



# Notice of Public Hearing

Zoning and Land Regulation Committee

Public Hearing: **July 25, 2017**

Petition: **Petition 11143  
CUP 02380**

Zoning Amendment:  
**A-2 Agriculture District To A-2 (4)  
Agriculture District, A-2 to A-4  
Agriculture District, and A-2  
Agriculture District To LC-1  
Limited Commercial Dist**

Town/sect:  
**BLOOMING GROVE,  
Section 31**

Acres: 16.306,6.565,3.145  
Survey Req. Yes

Applicant  
**ROBERT J VAN  
DAALWYK**

Reason:  
**Creating one residential lot, and  
The CUP is for a SINGLE FAMILY  
RESIDENCE**

Location:  
**3424 LAKE FARM RD**



**DESCRIPTION:** Currently the subject property is zoned A-2 and LC-1. The current use includes a residence (original farmhouse) lived in by the property owner, and a barn/garage that houses a roofing and siding small contractor business. The site includes a gravel area north of the garage for outdoor storage and dumpsters used by the business, and there is a small parking area located in front of the barn that serves as parking for the one employee coming to the site.

As part of the proposal, the applicant wishes to subdivide the property into 3 parcels to be rezoned as follows:

- 1) 16 acre parcel from A-2 to A-4 (ag preservation district),
- 2) 6.5 acre parcel from A-2 to A-2(4) for the construction of a single family residence, and
- 3) 2.8 acre lot from A-2 to LC-1 with a CUP to allow a single family residence in LC-1 zoning.

The existing use of the LC-1 will continue with a CUP for a single family residence allowing the owner to continue living in the house. No new development or construction will occur at this site. The applicant is proposing construction of a new residence on the A-2(4) parcel where he will eventually live. Once this residence is constructed, the home were he is currently living on the LC-1 parcel will be used solely as an office for the business.

**OBSERVATIONS:** The subject property is located just south of Dane County Parks and WisDNR owned land. It is in a portion of the town, west of Lake Waubesa and Mud Lake, that is nearly surrounded by the City of Madison, and it is within the city's Extra Territorial Jurisdiction (ETJ) boundary. As a general rule, the city allows for creation of one residential lot without requiring the full city development review process.

**TOWN PLAN:** The subject property is in the *Environmental Conservancy* and *Neighborhood Residential* land use districts. Creation of one lot for a residence, rezoning to bring the existing business into compliance, and the remaining lot zoned to A-4 district that does not allow further development, fits the intent of the plan. A density study is not required because the property is not in the *Agricultural Preservation* land use district of the town plan.

**RESOURCE PROTECTION:** There are no mapped wetlands on the property, but hydric soils do exist on a portion of the property. The area of hydric soils is located within the lot that will be rezoned to A-4 which does not allow development.

**STAFF:** The proposal is consistent with the town and county comprehensive plans, and with recommended conditions, is acceptable for the City of Madison as it relates to their long-term planning including how it relates to ultimate annexation of the town. In addition to the condition requested in the town action report, staff recommends a condition stating that after the owner moves into the new residence, the house on the LC-1 parcel can only be used for activities related to the business.

**TOWN:** the town approved the rezoning and conditional use permit, with conditions. Approval is subject to the following condition:

Deed restriction limiting uses to allow only contractor businesses, transportation businesses, building trade businesses, and landscaping operations. (This is the same restriction The City of Madison recommended)