
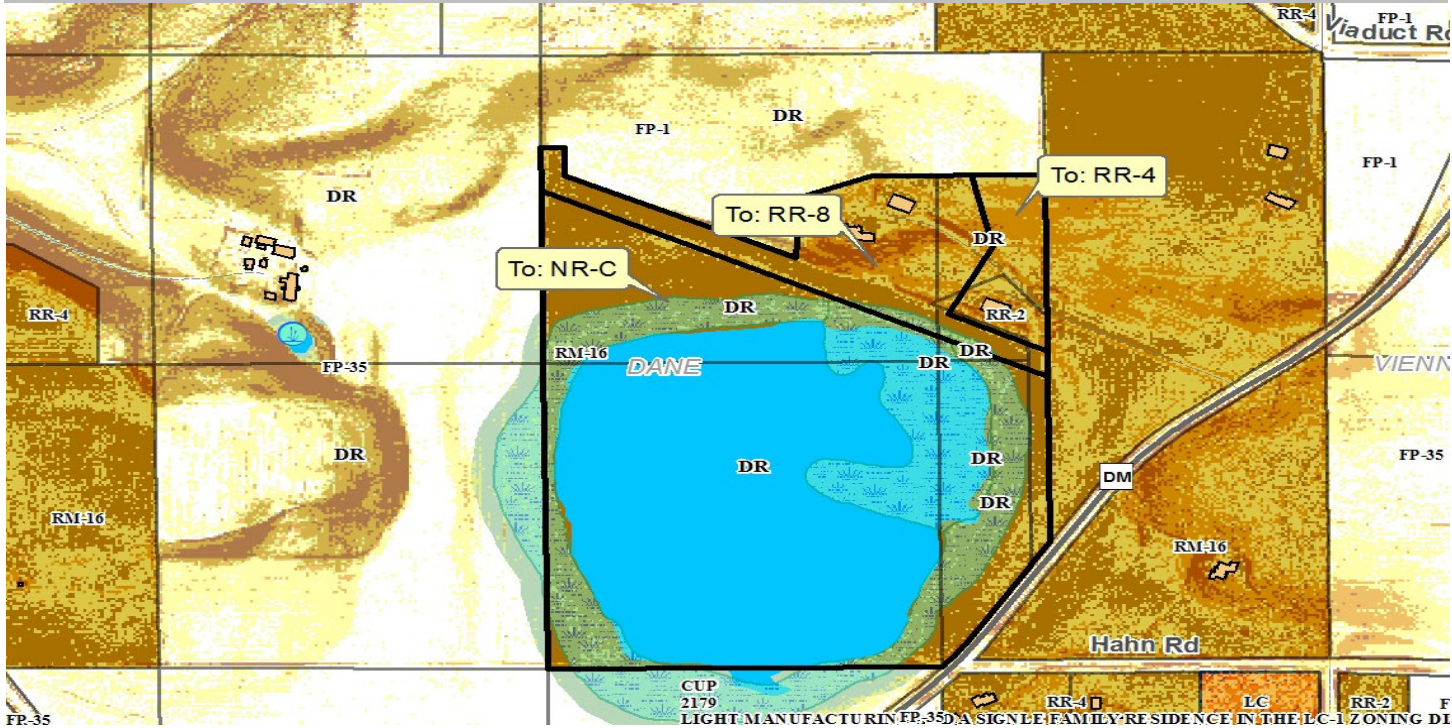


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>October 27, 2020</b>	<b>Petition 11602</b>	
	<i>Zoning Amendment Requested:</i> <b>RM-16 Rural Mixed-Use District TO NR-C Natural Resource Conservation District, RM-16 Rural Mixed-Use District TO RR-8 Rural Residential District, RR-2 Rural Residential District TO RR-4 Rural Residential District</b>		<i>Town/Section:</i> <b>DANE, Section 12</b>
	<i>Size:</i> <b>62.34,11.19,4.0 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant:</i> <b>RICHARD A EBERLE</b>
	<i>Reason for the request:</i> <b>creating a lot for an existing residence; reconfiguring an existing residential lot; assigning conservancy district to pond</b>		<i>Address:</i> <b>6354 COUNTY HIGHWAY DM</b>



**DESCRIPTION:** The applicant wants to reconfigure two existing lots, creating two residential lots and a conservancy lot.

**OBSERVATIONS:** The property’s current configuration was approved in 2016 as part of Rezone [11039](#). Rezone 11039 exhausted ALL the splits for the original farm, as a condition of the rezone, the property was deed restricted prohibiting: “further division of the property and further residential development on the proposed RH-4 zoned parcel are each prohibited.” The proposed RH-4 zone parcel is now the current RM-16 zoned parcel. The RR-2 property was also deed noticed so that the building would be used for only residential use. See attached the recorded deed restriction.

Rezone 11039 was initiated as the result of a violation by the owner around the use of an agricultural outbuilding that was actually found to be an unpermitted commercial use. That commercial building, with electricity, running water and plumbing is currently the residence on the existing RR-2 lot. Both lots currently have at least 66’ of road frontage as required by Chapter 75 DCCO. The reconfiguration would create 2 lots with no frontage at all. Only the conservancy lot would have lot frontage in this proposal.

**DANE COUNTY HIGHWAY DEPT:** CTH DM is not a controlled highway. No new accesses will be permitted to CTH DM. No significant increase of traffic expected due to rezone.

**TOWN PLAN:** The proposal is in the agricultural preservation district. The Town of Dane has a “one home per 35 acres” density policy. All splits were exhausted by Rezone 11039.

Town of Dane Comprehensive plan states: “Whenever a rezoning or other land use approval results in reaching the maximum number of dwelling units or other buildings available to the 1979 ownership parcel under the density provision of this section, the Town shall, as part of the rezoning or other approval, require that the balance of the subject parcel be deed restricted to prevent further development.”

**RESOURCE PROTECTION:** There is a pond and associated wetlands on the property.

**STAFF:** Staff recommends denial based on the Deed Restriction that was recorded by the owner as part of the last rezone. Additionally, the petition proposes 2 residential lots with no ROW access, in conflict with DCCO Chapter 75. Any questions about this petition or staff report please contact Curt Kodl (608)266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com)

**TOWN:** There has been no Town action as of 10/08/2020.

**UPDATE:** The applicant asked to be tabled at the December 2020 town board meeting. He was asked by the town board in December 2020 to submit all the final options and paperwork to the Town at their March town board meeting. He did not show for either the March or April meeting. The Town of Dane has no plans to take action at this time.