CITY OF STOUGHTON, 207 S. FORREST STREET, STOUGHTON, WISCONSIN

RESOLUTION OF THE COMMON COUNCIL

Approving an extra-territorial jurisdictional (ETJ) land division request by Arlin Teigen for property located at 1069 Taylor Lane, Town of Dunkirk, Dane County, Wisconsin.

Committee Action: Plan Commission recommends Council approval 5 - 0

Fiscal Impact: None

File Number:	R -159 - 2021	**Date Introduced:**	October 26, 2021

The City of Stoughton, Wisconsin, Common Council does proclaim as follows:

WHEREAS, this land division request is proposed to add 2.709 acres to the existing 1.211 acres at 1069 Taylor Lane for a total of 3.92 acres in the Town of Dunkirk; and

WHEREAS, the City Comprehensive Plan is used as a guide for the general pattern of development as determined by the Plan Commission and Common Council. This property is within the City's Extraterritorial Jurisdiction (ETJ) and is deemed Planned Neighborhood on the Future Land Use Map; and

WHEREAS, the proposed lot does **not** comply with the maximum 2.5-acre requirement of the City land division ordinance; and

WHEREAS, where the plan commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal such as a traditional neighborhood development, it may approve exceptions and waivers of conditions to these regulations so that substantial justice may be done and the public interest secured. The exception or waiver shall not have the effect of nullifying the intent and purpose of these regulations. Exceptions or waivers to preliminary plat submittal requirements may be approved by the city. The city shall not approve exceptions or waivers unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are met by the applicant:

(1) The granting of the exception or waiver conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;

(2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property except as allowed through planned unit development, cluster development or traditional neighborhood development;

(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(4) The relief sought will not in any manner vary the provisions of the comprehensive plan, zoning ordinance, or official map, except that those documents may be amended in the manner prescribed by law;

(5) In approving exceptions or waivers of conditions, the plan commission may require such conditions so as to carry out the purpose and intent of this chapter described in section 66-102.

WHEREAS, on October 11, 2021 the Stoughton Plan Commission reviewed the land division request and recommends Common Council approval as presented; now therefore

BE IT RESOLVED, by the City of Stoughton Common Council that the extra-territorial jurisdictional land division request by Arlin Teigen for property located at 1069 Taylor Lane, Town of Dunkirk, is hereby approved with a waiver as presented contingent on Town of Dunkirk and Dane County approval.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Tim Swadley, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____