
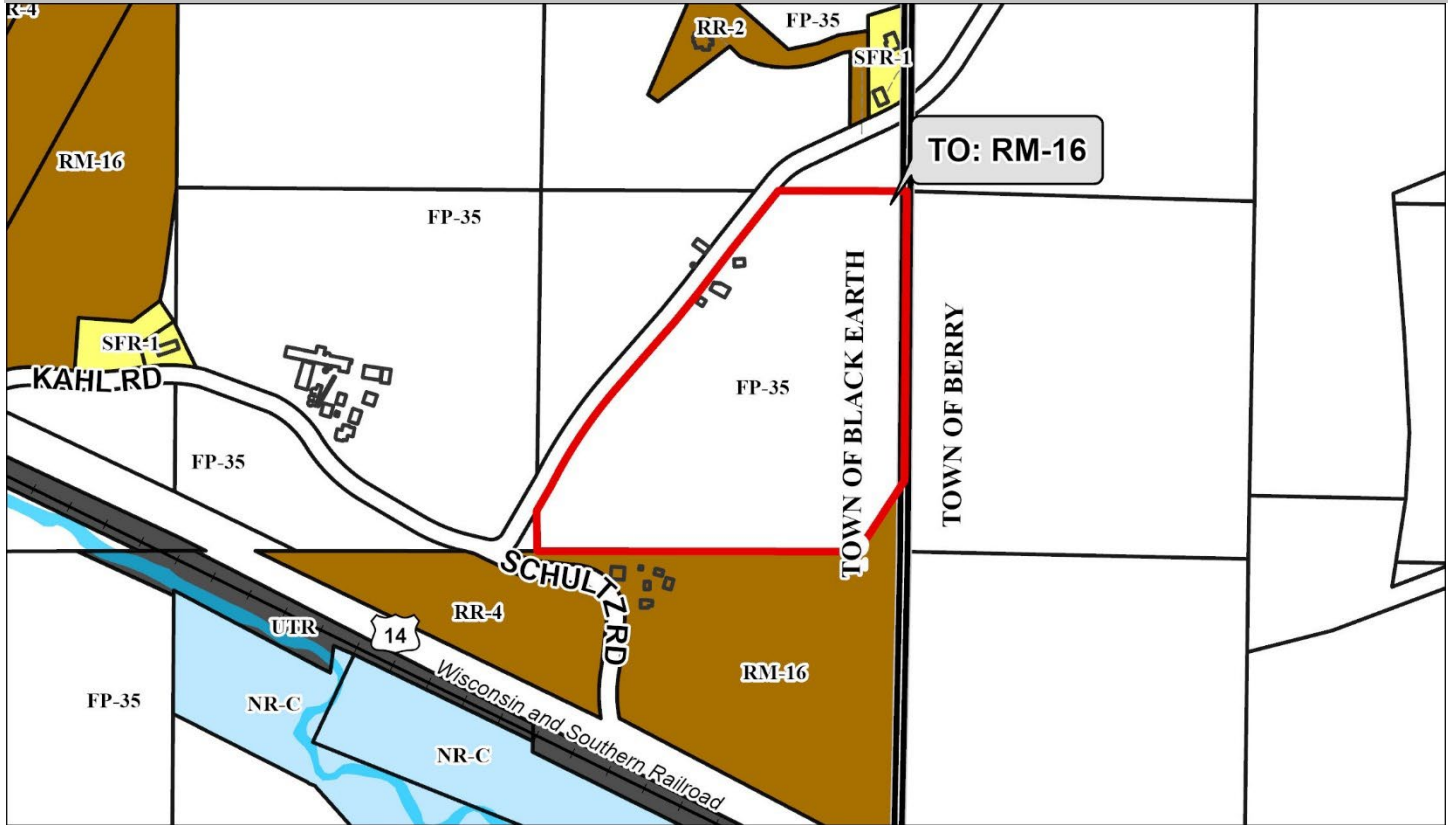


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> June 23, 2026		Petition 12282
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District		<u>Town, Section:</u> BLACK EARTH, Section 25
	<u>Size:</u> 30.86 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> TURK LIVING TRUST (C/O ANNA KRAFT, TRUSTEE)
	<u>Reason for the request:</u> SEPARATE EXISTING RESIDENCE FROM THE REST OF THE FARM TO SETTLE AN ESTATE		<u>Address:</u> 9533 KAHL RD



DESCRIPTION: Anna Kraft and Carla Sailing are settling the estate of the Turk Living Trust. They propose to separate the existing residence from the rest of the farm on a 30.8-acre lot with RM-16 zoning. No new development is proposed. The property east of Kahl Road must be rezoned and placed in a certified survey map (CSM) because it is under 35 acres. The remaining lands west of Kahl Road will be roughly 42 acres and thus can remain zoned FP-35 and not part of a CSM.

OBSERVATIONS: The proposed lot configuration meets county ordinance requirements, including lot size, public road frontage, and lot coverage by buildings. One or more structures may not meet current-day setback requirements from the road (minimum 63 feet from road centerline, 30 feet from road right-of-way). However, this is an existing condition that would not be made worse by approving this rezoning.

Easements for off-lot well and septic drainfield are shown on the proposed CSM. No further comments from Public Health staff.

The property is subject to the Village of Black Earth’s extraterritorial jurisdiction (ETJ) for the land division review.

COMPREHENSIVE PLAN: This petition is in the town’s agricultural 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 Town of Black Earth has a 1 home per 35 acres density policy, the proposal is consistent with the density policy (see Density Study).

For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

RESOURCE PROTECTION: Shoreland zoning applies on the western property, some of which extends across Kahl Road onto the eastern property. No concerns to note; no new development is proposed.

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

STAFF RECOMMENDATION: We note the property was previously deed restricted in 2005 with rezone petition #9251, to document that the development rights on the original farm have been exhausted under the town's farmland preservation policies. The primary goal of deed restrictions of this kind is to put future landowners on notice regarding the lack of development rights on farm land. Staff does not feel the need to recommend a new restriction document in this case. Even with approval of this proposed rezoning, the current restriction will still appear in a title search and thus be known to future landowners.

Staff recommends approval with one condition:

1. An easement (or easements) shall be recorded for the off-lot well and septic drainfield that serve the residence on Lot 1.

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