



Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

June 9, 2015

Richard Eberle
6354 County Highway DM
Dane, WI 53529

RE: Zoning Petitions #10832 and #10843

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

Dear Mr. Eberle,

As you are aware, Zoning Petitions #10832 and #10843 have been postponed by the Zoning and Land Regulation Committee (ZLR) due to pending issues. Both petitions will be placed on the June 23rd ZLR agenda for possible action. In order for the petitions to move forward, the following items need to be addressed:

Petition #10843:

- The proposed A-4 lot has been configured to leave a 33-foot wide strip of land between the proposed lot and the neighboring property to the east. The remnant 33-foot wide strip does not conform to the land division regulations and creates a poorly designed lot. Staff has suggested the proposed lot be reconfigured to extend the easterly property line to the neighboring property. Please submit a new plat of survey and new legal description showing a revised lot. The information needs to be submitted by June 17, 2015 in order to be placed on the June 23rd ZLR agenda.
- As state in the Staff Report, a waiver will need to be granted by the ZLR Committee due to the lack of street frontage for the proposed lot. The application has been accepted for the waiver and the request will be placed on the ZLR agenda. Please be aware that you will need to give reasoning to the ZLR Committee on why the lot should be created without frontage to a public road.

Petition #10832

- Staff has identified that the proposed residential lot is located in an Open Space Corridor as noted in the Town of Dane Comprehensive Plan. Staff has suggested that the lot be reconfigured to locate the home site over the existing accessory structure. The so-called ag accessory building has been designed to be used for an office building and also has been advertised as an office space rental. The accessory building is considered an illegal building. Note that the ordinances require a principal building to be constructed on the property prior to accessory buildings being constructed. The current configuration would separate the accessory building to a separate lot and would violate County Ordinance 10.04(1)(b)1. Staff is suggesting that the lot be reconfigured as suggested so that the illegal accessory building is reconstructed into a residential dwelling.
- Staff has identified that the existing residential dwelling on the property has been constructed under the farm residence provision. The farm residence is allowed to be in the A-1 Exclusive Zoning District as long as substantial income is being derived from a legitimate farming operation. Given that the agricultural lands are being sold and there is no evidence of agricultural production on the property, the farm residence provision is no longer valid. The area for the residential building will need to be rezoned to a residential zoning district as noted in the farm plan agreement. Staff is suggesting that a 6-acre lot be created

around the residential dwelling to bring the dwelling into conformance with Dane County ordinances.

- The County Treasurer identified that there are \$38,850 of unpaid taxes on the property. It has been a policy of the County Board not to grant approvals for development on property if there are delinquent taxes on the property. It is strongly suggested that arrangement be made to pay the delinquent taxes on the property prior to the petition going before the County Board.
- The above noted revision will need to be made and submitted to Dane County Zoning by June 17, 2015 in order for the new information to be before the ZLR Committee at their June 23rd meeting.

If you choose not to make the suggested revisions, please provide an alternative solution in writing to address the outlined issues.

If you have any questions or concerns, please feel free to call me at (608) 266-9078.

Respectfully,

A handwritten signature in black ink, appearing to read "Roger W. Lane III".

Roger Lane
Dane County Zoning Administrator

Cc: Dane Town Clerk
Zoning and Land Regulation Committee members