

Amendatory Ordinance 2-0424

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Tim Burke, Jeffrey Hepp and Jon & Rebekah Novak;

For land being Lots 1 & 2 of CSM 2043 in Section 23, Town 6N, Range 2E in the Town of Linden affecting tax parcels 014-0083.A and 014-0087,

And, this petition is made to zone 5.32 acres from C-1 Conservancy & AR-1 Agricultural Residential to AR-1 Agricultural Residential leaving 37.96 acres zoned C-1 Conservancy.

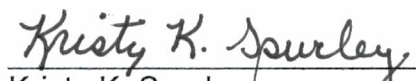
Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Linden,**

Whereas a public hearing, designated as zoning hearing number **3408** was last held on **March 28, 2024** 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** with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.

Now therefore be it resolved that the 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 16, 2024**. The effective date of this ordinance shall be **April 16, 2024**.


Kristy K. Spurley
Iowa County Clerk

Date: 4-16-2024



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on March 28, 2024

Zoning Hearing 3408

Recommendation: **Approval**

Applicant(s): Tim Burke, Jeffrey Hepp, Jon & Rebekah Novak

Town of Linden

Site Description: L1 & L2 CSM 2043 in S23-T6N-R2E also affecting tax parcels 014-0083.A; 0087

Petition Summary: This is a request to zone 5.32 acres from C-1 Conservancy & AR-1 Ag Res to AR-1 Ag Res. It includes recognizing the remainder of the C-1 lot to be 37.96 acres.

Comments/Recommendations

1. The existing C-1 and AR-1 lots were approved in 2023 (ZH3367). The proposed building site on the AR-1 lot is too narrow, so the proposal is to increase its width by adding approximately 57 feet of the C-1 lot to the AR-1 lot.
2. If approved, the AR-1 lot would be eligible for one single family residence, accessory structures and limited ag uses, including up to 3 animal units as defined in the Iowa County Zoning Ordinance. The C-1 lot would be eligible for open-space uses, but no buildings or structures.
3. The associated certified survey map has not yet been submitted for 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 those services.
 - 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 be duly recorded with the Register of Deeds within 6 months of County Board approval.

