
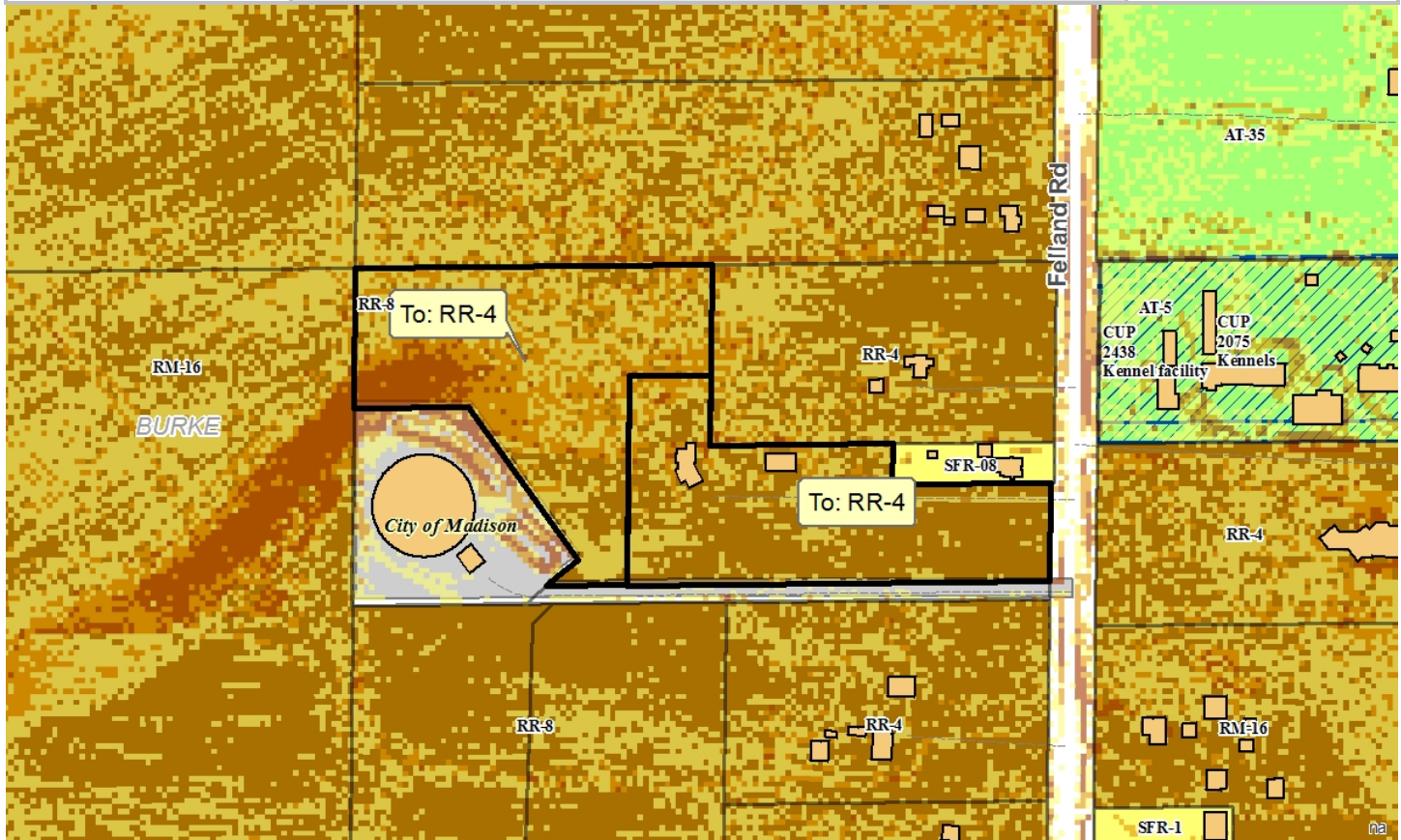


Staff Report Updated 9/13/21  Zoning and Land Regulation Committee	Public Hearing: October 27, 2020	Petition 11596	
	Zoning Amendment Requested: RR-8 Rural Residential District TO RR-4 Rural Residential District	Town/Section: BURKE, Section 35	
	Size: 9.46 Acres	Survey Required. Yes	Applicant DIANA M NELSON
	Reason for the request: Division of an existing residential lot to create two smaller lots		Address: 4927 FELLAND ROAD



DESCRIPTION: Applicant is proposing to subdivide an existing ~9.5 acre RR-8 (Rural Residential) parcel to create a new 5 acre RR-4 zoned lot for future development. The applicant’s existing residence would be separated onto proposed lot 1, totaling 4.46 acres and also zoned RR-4. The petition would result in the creation of one new residential building site.

OBSERVATIONS: Current land use of the property is rural residential. Surrounding land uses are rural residential, open space, and a city of Madison water reservoir (adjoining property). There are areas of steep slope topography along the property line with the city water tower. The proposed new RR-4 residential lot will not have direct access onto Felland Road but rather would be accessed by the existing driveway serving the city of Madison water reservoir. A variance is requested from the 66’ of road frontage requirement for the 5 acre proposed lot 2.

TOWN PLAN: The property is located in the town’s Low Density residential planning area. A small portion of the property appears to also fall within the town’s Medium Density residential planning area. The town has a cooperative plan with the city of Madison and village of DeForest. The subject property is in the boundary adjustment area that will become part of the city of Madison in fall of 2036.

RESOURCE PROTECTION: A small area of resource protection corridor associated with steep slopes exceeding 20% grade are located on the proposed 5 acre new building site (lot 2).

STAFF: The proposed land division appears to qualify for the lot split exemption in the city of Madison / Burke / DeForest cooperative plan, whereby owners of land over 5 acres are eligible to subdivide the property to create one additional residential lot.

As submitted, the proposal would require a variance from the 66' of frontage for the westerly 5 acre lot 2. The Nelson property has an existing access easement and agreement with the city of Madison. The easement allows pedestrian and vehicular access via the driveway servicing the city water reservoir to parcels owned by Nelson lying north and south of the city parcel.

STAFF UPDATE: This petition was postponed by the ZLR Committee at the October 27, 2020 public hearing due to no town action. Since that time a number of issues have arisen with the proposal, including discovery of a zoning violation on the property and the applicant being unable to come to an agreement with the city of Madison regarding use of the city driveway for the new parcel being created. The zoning violation involved use of an outbuilding as a dwelling and has been resolved.

The initial plan use of the city of Madison water utility driveway has been scrapped after the applicant balked at a city requirement that would prohibit building on the new parcel within a 400' diameter around the water reservoir. The applicant now proposes to share the existing driveway serving the subject property at 4927 Felland Road. Note that the committee approved a waiver from the 66' of frontage requirement for the new parcel at its meeting on October 27, 2020.

The town has approved the petition with several conditions. Staff recommends approval of the petition with the town conditions:

1. Owner shall present a final driveway access easement agreement acceptable to the town attorney by November 16, 2021.
2. Owner shall pay in full all outstanding monies owed to the town and incurred in the review and action on the CSM by November 16, 2021.
3. Failure to comply with the aforementioned conditions by November 16, 2021 shall render the petition null and void.

Any questions about this petition or staff report, please contact Majid Allan – allan@countyofdane.com / 608-720-0167.

TOWN: Approved with conditions.

