

RESOLUTION NO. 153

A RESOLUTION TO ALLOW ATTACHMENT OF LANDS
TO A LEGAL NONCONFORMING LOT OF RECORD
PURSUANT TO SECTION 18.14(2)
OF THE VILLAGE OF OCONOMOWOC VILLAGE CODE

WHEREAS, the Village received a Petition for Determination regarding a proposed attachment of lands (the "Proposed Land Division") to a legal nonconforming lot of record from John and Amy Zea ("Petitioner") dated March 15, 2013, pursuant to Section 18.14(2)(A)(1) of the Village of Oconomowoc Lake Village Code; and

WHEREAS, such Petition was referred to the Village of Oconomowoc Lake Village Administrator who prepared a report for the Village Plan Commission for use in making a recommendation to the Village Board, pursuant to Section 18.14(2)(A)(2) of the Village Code; and

WHEREAS, such Petition was submitted to the Village Plan Commission, the Village Plan Commission considered the objective and subjective criteria of the Village ordinance and made a recommendation to the Village Board, pursuant to Section 18.14(2)(A)(3) of the Village Code; and

WHEREAS, upon careful consider of the Village Plan Commission's recommendation, as well as the objective and subjective criteria described in Section 18.14(2)(A)(4) of the Village Code, the Village Board hereby makes the following findings:

- A. The Proposed Land Division will be compatible to the size, quality, and character of the existing lots and building development in the immediate area, and the existing property values will be protected; specifically, the immediate area has 4 existing irregular shaped properties, so this request is not in contradiction to the existing area property shapes, and protects existing values; and while the lot will not meet the minimum width requirement, it will be brought into compliance with the 2 acre minimum lot size, thus making it more conforming than at present;
- B. The Proposed Land Division is not impractical, from an engineering and economic perspective; the lots are currently developed and will not be adversely affected;
- C. All newly created parcels will have a building site location which complies with the location requirements of the Village of Oconomowoc Lake Zoning Code; in fact there will be no impact on the building locations for the affected parcels;
- D. All newly created lots shall meet the minimum standards for right-of-way access, as such existing access will not be affected; the petitioner will remove an existing fence and buckthorn which will improve traffic and pedestrian safety by enhancing and increasing visibility;

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- E. All newly created lots will comply with the zoning district regulations for the district in which the lots are located pursuant to the Village of Oconomowoc Lake Zoning Code, to the extent that can be done and as determined necessary by the Village Board; while the lot width requirement will not be met, it will not be adversely affected, and this will bring the Zea parcel into compliance with the minimum lot size requirement;
- F. The proposed conveyance will create a value to the Village; this may allow the Zea property owner to construct improvements on the parcel and increase the tax base of the Village;
- G. The proposed conveyance will bring the legal nonconforming lot more into compliance with the Village of Oconomowoc Lake codes; it will eliminate the legal nonconformity related to lot size;
- H. The impact on the lot from which the lands are proposed to be detached will be de minimis; the detached area is largely excess land with limited utility as currently configured;
- I. No additional lots will be created by this procedure;
- J. There will be no material negative impact on the subject lots or adjoining properties, and the Proposed Land Division may eliminate or minimize potential conflicts between neighbors; the Village is not aware of any concerns of abutting neighbors, or cause for concern;
- K. There are no material negative impacts on the principal structures on the subject lots or the adjoining properties created by the Proposed Land Division, and the Proposed Land Division shall not create a nonconforming principal structure; the lot line change is not in close proximity to any existing structure;
- L. There will be no material negative impact on the accessory structures on the subject lots or on any adjoining properties, and the Proposed Land Division will not create a nonconforming accessory structure; the lot line change is not in close proximity to any existing accessory structure;
- M. The Proposed Land Division will not result in increased use of the subject lots; the uses will remain residential;
- N. The Proposed Land Division will not result in an increase in the number and/or size of structures which will result in an increase in the number and/or size of structures, which will result in a negative effect on the subject lots or the adjoining properties; the petitioner intends to build an accessory structure on the attached lands, but there is ample room available to do so in a manner that will not negatively affect the subject parcels or adjoining properties;

- O. The Proposed Land Division will meet the spirit of the Village of Oconomowoc Lake Zoning Code, including the purpose and intent of the same as set forth in Sections 17.02 and 17.03 of the Village of Oconomowoc Lake Zoning Code; it brings one lot into compliance with the minimum lot size of the district in which it is located; and it may prevent overcrowding and related impacts of traffic, light, noise and environmental impacts, by reducing or eliminating the chance that a new lot would be created from the larger lot; and

WHEREAS, the Applicant has submitted a certified survey map for the consideration of the Village pursuant to ordinary certified survey map review procedures; and

WHEREAS, the Proposed Land Division will not result in a legal conforming lot being made nonconforming; and

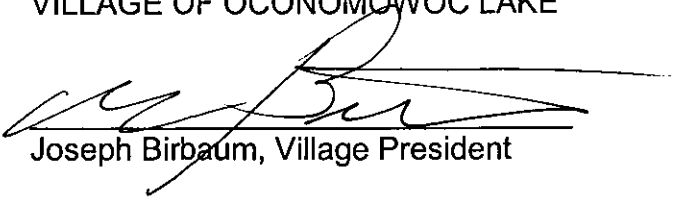
WHEREAS, the property subject to the Proposed Land Division petition are adjoining and are not separated in any way by right-of-way or navigable water.

NOW, THEREFORE, upon careful consideration of the recommendation of the Village Plan Commission, and the findings made herein, BE IT HEREBY RESOLVED by the Village of Oconomowoc Lake Village Board, that the Proposed Land Division request filed by John and Amy Zea dated December 3, 2012, is hereby approved for purposes of Section 18.14(2) of the Village Code, subject to the following conditions:

1. Subject to the subject property being divided by certified survey map in the manner described in the petition, and further subject to satisfying any and all conditions that are imposed by the Village in approving the certified survey map (if it is approved), and satisfying all conditions that may be imposed by the Village and all other approving and objecting authorities in approving the certified survey map (if it is approved), and further subject to recording the certified survey map, as approved by the Village in the office of the Waukesha County Register of Deeds. The Village of Oconomowoc Lake reserves all rights in its review of said certified survey map, and nothing herein shall be deemed to waive the Village's authority or to grant any vested rights with regard to the certified survey map, except as to the determination required by Section 18.14(2) of the Village Code.
2. The foregoing condition of approval must be satisfied within one (1) year of the date of this approval, or this approval is void and the Proposed Land Division shall be deemed not to have been approved.

Dated this 16th day of September, 2013.

VILLAGE OF OCONOMOWOC LAKE



Joseph Birbaum, Village President

ATTEST:



Cindy J. Schlieve, Village Clerk/Treasurer

Published and/or posted this 26th day of September, 2013.

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