

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **March 26, 2019**

Zoning Amendment Requested:

RH-1 Rural Homes District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO A-2 Agriculture District, RH-1 Rural Homes District TO A-2 Agriculture District, A-1EX Agriculture District TO A-4 Agriculture

Size: **4.0,2.5,25.6,1.9,5.4 Acres**

Survey Required: **Yes**

Reason for the request:

Shifting property lines of existing lots and creating one residential and one agricultural lot

Petition 11392

Town/Section:

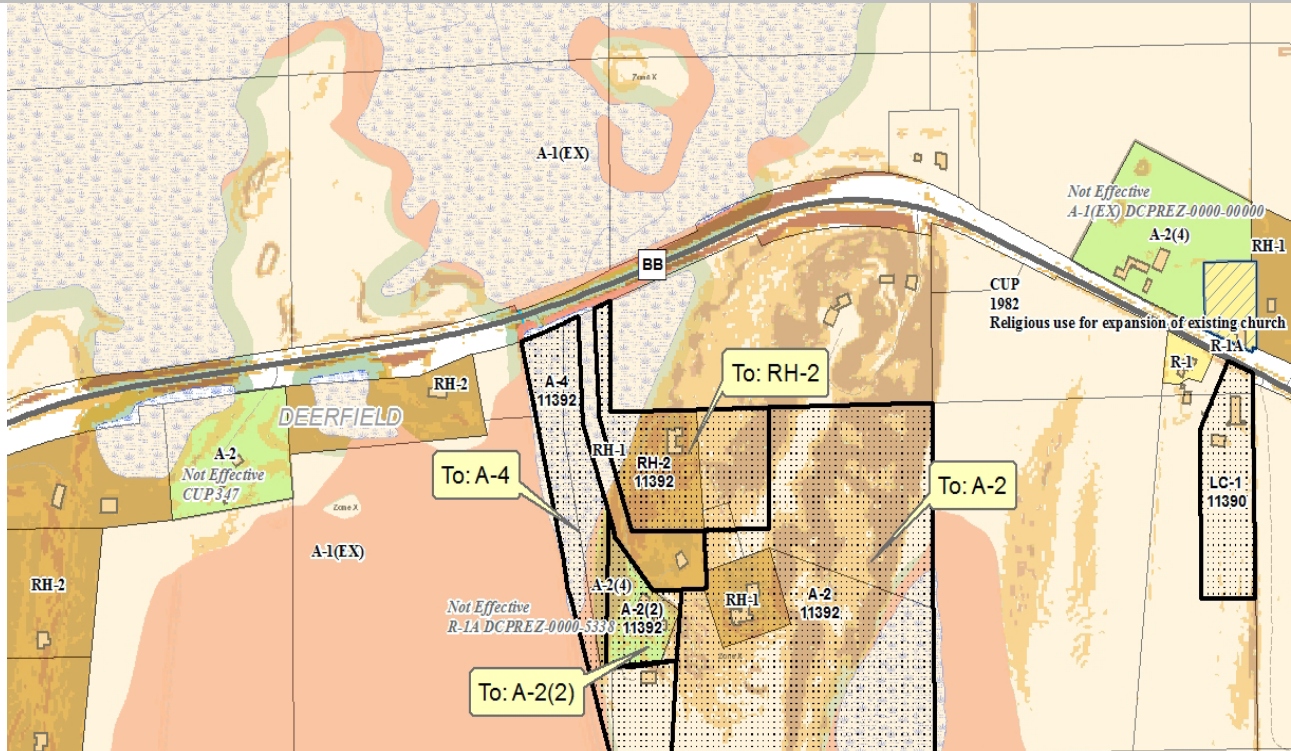
DEERFIELD, Section 12

Applicant

RICHARD L GRAMS

Address:

271, 272, AND 279 CTH BB



DESCRIPTION: Applicants propose to reconfigure the boundaries of 3 existing rural residential parcels and to create a new A-4 parcel for an existing residential accessory building. The parties involved with this petition are all related and are requesting the new configuration in order to facilitate estate planning.

OBSERVATIONS: Surrounding land uses include forest land, agriculture/open space, and scattered rural residences. The property is in a wooded glacial drumlin area. No new development is proposed.

Note that the existing garage on parcel tax parcel 071212392316 is a residential accessory building. Residential uses and residential accessory buildings are not permitted uses in the A-4 district. Proposed lots 2 and 3 would have no public road frontage and require a waiver to the 66' of road frontage requirement in the subdivision ordinance. The parcel surrounding the residence on proposed lot 2 does not currently have road frontage, while the parcel surrounding the residence on lot 3 does have road frontage. The existing residences share a single driveway access onto CTH BB.

DANE COUNTY HIGHWAY: County Highway BB is not a controlled access highway. Any changes in land use requires a new access permit from the Department

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

RESOURCE PROTECTION: Areas of resource protection corridor associated with steep slope topography and mapped wetlands are located on the property. No new development is proposed.

STAFF: As indicated on the attached density study report the property is not eligible for any additional splits, as prior zoning approvals have exceeded the town's density limitation. The existing parcel configuration is rather odd and confusing and it appears that a land division violation may have resulted from prior land transfers between Grams (proposed RH-2 lot 1) and Gjermo (proposed A-2 lot 2).

The proposed reconfiguration would transfer approximately 25 acres from Grams to Gjermo, more closely approximating the prior arrangement of the neighboring parcels. As indicated in the observations section above, proposed lots 2 and 3 would have no public road frontage, but continue to share the existing single driveway access onto CTH BB (a total of 4 dwellings share access via the driveway).

Staff's understanding is that the creation of the proposed A-4 Agriculture lot 4 is being sought to allow Grams (owner of proposed RH-2 lot 1) to retain ownership of the residential accessory building (garage) located at the SW corner of the property. However, the proposed new A-4 parcel would further exceed the allowable land divisions on the property and be inconsistent with the town's density policies. In addition, the A-4 zoning district only allows for agricultural accessory buildings – residential use or accessory buildings are not permitted uses. There is no agricultural use taking place on the property.

Because the allowable land divisions have been exhausted / exceeded on the property, and because the A-4 district does not permit residential uses or accessory buildings, staff recommends that the petition be denied or amended to remove the A-4 parcel.

3/26 ZLR: The Committee postponed action due the no Town action.

TOWN: The Town Board has approved the petition conditioned upon the lot being reconfigured as presented.

STAFF UPDATE: The petition has been revised to remove the A-4 lot and consolidate it into an existing lot. See attached map. With the reconfiguration and the Town's recent adoption of the new zoning ordinance, Staff suggest that the following zoning district be assigned to the lots if approved:

Lot 1 – 16.1 acres – RM-16

Lot 2 – 1.5 acres – RR-1

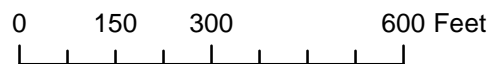
Lot 3 – 2.1 acres – RR-2

Lot 4 – 27.5 acres – RM-16



Legend

 Wetland



Petition 11392
Grams
Revised