



Staff Report

Public Hearing: **July 24, 2018**

Petition: **CUP 02427**

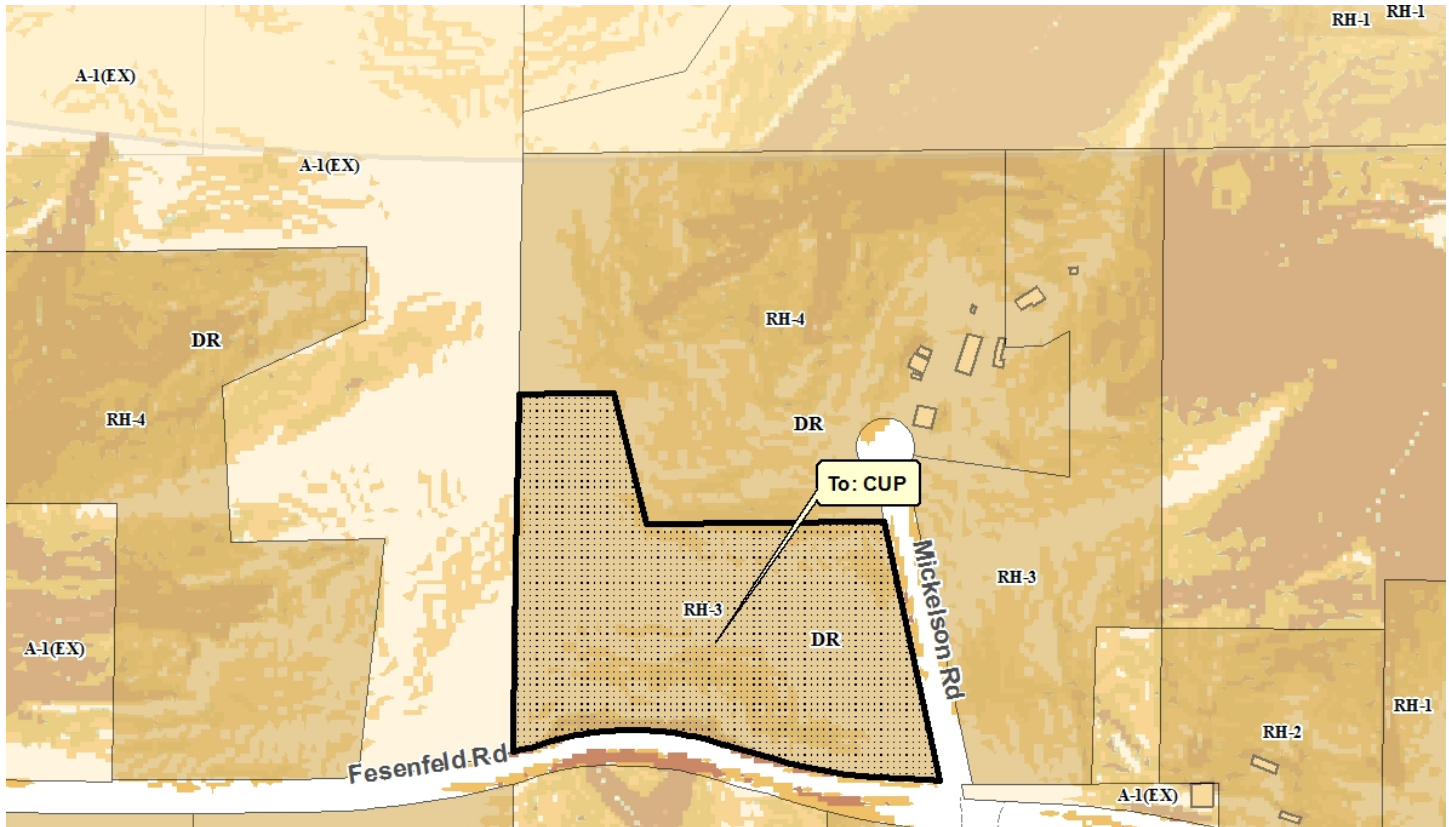
Zoning Amendment:
**TO CUP: DEPENDENCY LIVING
ARRANGEMENT**

Town/sect:
**BLACK EARTH,
Section 29**

Zoning and Land Regulation Committee

Acres: 10.5
Survey Req.
Reason:
**DEPENDENCY LIVING
ARRANGEMENT**

Applicant
**RYAN DONALD
DOESCHER**
Location:
**5140 MICKELSON
ROAD**



DESCRIPTION: The applicant would like to construct a single family home along with an area to be used as a dependency living arrangement. A residence may have an additional separate living space if approved through a conditional use permit.

OBSERVATIONS: The property has been recently created under Petition #10596 and is currently vacant. As part of the rezoning process, restrictions were placed on the property to limit development to areas with grades less than 20% slopes. The proposed home location complies with the restrictions.

TOWN PLAN: The property is located in the Agricultural Preservation Area. A housing density right has already been assigned to the property in compliance with the Town's density policy. The additional living space will not count as an additional housing density right due to the separate area being used by extended family members.

RESOURCE PROTECTION: The Town Plan designates terrain exceeding 20% slope as a resource protection area. Areas on this lot that exceed 20% have been identified and restricted as part of the certified survey map. The proposed home location is outside the resource protection areas.

STAFF: The dependency living arrangement has been limited in size to meet the proposed zoning ordinance standards. Staff suggests that a condition be placed on the CUP to prevent the general rental of the additional living space.

TOWN: The Town Board has approved the CUP with conditions. See attached Town action report.

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing. The Town Board conditions have been incorporated into the list below.

1. The dependency living area shall have a common wall. Only the landowner and family members shall reside in the building.
2. The dependency living area shall be no larger than 800 square feet.
3. The living area may contain a bath, limited kitchen facilities, and no more than two (2) bedrooms.
4. The dependency living area shall have a separate entrance.
5. The dependency living area shall be occupied by a parent(s) of the principle of the dwelling unit.
6. The dependency living area is prohibited from being rented out as separate living unit.