
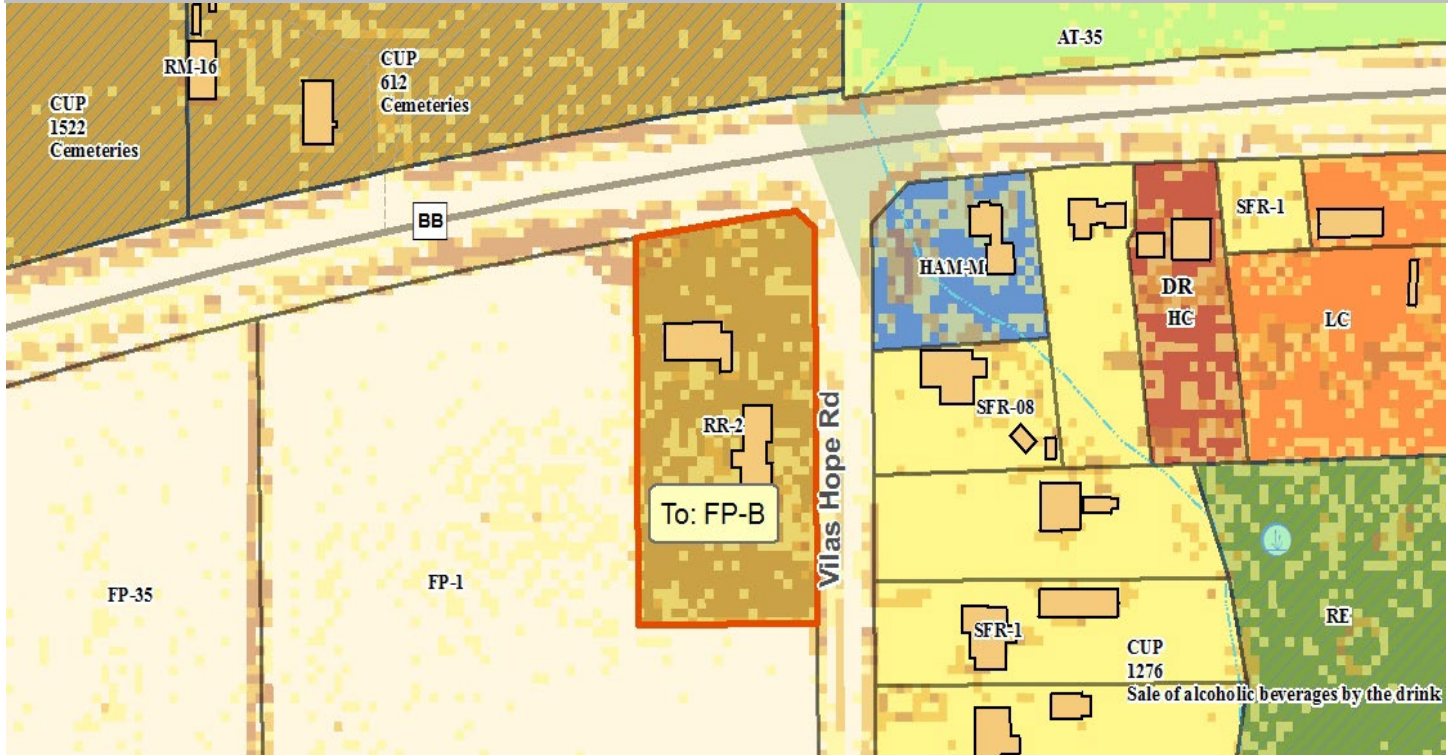


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>January 25, 2022</b>		<b>Petition 11788</b>
	<i>Zoning Amendment Requested:</i> <b>RR-2 Rural Residential District TO FP-B Farmland Preservation Business District</b>		<i>Town/Section:</i> <b>COTTAGE GROVE, Section 7</b>
	<i>Size:</i> <b>2 Acres</b>	<i>Survey Required:</i> <b>No</b>	
	<i>Reason for the request:</i> <b>Change zoning to allow permitted uses in the Farmland Preservation Business FP-B Zoning District (land use unknown)</b>		<i>Applicant:</i> <b>THOMAS M and JULIA A WILLAN</b>
			<i>Address:</i> <b>4407 VILAS HOPE ROAD</b>



**DESCRIPTION:**

The applicant would like to change the zoning of his property to FP-B (Agriculture Business) to allow an unspecified activity. The proposal is a significant change from the current residential zoning district (RR-2). The FP-B District is intended to accommodate land uses that are commercial or industrial in nature which are associated with agriculture production. Examples of activities in the FP-B district include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins.

**OBSERVATIONS:**

The 2-acre property contains an existing single-family residence along with a residential accessory building (old barn). Previous inspections conducted on the property (September 24, 2013) had documented that the house on the property was a typical single-family dwelling with a home occupation business (building contractor business) being ran from a basement office. The old barn was being used for the storage of personal belongings. A zoning permit was issued in 2017 for barn improvement (\$5,000) for storage purposes only (see zoning permit DCZP-2017-00414 in documentation file). No agricultural uses were observed on the property.

**History:**

In 1998, a rezoning petition was submitted (Petition 7341) in order to create a 2-acre lot to separate the existing residence and barn from the original CJ Vale farm. As part of the approval, a certified survey map and a deed restriction was required to be recorded within a 90-day timeframe. The CSM was recorded, however the deed restriction was not recorded within the timeframe. As a result, the zoning was rendered null and void but the 2-acre lot was established. This created a legal lot of record with substandard zoning. The newly created lot retained the original A-1Ex zoning.

In January of 2013, Mr. Willan (new landowner) was surprised to learn that his property was not zoned RH-1. This was discovered during a dispute occurring on a County Highway project at the intersection next to his property. As part of resolving the dispute, Dane County agreed to waive the rezoning fees in order to assign RH-1 zoning to Mr. Willan's property and bring it into compliance (see email chain in documentation file). Mr. Willan submitted the rezoning application requesting his property be zoned to RH-1 (see rezoning petition 10589).

During the processing of Petition 10589, County staff suggested that the property be assigned the zoning district classification of A-2(2) Agriculture District due to Mr. Willan's expressed future ambitions to use the old barn for expansion of his home business (building contractor). The suggested zoning district would have allowed the opportunity for Mr. Willan to obtain a conditional use permit (CUP) for a 'limited family business' in order to run his contractor business from the accessory building. The zoning was approved and the A-2(2) zoning district was assigned to the property. No CUP application was ever submitted.

In 2017, Mr. Willan began constructing a second story addition to his residence without obtaining a zoning permit. Mr. Willan refused to obtain a zoning permit. A lawsuit was filed against Mr. Willan for failing to obtain a zoning permit for the construction of a second story addition to his residence. The judge required Mr. Willan to obtain a zoning permit for the construction. The zoning permit is still open due to Mr. Willan refusing access to the property to conduct a final inspection of the project.

Also in 2017, Mr. Willan obtained a zoning permit to make \$5,000 worth improvements to his residential accessory building (barn) for agricultural storage purposes (see Zoning Permit DCPZP-2017-00414). The permit is still open due to Mr. Willan refusing access to the property to conduct a final inspection.

In 2018, Dane County went through a Comprehensive Revision to the Dane County Zoning Ordinance. As part of Ordinance Amendment 2018-OA-20, new zoning maps were created in order to label properties with the new zoning district names. A public hearing was held on November 27, 2018 before the Dane County Zoning and Land Regulation Committee regarding the 2018-OA-20. The zoning ordinance revision was approved by the ZLR Committee on December 18<sup>th</sup> and the County Board adopted the new zoning ordinance on January 17, 2019. In addition, public hearings and informational meetings were held at the Town of Cottage Grove regarding the adoption of the new zoning ordinances and new zoning maps. The Town adopted the new zoning ordinance and maps on February 4, 2019.

With the transition to the new zoning ordinance, comparable zoning districts were assigned to properties based on their previous zoning and the current land uses. The property at 4407 Vilas Hope Road went from the previous zoning of A-2(2) to RR-2. Both zoning districts allow for both single-family residences and agricultural uses (small scale farming). Neither of the zoning districts list the "agricultural accessory uses" as stated by Mr. Willan (see attached Comparison Zoning District sheet).

**TOWN PLAN:** The property is located in the Agricultural Preservation Planning Area. The Town generally will not support rezoning of lands for commercial use within the Agricultural Preservation Area, except for the expansion of existing businesses at the discretion of the Town Board. In such cases, the FP-B Farmland Preservation Business, RE Recreational, or preexisting commercial zoning district is generally appropriate.

**RESOURCE PROTECTION:** There are no sensitive environments features located on the property.

**TOWN:** The Town Board approved the petition with no conditions.

**STAFF:**

The proposed FP-B zoning district is intended to accommodate land uses that are commercial or industrial in nature which are associated with agricultural production. (See attached FP-B district ordinance.) The applicant has not specified what specific land uses are proposed. With the lack of information, staff is concerned that such factors as adequate access, sufficient parking, and compatibility with surrounding existing uses cannot be assured for the intended land use(s), particularly given the relatively small parcel size of two (2) acres. Without more information and knowing the specific intended use(s), staff cannot confidently make a recommendation supporting the proposed rezoning.

In the past, Mr. Willan had discussed using his barn for a wedding barn (indoor commercial entertainment). As explained to Mr. Willan in a letter dated March 12, 2019, the property would need to be rezoned to GC General Commercial in order to allow event venues.

The current zoning (RR-2) allows for the single-family residence; a home occupation business (contractor) to be conducted in a portion of the residence; and residential accessory buildings (barn) for residential or agricultural storage purposes. Without knowing the future land uses, staff is recommending denial of the zoning change to FP-B Farmland Preservation Business.

**Findings of Fact:**

1. The current zoning district supports the current activities on the property
2. There is a lack of information presented to support the zoning change.
3. The FP-B zoning district accommodates commercial and industrial activities compatible with agricultural areas that may be in conflict with surrounding properties. Due to the size and location of the property, potential traffic conflicts, parking issues, and noise may result by the zoning change.

Any questions about this petition or staff report please contact Todd Violante at (608) 266-4021, or [violante@countyofdane.com](mailto:violante@countyofdane.com)

# 2017 Zoning Permit for storage barn improvements

## DANE COUNTY ZONING PERMIT

ZONING PERMIT NO.

Page 1 of 2

DCPZP-2017-00414

OWNER INFORMATION		AGENT/CONTRACTOR INFORMATION	
OWNER NAME THOMAS M WILLAN	PHONE (608) 438-3103	AGENT /CONTRACTOR NAME THOMAS WILLAN	PHONE (608) 438-3103
BILLING ADDRESS (Number, Street) 4407 VILAS HOPE RD		ADDRESS (Number, Street) 4407 VILAS HOPE RD	
(City, State, Zip) COTTAGE GROVE, WI 53527		(City, State, Zip) COTTAGE GROVE, WI 53527	
E-MAIL ADDRESS		E-MAIL ADDRESS	

PARCEL NO.	TOWNSHIP	SECTION	1/4	1/4	1/4
0711-072-9971-5	TOWN OF COTTAGE GROVE	7	NW		SE

PROPERTY ADDRESS	HOUSE NO.	ST. DIRECTION	STREET NAME	ST. TYPE
(Assignment of new address is subject to field verification.)	4407		VILAS HOPE	RD

LOT	BLOCK	C.S.M. NO. or PLAT NAME
2		CSM 09338

ZONING DISTRICT	PARCEL ACREAGE	PROPOSED PROJECT: Alteration to existing building Description: Deck and storage room addition to existing barn	CENSUS CODE
A-2 (2) Agriculture District	2.3		328 - Other Non-Residential

Category	SEWER	SANITARY PERMIT NO.
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agricultural <input type="checkbox"/> Other:	Private	

ROAD CLASSIFICATION	REZONE NO.	C.U.P. NO.	VARIANCE NO.	DEED RESTRICTION
	10589			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

SHORELAND	FLOOD ZONE	WETLAND	EC/SW NO.
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

HEIGHT (In Feet)	BASEMENT	1st FLOOR	TOTAL SQUARE FEET
28'-1"	Sq. Ft.	Sq. Ft.	224
NO. OF STORIES			PROJECT COST
2	2nd FLOOR	3rd FLOOR	\$5,000.00
			PERMIT FEE
			\$133.60

I, the undersigned, am the owner of the property or an authorized agent acting on behalf of the owner of the property. I certify that the work to be performed, as part of this zoning permit, will be constructed as noted on the submitted plans and comply with the applicable zoning ordinances. I understand that failure to comply with any provision or condition of this permit renders this zoning permit null and void and subject to enforcement action.

I acknowledge that I am responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources web page at [www.dnr.state.wi.us](http://www.dnr.state.wi.us) or contact the Department of Natural Resources Service Center.

I hereby consent to the entry on the permitted premises by Dane County zoning inspectors for the purposes of determining compliance with the zoning ordinances.

Owner & Agent hereby agree to comply with all Dane County Ordinances. Any unauthorized change from the information or plans submitted will invalidate the permit.	SIGNATURE: Owner/Agent 	DATE: X7-10-17
---	----------------------------	-------------------

OFFICE USE ONLY				(form version 03.01.01)
SURVEY REQUIRED ? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE ISSUED 07/10/2017	INITIALS DJE1	1st INSPECTION DATE	INITIALS
Initials:	DATE REVIEWED	INITIALS	2nd INSPECTION DATE	INITIALS

# 2017 Building permit for storage barn improvements

0711-072-4471-5

<b>TOWN OF COTTAGE GROVE BUILDING PERMIT APPLICATION</b> 4058 County Road N Cottage Grove, WI 53527 Office: (608) 839-5021					CHECK #: <u>3557</u> RECEIPT #: <u>2204</u> AMT PAID: <u>305<sup>60</sup></u>	
Building Inspector: (608) 837-3371						
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> HVAC	<input type="checkbox"/> Electric	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Erosion	<input type="checkbox"/> Other	
Owner's Name: <i>Thomas McWilliam</i>		Date (mm/dd/yyyy): <i>07-10-2017</i>		TOTAL COST: OFFICE USE ALL PERMITS - ADD \$10.00 ADMIN FEE		
Mailing Address: <i>4407 Vilas Hope Rd</i>			Phone #: (include area code) <i>608-438-3103</i>			
Contractor's Name: <i>Ironman buildings</i>			License/Dwelling Contr. Qualifier/Contractor Registration #			
Mailing Address: <i>Same as Above</i>			Phone #: (include area code)			
<b>PROJECT LOCATION</b> <i>4407 Vilas Hope Rd</i>			Estimated Cost: <i>6000.00</i>			
Address: <i>4407 Vilas Hope Rd</i> Parcel No: 018/0711			Project Description: <i>Fix Silo, Add 2 Decks and                  Repair Existing Concrete walls with wood</i>			
<b>ELECTRICAL</b>			<b>COST:</b> Office use			
Contractor's Name: <i>N/A</i>			License # / Contractor Registration #			
Mailing Address:			Phone #: (include area code)			
<b>PLUMBING</b>			<b>COST:</b> Office Use			
Contractor's Name: <i>N/A</i>			License # / Contractor Registration #			
Mailing Address:			Phone #: (include area code)			
<b>HEATING, VENTILATING &amp; AIR CONDITIONING</b>			<b>COST:</b> Office Use			
Contractor's Name: <i>N/A</i>			License # / Contractor Registration #			
Mailing Address:			Phone #: (include area code)			

Make checks payable to TOWN OF COTTAGE GROVE, sign the 'Cautionary Statement to Owners' and mail to Viken Inspection Agency, 5116 Pierceville Road, Cottage Grove, WI 53527.

**PLEASE verify that you are submitting your application to the correct township!!**

Owner's Name:	Date (mm/dd/yyyy):
---------------	--------------------

**EROSION CONTROL**

Who Is Responsible for Clean Up:	Phone #: (Include area code)
Mailing Address:	

**DRIVEWAY, SIDEWALK, CURB OR GUTTER RESTORATION**

Who Is Responsible (if needed):	Phone #: (include area code)
Mailing Address:	

TOTAL SQUARE FOOTAGE OF PROJECT: \_\_\_\_\_ FT

FEEs: MAKE CHECK PAYABLE TO: TOWN OF COTTAGE GROVE

- STATE SEAL: \$ \_\_\_\_\_
- ADMINISTRATIVE: \$ 10.00
- PLAN REVIEW: \$ \_\_\_\_\_
- BUILDING: *only* (\$ 130.00 2-Decks) (\$ 130.00 *Roof over Silo*)
- PLUMBING: \$ No Plumbing (*silo Platform + new Room*)
- ELECTRICAL: \$ No Electric
- HVAC: \$ No HVAC
- EROSION: \$ \_\_\_\_\_
- DRIVEWAY: \$ \_\_\_\_\_
- TOTAL FEES: \$ 305.00

**REQUIREMENTS - TWO COPIES OF EACH OF THE FOLLOWING:**

1. Plot Plan showing boundaries and erosion control.
2. Foundation Survey drafted by a Licensed Surveyor showing all boundaries, setbacks and easements.
3. Wisconsin Uniform Building Permit application.
4. Sign 'Cautionary Statement to Owners Obtaining Building Permits'.

Signature: \_\_\_\_\_  
(OWNER or CONTRACTOR)

Date: 7-11-17

HOLD UNTIL GAULT SAYS OK -

BARN

ZONING PERMIT APPLICATION [www.countyofdane.com](http://www.countyofdane.com)

SUPPLEMENT to Web-App #

PROPERTY OWNER INFORMATION		CUSTOMER TO PROVIDE	
Thomas M WILLAN 4407 VILAS Hope Rd Cottage Grove WI 53507 608-438-303 <a href="mailto:tom@ironmanbuildings.com">tom@ironmanbuildings.com</a>		<input type="checkbox"/> Zoning Status: CUP, Deed Restriction, CSM Variance (# _____) <input type="checkbox"/> Site Plan drawn to scale and includes dimensions <input type="checkbox"/> Site Plan including location of well/septic <input type="checkbox"/> Setbacks <input type="checkbox"/> Site Plan approval from applicable township <input type="checkbox"/> Floor plans to scale <input type="checkbox"/> Elevation of property frontage drawn to scale <input type="checkbox"/> Driveway permits (state, county, town) <input type="checkbox"/> Sanitary permits (publ. c., private)	
NEXT INFORMATION		CONTACT INFORMATION	
SAME AS owner <i>DRIVE COMMUNITY</i>		Ironman Buildings 4407 Vilas Hope Rd Cottage Grove WI 608-438-7103 <a href="http://Tom@IronmanBuildings.com">Tom@IronmanBuildings.com</a>	
PROPERTY/LOCATION INFORMATION ( <a href="http://eccadane.co.dane.wi.us/">http://eccadane.co.dane.wi.us/</a> )			
<input type="checkbox"/> 0710-072-9971-5 Cottage Grove 4407 Vilas Hope Rd 9338 2		A-2(2) 2x 2.3 1	
PROPOSED PROJECT INFORMATION		STAFF REVIEW	
Add A Deck and Rooms to Existing BARN <input type="checkbox"/> This project is a new building or structure. <input checked="" type="checkbox"/> This project is an addition/alteration to an existing building or structure. 34'-6" 2 Stories TOTAL SQUARE FOOTAGE: 224 ESTIMATED CONSTRUCTION COST: \$5,000.00		<input type="checkbox"/> Zoning District <input type="checkbox"/> Permitted Use? <input type="checkbox"/> Rural Address (new/existing) <input type="checkbox"/> Wetland/Floodplain/Shoreland (attachment) <input type="checkbox"/> Erosion Control permit (slopes, disturbance, filling/access) <input type="checkbox"/> Review Location Survey and available options	

- The property is within 300 feet of a stream or 1000 feet from a pond or lake?
- Is there a wetland or floodplain on or near the property?
- Have you talked with the township about your project and are they in agreement?
- Has there been a zoning permit issued for this property in the past 5 years?
- Is this project associated with a rezone/CUP/variance (petition/appeal # \_\_\_\_\_)?
- Is a location survey required? (see reverse)
- Is this to correct a violation?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't know
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't know
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
(leave blank if none)		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't know
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

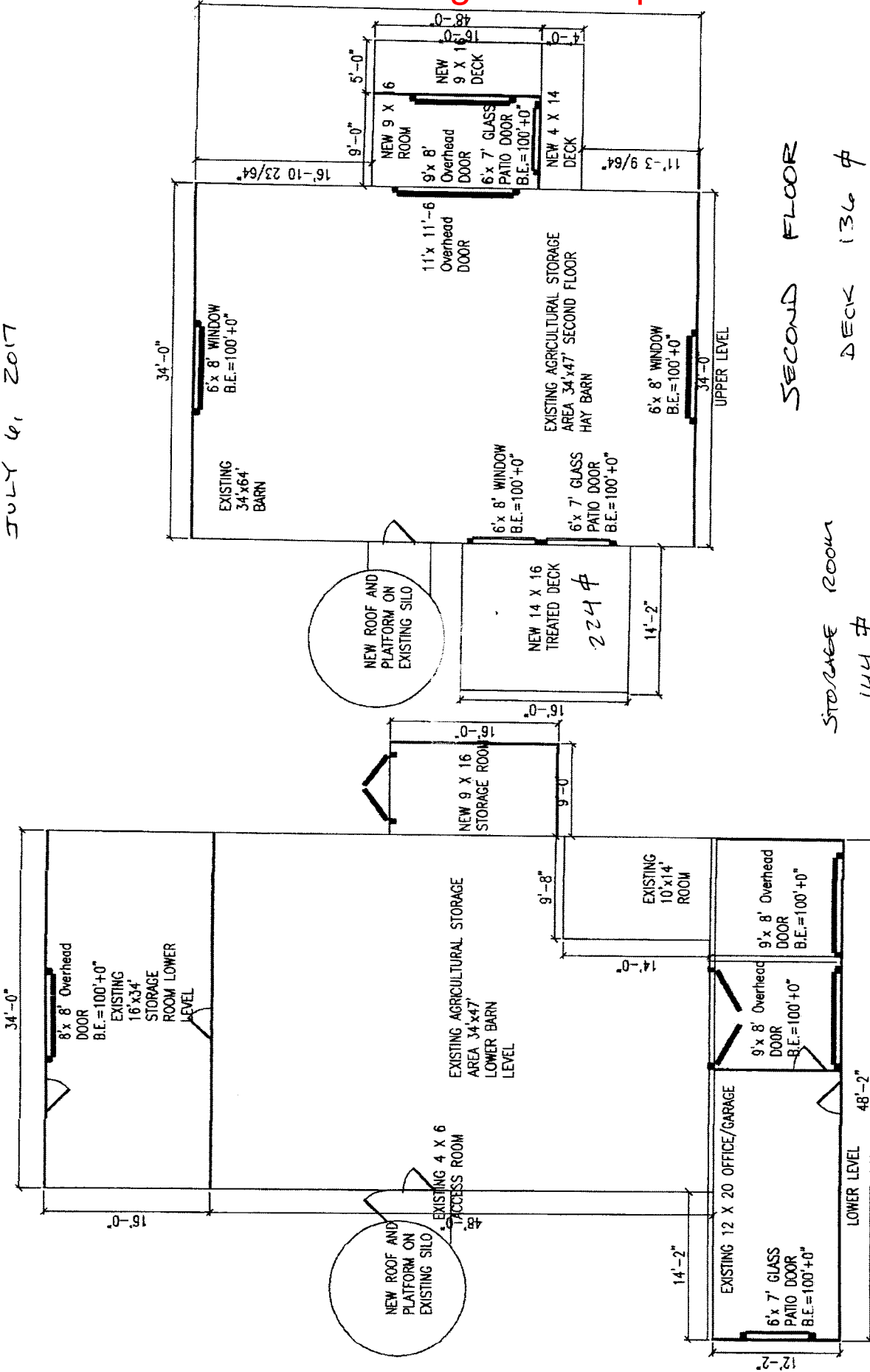
FEE 133.00

APPLICATION MUST BE SIGNED (Continue on Back) → → →

# 2017 Floor Plan for storage barn improvements

REVISED BARN FLOOR PLAN

JULY 6, 2017



SECOND FLOOR

STORAGE ROOM

DECK 136 #  
 NEW ROOM 144 #  


---

 280 #

FIRST FLOOR

TOTAL 424 #



**Petition 7341 voided in 1999**  
**DANE COUNTY ORDINANCE AMENDMENT NO. 7341**

Amending Section 10.03 relating to Zoning Districts in the Town of Cottage Grove.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Cottage Grove be amended to include in the RH-1 Rural Homes and A-2 Agricultural District/s the following described land:

**PETITION NUMBER: 7341**

**TO RH-1:**

Part of the SE 1/4 and the NE 1/4 of the NW 1/4 of Section 7, Town of Cottage Grove described as follows: Commencing at the West quarter corner of said Section 7; thence along the South line of the said Northwest quarter, N85°15' East, 2099.2 feet to the East line of the said Northwest quarter; thence along said East line, North, 960.00 feet to the point of beginning; thence continuing along said East line North, 450.00 feet to the South right-of-way line of CTH BB; thence along said South right-of-way line, S79°45' West, 240.00 feet; thence South, 410.00 feet; thence East, 240.00 feet to the East line of the said NW 1/4 and the point of beginning.

**TO A-2:**

Part of the SE 1/4 and the NE 1/4 of the NW 1/4 of Section 7, Town of Cottage Grove described as follows: Commencing at the West quarter corner of said Section 7, thence along the South line of the said Northwest quarter, N85°15' East, 1422.7 feet to the point of beginning; thence continuing along said South line N85°15' East, 676.5 feet to the East line of the said Northwest quarter, thence along said East line North, 960.00 feet; thence West, 240.00 feet; thence North, 410.00 feet to the South line of County Highway BB; thence along said South right-of-way line S79°45' West, 440.00 feet; thence South, 1333.27 feet to the South line of the said Northwest quarter and the point of beginning.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

**CERTIFIED SURVEY REQUIRED**

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. This amendment will become effective, if within 90 days of its approval by Dane County, a certified survey map that describes the land to be rezoned is recorded in the office of the Dane County Register of Deeds. Failure to record the survey will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.

**DEED RESTRICTION REQUIRED**

This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

1. That there shall be no residential development on the A-2 rezone area.

Said restriction shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. Failure to record the restrictions will cause the rezone to be null and void.

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a), (b), (c).

*Eff: - Void*

## Email chain between Parisi and Willan

[Print](#) | [Close Window](#)

**Subject:** RE: Need your help solving a major zoning issue.  
**From:** "Parisi, Joseph" <Parisi@countyofdane.com>  
**Date:** Wed, Feb 27, 2013 9:19 am  
**To:** "'tom@ironmanbulldings.com'" <tom@ironmanbulldings.com>  
**Attach:** image001.png

2/27/13

Dear Mr. Willan:

After having had a chance for my staff in both the Planning & Development Department and the Public Works & Transportation Department to review, comment, and make suggestions on this matter, there does seem to be a tangible course to resolve your situation.

Todd Violante, Director of our Planning & Development Department, has indicated that his department will in fact waive the fee of a resubmitted rezoning application. Mr. Violante conferred with Zoning Administrator Roger Lane of his department, who confirmed that the Zoning Division is prepared to accept your rezoning application without charge. This rezoning application will bring your property into full zoning compliance with no application fees.

Mr. Violante and Mr. Lane also met with Pam Dunphy of the Public Works & Transportation Department to discuss the issue of your well being in the town road right-of-way. Ms. Dunphy clarified that the intersection improvement at Vilas Hope Road and CTH BB will not be impeded in any way by your current well location once a well agreement is in place. Ms. Dunphy shared a draft copy of a possible 'Continued Well Location Agreement' between you, Mrs. Willan, and the Town of Cottage Grove. It was noted by Ms. Dunphy that this current agreement does not require that you presently relocate your well. The agreement appears to stipulate that only in the event that the well ceases to function and needs to be replaced would you be required to remove the well from the right-of-way. While Dane County would not be party to this potential agreement, it does not appear that you would encumber a \$10,000 cost to remove your well from the right-of-way at this time as stated in your prior communication. At such time as your well ceases to function, you would presumably need to absorb the cost of replacement regardless of whether your well is within or outside of the town right-of-way. Elimination of this near-term replacement cost seems to address your concern in this regard.

Hence, there appears to be 1) a reasonable resolution to bring your property into full zoning compliance at no charge to you, and 2) a possible resolution at no near-term cost to you via the current draft of the 'Continued Well Location Agreement' noted above to the issue of your well being located in the town road right-of-way. These two options seem to address your concerns. If you choose to proceed on your rezoning application, I encourage you to contact Zoning Administrator Roger Lane directly at 266-9078 to begin the process.

Thank you again for raising your concerns with me. I hope that I and my staff have been able to steer you in a helpful and reasonable direction to address your concerns.

Sincerely,

**Joe Parisi**

Joseph T. Parisi  
Dane County Executive  
Room 421, City-County Building  
Madison, Wisconsin 53703  
(608) 266-4114  
(608) 266-9138 TDD  
(608) 266-2643 Fax  
parisi@countyofdane.com  
[www.countyofdane.com](http://www.countyofdane.com)

To sign up for e-news from the County Exec, [please visit us online.](#)



---

**From:** tom@ironmanbuildings.com [mailto:tom@ironmanbuildings.com]

**Sent:** Monday, February 18, 2013 2:15 PM

**To:** Parisi, Joseph

**Subject:** RE: Need your help solving a major zoning issue.

Dear Mr Parisi,

We were on vacation last week and just got back into country. I appreciate your response back and we look forward to resolving this unfortunate incident peacefully without added cost's for anyone. Nobody wins in a lawsuit but a bunch of lawyers who should have reviewed the issues at hand in 1998. I look forward to your suggestions for resolving our issues with the county zoning. We bought this house and property in good faith with the understanding that we were RH-1 zoned and that there were no issues with the well being out by the road. Had we known about the issues we would have forced the previous owner to get them resolved or we would have negotiated a price that was reflective of the issues.

As far as the issues with the town go, we just got served with a lawsuit today and we will answer accordingly. It is our position all along that under statute of law the Town had the legal right and the legal opportunity in 1998 to have the well moved or a well agreement signed that would have been part of the deed with the previous owners. The Vales who split the lot are the ones who benefited from the split and should have been forced to move the well as part of the split deal. The Town chose not to exercise that legal right in 1998. Now the Town expects me and my wife to fork over 10k to move a well that they gave up their legal claim to in 1998. Out of the goodness of our hearts we agreed to split the cost with them so we could all move on! They chose to take the stupid government path and file a lawsuit that will cost the town 40 to 50k minimally to see who is right and they still won't hit their August deadline to keep the project moving forward? The Town chairman is directing this deal because he is a spineless weasel that thinks he is smarter than he really is and he does not like me! The town attorney is also directing this deal to fight because it pads their pockets! In my business sometimes things don't always go as planned so as a business man I take my lumps and do the sensible thing to resolve issues, in Government when they screw up they

4. Is it Dane County Zoning's position that lot 1 and 2 are legally split? There are two lots of record that do not have the proper zoning district assigned to them.

5. Is it Dane County Zoning's position that the Certified Survey map is a legal document under both State and County law? The Certified Survey Map is a recorded document in the Dane County Register of Deeds office.

This whole Incident regarding Rezoning Petition 7341 is an unfortunate for all parties. The Copenhavers, my wife and I purchased lot 2 in good faith with an understanding that it was legally split and Zoned RH-1 in 1998 by the Dane County Zoning Department. We want to resolve the legal matters regarding Petition 7341, but as things stand right now we have got to understand what the legal position of Dane County Zoning is? We cannot pursue a claim with our title insurance company until we know where Dane County Zoning stands on the legality of Zoning Petition 7341. I cannot refile a new Zoning Petition to correct the issues because the town will never approve their portion of this under the current situation. So I would like someone to respond in writing to my questions above so we can see what the next step is to resolve this unfortunate matter

A petition to rezone a portion of property in the unincorporated area of Dane County may be submitted to the Dane County Zoning Division anytime during normal working hours. The application fee is \$386, plus \$150 if there are any wetlands on the property. Attached is an application that identifies the pertinent information that will need to be submitted as part of the rezoning application.

Thanks, Tom Willan

Copyright © 2003-2013. All rights reserved.

# Dane County Rezone & Conditional Use Permit

<b>Application Date</b>	<b>Petition Number</b>
09/19/2013	DCPREZ-2013-10589
<b>Public Hearing Date</b>	<b>C.U.P. Number</b>
09/24/2013	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME THOMAS M WILLAN	PHONE (with Area Code) (608) 438-3103	AGENT NAME CRIVELLO-CARLSON	PHONE (with Area Code) (414) 271-7722
BILLING ADDRESS (Number & Street) 4407 VILAS HOPE RD		ADDRESS (Number & Street) 710 NORTH PLANKINTON AVENUE SUITE 500	
(City, State, Zip) COTTAGE GROVE, WI 53527		(City, State, Zip) Milwaukee, WI 53203	
E-MAIL ADDRESS tom@ironmanbuildings.com		E-MAIL ADDRESS rbraithwaite@crivellocarlson.com	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
4407 Vilas Hope Road					
TOWNSHIP COTTAGE GROVE	SECTION 7	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0711-072-9971-5					

REASON FOR REZONE			CUP DESCRIPTION	
ZONING COMPLIANCE FOR LOT NOTE: PETITION AMENDED TO A-2(2) ON SEPT 17TH.				
FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
A-1Ex Exclusive Ag District	A-2 (2) Agriculture District	2.0		

<b>C.S.M REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>PLAT REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>DEED RESTRICTION REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>INSPECTOR'S INITIALS</b>  RLB	<b>SIGNATURE:(Owner or Agent)</b>  
Applicant Initials _____	Applicant Initials _____	Applicant Initials _____		<b>PRINT NAME:</b>  
				<b>DATE:</b>  

# Handwritten rezone request for Petition 10589



## DANE COUNTY PLANNING DEVELOPMENT

### Zoning Change Application

Zoning Division  
Room 116, City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53703-3342  
Phone: (608) 266-4266  
Fax: (608) 267-1540

Items that must be submitted with your application:

- Written Legal Description of the proposed Zoning Boundaries**  
Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.
- Scaled Drawing of the location of the proposed Zoning Boundaries**  
The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name Thomas M. Wilian Agent's Name \_\_\_\_\_  
Address 4407 Ulas Hope Rd Cottage Grove WI Address \_\_\_\_\_  
Phone 608-438-3103 Phone \_\_\_\_\_  
Email Tom@IronmanBuildings.com Email \_\_\_\_\_

Town: Cottage Grove Parcel numbers affected: \_\_\_\_\_

Section: 01 Property address or location: \_\_\_\_\_

Zoning District change: (To / From / # of acres) \_\_\_\_\_

Soil classifications of area (percentages) Class I soils: \_\_\_\_\_% Class II soils: \_\_\_\_\_% Other: \_\_\_\_\_%

Narrative: (reason for change, intended land use, size of farm, time schedule)

- Separation of buildings from farmland
- Creation of a residential lot
- Compliance for existing structures and/or land uses
- Other:

I authorize that I am the owner or have permission to act on behalf of the owner of the property.  
Submitted By: [Signature]

Date: 10-31-12



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **September 24, 2013**

Petition: **Rezone 10589**

Zoning Amendment:

**A-1EX Exclusive Agriculture District to RH-1 Rural Homes**

Town/sect:

**Cottage Grove Section 07**

Acres: 2.0

Survey Req. No

Applicant

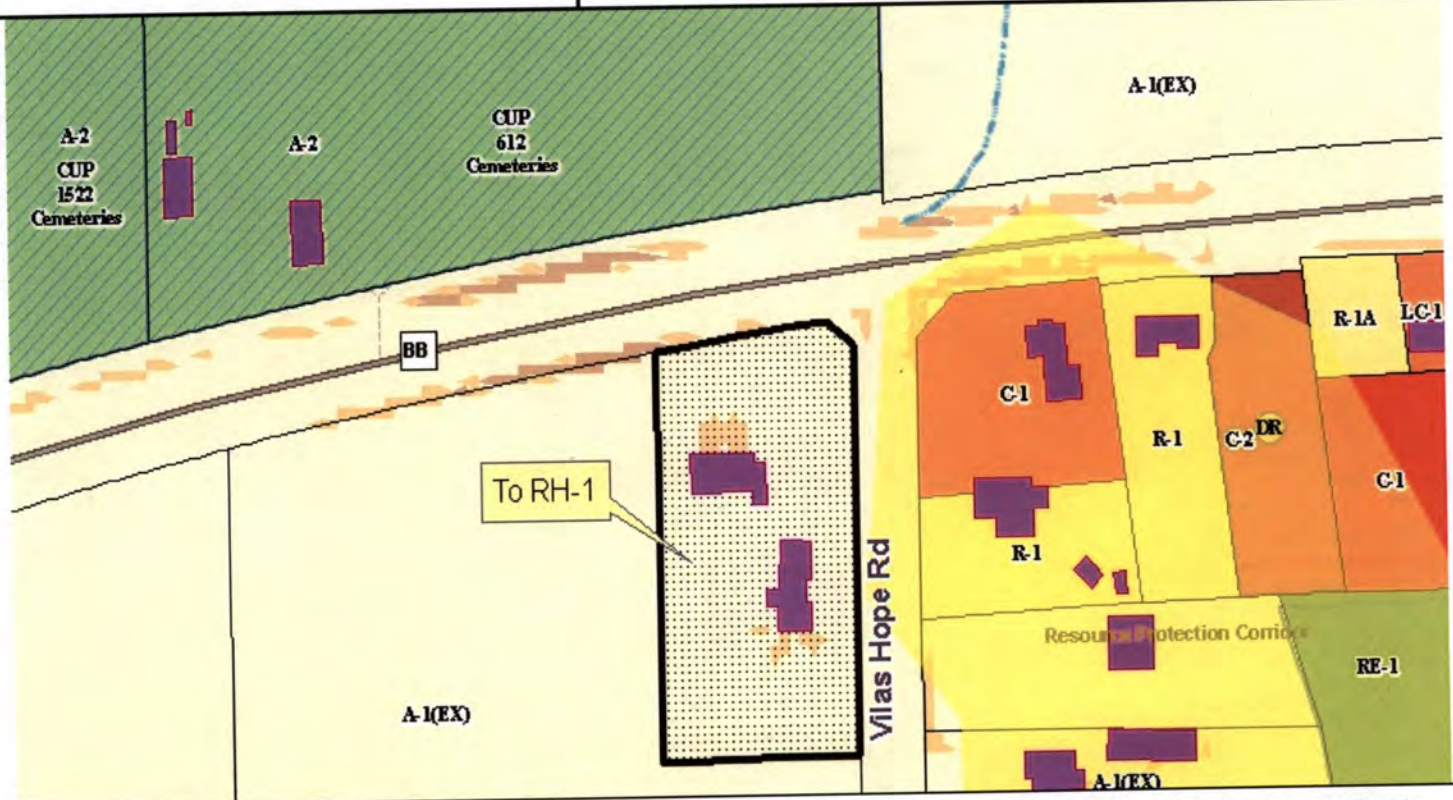
**Thomas M Willan**

Reason:

**Zoning Compliance**

Location:

**4407 Villas Hope Road**



**Description:** The applicant would like to bring his 2-acre parcel into compliance with current zoning regulations for his residence and home business.

**Observations:** The previous owner of the property, James Vale, submitted an application to rezone this property in 1998. The zoning of the property never became effective due to the applicant failing record a CSM and file a deed restriction in a timely manner. However, the CSM and deed restriction was recorded approximately 9 months after the zoning petition became null and void.

There is an existing residence and large accessory building on the property. The property consists entirely of Class II soils. No sensitive environmental features observed.

**Town Plan:** The Town Comprehensive Plan designates this area as agricultural. Housing density rights for the original have been exhausted with the creation of this parcel. There is a recorded deed restriction on the property prohibiting further residential development for the original farm.

**Resource Protection Area:** The property is outside the resource protection area.

**Staff Comments:** The property meets the dimensional standards of the zoning district. It is unclear if the applicant uses the existing accessory building in conjunction with his home business. If the accessory building is used for business activity, staff suggests the zoning be changed to A-2 (2) so that a conditional use permit may be obtained to run a limited-family business from the accessory building.

**Staff Update:** During conversations with County Staff, the applicant has requested that the zoning petition be amended to A-2(2) for potential use of the accessory building.

**9/24 ZLR Action:**

**Motion** by Bollig / Matano to postpone until town action is received; motion carried, 5-0. YGP: 2-0.

**Town Action:** Approved.

**10/22 ZLR Action:**

**Motion** by Kolar / Matano to recommend approval with the following amendment; motion carried, 3-0. YGP: 2-0.

1. Amend the requested zoning district classification from RH-1 to A-2(2).

# 2017 Zoning Permit for storage barn improvements

## DANE COUNTY ZONING PERMIT

ZONING PERMIT NO.

Page 1 of 2

DCPZP-2017-00414

OWNER INFORMATION		AGENT/CONTRACTOR INFORMATION	
OWNER NAME THOMAS M WILLAN	PHONE (608) 438-3103	AGENT /CONTRACTOR NAME THOMAS WILLAN	PHONE (608) 438-3103
BILLING ADDRESS (Number, Street) 4407 VILAS HOPE RD		ADDRESS (Number, Street) 4407 VILAS HOPE RD	
(City, State, Zip) COTTAGE GROVE, WI 53527		(City, State, Zip) COTTAGE GROVE, WI 53527	
E-MAIL ADDRESS		E-MAIL ADDRESS	

PARCEL NO.	TOWNSHIP	SECTION	1/4	1/4 1/4
0711-072-9971-5	TOWN OF COTTAGE GROVE	7	NW	SE

PROPERTY ADDRESS <small>(Assignment of new address is subject to field verification.)</small>	HOUSE NO.	ST. DIRECTION	STREET NAME	ST. TYPE
	4407		VILAS HOPE	RD

LOT 2	BLOCK	C.S.M. NO. or PLAT NAME CSM 09338		
----------	-------	--------------------------------------	--	--

ZONING DISTRICT A-2 (2) Agriculture District	PARCEL ACREAGE 2.3	PROPOSED PROJECT: <b>Alteration to existing building</b> <small>Description: Deck and storage room addition to existing barn</small>	CENSUS CODE 328 - Other Non-Residential
---	-----------------------	---	--

Category <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agricultural <input type="checkbox"/> Other:	SEWER Private	SANITARY PERMIT NO.
--	------------------	---------------------

ROAD CLASSIFICATION	REZONE NO. 10589	C.U.P. NO.	VARIANCE NO.	DEED RESTRICTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
---------------------	---------------------	------------	--------------	---

SHORELAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FLOOD ZONE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	WETLAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	EC/SW NO.
--	---	--	-----------

HEIGHT (In Feet) 28'-1"	BASEMENT Sq. Ft.	1st FLOOR Sq. Ft.	TOTAL SQUARE FEET 224
NO. OF STORIES 2	2nd FLOOR Sq. Ft.	3rd FLOOR Sq. Ft.	PROJECT COST \$5,000.00
			PERMIT FEE \$133.60

I, the undersigned, am the owner of the property or an authorized agent acting on behalf of the owner of the property. I certify that the work to be performed, as part of this zoning permit, will be constructed as noted on the submitted plans and comply with the applicable zoning ordinances. I understand that failure to comply with any provision or condition of this permit renders this zoning permit null and void and subject to enforcement action.

I acknowledge that I am responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources web page at [www.dnr.state.wi.us](http://www.dnr.state.wi.us) or contact the Department of Natural Resources Service Center.

I hereby consent to the entry on the permitted premises by Dane County zoning inspectors for the purposes of determining compliance with the zoning ordinances.

Owner & Agent hereby agree to comply with all Dane County Ordinances. Any unauthorized change from the information or plans submitted will invalidate the permit.	SIGNATURE: Owner/Agent 	DATE: X7-10-17
---	----------------------------	-------------------

OFFICE USE ONLY				(form version 03.01.01)
SURVEY REQUIRED ? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Initials:	DATE ISSUED 07/10/2017 DATE REVIEWED	INITIALS DJE1 INITIALS	1st INSPECTION DATE 2nd INSPECTION DATE	INITIALS INITIALS



# 2017 Building Permit for storage barn improvements

0711-072-4471-5

<b>TOWN OF COTTAGE GROVE BUILDING PERMIT APPLICATION</b> 4058 County Road N Cottage Grove, WI 53527 Office: (608) 839-5021					CHECK #: <u>3557</u> RECEIPT #: <u>2204</u> AMT PAID: <u>305<sup>60</sup></u>	
Building Inspector: (608) 837-3371						
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> HVAC	<input type="checkbox"/> Electric	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Erosion	<input type="checkbox"/> Other	
Owner's Name: <i>Thomas McWilliam</i>		Date (mm/dd/yyyy): <i>07-10-2017</i>		TOTAL COST: OFFICE USE ALL PERMITS - ADD \$10.00 ADMIN FEE		
Mailing Address: <i>4407 Vilas Hope Rd</i>			Phone #: (include area code) <i>608-438-3103</i>			
Contractor's Name: <i>Ironman buildings</i>			License/Dwelling Contr. Qualifier/Contractor Registration #			
Mailing Address: <i>Same as Above</i>			Phone #: (include area code)			
<b>PROJECT LOCATION</b> <i>4407 Vilas Hope Rd</i>			Estimated Cost: <i>6000.00</i>			
Address: <i>4407 Vilas Hope Rd</i> Parcel No: 018/0711		Project Description: <i>Fix Silo, Add 2 Decks and                  Repair Existing Concrete walls with wood</i>				
<b>ELECTRICAL</b>			<b>COST:</b> Office use			
Contractor's Name: <i>N/A</i>			License # / Contractor Registration #			
Mailing Address:			Phone #: (include area code)			
<b>PLUMBING</b>			<b>COST:</b> Office Use			
Contractor's Name: <i>N/A</i>			License # / Contractor Registration #			
Mailing Address:			Phone #: (include area code)			
<b>HEATING, VENTILATING &amp; AIR CONDITIONING</b>			<b>COST:</b> Office Use			
Contractor's Name: <i>N/A</i>			License # / Contractor Registration #			
Mailing Address:			Phone #: (include area code)			

Make checks payable to TOWN OF COTTAGE GROVE, sign the 'Cautionary Statement to Owners' and mail to Viken Inspection Agency, 5116 Pierceville Road, Cottage Grove, WI 53527.

**PLEASE verify that you are submitting your application to the correct township!!**

Owner's Name:	Date (mm/dd/yyyy):
---------------	--------------------

**EROSION CONTROL**

Who Is Responsible for Clean Up:	Phone #: (Include area code)
Mailing Address:	

**DRIVEWAY, SIDEWALK, CURB OR GUTTER RESTORATION**

Who Is Responsible (if needed):	Phone #: (include area code)
Mailing Address:	

TOTAL SQUARE FOOTAGE OF PROJECT: \_\_\_\_\_ FT

FEEs: MAKE CHECK PAYABLE TO: TOWN OF COTTAGE GROVE

- STATE SEAL: \$ \_\_\_\_\_
- ADMINISTRATIVE: \$ 10.00
- PLAN REVIEW: \$ \_\_\_\_\_
- BUILDING: *only* (\$ 130<sup>00</sup> 2-Decks) (\$ 130<sup>00</sup>)
- PLUMBING: \$ No Plumbing
- ELECTRICAL: \$ No Electric
- HVAC: \$ No HVAC
- EROSION: \$ \_\_\_\_\_
- DRIVEWAY: \$ \_\_\_\_\_
- TOTAL FEES: \$ 305<sup>00</sup>

*835<sup>00</sup> Roof over Silo  
Silo Platform +  
New Room*

**REQUIREMENTS - TWO COPIES OF EACH OF THE FOLLOWING:**

1. Plot Plan showing boundaries and erosion control.
2. Foundation Survey drafted by a Licensed Surveyor showing all boundaries, setbacks and easements.
3. Wisconsin Uniform Building Permit application.
4. Sign 'Cautionary Statement to Owners Obtaining Building Permits'.

Signature: \_\_\_\_\_  
(OWNER or CONTRACTOR)

Date: 7-11-17

HOLD UNTIL GAULT SAYS OK -

BARN

ZONING PERMIT APPLICATION [www.countyofdane.com](http://www.countyofdane.com)

SUPPLEMENT to Web-App #

PROPERTY OWNER INFORMATION		CUSTOMER TO PROVIDE	
Thomas M WILLIAMS 4407 VILAS HOPE RD Cottage Grove WI 53507 608-438-303 tom@ronmanbuildings.com		<input type="checkbox"/> Zoning Status: CUP, Deed Restriction, CSM Variance (# _____) <input type="checkbox"/> Site Plan drawn to scale and includes dimensions <input type="checkbox"/> Site Plan including location of well/septic <input type="checkbox"/> Setbacks <input type="checkbox"/> Site Plan approval from applicable township <input type="checkbox"/> Floor plans to scale <input type="checkbox"/> Elevation of property frontage drawn to scale <input type="checkbox"/> Driveway permits (state, county, town) <input type="checkbox"/> Sanitary permits (publ. c., private)	
KEY INFORMATION	CONTACT INFORMATION		
SAME AS owner <i>DRIVE COMMUNITY</i>	Ronman Buildings 4407 Vilas Hope Rd Cottage Grove WI 608-438-7103 Tom@ronmanbuildings.com		
PROPERTY/LOCATION INFORMATION ( <a href="http://eccadane.co.dane.wi.us/">http://eccadane.co.dane.wi.us/</a> )			
<input type="checkbox"/> 0710-072-9971-5 Cottage Grove 4407 Vilas Hope Rd 9338 2		<input type="checkbox"/> A-2(2) 2x 2.3 1	
PROPOSED PROJECT INFORMATION		STAFF REVIEW	
Add A Deck and Rooms to Existing BARN <input type="checkbox"/> This project is a new building or structure. <input checked="" type="checkbox"/> This project is an addition/alteration to an existing building or structure. 34'-6" 2 Stories 224 sq ft ESTIMATED CONSTRUCTION COST (Please round to nearest dollar) → → → → → \$5,000.00		<input type="checkbox"/> Zoning District <input type="checkbox"/> Permitted Use? <input type="checkbox"/> Rural Address (new/existing) <input type="checkbox"/> Wetland/Floodplain/Shoreland (attachment) <input type="checkbox"/> Erosion Control permit (slopes, disturbance, filling/access) <input type="checkbox"/> Review Location Survey and available options	

- The property is within 300 feet of a stream or 1000 feet from a pond or lake? .....
- Is there a wetland or floodplain on or near the property? .....
- Have you talked with the township about your project and are they in agreement? .....
- Has there been a zoning permit issued for this property in the past 5 years? .....
- Is this project associated with a rezone/CUP/variance (petition/appeal # \_\_\_\_\_)?
- Is a location survey required? (see reverse) .....
- Is this to correct a violation? .....

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't know
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't know
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
(leave blank if none)		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't know
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

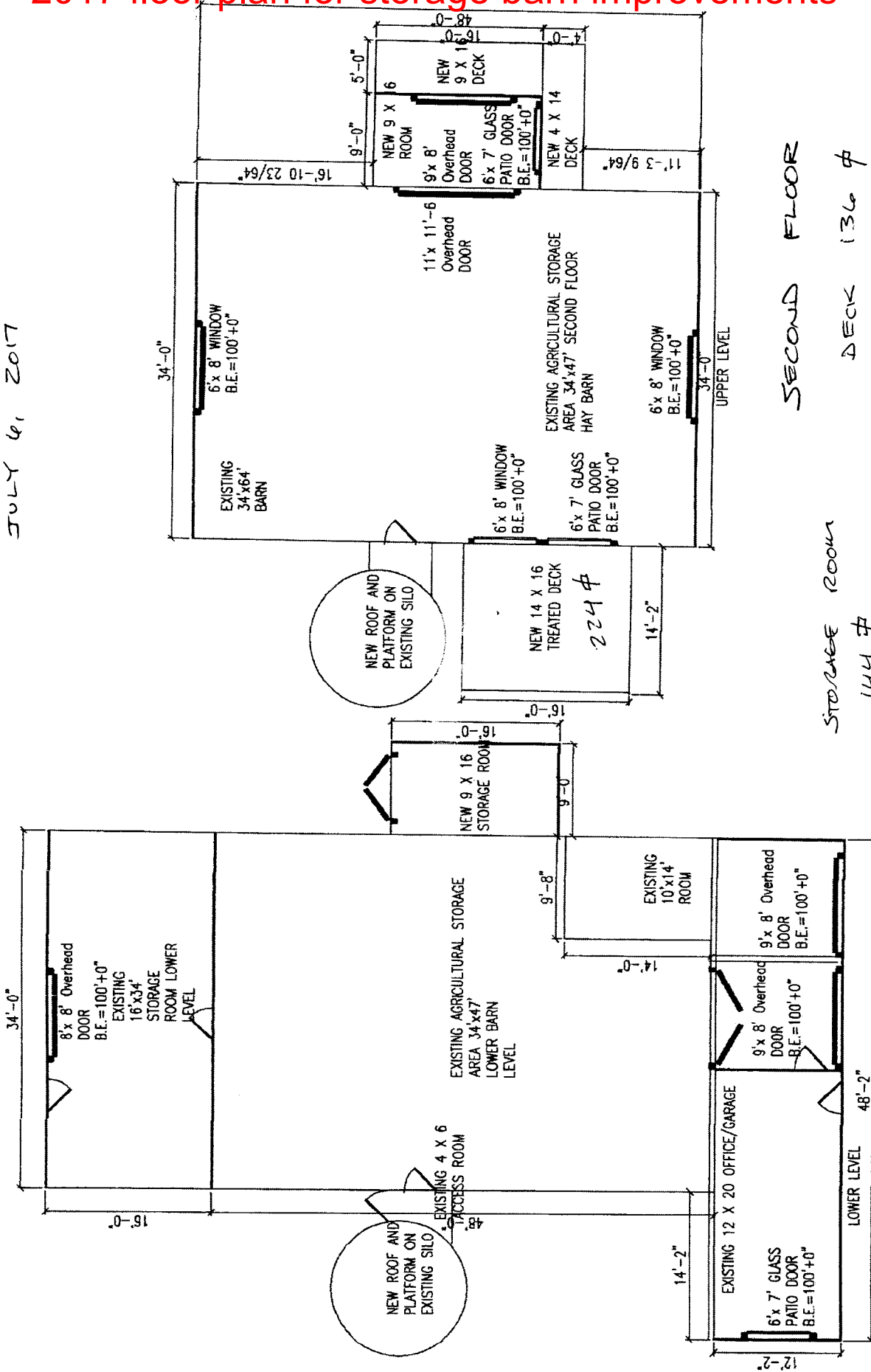
FEE 133 60

APPLICATION MUST BE SIGNED (Continue on Back) → → →

# 2017 floor plan for storage barn improvements

REVISED BARN FLOOR PLAN

JULY 6, 2017



SECOND FLOOR

STORAGE ROOM

DECK 136 #  
 NEW ROOM 144 #  
280 #

FIRST FLOOR

TOTAL 424 #

# Comparison between A-2 and RR-2

## A-2 AGRICULTURE DISTRICT

### Permitted uses

- (a) Agricultural uses.
- (b) Single family detached residences.
- (c) Utility services.
- (d) Home occupations.
- (e) Accessory buildings.

### Conditional uses

- (a) Mineral extraction operations, asphalt plants, ready mix concrete plants.
- (b) Communication towers.
- (c) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites
- (d) Cemeteries.
- (e) Airports, landing strips
- (f) Religious uses.
- (g) Salvage recycling centers.
- (h) Solid waste recycling centers.
- (i) Dependency living arrangements.
- (j) Governmental uses.
- (k) Native wildlife rehabilitation facilities.
- (l) Parking or storage of not more than two trucks, semi-tractors
- (m) Limited family businesses
- (n) Schools.
- (o) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.
- (p) Unlimited livestock on 3 to 16 acres.
- (q) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.
- (r) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those resident on the premises,
- (s) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility..
- (t) Retail sales of pet food, pet supplies and related items at a kennel facility.
- (u) Training of dogs at a dog kennel or training of horses at a horse boarding facility.
- (v) Storage of explosive materials
- (x) Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.

## RR- 2 Zoning District

### Permitted uses

- (a) Undeveloped natural resource and open space areas.
- (b) Small-scale farming.
- (c) Single family residential
- (d) Residential accessory buildings
- (e) Home occupations
- (f) Foster homes for less than five children.
- (g) Community living arrangements for fewer than 9 persons.
- (h) Incidental room rental
- (i) Utility services associated with, and accessory to, a permitted or conditional use
- (j) A transportation, utility, communication use

### Conditional uses

- (a) Attached accessory dwelling units
- (b) Animal use exceeding one animal unit per acre
- (c) Cemeteries
- (d) Limited family business
- (e) Day Care Centers
- (f) Community living arrangements for nine (9) or more persons.
- (g) Governmental, institutional, religious, or nonprofit community uses
- (h) Transient or Tourist Lodging
- (i) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.

# Comparison between A-2 and FB-b

## A-2 AGRICULTURE DISTRICT

## FP-B Farmland Business District

### Permitted uses

- (a) Agricultural uses.
- (b) Single family detached residences.
- (c) Utility services.
- (d) Home occupations.
- (e) Accessory buildings.

### Conditional uses

- (a) Mineral extraction operations, asphalt plants, ready mix concrete plants.
- (b) Communication towers.
- (c) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites
- (d) Cemeteries.
- (e) Airports, landing strips
- (f) Religious uses.
- (g) Salvage recycling centers.
- (h) Solid waste recycling centers.
- (i) Dependency living arrangements.
- (j) Governmental uses.
- (k) Native wildlife rehabilitation facilities.
- (l) Parking or storage of not more than two trucks, semi-tractors
- (m) Limited family businesses
- (n) Schools.
- (o) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.
- (p) Unlimited livestock on 3 to 16 acres.
- (q) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.
- (r) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those resident on the premises,
- (s) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility..
- (t) Retail sales of pet food, pet supplies and related items at a kennel facility.
- (u) Training of dogs at a dog kennel or training of horses at a horse boarding facility.
- (v) Storage of explosive materials
- (x) Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.

### Permitted uses

- (a) Agricultural uses.
- (b) Agricultural Accessory Uses, except those uses listed as conditional uses
  1. Any residence lawfully existing as of February 20, 2010
  2. Agricultural entertainment activities or special events under 10 days per calendar year
  3. Farm related exhibitions occurring on no more than ten days in a calendar year.
  4. The seasonal storage of recreational equipment and motor vehicles
  5. Residential accessory buildings, home occupations,
  6. Sales of agricultural products produced on the farm.
  7. Large animal boarding.
- (c) Agriculture-related uses, except uses listed as conditional uses below
- (d) Undeveloped natural resources and open space areas
- (e) Utility services associated with a farm
- (f) A transportation, utility, communication use

### Conditional uses

#### Agricultural Accessory Uses

1. Agricultural entertainment activities or special events occurring 10 days or more per calendar year,
  2. Airports, landing strips or heliports
  3. Attached accessory dwelling units associated with a farm residence.
  4. Farm related exhibitions occurring on more than ten days in a calendar year.
  5. Farm residence, subject to s. 10.103(11).
  6. Limited farm business, subject to 10.103(13).
  7. Sale of agricultural and dairy products not produced on the
  8. Secondary farm residence
- (b) Agriculture-related uses:
1. Bio-diesel and ethanol manufacturing;
  2. Biopower facilities for distribution, retail, or wholesale sales.
  3. Colony house.
  4. Commercial animal boarding for farm animals
  5. Composting facility.
  6. Dead stock hauling services;
  7. Manure processing facilities;
  8. Stock yards, livestock auction facilities;

**FP-B Conditional Uses continued**

- (c)** Transportation, communications, pipeline, electric transmission, utility, or drainage uses,
- (d)** Non-metallic mineral extraction operations
- (e)** Asphalt plants or ready-mix concrete plants
- (f)** Electric generating facilities

## 10.223. FP-B (Farmland Preservation – Business) Zoning District

### (1) Purpose.

The FP-B Farmland Preservation-Business District is designed to:

- (a)** Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The FP-B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.
  1. In appearance and operation permitted uses in the FP-B district are often indistinguishable from a farm.
  2. Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.
  3. Examples of activities in the FP-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:
    - a. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
    - b. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
    - c. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
    - d. Low to moderate traffic volumes;
    - e. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.
    - f. Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

### (2) Permitted uses.

- (a)** Agricultural uses.
- (b)** Agricultural Accessory Uses, except those uses listed as conditional uses and subject to the limitations and standards below.
  1. Any residence lawfully existing as of February 20,2010, provided all of the following criteria are met:
    - a. the use remains residential,
    - b. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and





*10.223(4) FP-B (Farmland Preservation – Business) Zoning District*

7. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
  8. Secondary farm residence, subject to s. 10.103(11).
  - (b) Agriculture-related uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agriculture-related use under s. 10.004(14).
    1. Bio-diesel and ethanol manufacturing;
    2. Biopower facilities for distribution, retail, or wholesale sales.
    3. Colony house.
    4. Commercial animal boarding for farm animals, and not including boarding for domestic pets.
    5. Composting facility.
    6. Dead stock hauling services;
    7. Manure processing facilities;
    8. Stock yards, livestock auction facilities;
  - (c) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
  - (d) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74. The application shall conform to the requirements of s. 10.103(15).
  - (e) Asphalt plants or ready-mix concrete plants, that comply with s. 91.46(5), Wis. Stats., for production of material to be used in construction or maintenance of public roads, to be limited in time to project duration.
  - (f) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.
- (4) Lot size requirements.
- (a) Minimum lot size. All lots created in the FP-B zoning district must be at least 20,000 square feet in area, excluding public rights-of-way.
  - (b) Maximum lot size. None.
  - (c) Minimum lot width. All lots created in the FP-B zoning district must have a minimum lot width of 100 feet.
- (5) Setbacks.
- (a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).
  - (b) Side yards. Any permitted structures must be set back from side property lines as follows:
    1. Principal residential buildings must be at least 10 feet from any side lot line and a total of at least 25 feet from both side lot lines.
    2. Structures housing livestock must be at least:
      - a. 100 feet from the side lot line of any parcel in any of the Residential or Hamlet zoning districts,

