

Amendatory Ordinance 1-0423

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by James and Cheryl Kelley;

For land being in the NE ¼ of the NW ¼ of Section 14, Town 6N, Range 1E in the Town of Eden affecting tax parcels 010-0099.01 and 010-0099.02.

And, this petition is made to zone 10.88 acres from AR-1 Agricultural Residential and B-2 Highway Business 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 Eden,**

Whereas a public hearing, designated as zoning hearing number **3328** was last held on **March 23, 2023** 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.**

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 18, 2023.** The effective date of this ordinance shall be **April 18, 2023.**


Kristy K. Spurley
Iowa County Clerk

Date: 4-18-2023



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on March 23, 2023

Zoning Hearing 3328

Recommendation: **Approval**

Applicant(s): James & Cheryl Kelley

Town of Eden

Site Description: NE/NW of S14-T6N-R1E also affecting tax parcels 010-099.01; 0099.02

Petition Summary: This is a request to zone 10.88 acres from AR-1 Ag Res & B-3 Hvy Bus to all AR-1 Ag Res.

Comments/Recommendations

1. The existing 2.45-acre B-3 lot was created per ZH1598 in 1999 with a Conditional Use Permit for a warehouse by a previous owner that never materialized. The applicants have no desire for the B-3 lot and would like the entire property to be zoned AR-1 so a shed can be built for personal use without need to meet a setback to the B-3 lot.
2. If approved, the lot would allow one single family residence, accessory buildings and limited ag uses, including up to 5 animal units as defined by the Iowa County Zoning Ordinance.
3. There is no associated certified survey map as this lot was created prior to that requirement.
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 Eden has reviewed and is recommending approval.

Staff Recommendation: Staff recommends approval.

