



# Staff Report

Zoning and Land Regulation  
Committee

Public Hearing: **December 18, 2018**

Petition: **Petition 11370  
CUP 02446**

Zoning Amendment:  
**A-1EX Agriculture District and R-1  
Residence District to A-2  
Agriculture District**

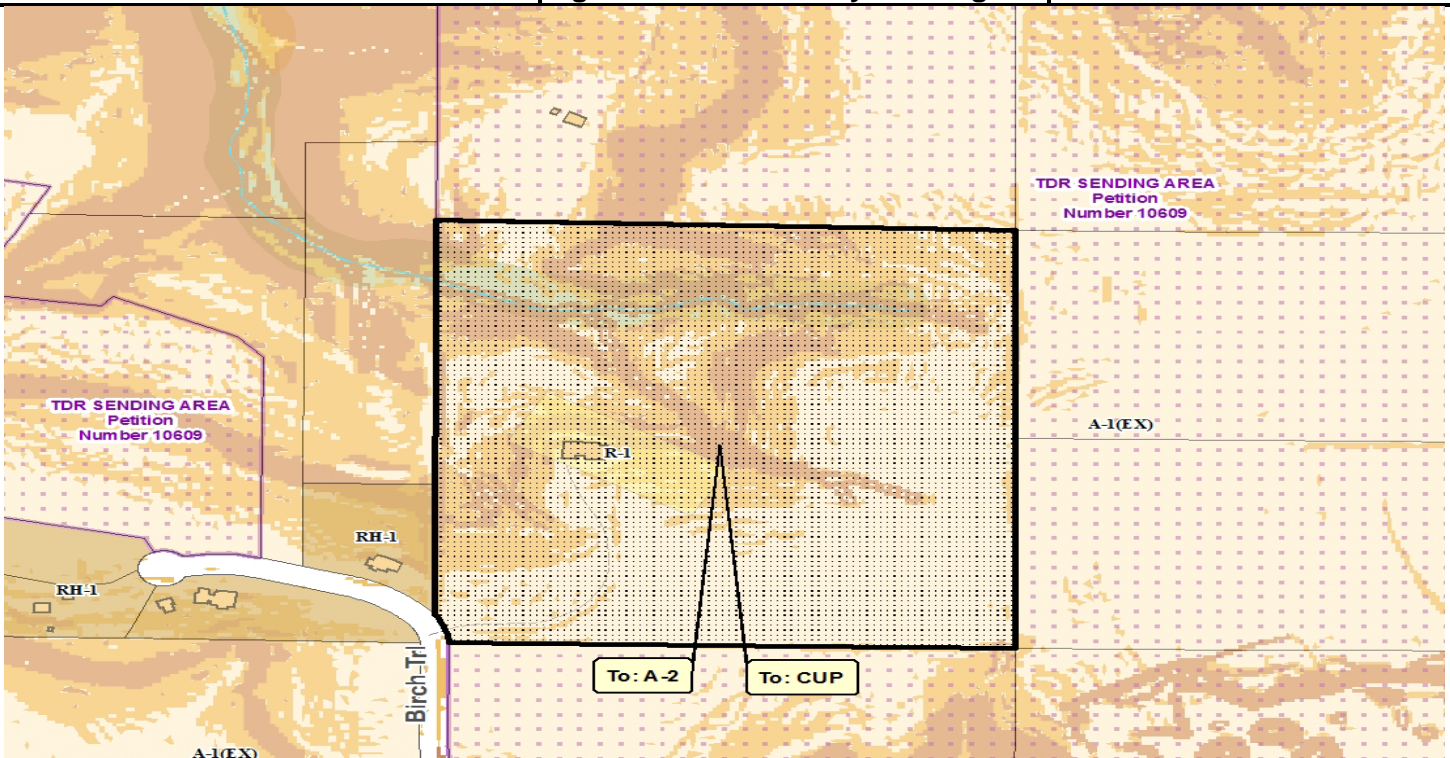
Town/Section:  
**Cross Plains, Section 24**

Acres: 38,2  
Survey Required: No

Applicant  
**Petersen Revocable Trust,  
Daniel and Sandra**

Reason:  
**Change zoning to allow sanitary  
fixtures in an accessory building  
CUP: plumbing fixtures in an  
agricultural accessory building**

Location:  
**3888 Birch Trail**



**DESCRIPTION:** The landowner seeks to combine an existing 2-acre zoning parcel with approximately 36 acres of surrounding land to create a new 38-acre parcel in the A-2 Agriculture zoning district. The existing residence will be razed to make way for a new home and a personal workshop. The landowner is also applying for a conditional use permit to allow for sanitary facilities in the workshop building.

**OBSERVATIONS:** The northwestern two-thirds of the site is steeply sloped and densely wooded. There is an existing home on the R-1 parcel. The balance of the property is in cropland. No new homesite will be created with this petition.

**TOWN PLAN:** The property is in a Farmland Preservation Area in the Town of Cross Plains / Dane County Comprehensive Plan. Nonfarm residential development is capped at a density of one unit per 35 acres as of 12/26/1981. The plan requires that "nonfarm zoning parcels shall be the minimum size necessary to accommodate the proposed use."

**RESOURCE PROTECTION:** An intermittent stream, presumably navigable, crosses the property more than 300 feet from the existing home.

**STAFF:** Note that the A-2 Agriculture district has a minimum lot size of 16 acres. If unrestricted, the proposed 38-acre A-2 lot could be divided without further zoning approvals. In light of the town plan language above and to minimize the size of the nonfarm zoning parcel, the landowner could consider recording a 2-lot CSM to define a smaller zoning parcel, perhaps 16 acres or less, for the home and workshop. The balance of the farm could be rezoned to the A-4 Agriculture zoning district. Alternatively, the proposed 38-acre A-2 zoning parcel could be deed restricted to prohibit further division. (Please see page 2 below for proposed conditions).

**TOWN:** The Town Board approved both the rezone petition and CUP with no conditions.

## POTENTIAL CONDITIONS:

*Rezone Petition.* Depending on which of the two options presented above under the Staff comments is preferred, ZLR may consider one of the following two conditions for the rezone petition:

1. The proposed 38-acre A-2 zoning parcel should be deed restricted to prohibit further division.

OR

2. To minimize the size of the nonfarm zoning parcel, the landowner should record a 2-lot CSM to define a smaller zoning parcel, perhaps 16 acres or less, for the home and workshop, and the balance of the farm should be rezoned to the A-4 Agriculture zoning district.

*Conditional Use Permit (CUP).* Staff proposes the following conditions for CUP 2446:

1. No accessory building on the premises shall be used for human habitation or commercial purposes.
2. All sanitary facilities, including those in the accessory building, must be constructed, maintained and connected to an appropriate onsite wastewater treatment system, and must meet all requirements of the Wisconsin plumbing code and the Dane County Sanitary Code.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections for accessory structures of the Uniform Dwelling Code.
5. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.
6. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.