

Staff Report



Zoning and Land Regulation Committee

Public Hearing: April 25, 2023

Petition 11935

Zoning Amendment Requested:

AT-35 Agriculture Transition District TO RR-1 Rural Residential District, RR-2 Rural Residential District, and RR-4 Rural Residential District

Town/Section:

SPRINGDALE, Section 26

Size: 1.5, 3.8, 11.3, 15.1 Acres

Survey Required. Yes

Applicant

DAHLK REV LIVING TR (HOWARD & CHRISTINE DAHLK)

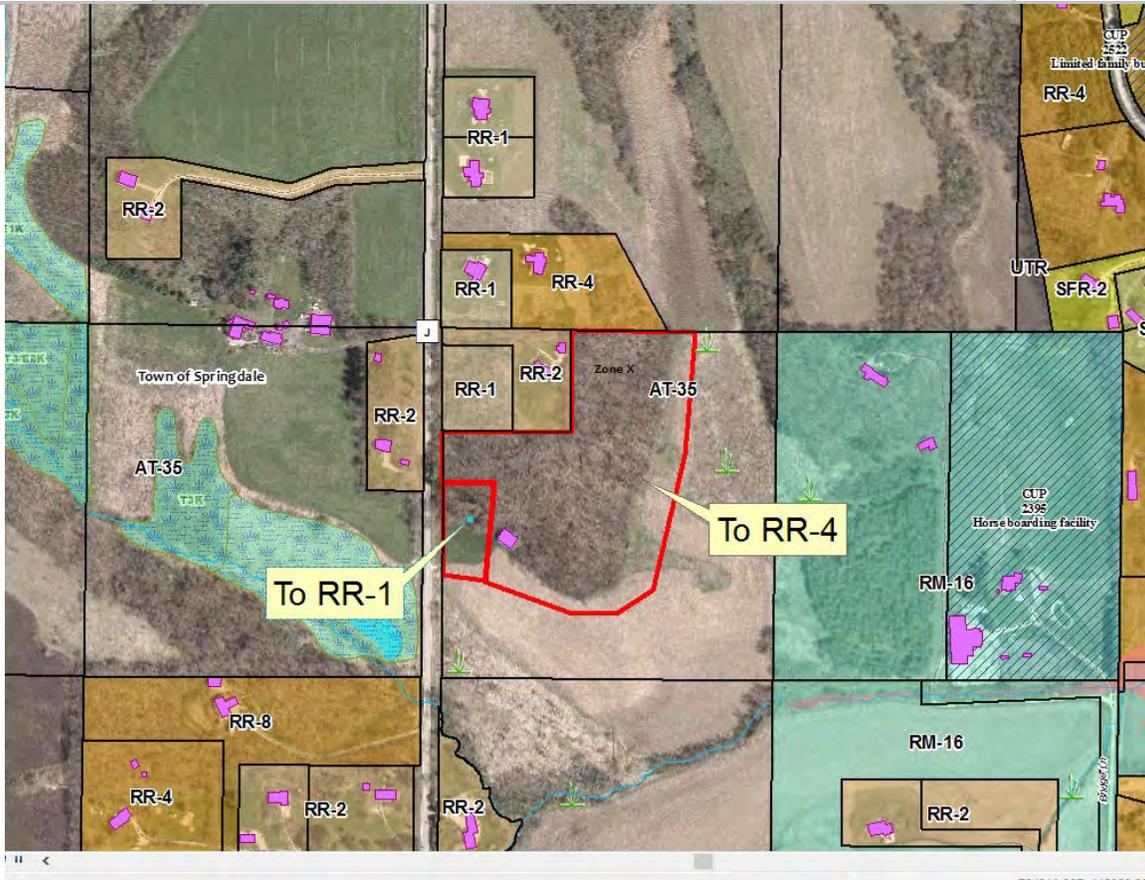
Reason for the request:

Creating 4 new residential lots

Address:

2134 COUNTY HIGHWAY J

Petition revised to reconfigure lots



DESCRIPTION: Applicants Howard and Christine Dahlk propose to create four residential lots on their 77-acre property. The lots would range in size from 1.5 to 6.2 5.5 acres and would be zoned RR-1, RR-2, and RR-4, respectively based on size.

OBSERVATIONS: The land proposed for rezoning is characterized by a wooded hilltop that slopes down to the south and east. The Town of Springdale has already approved a concept plan for the home sites.

All four lots appear to meet the requirements of the proposed zoning districts and County land division ordinance requirements for public road frontage. Proposed Lots 2, 3 and 4 are all "flag lot" configurations; however these lots would have future road access through an easement on Lot 4; see County Highway Department comments below.

Proposed Lot 2 contains an existing shed approximately 3,000 SF in size. Zoning ordinance requires each lot to have a principal structure before an accessory structure can be built; this would make the use of Lot 2 nonconforming until a house is built. See staff recommendations below.

The lots are located approximately 1 mile from a few active quarries to the north along Highway 12 & 18.

HIGHWAY DEPT. COMMENTS: CTH J is not a controlled access highway. Access Permit #22A030 allows a single access point for 4 single family residences and surrounding agricultural lands. After Access #22A030 is constructed, no new access will be permitted on CTH J due to reconfiguration of lots. Any change of use or additional residence to Access #22A030 will require a new permit. Estimate increase of traffic to be 40 trips per day due to rezone. Additionally, the CSM included in the rezone petition needs No Access designated across the frontage of CTH J except in the area that Access Permit #22A030 allows (the CSM shared area).

COMPREHENSIVE PLAN: The property is located in the town's Mixed Agricultural/Low Density planning area. (For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing@countyofdane.com)

RESOURCE PROTECTION: The proposed lots contain no resource protection corridors except for a few places reflecting the steep slopes. An erosion control permit will be needed from Dane County Land and Water Resources for any driveway over 125' long (no exemption for residential home sites), and stormwater management approval will be needed if there is over 20,000 square feet of impervious surface.

TOWN ACTION: On January 23, 2023 the Town Board recommended approval of the rezone with one condition:

1. No further division per the Town land use plan.

STAFF RECOMMENDATION: The existing shed building on proposed Lot 2 would not meet zoning requirements for RR-2 zoning due to the lack of a residence as the principal use. Constructing a home on Lot 2 will address this issue; however until such time it would be appropriate to have some means of ensuring compliance with the residential zoning. Staff is concerned that the shed building could potentially be used for a different non-permitted use, such operating a commercial business. We recommend a deed restriction preventing commercial use of the building as a way to resolve this.

Pending any comments at the public hearing, Staff recommends approval of the rezone subject to the applicant recording a CSM for the new lots and the following conditions:

1. A deed restriction shall be recorded on the balance of parcel 060726180020, 060726195030, and 060726480010 stating the following:
 - a. Further nonfarm development is prohibited on the remaining AT-35 zoned lands per the Town land use plan. The housing density rights on the original farm have been exhausted.
2. A deed restriction shall be recorded on proposed Lot 2 stating the following:
 - a. Commercial use of the accessory building is prohibited.
3. A deed restriction shall be recorded on proposed Lots 1 – 4 stating the following:
 - a. Further division of the property is prohibited.
4. A shared driveway access easement shall be recorded on the properties to allow joint access. The agreement shall be approved by the Town.

APRIL 25TH ZLR COMMITTEE MEETING: At the meeting, the applicant had requested that the petition be postponed to allow time for the lots to be reconfigured.

STAFF UPDATE: Access for all of the lots is provided by way of an access easement along the south side of the CSM boundary. The boundaries of the lots have been reconfigured so that the lot frontage for Lot 4 is along the northerly edge of the CSM. The actual drive access for the four lots has not changed, however, the access easement has been spread across Lots 1, 2, and 3. County Staff has been in contact with the Town of Springdale. The Town Board approved the reconfiguration. Staff is recommending approval with the above mentioned conditions.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@countyofdane.com



C.T.H. J



(N88°34'29"W)
N89°15'43"W

2643.31'

470.64'

320.84'

C.S.M. 10411

LOT 1

LOT 2

LOT 4
239,580 SQ. FT.
5.50 ACRES

(N88°34'29"W)
N89°14'57"W

488.87'

390.43'
(390.72)
S00°38'14"W
(S01°18'42"W)

N04°45'51"E
457.66'

33'

50'

83'

66.00'

S89°14'57"E

926.34'

66.00'

S89°14'57"E

66.00'

464.39'

LOT 3
209,008 SQ. FT.
4.80 ACRES

195.56'

S89°14'57"E

350.68'

LOT 1
65,340 SQ. FT.
1.50 ACRES

374.64'

LOT 2
209,007 SQ. FT.
4.80 ACRES

42'

SHED

S19°57'43"E

581.18'

530.36'

N13°23'36"E

(S01°06'30"W)
S00°26'02"W

2012.71'

166.07'

S81°21'00"E

570°04'31"E

358.46'

165.14'

N86°01'17"E

167.55'

N57°23'58"E

SHADED AREA INDICATES A 66' WIDE SHARED DRIVEWAY EASEMENT FOR INGRESS, EGRESS AND UTILITIES. SEE SHARED DRIVEWAY EASEMENT AGREEMENT RECORDED UNDER SEPARATE DOCUMENT FOR TERMS AND CONDITIONS.



08/15/23

LEGEND:

