

PETITION 10250 - ZONING CHANGE IN THE TOWN OF VIENNA - ZONING ORD. AMDT. 10250

Petition 10250 by Allen Koch to change the zoning from the A-1 EX Exclusive Agricultural district to the R-2 Residential district on property located at 6761 Schumacher Rd. in part of the NW ¼ of the SW ¼ - Section 28, Town of Vienna.

The Zoning & Land Regulation Committee recommends that Petition 10250 be granted as modified and includes the conditions that the State of Wisconsin Rezoning Conversion Fee and the Dane County Rezoning Conversion Fee are paid within 90 days of approval and that a certified survey map and the Deed Restriction below be recorded within 90 days, and Zoning Ord. Amdt. 10250 be adopted. Motion carried unanimously.

Deed Restriction:

1. Deed restrict the R-2 parcel to prohibit further division of the property.

PETITION 10252 - ZONING CHANGE IN THE TOWN OF BERRY - ZONING ORD. AMDT. 10252

Petition 10252 by Onno Brouwer to change the zoning from the A-1 EX Exclusive Agricultural district to the R-1 Residential, A-4 Small Lot Agricultural districts on property located at 5170 Enchanted Valley Road in part of the NW ¼ of the SW ¼ - Section 25, Town of Berry.

The Zoning & Land Regulation Committee recommends that Petition 10252 be granted as modified and includes the conditions that the State of Wisconsin Rezoning Conversion Fee and the Dane County Rezoning Conversion Fee are paid within 90 days of approval and that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 10252 be adopted. Motion carried unanimously.

PETITION 10253 - ZONING CHANGE IN THE TOWN OF OREGON - ZONING ORD. AMDT. 10253

Petition 10253 by John Beasley to change the zoning from the RH-2 Rural Homes, RH-1 Rural Homes, R-1A Residential districts to the RH-3 Rural Homes, R-1A Residential, RH-1 Rural Homes districts on property located at 489 Sugar Hill Road and 497 Sugar Hill Road in part of Outlot 29, 30, & 33 - Section 28, Town of Oregon

The Zoning & Land Regulation Committee recommends that Petition 10253 be granted and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 10253 be adopted. Motion carried unanimously.

PETITION 10254 - CUP 2148 - ZONING CHANGE IN THE TOWN OF DUNKIRK - ZONING ORD. AMDT. 10254

Petition 10254 - CUP 2148 by John & Victoria Brueggeman to change the zoning from the A-2 Agricultural district to the RH-4 Rural Homes district on property located at 1613 Slinde Rd. in part of the NE ¼ of the SE ¼ - Section 12, Town of Dunkirk.

The Zoning & Land Regulation Committee recommends that Petition 10254 be granted and Zoning Ord. Amdt. 10254 be adopted. Motion carried unanimously.

→ PETITION 10255 - ZONING CHANGE IN THE TOWN OF COTTAGE GROVE - ZONING ORD. AMDT. 10255

Petition 10255 by Schlueter Le, Bertha to change the zoning from the A-1 EX Exclusive Agricultural district to the R-1 Residential, RH-1 Rural Homes, A-4 Small Lot Agricultural districts on property located at 3897 Vilas Hope Rd. in part of the NE ¼ of the NW ¼ - Section 19, Town of Cottage Grove.

The Zoning & Land Regulation Committee recommends that Petition 10255 be granted as modified subject to the Conditions and Deed Restriction below and includes the conditions that the State of Wisconsin Rezoning Conversion Fee and the Dane County Rezoning Conversion Fee are paid within 180 days of approval and that a certified survey map be recorded within 180 days, and Zoning Ord. Amdt. 10255 be adopted. Motion carried unanimously.

Conditions:

1. Amend the proposed R-1 parcel (lot 2) to R-1A.
2. Require that the existing farm home on lot 1 be removed from the property no more than 90 days after the construction of a new residence within the RH-1 zoning boundary.

Deed Restriction:

1. Deed restrict the balance of A-1EX zoned land owned by the applicant to prohibit residential development.

**Motion** by Jensen / Bruskewitz to approve the preliminary Certified Survey Maps listed as b thru e, subject to the following conditions; motion carried, 4-0.

**b. APPLICATION # 9234**, Donald Fay, Town of Dunkirk, Section 19  
(1 lot, 5.0 acres)

1. Rezone Petition #10260 is to become effective (one day following publication in the Wisconsin State Journal) and all conditions established with Zoning Petition #10260 are to be timely satisfied.
2. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
3. The net lot area calculations are to be specified in square feet.
4. Existing buildings shall be dimensioned to the nearest 0.1 foot in relation to proposed property boundaries.
5. The approximate location of the on-site septic system is to be shown including the absorption system.
6. An owners certificate in accordance with S. 236.21(2), Wisconsin State Statutes is to be included.
7. The owners certificate is to include "we also certify that this certified survey map is required by 75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval.
8. All owners of record are to be included in the owner's certificate. (County records indicate that DONALD F FAY is the owner). *Middle initials are required to provide valid certificates.*
9. A Town of Dunkirk approval certificate is to be included.
10. The required certificates are to be executed.
11. "Approved for recording per Dane County Zoning & Land Regulation Committee action of \_\_\_\_\_, by \_\_\_\_\_, Authorized Representative" is to be included. Also, include an area for the authorized name to be printed underneath.
12. A notation is to be affixed to the document "refer to building site information contained in the Dane County Soil Survey."
13. Dane County Surveyor approvals are to be obtained. When all revisions are complete, please submit a copy to the Dane County Surveyor for technical review and approval.
14. The recordable document is to be submitted for review and approval.

→ **c. APPLICATION # 9240**, Schlueter Living Tr., Town of Cottage Grove, Section 19  
(4 lots, 56.7 acres)

1. Rezone Petition #10255 is to become effective (one day following publication in the Wisconsin State Journal) and all conditions established with Zoning Petition #10255 are to be timely satisfied.
2. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
3. A notation is to be included on the final document that states: "Variance granted by the Dane County Zoning & Land Regulation Committee on December 14, 2010 from Ch. 75.19(6)(b), Dane County Code of Ordinances to allow lot 1 to have less than 66-feet of public road frontage along the north-south portion of Vilas Hope Road.
4. The net lot area calculations are to be specified in square feet.
5. Minimum lot size for lot 3 is to be 2.0 acres net, excluding the road rights-of-way.
6. All owners of record are to be included in the owner's certificate. (County records indicate that MELROY C SCHLUETER and SCHLUETER LE, BERTHA & SCHLUETER LIVING TR, W M & S J is the owner). *Spouse's signatures and middle initials are required to provide valid certificates.*
7. The Mortgage Holder Certificate is to include the public highway dedication.
8. A Town of Cottage Grove approval certificate is to be satisfied.
9. A City of Madison approval certificate is to be satisfied.
10. The required certificates are to be executed.
11. Dane County Surveyor approvals are to be obtained. When all revisions are complete, submit a copy to the Dane County Surveyor for technical review and approval.
12. The recordable document is to be submitted for review and approval.

**d. APPLICATION # 9249**, Onno Brouwer, Town of Berry, Section 25  
(2 lots, 12.9 acres)

1. Rezone Petition #10252 is to become effective (one day following publication in the Wisconsin State Journal) and all conditions established with Zoning Petition #10252 are to be timely satisfied.



# Dane County Planning & Development

## Land Division Review

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Application # 9240

Date: December 28, 2010

To: Zoning & Land Regulation Committee

From: Daniel Everson, Land Division Review

Re: Schlueter Living Tr. (preliminary CSM)  
Town of Cottage Grove, Section 19  
(3 lots, 56.7 acres)  
Zoning Petition #10255 A-1EX to R-1A, RH-1 and A-4, DED: ?

*The Zoning & Land Regulation Committee approved rezone Petition #10253 on November 23, 2010 and waived the minimum road frontage requirement of 66 feet, Ch. 75.19 (6)(b) to allow lot 1 to have 33 feet of road frontage along the north-south portion of Vilas Hope Road on December 14, 2010.*

Planning staff recommends approval of the preliminary CSM, subject to the following conditions:

1. Rezone Petition #10255 is to become effective (one day following publication in the Wisconsin State Journal) and all conditions established with Zoning Petition #10255 are to be timely satisfied.
2. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
3. A notation is to be included on the final document that states: "Variance granted by the Dane County Zoning & Land Regulation Committee on December 14, 2010 from Ch. 75.19(6)(b), Dane County Code of Ordinances to allow lot 1 to have less than 66-feet of public road frontage along the north-south portion of Vilas Hope Road.
4. The net lot area calculations are to be specified in square feet.
5. Minimum lot size for lot 3 is to be 2.0 acres net, excluding the road rights-of-way.
6. All owners of record are to be included in the owner's certificate. (County records indicate that MELROY C SCHLUETER and SCHLUETER LE, BERTHA & SCHLUETER LIVING TR, W M & S J is the owner). *Spouse's signatures and middle initials are required to provide valid certificates.*
7. The Mortgage Holder Certificate is to include the public highway dedication.

8. A Town of Cottage Grove approval certificate is to be satisfied.
9. A City of Madison approval certificate is to be satisfied.
10. The required certificates are to be executed.
11. Dane County Surveyor approvals are to be obtained. When all revisions are complete, submit a copy to the Dane County Surveyor for technical review and approval.
12. The recordable document is to be submitted for review and approval.

# TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 10255

Dane County Zoning & Land Regulation Committee Public Hearing Date 11/23/2010

Whereas, the Town Board of the Town of Cottage Grove having considered said zoning petition, be it therefore resolved that said petition is hereby (check one):  **Approved**  **Denied**  **Postponed**

**Town Planning Commission Vote:** 7 in favor 0 opposed 0 abstained

**Town Board Vote:** 5 in favor 0 opposed 0 abstained

## THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1.  *Deed restriction* limiting use(s) in the \_\_\_\_\_ zoning district to **only** the following:
  
2.  *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
  
3.  *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
  
4.  *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
  
5.  *Other Condition(s)*. Please specify:  
The new RH-1 parcel is a replacement of the existing homesite. Old farm house must be demolished within 3 months of occupancy of a new home. New owner has agreed to blacktop the driveway for the new home site to mitigate washing. As for the 33' wide access lane to the north of the proposed A-4 parcel, owner must obtain a culvert permit from the Town, and install the culvert upon use of this access lane.

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Kim Banigan, as Town Clerk of the Town of Cottage Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 9/7/2010  
Town Clerk Kim Banigan Date: 11/11/2010 11:46:16 AM