



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **November 24, 2015**

Zoning Amendment:
None

Acres: 40
Survey Req. No

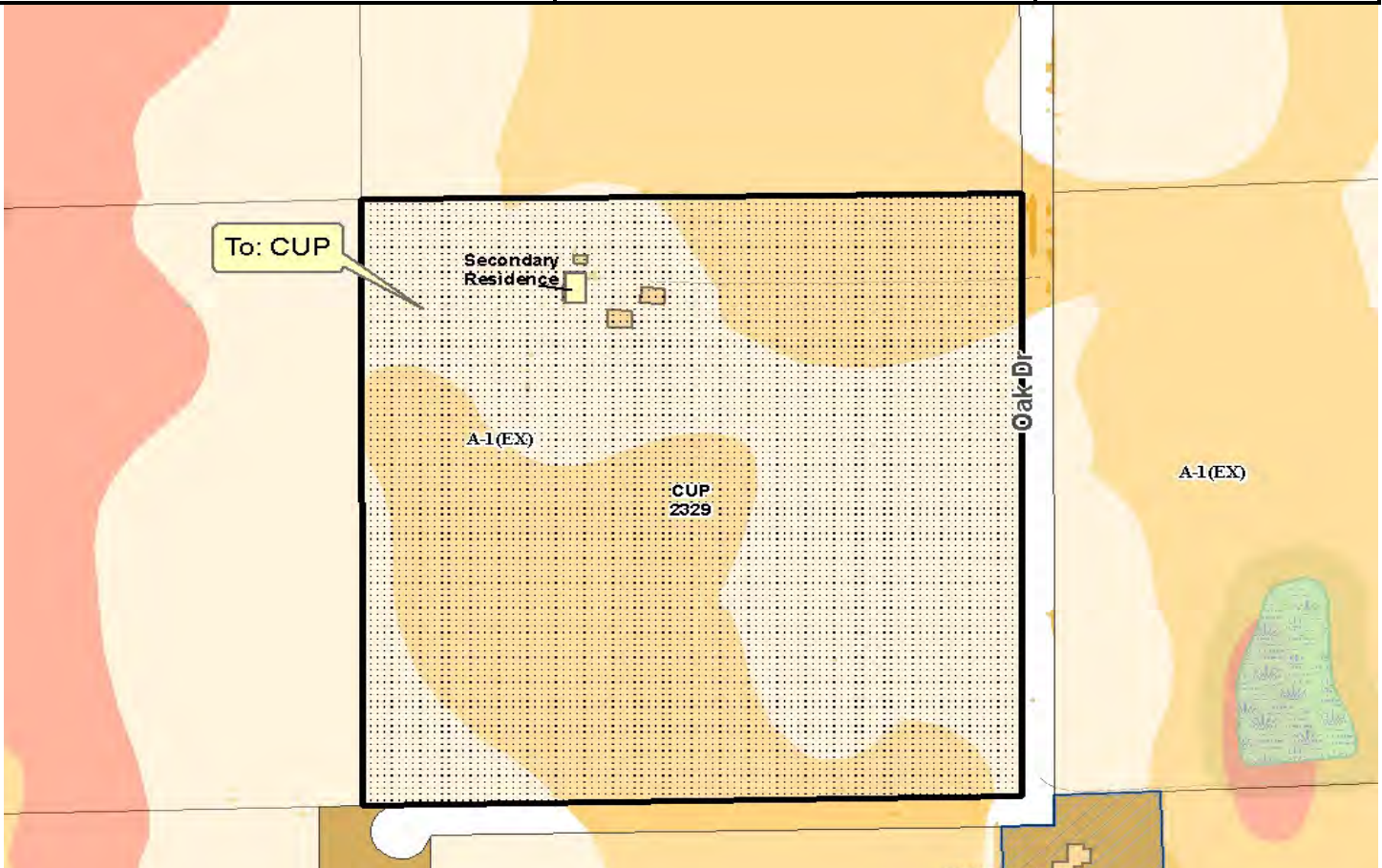
Reason:
Secondary farm residence for a family member

Petition: **CUP 2329**

Town/sect:
**Albion
Section 19**

Applicant
Gary Trulson

Location:
727 Oak Drive



DESCRIPTION: Applicant requests approval of a conditional use permit for a secondary farm residence for a family member. New residence will be built on the site of a former barn.

OBSERVATIONS: No significant environmental features observed. Subject property consists of 75% Class II soils and 5% Class I soils.

TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: No resource protection corridors located on the property.

STAFF: The proposal appears consistent with town plan policies. As indicated on the attached density study report, the property remains eligible for 3 possible splits. The town counts new farm residences as a split toward the density limitation. If the petition is approved, 2 possible splits will remain available.

Staff has recommended standard conditions of approval as specified under section 10.123 of the zoning code (see page 2 of staff report).

11/24 ZLR: Postponed due to no representation.

TOWN: Approved with no conditions.

Proposed Conditional Use Permit # 2329

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 notice shall be recorded with the Dane County Register of Deeds indicating that any violation of the provisions of section 10.123(4), regarding farm residences in the A-1EX district, will result in revocation of this conditional use permit and require that a certified survey map be approved and appropriate zoning be acquired. The deed notice shall be recorded within 90 days of the effective date of approval.
2. The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd party.

NOTICE

WHEREAS, **DANE COUNTY**, in accordance with sections 10.123(4) of the Dane County Code of Ordinances, and pursuant to approval of Conditional Use Permit (CUP) #2329 for a secondary residence for the farm owner and operator in the A-1EX district, hereby gives notice that CUP #2329 shall expire upon sale of the property by Gary Trulson to an unrelated 3rd party. Notice is also hereby given that the county zoning committee may revoke CUP #2329 if the use is found to be in violation of the substantial farm income requirement in section 10.123(11) Dane County Code of Ordinances. The land is described as follows:

The Southeast ¼ of the Northeast ¼ of Section 19, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin

Recording area

Name and return address:

Gary Trulson
727 Oak Drive
Edgerton, WI 53534

0512-191-9500-2

PARCEL IDENTIFICATION NUMBER(S)

This Notice provides information regarding the status of Dane County Conditional Use Permit #2329, which permits a secondary residence for the farm owner and operator on the property described above, upon sale of the property to an unrelated 3rd party or in the event the conditional use is found to be in violation of the substantial farm income provision of the Dane County zoning ordinance.

Upon approval of the appropriate governmental unit(s), cancellation of this Notice may be accomplished by filing a **Cancellation of Notice** form with the Dane County Register of Deeds Office. The Cancellation of Notice form is available from the Planning & Development office and requires the following:

- 1) Signature of the County/Town official listed on the original Notice, or an equivalent office-holder.
- 2) Reference document number of original Notice.
- 3) Legal description of property.
- 4) Explanation of reason for cancellation.

Signature of County/Town official

Date

Name printed

Title

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

Signature of notary or other person authorized to administer an oath _____
(as per s. 706.06, 706.07)

Print or type name: _____

Title _____ Date commission expires: _____

This document was drafted by:
(print or type name below)

Dane County Zoning Administrator

*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001