

Amendatory Ordinance 2-622

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Mark DeSmet, Christopher Dodge and Maryam Heydari;

For land being in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4 and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3, all in Town 5N, Range 5E in the Town of Brigham affecting tax parcels 004-1131, 004-1131.01, 004-1131.02, and 004-1119;

And, this petition is made to rezone 8.346 acres and 26.656 from A-1 Agricultural and AR-1 Agricultural to all 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 Brigham,**

Whereas a public hearing, designated as zoning hearing number **3262** was last held on **May 26, 2022** 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 is 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 **June 21, 2022**. The effective date of this ordinance shall be **June 21, 2022**.


Kristy K. Spurley
Iowa County Clerk

Date: 6-21-2022



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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on May 26, 2022

Zoning Hearing 3262

Recommendation: **Approval**

Applicant(s): Mark DeSmet, Christopher Dodge and Maryam Heydari

Town of Brigham

Site Description: NE/NE of S4 & NW/NW of S3 all in T5N-R5E also affecting tax parcels 004-1119; 1131; 1131.01; 1131.02

Petition Summary: This is a request to enlarge a 5.011-acre AR-1 Ag Res lot to 8.346 acres and a 6.656-acre AR-1 Ag Res lot to 26.656 acres by rezoning from A-1 Ag & AR-1 Ag Res to all AR-1 Ag Res

Comments/Recommendations

1. If approved, the AR-1 district would allow one single family residence on each lot (existing), accessory structures, and limited ag uses including up to 3 livestock type animal units on the smaller lot and up to 11 on the larger.
2. There is part of the existing 5.01-acre AR-1 lot that is not included in the proposed 8.346-acre lot that will be zoned back to A-1 Ag to be consolidated with the adjacent A-1 land owned by Mr. DeSmet.
3. The associated certified survey map has not yet 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 Brigham 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.

