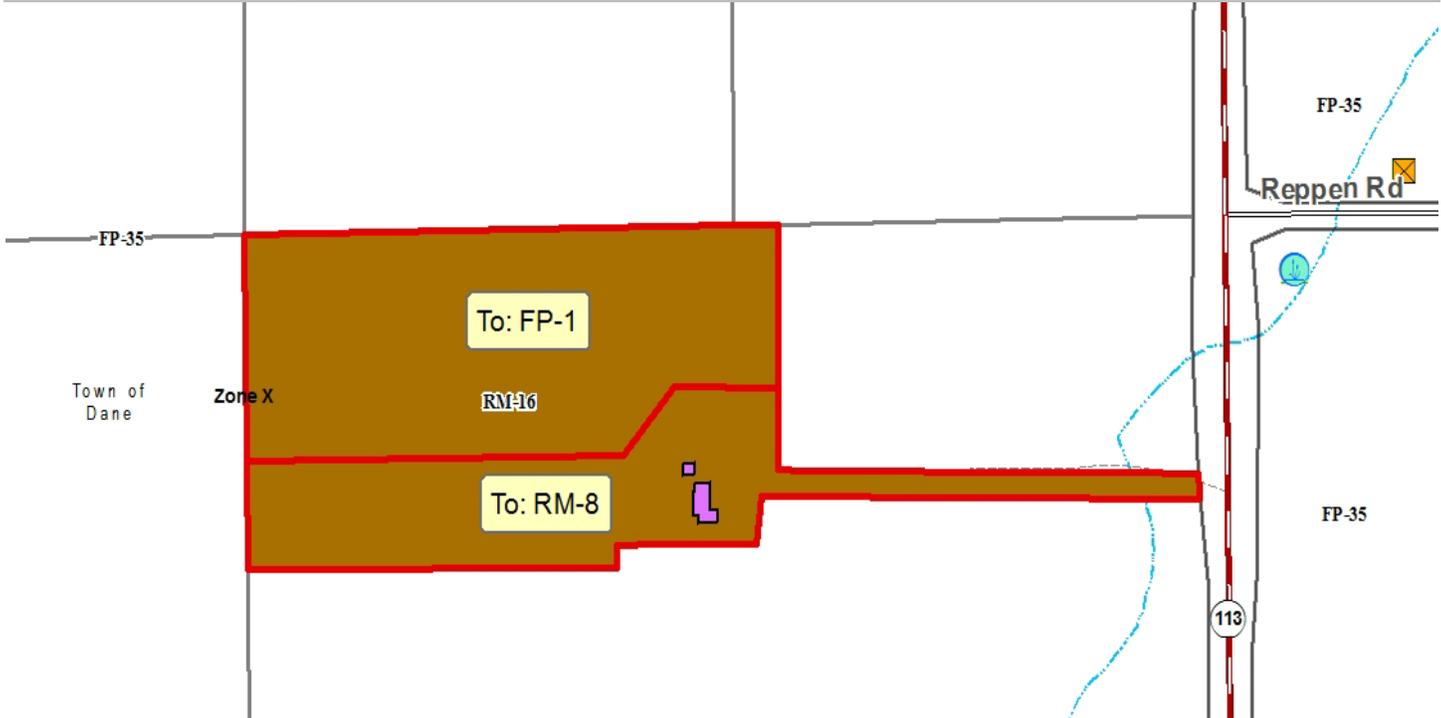


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>March 28, 2023</b>	<b>Petition 11928</b>	
	<i>Zoning Amendment Requested:</i> <b>RM-16 Rural Mixed-Use District TO RM-8 Rural Mixed-Use District and FP-1 Farmland Preservation District</b>	<i>Town/Section:</i> <b>DANE, Section 15</b>	
	<i>Size:</i> <b>11.02, 17.35 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant</i> <b>DOUGLAS and VICTORIA STATZ</b>
	<i>Reason for the request:</i> <b>Creating a residential lot for the existing residence and creating an agricultural lot.</b>		<i>Address:</i> <b>7437 STATE HWY 113</b>



**DESCRIPTION:** Doug and Victoria Statz propose to separate the existing residence from their farm, creating an 11-acre residential lot and a 17-acre agricultural lot so that the agricultural lot can be sold to the adjacent land owner to the north. The subject property is a 28-acre lot with RM-16 zoning, which was the result of combining two lots via certified survey map (CSM) in 2000. The proposal would return the land to its previous two-lot configuration, with RM-8 zoning on the residential lot and FP-1 zoning on the agricultural lot.

**OBSERVATIONS:** The proposed lots meet the zoning district requirements. The proposed FP-1 lot would not have frontage on a public road. The applicant has indicated that this parcel would be designated as unbuildable and a deed restriction could be recorded with the final CSM. The parcel being sold will be attached with other lands that have vehicular access and a variance from the ordinance requirement for 66 feet of road access will be requested as part of the land division. No change is proposed to the existing access on State Highway 113.

The property is within the Village of Dane’s extraterritorial jurisdiction for land division reviews.

**COMPREHENSIVE PLAN:** The proposal is in the agricultural preservation area of the Town of Dane Comprehensive Plan. Town of Dane has a density policy of 1 per 35 acres. As they are not creating another *residential* lot, this proposal is consistent with the policies in the Town and County Comprehensive Plans. (For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com))

**RESOURCE PROTECTION:** Resource protection corridors are mapped on the subject property, reflecting areas with steeper slopes. A mapped intermittent stream crosses the driveway near State Highway 113. Lands within 300 feet of this stream are included within the shoreland zoning district. No concerns due to no development proposed within the shoreland zone.

**MARCH 28<sup>TH</sup> ZLR MEETING:** The petition was postponed due to no town action.

**TOWN:** The Town Board approved the petition with no conditions.

**STAFF UPDATE:** The proposal meets the dimensional standards for the zoning districts and appears to be consistent with the Town Comprehensive Plan policies. The lot configuration has received a waiver at the March 28<sup>th</sup> ZLR Committee meeting to allow a lot to be created without frontage. During the public hearing, the adjacent landowner requested that the existing drive access easement be reflected on the certified survey map.

Staff recommends approval with one condition:

1. A certified survey map shall be recorded with the Register of Deeds. The certified survey map shall reflect the existing driveway access easement as defined under Register of Deeds document #3266066.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)