



# Notice of Public Hearing

## Zoning and Land Regulation Committee

NOTE: Petition amended to allow for a single-family residence.

Public Hearing: **July 25, 2017**

Zoning Amendment:  
**A-1EX Agriculture District TO R-3A Residence District RH-1 Rural Homes District**

Acres: 2  
Survey Req. Yes

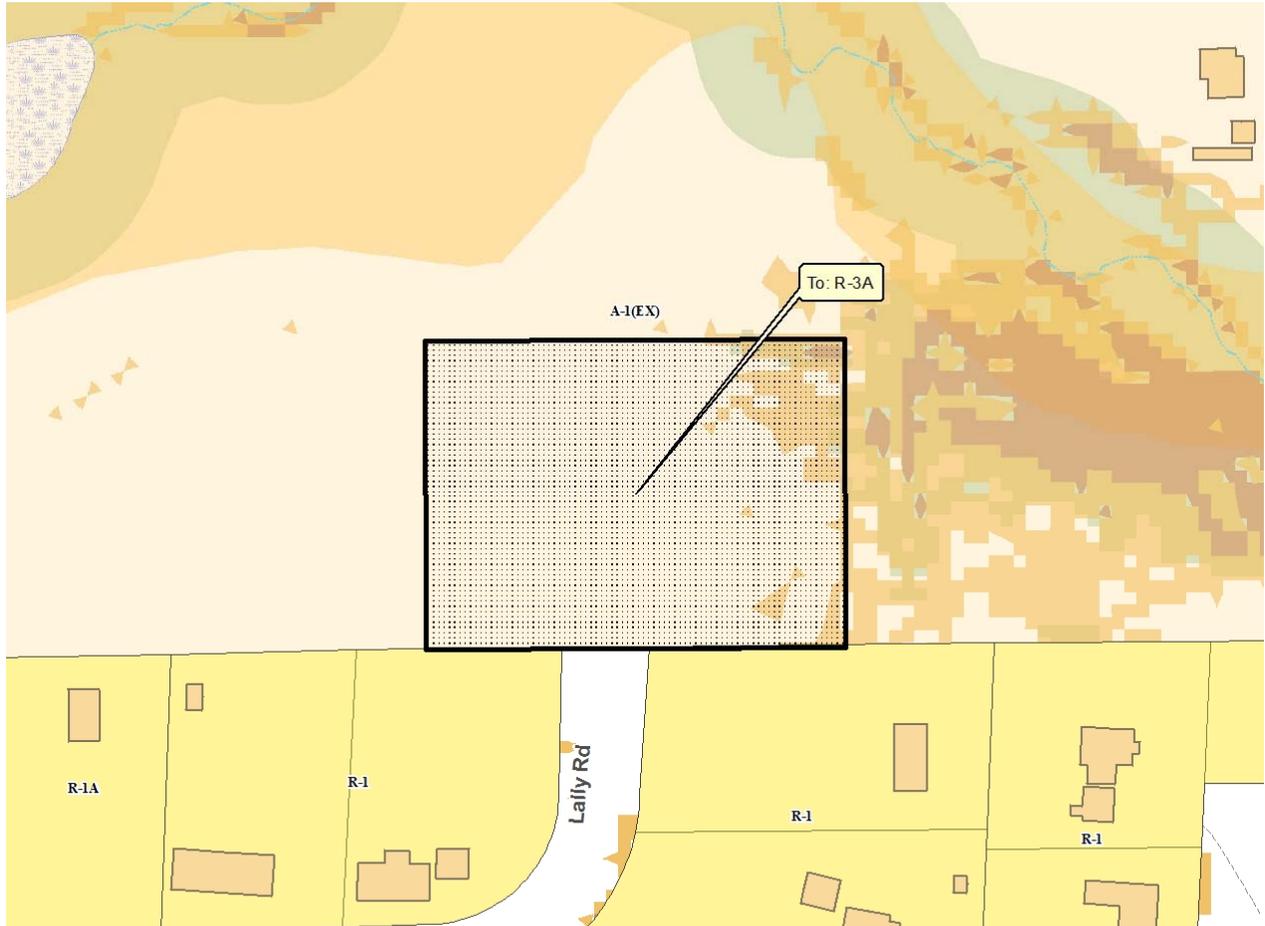
Reason:  
**creating residential lot for duplex**

Petition: **Petition 11169**

Town/sect:  
**DUNN, Section 28**

Applicant  
**JAMES T HUTCHINS**

Location:  
**NORTH OF LALLY ROAD**



**DESCRIPTION:** Applicant requests R-3A zoning to allow construction of a duplex on a new 2 acre parcel of land.

**OBSERVATIONS:** No sensitive environmental features observed.

**TOWN PLAN:** The property is located in the town's agricultural preservation area.

**RESOURCE PROTECTION:** No areas of resource protection corridor located on the property.

**STAFF:** As indicated on the attached density study report, the property remains eligible for one possible split. Town policies are a bit unclear on the treatment of new duplex proposals under the density limitation. The proposal otherwise appears reasonably consistent with town plan policies. The town plan policy in question is shown below. If the petition is approved, staff recommends that the balance of A-1EX land be deed restricted to prohibit further development.

*"Rezoning to R-3A for duplexes may be permitted in areas otherwise suitable for residential use on the condition that the density of dwelling units per acre does not exceed the maximum permissible density that the Town would approve for new R-1 zoning. This allows for duplex zoning in some areas if the density is the same. For example, a 40,000 square foot lot in a sewered area could have a duplex since the density would be one (1) residence per 20,000 square feet. In unsewered areas of the Town, a duplex would be allowed on a two (2) acre lot."*

**7/25 ZLR:** The petition was postponed due to no town action.

**TOWN:** The Town denied the petition. Finding of Fact: The land use policy does not support the creation of a two-family dwelling unit from one housing density right. The property does not have the sufficient housing density rights to support the R-3a Residence Zoning District.

**STAFF UPDATE:** The petitioner has requested that the petition be amended to RH-1 Rural Homes Zoning District to support a single-family residence being constructed on the property. The original farm does have one housing density right (split) available to support the creation of a single-family lot.

If amended, Staff suggests that a deed restriction be required to be recorded on the remaining A-1Ex Exclusive Agriculture lands prohibiting further residential development. The housing density rights for the original farm will be exhausted.

The Wisconsin Statutes requires all amended petitions to return to the Town for final approval. County Staff consulted with Town Staff. The Town Staff feel that the Town Board will be receptive to the change.