
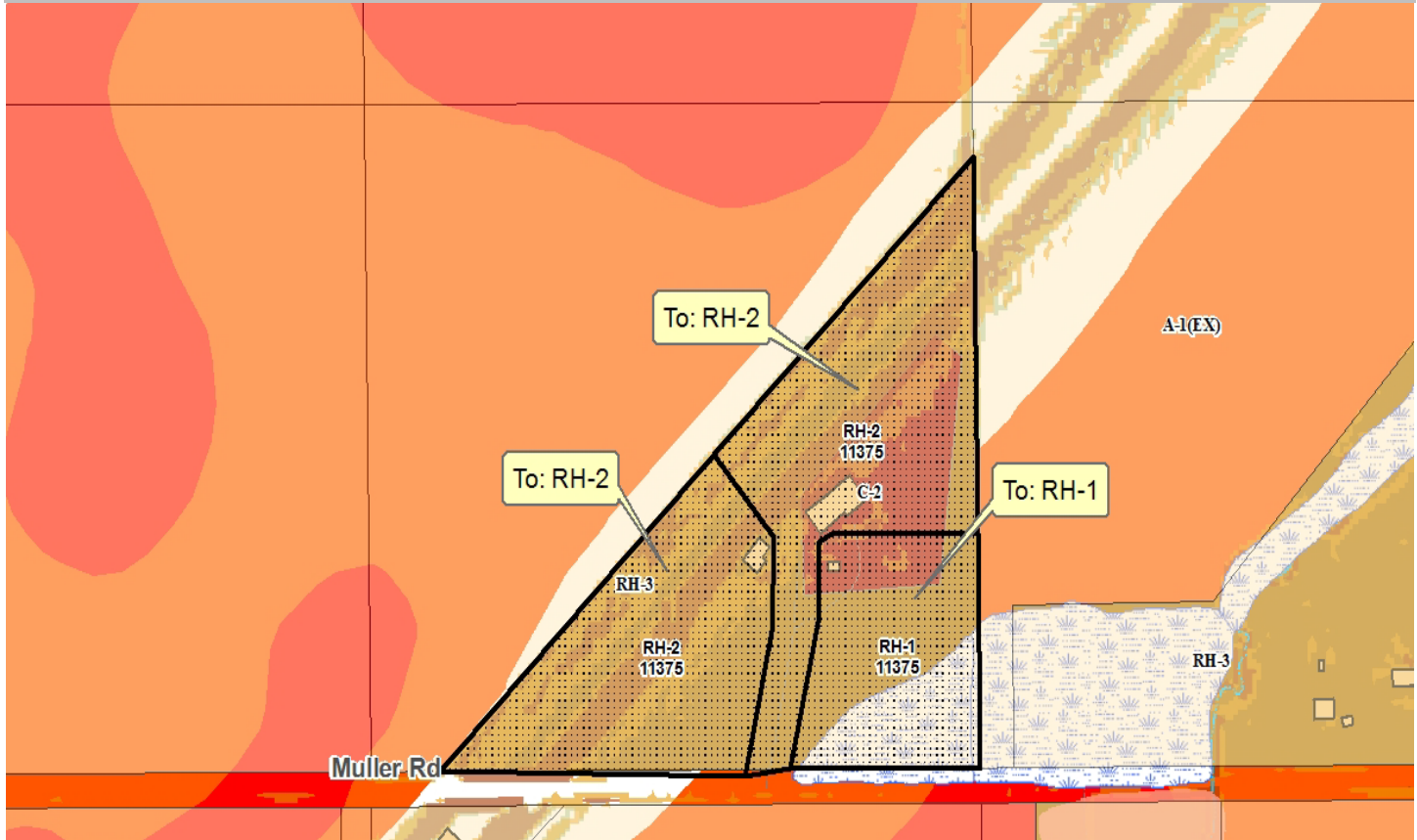


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<u>Public Hearing:</u> <del>January 22, 2019</del> February 12, 2019		<b>Petition 11375</b>
	<u>Zoning Amendment Requested:</u> RH-3 Rural Homes District to RH-1 Rural Homes District; RH-3 Rural Homes District to RH-2 Rural Homes District; and C-2 Commercial District to RH-2 Rural Homes District		<u>Town/Section:</u> York, Section 8
	<u>Size:</u> 3.77, 8.91, 2.7 Acres	<u>Survey Required?</u> Yes	<u>Applicant:</u> Mark R. McNamee
	<u>Reason for the Request:</u> Zoning compliance for a violation, i.e. three (3) dwellings on a single parcel of land		<u>Address:</u> 1300 Muller Road



**DESCRIPTION:** This petition is being submitted by the property owner to resolve a zoning violation. The owner converted two structures formerly used in the operation of a dog boarding and grooming business to residential dwelling units, which is a violation of the zoning ordinance: There is a limit of no more than one principal residential structure (dwelling) per parcel of land. A total of three dwelling units are currently located on the property.

The two converted dwellings are utilizing a shared septic system. The proposed rezoning and three-lot certified survey map (CSM) would bring the property into compliance.

**OBSERVATIONS:** Surrounding land uses include agriculture / open space and scattered rural residences. The property is located along a glacial drumlin and includes a small area of steep slope topography. There is an area of mapped wetlands in the southeastern corner of the property.

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

**RESOURCE PROTECTION:** There are areas of resource protection corridor associated with the steep slopes and wetlands on the property.

**STAFF:** As indicated in the description, this petition is being submitted to attempt to resolve a zoning violation. Compliance could also be achieved by ceasing the residential use of the two structures, including removing or capping existing sanitary fixtures. The proposed creation of two additional residential lots is *inconsistent* with the town density policy, which limits development to no more than 1 dwelling unit per 75 acres owned as of 8/25/1980. At approximately 15 acres, the property is not entitled to any additional splits / development rights under the town plan.

Because the proposal is not consistent with the town/county plan, staff recommends that the petition either be denied or conditionally approved to require the recording of a deed restriction tying all three lots together so that they may not be sold separately.

**TOWN:** The Town Board has approved the petition with no conditions.