



Dane County Planning & Development

Land Division Review

December 19, 2017

Nikole Jones
4190 Observatory Rd.
Cross Plains, WI 53528

Re: Parcel status determination
Town of Cross Plains, Section 16
Parcel # 0707-162-8541-0 (9.78 acres)

Current zoning of subject parcel is A-1EX (agricultural).

Dear Mrs. Jones,

I have reviewed the above-described 9.78 acre parcel and it is apparent the property was previously part of a ~15.5 acre parcel first created as a separate legal lot of record under a land contract recorded on July 21, 1981 as document #1713288. That historic parcel was subsequently described as lot 1 Certified Survey Map 4057, recorded on February 7, 1983.

Your subject land parcel, described as *part of* Lot 1, Certified Survey Map 4057, was created pursuant to a warranty deed recorded on May 8, 2003. It is apparent that the property was unlawfully divided without the required zoning or land division approvals.

As a result, this parcel can not be separately conveyed at this time without a change in zoning classification and without a Certified Survey Map. In order to correct the unlawful land division, a change in zoning is required as the lot is less than 35 acres and a new Certified Survey Map prepared, approved and ultimately recorded.

The question of whether any building right is available to the property is a policy issue subject to relevant provisions of the town of Cross Plains Comprehensive Plan. The town plan includes the following provisions regarding division of parcels between 4-35 acres created prior to 12/26/81:

- (3) Substandard, legally created A-1EX zoned parcels between 4 and 35-acre parcels, with one existing residence, may be rezoned and divided by certified survey map to allow no more than one additional single family home, provided that the proposed development can satisfy the Town's siting criteria. No parcel so divided shall be re-divided in the future. When permitted divisions of an original substandard parcel are exhausted, the town will recommend to the county board that a deed notice be recorded as a condition of the rezone.

County zoning records show that an effort was made to rezone and divide the property back in 2001 under zoning petition #8232 – prior to the unlawful land division in May of 2003. While that petition was not completed, the file includes a survey in your name roughly matching the boundaries of the parcel you ultimately acquired. It is unclear why that zoning petition was not completed given the intent to divide the property to create a new building site. As indicated in the staff report for the zoning petition, the town plan provision granting a development right to substandard A-1EX parcels between 4-35 acres in size was in place at the time the petition was initiated.

To recap, the original ~15.5 acre parcel that was legally created in July of 1981 would appear to qualify for the additional development right afforded to such parcels under the town plan. A zoning petition was initiated to create a new buildable parcel in 2001, but was never completed. The property was then subsequently unlawfully divided with your purchase of the 9.78 acre parcel in 2003 which created the resulting ownership parcels that currently exist.

As indicated above, bringing the property into compliance would require approval of a zoning change and Certified Survey Map. While we cannot compel the adjoining landowner to bring their property into compliance, we would strongly encourage any proposal to incorporate the entirety of original lot 1 CSM 4057.

I hope this information is helpful. Please contact myself or Majid Allan if you have any questions.

Sincerely,

Daniel Everson
Assistant Zoning Administrator
267.1541

CC:
Clerk, Town of Cross Plains
Senior Planner – Majid Allan

- Land Division Regulations – Effective May 21, 1970, certified survey map required for parcels of 5 acres or less.
- Town of Cross Plains adopted A-1Exclusive Zoning on December 26, 1981.