
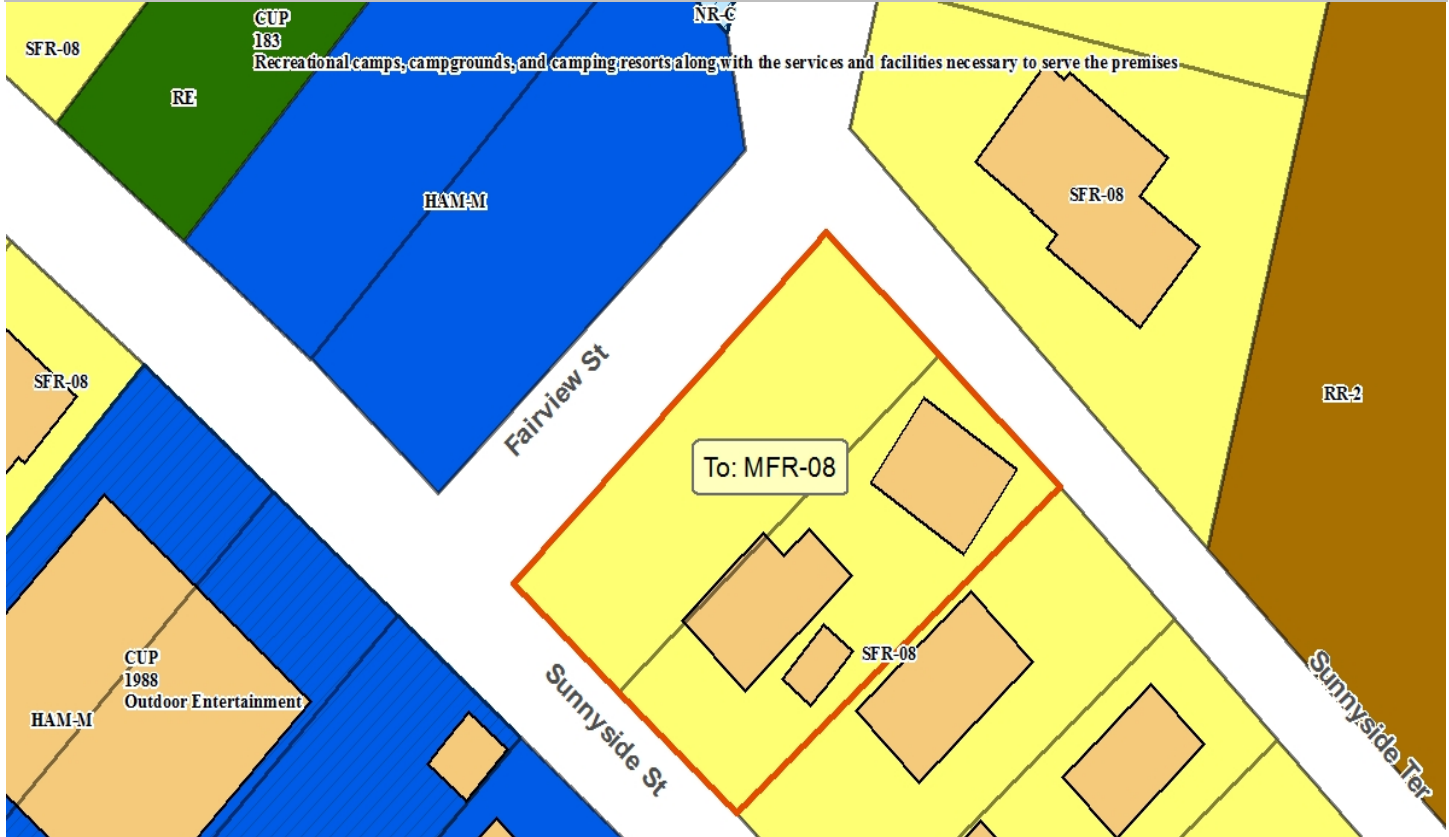


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 24, 2023		Petition 11921
	<i>Zoning Amendment Requested:</i> SFR-08 Single Family Residential District TO MFR-08 Multi-Family Residential District		<i>Town/Section:</i> PLEASANT SPRINGS, Section 18
	<i>Size:</i> 0.298 Acres	<i>Survey Required:</i> Yes	<i>Applicant:</i> LEAH J BOELTE (LANGE)
	<i>Reason for the request:</i> Bring existing residential development into compliance with current zoning ordinances		<i>Address:</i> 3094 SUNNYSIDE STREET AND 2398 FAIRVIEW STREET



DESCRIPTION: Applicant Leah Boelte (Lange), via agent Matt Fleming, proposes to combine two small residential lots and rezone the 0.3 acres from SFR-08 Single Family Residential to MFR-08 Multi-Family Residential, to bring the existing residential development into compliance with zoning regulations. The property has contained a single-family house and detached garage for several decades (since at least 1968 based on historic aerial photos). The detached garage was converted to a second residence sometime before 2005 when the property was last sold, and since that time it has been used as a rental home. The lots were created as part of the Monson’s Park subdivision plat in 1923.

OBSERVATIONS: The MFR-08 district allows single-family residential, accessory dwelling units (attached or detached), duplexes, and multiple family dwellings and condominiums as permitted uses, among others. The applicant states in her application that she is willing to limit the number of dwelling units to what exists now on site.

Regardless of whether the land uses are further restricted as part of action on this rezone petition, the buildable area on the 0.3-acre lot would be substantially limited due to the minimum building setbacks under MFR-08 zoning. This includes a 63’ setback from the centerlines of adjacent roads, a 10’ side setback and 25’ rear setback.

TOWN PLAN: The property is located in town's "Lake Kegonsa and Lower Yahara River Residential" planning area, which coincides with the Pleasant Springs Sanitary Sewerage District. Town policies are focused primarily on the protection of water quality and allowing only modest amounts of "infill" development. There is no explicit density limitation for this planning area, but town policies indicate that new infill development should be at a density compatible with surrounding properties. As noted above, this petition seeks to correct a zoning violation and does not propose any new development. While town policies for this area support only single and two-family dwellings, the proposed parcel consolidation and MFR-08 zoning appears to be reasonably consistent with the plan's broader goals and objectives. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: There are no water features on site. The entire property is within the Shoreland Zone, being within 300' of Lake Kegonsa. Any future construction must comply with applicable shoreland regulations and permit requirements.

TOWN ACTION: Pending as of January 24, 2023.

STAFF RECOMMENDATION: The property is currently two lots, which would already allow one single family home on each lot, albeit in a different configuration. As noted above, the applicant is requesting zoning to enable what already exists on site and is willing to limit the number of dwelling units on site. Staff also recommends limiting the number of dwelling units to two, as exists now.

The applicant's agent has recently indicated their intent is to combine the lots via deed restriction, and not via certified survey map. The zoning ordinance no longer allows this method of combining lots. More suitable options would be to (a) relocate the second dwelling unit onto the second vacant lot in accordance with the current zoning, (b) rezone the properties to a zoning district that would allow the applicant to apply for a conditional use permit for a detached accessory dwelling unit, which would require an additional petition and approval of a CUP to bring the second residence into compliance, or (c) to combine the lots into one and rezone it to MFR-08. It may be possible to deed restrict the vacant lot so as to make it unbuildable; however the current lots would not meet the minimum lot area requirement for MFR zoning if they are not combined into one legal lot.

Staff recommends postponement at this time, due to no town action per the ZLR Committee's adopted rules and procedures.

STAFF UPDATE (4/3/23): On January 24, 2023, the ZLR Committee postponed action on the petition due to the lack of town action and public opposition.

On March 7, 2023 the Town Board tabled action on the petition so that the Town can get an opinion from the Town Attorney. On March 21, 2023 the Town Board recommended denial of the rezoning. The reasons given for the denial were strong neighbor opposition and inconsistency with the Town's Comprehensive Plan, which supports only single and two-family dwellings in this area.

Staff recommends denial of the petition due to the fact that there are other means of addressing the outstanding zoning violation, and based on the Town's action and finding that the proposal is inconsistent with the comprehensive plan.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com