

Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> May 5, 2026		Petition 12261
	<u>Zoning Amendment Requested:</u> RR-4 Rural Residential District TO RR-1 Rural Residential District		<u>Town, Section:</u> BURKE, Section 3
	<u>Size:</u> 1.1 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> JOSHUA AND REBECCA EASTMEAD
	<u>Reason for the request:</u> DIVIDE EXISTING RESIDENTIAL LOT TO CREATE ONE NEW LOT		<u>Address:</u> 6140 PORTAGE RD



DESCRIPTION: Josh and Rebecca Eastmead would like to divide an existing residential lot to create one new lot for a future home site. The current property is a 5-acre certified survey map lot (Lot 1 of CSM No. 4576) zoned RR-4. The proposal would divide off the existing home on a 1.1-acre lot with RR-1 zoning, while the remaining land would comprise a new 4-acre lot with RR-4 zoning. The new lot would have no road frontage, but would access Portage Road through an access easement on the adjacent property.

OBSERVATIONS: While the request seems straightforward, there are complexities with the property and the proposal. Zoning Division staff has advised the applicants since late 2025 on the options to split the lot. The current lot has roughly 66 feet of public road frontage. There is a driveway on the lot that is physically connected to the driveway that serves the adjacent property addressed at 6136 Portage Road (see image at right). The Eastmead property contains an old farmstead and several agricultural accessory buildings; two of the existing buildings do not meet minimum building setbacks to the side lot line so are “nonconforming” structures (see site survey). The current CSM of record (CSM 4576) has a note that states “Lot 1 is restricted to agriculture and agricultural use”; a search was done for separate deed restrictions but none were found on this property.

The proposed lot configuration does not currently meet all county ordinance requirements; a waiver is requested. See below.



Lot size: The proposed lots appear to meet lot size requirements for the proposed zoning districts; however, the survey shows gross acreage out to the road centerline so this must be verified. The lots must contain at least 1.0 and 4.0 acres net (not counting road right-of-way) to have RR-1 and RR-4 zoning.

The land division is subject to the City of Madison's extraterritorial jurisdiction, subject to the Town of Burke-City of Madison Cooperative Plan (see below). The property is also subject to Dane County Airport overlay zoning height limitations; staff has no concerns (maximum elevation 1062 feet, the land is at approximately 975 feet).

Road frontage/access: Access for proposed lots is subject to the Town of Burke's jurisdiction on Portage Road and access point locations, as well as Dane County's Chapter 75 Land Division ordinance requirements. DCCO section 75.19(6) requires all proposed lots to have at least 66 feet of public road frontage. The applicants request a waiver/variance to section 75.19(6) DCCO lot frontage requirements (a separate item on this ZLR agenda).

Section 75.19(6)(b) states that landowners may use a shared access easement in lieu of road frontage, if specific criteria are met to approve a waiver to the road-frontage requirement according to s. 75.19(8). The criteria include: consistency with town plans and ordinances and the county comprehensive plan; a shared driveway easement 66 feet wide encompasses the entire driveway, no more than four residential lots are served, *the shared easement is shown on the CSM*, and the driveway meeting town driveway construction standards and being entirely within the easement, etc.

Locating the easement on the Eastmead property (Lot 1) may be possible but would require moving the septic system or other existing structures. The applicants' preliminary CSM does not indicate the shared easement; they provided a separate exhibit upon request showing the easement area on the neighboring lot. To qualify for a variance on road frontage, the neighbor's lot must be included in the CSM.

COMPREHENSIVE PLAN: This petition is in the Town's Rural Residential planning area and is subject to the land use policies related to that designation. The property also falls within the Town of Burke-City of Madison Cooperative Plan, which allows for one land division on properties 5 acres or greater that existed as of March 1, 2006. According to the City of Madison, since this property meets this criterion, a land division would be allowed without Madison approval (so long as the Town and County approve of the division). The Rural Residential planning area recommends RR zoning and the Comp Plan doesn't address road frontage requirements, so this proposal appears to be reasonably consistent with the goals, objectives of policies of the Town's Comprehensive Plan.

For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@danecounty.gov.

RESOURCE PROTECTION: There are no sensitive environmental resources within 300 feet of the subject property.

TOWN ACTION: The town board recommends approval with no conditions.

The town previously considered an option that would have divided the property into lots with 30 feet widths at the road. This apparently had support from the City of Madison; however, this proposal was denied by the town based on town policies.

STAFF RECOMMENDATION: The purpose of the lot frontage requirement is to provide space for future road rights-of-way to serve additional development. While town road extensions are rarely done these days, the requirements of the current ordinance must be met. Additionally, this area is subject to joint planning between the town and the city of Madison. Currently the proposal does not meet the requirements for the waiver (see separate staff comments provided for that ZLR agenda item).

Staff recommends postponement at this time, to allow the applicant time to address the deficiencies.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.