



Staff Report

Zoning and Land Regulation Committee

NOTE: Petition revised. The proposed residential lot was reduced in size and reconfigured.

Public Hearing: **October 25, 2016**

Petition: **Rezone 11047**

Zoning Amendment:

**A-1EX Agriculture District and
RH-1 Rural Homes District to A-4
Small lot Agriculture District RH-1
Rural Homes District to RH-2
Rural Homes District**

Town/sect:

**Dunn
Section 01**

Acres: 1.4, 32, 1.7
Survey Req. Yes

Applicant

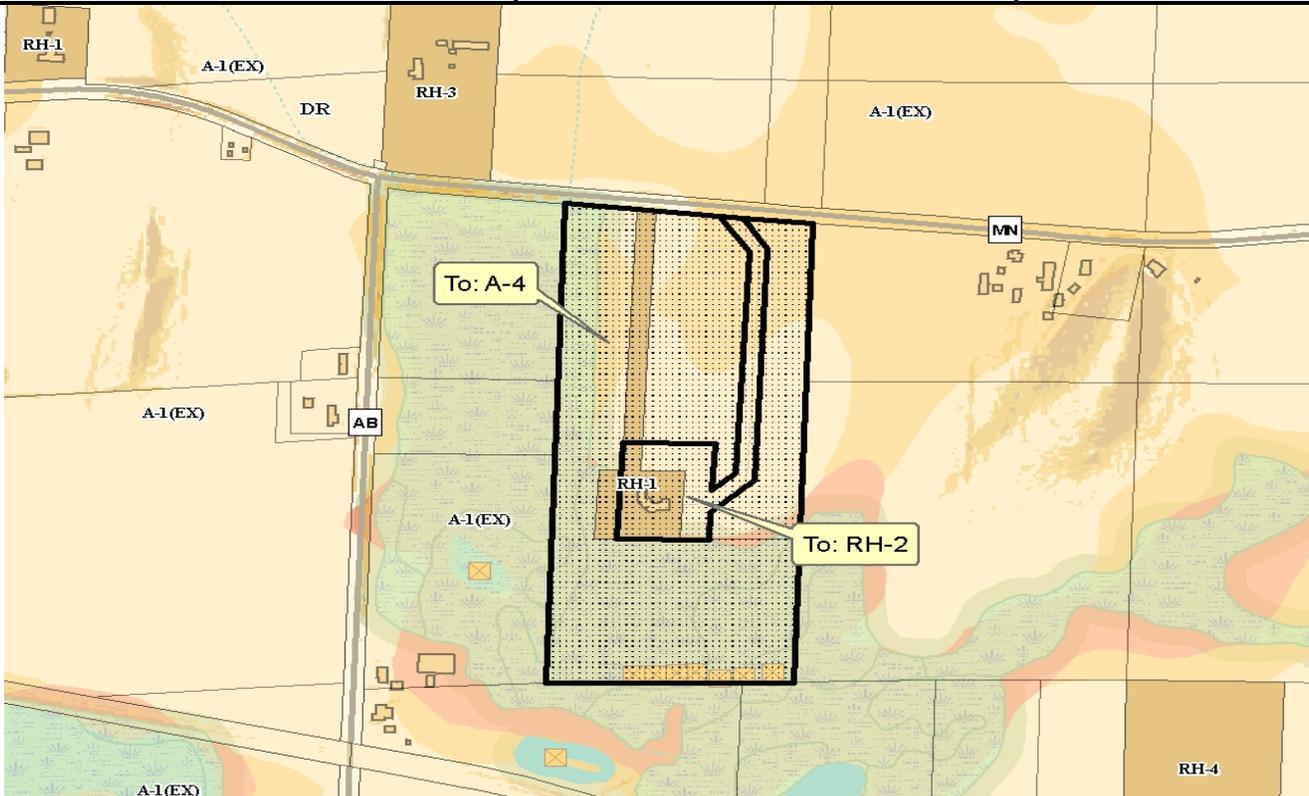
Thomas M Anderson

Reason:

**Zoning compliance for existing
uses**

Location:

**3393 County Highway
MN**



DESCRIPTION: The zoning petition has been submitted in order to correct a pending violation. In July 2016, it was reported that a 36'x72' residential accessory building was constructed in the A-1Ex zoning district area without a zoning permit. The shed in fact was constructed on the adjacent property owned by Correll, but partially owned by Anderson. The reconfiguration of the residential lot will place the newly constructed residential shed on the lot with the house. The lot is also being reconfigured to contain the actual driveway. The zoning permit has been placed on hold pending the outcome of the zoning petition.

OBSERVATIONS: The property was rezoned in 1999 under Zoning petition #7539 to create the residential lot. A house was constructed in 2000. There is an established tree nursery on the surrounding lands. There are wetlands present along the south and west sides of the property. The majority of the property on the site contains Class II soils. A deed restriction was placed on the property in 1999 to prohibit further residential due to the housing density rights being exhausted on the original 88-acre Anderson farm. See density study.

COUNTY HIGHWAY DEPT: County Highway MN is not a controlled access highway. No new access permitted due to rezone.

TOWN PLAN: The property is located in the Agricultural Transitional Area. The plan shows this area potentially being in the Village of McFarland Urban Service Area. There will be no increase of density as part of this petition. The property is currently deed restricted to prohibit further residential development under ROD doc #3156050.

Petition 11047 Continued

RESOURCE PROTECTION: The south and west portions of the property are located in the resource protection area due to the identified wetlands. All structures shall maintain a 75-foot setback from the wetland boundary.

10/25 ZLR: The petition was postponed due to no town action.

STAFF UPDATE: The petition was revised to reduce the size of Anderson's residential property in order for the Correll property to be over 35 acres in size, thus negating the need for the A-4 Zoning District. The lands around the residential property will remain A-1EX Exclusive Agriculture.

TOWN: Approved with the following amendment:

1. The petition shall be amended to assign the zoning district classification of RH-2 to the newly reconfigured 4.78-acre residential lot, The lands around the residential lot, shall retain the zoning district classification of A-1EX Exclusive Agriculture.