



Access Variance: Walz

Planning & Zoning Committee • May 7, 2024

<u>Property Owner(s):</u>	Robert and Viveca Walz Revocable Trust; c/o Robert Walz
<u>Property Location:</u>	Located in the Southwest Quarter of the Northeast Quarter of Section 26, Town 12 North, Range 8 East
<u>Town:</u>	Caledonia
<u>Parcel(s) Affected:</u>	807
<u>Site Address:</u>	W10230 Rowley Road

Background:

Robert Walz of the Robert and Viveca Walz Revocable Trust, owner, requests the Planning and Zoning Committee review and approve an access variance to Section 12.210.04(5) of the Columbia County Land Division and Subdivision Ordinance. The subject property is listed as parcel 807 in the Town of Caledonia. It is wooded and there is an existing agricultural storage building on site. The property fronts on Rowley Road. The property owners are proposing to create a 5-acre residential lot in the northeastern corner of the property, which can be viewed as Lot 2 of the attached preliminary Certified Survey Map (CSM). The proposed RR-1 lot will not have road frontage. Subsection 12.210.04(5) of the Columbia County Land Division and Subdivision Ordinance requires every lot or parcel to abut a public road; however, it also gives the County Planning and Zoning Committee the ability to waive or vary the road frontage requirement without scheduling a public hearing.

Subsection 12.210.04(5)b. of the Columbia County Land and Subdivision Ordinance requires a unique property limitation must be present in order to request an access variance. This subsection states the following, “when a variance to the road frontage requirement is requested, a unique property limitation must be present. The application for a variance must include a description of the unique limitation. These limitations can include, but are not limited to, land suitability issues or limited/no access on the existing parcel of land.” The property owner believes that a limitation is present. Soil borings were completed showing minimal depth to bedrock on the parcel. The greatest depths, ranging from 3’ to 7’ were provided in the northeastern quadrant of the property, which would allow for a full basement. The owner further believes this area to be the best location for the residence because it is the driest spot on the property and will protect the future home best from rain events and flooding. The owner has included both a soil boring map and a drainage map to support these claims. The lot will be accessed via a 33’ wide easement along the existing driveway. A separate recordable ingress/egress agreement must be recorded concurrent with the CSM.

Town Board Action:

The Town Board recommended approval of the rezoning request associated with this proposal on April 10, 2024. The request for rezoning also included the requirement for an access variance.

Recommendation:

If the Planning and Zoning Committee chooses to grant the access variance for proposed Lot 2 of the attached Certified Survey Map, Staff recommends adding the condition that a note be placed on the Certified Survey Map stating, “A variance to Section 12.210.04(5) was approved by the Planning and Zoning Committee on May 7, 2024 to waive road frontage requirements for Lot 2 with access being provided by other instrument.” The access variance will become effective upon recording of the Certified Survey Map and associated easement.