



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **May 24, 2016**

Zoning Amendment:

A-1EX Exclusive Agriculture District to R-3 Residence District

Acres: 1.58

Survey Req. No

Reason:

Change zoning district to all for a reduced rear yard setback

Petition: **Rezone 10983**

Town/sect:

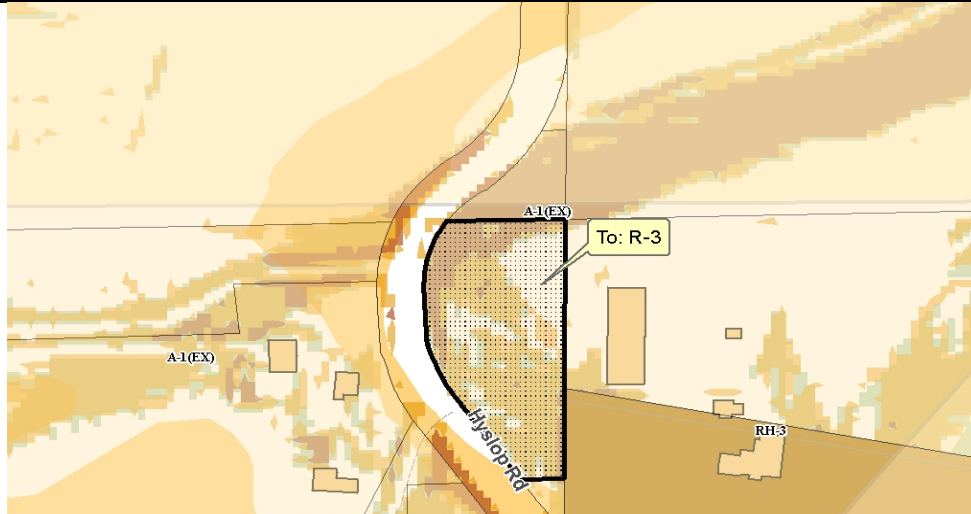
Dane Section 35

Applicant

Richard Scott Mooney

Location:

East of 6645 Hyslop Road



DESCRIPTION: Applicant requests a zoning change to R-3 for an existing, legal sub-standard A-1EX zoned parcel. The requested R-3 zoning will allow the owner to build their proposed house closer to the rear lot line than would be permitted under the existing A-1EX zoning.

OBSERVATIONS: Note that legal substandard A-1EX zoned parcels may be used as a building site without the need for a zoning change. Areas of steep slope topography over 12% grade exist across 75% of the parcel.

TOWN PLAN: The property is located in the town's agricultural preservation area. Town plan policies prohibit building development on slopes in excess of 12%, and limit driveway grades to a maximum of 12% after construction. The plan also includes the following policy on page 31 of the plan:

"Following county standards, this plan does not recommend any development, including driveways, or site disturbance on slopes greater than 12 percent. Driveway slopes steeper than 12 percent can create problems for emergency vehicles. It is important to emphasize that this plan does not suggest that all parcels containing steep slopes should be prohibited from development. Rather, this plan encourages landowners to direct site development or disturbance away from steep slopes and into more appropriate areas of their property."

RESOURCE PROTECTION: An area of resource protection corridor associated with the steep slopes is located on the property.

STAFF: The steep slope topography will present a challenge to siting a residence on the property in conformance with town plan policies. The owner owns a small ~0.5 acre A-1EX zoned remnant tax parcel that is not included in this petition. Consideration should be given to rezoning the remnant tax parcel to R-3 and consolidating the property under a new Certified Survey Map. If the petition is approved, staff recommends a deed restriction be recorded prohibiting division of the property.

5/24 ZLR: Postponed due to no town action and public opposition. The neighbor expressed concerns regarding close proximity to an active farm, driveway location, and high levels of nitrites in the ground water.

Staff Update: The Town has issued a driveway permit for the property and found no issues with the placement of the house.

TOWN: Approved.