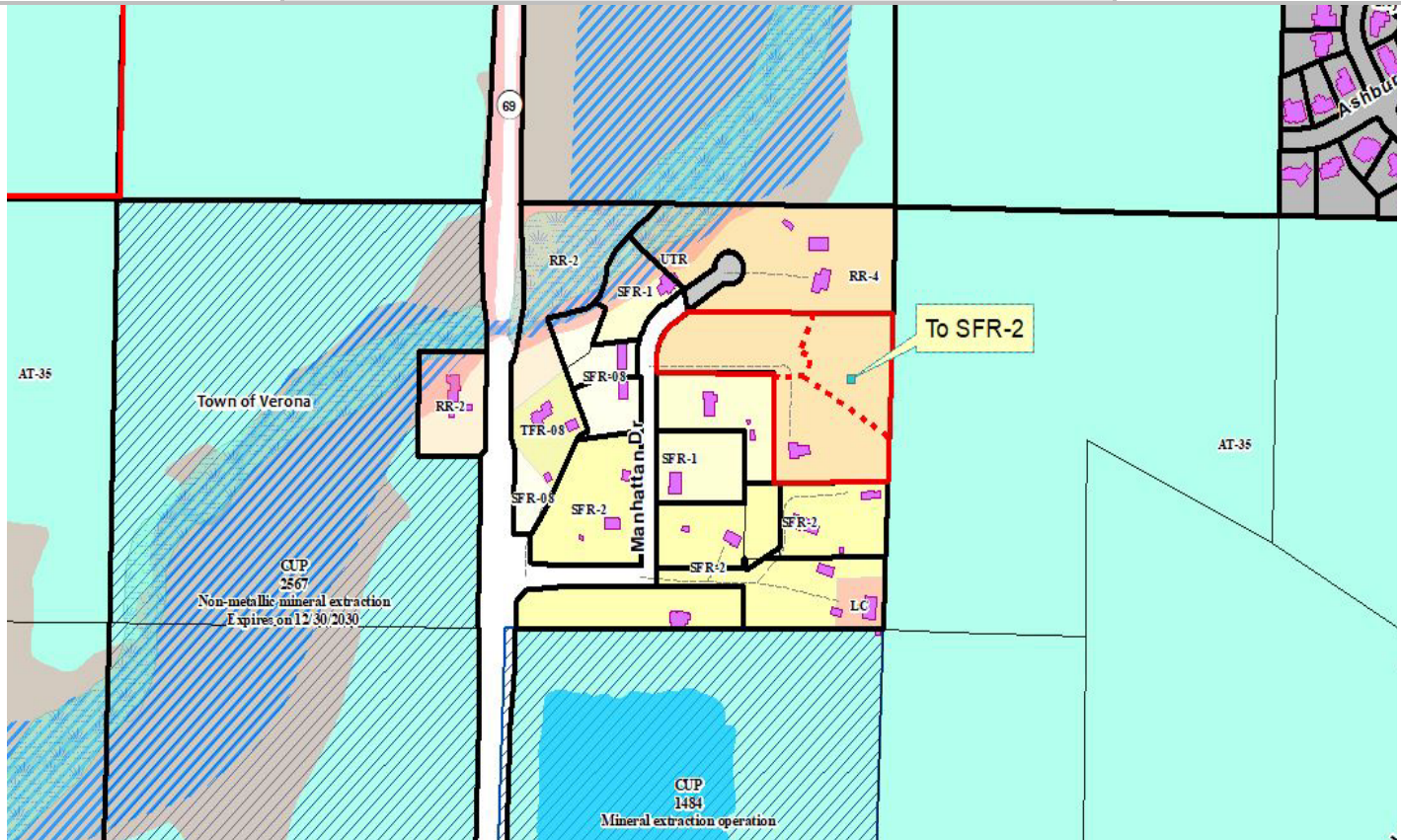


Staff Report  Zoning & Land Regulation Committee	Public Hearing: May 27, 2025 Report updated for the July 8th ZLR meeting		Petition 12157
	Zoning Amendment Requested: RR-4 Rural Residential District TO SFR-2 Single Family Residential District >> revised to propose SFR-08 on Lot 1		Town, Section: VERONA, Section 28
	Size: 6.2 Acres	Survey Required: Yes	Applicant: NORBERT REPKA
	Reason for the request: DIVIDING A RESIDENTIAL LOT INTO THREE RESIDENTIAL LOTS		Address: 2014 MANHATTAN DR



DESCRIPTION: Norbert Repka proposes to divide an existing residential lot into three residential lots. Two of the lots, one for the existing house and a vacant lot, will not have public road frontage. Frontage for these lots will be gained through a joint driveway easement as provided for under Dane County Land Division Ordinance Section 75.19(8). The easement area act as a “public road” for the lots without frontage. The applicant has provided a driveway easement agreement that includes the special provisions found for creating lots without frontage.

OBSERVATIONS: Mr. Repka previously submitted a proposal to create 4 lots on this property under Rezoning Petition 11854 in 2022. The petition was denied by the County Board based on the proposal not meeting Town Plan density policies. Mr. Repka appealed the decision. Dane County Circuit Court found that the Town and the County had the discretion to determine housing density for the development of this property.

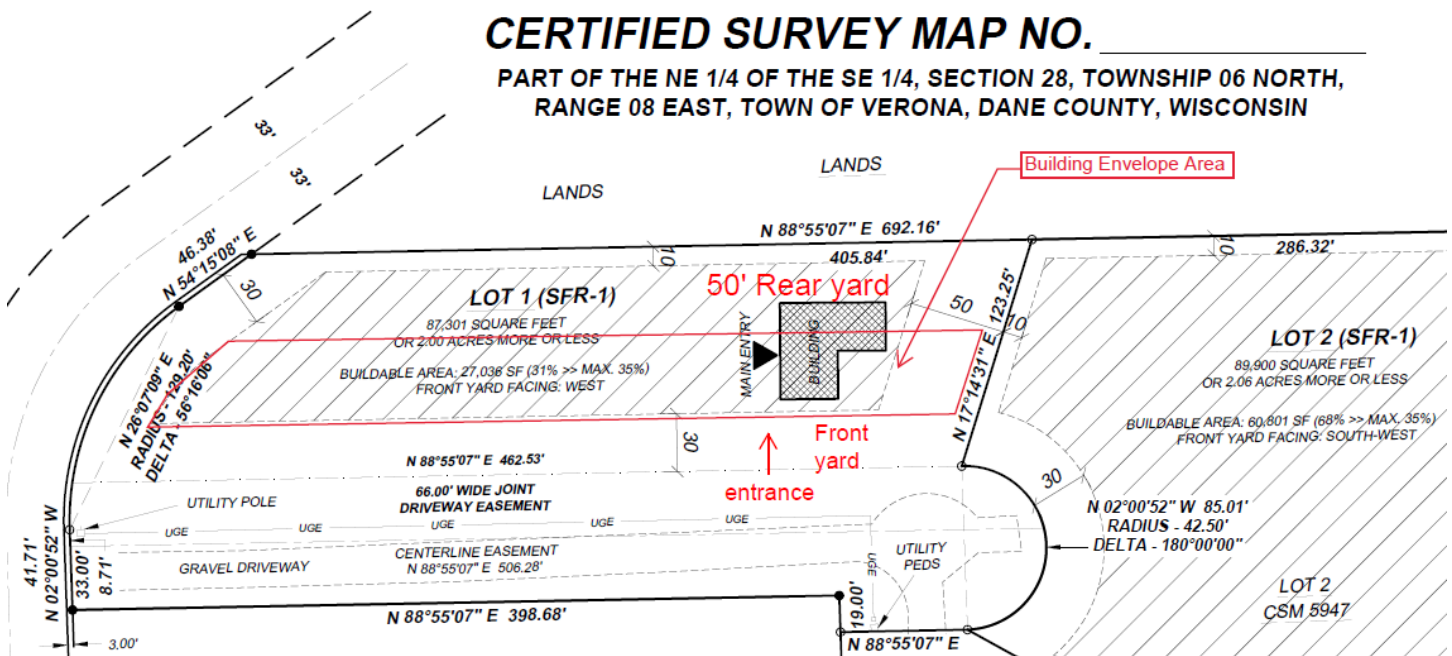
The configuration of Lot 1 is concerning. The building envelope area was shown in the application has been misrepresented. If access to Lot 1 is gained along the shared access easement area, in essence, the easement acts as the front “street” per the definition in the zoning ordinance. This configuration would require a 50-foot rear setback along the north property line, thus leaving a 40-foot building envelope depth. See sketch below.

COMPREHENSIVE PLAN: The proposal is consistent with the Comprehensive Plan designation as ‘urban residential.’ Residential development is supported up to a density of one unit per 1.5 acres, provided design and other criteria are met. The plan encourages shared driveways, and states that the Town will ensure that all new requests for land divisions along existing Town roads include public road right-of-way dedication to the current standard of sixty-six (66) foot

roadway width. For questions about the Plan, contact Senior Planner Bridgit Van Belleghem vanbelleghem.bridgit@danecounty.gov.

RESOURCE PROTECTION: There are no mapped resource protection corridors within 300 feet of the site.

MAY 27th ZLR PUBLIC HEARING: On May 27th the ZLR Committee held a public hearing and postponed action on the petition at the applicant's request, to allow more time for him to request town approval for alternate (SFR-08) zoning. Staff had recommended approval of the original SFR-2 zoning, but with a restriction that would establish a 50-foot rear yard setback on the north property line of Lot 1 if the lot takes access along the joint driveway easement area. This was based on the fact that the access easement being created with this CSM would act as the front "street" under County ordinances, the easement being used to create lots without frontage under Ch. 75.19(8) DCCO.



Mr. Repka indicated that he would prefer to request SFR-08 zoning for Lot 1, instead of proceeding with SFR-2 zoning with the larger rear setback and deed restriction. The SFR-08 zoning district has a 25-foot rear yard setback for principal buildings. The amended petition requires that he request a new town approval for the amended petition.

TOWN ACTION: Town Board had recommended approval of the SFR-2 zoning subject to approval by the Joint City/Town Planning Committee. Since the May 27th ZLR hearing, the town reconsidered the applicant's proposal with SFR-08 zoning requested instead. The Town Board recommended approval of the amended request on July 1st, subject to no further splits allowed for Lot 1 and also approval of the Joint City/Town Planning Committee.

STAFF RECOMMENDATION (updated): With the town's support, the amended petition would provide relief from the larger building setback that SFR-2 zoning requires. However, because the SFR-08 zoning district allows lots as small as 20,000 square feet in size, and the town policies only allow 3 lots on this property, we recommend a deed restriction to prohibit further division of Lot 1.

Staff recommends approval of the petition, with SFR-08 zoning on Lot 1, subject to the following conditions:

1. A shared driveway access agreement shall be recorded that meets the provisions found under Dane County Land Division Ordinance Section 75.19(8).
2. Approval of the Joint City/Town Planning Committee is required.
3. A deed restriction shall be recorded on the Lot 1 stating the following:
 - a. Further land divisions are prohibited.

Please contact Roger Lane at (608) 266-9078 or lane.roger@danecounty.gov if you have questions about this petition or staff report.