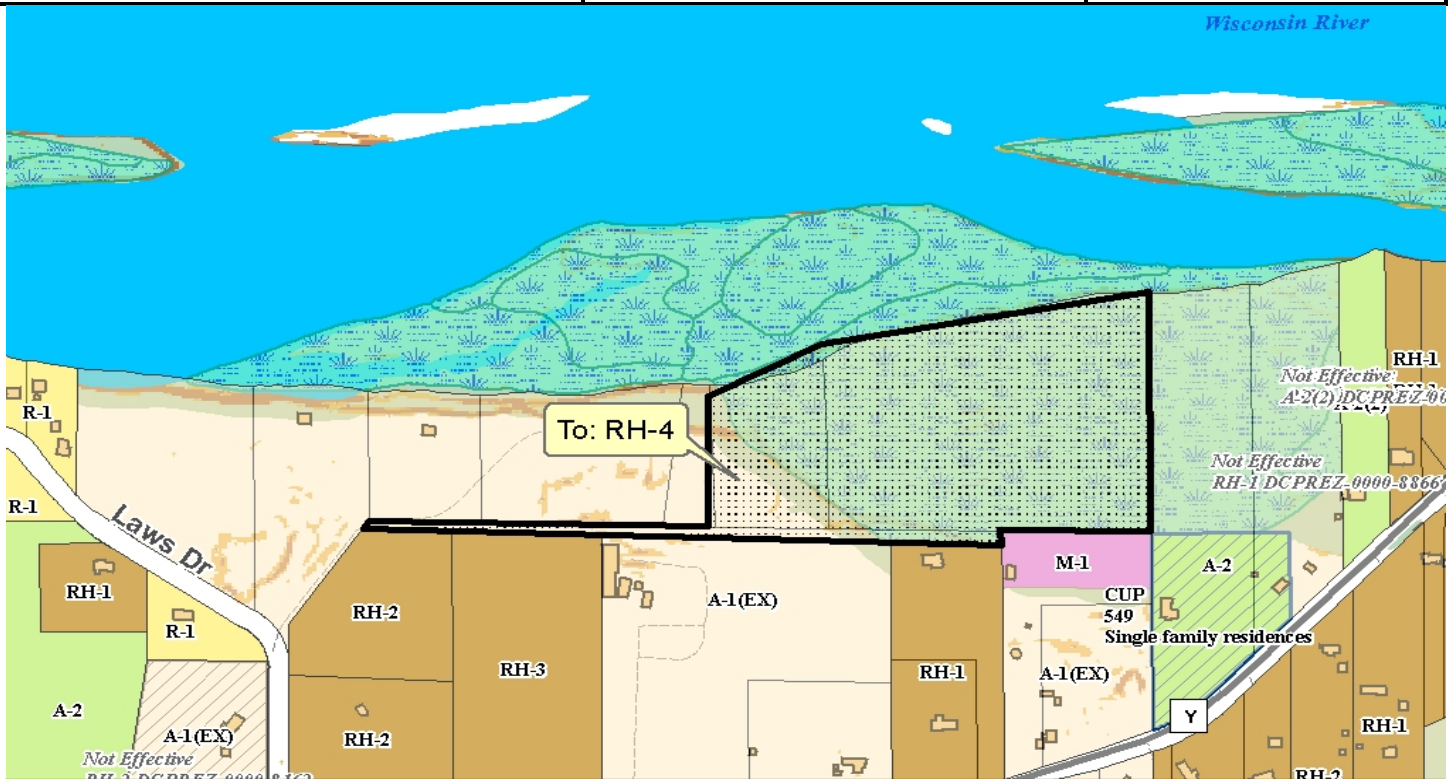




Staff Report

Zoning and Land Regulation Committee

<i>Public Hearing:</i> August 23, 2016	<i>Petition:</i> Rezone 11021
<i>Zoning Amendment:</i> A-1EX Exclusive Agriculture District to RH-4 Rural Homes District	<i>Town/sect:</i> Mazomanie Section 28
<i>Acres:</i> 22.02 <i>Survey Req. Yes</i>	<i>Applicant</i> Luetke REV TR, Arthur F
<i>Reason:</i> Creating one residential lot	<i>Location:</i> East of 10436 Laws Drive



DESCRIPTION: The petitioner, Andrew Stokes, would like to combine several parcels in order bring the property into conformance with zoning and land division regulations. The property was divided into illegal parcels and currently is in violation of County ordinances. No development may occur until the violations are corrected. If the property is consolidated into a previous configuration and rezoned, Mr. Stokes would be allowed to construct a single-family residence on the property.

OBSERVATIONS: The property is adjacent to the Wisconsin River. The majority of the lands is in the 100-year floodplain and contains wetlands. There is an intermittent stream that bisects the property. There is a small area on the west side of the property that may support the placement of a single-family residence. Currently, there is a small shed (400sq.ft.) located on the west side of the property. This original 22-acre parcel was created prior to the adoption of land division regulations (1970). Since then, the property was divided without a certified survey map instrument which violates the land division regulations. The property does not front on a public right-of-way. However, there is an established 33-foot access easement from Laws Drive, across the Heiden property, to the narrow strip on the west side of the property.

TOWN PLAN: The property is located in a Rural Development area with Environmental Constraints. The property will need to comply with the policies found in the Riverfront Residential Planning Area found in the Town's Comprehensive Plan.

RESOURCE PROTECTION: The majority of the property is in the Resource Protection Area due to the floodplain and wetlands. The wetland, floodplain, and ordinary high-water mark will need to be established prior to any development occurring on the property.

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Page 2, Petition 11021

STAFF: The only potential developable area on the property is contained within a 4.8-acre parcel that was separately created in 1972(western parcel). This portion was identified as being in violation of the Land Division Regulations as part of a parcel status determination conducted in 2011. See attached. Luetke purchased this 4.8-acre portion in 1982 to go along with his 18 acres to the east. The proposed rezone and CSM would bring all the associated parcels into 1 ownership/tax parcel, which would correct the land division violation and thus be eligible for the construction of a single-family residence.

Given that the corrective action requires a certified survey map, a land division waiver is required due to the property having an absence of frontage onto a public road.

If approved, Staff suggests deed restricting the property to prohibit further land divisions. In addition, Staff suggests that a delineated wetland boundary, floodplain boundary, and ordinary high water mark be required to be shown on the certified survey map.

TOWN: Approved contingent upon proof of an accepted offer to purchase and Town approval of a driveway permit.

8/23 ZLR meeting: The Committee postponed action due to public opposition, concerns on access, and development in close proximity to sensitive environmental features. Attorney Jessica Shrestha, representing Nancy Heiden, expressed concerns that the change to residential was not an appropriate use for the land and that recreational zoning would be more appropriate. Concerns were raised regarding compliance with wetland, floodplain, and shoreland regulations. Other neighboring property owners were opposed to the placement of a house on the property. Access to the home was unclear.

Staff Update: A letter was sent on August 26th to Andrew Stokes (proposed buyer) which identified specific items that would be needed in order to address the concerns of the public and the Committee members. See attached letter.