



# Dane County Planning & Development

## Land Division Review

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To: Zoning & Land Regulation Committee  
From: Daniel Everson, Land Division Review  
Date: June 10, 2025  
Re: SYED & IMRAN S NIZAMUDDIN - Land Division Waiver  
Town of Cross Plains, Section 32

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### Waiver Request

Mr. Nizamuddin would like to create two residential lots west of 8990 CTH S. There are four separate unplatted parcels in the town of Cross Plains that make up 95.9 acres and neither parcel has frontage along a public road. The applicant owns additional lands in the town of Springdale to the south and is proposing an access easement from CTH S going north approximately 2000 feet to proposed Lot 1 and using an existing access easement at 9006 CTH S serving proposed Lot 2.

### Relevant Ordinance language

75.21 VARIANCES. (1) Where the committee finds that unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.

75.19 DESIGN STANDARDS. In approving or disapproving any plat or certified survey map, the committee shall apply the standards set forth in this section.

(6)(b) Every lot or parcel shall front or abut a public street to promote safe ingress/egress and facilitate the possible development of a public right-of-way that could service additional lots. The required frontage shall be provided through fee ownership, except as provided in section 75.19(8). Lots shall maintain a minimum frontage of 66 feet connecting directly onto a public street at a location where the driveway shall be constructed in compliance with all other applicable local, state, and federal regulations.

(6)(g) Lot lines shall follow political and zoning boundary lines rather than cross them.

### Staff Comments

- Staff has pointed out that a lot cannot be created with two different townships. As per 75.19(6)(g); lot lines shall follow political boundary lines.
- County Highway Department: A change of use permit will be needed for the Lot 2 access through the existing driveway, and a new residential driveway and ag access will be necessary for the access to Lot 1.
- Planning/Zoning Comments:
  - The overall consensus is that lots need to have public road frontage to be developed. There are provisions in Chapter 75 to allow residential lots without frontage, however, the lot(s) needs to be connected to a residential lot with public road frontage via a shared access easement.
  - Staff notes that this driveway waiver application is premature due to the fact that a rezone petition has not been submitted. The rezone petition process allows for town and public input or to raise concerns. At this time, neither township has provided comments. [Dane County Zoning Permits](#) | [Dane County Planning & Development](#)

- In addition, it is important to recognize the total number of potential development opportunities in this area of the towns of Cross Plains and Springdale versus just the two proposed at this moment. The applicant should be directed to submit a density study application to planning staff in order to recognize the total amount of development in both townships. [Density Study | Dane County Planning & Development](#)
- The applicant should explore if the Town of Springdale would entertain dedicating a town road off of CTH S where the long access easement is depicted in the submitted layout, with the potential of serving additional homesites.
- Is there potential for creating a lot in the town of Springdale fronting on CTH S with an access easement as per 75.19(6)(8) serving additional lots in the town of Cross Plains?
  - (8) Standards and procedures for ingress/egress access via shared driveway easement. To promote the clustering of residential lots, preservation of farmland, and efficient use of land, the committee may approve exceptions to the frontage requirement of section 75.19(6)(b) where the committee finds that the exception protects the public health, safety, and welfare, but only in towns where the town board has previously voted to adopt policies to allow such exceptions. The zoning and land regulation committee and town board may approve the creation of lots with access provided by a shared driveway easement, in lieu of fee-title frontage onto a public right-of-way, provided all of the following criteria are met, and carries out the purposes stated in s. 75.19(6)(b)
- Another possibility is for the applicant to explore the Transfer of Development policies that the town of Cross Plains offers.

### Waiver Decision

Staff recommends that the waiver be denied and suggests the applicant explore alternatives to this proposed development first, and then to proceed with a rezone petition if a viable solution meets town land use policies. If unique circumstances still exist where proposed lots are not designed to have frontage along a public road, then a land division waiver application can accompany the rezone petition.

