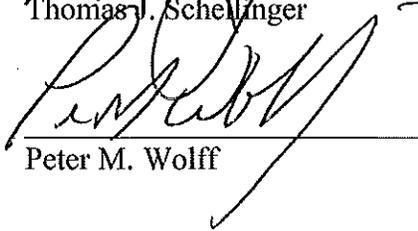

Jim Batzko


Walter L. Kolb

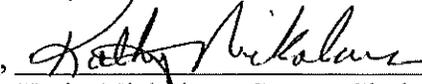

Pamela Meyer


Fritz Ruf

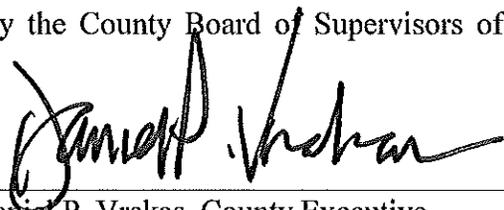

Thomas J. Schellinger


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: 11-30-2012, 
Kathy Nickolaus, County Clerk

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

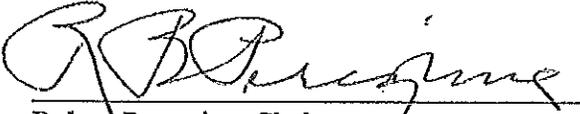
Approved: _____
Vetoed: _____
Date: 12-5-12, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Ordinance hereby recommends **approval** of (ZT-1741 Kurt and Diane Hampton) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

October 4, 2012

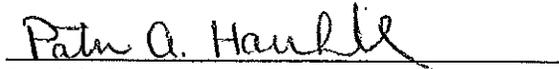

Robert Peregrine, Chairperson


James Siepman, Vice Chairperson

Absent
William Mitchell

Absent
Gary Goodchild


Walter Kolb


Patricia Haukohl


Fritz Ruf

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

DATE: October 4, 2012
FILE NO.: ZT-1741
PETITIONER: Kurt and Diane Hampton
N6 W30543 Maple Avenue
Waukesha, WI 53188
TAX KEY NO.: DELT 0828.997

LOCATION:
Parcel 2, Certified Survey Map No. 6486, Volume 53, Page 357, located in part of the SW ¼ of Section 27, T7N, R18E, Town of Delafield. More specifically, the property is located at N6 W30543 Maple Avenue, containing approximately 1.77 acres.

EXISTING ZONING: A-1 Agricultural District.

EXISTING LAND USE: Single family residential.

PROPOSED ZONING: R-1 Residential District.

PROPOSED LAND USE:
The addition of a detached garage to the single family residential use.

PUBLIC HEARING DATE: September 4, 2012

PUBLIC REACTION: None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
The Town of Delafield Plan Commission, at their meeting of September 4, 2012, voted to recommend in favor of the rezoning to the Town Board.

On September 11, 2012, the Town of Delafield Board approved the rezoning to the R-1 Residential District, as recommended by the Town Plan Commission.

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD COMPREHENSIVE DEVELOPMENT PLAN:
The Waukesha County and Town of Delafield Comprehensive Development Plans designate this property as Rural Density and Other Agricultural Land. The proposed use complies with the purpose and intent of both plans as the parcel is existing and developed with a home, so no additional density is being created.

STAFF ANALYSIS:

The petitioner is proposing to rezone the subject parcel from the A-1 Agricultural District under the Town's Zoning Ordinance, which has a 40-acre minimum lot size requirement and a minimum average width requirement of 200 feet, to the R-1 Residential District, which requires a minimum lot size of 1½ acres and a minimum average width of 200 feet. Although the surrounding zoning categories are A-1 and A-2, the request would allow the property to be zoned as used, as recommended in the Comprehensive Development Plan. The R-1 District is the zoning district that is most compatible to the lot's area and accommodates the property the best.

The Town Planner's staff report indicates that the property owner is seeking the change in zoning designation to allow him the ability to construct a detached garage while meeting the required open space requirements of the R-1 District. The property contains a single family home with an attached garage. The A-1 District open space requirement is 95% per parcel, which would allow for a conforming 40 acre parcel to have approximately two acres of disturbance area. However, because the subject parcel is significantly substandard in size, the 95% open space requirement is quite restrictive pursuant to current zoning. For the subject parcel, 95% would only allow for 3,855 square feet in buildings and hard surfaces. Conversely, the R-1 District open space requirements were recently amended by the Town and the required district minimum per parcel is now 85% open space. The rezone would allow for the parcel to have approximately 11,565 square feet in impervious surface.

It should be noted that there are other similarly sized substandard parcels in the immediate vicinity that are also zoned A-1. The Town has previously expressed a sentiment to have individual property owners seek zoning changes rather than considering comprehensive area-wide rezoning. Therefore, Staff does not view the proposed change as a spot zoning change. The Planning and Zoning Division Staff does feel that the Town may wish re-consider its position regarding area-wide changes the next time major zoning map updates are proposed in order to avoid the need to review numerous individual requests that are similar in nature, which would also remove burden from individual land owners.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The proposed rezoning meets the purpose and intent of the County and Town Land Use Plans. The proposed zoning designation of R-1 is more appropriate for the 1.7 acre parcel than the A-1 category, which requires a 40 acre parcel size.

Respectfully submitted,

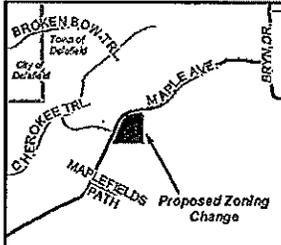
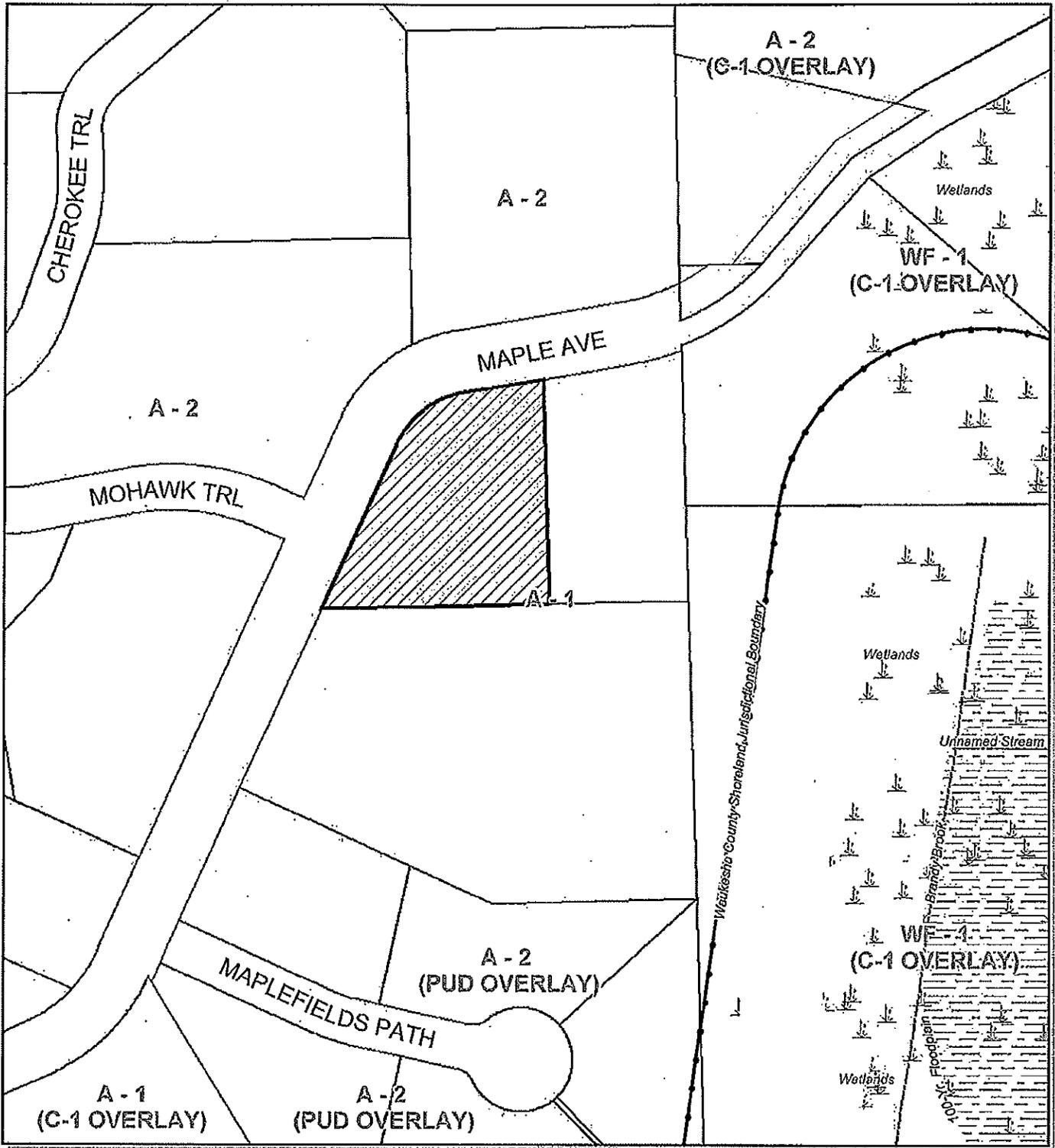
Sandy Scherer HKB

Sandy Scherer
Senior Planner

Attachments: Map and Town Ordinance

ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 27
TOWN OF DELAFIELD



 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT (1.8 AC)

FILE.....ZT-1741
 DATE.....10/04/12
 AREA OF CHANGE.....1.8 ACRES
 TAX KEY NUMBER.....DELT 0828.997



0 100 200 Feet



1 Inch = 200 feet

Prepared by the Waushara County Department of Parks and Land Use

167-0-054

State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 2012-11

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 Agricultural to R-1 residential on lands located in the in the Northeast ¼ of the Southwest ¼ of Section 27, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin

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

Section 1:

The Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-1 to R-1 on the following described parcel of land:

Parcel 2 of Certified Survey Map No. 6486, found in Volume 53, Page 357, Document No. 1661537, Waukesha County Register of Deeds.

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 11th day of September, 2012.

BY THE TOWN BOARD OF THE TOWN OF DELAFIELD:

Paul L. Kanter
Paul L. Kanter, Town Chairman

ATTEST:

Mary T. Elsner
Mary T. Elsner, CMC, WCMC
Town Clerk

RECEIVED

OCT 01 2012

DEPT OF PARKS & LAND USE

167-0-054

6.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/27/12

(ORD) NUMBER-1670054

1 C. SLATTERY.....AYE
3 R. MORRIS.....AYE
5 J. BRANDTJEN.....AYE
7 J. GRANT.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 P. DECKER.....AYE
15 W. KOLB.....AYE
17 D. PAULSON.....AYE
19 C. CUMMINGS.....AYE
21 W. ZABOROWSKI.....
23 K. HAMMITT.....AYE
25 G. YERKE.....AYE

2 D. FALSTAD.....AYE
4 J. BATZKO.....AYE
6 J. JESKEWITZ.....
8 P. HAUKOHL.....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 P. MEYER.....AYE
16 M. CROWLEY.....AYE
18 L. NELSON.....AYE
20 T. SCHELLINGER....AYE
22 P. JASKE.....AYE
24 D. DRAEGER.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23