
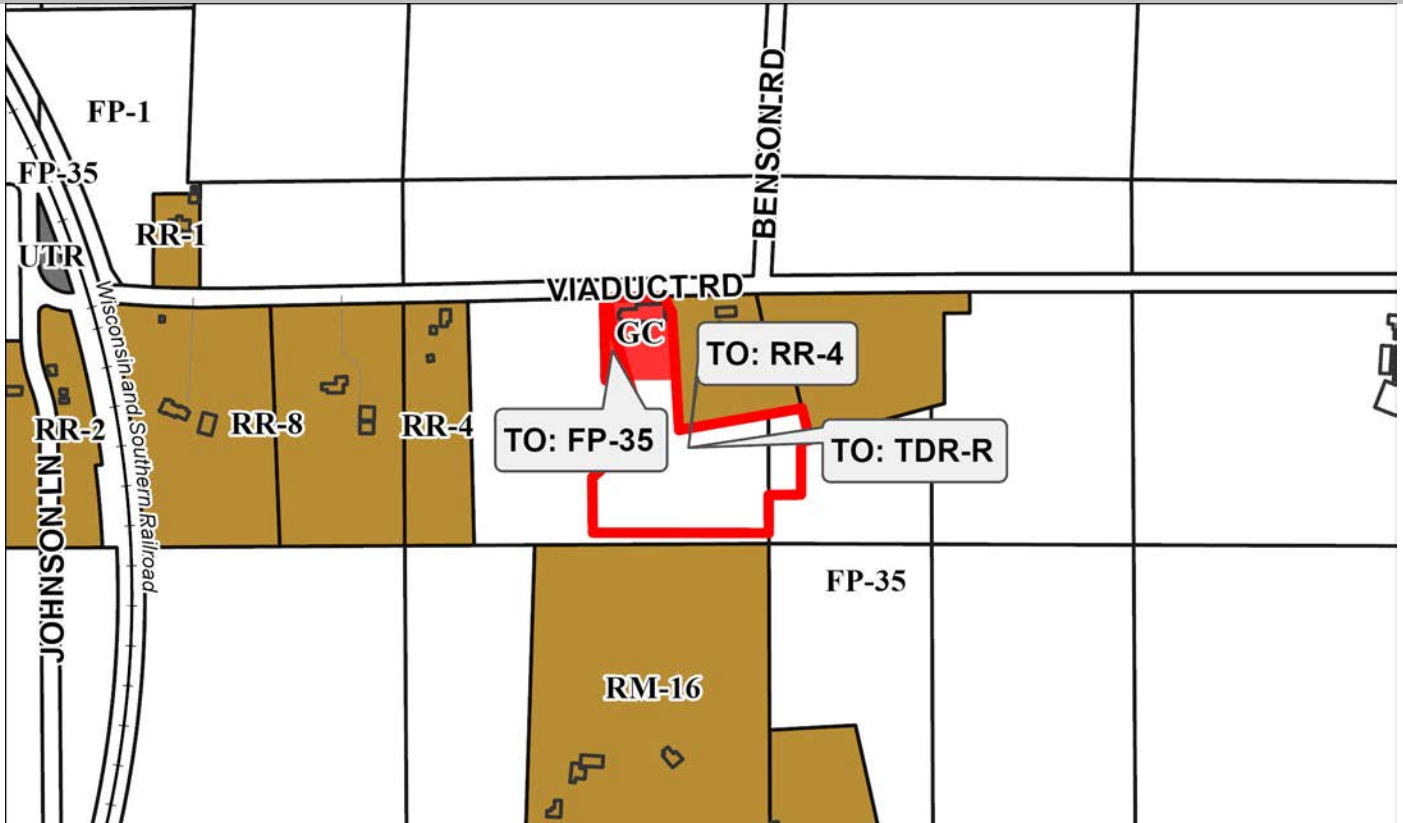


<b>Staff Report</b>    <b>Zoning &amp; Land Regulation Committee</b>	<i>Public Hearing:</i> <b>November 19, 2024</b> <b>Report updated for the December 17, 2024 ZLR meeting</b>	<b>Petition 12118</b>
	<i>Zoning Amendment Requested:</i> <b>GC General Commercial District and FP-35 Farmland Preservation District to RR-4 Rural Residential District; and GC General Commercial District to FP-35 Farmland Preservation District</b>	<i>Town, Section:</i> <b>DANE, Section 11</b>
	<i>Size:</i> <b>0.22,1.57,6.26 Acres</b>	<i>Survey Required:</i> <b>Yes</b>
	<i>Reason for the request:</i> <b>Reconfiguring two existing residential lots and creating one residential lot - Transfer of Development Right</b>	<i>Applicant:</i> <b>DANIEL AND KAY BREUNIG</b>  <i>Address:</i> <b>6625 VIADUCT ROAD</b>



**DESCRIPTION:** The Breunigs wish to reconfigure two existing residential lots, and create one new residential lot using a transfer of development rights. The existing shed and well house buildings would be brought onto the same lot as their home at 6625 Viaduct Road (Lot 1 of CSM 12938). A new certified survey map (CSM) would be recorded for all three lots, each of which will have RR-4 zoning. One development right would be transferred from another farm parcel they own, parcel 0908-014-8500-9 in Section 1.

**OBSERVATIONS:** The proposed lots appear to meet county ordinance requirements including lot size, public road frontage, and (for the existing home) building setbacks and lot coverage limits.

The property is within the Village of Dane’s extraterritorial jurisdiction for review of the land division.

The property is currently deed restricted, from 2010 when the former owner (Chapman) rezoned part of the property for commercial use, a metal fabrication and machining facility that no longer operates on site. Register of Deeds document #4672687 was recorded to limit the land use to that business. With approval of this rezone, the commercial zoning and associated deed restriction would no longer be in effect. The use of the property would be limited to those uses allowed under [RR-4 zoning](#).

**COMPREHENSIVE PLAN:** The request is in the Agricultural Preservation Area. The Town has a 1 home per 35 acres density policy. This request also utilizes the Town’s transfer of development rights policy to bring density in from an

adjacent farm. Please see the attached density studies and additional TDR map to clarify this petition. The request is consistent with Town Comprehensive Plan and density policies. For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or [Kodl.Curt@danecounty.gov](mailto:Kodl.Curt@danecounty.gov).

**RESOURCE PROTECTION:** There are no sensitive environmental features on or within 300 feet of the subject property. Driveways over 125 feet long require an erosion control permit from Dane County Land and Water Resources.

**TOWN ACTION:** The Town Board has recommended approval of the petition.

**STAFF RECOMMENDATION:** Staff recommends postponement of ZLR Committee action, to allow time for town action per the committee's adopted rules and procedures. Pending town action, and any comments at the public hearing, staff would recommend approval of the petition with the following conditions:

1. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to proposed CSM Lot 2.
2. A deed notice shall be recorded on CSM Lot 2 (a portion of current tax parcel 090811182920) that indicates it was created by a transfer of development rights.
3. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcel 090801485009).
4. An Agricultural Easement shall be recorded on the TDR-S/FP-35 property (parcel 090801485009) in accordance with the County TDR Ordinance.
5. Deed Restrictions remain on the remaining FP-35 land (remnants of parcels 090811182920, 090812287200, and 090812290707) as the development rights were exhausted on the original farm.
6. The CSM shall maintain minimum 66 feet of width within the remaining lands to the south of the CSM lots.

**NOVEMBER 19<sup>TH</sup> ZLR PUBLIC HEARING:** On November 19<sup>th</sup>, the ZLR Committee held a public hearing and postponed action on this petition to allow more time for town action.

**STAFF UPDATE:** Since the public hearing, the town action report has been received, as noted above. Staff recommends approval of the petition with the conditions listed above.

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