
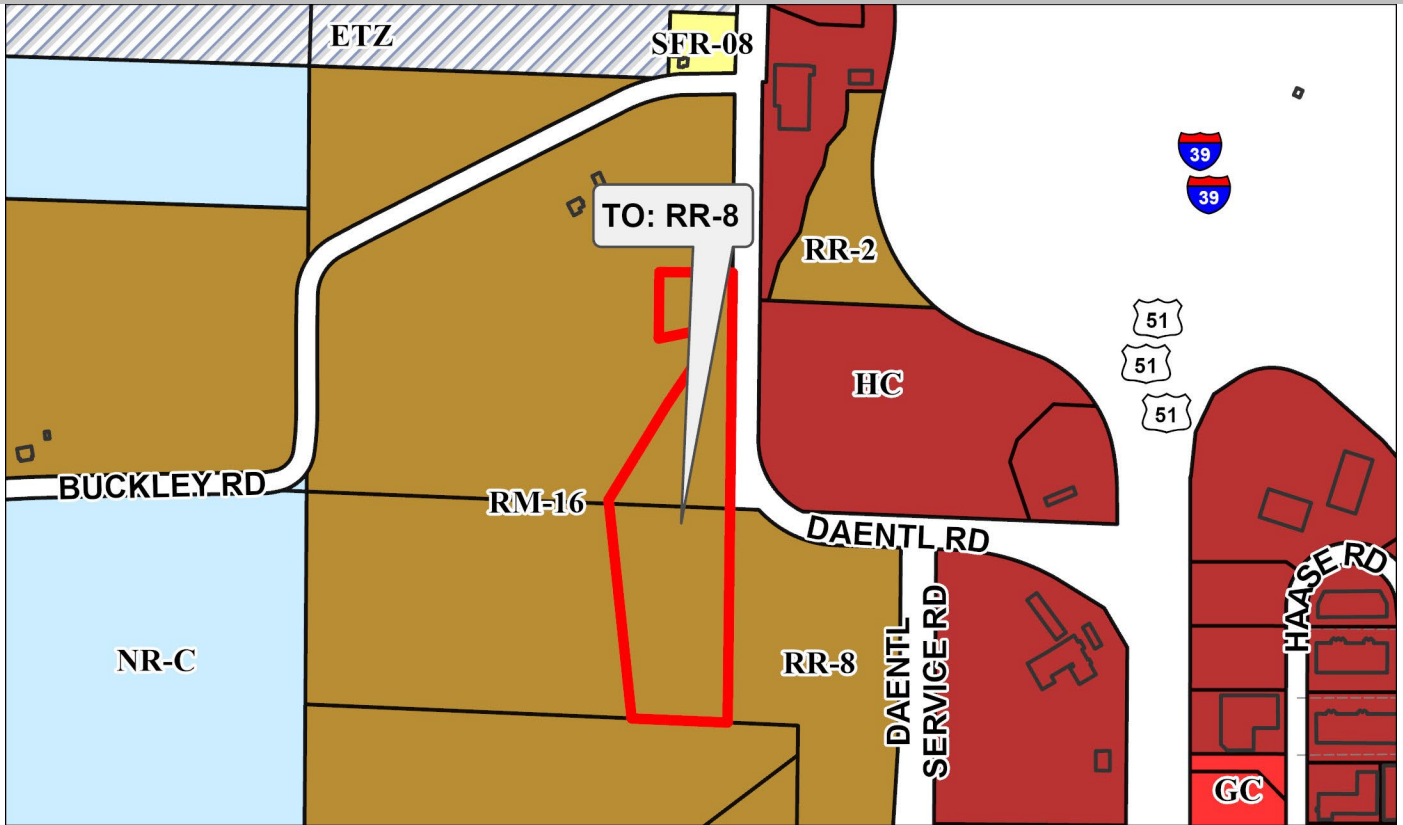


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> November 19, 2024	Petition 12115
	<u>Zoning Amendment Requested:</u> RM-16 Rural Mixed-Use District TO RR-8 Rural Residential District	<u>Town, Section:</u> BURKE, Section 8
	<u>Size:</u> 9.01 Acres	<u>Survey Required:</u> Yes
	<u>Reason for the request:</u> Creating one residential lot	
		<u>Applicant:</u> JOHN AND ELIZABETH BECKER
		<u>Address:</u> DAENTL ROAD EAST OF 4313 BUCKLEY RD



DESCRIPTION: John Becker proposes to rezone 9 acres to RR-8 Rural Mixed Use in order to create a residential lot for sale as a future home site. A similar proposal was denied in 2021 under rezoning petition [11720](#) due to potential flooding concerns. Since then, the building portion of the property has been filled and the applicant has prepared additional information regarding flood prevention.

OBSERVATIONS: The proposed lot meets county ordinance requirements for minimum lot size, lot width, and public road frontage. The lot technically meets the minimum 66-foot lot width where it narrows. However, the shape of the lot is unusual and may pose difficulties in the future for owners to know where the lot boundaries are. Staff has recommended the lot be squared off to remove the “notch” along the west/rear lot line; however, this is the applicant’s preference in order to keep as much farmable land on the remaining property as possible.

The property is located in a low area with wetland and floodplain present, see Resource Protection comments below.

COMPREHENSIVE PLAN: The majority of the proposed parcel is in the Natural Area land use district of the town plan. The plan states “These continuous systems require protection from disturbance and development and consist of wetlands, stream channels, floodplains, stormwater management areas, and other resource lands and features.” The remainder of the property is outside the Natural Area District and identified as low-density residential. This rezone is consistent with the Comprehensive Plan. For questions about the town plan, contact Senior Planner Bridgit Van Belleghem at (608) 225-2043 or vanbelleghem.bridgit@danecounty.gov.

RESOURCE PROTECTION: There is a significant amount of wetlands and floodplain on the property. In a previous rezone petition (rezone petition 11720 from 2021), the applicant proposed to fill the lot and build a house on an “island” outside the floodplain. Although staff suggested elevation requirements, the petition was denied by the ZLR Committee due to the potential of the house flooding in a high-storm event.

Since 2021, the applicant secured the necessary approvals and has filled the northerly portion of the property to an elevation of 867 (6 feet of fill). Information from Kontext Architects has been submitted as part of the application noting the lowest floor level (basement) of the future house can be constructed to an elevation of 862 feet which is 2 feet above the 100-year floodplain (1% flood chance). A site plan has been provided showing that a modest size house can be located on the northern portion of the property.

The site plan that was submitted as part of the application shows the driveway encroaching within the 75-foot wetland buffer area which would not be permitted. Creating a 100’x100’ building envelope area on the most northerly portion of the property would prevent the potential of having wetland buffer encroachments. See below.

TOWN ACTION: Pending.

STAFF RECOMMENDATION: As noted above, the lot configuration is odd and would be more presentable if the “notch” was removed making the lot more rectangular in shape. If the petition is found to be acceptable by the Committee, Staff would suggest the following conditions be required to mitigate the potential flooding concerns and wetland encroachments:

1. The Certified Survey Map shall delineate a 100’ x 100’ building envelope area located in the northern portion of the property outside of the wetlands and buffer area. A note shall be added to the Certified Survey Map stating that, “All buildings constructed on the property shall be within the building envelope area as part of the conditions of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #12115”.
2. A note shall be added to the certified survey map which states, “The property has indicators which identify the area is prone to flooding. Any building floor level or basement floor level shall have an elevation no lower than 862 feet ASL”.
3. A deed restriction shall be recorded on the property identifying the potential of flooding. The deed restriction shall state, “The property has indicators which identify the area is prone to flooding. Any building floor level or basement floor level shall have an elevation no lower than 862 feet ASL”.

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

