
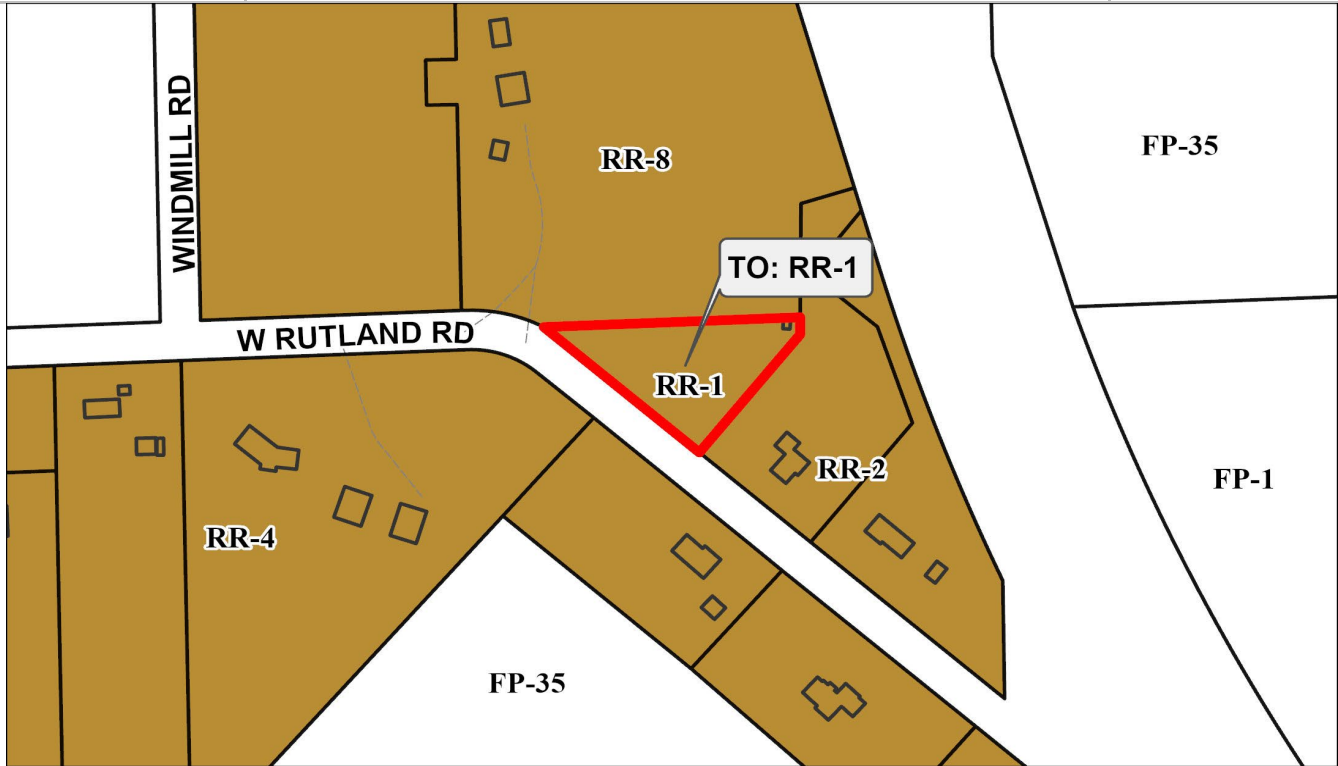


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>May 28, 2024</b>	<b>Petition 12037</b>	
	<u>Zoning Amendment Requested:</u> <b>RR-1 Rural Residential District TO RR-1 Rural Residential District</b>		<u>Town/Section:</u> <b>RUTLAND, Section 30</b>
	<u>Size:</u> <b>1.1 Acres</b>	<u>Survey Required:</u> <b>No</b>	<u>Applicant:</u> <b>TODD B WOLF</b>
	<u>Reason for the request:</u> <b>transfer of development right to allow for residential development</b>		<u>Address:</u> <b>NORTHWEST OF 4592 W. RUTLAND ROAD</b>



**DESCRIPTION:** Applicant Todd Wolf proposes a rezone to remove a zoning-related deed restriction and enable a house to be built on an existing lot. The property is a certified survey map lot zoned RR-1. In 2022 the lot was rezoned and surveyed in order to resolve an illegal land division that had occurred previously under a different owner. The lot was deed restricted during the rezone to prohibit residential development until a development right is acquired, as the property did not have development rights remaining under town’s farmland preservation policies.

Wolf would use a transfer of development rights, acquiring a split from Wanda Hougan who owns an 8-acre parcel elsewhere in the town (tax parcel 0510-022-8830-3) that is entitled to one split. The transfer would be a first of its kind in the Town of Rutland, with the split coming from a smaller property with split potential instead of a large farm.

**OBSERVATIONS:** The existing lot conforms to the RR-1 zoning district requirements.

**COMPREHENSIVE PLAN:** This proposal would transfer a density unit (a/k/a “split” or “development right”) from the 8 acre “sending” parcel owned by Hougan to the 1 acre “receiving” parcel owned by Wolf. The receiving property is currently deed restricted to prohibit residential development, “...until such time as a development right is transferred to the property...”.

Town policies allow division of parcels with an existing residence that were between 8 and 35 acres in size as of June 7, 1978, as well as transfer of density units to other parcels on a, “case-by-case basis”. The Hougan property has the ability to be subdivided under the town’s density policy, and the logical place to create a new lot on that property is currently cropped, so there is some nominal farmland preservation benefit to this proposal. Arguably, the Wolf property is a more

suitable location for a new residential site, being in close proximity to US HWY 14, the Village of Brooklyn, and in an area already developed with residential lots.

Pending any concerns raised at the ZLR public hearing, or by the town in the course of its review, the proposal appears reasonably consistent with comprehensive plan policies. See Staff Recommendation section, below, for proposed conditions of approval. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan.majid@danecounty.gov](mailto:allan.majid@danecounty.gov))



*TDR Receiving Property*



*TDR Sending Property*

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the subject property.

**TOWN ACTION:** On May 8, 2024 the Town Board recommended approval of the petition subject to a deed restriction on sending parcel 0510-022-8830-3 prohibiting further splits as all eligible splits have been exhausted.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval of the petition with the following conditions:

1. A termination of deed restrictions document shall be recorded with the Register of Deeds to remove the prohibition on development on the RR-1 zoned receiving property (doc #5880118).
2. The TDR-R (Transfer of Development Rights-Receiving) overlay zoning district shall be applied to the 1.38 acre RR-1 zoned receiving parcel (tax parcel # 0510-304-2011-0; lot 1, Certified Survey Map #16189).
3. A deed notice document shall be recorded on the RR-1 lot indicating the property was created by a transfer of development rights (tax parcel # 0510-304-2011-0; lot 1, Certified Survey Map #16189).
4. Owner of the TDR sending property (Hougan) shall record a deed restriction on the property acknowledging the transfer of development right and prohibiting division or further development (tax parcel #0510-022-8830-3; lot 1, Certified Survey Map #2459).

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov)