

ENROLLED ORDINANCE 169-69

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 28, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 SUBURBAN HOME DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1797)

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 September 9, 2014, 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 Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-3 Suburban Home District to the R-1 Residential District, certain lands located in part of the NW¼ of Section 28, 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-1797, is hereby approved.

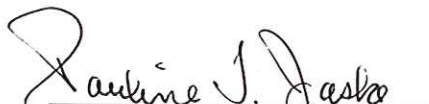
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

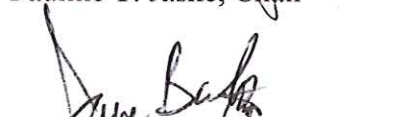
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.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 CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 28, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 SUBURBAN HOME DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1797)


Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair



Jim Batzko


Jennifer Grant



Keith Hammitt


Eric Highum



William Mitchell


Thomas J. Schellinger

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

Date: 11/25/2014, 
Kathleen Novack, County Clerk

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


Approved: X
Vetoed: _____
Date: 12-2-14, 
Daniel P. Vrakas, County Executive

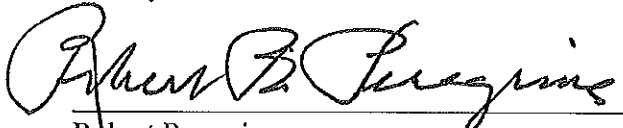
COMMISSION ACTION

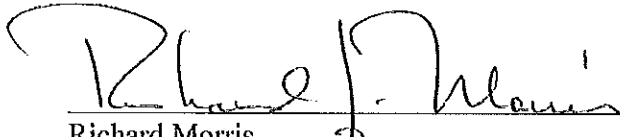
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of ZT-1797 (Todd Showers and Shari Knudson) in accordance with the attached "Staff Report and Recommendation".

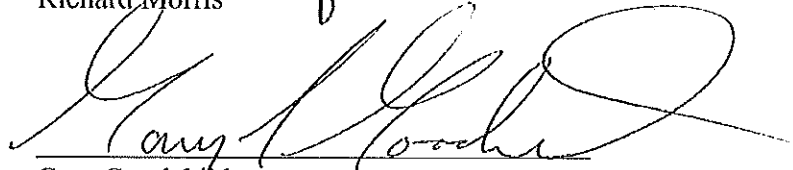
PARK AND PLANNING COMMISSION


October 16, 2014

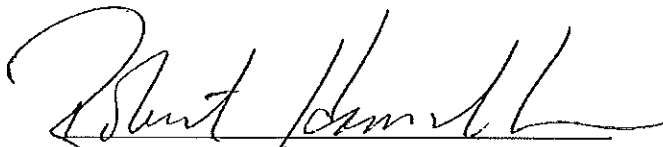

James Siepmann, Chairperson


Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell


Robert Hamilton

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

DATE: October 16, 2014

FILE NO.: ZT-1797

PETITIONER: Todd Showers
Shari Knudson
W315 N885 Hwy. 83
Delafield, WI 53018

TAX KEY NO.'s: DELT 0830.994 and 0830.995

LOCATION:
Part of the NW ¼ of Section 28, T7N, R18E, Town of Delafield. More specifically the properties are located at W315 N855 Hwy. 83, containing approximately 1.85 acres.

EXISTING ZONING:
A-3 Suburban Home District.

EXISTING LAND USE:
Single family residence.

PROPOSED ZONING:
R-1 Residential District.

PROPOSED LAND USE:
Single family residential.

PUBLIC HEARING DATE:
September 2, 2014.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of September 2, 2014 recommended approval of the request to the Town Board conditioned upon the approval of the Certified Survey Map being executed to combine the two properties that the petitioner's own into one parcel.

TOWN BOARD ACTION
On September 9, 2014, 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 lands in the Low Density Residential category, which calls for a density of 20,000 square feet per dwelling unit. The proposal complies with the plan recommendations.

STAFF ANALYSIS:

The petitioners have requested to rezone two adjacent parcels of record that are located to the west of S.T.H. 83 so that they can combine the lands into one parcel by Certified Survey Map (CSM). Neither existing parcel complies with the current zoning district minimum lot area requirements, nor would the combined parcels comply with the existing zoning district lot size requirement. The lands are subject to the Town of Delafield Zoning Ordinance.

The subject lands contain a single family residence with an attached garage and a detached garage. The detached garage straddles the existing lot line between the two parcels. The combination of the parcels would make the property 1.85 acres and conforming with regards to the proposed R-1 District lot size parameters. The current zoning designation of A-3 requires two acres of lot area, whereas the proposed R-1 zoning requires 1.5 acres of lot area. The Town Planner indicates that the property owners brought forward plans to add on to the residence over the past few years, which raised questions about the boundaries of the property. Those boundary issues have since been resolved. Nearby properties to the south are zoned R-1 with a Planned Unit Development Overlay. Properties to the north are zoned A-3 and A-3 PUD.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The rezoning is consistent with Town and County Plan recommendations and allows for the combination of two substandard lots of record.

Respectfully submitted,

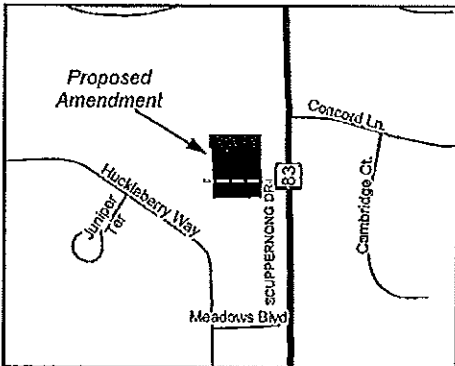
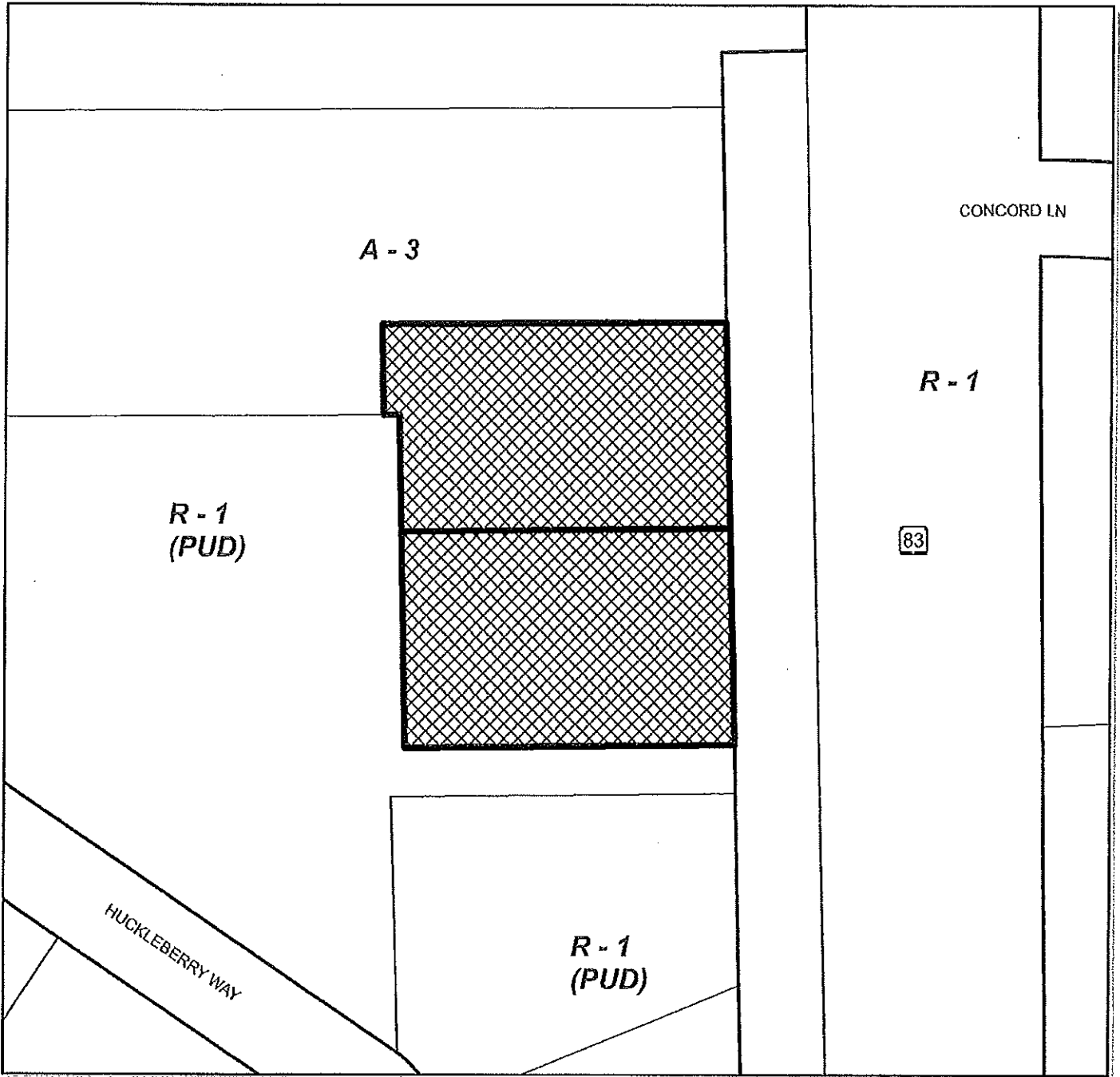
Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Map and Town Ordinance

ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 28
TOWN OF DELAFIELD

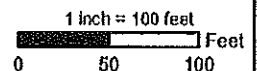


 TOWN ZONING CHANGE FROM A-3 SUBURBAN HOME DISTRICT TO R-1 RESIDENTIAL DISTRICT

FILE.....ZT-1797
 DATE OF PLAN COMM. CONSIDERATION.....10/16/14
 AREA OF CHANGE.....1.05 ACRES
 TAX KEY NUMBERS.....DELT 0830.994, & .995



Prepared by the Waukesha County Department of Parks and Land Use



Ordinance No. 2014507

An Ordinance to amend the Zoning Map of the Town of Delafield from A-3 to R-1 on lands located in the Southeast 1/4 of the Northwest 1/4 of Section 28, 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-3 to R-1 on the following described parcel of land:

Being all that part of the Southeast 1/4 of the Northwest 1/4 of Section 28, Township 7 North, Range 18 East, in the Town of Delafield, County of Waukesha, State of Wisconsin, described as follows: Commencing at the Northeast corner of the Northwest 1/4 of said Section 28; thence South 01°21'03" East a distance of 1767.90 feet; to a found iron being the point of beginning on the west r.o.w. line of STH "83"; thence South 89°19'35" West, a distance of 296.33 feet to a found iron; thence North 01°21'03" West, a distance of 226.49 feet to a found iron; thence North 89°34'35" East, a distance of 11.22 feet to a found iron; thence North 01°01'25" West, a distance of 61.71 feet to a found iron; thence North 89°34'35" East, a distance of 250.80 feet to a found iron marking the west r.o.w. line of STH "83"; thence South 09°31'20" East a distance of 240.16 feet along said r.o.w. line to a P.K. Nail, being a point on the east line of the northwest one-quarter (1/4) of said section 28; thence South 01°21'03" East a distance of 49.74 feet along said east line to the point of beginning. Said Lands containing 1.8472 Acres (80,464 s.f.), 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 9th day of September, 2014.

BY THE TOWN BOARD OF THE TOWN OF DELAFIELD:

[Signature]
Paul L. Kanter, Town Chairman

ATTEST:

[Signature]
Mary T. Elsner
Town Clerk/Treasurer

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/25/14

NUMBER-1690072

1 R. KOLB.....AYE
3 R. MORRIS.....AYE
5 J. BRANDTJEN.....AYE
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.....
25 G. YERKE.....AYE

2 D. Zimmermann.....AYE
4 J. BATZKO.....AYE
6 J. WALZ.....AYE
8 E. HIGHUM.....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 C. PETTIS.....AYE
16 M. CROWLEY.....AYE
18 L. NELSON.....AYE
20 T. SCHELLINGER....AYE
22 P. JASKE.....AYE
24 S. WHITTOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24