

Amendatory Ordinance 3-422

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Scott Gilbertson;

For land being in Sections 9 and 16, Town 7N, Range 2E in the Town of Clyde affecting tax parcels 006-0546, 006-0666.01, 006-0550.A and 006-0662.01;

And, this petition is made to rezone 24.848 acres from A-1 Agricultural 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 Clyde,**

Whereas a public hearing, designated as zoning hearing number **3241** was last held on **March 24, 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 access and driveway approvals are secured 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 **April 19, 2022**. The effective date of this ordinance shall be **April 19, 2022**.


Kristy K. Spurley
Iowa County Clerk

Date: 4-19-2022



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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on March 24, 2022

Zoning Hearing 3241

Recommendation: **Approval**

Applicant(s): Scott Gilbertson

Town of Clyde

Site Description: S9 & 16-T7N-R2E also affecting tax parcels 006-0546; 0666.01; 0550.A & 0662.01

Petition Summary: This is a request to change the zoning of an existing legal nonconforming A-1 lot to AR-1 lot to make it eligible for residential use.

Comments/Recommendations

1. Currently, the legal nonconforming status only allows those uses that lawfully existed when the lot became nonconforming (1978). The applicant has structures on the lot that require after-the-fact permits which require the zoning change to be issued.
2. There is no proposed division of the property.
3. The applicant is in the process of getting Hwy Dept access approval to County Road I and town driveway approval.
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 Clyde is recommending approval.

Staff Recommendation: Staff recommends approval with the condition the access and driveway approvals are secured.

