

## Amendatory Ordinance 3-622

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Megan Van Hecker and Christopher Handel;**

For land being in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, Town 6N, Range 5E in the Town of Brigham affecting tax parcel 004-0758.02;

**And, this petition is made to rezone 10.22 acres from AR-1 Agricultural Residential to B-3 Heavy Business.**

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 **3263** 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 Conditional Use Permit is approved by the Iowa County Planning & Zoning Committee 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.

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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**.

  
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Kristy K. Spurley  
Iowa County Clerk

Date:   6-21-2022



## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

[Scott.Godfrey@iowacounty.org](mailto:Scott.Godfrey@iowacounty.org)

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### Planning & Zoning Committee Recommendation Summary

Public Hearing Held on May 26, 2022

Zoning Hearing 3263

Recommendation: **Approval**

**Applicant(s):** Megan Van Hecker & Christopher Handel

**Town of Brigham**

**Site Description:** SW/NW S20-T6N-R5E also affecting tax parcel 004-0758.02

**Petition Summary:** This is a request to zone an existing 10.22-acre lot from AR-1 Ag Res to B-3 Hvy Bus to make it eligible for a Conditional Use Permit to operate a lumber yard with associated residence. **\*\*the applicants are requesting a revision to the CUP to add a construction business and equipment rental, repair\*\***

#### Comments/Recommendations

1. The existing AR-1 zoning does not provide for the operation of the proposed lumber yard, so the B-3 district must be requested in order to operate the business from the property.
2. If approved, the uses on the property require approval by CUP. The existing residence is included in the CUP request, but must be associated with the approved business/commercial uses. This means it is to be occupied by an owner, operator or employee of the business/commercial uses.
3. The proposal does not involve a land division.
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 of the zoning change and will need to review the proposed revisions to the CUP request.

**Staff Recommendation:** Staff recommends approval of the zoning change with the condition that the associated Conditional Use Permit is approved within 6 months of County Board approval of the zoning change.

