

ENROLLED ORDINANCE 171-11

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF GENESEE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SW ¼ OF SECTION 25, T6N, R18E, TOWN OF GENESEE, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL
DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (SZ-1823)

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 May 9, 2016, 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 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Genesee, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-1 Agricultural District to the R-1 Residential District, certain lands located in part of the SW ¼ of Section 25, T6N, R18E, Town of Genesee, 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 SZ-1823, is hereby approved subject to the following conditions:

1. Subject to the area being rezoned limited to one (1) single family residence only.
2. Subject to a Certified Survey Map being prepared for any land divisions. The Certified Survey Map shall comply with all requirements of the Town of Genesee Land Division and Development Ordinance and Waukesha County and said CSM shall be reviewed and approved by the Town of Genesee Plan Commission, Town of Genesee Town Board and Waukesha County.
3. The Town Engineer and Waukesha County shall review all issues related to drainage on this property, prior to any development taking place. In addition, the proposed development shall comply in all respects, with the Waukesha County Storm Water Management and Sediment and Erosion Control Ordinance (if applicable).
4. Subject to written documentation the Waukesha County Department of Public Works approving access to Saylesville Road (C.T.H. “X”).
5. Subject to the owner filing a Deed Restriction on the entire land holdings, indicating no additional lots, except for the currently proposed Lots 1 and 2, may be created unless a public road is constructed and all necessary road improvements have been completed.

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

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

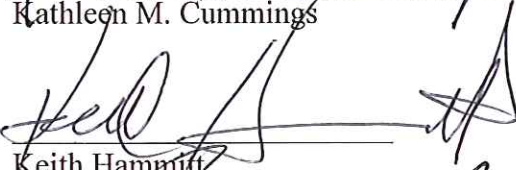
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

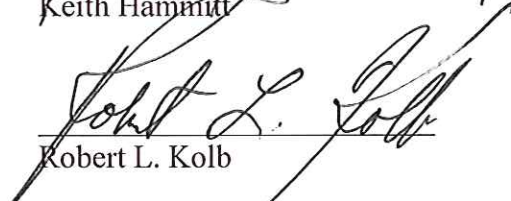
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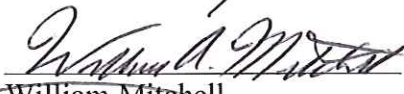
Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair

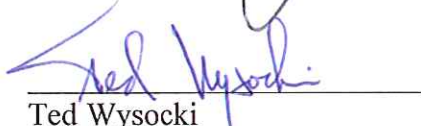

Kathleen M. Cummings


Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 6/28/16, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 7/6/16


Paul Farrow, County Executive

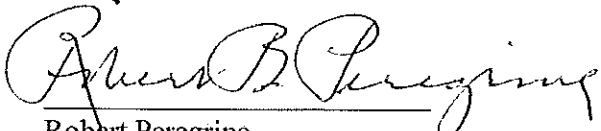
COMMISSION ACTION

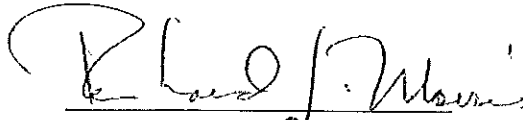
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1823 (Koch_Szopinski) in accordance with the attached "Staff Report and Recommendation".

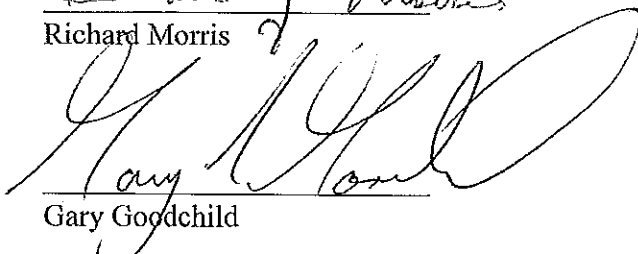
PARK AND PLANNING COMMISSION

May 19, 2016

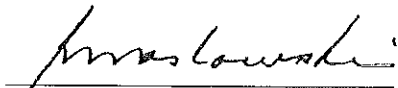

James Siepmann, Chairperson

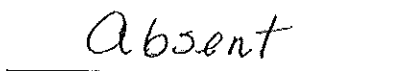

Robert Peregrine


Richard Morris


Gary Goodchild

(Absent)
William Mitchell


William Maslowski


Keith Hammitt

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

DATE: May 19, 2016

FILE NO.: SZ-1823

TAX KEY NO.: GNT 1539.988.001

OWNER/PETITIONERS: Steven Koch
Christine Szopinski
S53 W28831 Saylesville Road
Waukesha, WI 53189

LOCATION:
Parcel A of Certified Survey Map No. 3408, located in part of the SE ¼ of the SW ¼ of Section 25, T6N, R18E, Town of Genesee, containing approximately 13 acres. More specifically, the property is located on the south side of C.T.H. "X", south of Saylesville Millpond.

EXISTING ZONING: A-1 Agricultural District (County Shoreland).

EXISTING LAND USE: Agricultural and residential.

PROPOSED ZONING: R-1 Residential District (County Shoreland).

PROPOSED LAND USE: Residential.

PUBLIC HEARING DATE:
March 10, 2016,

PUBLIC REACTION:
Cody Rimmel, a neighbor across from C.T.H. "X," inquired as to where the new driveway would be located and if it would require improvements to the highway.

TOWN PLAN COMMISSION ACTION:
The Town Plan Commission recommended approval of the rezoning to the Town Board at their April 25, 2016 meeting.

TOWN BOARD ACTION:
The Town Board recommended approval of the rezoning request at their May 9, 2016 meeting.

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

The property is designated as Suburban Density Residential II (3.0 to 4.9 acres per dwelling unit) and Primary Environmental Corridor (5 acres per dwelling unit) on the County Development Plan and on the Town of Genesee Land Use Plan. The proposed rezone complies with the density requirements of both plans.

STAFF ANALYSIS:
The petitioners own a 13-acre parcel south of C.T.H. "X" that is zoned A-1 Agricultural and C-1 Conservancy, with areas of Primary Environmental Corridor, wetland and floodplain. Genesee Creek

abuts the property to the north. The parcel contains a single family residence with attached greenhouse, detached garage, shed, barn and outhouse. The petitioners are proposing, via Certified Survey Map, to create a one-acre parcel that encompasses the existing residence, detached garage and shed (Exhibit "A"). The Waukesha County Shoreland and Floodland Protection Ordinance calls for a minimum lot size of three (3) acres for an A-1 zoned property. Therefore, the petitioners are proposing to rezone the area of the proposed one-acre parcel to the R-1 Residential District which allows for lots as small as one acre. The proposed Lot 1 is approximately 395 ft. wide and approximately 121 ft. in depth. Properties directly across from the subject property on C.T.H. "X" are zoned R-1 and are similar in size.

The structures on the proposed one-acre parcel would conform to the floor area ratio, accessory floor area ratio (1.2%) and open space requirements of the Waukesha County Shoreland and Floodland Protection Ordinance. The residence and detached garage are nonconforming to road setback but this condition would not change with the proposed land division. The attached greenhouse is currently non-conforming to offset and is proposed to be removed. The petitioners plan to build a single family residence and hay barn on the 12-acre parcel (Lot 2), which will also include the existing barn and outhouse. The existing barn and outhouse are in conforming locations, provided the barn does not house animals. It is recommended the outhouse also be removed. The proposed barn will need a storm water permit from the Land Resources Division.

The retention of the existing barn on Lot 2 without benefit of a residence will require a Deed Restriction. The Deed Restriction will also need to specify that no animals can be kept in the barn to be retained, because the Ordinance does not allow animals to be kept in buildings within 50' of a lot line.

Per Waukesha County Department of Public Works (DPW), only one drive is allowed off of C.T.H. "X." The petitioners are therefore proposing to vacate the existing driveway and create a shared driveway to accommodate both parcels. The shared easement is 24 ft. wide x 50 ft. deep and is situated to lie on both properties. The proposed driveway aligns with an existing driveway across from C.T.H. "X," as required by the DPW.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the request be approved, subject to the following conditions, which are inclusive of the Town's recommended conditions:

1. Subject to the area being rezoned limited to one (1) single family residence only.
2. Subject to a Certified Survey Map being prepared for any land divisions. The Certified Survey Map shall comply with all requirements of the Town of Genesee Land Division and Development Ordinance and Waukesha County and said CSM shall be reviewed and approved by the Town of Genesee Plan Commission, Town of Genesee Town Board and Waukesha County.
3. The Town Engineer and Waukesha County shall review all issues related to drainage on this property, prior to any development taking place. In addition, the proposed development shall comply in all respects, with the Waukesha County Storm Water Management and Sediment and Erosion Control Ordinance (if applicable).
4. Subject to written documentation the Waukesha County Department of Public Works approving access to Saylesville Road (C.T.H. "X").

5. Subject to the owner filing a Deed Restriction on the entire land holdings, indicating no additional lots, except for the currently proposed Lots 1 and 2, may be created unless a public road is constructed and all necessary road improvements have been completed.

The lot configuration was designed to provide an ample building envelope away from areas of Primary Environmental Corridor, wetland and floodplain and to create an acceptable location for a shared driveway per County DPW standards.

The rezoning of the one-acre parcel will allow for the creation of a conforming parcel similar in size and use to the surrounding properties abutting C.T.H. "X." The rezoning is consistent with the recommendations of both the Town and County Plans.

Respectfully submitted,

Rebekah Baum

Rebekah Baum
Senior Land Use Specialist

Attachments: Exhibit "A", Certified Survey Map, Sheets 1 and 2
Map

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FEB 09 2016

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EXHIBIT "A"

FORM ARC-101

DEPT OF PARKS & LAND USE

CERTIFIED SURVEY MAP NO. _____

Sheet 1 of 5

Property

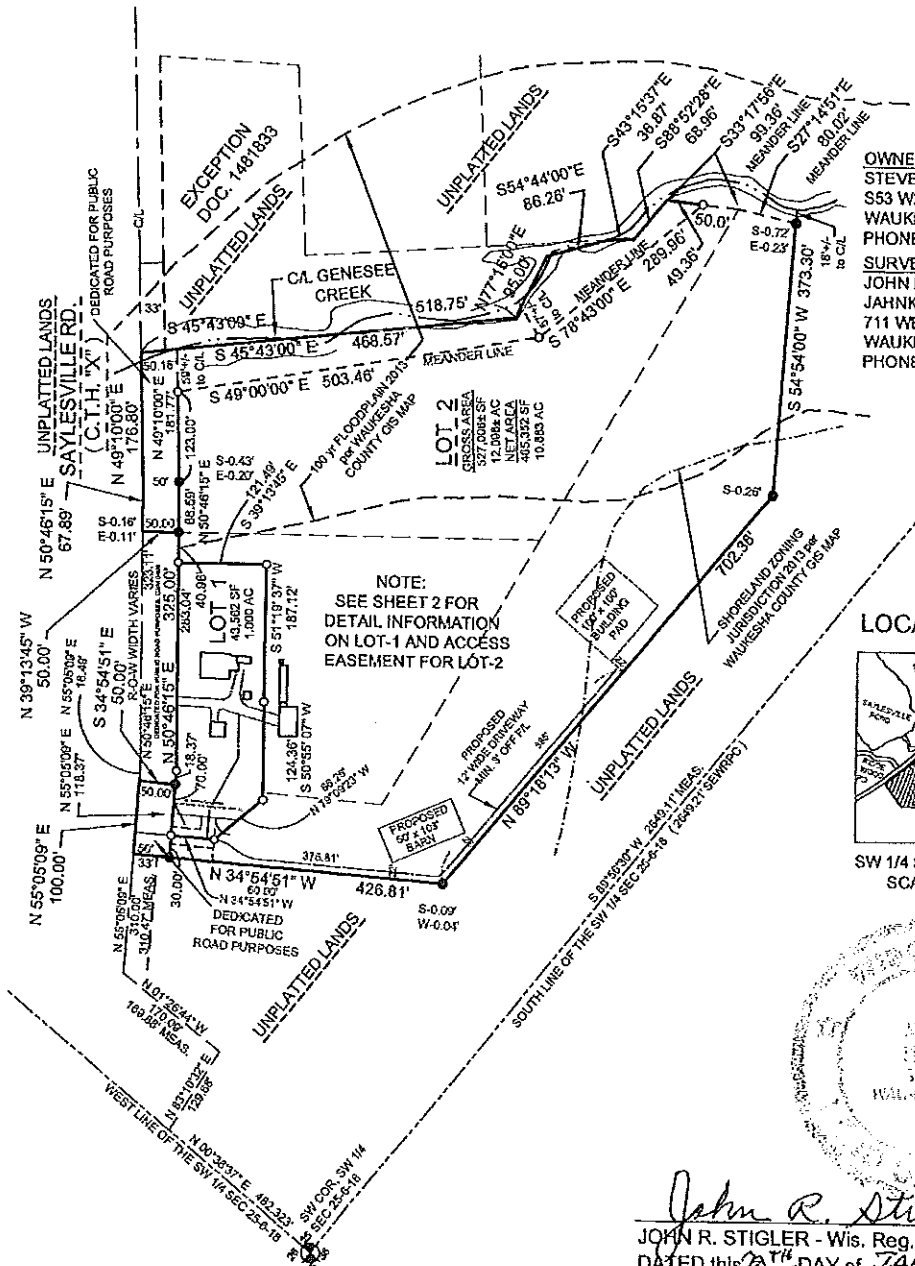
All of Parcel A of Certified Survey Map No. 3408, recorded September 20th, 1978 in Volume 26 of Certified Survey Maps on pages 1, 2 and 3 as Document No. 1065993, and also lands conveyed in Document 4074222 as part of the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 25, Town 6 North, Range 18 East, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN.

- ◆ - SECTION CORNER MONUMENT
- - IRON PIPE FOUND
- - IRON PIPE 18" x 1" DIA. (PLACED) 1.13+ LBS. PER LIN. FT.

REFERENCE BEARING: THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 25-6-18 per CERTIFIED SURVEY MAP No. 3408, RECORDED SEPTEMBER 20th, 1978, AS DOCUMENT No. 1065993 WAS USED AS HAVING AN ASSUMED BEARING OF N 00°38'37" E.



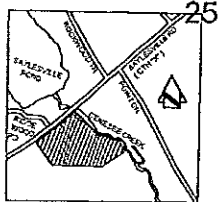
SCALE IN FEET



OWNER/SUBDIVIDER:
STEVEN C. KOCH
S53 W28831 SAYLESVILLE RD.
WAUKESHA, WI 53189-9020
PHONE 1-414-416-9544

SURVEYOR:
JOHN R. STIGLER, PLS
JAHNKE & JAHNKE ASSOC., INC.
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479
PHONE: (262) 542-5797

LOCATION MAP



SW 1/4 SECTION 25-6-18
SCALE 1"=2000'



John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S - 1820
DATED this 2nd DAY of JANUARY, 2016

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(262) 542-8200

EXHIBIT "A"

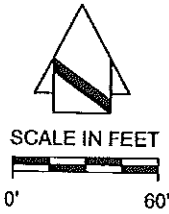
DEPT OF PARKS & LAND USE

CERTIFIED SURVEY MAP NO. _____

Sheet 2 of 5

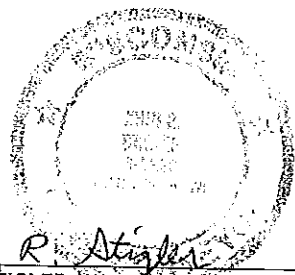
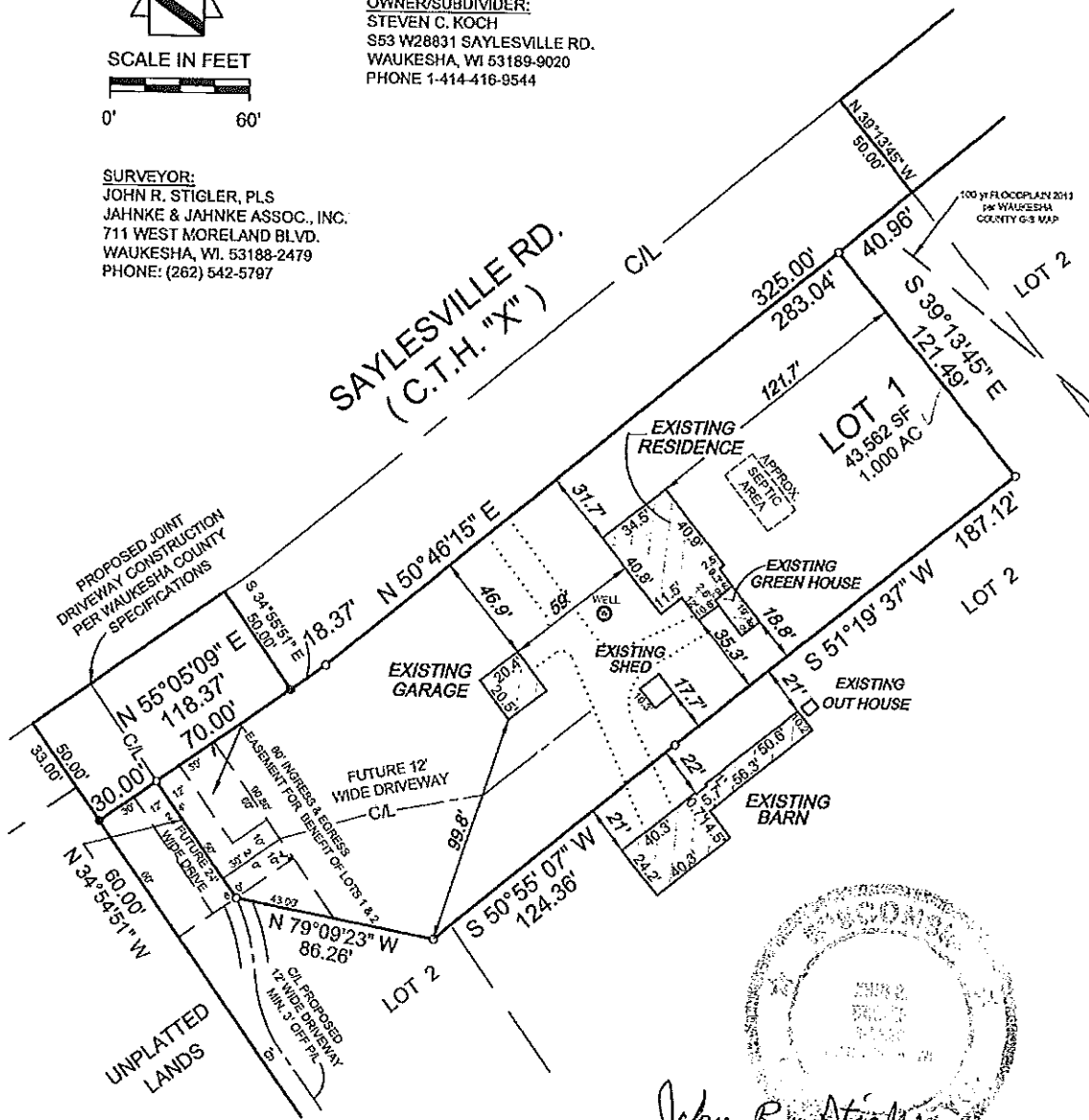
Buildings

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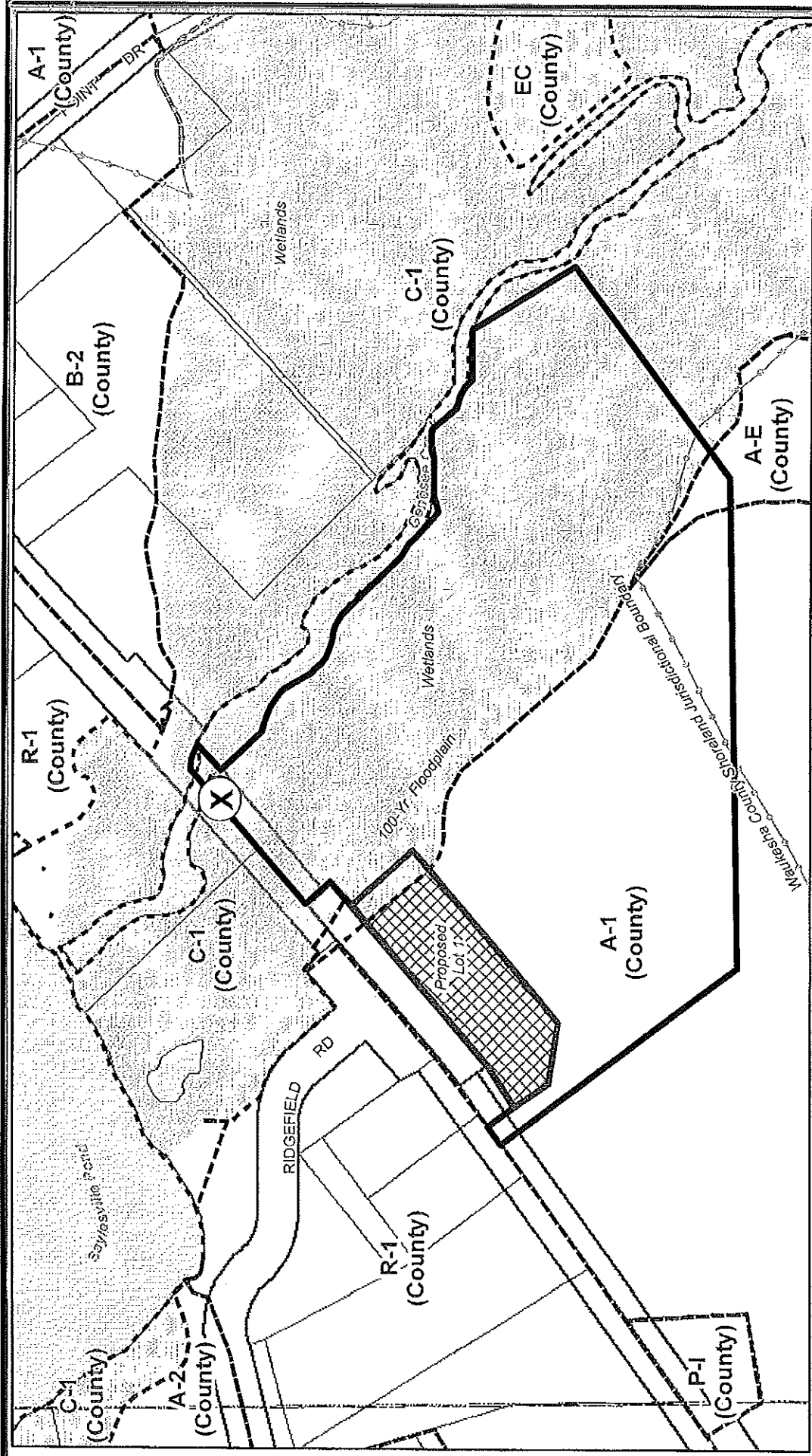
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PHONE: (262) 542-5797



John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S - 1820
DATED this 28th DAY of JANUARY, 2016

FILE NAME: S:\PROJECTS\S8443\S8443_CSM.dwg
PS GENESEE 1451

INSTRUMENT DRAFTED BY JOHN R. STIGLER

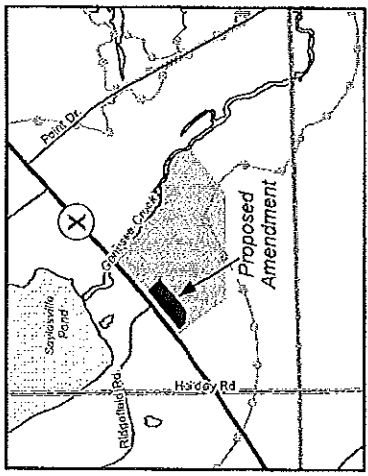
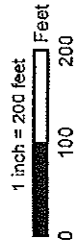


ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 25 TOWN OF GENESSEE

CONDITIONAL COUNTY ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT
 C-1 CONSERVANCY DISTRICT TO REMAIN UNCHANGED

FILE NOSZ-1823
 PETITIONER.....STEVEN KOCH & CHRISTINE SZOPINSKI
 DATE OF PLAN COMM. CONSIDERATION.....05/19/16
 AREA OF CHANGE.....1.0 ACRE
 TAX KEY NUMBER.....GNT 1539.988.001



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/28/16

(ORD) NUMBER-1710010

- 1 R. KOLB.....AYE
- 3 R. MORRIS.....AYE
- 5 T. DondlingerAYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 C. HOWARD.....AYE
- 13 P. DECKER.....AYE
- 15 B. MITCHELL.....AYE
- 17 D. PAULSON.....AYE
- 19 K. CUMMINGS.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 D. JohnsonAYE

- 2 D. Zimmermann.....AYE
- 4 J. BATZKO.....
- 6 J. WALZ.....AYE
- 8 T. MichalskiAYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 C. WoodAYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER.....AYE
- 22 T. WysockiAYE
- 24 S. WHITTOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24