

Amendatory Ordinance 1-0721

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Randy & Patricia Davis and Susan Deronne Trust;

For land being in the SW ¼ of the SE ¼ of Section 20 and NW ¼ of the NE ¼ of Section 29 all in Town 6N, Range 2E in the Town of Linden affecting tax parcels 014-0037 and 014-0262.B;

And, this petition is made to rezone 1.163 acres from A-1 Agricultural & B-2 Highway Business and to B-2 Highway Business and 2.185 acres from A-1 Agricultural & B-2 Highway Business to AR-1 Agricultural Residential.;

Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Linden,**

Whereas a public hearing, designated as zoning hearing number **3181** was last held on **June 24, 2021** in accord with said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** said petition with the condition that the associated certified survey map be duly recorded within 6 months.

Now therefore be it resolved that official county zoning map be amended as recommended by the Iowa County Planning and Zoning Committee.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that the above Amendatory Ordinance was X approved as recommended approved with amendment denied as recommended denied or rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **July 20, 2021**. The effective date of this ordinance shall be **July 20, 2021**.

Krusty K. Spurley
Krusty K. Spurley
Iowa County Clerk

Date: 7-20-2021



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on June 24, 2021

Zoning Hearing 3181

Recommendation: **Approval**

Applicant(s): Randy & Patricia Davis and Susan Deronne Trust

Town of Linden

Site Description: SW/SE of S20 & NW/NE of S29 in T6N-R2E also affecting tax parcels 014-0037; 0262.B

Petition Summary: This is a request to create two lots and to correct ownership based on historical occupation/use.

Comments/Recommendations

1. The current Davis lot was approved for auto repair, meat processing and a related residence in 1994. The area occupied by the Davis's exceeds the described property, so they are now acquiring the occupied area from the Trust.
2. The application proposes to divide the intended lot into two lots with one keeping the existing uses and the other zoned to allow a residence.
3. The associated certified survey map has been submitted for formal review.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding

properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Linden is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.

