

ENROLLED ORDINANCE 172-033

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 34, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1857)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Delafield Town Board on July 25, 2017; 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 Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the SE ¼ of Section 34, T7N, R18E, Town of Delafield, 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-1857, is hereby approved.

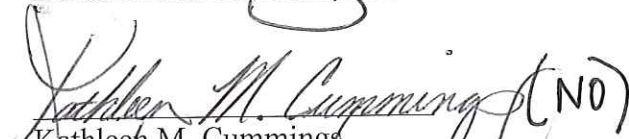
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

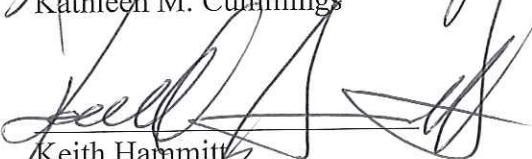
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

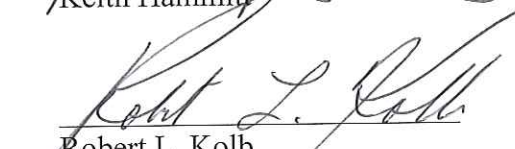
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 34, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (ZT-1857)

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

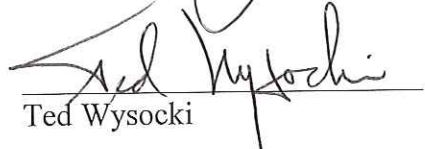
~~  
Kathleen M. Cummings~~ (NO)

~~  
Keith Hammit~~

~~  
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: 9/26/17,   
Kathleen Novack, County Clerk

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


Approved: X  
Vetoed: \_\_\_\_\_  
Date: 10/3/17,   
Paul Farrow, County Executive


**COMMISSION ACTION**

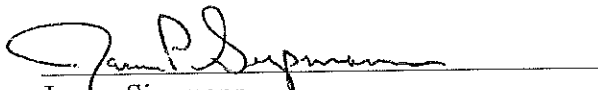
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of ZT-1857 (Jeffrey Zsori, Trustee - Patricia Mayer Revocable Trust of 2012 DTD 12/27/12) in accordance with the attached "Staff Report and Recommendation".

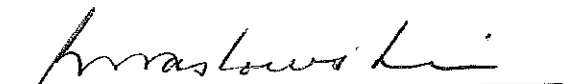
**PARK AND PLANNING COMMISSION**

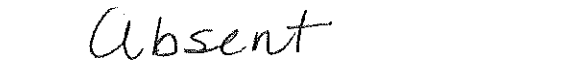
**August 17, 2017**

  
Richard Morris, Chairperson

  
Robert Hamilton

  
James Siepmann

  
William Maslowski

  
Robert Peregrine (Absent)

  
William Mitchell (Absent)

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

**DATE:** August 17, 2017

**FILE NO.:** ZT-1857

**PETITIONER:** Jeffrey Zsori, Trustee

**OWNER:** Patricia Mayer Revocable Trust of 2012 DTD 12/27/12  
S11 W30520 Summit Avenue  
Waukesha, WI 53188-9449

**TAX KEY NO.:** DELT 0855.999

**LOCATION:**  
Part of the SE ¼ of Section 34, T7N, R18E, Town of Delafield. More specifically, the property is located at S11 W30520 Summit Avenue, containing approximately 45 acres. The portion of the property proposed to be rezoned is approximately 11.7 acres.

**EXISTING ZONING:**  
A-1 Agricultural District.

**EXISTING LAND USE:**  
Agricultural.

**PROPOSED ZONING:**  
A-2 Rural Home District.

**PROPOSED LAND USE:**  
Agricultural.

**PUBLIC HEARING DATE:**  
July 18, 2017.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION ACTION:**  
The Town of Delafield Plan Commission, at their meeting of July 18, 2017, recommended approval of the request to the Town Board.

**TOWN BOARD ACTION**  
On July 25, 2017, by a 4 to 1 vote, the Town of Delafield Board approved the rezoning request.

**CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD COMPREHENSIVE DEVELOPMENT PLAN:**  
The Waukesha County Comprehensive Development Plan and the Town of Delafield Comprehensive Plan

designate the property in the Rural Density and Other Agricultural Land category. In the Town of Delafield, said category allows for a maximum of one dwelling unit per 3.2 acres. The proposed rezoning eliminates one lot and the proposal complies with density requirements.

**STAFF ANALYSIS:**

The subject property is located in the agricultural southern part of the Town of Delafield, just north of U.S.H. 18. The petitioner's farm currently contains three parcels. The subject 45-acre parcel is in farm use and contains a residence. The petitioner's land holdings include two 7-acre parcels located immediately to the southeast. The petitioners are proposing a land division to combine the two smaller parcels with the majority of the subject parcel (see Exhibit "A"). The result will be an 11.7-acre parcel in the southwest corner of the property and a 48-acre parcel that absorbs the acreage that had previously included the two smaller parcels. The two smaller parcels were severely substandard to A-1 District 40-acre lot size requirements. This rezone and reconfiguration will create one large conforming A-1 parcel with the acreage to be rezoned being placed in the A-2 District, which allows for lots as small as 3 acres. The petitioner's representatives stated at Town meetings that this action was being taken to avoid foreclosure.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed rezoning is consistent with Town and County land use plans and will result in the elimination of two sub-standard parcels.

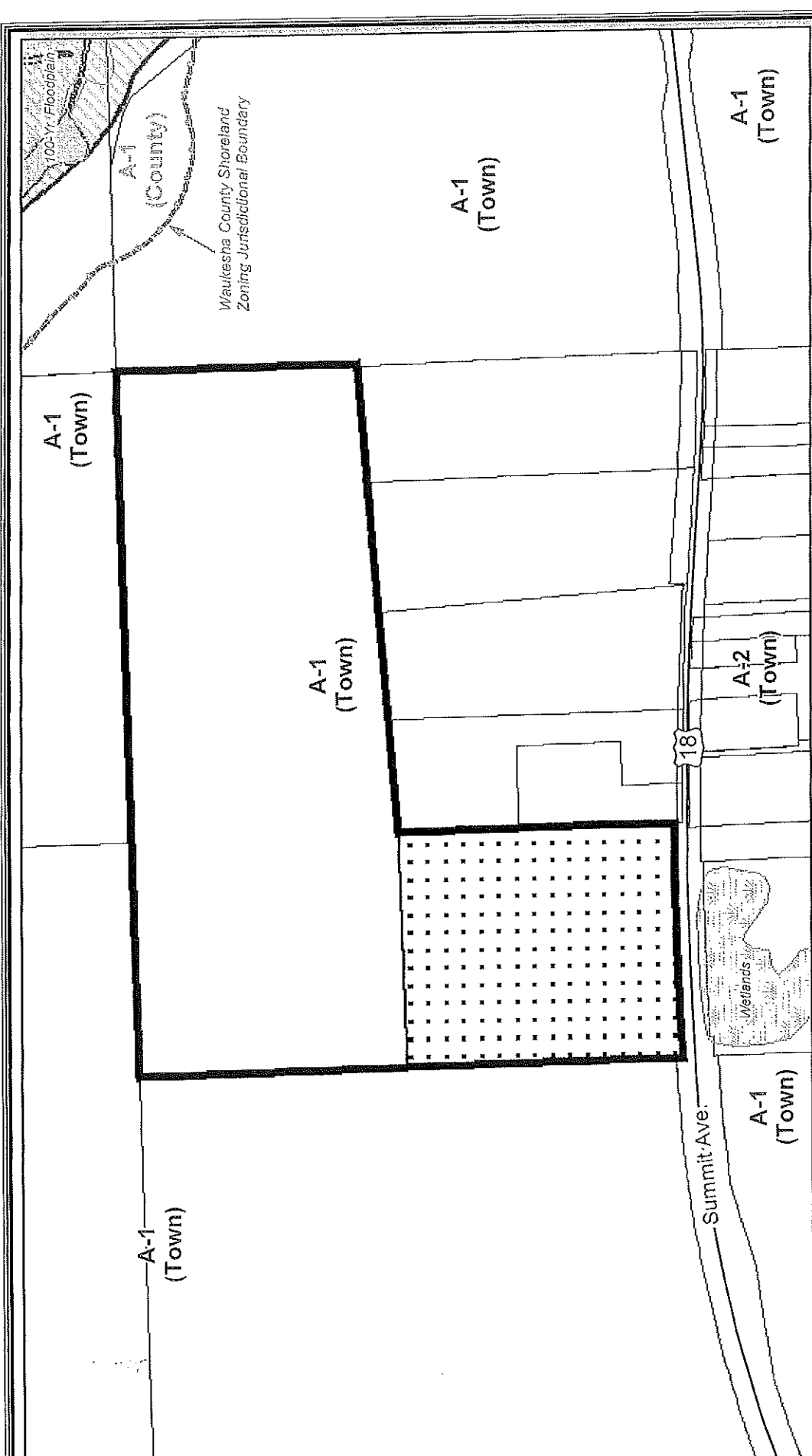
Respectfully submitted,


*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachment: Map  
Exhibit "A"  
Town Ordinance 2017-07

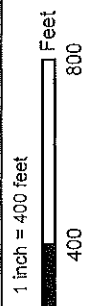
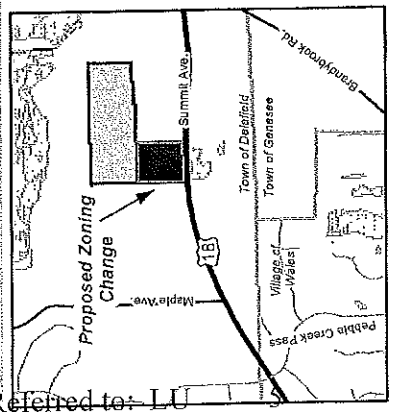
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 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT  
 FILE.....ZT-1857  
 DATE.....08/17/17  
 AREA OF CHANGE.....11.7 ACRES  
 TAX KEY NUMBER.....DELT 0855.999

# ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 34  
TOWN OF DELAFIELD



Referred on: 09/07/17

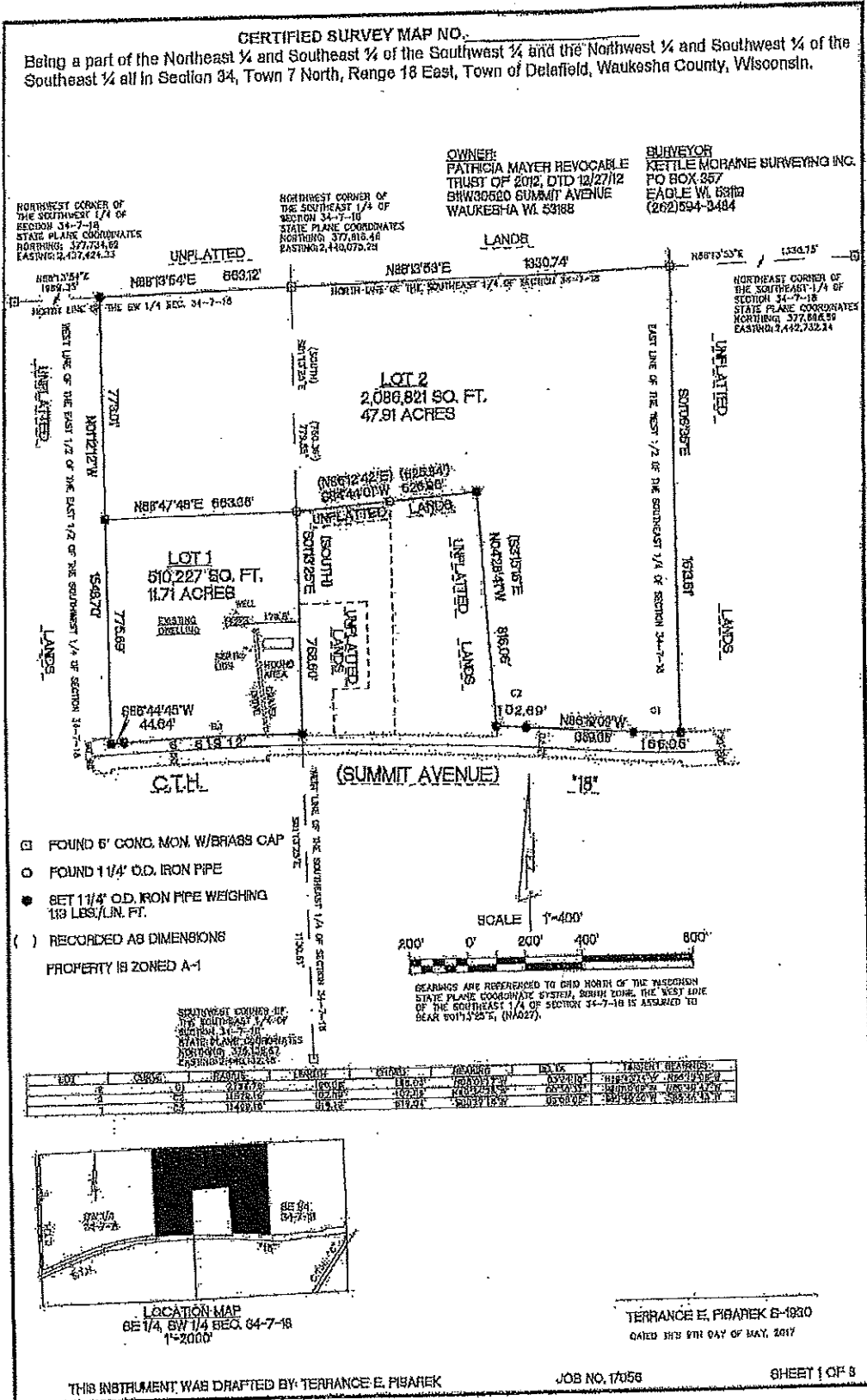
File Number: 172-Q-033

Referred to: LU

AUG 09 2017

DEPT OF PARKS & LAND USE

# EXHIBIT "A"



RECEIVED

AUG 08 2017

State of Wisconsin

Town of Delafield

Waukesha County

DEPT OF PARKS & LAND USE

Ordinance No. 2017-07

**An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 to A-2 on lands located in the Northeast ¼ and Southeast ¼ of the Southwest ¼ of Section 34, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin**

The Town Board of Delafield, 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 A-2 on the following described parcel of land:

Commencing at the Northwest corner of the Southwest ¼ of Section 34, T7N, R18E, Town of Delafield Waukesha County, Wisconsin, thence North 88°13'54" East along the north line of the Southwest ¼ of said Section 34, 1989.35 feet to the West line of the East ½ of the Southwest ¼ of said Section 34; thence South 01°12'12" East, 773.01 feet to the point of beginning; thence North 88°47'48" East, 663.36 feet; thence South 01°13'25" East, 768.60 to the North right-of-way line of USH 18 (Summit Avenue); thence westerly 619.12 feet along said North line and the arc of a curve concave to the south, having a radius of 11,499.16 feet and a chord which bears South 88°17'18" West, 619.04 feet; thence South 86°44'45" West, along said North line 44.64 feet to the West line of the East ½ of the Southwest ¼ of said Section 34; thence North 01°12'12" West along said West line, 775.69 feet to the point of beginning. Said lands containing 510,227 square feet (11.71 acres) more or less.

**Section 2: Severability.**

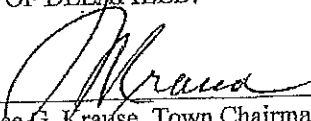
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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.**

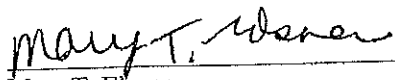
This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 25<sup>th</sup> day of July, 2017.

BY THE TOWN BOARD OF THE TOWN OF DELAFIELD:

  
Lawrence G. Krause, Town Chairman

ATTEST:

  
Mary T. Elsner  
Town Clerk/Treasurer

tgb H:\1171600\Doc\O 170719 Patricia Mayer Trust Rezoning.docx



D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	NAY
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	Notified	D24 - Whittow	AYE
D12 - Wolff	(2) AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

172-0-033

Passed (23 Y - 1 N - 1 Absent)

Majority Vote

