

Staff Report



Zoning & Land Regulation Committee

Public Hearing: **May 26, 2026**

Zoning Amendment Requested:

FP-35 Farmland Preservation District TO RR-8 Rural Residential District (2 lots), RR-4 Rural Residential District, and RR-2 Rural Residential District

Size: **16.53 (8.33, 8.2), 7.66, 3.01 Ac.** Survey Required: **Yes**

Reason for the request:

Establish 4 homesites: two new residential lots; another lot for an existing house; and a residential spot zone on a 90-acre property.

Petition 12266

Town, Section:

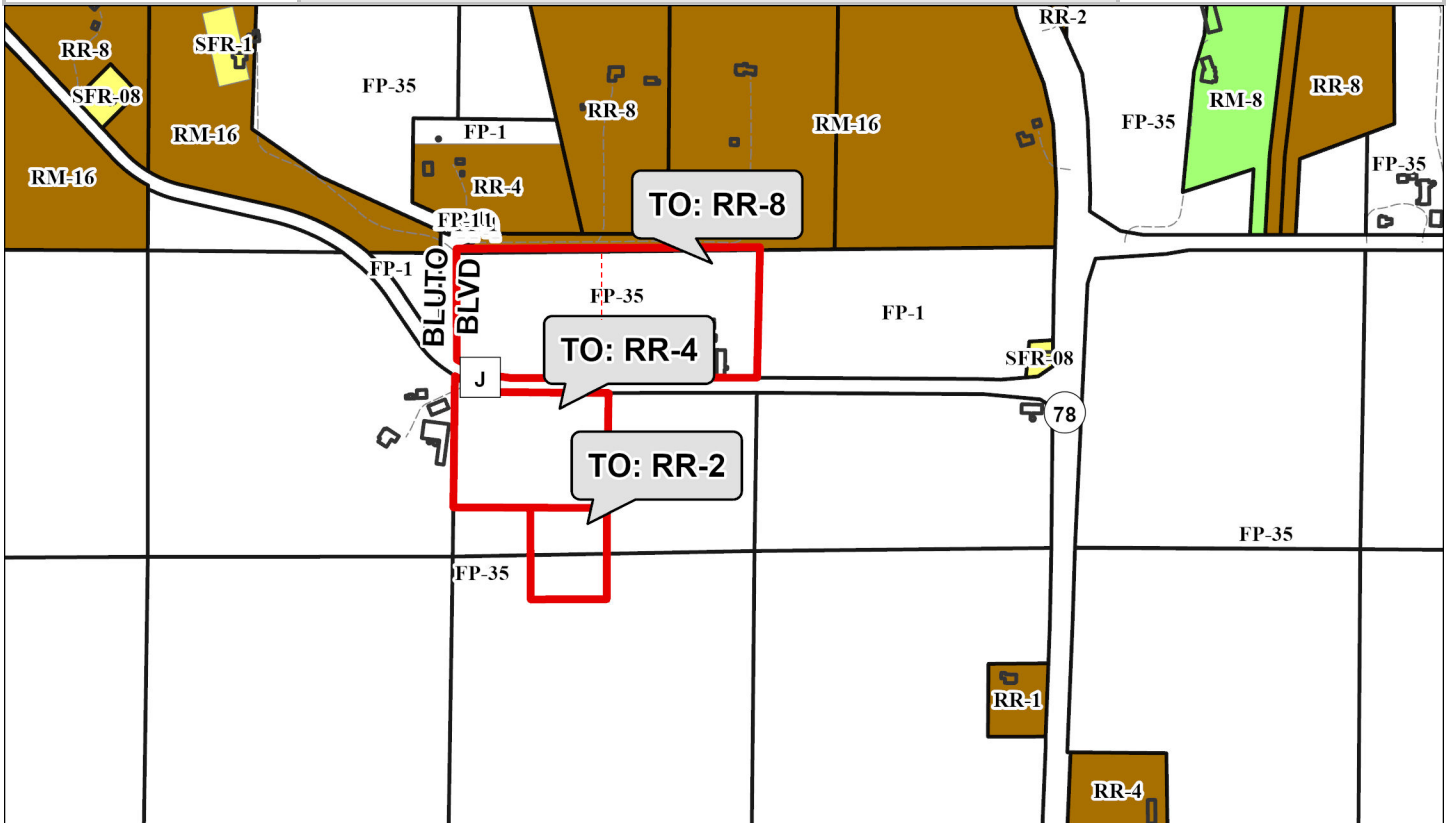
VERMONT, Section 36

Applicant:

MARK SHERVEN REV TRUST

Address:

5304 COUNTY HWY J AND AREA SOUTH OF HWY J



DESCRIPTION: Applicant Mark Sherven is looking to sell the majority of his farm land along with two buildable home sites, while keeping the existing home and buildings, and creating one additional home site for his own future use. This petition proposes to create two new residential sites south of County Highway J – a 7.6-acre CSM lot with RR-4 zoning (proposed Lot 3), and a 3-acre RR-2 “spot zone” for a building site on the remaining 93 acres (proposed Lot 4, 90 acres of which will remain zoned FP-35). Mr. Sherven will retain the 16 acres lying north of CTH J, where two roughly 8-acre RR-8 lots are proposed for the existing residence (proposed Lot 1) and a new lot for future development (proposed lot 2).

OBSERVATIONS: The subject property is bordered to the north by additional residential development of similar lot sizes and uses. The proposed lot configuration meets county ordinance requirements, including lot size, public road frontage, building setbacks, and lot coverage by buildings. All three new building sites must comply with the Town’s Ridgetop Protection Area. The land division is subject to Village of Mount Horeb review under its extraterritorial jurisdiction (ETJ).

HIGHWAY ACCESS: Because the property fronts County Trunk Highway J, driveway access permits are needed from Dane County Highways. The applicant has already obtained access permits. Preliminary CSM comments are not fully included in this review; however, applicant should expect Highway comments on the CSM to include dedicating additional right-of-way for highway use, and showing “no access” areas and access locations. For questions, applicant should contact Kevin Eslick at 608-283-1486.

COMPREHENSIVE PLAN: This petition is in the town’s Farmland Preservation planning area and is subject to the land use policies related to that designation. This proposal is consistent with the goals, objectives of policies related to residential

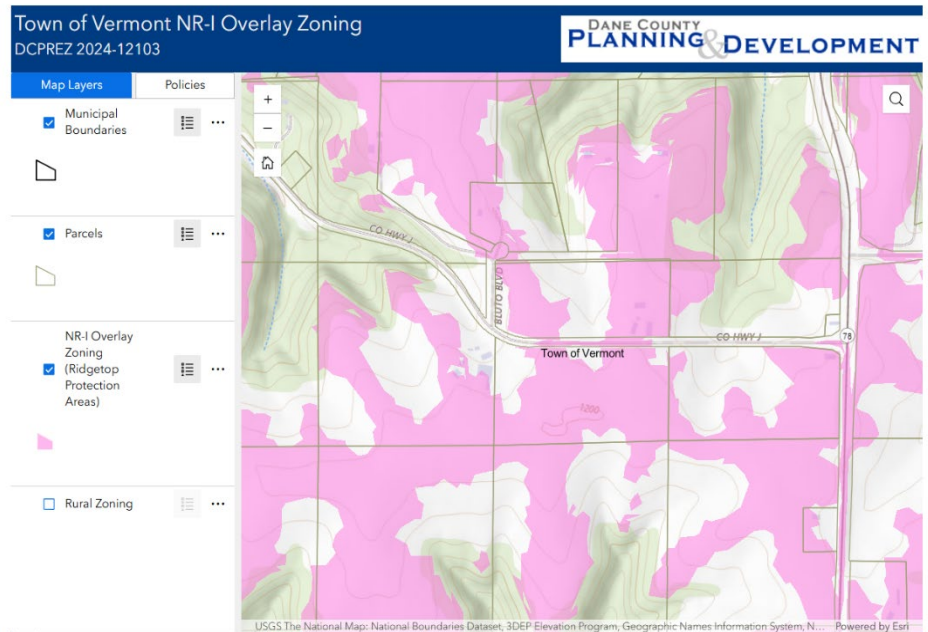
development. The land directly to the north is residential. The proposal uses three of the remaining three (3) density units available; the rezoning for the farm house does not count (see included density study).

If this petition is approved, staff recommends that the proposed Lot 4 be deed restricted to prohibit further nonfarm development (current tax parcels 070636390008, 070636385005, and the remainder of 070636290009).

Note, new building heights need to comply with the Town of Vermont NR-I Ridgetop Protection Policy. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or VanBelleghem.Bridgit@danecounty.gov.

RESOURCE PROTECTION: The Ridgetop Protection Area, shown in pink in the map to the right, is defined as any location that is located above the shoulder of the ridge. The shoulder is the point at which the local slope changes from greater than 20% to less than 20%. The maximum height is limited to 28 feet. The maximum height is measured from the high point of the building to the average ground level around the building.

There are sensitive environmental features on the southern edge of the 90-acre parcel; however, this resource is significantly beyond where new development is proposed.



Permits will be required from the Land and Water Resources Dept. (LWRD). LWRD comments that drives over 125 feet require an erosion control permit. Additionally, development of the southern lots may result in over a combined 20,000 SF of impervious area, requiring a stormwater management permit. If these two lots would share a drive, LWRD would consider them as a common plan of development and their combined impervious count toward the 20k stormwater trigger. For questions please contact Elliott Mergen at Water Resource Engineering at (608) 224-3730 / Mergen.Elliott@danecounty.gov.

TOWN ACTION: The Town Board recommends approval, with no conditions requested.

STAFF RECOMMENDATION: Pending any concerns expressed at the ZLR Public Hearing, staff recommends approval with the following conditions:

1. Applicant shall record a deed restriction on Lot 4 of the proposed Certified Survey Map prohibiting additional nonfarm development (note that this prohibition would not affect residential development of the RR-2 zoned area).
2. Applicant shall record a deed restriction on proposed CSM Lots 2, 3, and 4, limiting structural development to the 100'x150' building envelope areas depicted on the exhibit submitted with rezone petition 12266. Building heights shall comply with the town's ridgetop protection policies for any development located within the NR-I overlay zoning area.

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