

## PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday February 11, 2019 at 6:00 o'clock p.m., or as soon after as the matter may be heard, in the Council Chambers, Public Safety Building, 321 S. Fourth Street, Second Floor, Stoughton, Wisconsin, 53589, to consider a proposed rezoning of the following parcel of land located at 117 Ashberry Lane, Stoughton, WI, owned by Urso Bros LLC. The property described below is requested to be rezoned from SR-4 Single Family Residential to TR-6 Two-Family Residential. The property is currently more fully described below:

Parcel number: 281/0511-044-4744-8

Legal Description: EASTWOOD ESTATES LOT 14

This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deed.

Additional information including a location map can be found at: <http://stoughtoncitydocs.com/planning-commission/>

For questions related to this notice contact Michael Stacey at 608-646-0421.

Michael Stacey  
Zoning Administrator

Published January 24, 2019 and January 31, 2019 HUB

**City of Stoughton Application for Amendment of the Official Zoning Map  
(Requirements per Section 78-903 attached)**

Applicant Name: Urso Bros, LLC / Kevin Urso  
Applicant Address: 4720 Farwell Street, McFarland, WI 53558  
Applicant Phone and Email: 608-576-5699/kevin@ursobros.com  
Property Owner Name (if different than applicant): Urso Bros, LLC  
Property Owner Phone: 608-838-2017  
Subject Property Address: 217 Ashberry Lane, Stoughton, WI 53589

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City when processing said application.

**I. Record of Administrative Procedures for City Use**

Application form filed with Zoning Administrator

Date: 1/18/19

Application fee of \$ 405 received by Zoning Administrator

Date: 1/18/19

**II Application Submittal Packet Requirements for Applicant Use**

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application and materials for staff review, followed by one revised application packet based upon staff review and comments.

Application form filed with Zoning Administrator

Date: 1/18/19

- ☒ (a) **A copy of the Current Zoning Map of the subject property and vicinity:**
- ☐ Showing all lands for which the zoning is proposed to be amended.
  - ☐ Map and all its parts are clearly reproducible with a photocopier.
  - ☐ Electronic map size of 11" by 17" and map scale not less than one inch equals 800 ft.
  - ☐ All lot dimensions of the subject property provided.
  - ☐ Graphic scale and north arrow provided.
- ☒ (c) **Written justification for the proposed text amendment**
- ☐ Indicating reasons why the Applicant believes the proposed map amendment is in harmony with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-903(4)(c)1.-3.

**III Justification of the Proposed Zoning Map Amendment for Applicant Use**

1. How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 78-005 (and, for floodplains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA))?

The proposed amendment of the Zoning Map for the subject single parcel (15,034 square feet), from SR-4 to TR-6, is in harmony with and furthers to general purposes of ordinance

~~Section 78-005. The subject parcel is on a cul de sac (Ashberry Lane) where 11 of 13 parcels are zoned TR-6 and in actual multi-family (duplex/town house) use. There is no rational basis to require a single family parcel surrounded by multi-family. This request merely asks to treat the subject the same as all surrounding parcels. In so doing, this will not negatively impact street congestion, light and air, health and general welfare, groundwater, property values, not utilities provision. This zoning amendment for this single parcel simply has not overall impact on the neighborhood nor the City.~~

2. Which of the following has arisen that are not properly addressed in the current Official Zoning Map? (Please provide explanation in space below if necessary)
- a) The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan.
  - b) A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.
  - c) Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
  - d) Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.

Please see attached.

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3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the surroundings of the subject property?

Please see attached.

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## **City of Stoughton Application for Amendment of the Official Zoning Map**

### **Answers from page 2**

Question 2) Which of the following has arisen that are not properly addressed in the current Official Zoning Map?

b) A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.

**Both the Comprehensive Plan and the Zoning Map elected to perpetuate a single family zoning for this subject parcel. Given that the parcel was vacant and that 11 of 13 surrounding parcels were zoned and planned for multi-family, and have been built accordingly, it was a mistake and/or unreasonable planning decision to single out the subject as SR-4 zoning. It is impossible to discern a legitimate reason to zone and plan for a different use for this one parcel than all surrounding parcels on Ashberry Lane. Given that the land was vacant, there was also no rational to preserve a single family zoning to prevent a possible nonconforming use situation. Overall, the best course of action was to plan for and zone this parcel as TR-6 in the past, and this Petition affords the City an opportunity to make that correction.**

Question 3) How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the surroundings of the subject property?

**As noted above, the subject parcel is on a cul de sac (Ashberry Lane) where 11 of 13 parcels are zoned TR-6 and in actual multi-family (duplex /Town house) use. The subject parcel is vacant. Permitting a similar use in the TR-6 classification will ensure consistency of land uses on this block. There is no significant additional burden in adding a living unit to this parcel (ie., residence to duplex). This amendment prevents a possible incompatible land use situation, where a single family home must otherwise be built on a multi-family block. Such situations tend to diminish the value and marketability of single family homes, or cause them to transition away from owner occupancy. Overall, there is no discernable negative impact to granting this zoning amendment.**

#### IV. Final Application Packet Information for City Use

Receipt of (8.5" by 11" text and 11" by 17" graphic electronic copies of final application packet by Zoning Administrator

Date: 1/18/19

Notified Neighboring Property Owners (within 300 feet)

Date: 1/18/19

Notified Neighboring Township Clerks (within 1,000 feet)

Date: 2/6/19

Class 2 legal notice sent to official newspaper by City Clerk

Date: 1/18/19

Class 2 legal notice published on 1/24/19 and 1/31/19

Date: 1/18/19

# Zoning Change Request

Lot 14, Eastwood Estates, lying in the SW1/4 of the SE1/4 of  
Section 04, T05N, R11E, City of Stoughton,  
Dane County, Wisconsin

## Zoning Description

Change zoning from SR-4 to TR-6

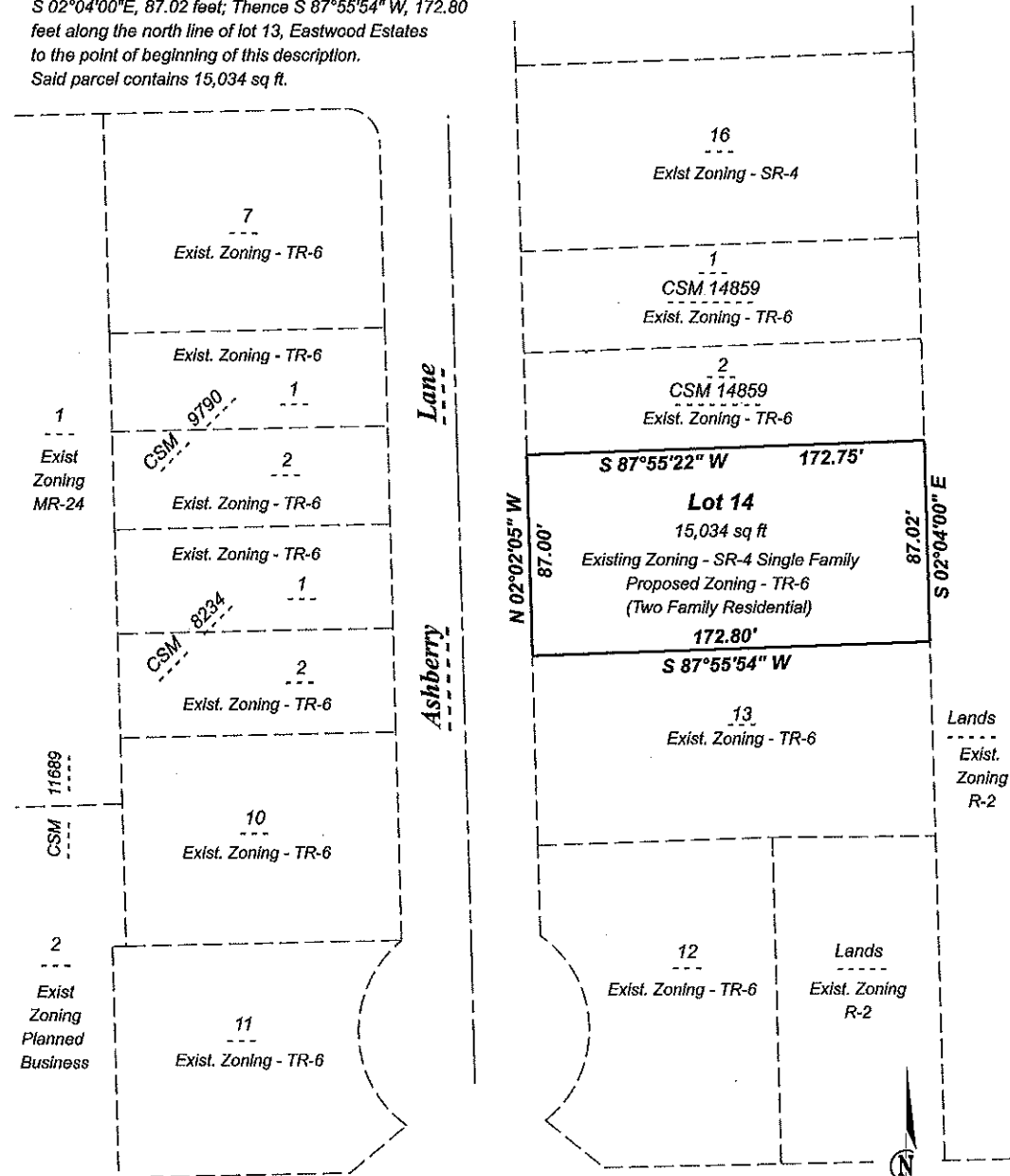
Lot 14, Eastwood Estates, lying in the SW1/4

of the SE1/4 of Section 04, T05N, R11E, City of Stoughton,  
Dane County, Wisconsin, more fully described as follows:

beginning at the southwest corner of said lot 14, Thence  
N 02°02'05" W, 87.00 feet along the easterly right of  
way line of Ashberry Lane; Thence N 87°55'22" E, 172.75  
feet along the south line of lot 2, CSM 14859, thence  
S 02°04'00" E, 87.02 feet; Thence S 87°55'54" W, 172.80  
feet along the north line of lot 13, Eastwood Estates  
to the point of beginning of this description.  
Said parcel contains 15,034 sq ft.

Royal Oak & Associates, Inc.  
3678 Kinsman Blvd  
Madison, WI 53704  
Phone (608) 274-0500  
Fax (608) 274-4530  
www.royaloakengineering.com

Surveyed for:  
Urso Bros.  
Kevin Urso  
4720 Farwell Street  
McFarland WI



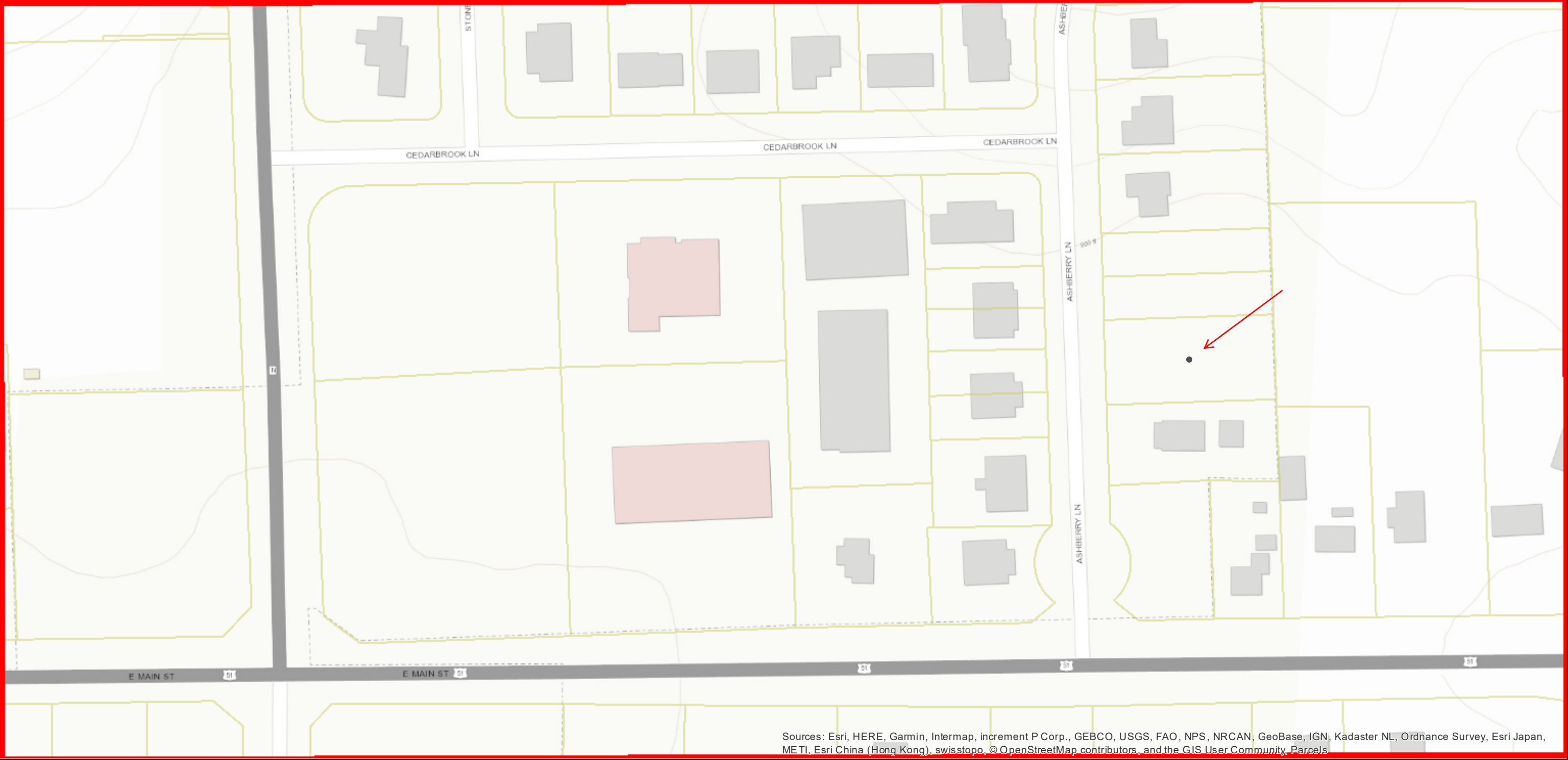
Drawn By: TT  
Approved By: CMS  
Date: 12-17-18

Office Map No: 16475  
Sheet 1 of 1 Sheets

U.S.H 51

0 30 60 120  
Scale 1" = 60'

117 Ashberry Lane



January 18, 2019

Tax Parcels

1 inch = 100 feet

