

Staff Report

**Zoning & Land
Regulation
Committee**

Public Hearing: **January 28, 2025**

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO RR-4 Rural Residential District and FP-1 Farmland Preservation District

Size: **4,836.2 Acres**

Survey Required: **Yes**

Reason for the request:

SEPARATE EXISTING RESIDENCE AND NON-TILLABLE LAND FROM THE FARM ON ONE RESIDENTIAL LOT AND TWO AGRICULTURAL LOTS

Petition 12135

Town, Section:

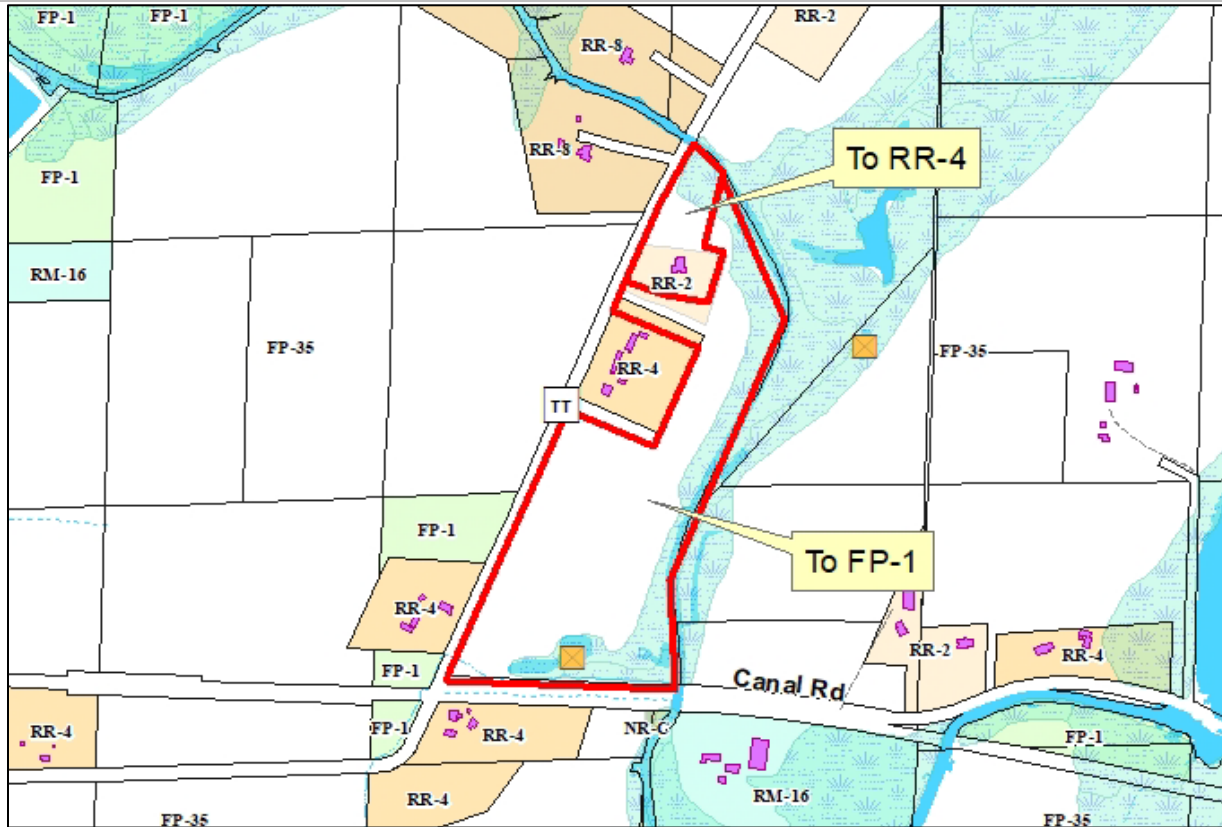
MEDINA, Section 5

Applicant:

**LEE AND JUSTINE
HELLENBRAND**

Address:

**6200 COUNTY
HIGHWAY TT**



DESCRIPTION: Lee and Justine Hellenbrand would like to separate farm land from the rest of the property, create an RR-4 residential lot (4.8 acres) and two FP-1 lots (32.9 and 3.3 acres in size).

The Town does not allow a residential lot more than 5 acres in size (to help maintain compliance with the 80% farmland preservation threshold), so the landowners would split off the home and sell the farm land (north end which cannot be cropped) along with the lot (see Preliminary Certified Survey Map in the application). The smaller FP-1 lot's boundary will follow the field. The larger FP-1 lot will be farmed, and may be retained or sold.

OBSERVATIONS: The proposed lots meet county ordinance requirements for the proposed zoning districts. The landowners intend to keep the residential lot and the small agricultural lot under one ownership. They will need to tie the lots together via deed restriction so they are sold together.

Property is deed restricted to prohibit further residential development. In 1998 rezone petition #7213 created the current residential "spot zone", and the restriction was required to prohibit further development on the remaining agricultural lands.

The property is subject to the Village of Marshall's extraterritorial jurisdiction for review of the land division.

DANE COUNTY HIGHWAY: CTH TT is not a controlled access highway. Permit(s) to Access are required for any change of use, reconstruction, or modifications of the existing accesses from the Highway Department. No change is proposed to the existing access points or land use.

NOTE: Preliminary CSM comments are not included in this review. Comments will include dedicating right-of-way (ROW) for highway use, showing “no access” areas, and showing existing access locations. CSM comments may include adding easement(s) to surrounding lands, etc. For questions applicants are advised to contact Kevin Eslick at 608-283-1486 / eslick.kevin@danecounty.gov.

COMPREHENSIVE PLAN: The future land use map designates this property as Agricultural Preservation and Environmental Protection Areas. The rezone will not remove land from these uses as no new development is proposed. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at 608.225.2043 or vanbelleghem.bridgit@danecounty.gov.

RESOURCE PROTECTION: Shoreland, wetland, and floodplains are present along the Menasha River. No further comments; no new development is proposed on the land.

TOWN ACTION: The Town Board recommended the rezone approval with no conditions.

STAFF RECOMMENDATION: Pending any comments at the ZLR public hearing, staff recommends approval with the following conditions:

1. The applicant shall record a deed restriction on Lots 1 & 2 to tie the lots together under common ownership and prevent them from being sold separately.

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