



Staff Report

Public Hearing: **May 26, 2015**

Petition: **Rezone 10843**

Zoning Amendment:
A-1EX Exclusive Agriculture District to A-4 Small Lot Agriculture District

Town/sect:
Dane Section 12

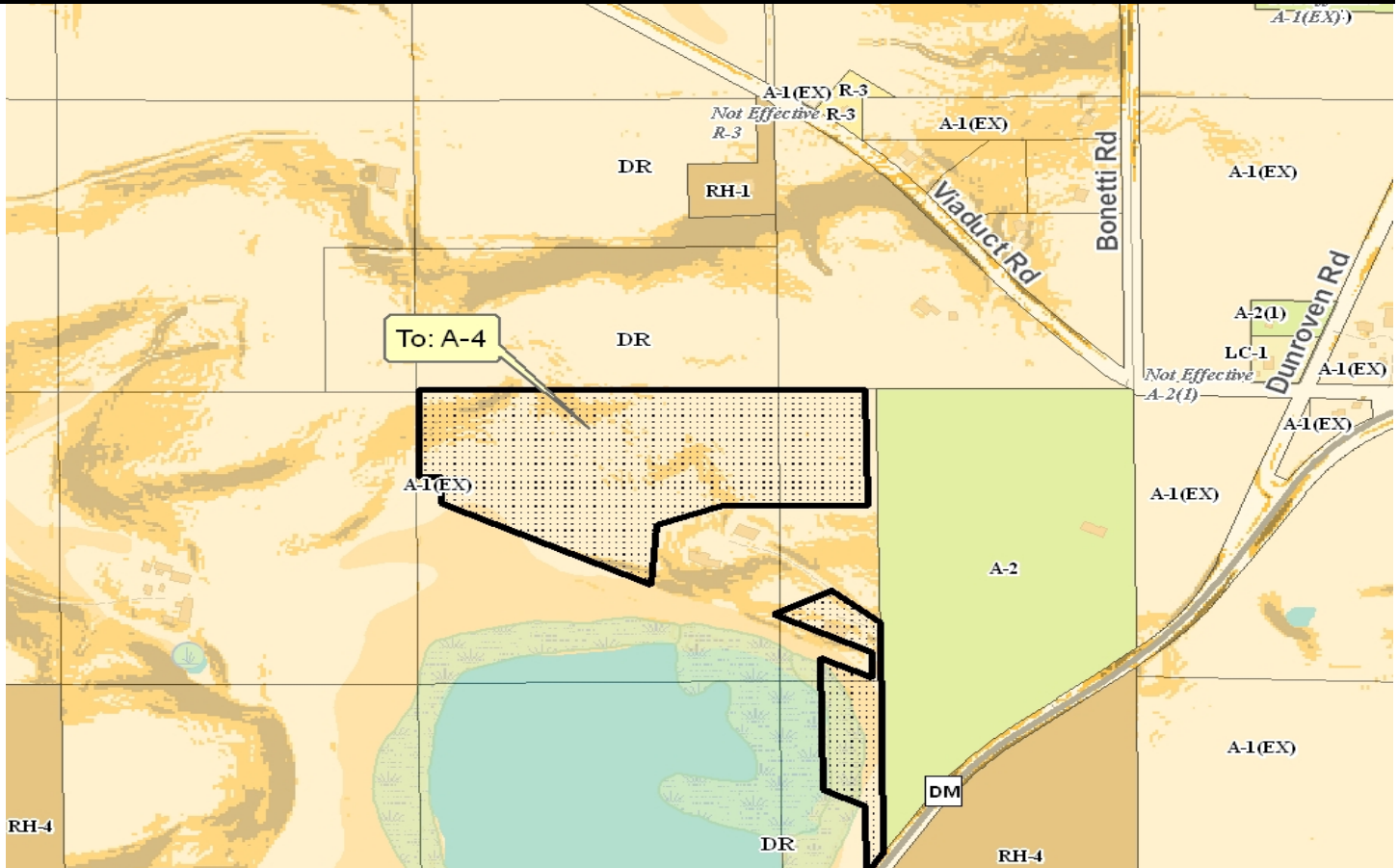
Acres: 23.43
Survey Req. Yes

Applicant
Richard A Eberle

Reason:
Create a lot for agricultural purposes

Location:
Northeast of 6354 County Highway DM

Zoning and Land Regulation Committee



DESCRIPTION: Applicant proposes to create a 23-acre agricultural lot from the 102-acre parcel. The parcel is proposed to be sold to the farmer currently renting the farmland.

OBSERVATIONS: Over 50% of the 102-acre property is covered by a shallow pond consisting primarily of wetlands. There is an existing residence on the property that was constructed under Farm Plan-97 which requires the landowner to derive substantial income from a legitimate farm operation. It appears by selling off the farmland that the residence may no longer be in compliance with the zoning code requirement for "substantial" farm income. The farm plan agreement requires that the residence be rezoned to residential zoning if the farm discontinues.

RESOURCE PROTECTION: The pond and the associated wetlands are within the resource protection area. The proposed agricultural lot is outside the protection area.

COUNTY TREASURER: The County Treasurer has advised Zoning Staff that there are delinquent taxes on the property in the amount of \$38,852.

COUNTY HIGHWAY DEPARTMENT: Any new driveway access or conversion of an existing driveway access onto County Highway DM will require an access permit to be obtained from Dane County Highway Department.

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Zoning Petition 10843 continued

STAFF: The property is located in the Town's Agricultural Preservation Area. The creation of the proposed agricultural parcel appears reasonably consistent with town plan policies. Based on the layout of the proposed A-4 CSM parcel, a waiver will be needed from the 66' of frontage requirement in the county land division ordinance. Staff suggests that the eastern boundary of the lot be extended to the property line eliminating the 33-foot strip of land.

In addition to this petition, the applicant has another pending rezoning petition (#10832). The proposal is to create a new residential parcel. Staff has expressed concerns with this proposal and has suggested an alternate development design.

Staff suggests that the petition be postponed until the following issues are resolved:

1. Obtain waiver for lack of road frontage and extend lot boundary to eastern property line
2. Amend the petition to comply with the farm plan agreement and reconfigure of proposed residential lot to address wetland issue.
3. Contact the County Treasurer to resolve delinquent tax issue.

TOWN: Approved conditioned upon a deed restriction prohibiting development on the property.

5/26 ZLR: The petition was postpone allowing the applicant time to address the pending issues.

Staff update:

The applicant has submitted an application for a variance in order for a lot to be created without road frontage. Staff has received a revised certified survey map which shifts the proposed lot line to the eastern boundary of the property. The County Treasurer has informed County Staff that the taxes are still delinquent on the property.

Staff recommends approval of the certified survey map. The unpaid taxes will be resolved during the sale (closing) of the property. The farm plan issue could be address with Zoning Petition 10832.