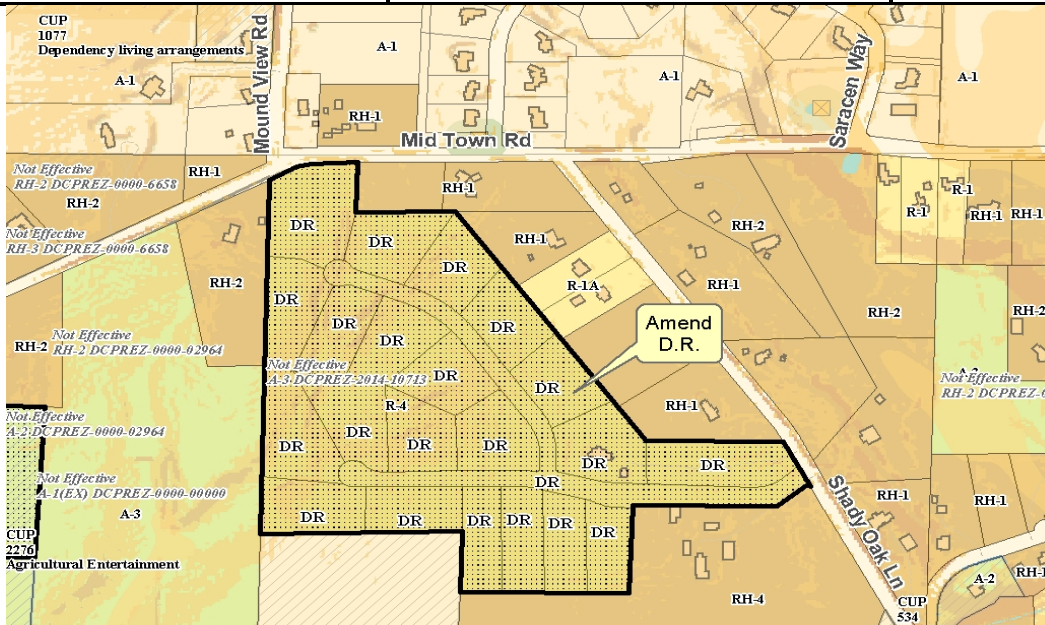




# Staff Report

<b>Public Hearing: November 22, 2016</b>	<b>Petition: Rezone 11059</b>
<b>Zoning Amendment: R-4 Residence District to R-4 Residence District</b>	<b>Town/sect: Verona Section 5</b>
<b>Acres: 50.523 Survey Req. No</b>	<b>Applicant Bar Down LLC</b>
<b>Reason: Amend deed restrictions to allow actual size of dwelling unit lot</b>	<b>Location: 3159 Shady Oak Lane</b>

## Zoning and Land Regulation Committee



**DESCRIPTION:** Applicant seeks to amend deed restrictions required as a condition of approval of previous petition 10920 limiting the condominium plat to single family residential uses on 2-acre areas. Four of the units in the plat are 1.6 acres in size. The applicant requests that the deed restrictions be amended to remove the reference to 2 acre units, and instead reflect the limit on the total number single family buildable units in the condominium plat to no more than 21, with no single unit under 1.6 acres in size.

**OBSERVATIONS:** The property is located on the edge of a single-family development area consisting of residential lots ranging from 1 to 4 acres in size. The majority of the property is wooded. Some areas have slopes just over 12% grade. No other sensitive environmental features observed.

**TOWN PLAN:** The property is located in the town's Rural Residential Planning Area. Residential density is limited to a maximum of one unit per two acres. Residential development requires a site plan that "demonstrates the preservation and protection of wetlands, woodlands, native grasslands, erodible slopes, and wildlife habitat."

**RESOURCE PROTECTION:** There are small areas of slopes that exceed 20% grade on the property, but these should not pose a significant obstacle to development.

**STAFF:** The proposal appears to be consistent with Town plan policies. Staff suggests that the existing deed restrictions be amended to limit the land use to no more than 21 detached single-family dwellings only, with no single unit under 1.6 acres in size. Easements were previously recorded for all private wells and septic systems for each dwelling.

**11/22 ZLR:** Postponed due to no town action.

### TOWN: Approved.

Amendment of current deed restriction to the following language: restrict the property in keeping with the development agreement which allows the unit size to be calculated by adding the gross area of a designated unit to the area representing the units proportional interest in all common areas, thus allowing 20 units at two acres or more and one unit at 1.9 acres.