

COMPOSITE REPORT

Dane County Zoning & Natural Resources Committee

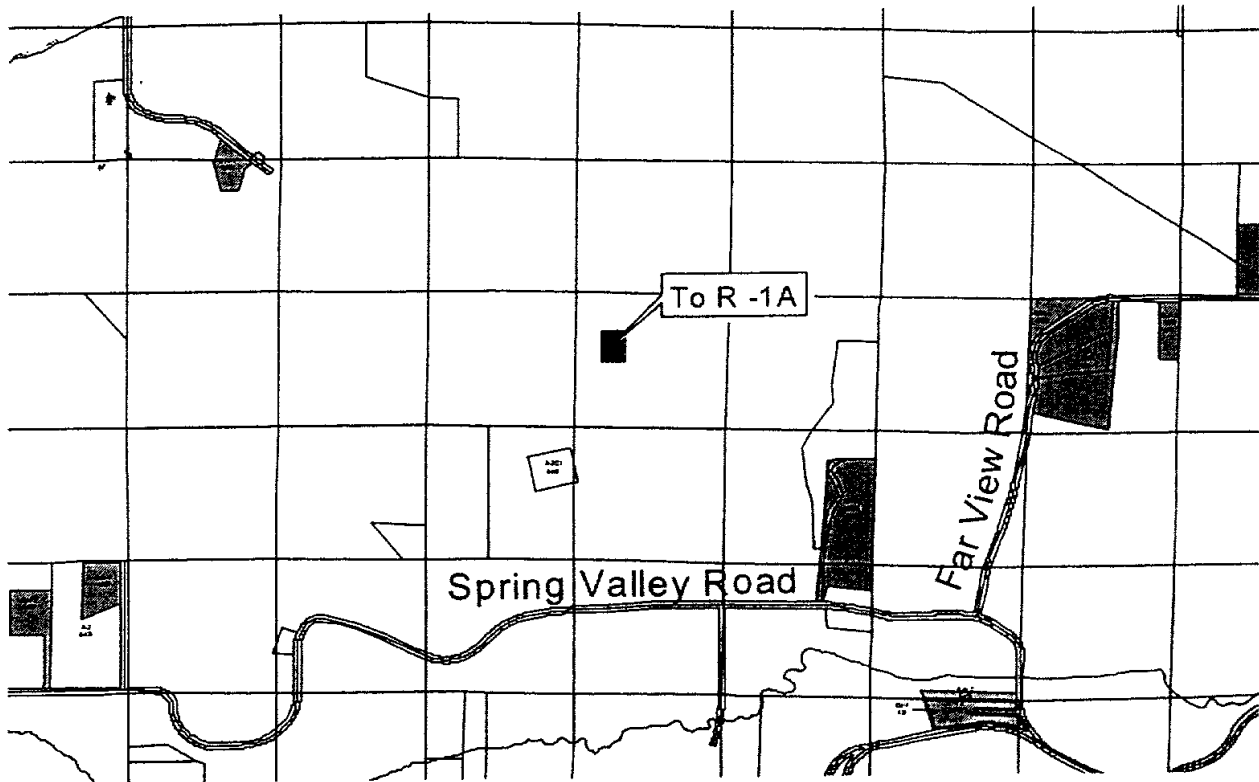
Dane County Application for Change in Zoning or HEARING DATE: 11/18/03 ITEM#: 6.
 CUP

ZONING PETITION #: 8830 CUP #: None
APPLICANT: KENDALL & KAY KAHL

TOWN / SECTION: Town of Berry 18
LOCATION: Northwest of 9344 Spring Valley Road

AREA: 1.5 acres DELAYED EFFECTIVE DATE: Yes

CHANGE: From the A-1 EX Exclusive Agricultural to the R-1A Residential PROPOSED USE: buildable area for owner of 37 acres



TOWN ACTION RECOMMENDATION

Approved October 20, 2003

DENY _____

SUBJECT TO:

Conditions Amended

IF CUP:

Conditions None

ZNR COMMITTEE ACTION - REZONING

Postponed _____

Approve Cond/Amnd Town Cond/Amnd Comm
 As Conditioned D.R.

Amended Changed Zone Dist. _____
 Changed Boundary Description _____

DENY

Action Date November 18, 2003 5-1 ^{Vote}

ZNR CUP APPROVAL

Approved As Specified by Town

Con by ZNR DENY
 Date _____

COUNTY BOARD ACTION REZONING

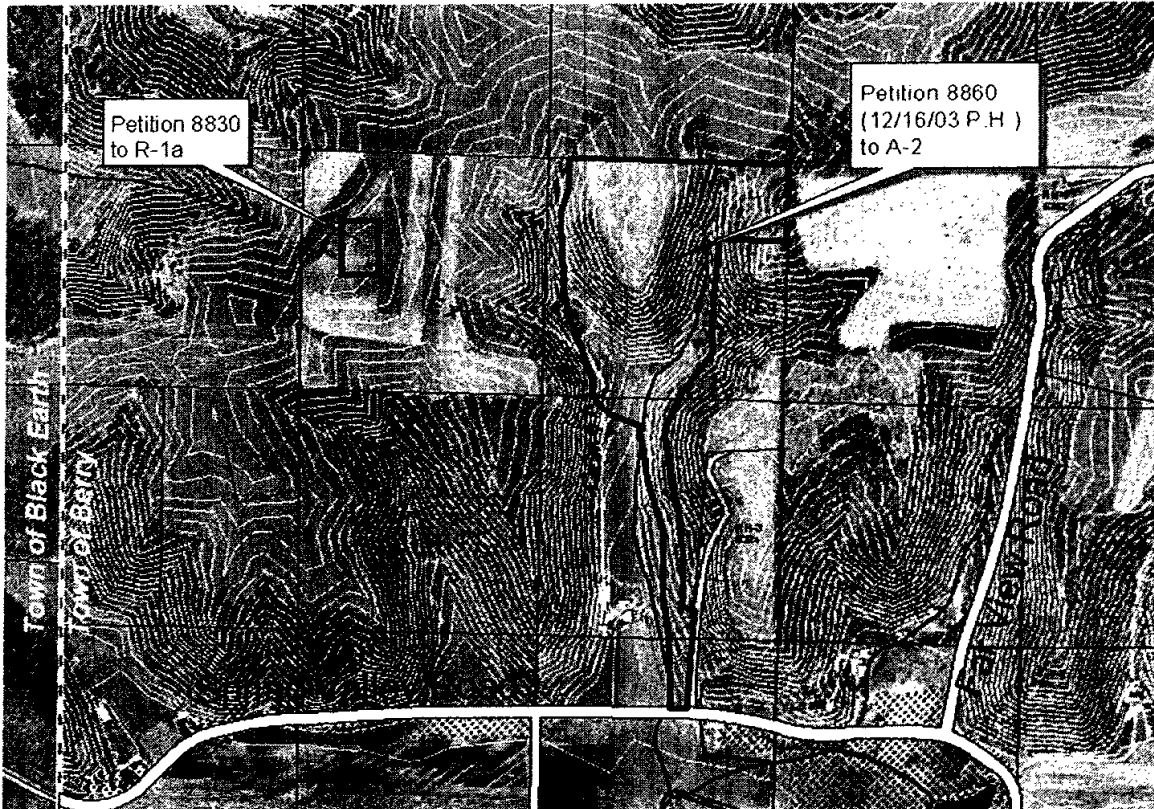
Referred Date 12-4-2003

Approved Amended on Floor

DENY COUNTY BOARD AGENDA ITEM

DANE COUNTY ZONING STAFF COMMENTS / BACKGROUND

6. 8830, A-1EX to R-1A, Berry



- **Owner(s) of record:** Kendall & Kay Kahl
- **Agent:** Michael & Sherri Zingg, prospective buyers of 37 acres zoned A-1EX.
- **Size, zoning, use of existing parcel:** 143.36 acre A-1EX farm including Kahl farmstead.
- **Rezone/CUP desired:** Create a 1.5-acre R-1A zoned area (not a separate parcel) for a "residential building site" for the Zinggs. The remaining 35.5 acres in A-1EX zoning would "stay in CRP or Ag use..." and "will be deed restricted to no further residential home sites."
- **Number of new home sites created:** One
- **History:** None
- **Soils/Uses:** 50% Class III, 50% Class IV; 100% Cropland
- **Shoreland/Floodzone/Wetlands:** None
- **Other:** An existing 1600+- foot-long "Easement for Existing Driveway" serves the Kahl's land to the east of the proposed 37-acre Zingg purchase. A proposed location plan shows that this driveway would be extended one-quarter mile+- to the northeast corner of the 37 acres as a "66' Wide Easement for New Driveway," then apparently would cross the Zinggs' A-1EX land to the R-1A zoned location for their new home. An intermittent stream tributary to Black Earth Creek may be located within 300 feet of the juncture of the existing and proposed driveway easements.

(Questions? Contact Kristine Schutte – 266-9084)

NOTE: Pet. 6324 to RH-3 to SE of Pet. 8830 should show 2 parcels (13.5 A. S'ly and

COMPOSITE REPORT

ITEM #

November 18, 2003 ZNR Public Hearing

15 A. N'ly.) Both were rezoned by Kahl eff'v 10/05/1995. Kahl sold S'ly parcel to Varda. N'ly parcel is Kahl's current homestead. He is applying to rezone a large parcel including the long driveway to A-2 for his retirement home – 12/03 ZNR P.H. Pet. 8860. See highlighted map.

DANE COUNTY AGENCY COMMENTS

Land Conservation (Questions? Contact Kevin Connors – 224-3730):

Highway & Transportation (Questions? Contact Pam Dunphy – 266-4261):

Environmental Health (Questions? Contact Jim Clark – 242-6515):

DANE COUNTY PLANNING STAFF COMMENTS

- **Town Planning District:** Agricultural and Rural Lands Preservation
- **Town Density Policy:** One residential dwelling unit per 35 acres owned as of 4/13/1981.
- **Remaining Splits / Building Sites:** 2
- **Other Planning Issues:** Chapter 7 of the *Town of Berry Comprehensive Plan* includes the following policy:
B. Housing Goals, Objectives and Policies, Policy f.4. "Buildings should be sited to minimize visibility from public roads and existing residences through proper placemtn, retention of existing vegetation and topography, and/or planting of new vegetation or berming. New buildings should be located adjacent to tree lines where available and at the edge of open fields rather than the middle."

(Questions? Contact Brian Standing 267-4115)

TOWN ACTION REPORT

- **Town Action:** The Town of Berry Board of Supervisors voted 4-0 on October 20, 2003 to recommend approval of Petition 8830, with conditions.
- **Town Conditions:** "*Notice of restriction on the remaining 35.5 acres zoned A1-ex to no further allowable residential development.*"

RECOMMENDED CONDITIONS

- **Restrictions:** Per the town's recommendation, the committee may wish to require the recording of deed restrictions prohibiting further division for residential development on the following parcel:

The SE ¼ of the NW ¼ of Section 18, Town of Berry.