



Staff Report

Public Hearing: **April 29, 2013**

Petition: **CUP 2268**

Zoning Amendment:
A-1EX Exclusive Agriculture District to A-1EX Exclusive Agriculture District

Town/sect:
Montrose Section 11

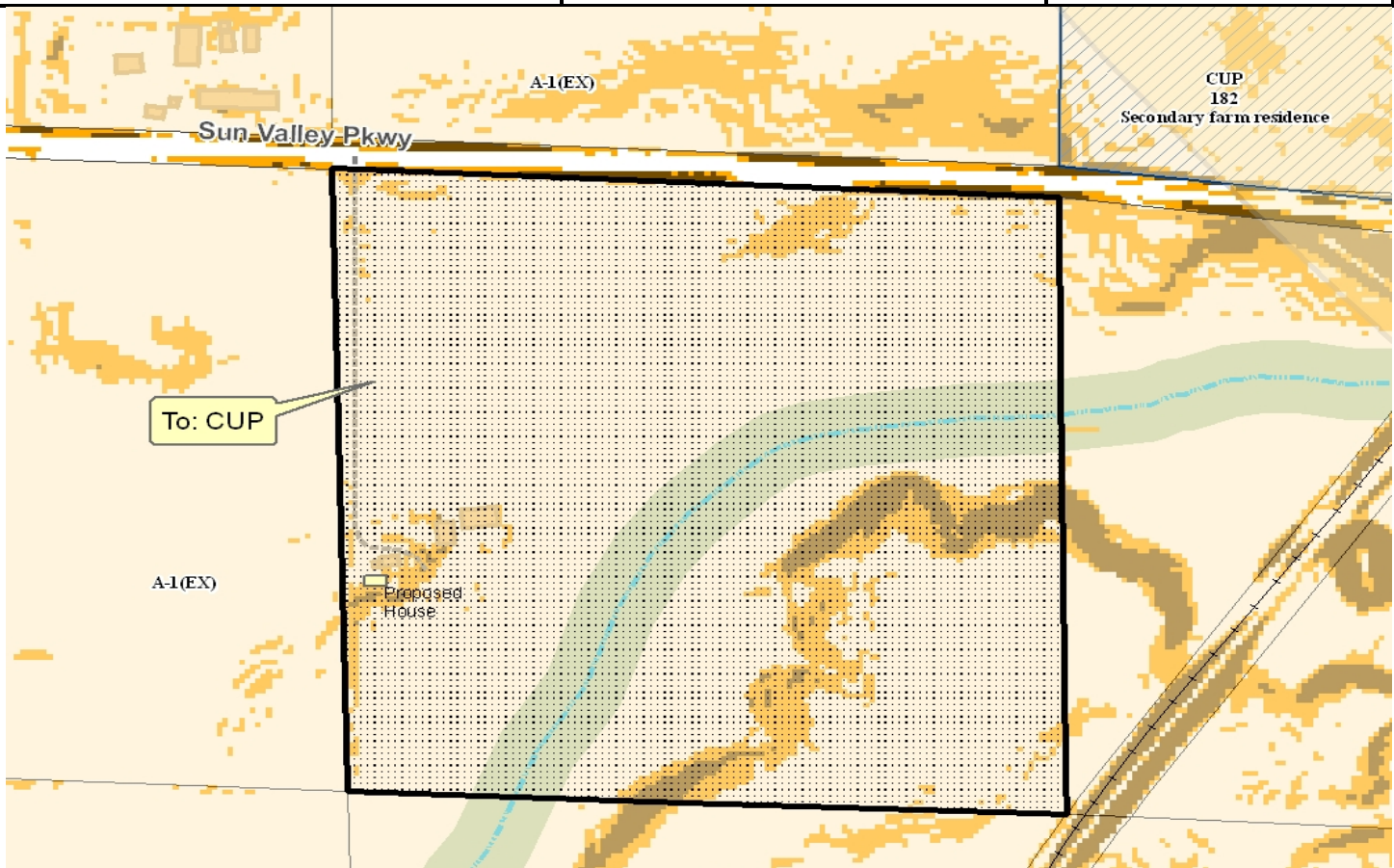
Acres: 39
Survey Req. No

Applicant
Harold and Jean Eichelkraut

Reason:
Secondary residence for owner/operator of a farm

Location:
Southeast of 6742 Sun Valley Pkwy

Zoning and Land Regulation Committee



DESCRIPTION: The Eichelkraut Dairy Farm would like to construct a secondary farm house. The new house will be used for the Eichelkrauts' and the existing residence will be used by their son in preparation for the business to be handed down to the next generation (4th).

OBSERVATIONS: The property is part of the 246-acre farm. The dairy operation is located just north of Sun Valley Parkway. There is an existing barn and stable on this portion of the farm. The proposed home location is located outside the Class I and II present in the area. The proposed home is located in an area of less than 12% grade. There is a drainage way that runs across the property. In an initial review, the water way does not appear to be navigable. If found not to be navigable, the development would not be subject to Shoreland Regulations.

TOWN PLAN: In Farmland Preservation, 1:35-acre density policy applies to all residences, including secondary farm residences.

RESOURCE PROTECTION: Stream channel flows through the center of the property. Shoreland zoning, including setbacks, impervious surface limits and shoreland erosion control may apply. New construction and driveways should avoid resource protection corridors.

STAFF: If approved, Staff suggests placing a deed restriction on the property identifying requirement of a secondary farm residence as noted in Dane County Code of Ordinances Section 10.123 (4)

TOWN: Approved with no conditions.

Proposed Conditional Use Permit # 2268

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. A deed restriction shall be recorded with the Dane County Register of Deeds identifying the limitations of the residence being used specifically for the farming operation. The restriction will require that a certified survey map be approved and appropriate zoning be acquired, if the residence is ever separated from the from the 246-acre farm.
2. The residence may only be occupied by parents or children of the farm owner.
3. Rental of the residence to persons other than family members shall be considered a violation of this conditional use permit and will render the permit null and void.
4. The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd party.

Proposed Deed Restriction Language

1. Pursuant to approval of Conditional Use Permit (CUP) #2268 for a secondary residence for a farm owner and operator in the A-1EX district, CUP #2268 shall expire upon sale of the property by Eichelkrauts, to an unrelated 3rd party.
2. The residence located on the property shall only be used by a member of the farm owner's family or the farm owner. Notice is hereby given that the county zoning committee may revoke CUP #2268 if the use is found to be in violation of the requirements of a secondary farm residence per section 10.123 Dane County Code of Ordinances.
3. The farm owner shall continue to meet the substantial farm income requirements. Notice is hereby given that the county zoning committee may revoke CUP #2268 if the use of the residence is found to be in violation of requirements of a secondary farm residence per section 10.123 Dane County Code of Ordinances.
4. Pending the sale of the property to an unrelated third party or revocation of CUP #2268, a new Conditional Use Permit shall be obtained from Dane County or the property shall be rezoned through the Dane County zoning map amendment process.