
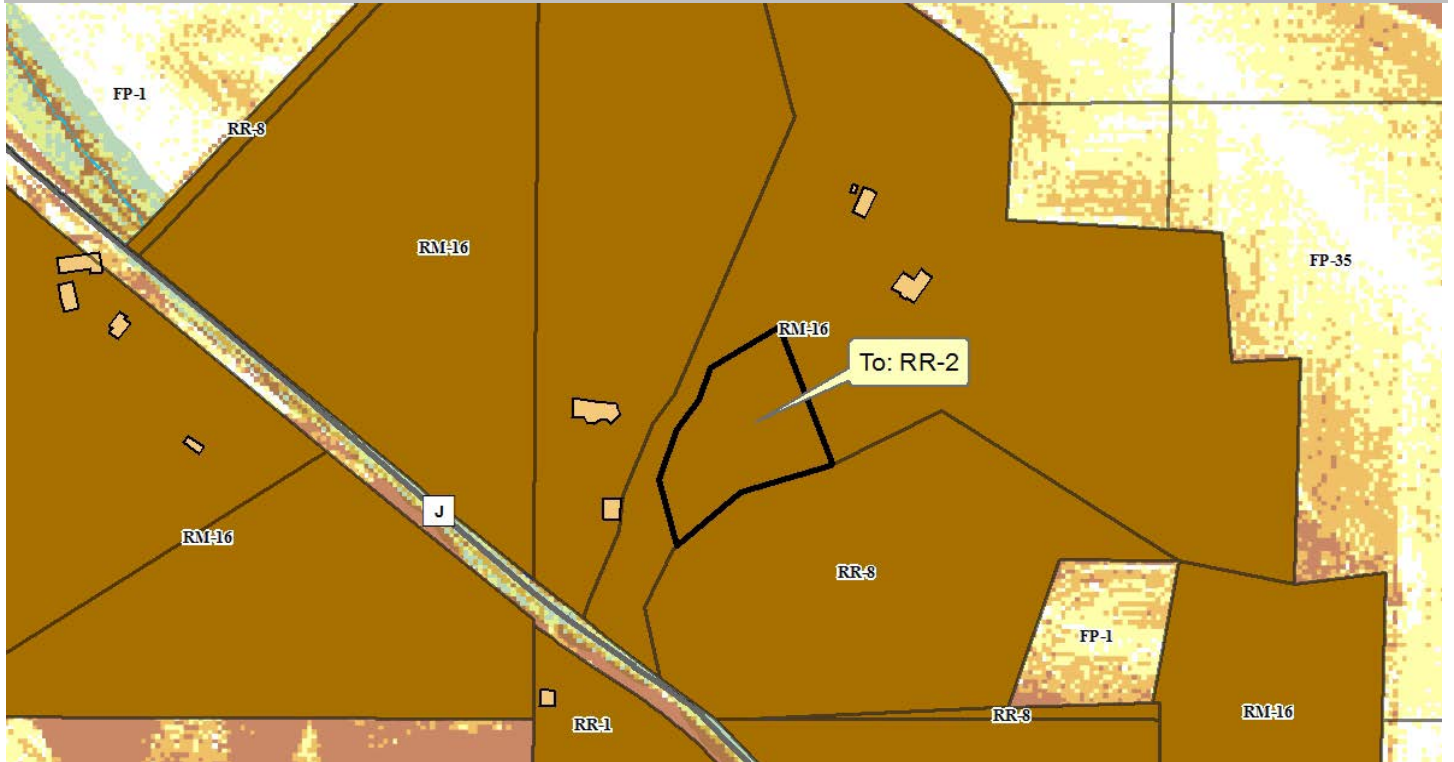


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>December 22, 2020</b>		<b>Petition 11627</b>
	<i>Zoning Amendment Requested:</i> <b>RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District</b>		<i>Town/Section:</i> <b>VERMONT, Section 26</b>
	<i>Size:</i> <b>2.04 Acres</b>	<i>Survey Required:</i> <b>Yes</b>	<i>Applicant:</i> <b>KYLE FISHER</b>
	<i>Reason for the request:</i> <b>Creating one residential lot</b>		<i>Address:</i> <b>5500 COUNTY HWY J</b>



**DESCRIPTION:** Landowner wishes to rezone 2.04 acres from an existing 23-acre RM-16 lot (CSM 3835, Lot 1, recorded 11/19/1981) to the RR-2 zoning district to allow for the creation of a new single-family residential lot.

**OBSERVATIONS:** As submitted, the proposed RR-2 lot would not have 66 feet of road frontage onto a public road, as required under the Dane County Land Division Ordinance. At its narrowest point, the existing frontage onto County Highway J appears to be approximately 120 feet wide. ZLR approval of a variance from the road frontage requirement would be necessary to create proposed RR-2 lot.

**TOWN PLAN:** The property is within a Farmland Preservation Area in the adopted *Town of Vermont / Dane County Comprehensive Plan*. Town / county plan policies allow for the creation of a new homesite on parcels that existed as of January 1, 1985 and are between 20 and 53 acres in size.

**RESOURCE PROTECTION:** An intermittent stream crosses the property through an existing culvert, parallel and adjacent to the County Highway J right-of-way. The existing driveway should be re-used, and a shared driveway agreement recorded, to minimize disturbance of this area.

**DANE COUNTY HIGHWAY DEPARTMENT:** County Highway J is not a controlled access highway. Joint access will be required for the proposed lot. An access permit will be required to be obtained for the joint use of the current access.

**STAFF:** Recommend approval with the following conditions:

1. The landowner obtains a variance from the road frontage requirement under s. 75.21(1), Dane County Code, to allow for less than 66 feet of road frontage for each lot, due to the constraints of the existing parcel.
2. Within 90 days of the effective date of this petition, the landowner records:
  - a. an approved Certified Survey Map that provides adequate road frontage onto County Highway J,
  - b. deed restrictions prohibiting further division for residential development on PIN 0706-264-9040-0 and;
  - c. a driveway easement and shared driveway agreement that complies with s. 75.19(8), Dane County Code.

**TOWN:** On 10/12/2020, the Town of Vermont voted to recommend approval with a condition that the applicant file a shared driveway agreement.

**DEC 22<sup>nd</sup> ZLR MEETING:** The Committee postponed action on the petition due to public opposition. The adjacent neighbor stated that the neighbor's driveway was on his property and it should be remedied as part of the new CSM.

**STAFF UPDATE:** A location survey was performed by Red Oak Land Surveying regarding the positioning of the gravel driveway. It was found that the existing gravel driveway is entirely on the Fisher property. A survey detail was prepared by the surveyor. See attached Drive Survey. The stake that is closest to the driveway is a found stake, meaning previously set. This stake's position is located as referenced on CSM 2826 which is the original survey of the neighboring land prepared in 1978.

Staff recommends approval conditioned up the following:

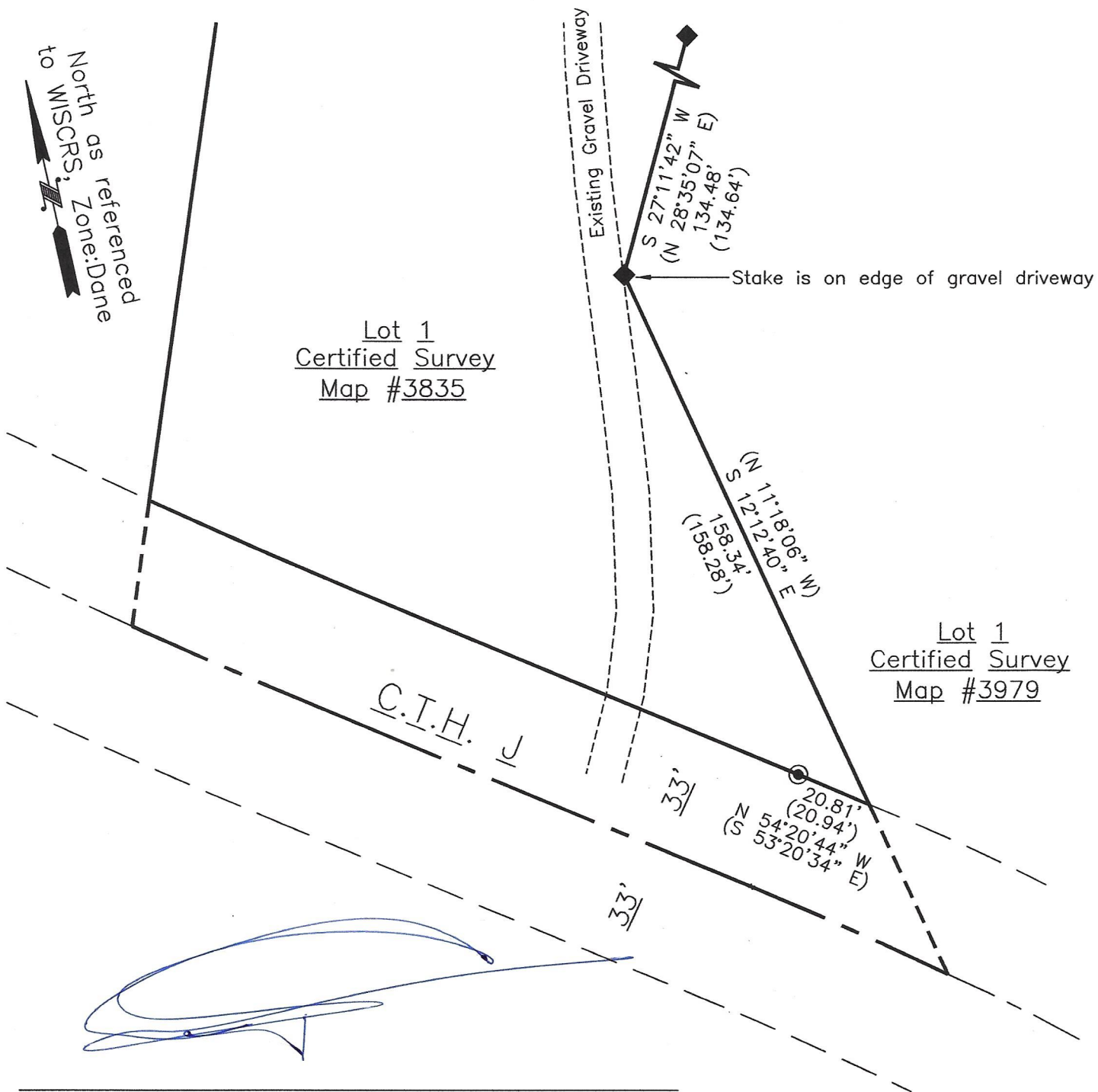
1. A deed restriction be recorded with the Dane County Register of Deeds prohibiting further land divisions of the proposed Lots 1 & 2. The housing density rights have been exhausted per the Town Comprehensive Plan Density policies.
2. A shared driveway agreement shall be recorded with the Dane County Register of Deeds that complies with the requirements found under Dane County Code of Ordinances Section 75.19(8).

**Questions? Contact Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com).**

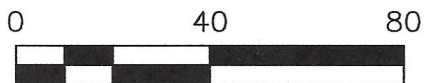
**Revised by Roger Lane on January 5, 2021**

# DRIVEWAY DETAIL MAP

Part of Lot 1, Certified Survey Map #3835, being a part of the SW 1/4, the SE 1/4, and the NW 1/4, all in the SE 1/4 of Section 26, T7N, R6E, Town of Vermont, Dane County, Wisconsin.



Timothy G. Radl S-2959 Professional Land Surveyor



### Legend

- 3/4" Rebar Found ◆
- 1" Inside Dia. Iron Pipe Found ●

<b>Red Oak Land Surveying LLC</b>		
313 Waverly Pl. Madison, WI 53705 (608)233-3142 redoakls.com		
DRAWN TGR	DATE 12/18/2020	Prepared for: Mr. Kyle Fisher 5500 C.T.H. "J" Mt. Horeb, WI 53572
APPROVED TGR	DATE 12/18/2020	
SCALE 1"=40'	SHEET 1 of 1	PROJECT NO. 2020103