
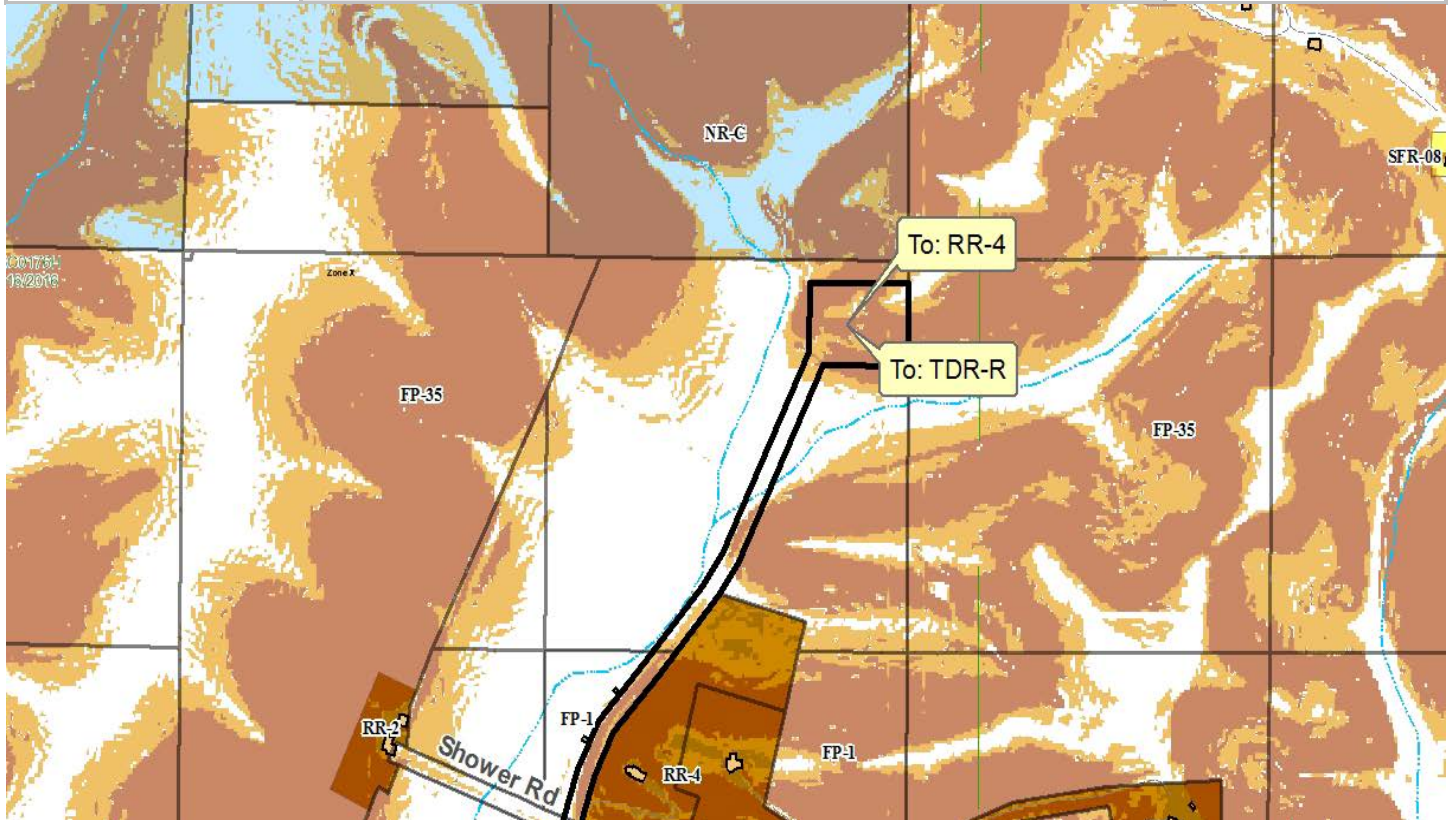


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> February 25, 2020		Petition 11516
	<i>Zoning Amendment Requested:</i> FP-35 (General Farmland Preservation) District TO RR-4 (Rural Residential, 4 to 8 acres) District; FP-35 (General Farmland Preservation) District TO TDR-R (Transfer of Development Rights Receiving Area) Overlay District; RR-4 Rural Residential, 4 to 8 acres) District TO TDR-S (Transfer of Development Rights Sending Area) Overlay District		<i>Town/Section:</i> MAZOMANIE, Section 25
	<i>Size:</i> 5.02,5.02,4.1 Acres	<i>Survey Required:</i> Yes	<i>Applicant</i> DENNIS R KIRCH
	<i>Reason for the request:</i> Creating one residential lot through a transfer of development rights		<i>Address:</i> NORTH OF 6612 SHOWER RD



DESCRIPTION: The applicant wishes to transfer a building right he retained from another property in the town of Mazomanie that he sold in 2012 to this property in order to create a new ~5 acre RR-4 residential parcel. The applicant retained the development right through a deed (ROD doc #4879415) when he sold the 4-acre property in 2012. The county’s TDR-R (Transfer of Development Rights Receiving) overlay zoning district would be assigned to the ~5 acre subject “receiving” property and the TDR-S (Transfer of Development Rights Sending) overlay zoning district would be assigned to the ~4 acre “sending” property located at 9916 Dunlap Hollow Road in section 2 of the town of Mazomanie.

OBSERVATIONS: This is a reapplication of Rezone Petition 10603/10523, in 2013, that was eventually (partially) denied by the ZLR. The difference of opinion were the rules surrounding development “site” vs a development “right”.

A building site has long been considered a parcel based ability to build (example: this parcel may be divided and a second house built) and is usually related to a single legal non-conforming parcel. A development right is a standard “one house per 40 acres” split that is generally available on most farms in Dane County and has no specific location yet. The County sees those two items as two distinct concepts and the Town of Mazomanie did not.

The Town of Mazomanie subsequently rewrote its comprehensive plan to help address this specific issue; all home sites are considered “development rights” by the Town now and are thereby transferable.

“A 4-acre parcel, existing and zoned A-1 Ag Exclusive with one existing residence as of March 29, 1979, is allowed one potential development right, in addition to the existing residence.”

Additionally, as a secondary issue, in 2013 the applicant had an unpermitted dwelling unit at that time that was identified as a violation. At least one new unpermitted building has been identified on the proposal site; it has been rectified by zoning staff.

As proposed, there is a roughly 1,800 foot long driveway off the end of a 4,500 foot long cul-de-sac. The Town has no limit to the length of driveway, although the plan discusses minimizing the visual impact of driveways.

TOWN PLAN: This property is in the agricultural preservation district of the town. The Town has a one home site per 40 acres density policy and a transfer of developments policy. Development rights are allowed to be transferred within the Town, provided the following Town conditions are met:

- 1. The parcel(s) from which the development right(s) are proposed to be transferred must clearly have a sufficient number of development rights remaining to transfer under the Town’s density policy.*
- 2. The overall development density of the parcel to which the development right is to be transferred shall not, following the transfer, exceed one per five contiguous acres (the minimum building site is still two acres, excluding road right-of-way).*
- 3. There is no limit to the number of development rights that can be transferred by one owner in a given time period. However, the Land Plan Commission and Town Board may place other restrictions on the transaction, including but not limited to, a cap on the number of development rights transferred to one location.*
- 4. The proposed building site should meet all siting guidelines in Section 10 of this Plan.*
- 5. Prior to the rezoning becoming effective, a deed restriction must be added to the deeds of all affected parcels (including appropriate March, 1979 parcels not directly included in the transfer), restricting further development to the extent that fair application of the density policy suggests.*

RESOURCE PROTECTION: There is a mapped intermittent stream, which has been determined to be non-navigable by zoning staff. There are some steeper slopes onsite but the Town does not prohibit building on them.

STAFF: The proposal as submitted is reasonably consistent with the Town’s Comprehensive Plan. The zoning district is consistent with the proposed size and use of the property. Staff recommends the following documents be recorded on the sending and receiving parcels in accordance with town plan policies and county TDR-R and TDR-S overlay zoning ordinance requirements:

1. A deed restriction shall be recorded on the 4.17 acre RR-4 / TDR-S zoned “sending property” (lot 1, Certified Survey Map #2807, tax parcel [0806-022-8430-0](#)) prohibiting division of the property.
2. A deed notice shall be recorded on the 5.02 acre RR-4 / TDR-R zoned “receiving property” (part of tax parcel [0906-254-9502-0](#)) indicating that a development right was transferred to the property.

Any questions about this petition or staff report please contact Curt Kodl at (608)266-4183 or kodl@countyofdane.com

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