

ENROLLED ORDINANCE 179-3

AMEND THE TOWN OF MERTON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF SECTION 17, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 SUBURBAN ESTATE DISTRICT TO THE R-3 RESIDENTIAL DISTRICT  
(RZ144)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Merton Town Board on March 20, 2024; 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 Town of Merton District Zoning Map of the Waukesha County Shoreland Protection Ordinance, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on October 19, 2023, is hereby amended to rezone certain lands located in part of the S ½ of Section 17, T8N, R18E, Town of Merton, from the A-3 Suburban Estate District to the R-3 Residential District, as 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.

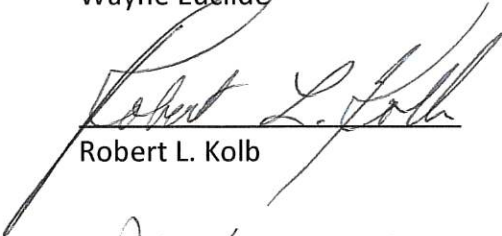
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Merton Clerk.

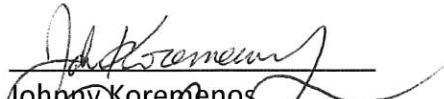
AMEND THE TOWN OF MERTON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S 1/2 OF SECTION 17, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 SUBURBAN ESTATE DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (RZ144)


Presented by:  
Land Use, Parks, and Environment Committee

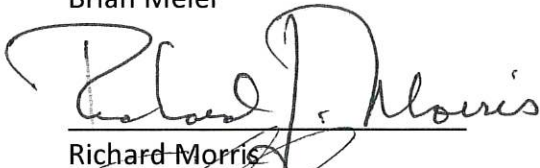
  
Christine M. Howard, Chair

  
Wayne Euclide

  
Robert L. Kolb


  
Johnny Koremenos

  
Brian Meier

  
Richard Morris

  
Steve Styza

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

Date: 5/31/24,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 5/31/2024,   
Paul Farrow, County Executive

VOTE RESULTS >

23 YES 0 NO 0 ABSTAIN 2 ABSENT

Ordinance 179-O-002

Ordinance 179-O-002: Amend The Town Of Merton District Zoning Map Of The Waukesha County Shoreland Located In Part Of The S 1/2 Of Section 17, T8N, R18E, Town Of Merton, Waukesha County, Wisconsin, From The A-3 Suburban Estate District To The R-3 Residential District (RZ144)

Passed By Majority Vote

D1 - Styza	AYE	D10 - Thieme	AYE	D19 - Enriquez	ABSENT
D2 - Euclide	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	S AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	ABSENT	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

2nd Meeting, 179th Year of the County Board of Supervisors - May 28 2024 07:14:12 PM

May 28, 2024

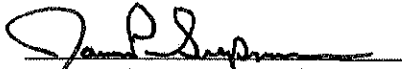



**COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland Protection Ordinance hereby recommends **approval** of **RZ144 (Joseph Lorenz, Inc.)** in accordance with the attached "Staff Report and Recommendation".

**PARK AND PLANNING COMMISSION**

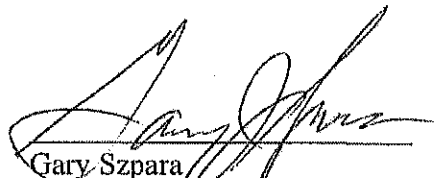
**April 18, 2024**

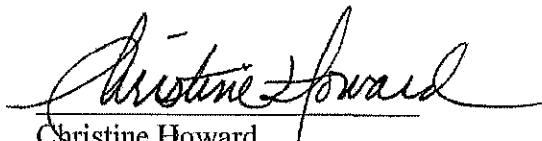
  
James Siepmann Chairperson

  
Robert Peregrine

  
Richard Morris

Absent  
William Groskopf

  
Gary Szpara

  
Christine Howard



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

**DATE:** April 18, 2024

**FILE NO.:** RZ144

**OWNER/APPLICAN:** Joseph Lorenz, Inc.  
c/o James Meyer  
N73 W32438 River Road  
Hartland, WI 53029

**LOCATION AND  
TAX KEY NO'S:**

The subject properties are described as:

Part of the South ½ of Section 17, Township 8 North, Range 18 East, Town of Merton. More specifically, the property is located at N72 W32434 River Road (Tax Key No. MRTT 0356.985), containing approximately 3.6 acres.

Part of the South ½ of Section 17, Township 8 North, Range 18 East, Town of Merton. More specifically, the property is located at N72 W32438 River Road (Tax Key No. MRTT 0356.984), containing approximately 1.3 acres.

**EXISTING ZONING:**

A-3 Suburban Estate District. (The existing R-3 Residential District, HG High Groundwater District and C-1 Wetland Overlay District will remain).

**PROPOSED ZONING:**

R-3 Residential District

**EXISTING LAND USE:**

Residential (south), vacant land (north)

**PROPOSED LAND USE:**

Allow for the creation of three (3) residential parcels

**PUBLIC HEARING DATE:**

March 20, 2024

**PUBLIC REACTION:**

James Meyer, President of Lorenz Holdings stated that the proposal will bring the property into compliance and will remove the existing office and several auxiliary buildings.

Kurt Froebel Jr at N73W32660 Clearwater Ct expressed concerns that condos/multi-family would be developed on the site and does not want the area to look like Pewaukee Lake.

Patricia Mirsberger at N72W32455 River Rd raised concerns about the historic contamination on the site and how it would impact the proposed home site on proposed Lot 3.

Vicky Hagen at N73W32356 River Rd inquired about the zoning of the nearby properties.

Mary Mitchell at N73W32435 River Rd inquired about other uses that were proposed for the site and asked if River Road will ever be improved. The Town relayed that no roadway improvements are proposed.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On March 20, 2024, the Town of Merton Plan Commission and Board recommended unanimous approval of the rezone request.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MERTON LAND USE PLAN:**

The Comprehensive Land Use Plans for Waukesha County and the Town of Merton designate the property in the Low Density Residential category which allows for a density of (20,000 SF – 1.4 ac/du). The proposed rezoning complies with both plans.

**STAFF ANALYSIS:**

The petitioners own two adjacent lots on River Road which together are approximately 4.9 acres in size. The lots lie along the Oconomowoc River, west of North Lake and south of Reddelien Road. The southern lot, which abuts the Oconomowoc River contains two residences, one of which is also a wet boathouse, two detached garages, a storage shed, and shelter. There is an existing office building, which formerly held a contractor's office, which bisects the common lot lines between the southern and northern lots. A site plan showing the existing lot configuration and improvements is attached as Exhibit A. With the exception of the office building, which is proposed to be removed, the northern lot is free of any improvements. There is a small pocket of wetlands which was delineated by SEWRPC in 2021 on the west side of the property. It should be noted that the storage shed, and shelter are also proposed to be removed.

The southern lot which contains the existing improvements is zoned R-3 Residential, whereas the northern lot is zoned A-3 Suburban Estate District with areas of both HG High Groundwater District and C-1 Conservancy Overlay District. The petitioners are proposing to rezone the A-3 Suburban Estate District portions of the northern lot in order to facilitate a three (3) lot land division. The proposed Certified Survey Map (CSM) is attached as Exhibit B. The HG High Groundwater District and C-1 Conservancy Overlay District will remain unchanged. The agricultural lot to the north/west of the subject properties is zoned A-3 Suburban Estate, and the lots on the east side of River Road bordering North Lake are zoned R-3 Residential. The proposed zoning is in line with nearby properties.

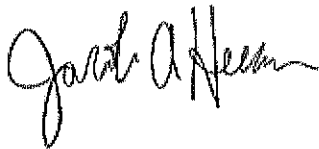
The A-3 Suburban Estate District requires a 2-acre minimum lot size with an average lot width of 175 ft whereas the R-3 Residential District requires a 20,000 sq. ft. minimum lot size and an average width of 120 ft. The proposed rezone allows the petitioners to resolve a nonconforming use, by placing each existing single-family residence on its own lot, while also creating an additional residential lot for future development. Proposed Lot 1 will be just over 2 acres in size and will contain the dual residence and boathouse and a detached garage. The parcel is long and narrow and does not abut a public road. A separate lot not abutting a public road approval has been applied for by the petitioners. A private ingress and egress easement along the existing driveway will provide access to Lot 1. Proposed Lot 2 is 1.4 acres in size and will contain a single-family residence, shed and detached garage. Lot 3 is 1.4 acres in size and is proposed for single-family residential use. Soils tests were completed on the northeast corner of the lot which confirmed a viable septic (mound) site. A preliminary review shows that all of the lots meet the design requirements of the R-3 District.

It should be noted that the existing Lorenz land holdings previously housed a construction company which had buried gasoline and oil tanks near the existing detached garage adjacent to River Road. The Department of Natural Resources (DNR) was notified of a release of petroleum in 2012 steaming from the buried fuel tanks. Soil, groundwater, potable water, and soil vapor impacts were investigated by the DNR. In 2018 the DNR issued a “case closure letter with continuing obligations”. Waukesha County Land Resources has reviewed the proposed Rezone and Land Division and does not object. A note will be required on the CSM that states, “Residual soil contamination exists on Lot 2 and in the road right-of-way. The DNR requires continuing obligations be followed by all current and future property owners and tenants.” The owner of proposed Lot 3 will need to obtain a permit from the DNR for a well, given the proximity to the known contamination, however, the residual soil contamination will not adversely affect the future single-family residential development on proposed Lot 3.

**STAFF RECOMMENDATION:**

Based upon the above analysis, Planning and Zoning Division Staff recommends **approval** of the zoning change. The proposed zoning is consistent with Town and County Comprehensive Development Plan recommendations and resolves a nonconforming use. Additionally, several nonconforming structures will be removed prior to the lands being formally divided by CSM.

Respectfully submitted,



Jacob Heermans  
Senior Land Use Specialist

Attachments: Exhibits A and B  
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\PROJECT FILES\Merton\RZ144 Joseph Lorenz Inc\_Meyer\Staff Report\_Decision Letter\RZ144 Lorenz\_Meyer Staff Report Mrt.Doc





LAND INFORMATION SYSTEMS DIVISION

# Waukesha County GIS Map

## Exhibit A



**Notes**  
Lurrenz

The information and depictions herein are for informational purposes only. Waukesha County specifically declines any liability in the reproduction and specific information and depictions herein are for informational purposes only. Waukesha County specifically declines any liability in the reproduction and specific information and depictions herein are for informational purposes only.

Printed: 4/18/2024

0 100.00 Feet

Referred on: 05/07/24

File Number: 179-O-002

Referred to: LU 6



# Exhibit B

## Waukesha County Certified Survey Map

Part of Government Lot Four (4), in the SW 1/4 of the SE 1/4 and SE 1/4 of the SW 1/4, all in Section 17, Township 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin.

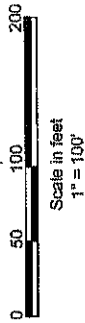
Center  
Sec. 17-8-18  
conc. iron brass cap found  
N: 428,799.93  
E: 2,367,882.22  
(State Plane Coordinates NAD83)

West line of the SE 1/4 Sec. 17-8-18  
N 00°24'20" W 2611.95 to S 14 cor. Sec. 17-8-18

Sheet 1 of 5



- (f.a.) means "recorded as"
- P.O.B. - means "Point of Beginning"
- - indicates a 1.3" od iron pipe found unless noted.
- - indicates a 1.3" od x 18" iron pipe weighing 1.68 lbs./ft. set.
- - indicates soil test pit location.

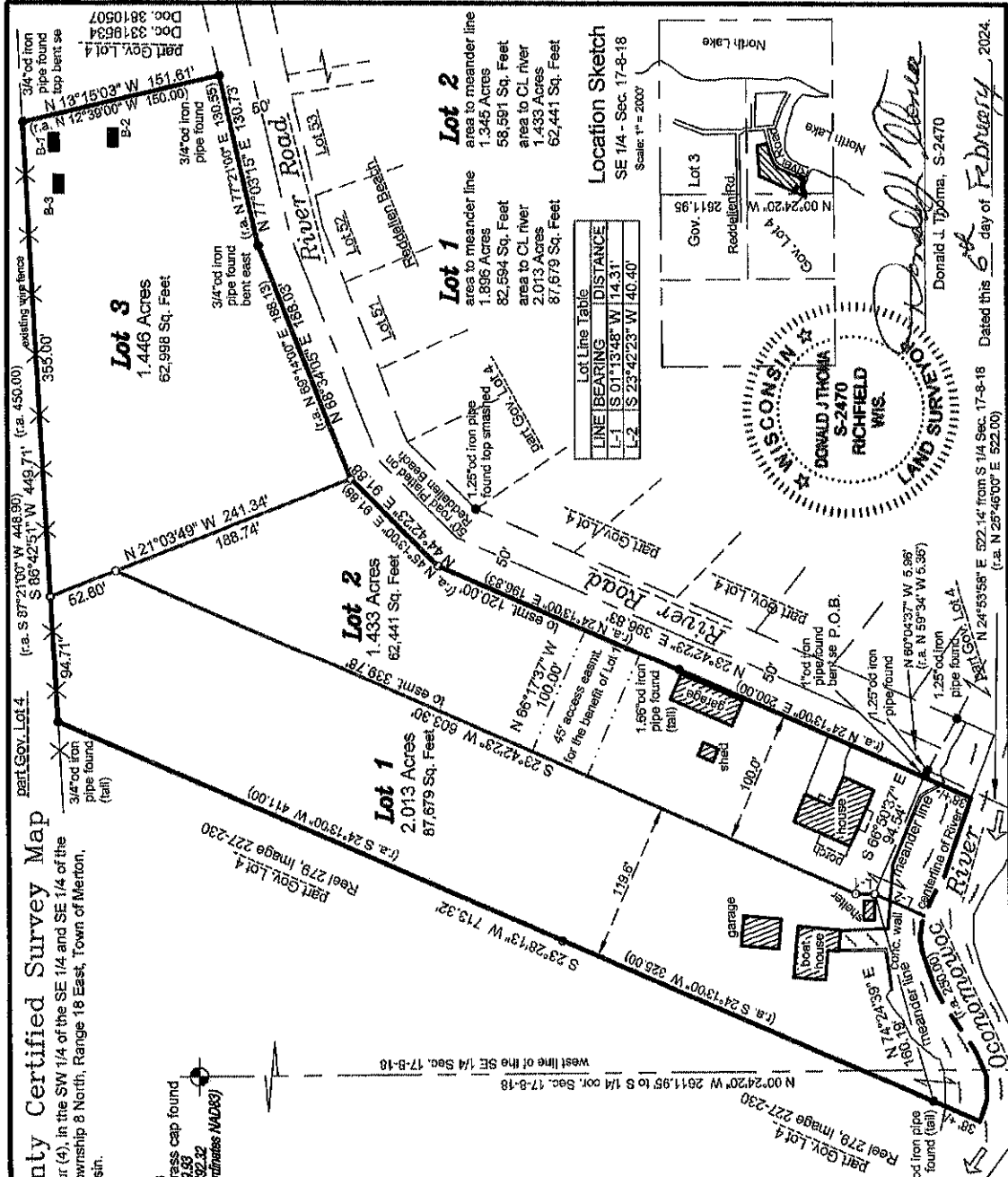


Bearings are referenced to the Wisconsin State Plane Coordinate System Grid, South Zone (NAD-83/2011). The west line of the SE 1/4 of Sec. 17-8-18 has a grid bearing of N 00°24'20" W.

Owner/Subdivider  
Lorenz Holding Corp.  
N73W32438 River Road  
North Lake, WI 53064

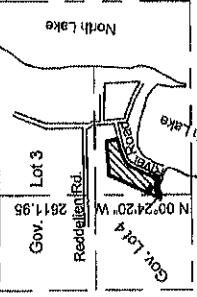
Surveyor

Donald J. Thoma  
Accurate Surveying & Engineering, LLP.  
2911 Wildlife Lane  
Richfield, WI 53076  
South quarter corner  
Sec. 17-8-18  
conc. iron brass cap found  
N: 423,158.46  
E: 2,367,910.81  
(State Plane Coordinates NAD83)

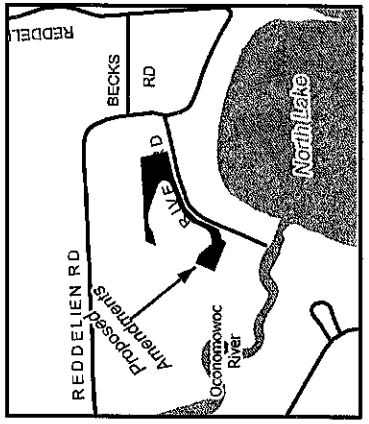
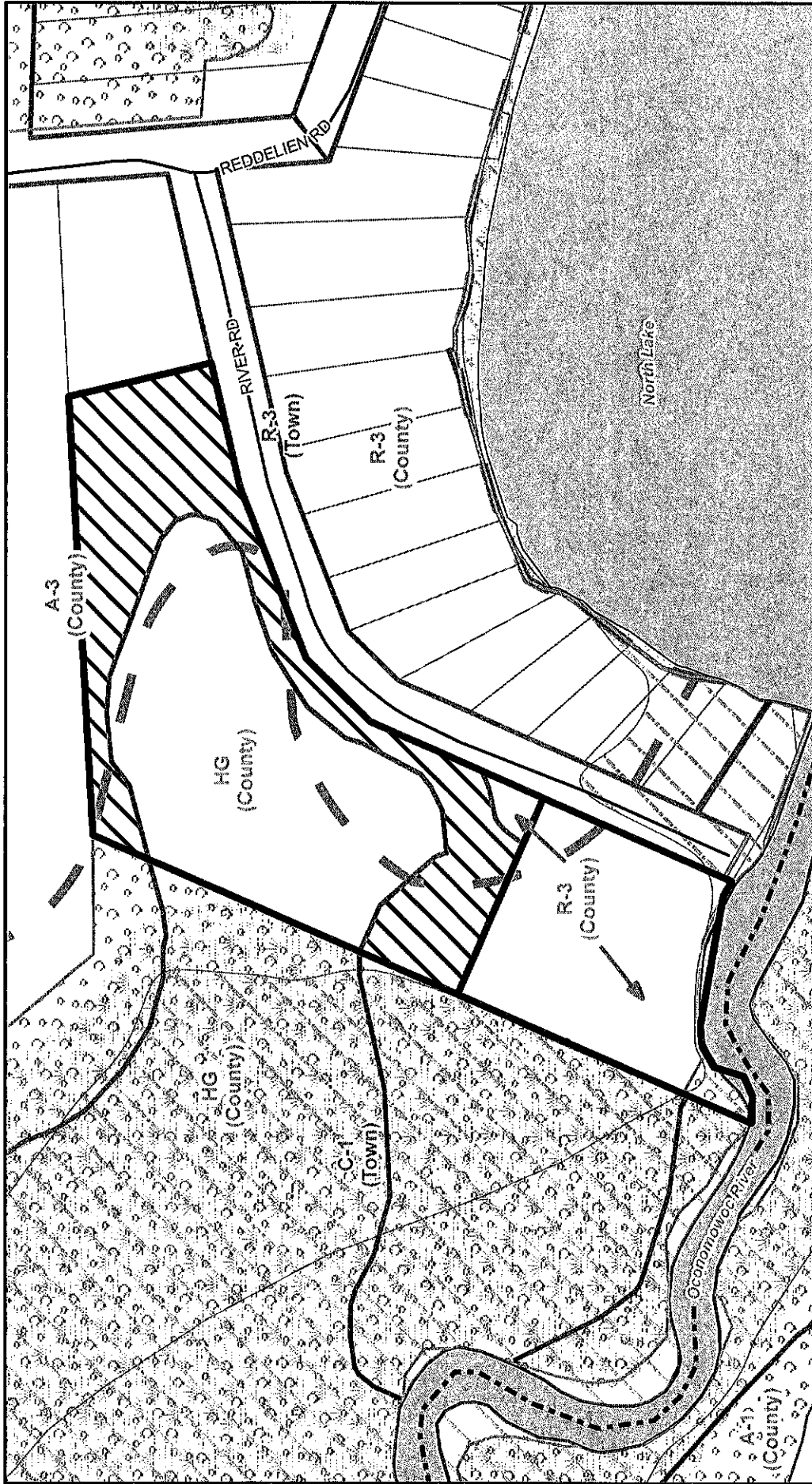


LINE	BEARING	DISTANCE
L-1	S 01°13'48" W	14.31'
L-2	S 23°42'23" W	40.40'

Location Sketch  
SE 1/4 - Sec. 17-8-18  
Scale: 1" = 200'



Donald J. Thoma, S-2470  
Dated this 6<sup>th</sup> day of February, 2024.



CONDITIONAL COUNTY ZONING CHANGE FROM A-3 SUBURBAN ESTATE DISTRICT TO R-3 RESIDENTIAL DISTRICT

EC Environmental Corridor Overlay      Floodplain Overlay District  
 C-1 Conservancy Overlay    

FILE.....RZ144  
 DATE OF PLAN COMMISSION.....4/18/24  
 AREA OF CHANGE.....1.5 ACRES  
 TAX KEY NUMBER.....MRTT 0356.984, MRTT 0356.985

# ZONING AMENDMENT

PART OF THE S 1/2 OF SECTION 17,  
TOWN OF MERTON

0 75 150 Feet