

John Wright

From: "Green Zoning" [REDACTED]
To: "John Wright" [REDACTED]
Sent: Monday, March 21, 2011 10:17 AM
Subject: RE: questions
John,

You are correct, the Green County Zoning Office has no authority in the ETZ of the Village of New Glarus.

Green County Code section 4-5-2-1:B.3 reads. The Sale or exchange of parcels of land between owners of adjoining property, if additional lots or parcels are not thereby created and the lots or parcels resulting are not reduced below the minimum sizes required by this title or other applicable laws or ordinances provided that the subsequent lot, lots or parcels are added in the adjacent property owner's existing property by deed and result in a total of more than ten (10) contiguous acres.

Recently, the County Subdivision code was reviewed by the Department of Administration (DOA) it was pointed out that this code section was more restrictive than Chapter 236.45 (2).3 and could not be enforced by the County. Chapter 236.45 (2).3 reads as follows: the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

In general the County cannot review or require csm's when a change of land between adjoining landowners occurs. If new lots are created the subdivision ordinance can be enforced.

Thank you

Adam

Green County Zoning & Land Use
(608) 328-9423
Green County Courthouse
1016 16th Avenue
Monroe WI 53566

From: John Wright [mailto:jwright.townofnewglarus@tds.net]
Sent: Friday, March 18, 2011 2:32 PM
To: Adam Wiegel
Cc: Keith Seward; Keith Seward
Subject: questions

Adam,

I called your office this afternoon for a clarification on a CSM being prepared for a Town resident by Karn Surveying. A portion of the CSM contains a neighbor exchange for Village property being added to a lot owned by the Town resident which is in the Village and contiguous to the property he owns in the Town. Another part of the CSM is a neighbor exchange between the resident and his son; both properties are in the Town of New Glarus. The contributing lot is less than 10 acres and the receiving lot will remain below 10 acres after the exchange. In the past you have advised me that both

properties in the Neighbor Exchange that are below 10 acres will require a new CSM (Shoener/Klitzke and Zuber/Shaffer are the two most recent precedents employing your prior advice).

When I spoke with Sarah today she thought the less than 10 acre rule no longer applied, although properties less than 35 acres will continue to require a CSM. I'm a bit confused then whether Neighbor Exchanges between adjoining properties require a new CSM if a CSM already exists that describes those less than 35 acre properties before the exchange.

One other question has arisen from this Neighbor Exchange. The surveyor for this Town resident has filled out an application for subdivision/land division for Green County Zoning with a fee of \$225. As I mentioned before, a part of the property pictured in the CSM is to record a Neighbor Exchange in the Village and I assume you would not need to be consulted as the Village of New Glarus would be the zoning authority. Similarly, the balance of the property is within the Town, but is within the A-T District of the ETZ, so again I would not think you would need to be consulted, nor would your signature be required on the CSM, and no fee would be due to your office. Could you please confirm that I am right in my interpretation?

Had the Town portion of the property not been within the ETZ, and the new CSM pictured all three lots, only two of which are affected by the Neighbor Exchange, would the fee be for all three lots pictured (i.e. \$225), or only for the two lots that changed dimension (i.e. a fee of \$150)? I know your general advice is for property owners to contact your office first if in doubt, but in this instance the surveyor is making some assumptions that may unwittingly request your involvement in a process that doesn't require your input, or does so but to a lesser degree.

It would be helpful if you answered these questions in written form. In the past I have discussed your interpretation of a variety of zoning issues which I restate in follow-up emails in order to summarize what we discussed verbally with a request for you to confirm what I think you said as being actually what you did say (which I thereafter use as your interpretation of zoning policy). I prefer, therefore, not to summarize your thoughts for you, but to have your interpretation or policy in written form, especially when it is your interpretation of your code so there is no possibility of misinterpretation.

Thanks in advance for your assistance in this matter.

John

John Wright, Deputy Clerk-Plan Administrator
Town of New Glarus
(608) 527-2390