
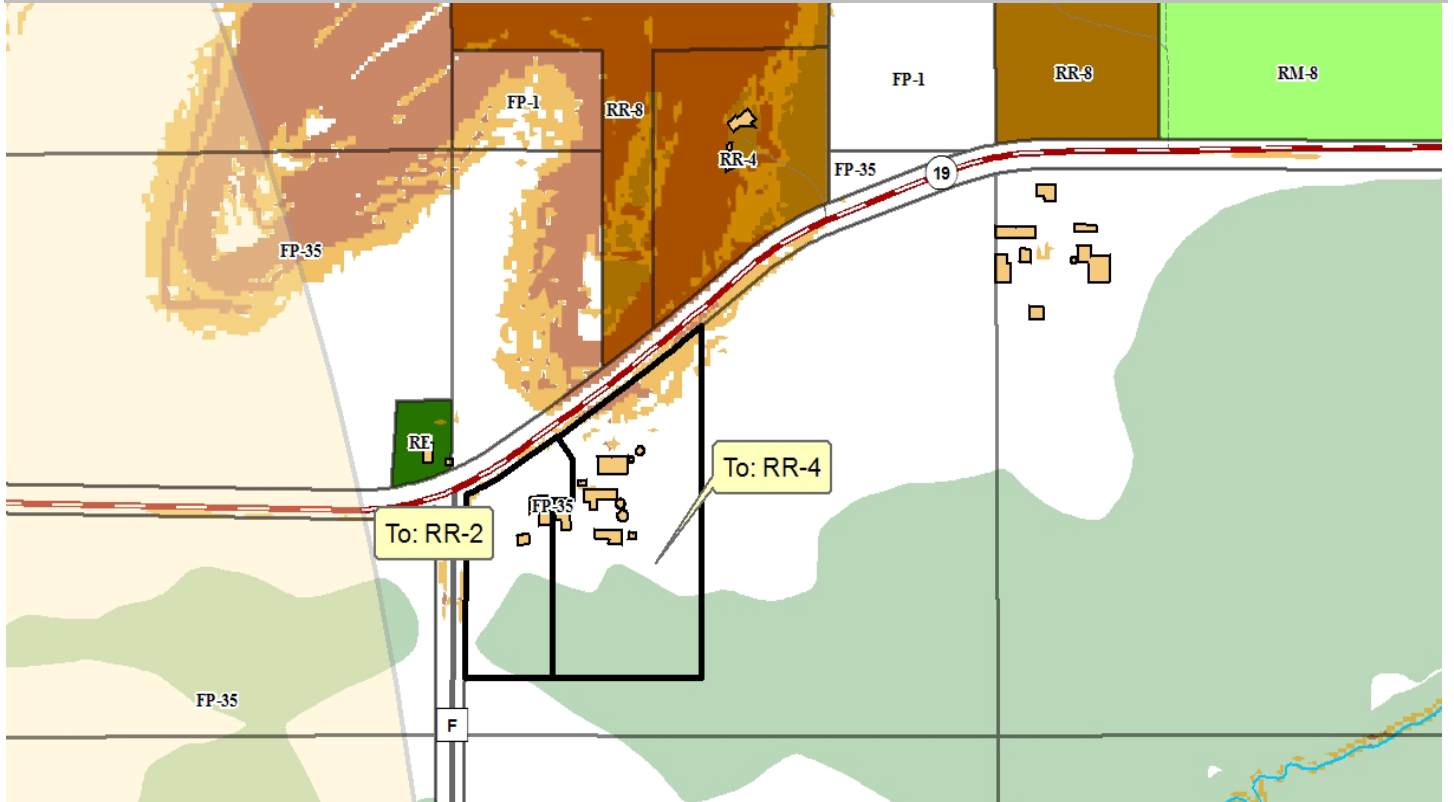


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>May 12, 2020</b>	<b>Petition 11526</b>	
	<i>Zoning Amendment Requested:</i> <b>FP-35 (General Farmland Preservation) District TO RR-2 (Rural Residential, 2 to 4 acres) District, FP-35 (General Farmland Preservation) District TO RR-4 (Rural Residential, 4 to 8 acres) District</b>		<i>Town/Section:</i> <b>MAZOMANIE, Section 12</b>
	<i>Size:</i> <b>2.33,5.32 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant</i> <b>BROCKMANN REV LIVING TR, CLEO I</b>
	<i>Reason for the request:</i> <b>Creating two residential lots</b> <b>AMENDED to One 8 acre TFR-08 lot with a detached accessory dwelling unit.</b>		<i>Address:</i> <b>9755 STATE HIGHWAY 19</b>



**DESCRIPTION:** The applicant would like to separate two residences from the working farmland and property to be purchase by Dane County (property north of Hwy 19) and private sale. The original proposal was two lots zoned RR-2/RR-4, without the ability to make any side yard setbacks. **THE PETITIONER AMENDED TO ONE TFR-08 LOT.**

**OBSERVATIONS:** This is an estate settlement with two homes, depicted in the below image, that have existed for quite a while on the same parcel (ortho evidence as far back as 1955). The two homes are separated by less than 15 feet, making setback impossible to meet for two separate lots. The applicant has agreed to **AMEND THE PETITION.** The new proposal is to create one TFR-08 CSM and zoning lot with primary residence and a “Detached Accessory Dwelling Unit.” (See inset picture to the right)

**SETBACK:** Residential zoning lots carry minimum 10’ setback from the side yards. In order to create legal conforming zoning lot on a legal parcel, the petitioner agreed to modify the rezone to TFR-08. This option would then create a single CSM lot with a primary residence and an “Accessory Dwelling Unit.” The Town’s and County’s setback issues would be resolved.



**TOWN PLAN:** The proposal is in the agricultural preservation district of the town's comprehensive plan. The amended proposal would be consistent with the Town's one home per 40 acres density policy. One home is "grandfathered" the other will count as an HDR or "split."

**DANE COUNTY HIGHWAY DEPT:** County Highway F is not a controlled access highway. No new access points from County Highway F will be permitted.

**RESOURCE PROTECTION:** Each proposed parcel has resource protection related to floodplains toward the south end of the intended boundaries; further development is not part of this proposal.

**STAFF:** Recommends changing the proposal to a single TFR-08 parcel that would be consistent with the Town's comprehensive plan and the use and size is consistent with the proposed zoning districts. Staff recommends the following deed restrictions/conditions.

1. Deed restrict the new lot against duplex uses.
2. As Dane County has purchased the last building right, deed restrict all remaining FP-35 property under Brockmann ownership against further development. (080611495002, 080611483300, and remnants of 080612385010)
3. Deed restrict the new lot against re-division, this rezone is meant to address the existing situation not create the opportunity for more homes than the Town would allow.

If you have any questions about this petition or staff report, please contact Curt Kodl (608)266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com).

**TOWN:** The Town Board approved the original petition with no conditions; the amendment will need to be sent back. The Town noted if the lots are sold separately, the buildings will be non-conforming lots that will not meet Town setback guidelines.

**UPDATE** The Town approved the modified petition on 4/13/2020.

