

## Amendatory Ordinance 4-0224

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Paul & Julie Esser, Tyler Wilkinson, and the Limmex Revocable Trust;**

For land being in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 27 Town 8N, Range 3E in the Town of Wyoming affecting tax parcels 028-0324 and 028-0324.A,

**And, this petition is made to zone 1.122 acres from A-1 Agricultural to AR-1 Agricultural Residential.**

Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Wyoming,**

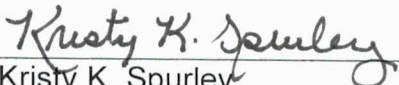
Whereas a public hearing, designated as zoning hearing number **3401** was last held on **February 1, 2024** in accord with said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** with the conditions that the portion of the original Esser lot not included in the 1.122-acre lot be consolidated by deed with the adjacent Limmex Revocable Trust land and that the associated certified survey map is duly recorded within 6 months of County Board approval.

Now therefore be it resolved that the official county zoning map be amended as recommended by the Iowa County Planning and Zoning Committee.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

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I, the undersigned Iowa County Clerk, hereby certify that the above Amendatory Ordinance was   X   approved as recommended        approved with amendment        denied as recommended        denied or        rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **February 20, 2024**. The effective date of this ordinance shall be **February 20, 2024**.

  
Kristy K. Spurley  
Iowa County Clerk

Date:   2-20-2024





## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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### Planning & Zoning Committee Recommendation Summary

Public Hearing held on February 1, 2024

Zoning Hearing 3401

Recommendation: **Approval**

**Applicant(s):** Paul & Julie Esser; Tyler Wilkinson; Limmex Rev Trust      **Town of Wyoming**

**Site Description:** SW/NW of S27-T8N-R3E also affecting tax parcels 028-0324; 0324.A

**Petition Summary:** This is a request to rezone 1.122 acres from A-1 Ag to AR-1 Ag Res.

#### Comments/Recommendations

1. The Esser lot is currently a legal nonconforming lot as it was created prior to the minimum 40-acre lot size in the A-1 district taking effect. The intent is to enlarge this lot by adding land from the Limmex Trust so that the septic system is on the new Esser lot.
2. If approved, the new lot will be eligible for one single-family residence (existing), accessory structures and limited ag uses, but no animal units as defined by the Iowa County Zoning Ordinance, without a Conditional Use Permit.
3. The southwest corner of the existing Esser lot is not included in the new proposed lot, so it will either need to be transferred to the Limmex Trust and incorporated by deed into that property, or the proposed lot revised to include the corner or to describe it as an outlot.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
  - 1) The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
  - 2) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
  - 3) Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide those services.
  - 4) The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.



- 5) The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
- 6) The petition will not be used to legitimize a nonconforming use or structure.
- 7) The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
- 8) The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

**Town Recommendation:** The Town of Wyoming is recommending approval.

**Staff Recommendation:** Staff recommends approval with the following conditions:

- 1) The southwest corner of the existing Esser lot not included in the new lot description either be consolidated by deed with the adjacent Limmex Trust land or the CSM be revised to incorporate it into the new lot or be shown as an outlot.
- 2) The associated CSM be duly recorded within 6 months of County Board approval.

