



### **Background**

Mark and Karen Klug and John and Teresa Foster own 16.5 acres zoned A-2 (8) under Pet. 5869, with Conditional Use Permit 1125 for a Horse Boarding Stable (see HISTORY, below.) The property includes a 2-story house plus (2) barns (one used for horse stalls and one as a covered riding arena.) Karen Klug and Teresa Foster are sisters; with their husbands, they have been living in the house on this property -- "one family lives mostly upstairs and the other mostly downstairs, sharing the kitchen." They would like to create a separate 2.2-acre RH-1 zoned parcel "to build a second home and share in the family horse farm." The remaining 13.7 acres would be rezoned to A-2 (8) in order to retain the CUP use. The maximum number of horses permitted would be 13, including both the 'personal' horses of the property owner and those boarded or kept for other owners. According to Karen Klug, the family currently boards 4 horses under CUP 1125.

### **HISTORY:**

- Pet. 5869 from A-1EX to A-2, effective 03/08/1994, included (2) Deed Restrictions:
  1. *Livestock kept on the property shall be limited to only horses.*
  2. *Additions to the stable building shall not cause any alteration of the surface water flow pattern which currently exists as of 3/1/94.*
- CUP 1125 for Horse Boarding Stable effective 10/11/1994
- Petition 7557 by Glenn and Deborah Bell to rezone 2.4 acres from A-2 to RH-1, and 13 acres from A-2 to A-2(8) was withdrawn 5/27/1999.

- Petition 7989 by Millenium Farms to rezone 16.5 acres from A-2 to RH-2 was withdrawn 10/23/2000.

Note: An intermittent stream tributary to the Sugar River flows North to South through the center of the proposed A-2 (8) zoned parcel.

Note: A 0.02-acre triangle of land within the proposed A-2 (8) parcel is owned by Rozella Nygaard, according to County property records. This ownership appears to be in question, and the Klugs and Fosters intend to pursue having the title transferred.

**Analysis:**

This petition is essentially similar to two petitions (7557 and 7989) previously submitted on this property, differing only in the total number of lots proposed. Copies of the original staff reports for those two petitions are attached. Site characteristics, environmental impacts and town plan criteria remain unchanged since 2000 when Petition 7989 was withdrawn. See attached reports for detailed descriptions of these factors.

**Comments by other county/state agencies:**

*Dane County Division of Environmental Health*

The existing private sewage system must remain on the same parcel with the dwelling it serves.

*Dane County Highway & Transportation Department*

Estimate increase of 20 trips per day due to rezone. No new accesses would be permitted to CTH PD due to rezone.

**Conclusions:**

As was the case with two prior proposals on this property (both withdrawn), physical and environmental conditions severely limit the development potential of this parcel. It will not be possible to construct a home on the proposed RH-1 parcel and comply with both the shoreland/floodplain setback required by Chapter 11, and the town road setback required by Chapter 10. Board of Adjustment approval of variances from *both* the shoreland and road setbacks, County Board approval of a rezone petition from the shoreland-wetland overlay district, wetland fill permits from the U.S. Army Corps of Engineers, or a combination of all three, would be necessary before construction could proceed. If wetlands on the property are found to be below the Ordinary Highwater Mark of the intermittent stream, DNR approval of permits under Chapter 30 of the Wisconsin Statutes may also be required.

Even if all variances, rezones and permits are granted, it will be extremely difficult to develop this property without environmental impact, given the limited amount (less than 4,000 square feet) of upland on the site, and its proximity to the Sugar River.