

VILLAGE OF WESTON
 REQUEST FOR CONSIDERATION

ITEM DESCRIPTION: Recommendation from Director of Planning & Development to approve the report entitled: "Finding of Fact and Recommendation by the Town & Village of Weston ETZ Committee" regarding ETZ-REZN-7-14-1465, a request to rezone from SR (Suburban Residential) Zoning District to RR-10 (Rural Residential 10 acre) Zoning District, 2.54 acres of land addressed as 3808 Kramer Lane, and forward to the Village of Weston Board of Trustees for their consideration.

REQUEST PREPARED BY: Jennifer Higgins, Village of Weston Director of Planning & Development/Town of Weston Zoning Administrator

REPORT DATE: Monday, August 4, 2014

MEETING/MEETING DATE: Extraterritorial Zoning Committee (08/12/2014)

LEGISLATIVE ACTION: ___ Ordinance X Motion
 ___ Resolution ___ Acknowledge

STAFF RECOMMENDATION: This action item is being presented to the ETZ Committee to consider the Director of Planning & Development's recommendation that the following motion be approved: "The ETZ Committee approves the *Finding of Fact and Recommendation by the Town & Village of Weston Extraterritorial Zoning Committee* as its written finding of fact per Sec. 95.219.1 of the zoning code for rezone request ETZ-REZN-7-14-1465 and forwards this document on to the Village Board for final approvals."

FISCAL SUMMARY:		STATUTORY REFERENCE:	
Budget Line Item:	_____	Wisconsin Statue:	<u> § 62.23(7a) </u>
Budget Line Item:	_____	Administrative Code:	_____
Budgeted Expenditure:	_____	Municipal Code:	<u> Chapter 95 </u>
Budgeted Revenue:	_____	Judicial Ruling:	_____

-
- Policy Question:
 Should the ETZ Committee approve Tom and Joan Erdman's request, per the recommendation of Village/Town Staff, to rezone a 2.54-acre parcel located within the Village ETZ area of the Town of Weston from SR (Suburban Residential) to RR-10 (Rural Residential-10 acres).

2. Purpose:
The purpose of this request is to finalize the rezoning application submitted by Tom and Joan Erdman.
3. Issue Background:
Tom and Joan Erdman would like to purchase, from their family, 7.778 acres surrounding their 2.54-acre parcel, to create a 10.318 acre parcel. Erdman's property is zoned SR, and the 7.778 acres they wish to combine to their 2.54 acres is currently zoned RR-10. In order for them to combine these two parcels, they need to rezone one of the lots to match the other. Erdman's have elected to rezone their 2.54 acre parcel to RR-10, as this district will allow them more flexibility with the use of their land.
4. Issue Analysis:
No issues are predicted in this matter. In the new proposed zoning code, the RR-10 Zoning District will be going away and replaced with AR (Agricultural and Residential) Zoning District (20 acre minimum) or the RR-5 Rural Residential (5 acres minimum). The proposed new AR district will allow the keeping of farm animals as a permitted use in this district. Most likely the Erdman's property will be zoned RR-5 (Rural Residential 5 Acres), which would require them to apply for a conditional use permit if they wanted farm animals.
5. Statutory Reference:
Wis. Stat. § 62.23(7a)
6. Prior Review:
Village staff has reviewed the application materials as submitted and scheduled the required Public Hearing.
7. Attachments:
 - Draft Finding of Fact & Recommendation By the Town & Village of Weston Joint Extraterritorial Zoning Committee
 - August 4, 2014 Staff Report by Director of Planning & Development Director Higgins
 - Proposed CSM #ETZ-RCSM-7-14-1466
8. Recommendation following Staff Review:
Staff recommends approval of the rezone request at this time. We see no issues with this rezone request.
9. Policy Alternatives:
 - Modify the request and approve.
 - Deny the request.
10. Legislative Action:
Approve the attached Draft *Finding of Fact and Recommendation by the Town & Village of Weston Extraterritorial Zoning Committee* as its written finding of fact per Sec. 95.219.1 of the zoning code for rezone request ETZ-REZN-7-14-1465 and forward this document on to the Village Board for final approvals and adoption of the rezone request by ordinance.



TOWN OF WESTON



**TOWN & VILLAGE OF WESTON
EXTRATERRITORIAL ZONING COMMITTEE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town and Village of Weston Extraterritorial Zoning Committee on Tuesday, August 12, 2014, at 5:00 p.m., at the Village of Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476. The purpose of this public hearing is to hear testimony relative to Application #ETZ-REZN-7-14-1465 having been filed with the Village Clerk by Tom and Joan Erdman, 3808 Kramer Lane, WI 54414, requesting a rezone from SR (Suburban Residential) District to RR-10 (Rural Residential – 10 Acre Minimum) District, to allow them to combine their 2.54 acre parcel with 7.778 acres surrounding their property and be able to meet the minimum lot size requirements, on land described as:

Parcel 1 of Certified Survey Map #4853, Volume 18, Page 21, and part of the Northeast ¼ of the Southeast ¼ of Section 10, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin. This parcel consists of 2.54, and is addressed as 3808 Kramer Lane.

Application materials will be available for public inspection in the office of the Village Clerk, and will also be available on the Village of Weston website, located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston, Valerie Parker, Administrative Specialist, 5500 Schofield Avenue, Weston, WI 54476, or e-mailed to vparker@westonwi.gov, by noon on the day of the public hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 22nd day of July, 2014,

Sherry L. Weinkauff,
Village Clerk

Published as a legal ad in the Wausau Daily Herald on Monday, July 28, 2014, and on Monday, August 4, 2014.

STAFF REPORT ETZ-REZN-7-14-1465 Rezone Request (from SR to RR-10)

Planning & Development Department

ETZ Committee, 5pm, August 12, 2014
Submitted July 8, 2014

To: ETZ Committee Members & Village of Weston Board

From: Jennifer Higgins, Director of Planning & Development

Case: ETZ-REZN-7-14-1465 Rezone Request (from SR to RR-10)
Tom and Joan Erdman

Related Cases – CSM #4853, Vol. 18, Pg. 21, Doc#885362

Date of Public Hearing: August 12, 2014 at 5:00 pm

Action Requested: To rezone from SR (Suburban Residential) to RR-10 (Rural Residential 10-acre) on the property described as follows:

Parcel 1 of Certified Survey Map #4853, Volume 18, Page 21, and part of the Northeast ¼ of the Southeast ¼ of Section 10, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin. This parcel consists of 2.54, and is addressed as 3808 Kramer Lane.

to allow the parcel to be combined with an existing RR-10 adjacent parcel via the CSM process to create a new 10.318 parcel.

Staff Recommendation: Staff recommends approval of the rezone request at this time, as staff has no issues with this.

General Information		
<i>Owner/Applicant</i>	Tom and Joan Erdman	
<i>Owner Address</i>	3808 Kramer Lane, Weston	
<i>Owner Phone Number</i>	(715) 359-9031	
<i>Site Address</i>	3808 Kramer Lane, Weston	
<i>Size of Site</i>	2.54 acres	
<i>Existing Zoning</i>	SR (Suburban Residential)	
<i>Existing Land Use</i>	Single-Family Home	
<i>Adjacent Zoning</i>	North	RR-10 Rural Residential
	South	RR-10 Rural Residential
	East	RR-10 Rural Residential
	West	RR-10 Rural Residential
<i>Adjacent Land Use</i>	North	Residential
	South	Residential
	East	Residential

	West	Residential
<i>Comprehensive Plan Future Land Use Map Classification</i>	The site is designated as single family residential on the Comprehensive Plan Future Land Use Map.	

GENERAL DESCRIPTION/SUMMARY

Tom and Joan Erdman would like to purchase, from their family, 7.778 acres surrounding their 2.54-acre parcel, to create a 10.318 acre parcel. Erdman’s property is zoned SR, and the 7.778 acres they wish to combine to their 2.54 acres is currently zoned RR-10. In order for them to combine these two parcels, they need to rezone one of the lots to match the other. The Erdman’s have elected to rezone their 2.54 acre parcel to RR-10, as this district will allow them more flexibility with the use of their land.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

This area is shown in the Village Comprehensive Plan as future residential. The property is located in the Residential Future Land Use Category in the Town of Weston Comprehensive Plan. This category allows for one family structures, farm residences and mobile homes. Currently the property is consistent with the Town Comprehensive Plan. Achieving consistency between land use and zoning is required by State Statutes.

TOWN PLAN COMMISSION AND BOARD DISCUSSIONS:

The Town of Weston Plan Commission will be meeting at 5:30 p.m., on August 12th; and the Village Board will meet on August 18th to discuss this proposed rezone.

STAFF RECOMMENDATION:

Staff has no concerns with rezoning this property.

No issues are predicted in this matter. In the new proposed zoning code, the RR-10 Zoning District will be going away and replaced with AR (Agricultural and Residential) Zoning District (20 acre minimum) or the RR-5 Rural Residential (5 acres minimum). The proposed new AR district will allow the keeping of farm animals as a permitted use in this district. Most likely the Erdman’s property will be zoned RR-5 (Rural Residential 5 Acres), which would require them to apply for a conditional use permit if they wanted farm animals.

Policy Alternatives:

1. Deny the rezone request.
2. Modify the request and approve.

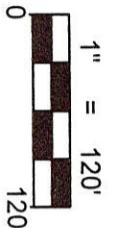
ATTACHMENTS:

1. Completed Finding of Fact & Recommendation by the ETZ
2. Hearing Notice
3. Application Materials
4. Current Zoning Map
5. Town of Weston Plan Commission Minutes from 08/12/14
6. Town of Weston Board Minutes from 08/12/14
7. Proposed survey ETZ-RCSM-7-14-1466

FUTURE ACTIONS THAT WILL NEED TO BE TAKEN FOR THE PROPERTY: Final action will be taken by the Village Board by the adoption of the change by ordinance at their meeting on 08/18/14.

MARATHON CO. CERTIFIED SURVEY MAP NO. _____

Of Parcel 1 of Certified Survey Map Number 4853 as recorded in Volume 18 on Page 21 and part of the Northeast 1/4 of the Southeast 1/4 of Section 10, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin.



BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM NAD83 (2011) AND REFERENCED TO THE EAST - WEST 1/4 RANGE 8 EAST, TOWNSHIP 28 NORTH, SOUTH 89° 45' 53" WEST.

LEGEND	
○	- 1-1/4" O.D. x 24" IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET
⊙	- FOUND 1" IRON BAR
●	- FOUND 1-1/4" O.D. IRON PIPE
()	- RECORDED BEARING/LENGTH

Owner is proposing to combine these two properties, but must rezone Parcel 1 from SR to RR-10 first.

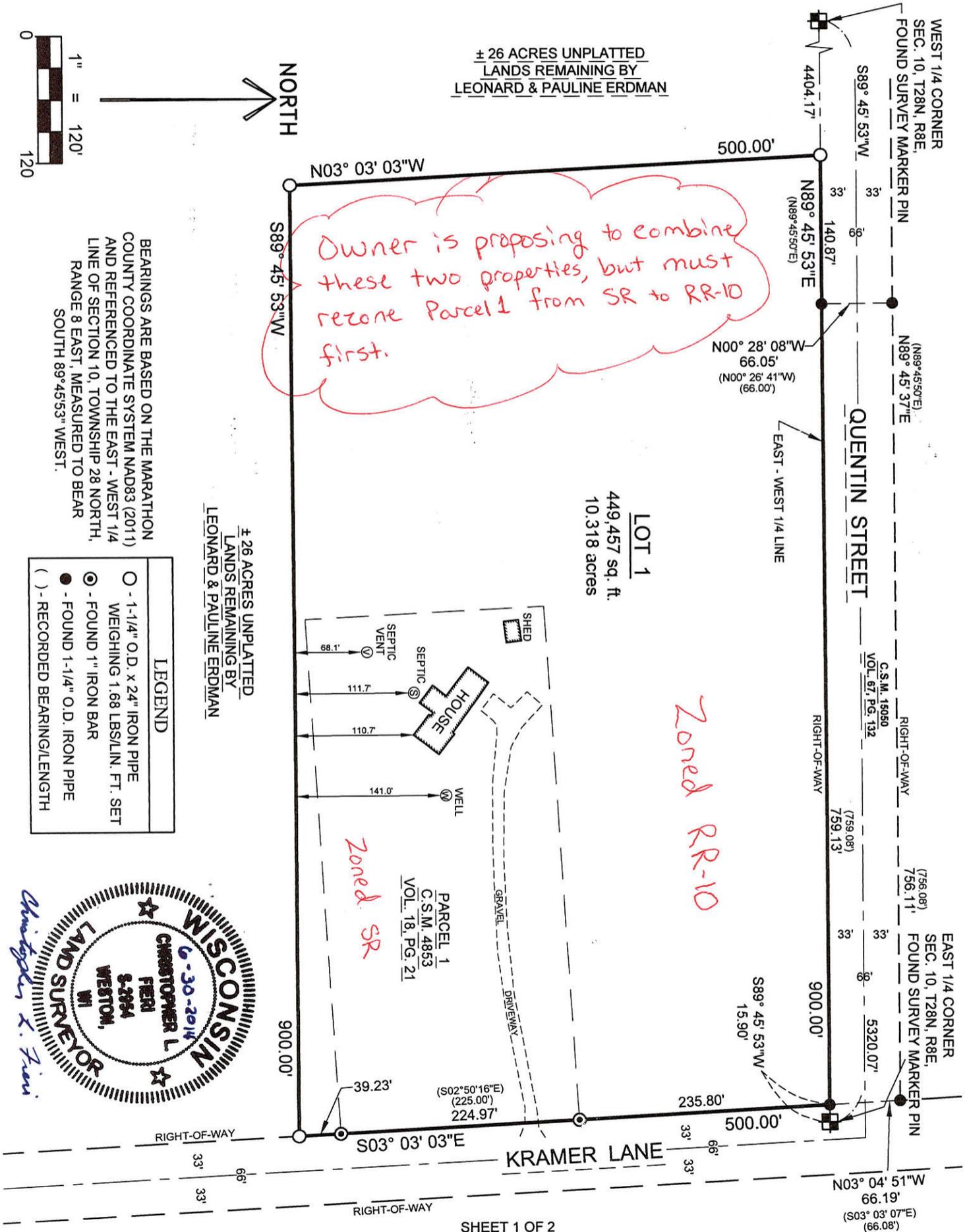
LOT 1
449,457 sq. ft.
10.318 acres

Zoned RR-10

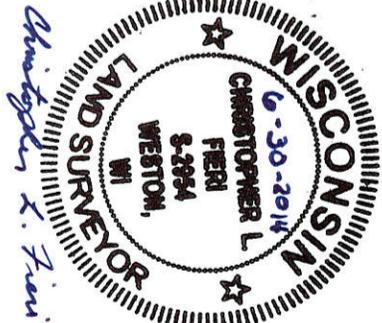
Zoned SR

± 26 ACRES UNPLATTED LANDS REMAINING BY LEONARD & PAULINE ERDMAN

± 26 ACRES UNPLATTED LANDS REMAINING BY LEONARD & PAULINE ERDMAN



PARCEL 1
C.S.M. 4853
VOL. 18, PG. 21



 RIVERSIDE LAND SURVEYING LLC 6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 - FAX 715-355-6894 email - mail@riversidelandsurveying.com	DRAWN BY M.F.L.	DATE JUNE 25, 2014
	CHECKED BY L.H.M.	PROJECT NO. MR-136
	PREPARED FOR: THOMAS ERDMAN	

Application for Rezoning

FINDING OF FACT & RECOMMENDATION BY THE TOWN & VILLAGE OF WESTON JOINT EXTRATERRITORIAL ZONING (ETZ) COMMITTEE

Application/Petition #: **ETZ-REZN-7-14-1465**

Hearing Date: **August 12, 2014 at 5:00 pm**

Applicant: **Tom and Joan Erdman**

Location: **Parcel 1 of Certified Survey Map #4853, Volume 18, Page 21, and part of the Northeast ¼ of the Southeast ¼ of Section 10, Township 28 North, Range 8 East, Town of Weston, Marathon County, Wisconsin. This parcel consists of 2.54, and is addressed as 3808 Kramer Lane.**

The Joint ETZ of the Town & Village of Weston, having heard the application for rezoning described above, and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Wisconsin law and forwards the following findings and recommendation to the Village of Weston Board of Trustees:

1. The request is consistent with the Town/Village of Weston Comprehensive Plan, as this request meets the Mission Statement developed by the Town of Weston in their Comprehensive Plan to preserve the rural character of the township.
2. The request is consistent with the current conditions and character of structures and uses in each zoning district because, as they are continuing the rural characteristics of the property.
3. The request is consistent with the most desirable use for which the land in each district is adapted because this area was shown as being for future residential on the comprehensive plan.
4. The request is consistent with the conservation of property values throughout the jurisdiction because the parcels combined will continue the rural residential character like the surrounding area.
5. The request is consistent with responsible growth and development because the appropriate public facilities (ie sewer and water) for this type of density of development are not available at this time, though not far away.
6. The request is in compliance with the intent and purposes of Chapter 95 as set forth in sections 95.104 and 95.105 and it meets Sec. 95.105.
7. The proposed rezone is in the public's best interest, though is solely for the benefit of the applicant at this time.

Based on the findings described above, the Commission hereby forwards a favorable recommendation to the Village Board. So ordered this _____ day of _____, _____.

Joint Town & Village of Extra-territorial Zoning Committee

By: _____
Milt Olson, its Chairman

Attest: _____
Valerie Parker, its Secretary

Sec. 95.104. Intent.

It is the intent of this chapter to carry out the statutory purposes enumerated in Wis. Stats. §§ 60.61, 61.35, 62.23(7) and 62.23(7a), including but not limited to:

- (1) Regulate areas in which various land uses may be conducted;
- (2) Regulate the location of community facilities;
- (3) Regulate the location and operation of economic development areas;
- (4) Regulate the location, bulk, height and similar features of structures, including the overall population density of the community;
- (5) Establish zoning districts to accomplish these purposes;
- (6) Regulate land use along natural watercourses to protect such courses;
- (7) Regulate development and natural growth near airport runways;
- (8) Regulate land use for the protection of groundwater resources;
- (9) Provide for the preservation of burial sites;
- (10) Regulate so as to preserve areas with historic or aesthetic value;
- (11) Provide for special planned development districts pursuant to Wis. Stats. §62.23(7)(b).

Sec. 94.105. Purposes in view.

(a) In accordance with Wis. Stats. § 62.23(7)(c) and 62.23(7a), the regulations of this chapter shall be made and administered in accordance with a comprehensive plan as authorized in Wis. Stats. §62.23(3).

(b) In accordance with Wis. Stats. § 62.23(7)(c) and 62.23(7a), and the related areas of the statutes cited in the authority of subsection (a) of this section, the regulations of this chapter are designed to:

- (1) Lessen congestion in the streets.
- (2) Secure safety from fire, panic and other dangers, including flooding and soil erosion.
- (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Prevent the overcrowding of land and the destruction of natural resource areas such as wetlands and woodlots.
- (5) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

- (6) Relate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- (7) Provide appropriate, predictable, and necessary land use controls within the Village of Weston's extraterritorial zoning jurisdiction that lies within the Town of Weston.

DRAFT

Date Filed 7-8-14
Amount Paid \$300.00
Check No. 7668
Revised 10/27/2011

VILLAGE OF WESTON
MARATHON COUNTY, WI
APPLICATION FOR REZONING
TOWN OF WESTON ETZ AREA



ETZ-REZN-7-14-1465

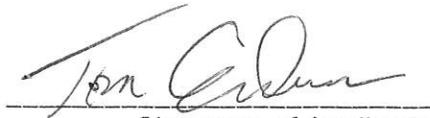
Fee: \$300.00

One copy of a registered surveyor's plat of survey **must** accompany application. Applicant will be notified of the date and place of a public hearing.

1. Applicant Tom & Joan Erdman Telephone 715-359-9031
Address 3808 Kramer Lane Weston WI, 54476
2. Owner _____ Telephone _____
Address _____
3. Applicant is (Check one): Owner Agent () Other () _____
(If Applicant is not the owner, provide letter of Authorization from Owner) (Specify)
4. The present Owner acquired legal title to the subject property on 1988
(Date)
5. Location, address and acreage of property: 3808 Kramer Ln, Town of Weston. 2.54 acres
6. Legal description of subject property: see CSM.
7. Present Zoning: SR
8. Proposed Zoning change: RR10
9. Has the present applicant previously sought to rezone the subject site or part of it? NO
10. When? -
11. To what district classification? RR10

12. Existing Use of the Property: RESIDENTIAL
13. Future Land Use Map Designation of Property: Residential
14. Proposed Future Land Use (by Applicant): same
15. Is the subject property planned to be improved? Already a home on property. may build
 When? a garage
16. What will be the actual use of the improvement? near future.

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.


 Signature of Applicant

Forwarded to the Town/Village Joint ETZ Committee Date: 07-22-14

Date of Public Hearing: 08-12-14

Recommendation of the Joint ETZ Committee: _____

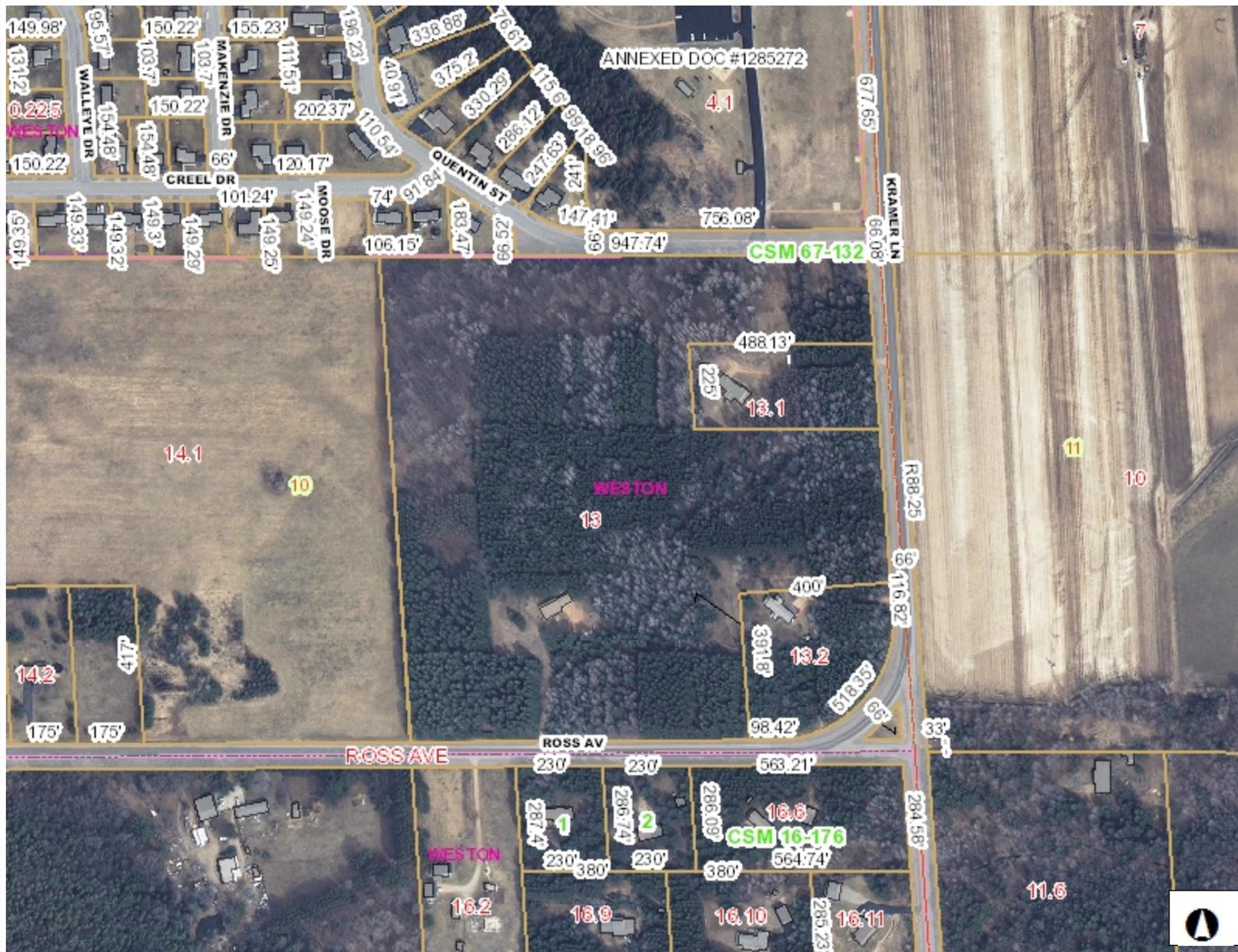
NOTE: This is only a recommendation. It requires action by the Village Board to become effective.

Forwarded to the Village Board Date: _____

Map Amendment: (Adopted / Denied) Date: _____

Ordinance Publication Date: _____

 Village President



Legend

- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- County-wide Buildings
- Road Names
- Named Places
- Municipalities
- 2010 Orthos
- Red: Band_1
- Green: Band_2
- Blue: Band_3

196.53 0 196.53 Feet



User_Defined_Lambert_Conformal_Conic

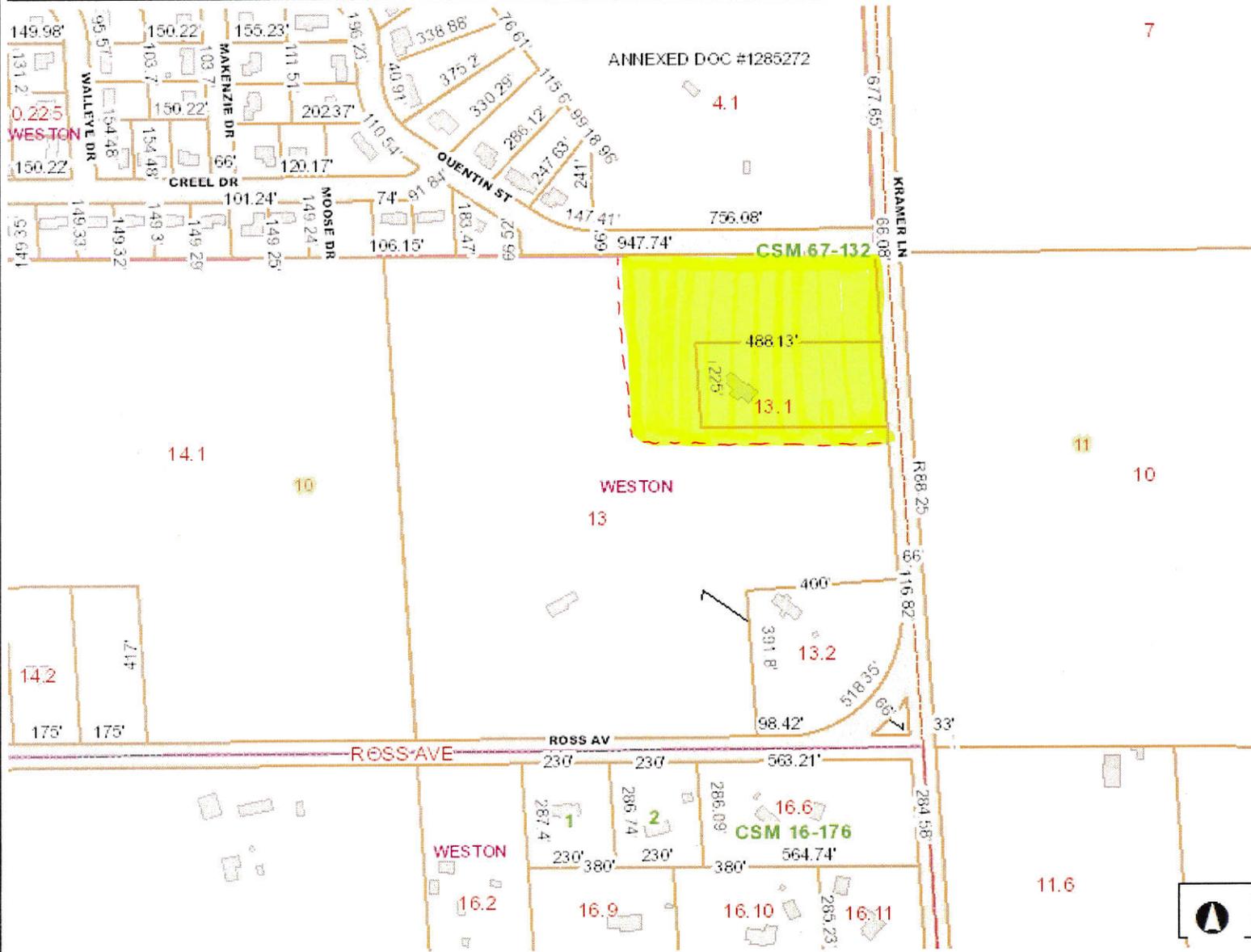
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Land Information Mapping System

HALSEY
 BERN
 HOLTON
 BRIGHTON
 SPENCER
 PERLIN
 MAINE
 STETTON
 EASTON
 WILCASSETT
 REID
 BERDEN
 FRANZEN
 TEXASHEWITT



- ### Legend
- Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - County-wide Buildings
 - Road Names
 - Named Places
 - Municipalities

196.53 0 196.53 Feet



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Notes

THOMAS & JOAN ERDMAN
3808 KRAMER LANE
WESTON WI 54476

LEONARD ERDMAN
PAULINE ERDMAN
7010 ROSS AVENUE
WESTON WI 54476

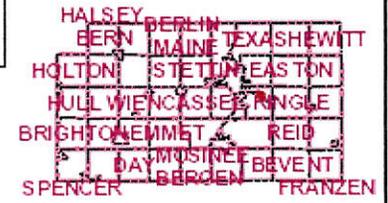
PETER ERDMAN
3910 KRAMER LANE
WESTON WI 54476

PINE LANE FARMS INC
7405 PAULS AVENUE
WESTON WI 54476



WAUSAU

Land Information Mapping System



- ### Legend
- Parcels
 - Land Hooks
 - Section Lines/Numbers
 - Right Of Ways
 - County-wide Buildings
 - Road Names
 - Named Places
 - Municipalities

Hearing Notice sent to neighbors

196.53 0 196.53 Feet



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