



# Staff Report

Public Hearing: **January 26, 2016**

Petition: **Rezone 10931**

Zoning Amendment:  
**A-1EX Exclusive Agriculture  
District to R-1A Residence  
Agriculture**

Town/sect:  
**Pleasant Springs  
Section 11**

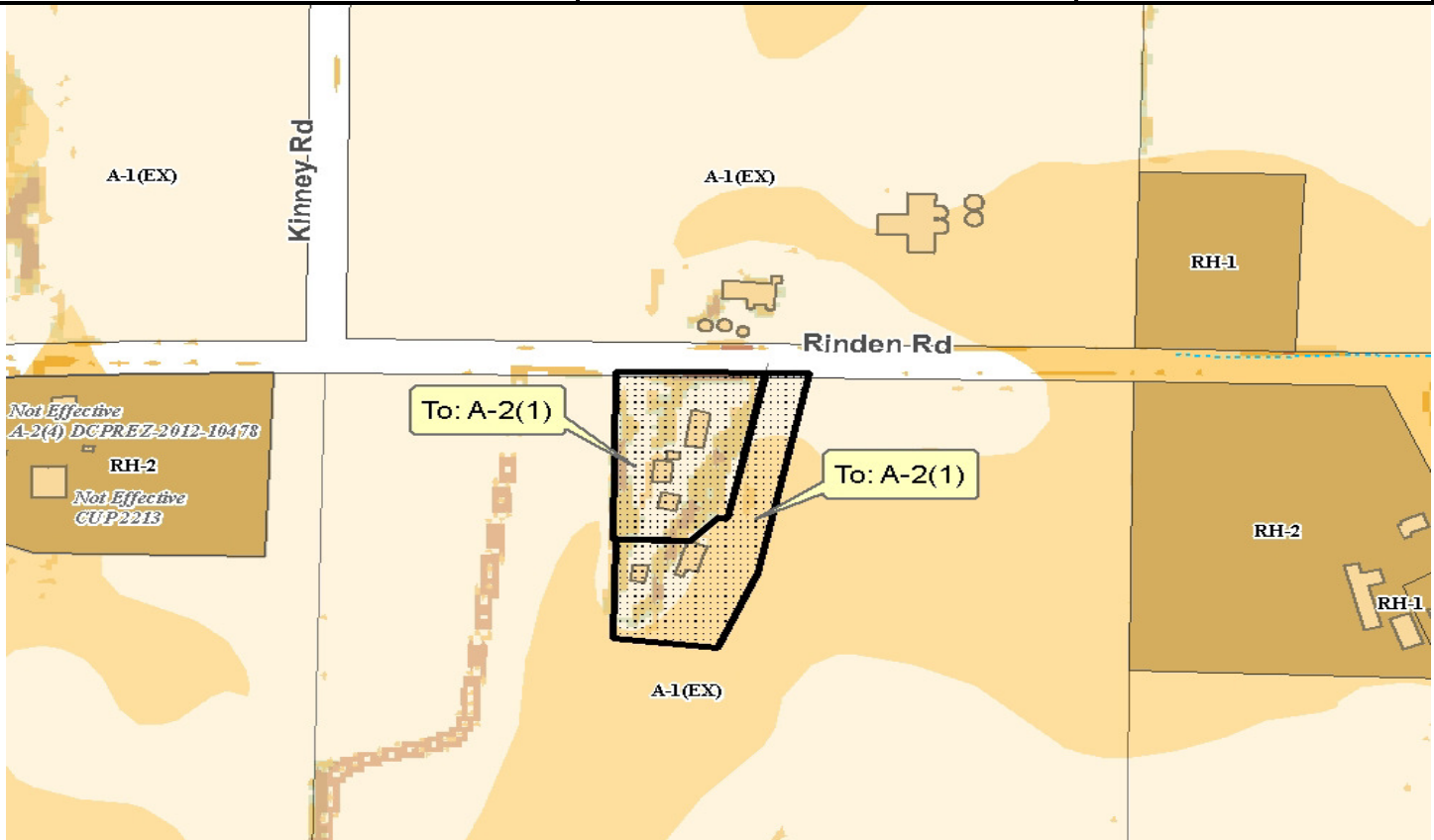
Acres: 2.9  
Survey Req. Yes

Applicant  
**Stephen D Champagne**

Reason:  
**Creating two residential lots**

Location:  
**2059 Rinden Road**

Zoning and Land Regulation Committee



**DESCRIPTION:** The petitioner would like to separate the existing structures from the 75-acre property. The proposal is to create two residential lots.

**OBSERVATIONS:** Several inconsistencies were discovered as part of reviewing this particular property. The zoning records show that several buildings were constructed under the auspice of being accessory buildings or garages. After the shells of the buildings were constructed, the buildings were converted into additional residences. Currently, it appears that there are three single-family residences on the property, two of which do not have Town/County approvals.

In 1993, the most southerly building was constructed on the property as a garage. In 1996, this building was converted into a secondary farm residence contrary to the Town's and County's approval. The permit for the conversion was rescinded due to the owner not making substantial farm income. It appears that this building is in violation of county ordinances.

In 2006, another two-story structure was constructed on the property without a Dane County Zoning Permit. A stop work order was issued for the construction, but the landowner claimed that the building was a farm building used to store farm implements. To resolve the dispute, the landowner signed an affidavit in 2008, stating that the building would only be used for the storage of farm implements. An inspection of the building this month revealed that the building was converted into another secondary residence. See attached inspection report. It appears that this building is in violation of county ordinances as well.

Continued...

Under Dane County Zoning Ordinance Section 10.04, only one principal building (single-family residence) may be on a lot. Other accessory buildings may be constructed, but they shall not be used for residential use. Proposed Lot 1 appears to violate the ordinance section by having two residences on the proposed lot.

**TOWN PLAN:** The property is in the town's agricultural preservation area. As indicated on the attached density study report, there are 2 housing density rights assigned to the property. Note that the town counts all dwellings as a split against the 1 per 35 density limitation. Although no new development is proposed under this petition, the current amount of residents on the property is exceeded by 1.

**RESOURCE PROTECTION:** No resource protection corridors located on the property.

**STAFF:** The amount of residences currently on the property violates the density standards of the agricultural preservation policies. A residence will need to be removed or the building converted into a legitimate accessory building prior to the rezoning of the property.

Staff recommends a deed restriction be recorded on the balance of A-1EX zoned land prohibiting further residential development as indicated in the town plan.

**1/26 ZLR COMMITTEE:** A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be postponed until Town comments are received regarding the pending violation. Staff is instructed to contact the Town of Pleasant Springs and obtain a recommendation on the corrective action needed for the illegal residence on the property. The motion carried by the following vote: 3-0.

**STAFF UPDATE:** County Staff met with the Town Plan Commission on March 2<sup>nd</sup> and with the Town Board on March 15<sup>th</sup> regarding the housing density issue. It was explained that County Staff had identified that there are three residences currently located on the property. It was suggested that one of the residences be removed from the property in order to comply with the housing density policies found under the Town of Pleasant Springs Comprehensive Plan.

**TOWN UPDATE:** Both the Town Plan Commission and the Town Board agreed that the building constructed in 2006 (two-story building) was a residence and that corrective actions were needed in order for the zoning change to be in compliance with the housing density policies of the Town Comprehensive Plan. The Town Board recommends that the second floor of the two-story building be removed in order for the building to be viewed as an accessory building rather than a residence.

Suggested conditions for Petition #10931:

1. A deed restriction shall be recorded on parcels 0611-112-9000-2 and 0611-112-8500-9 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.
2. A joint driveway agreement shall be record on the properties for the benefit of Lots 1 & 2 and the Certified Survey Map shall reflect the joint driveway access.
3. ~~The second floor of the two story building (constructed in 2006) shall be removed within 90 days of County Board approval. Specifically, all construction above the second floor line shall be removed including the stairway that permits access to the second floor. All plumbing shall be removed from the building. As an alternative, the entire building could be demolished.~~

**3/22 ZLR COMMITTEE:** Postponed

A motion was made by KOLAR, seconded by SALOV, that this Zoning Petition be postponed until such time as the second floor of the two-story building (constructed in 2006) is removed as determined by the Town of Pleasant Springs. Specifically, all construction above the second floor line shall be removed including the stairway that permits access to the second floor. All plumbing shall be removed from the building. As an alternative, the entire building could be demolished. The motion carried by the following vote: 5-0.

**STAFF UPDATE:** The second floor has been removed from the accessory building. See attached Certificate of Compliance and inspection report. Staff suggests approval of the petition conditioned upon the two suggested conditions as stated above.

**5/10 ZLR:** The petition was postponed to allow the applicant to make changes on the proposed rezoning.

**STAFF UPDATE:** The petitioner would like to keep the proposal as originally submitted. If approved, Staff suggests placing 2 conditions on the proposal as stated above.