



Staff Report

Public Hearing: **June 26, 2018**

Petition: **Petition 11288**

Zoning Amendment:
**RH-4 Rural Homes District TO
RH-3 Rural Homes District, RH-4
Rural Homes District TO A-4
Agriculture District**

Town/sect:
**BLACK EARTH,
Section 20**

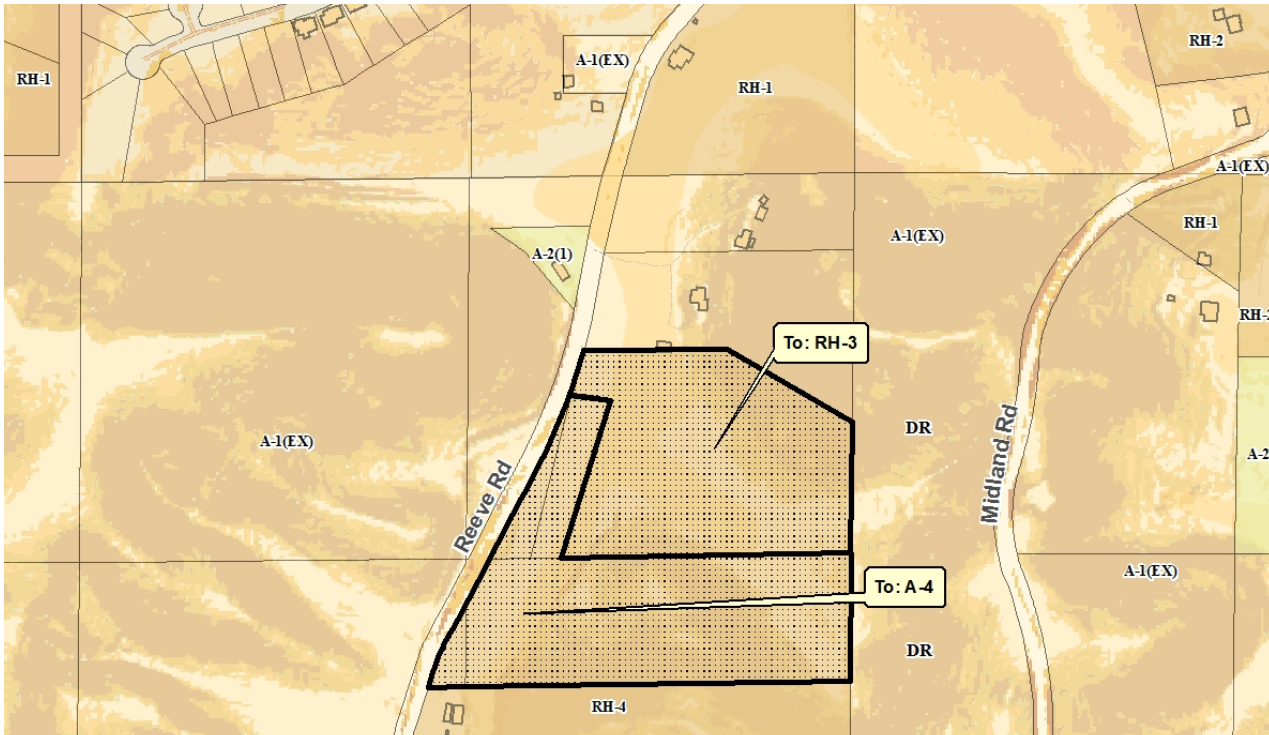
Acres: 13.63, 16.73
Survey Req. Yes

Applicant
JEAN M MITCHELL

Reason:
DIVIDING EXISTING PARCEL

Location:
**SOUTH OF 5578
REEVE ROAD**

Zoning and Land Regulation Committee



DESCRIPTION: The applicant is requesting to divide an existing RH-4 lot into an A-4 lot and a RH-3 lot for sale to an interested 3rd party.

OBSERVATIONS: The parcel is currently vacant. The applicant has claimed that there are separate properties that would allow two home sites to be created on the property. Investigation revealed that all portions of the property were consolidated in 1990 by deed. This consolidation is supported by Zoning Petition #4672 which rezoned the entire area to RH-4. If there were separate lots, each area would have been zoned accordingly at that time.

TOWN PLAN: The property is in the agricultural preservation area of the town plan. Residential development is limited to one home per 35 acres under the Town of Black Earth Comprehensive Plan, see the attached Density Study. No additional new housing sites are proposed at this time. A previous attempt to create 2 building sites in 2015 was denied/withdrawn as it exceeded the Town's 1 per 35 policies. (see Zoning Petition #10839)

RESOURCE PROTECTION: There are some resource protection corridors onsite related to the steep slopes but the large lot should yield enough area for residential development.

STAFF: The proposal meets the dimensional standards of the zoning district. However, it appears that the division of land does not have any other purpose or than creating a second lot. Staff is concerned that there may be future efforts to use the A-4 lot for residential purposes which would conflict with Town density policies. Staff suggests that the landowner record a deed restriction on the second lot to prohibit residential use and prohibit the construction of buildings on the property.

TOWN: The Town Board approved 13.6 acres to RH-3 and 16.7 acres to A-4 prohibiting residential development.