



## DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703  
Fax (608) 267-1540

October 28, 2020

Christopher Sawyer  
7233 Cooper Road  
Marshall WI 53559

RE: Violations occurring at 7233 Cooper Road  
Parcel # 0912-183-8435-0

Dear Christopher Sawyer,

On October 27, 2020, the Dane County Zoning Department observed two residences on the property located at 7233 Cooper Road, a newly constructed residence and a pre-existing residence. A zoning permit had not been obtained for the newly constructed residence. A stop work order was posted. The property is zoned RR-2 Rural Residential, which allows for one single family residence to be located on the property, with a zoning permit required prior to the start of construction. On October 28, 2020, the Dane County Zoning Department received a site plan depicting the distance of the newly constructed residence to the rear property line as 47.5 feet. For properties located in the RR-2 Rural Residential zoning district, the minimum required setback for a residence from the rear property line is 50 feet.

The Dane County Code of Ordinances (DCCO) is available at the following:

<https://www.danecountyplanning.com/documents/DCCO-Chapter-10-searchable-with-TOC.pdf>

Section 10.101(1) Zoning Permits (a) "Zoning permits required. The following activities may not occur until the zoning administrator, or his or her designee, issues a zoning permit specific to the use and premises: 1. Erection or construction of any new building."

Section 10.242 RR-2 Rural Residential Zoning District. (2) Permitted uses. (c) Single family residential.

Section 10.200(2)3 of the DCCO states, "Land uses not listed as either permitted uses or conditional uses are considered to be prohibited in that zoning district."

Section 10.242 RR-2 Rural Residential Zoning District. (5) Setbacks and required yards. (c) Rear yard. 1. Permitted residences must be at least 50 feet from the rear lot line.

Section 10.004 Definitions (93) Lot line, rear. (a) The rear lot line shall mean that lot line which is opposite and most distant from the front lot line.

This letter serves as notice that your property at 7233 Cooper Road is in violation of the ordinance. A zoning permit was not obtained for the construction of the new residence located at 7233 Cooper Road. There are two residences located on the property, and only one single family residence is allowed in the RR-2 Rural Residential zoning district. The newly constructed residence does not meet the minimum required setback of 50 feet to the rear property line.

*Housing &  
Economic Development*  
(608)266-4270, Rm. 362

*Planning*  
(608)266-4251, Rm. 116

*Records & Support*  
(608)266-4251, Rm. 116

*Zoning*  
(608)266-4266, Rm. 116

You have two options for correcting the rear property line setback violation. The first option is to acquire land from the neighboring property owner to move the west lot line of the property located at 7233 Cooper Road farther to the west to allow for a distance of 50 feet from the new residence to a new rear property line. This would require the recording of a new certified map to change the lot boundaries. A rezone would also be required, as the adjacent property located to the west of 7233 Cooper Road is currently zoned FP-35 Farmland Preservation, and the zoning of the piece of land that would be added to the existing lot would need to be changed from FP-35 Farmland Preservation to RR-2 Rural Residential. The second option is to remove the portion of the newly constructed residence that does not meet the minimum required setback to the rear property line.

You are hereby instructed to either apply for a rezone to add land from the adjacent property located to the west of 7233 Cooper Road (which is currently zoned FP-35 Farmland Preservation) to change the lot boundaries of the property located at 7233 Cooper Road to allow for a distance of 50 feet from the newly constructed residence to the rear property line within 30 days of the date of this letter, or you are hereby instructed to submit zoning permit application materials for the newly constructed residence showing proposed revisions to the building plans, with the portion of the newly constructed residence that is currently located less than 50 feet from the rear property line depicted as being removed, within 30 days of the date of this letter. You are hereby instructed to remove the pre-existing residence from the property within 60 days of the date of this letter.

Please submit either the rezone application materials to add land to the existing lot located at 7233 Cooper Road or submit zoning permit application materials for revisions to the existing newly constructed residence to the Zoning Department via email to [johnson.sarah@countyofdane.com](mailto:johnson.sarah@countyofdane.com) within 30 days of the date of this letter. Rezone application information can be found using the following link: <https://www.danecountyplanning.com/Zoning/Rezone>. Zoning permit application information can be found using the following link: <https://www.danecountyplanning.com/Permits-Applications/Zoning-Permit>.

If a rezone application or revised zoning permit application materials have not been submitted to Dane County Zoning within the 30-day time period, citations will be issued for each day in violation. If the pre-existing residence has not been removed from the property within the 60-day time period, citations will be issued for each day in violation.

Your cooperation is appreciated in this matter.

Sincerely,

Sarah Johnson, [johnson.sarah@countyofdane.com](mailto:johnson.sarah@countyofdane.com), 608-267-3960, Zoning Inspector, County of Dane

CC: Nicole Bronkhorst, York Town Clerk  
Allen Wolfe, York Town Chair