

Amendatory Ordinance 6-0424

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Brigham View LLC,

For land in the SE ¼ of the SE 1/4 of Section 28, Town 7N, Range 1E in the Town of Brigham affecting tax parcel 004-0163.A,

And, this petition is made to zone 1.02 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 Brigham,**

Whereas a public hearing, designated as zoning hearing number **3412** 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.**

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

222 N. Iowa Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

Planning & Zoning Committee Recommendation Summary

Public Hearing held on March 28, 2024

Zoning Hearing 3412

Recommendation: **Approval**

Applicant(s): Brigham View LLC

Town of Brigham

Site Description: SE/SE of S28-T7N-R1E also affecting tax parcel 004-0163.A

Petition Summary: This is a request to zone 1.02 acres from A-1 Ag to AR-1 Ag with a Conditional Use Permit to allow Recreational Residential Rental (short-term rental) of the existing house.

Comments/Recommendations

1. The existing lot is legal nonconforming, meaning it existed when the minimum 40-acre lot size for the A-1 district took effect (1978) so the existing lawful residential use can continue. The proposal for short-term rental requires the lot to meet the current zoning standards.
2. 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).

3. The existing septic system was installed in 1996 and is sized for up to 3 bedrooms (450 gallons/day).
4. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:
 - 1) The proposed use complies with all applicable provisions of this Ordinance.
 - 2) The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
 - 3) There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
 - 4) Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
 - 5) Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
 - 6) Adequate assurances by the applicant of continuing maintenance are provided.
 - 7) The proposed use is consistent with the Iowa County Comprehensive Plan

Town Recommendation: The Town of Brigham is recommending approval of both the zoning change and CUP.

Staff Recommendation: Staff recommends approval of the zoning change, as well as the CUP with the following conditions:

- 1) The maximum number of occupants be limited to the capacity of the septic system based on 2 persons per bedroom. Currently, the system is sized for 3 bedrooms which would limit occupancy to 6 persons.
- 2) The applicant obtains and maintains any required State licensing.
- 3) The Conditional Use Permit shall terminate upon the sale of the residence.

