
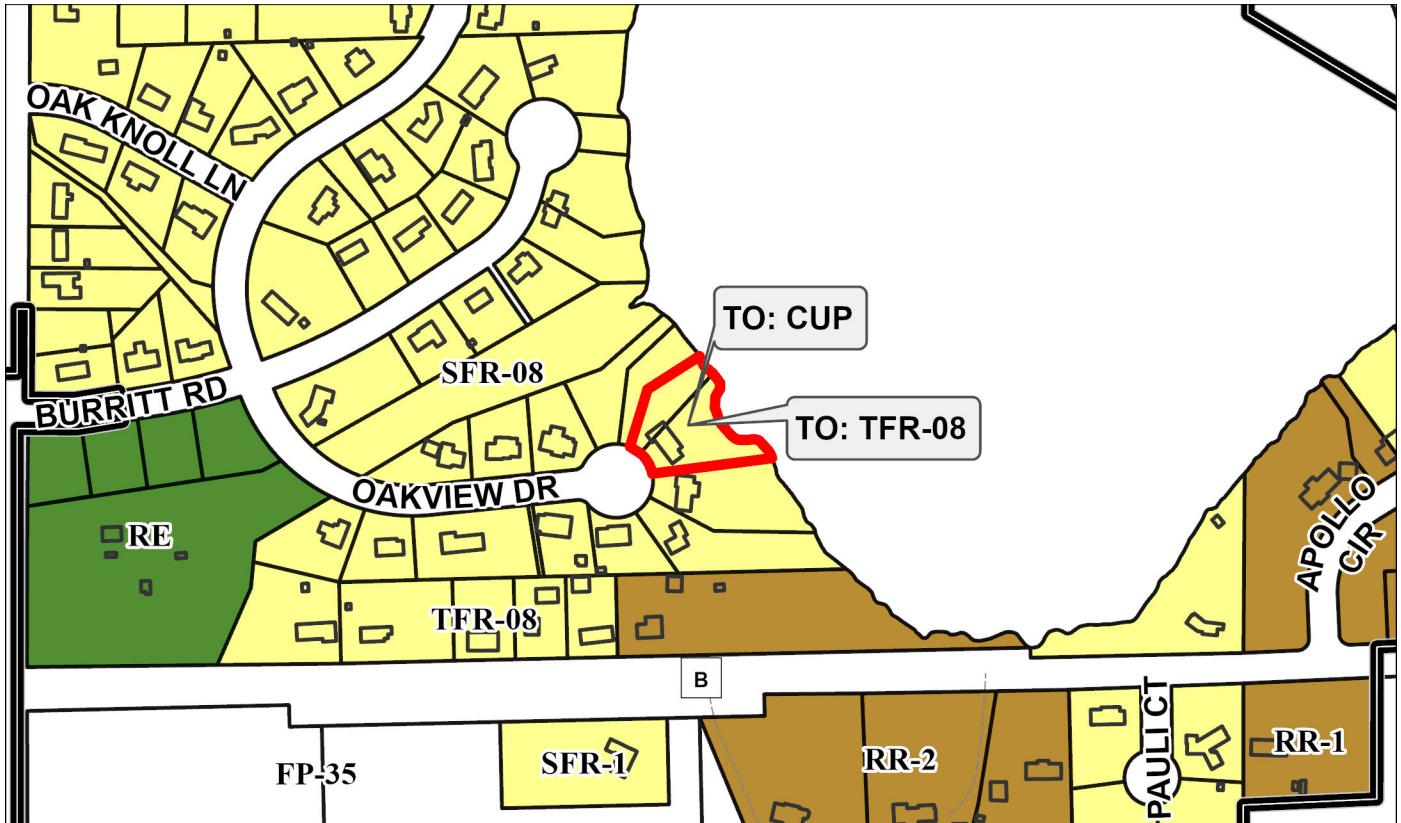


Staff Report  Zoning & Land Regulation Committee	<i>Public Hearing:</i> August 27, 2024	Petition 12080
	<i>Zoning Amendment Requested:</i> SFR-08 Single Family Residential District TO TFR-08 Two Family Residential District	<i>Town, Section:</i> PLEASANT SPRINGS, Section 32
	<i>Size:</i> 0.9 Acres	<i>Survey Required:</i> Yes
	<i>Reason for the request:</i> Consolidate two parcels into one and enable an accessory dwelling unit	
		<i>Applicant:</i> TOREY BYERS AND LORA OLIVERI
		<i>Address:</i> 1722 OAKVIEW DR



DESCRIPTION: Torey Byers and Lora Oliveri request TFR-08 zoning for their residential property located at the end of Oakview Drive, in order to construct a detached accessory dwelling unit on site for use by a family member. The property consists of two parcels, one full platted lot and one partial lot that was illegally divided in the 1960s without a new certified survey map (CSM). As part of the rezoning, they would consolidate the parcels into one lot with a new CSM, which would bring the property into conformance with current day zoning and land division ordinances.

This petition was submitted concurrently with a related Conditional Use Permit petition ([CUP 2631](#)) to request the ability to construct a detached accessory dwelling unit on site for use by a family member. CUP 2631 is being reviewed separately but is the reason for the request for TFR-08 zoning, as the current SFR-08 zoning only allows for attached ADUs and does not allow detached ADUs.

OBSERVATIONS: The property is located along the Yahara River. The proposed lot consolidation conforms to the proposed TFR-08 zoning district and other ordinance requirements, including lot size, building coverage and building setbacks. The property is served by public sanitary sewer and the TFR-08 zoning district requires a minimum lot size of 8,000 square feet for lots on public sewer.

The applicants indicate they have confirmed with the Sewer District and the Fire Chief that the proposed accessory unit could be served by the existing sewer line and would not pose concerns for emergency access.

COMPREHENSIVE PLAN: The property is located in the town's Lake Kegonsa and Lower Yahara River Residential planning area. The property is served by public sewer from the Pleasant Springs Sanitary District. Comprehensive plan policies do not specify a density limitation for this area, nor contain any guidance with regards to accessory dwelling units. The proposed TFR-08 zoning is sought to facilitate application for a detached accessory dwelling unit (ADU). The proposed rezoning appears reasonably consistent with comprehensive plan policies. For questions about the comprehensive plan, please contact Senior Planner Majid Allan at (608) 267-2536 or allan.majid@danecounty.gov.

RESOURCE PROTECTION: The property is subject to Shoreland and Floodplain overlay zoning restrictions, due to proximity to the Yahara River and presence of mapped floodplain on the east end of the site. Any future construction would be subject to Shoreland and Floodplain zoning permit requirements as applicable.

Zoning staff did a preliminary review of the shoreland aspects of the property, and are of the opinion that there is a building envelope to accommodate the proposed ADU. The increase of impervious surface on the lot will require shoreland mitigation because the impervious surface ratio will exceed 15% of the lot.

The floodplain is contained within the shoreland setback, so construction will not be allowed within the floodplain. There are also wetlands/hydric soils on the property, which will likely need to be further evaluated at the time of permitting to ensure compliance with the required 75-foot setback from wetlands greater than 2 acres as well as the 75-foot shoreland setback measured from the ordinary high water mark of the river.

Due to the lot being within the shoreland district, Dane County will require a detailed plat of survey containing all of this information before we will review applications for construction permitting. The owners will also be required to have a professional engineer design their mitigation plan as well as designing erosion control during construction.

Based on property configuration, and the proposed location of the ADU structure, staff believes the accessory building could be built to meet the ordinance requirements. A more detailed review of construction plans would be done after the zoning approval and prior to the issuance of any construction permits.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: Staff recommends postponement to allow time for town action, according to the ZLR Committee's adopted rules and procedures.

For staff analysis of the proposed conditional use permit and ADU, see separate information on file for [CUP 2631](#) that is also on the August 27th ZLR public hearing agenda.

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