

**Staff Report**

Zoning and  
Land Regulation  
Committee

Questions? Contact:  
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Public Hearing: **October 27, 2020**

Zoning Amendment Requested:

**SFR-2 Single Family Residential District TO SFR-08 Single Family Residential District**

Size: **0.86 Acres**

Survey Required: **Yes**

Reason for the request:

**dividing an existing residential lot to create a second lot**

**Petition 11598**

Town/Section:

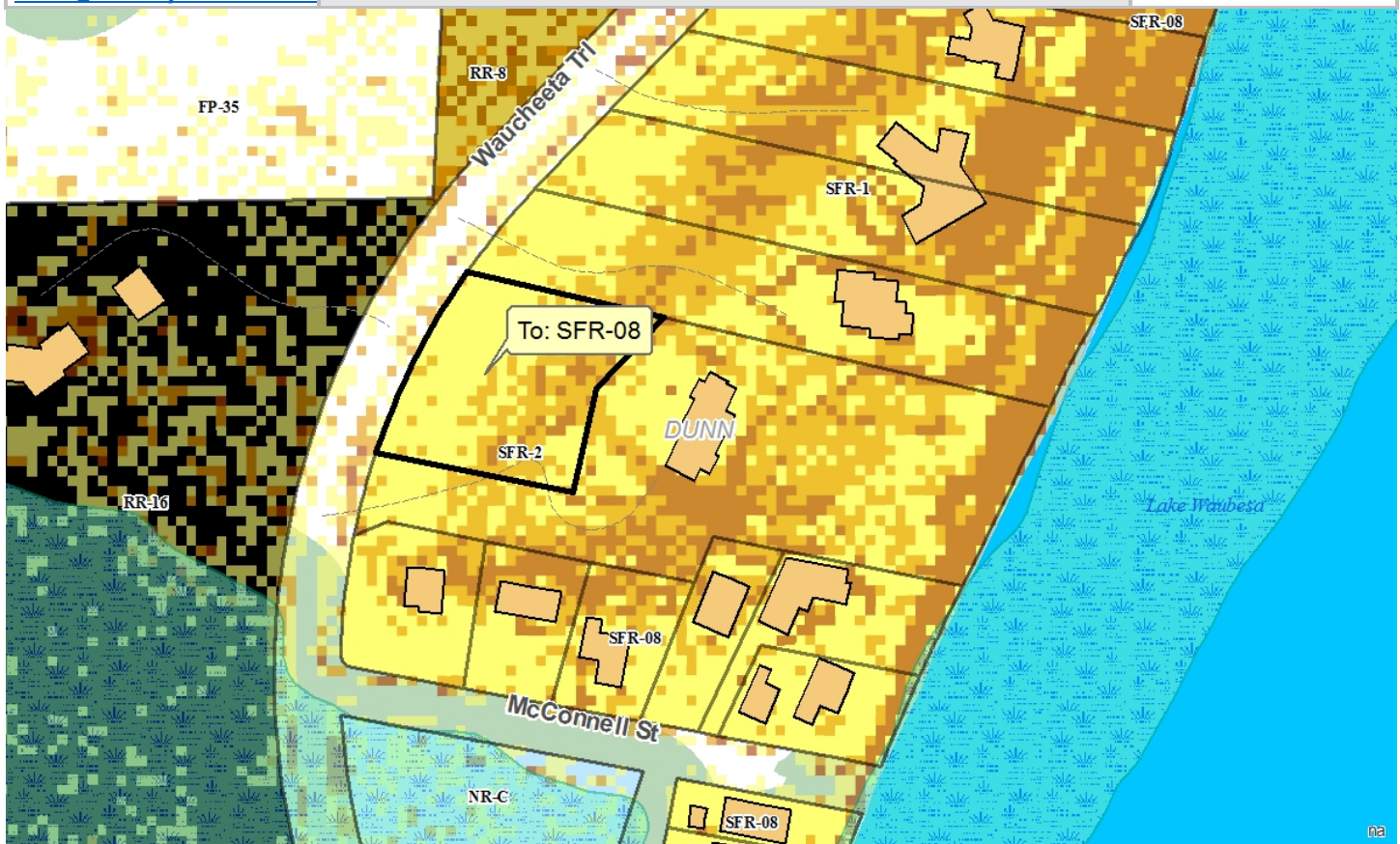
**DUNN, Section 5**

Applicant

**BRANDON T COOLEY**

Address:

**3094 WAUCHEETA TRAIL**



**DESCRIPTION:** Applicant proposes to divide the existing 2.6 acre SFR-2 residential parcel and create a new SFR-08 zoned residential parcel of approximately 40,000 square feet.

**OBSERVATIONS:** The property is located on the shoreline of Lake Waubesa within the town's sanitary sewer service area. The proposed new residential lot will be within the extended shoreland zone (300'-1000' of the lake) and is subject to minimum lot size (10k sqft) and width (65') requirements. The proposed new SFR-08 lot meets the minimum size and width requirements. Existing land use is single family residential. Surrounding land uses are single family residential and rural residential / agricultural.

**TOWN PLAN:** The property is within the town's Limited Service Area planning district.

**RESOURCE PROTECTION:** Small areas of resource protection corridor associated with steep slopes over 20% grade are present on portions of the property. It appears the proposed new residential lot will not encompass any slopes in excess of 20%.

**STAFF:** The town plan allows for possible land divisions within the Limited Service Area, provided any such division can meet the town's minimum standards. This includes, but is not limited to, the following: parent parcel must be located entirely within the LSA and be a minimum 40,000 sqft in size; any new lot must be a minimum of 20,000 sqft in size; each resulting lot must have a minimum 66' of frontage onto a public street; and, if applicable, proposal must comply with shoreland and/or floodplain zoning requirements (see complete list of policies, at right).

It appears that the proposal is reasonably consistent with town plan policies. Note that further division of the parent SFR-2 parcel would not be permitted since the minimum road frontage requirement could not be met.

Pending town action on the proposal, staff recommends approval of the zoning petition with the following condition:

1. Deed restrict the SFR-2 parcel (lot 2) to prohibit further division.

**TOWN:** The Town Board approved the petition conditioned upon a deed restriction be placed on both CSM lots to prohibit further land divisions of the properties. The CSM shall show slopes over 20% grade and identify that buildings are prohibited in these areas.

1. The entire parent parcel is located within the LSA boundary (if only a portion of the parent parcel is within the LSA boundary, it cannot be divided), and
2. The parent parcel has a minimum lot size of 40,000 square feet
3. All requirements of the county zoning, shoreland zoning, floodplain and both the County and Town subdivision ordinances, Town Comprehensive Plan and Future Land Use Map must be met.
4. The minimum size of the newly created lot is 20,000 square feet. For sewered lots in the Limited Service Area only, the Plan Commission may in its sole discretion permit smaller size lots if the following criteria are met:
  - a. The minimum size of the parent parcel is 40,000 square feet, and
  - b. Only one land division per 20,000 square feet of the parent parcel is allowed, and
  - c. The size of the newly created lots will be compatible with the sizes of the already existing lots in the immediate area, and
  - d. All requirements of the county zoning, shoreland zoning, floodplain zoning ordinances and both the County and Town Subdivision and Land Division ordinances, Town Comprehensive Plan and Future Land Use Map are met, and
  - e. The size of the newly created lots will not be detrimental to the public health or welfare or public policies as expressed in the provisions of Ordinance #12-3 Land Division Ordinance.
5. Each lot resulting from a land division must front on an accessible public road for at least 66 feet. A public road is considered accessible if direct driveway access is permitted. If direct driveway access is not permitted, shared access may be permitted so long as the newly created lot has 66 feet of road frontage and a shared driveway agreement is recorded. For example: Lot A is proposed to have 66 feet of road frontage, but the Wisconsin Department of Transportation (DOT) will not permit direct driveway access from US 51 to Lot A. However, if the DOT will permit access to Lot A through a shared access on Lot B, then Lot A can meet the Town's road frontage requirement. This specific example would be subject to DOT approval for a shared access permit.