

Dane County Rezone Petition

Application Date	Petition Number
04/30/2021	DCPREZ-2021-11715
Public Hearing Date	
07/27/2021	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME SYED, GHOUSIA, AND IMRAN NIZAMUDDIN	PHONE (with Area Code) (608) 217-8915	AGENT NAME <input type="checkbox"/>	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 460 PRESIDENTIAL LN		ADDRESS (Number & Street) <input type="checkbox"/>	
(City, State, Zip) MADISON, WI 53711		(City, State, Zip)	
E-MAIL ADDRESS nizam460@yahoo.com		E-MAIL ADDRESS	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
9039 County Highway S					
TOWNSHIP SPRINGDALE	SECTION 5	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0607-051-8001-0					

REASON FOR REZONE

CREATING FOUR RESIDENTIAL LOTS

FROM DISTRICT:	TO DISTRICT:	ACRES
AT-35 Agriculture Transition District	RR-4 Rural Residential District	20.65

C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	INSPECTOR'S INITIALS RWL1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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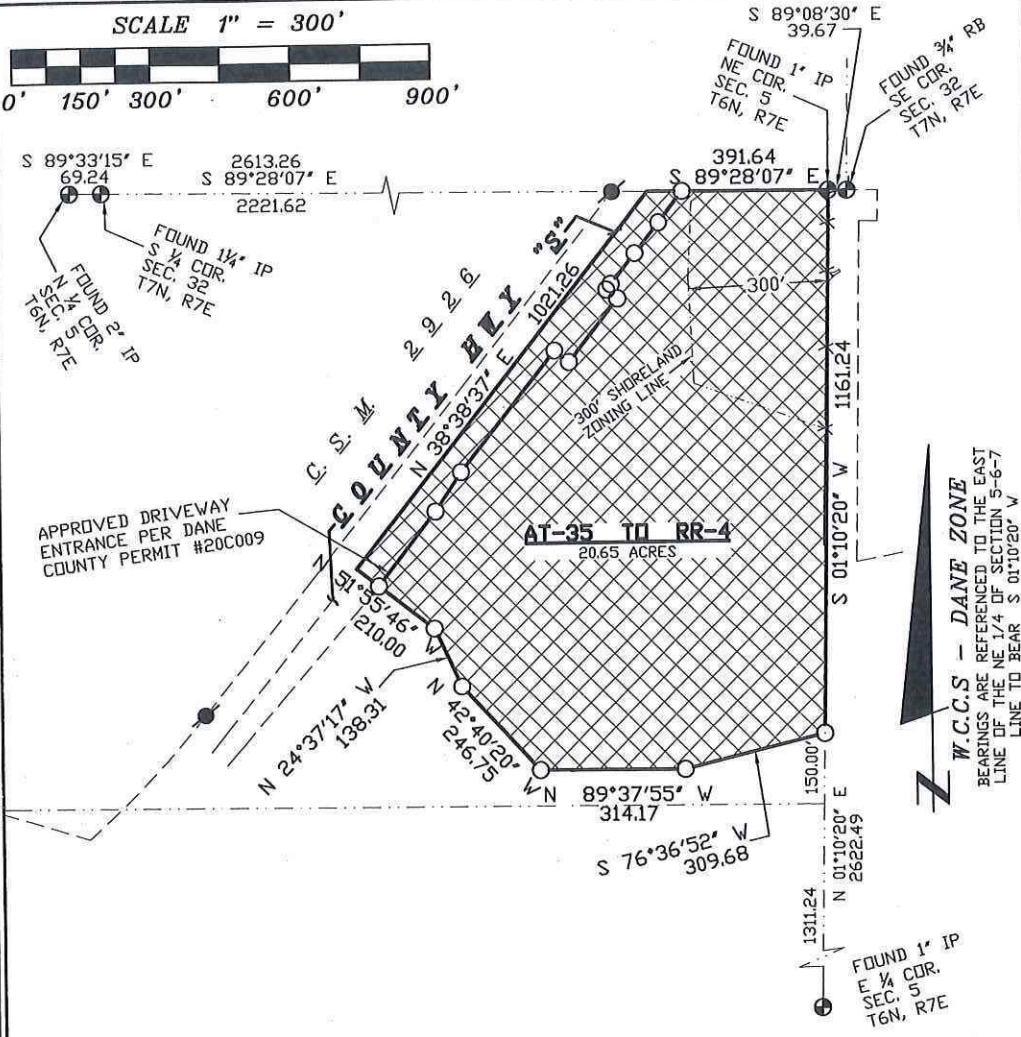


REZONE MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NE 1/4 of the NE 1/4 of Section 5, T6N, R7E,
Town of Springdale, Dane County, Wisconsin.

SCALE 1" = 300'



W.C.C.S. - DANE ZONE
BEARINGS ARE REFERENCED TO THE EAST
LINE OF THE NE 1/4 OF SECTION 5-6-7
LINE TO BEAR S 01°10'20" W

PREPARED FOR:
NIZAM NIZAMUDDIN
460 PRESIDENTIAL LN
MADISON, WI 53711

REZONE PARCEL DESCRIPTION AT-35 TO RR-4

A parcel of land being part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T6N, R7E in the Town of Springdale, Dane County, Wisconsin, more particularly described as follows:

Beginning at the Northeast corner of said Section 5; thence S 01°10'20" W along the east line of said Section 5, 1161.24 feet; thence S 76°36'52" W, 309.68 feet; thence N 89°37'55" W, 314.17 feet; thence N 42°40'20" W, 246.75 feet; thence N 24°37'17" W, 138.31 feet; thence N 51°55'46" W, 210.00 feet to the centerline of County Highway "S"; thence N 38°38'37" E along said centerline, 1021.26 feet to the north line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5; thence S 89°28'07" E along said north line, 391.64 feet to the point of beginning. This parcel contains 20.65 acres and is subject to a road right of way dedication as shown over the northwesterly part thereof.

PRELIMINARY DRAFT

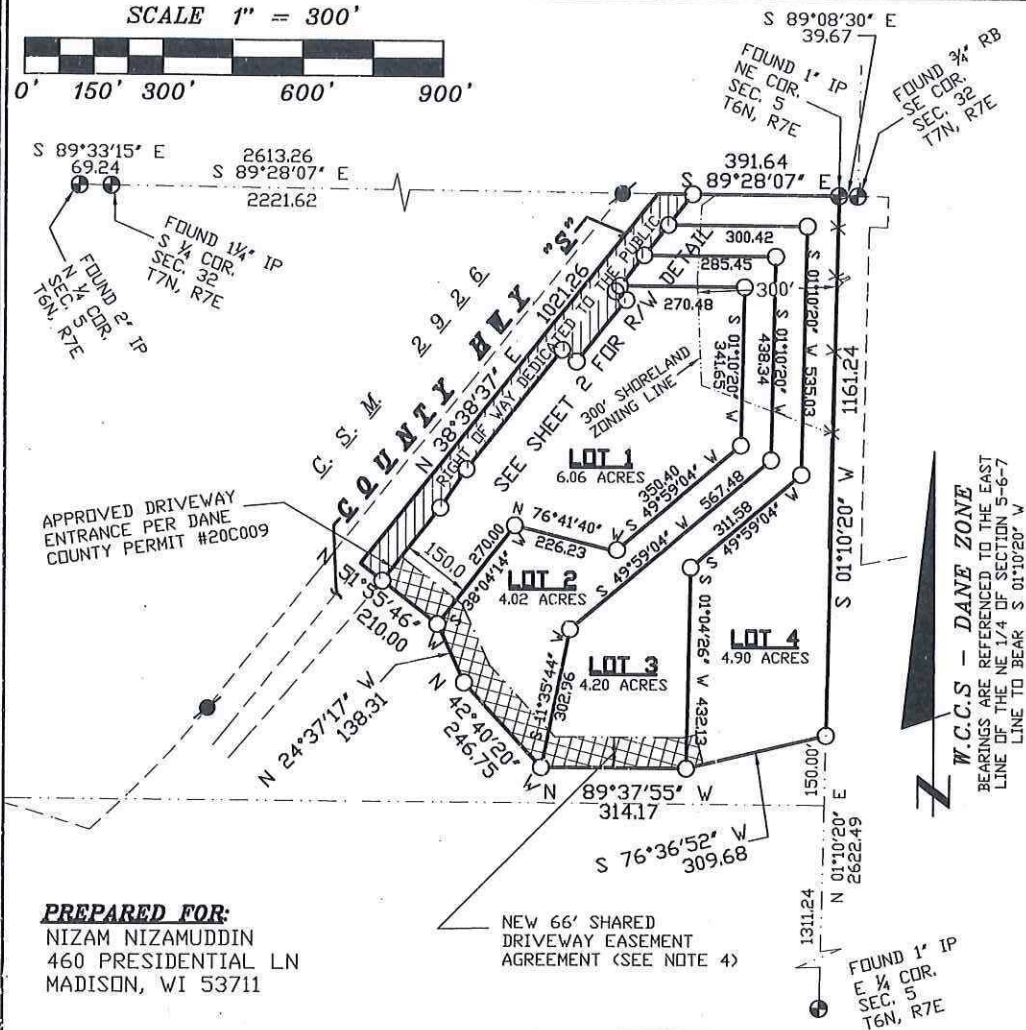


CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
 NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
 104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NE 1/4 of the NE 1/4 of Section 5, T6N, R7E,
 Town of Springdale, Dane County, Wisconsin.

SCALE 1" = 300'



PREPARED FOR:
 NIZAM NIZAMUDDIN
 460 PRESIDENTIAL LN
 MADISON, WI 53711

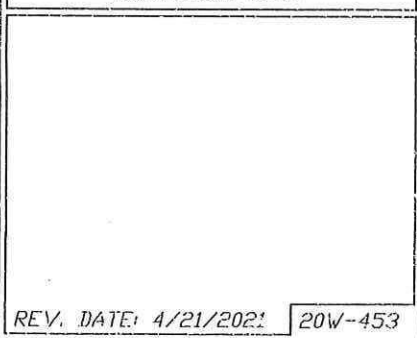
W.C.C.S - DANE ZONE
 BEARINGS ARE REFERENCED TO THE EAST
 LINE OF THE NE 1/4 OF SECTION 5-6-7
 LINE TO BEAR. S 01°10'20" W

LEGEND

- = SET 3/4"x24" REBAR
WT 1.5 LB PER LIN FT
- = FOUND 3/4" REBAR
- (##) = RECORDED AS
- X--- = EXISTING FENCE

NOTES:
 SEE SHEET 2
 FOR ALL NOTES.

SURVEYORS SEAL



DOCUMENT NO. _____
 CERTIFIED SURVEY MAP NO. _____

PRELIMINARY DRAFT



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
 NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
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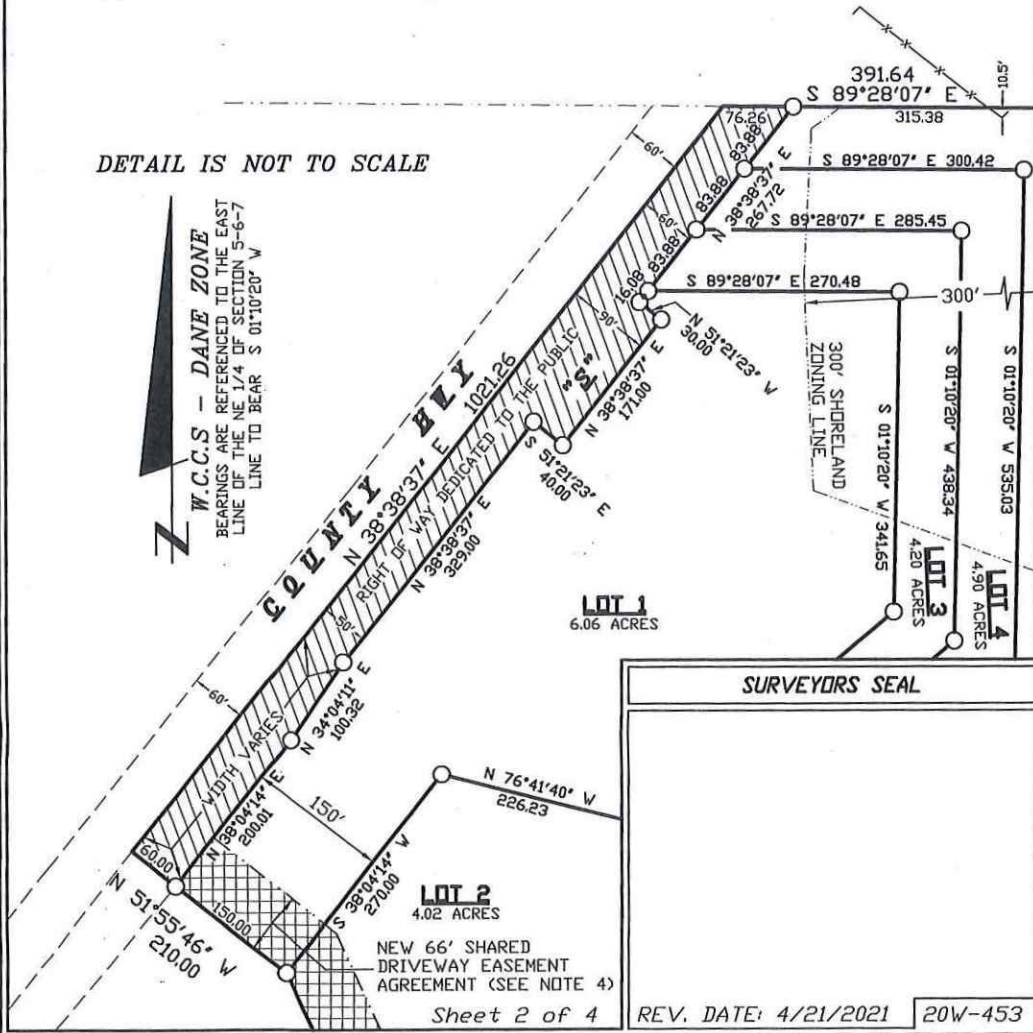
Located in the NE ¼ of the NE ¼ of Section 5, T6N, R7E,
 Town of Springdale, Dane County, Wisconsin.

NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.
- 2.) WETLANDS, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 3.) FLOOD PLAIN, IF PRESENT, HAS NOT BEEN LOCATED OR SHOWN.
- 4.) 66' WIDE SHARED ACCESS EASEMENT AGREEMENT PER DANE COUNTY SEC. 75.19(8)(e) (PER SEPARATELY RECORDED DOCUMENT) IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY RIGHT OF WAY CORNER OF LOT 1 OF THIS C.S.M.; THENCE N 38°04'14" E, 66.00 FEET; THENCE S 51°55'46" E, 166.04 FEET; THENCE S 24°37'17" E, 143.86 FEET; THENCE S 42°40'20" E, 207.59 FEET; THENCE S 89°37'55" E, 277.54 FEET; THENCE N 76°36'52" E, 29.71 FEET; THENCE S 13°23'08" E, 66.00 FEET; THENCE S 76°36'52" W, 37.67 FEET; THENCE N 89°37'55" W, 314.17 FEET; THENCE N 42°40'20" W, 246.75 FEET; THENCE N 24°37'17" W, 138.31 FEET; THENCE N 51°55'46" W, 150.00 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION CONTAINS 1.30 ACRES.

DETAIL IS NOT TO SCALE



Town Approval Records.

APPROVED MINUTES OF THE SPRINGDALE TOWN BOARD MONTHLY MEETING
Tuesday, January 19, 2021
Via Zoom due to Covid-19

Selected Relevant Excerpts

1. Call to order, Fagan, 7 p.m.

Present: Chair Mike Fagan, Supervisor 1 John Rosenbaum, Supervisor 2 Richard Schwenn, Admin/Clerk Jackie Arthur, Treasurer Rebecca Boelhower Santi, Recording Secretary-Interim Deputy Clerk Vicki Anderson.

Items #2 through #6 Omitted

7. Nizamuddin lands/concept plan/County Road S/Sec. 5, discussion and possible action for allowing four homes to a driveway in two locations as discussed by the PC in regards to the approved concept plan.

Discussion Omitted

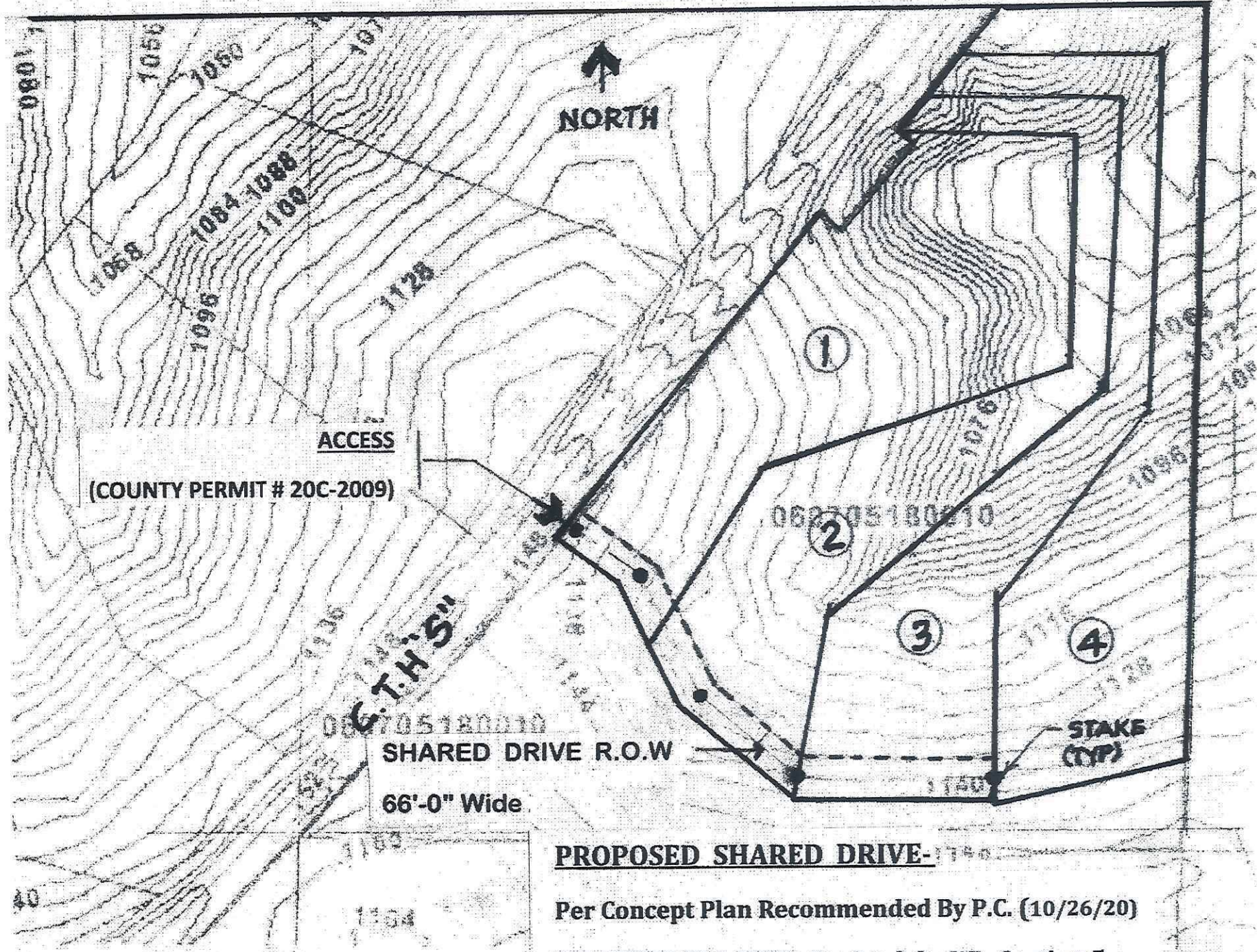
#1 MOTION ; (Fagan) to approve, Schwenn seconded, the exception, the proposed driveway to the four new lots, C, D, E, F at the eastern-most access point on County Road S as depicted on the Nizamuddin submittal dated 12/15/2020 with the condition the driveway be built in conformance with the Town Driveway Ordinance and a shared driveway agreement be approved by the Town. Motion to approve carried, 3 ayes, 0 nays.

#2 MOTION ; (Fagan) to approve, Schwenn seconded, the exception, the proposed addition of a fourth lot, B, to the existing shared driveway at the western-most access point on County Road S as depicted on the Nizamuddin submittal dated 12/15/2020 with the condition the driveway and shared driveway agreement be upgraded for four users in conformance with the Town Driveway Ordinance. Motion to approve carried, 2 ayes, 1 nays. 8:30 p.m. 1/19/2021 TB Minutes

Items # 8 through #11 Omitted

12. Adjournment. MOTION (Schwenn) to adjourn. Rosenbaum seconded. 3 ayes, 0 nays, motion carried.

Minutes taken and submitted by Interim Deputy Clerk Vicki Anderson



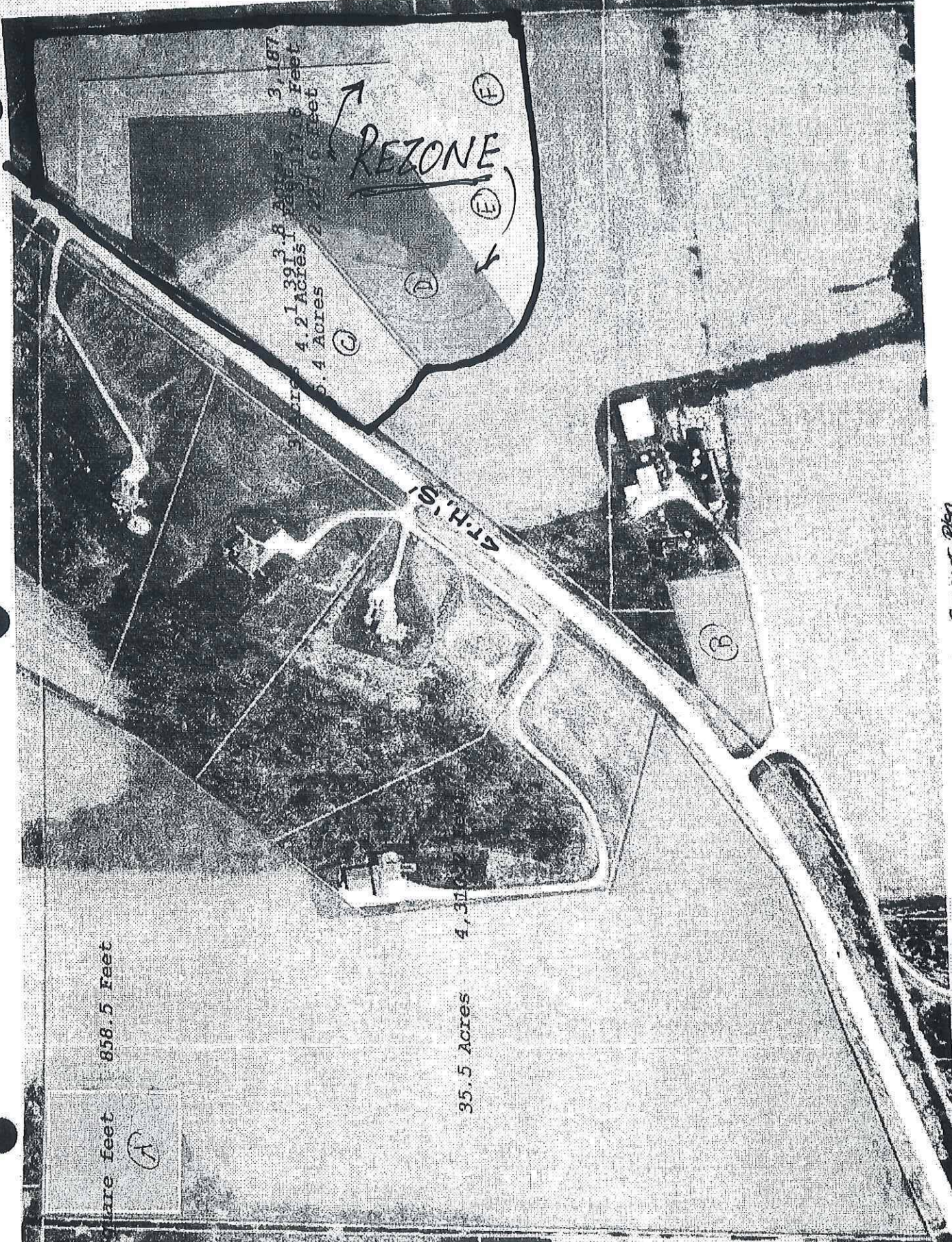
PROPOSED SHARED DRIVE-

Per Concept Plan Recommended By P.C. (10/26/20)

NIZAMUDDIN LANDS, Springdale, WI--Section 5

12/15/20

TOWN APPROVED CONCEPT PLAN



10/20/2020
Map for
Miamolin - Option 2
Concept Plan
for number for description

MINUTES (Selected) Oct 26, 2020 Concept approval

NIZAMUDDIN LANDS/CONCEPT PLAN/CTH S/SEC. 5:

MOTION by A. Jester/D. Sullivan to approve the Option 2 concept plan as drawn on the aerial by R. Bernstein which shows:

*There shall be no further division of these lands and one lot, building envelope A, shall be subject to a Town-approved building envelope, the location on file in the Town Hall.

*Building envelope A – On the Northside of CTH S - No building on the contiguous tract of agricultural land except for a single development area for one building envelope anywhere in the NW corner woodlands with the condition that the big heritage oaks are preserved. This house site would be linked with the farmland and exceed 35 acres so no 66' frontage strip would be required. An existing farm access has been upgraded to allow residential use by Dane County Highway #20C009.

* Building envelope B – On the Southside of CTH S - Located on the lands between CTH S and the shared driveway to the existing farmhouse with building permitted anywhere on these lands. The potential lot would have frontage on CTH S and access via the existing shared driveway dependent upon a variance from the TB for four lots on a shared driveway.

*Building envelopes C, D, E, F – On the Southside of CTH S - Located on the lands in the Northeast corner with building permitted anywhere on these lands. The western edge of the lots would follow a contour line to limit the agricultural land in the lots. These lots would have frontage along CTH S and via frontage strips through the woodlands to CTH S to the East. Access via a shared driveway shall be dependent upon a variance from the TB for four lots on a shared driveway. Dane County Highway granted a residential access permit on CTH S #20C010.



Joe Parisi
Dane County Executive

Dane County Planning & Development

Division of Zoning

March 15, 2021

SYED NIZAMUDDIN & IMRAN S NIZAMUDDIN
460 PRESIDENTIAL LN
MADISON WI 53711

RE: Navigability Determination – County Highway S, Section 5, Town of Springdale
PARCEL: 0607-051-8001-0

The Dane County Zoning Division has processed your request for a navigability determination for an intermittent stream with its origin on your property flowing northeast to the Sugar River.


Before conducting the site inspection, the County G.I.S., aerial photography, and the Wisconsin Surface Water Data Viewer were used to determine the categorization of this waterway. The map shows that there is an intermittent stream located on or near the property. An intermittent stream is one that has a periodic or recurrent flow.

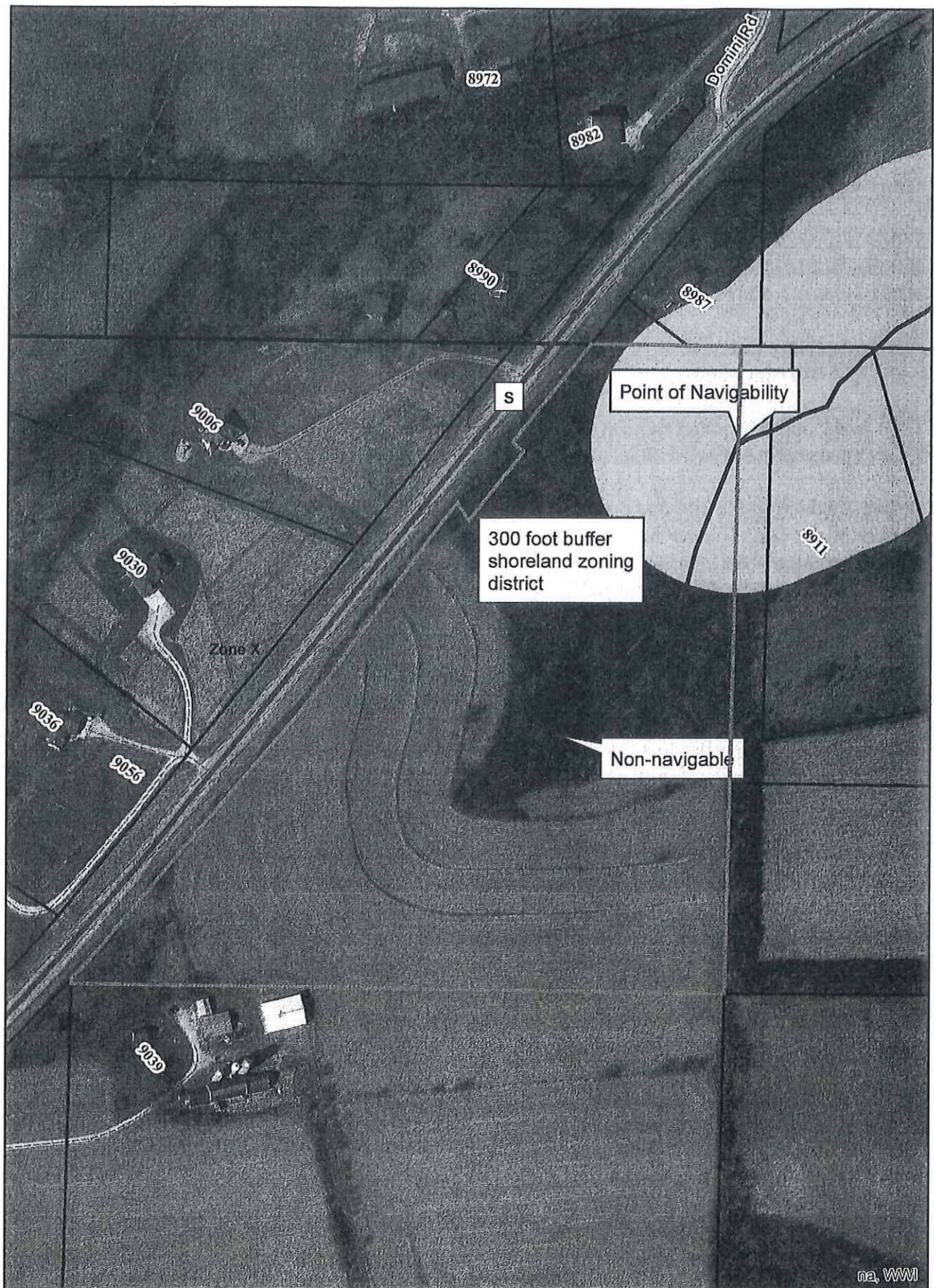
A site inspection was conducted on March 11, 2021. It was observed that the stream is mapped through a gully on the property. Within the gully there were clear signs of erosive force carving defined banks and creating beds, however at no point within the gully was there evidence of enough water to support the floating of a small craft. Below the gully the waterway opened into an area of flat land similar to a floodplain or wetland. The water flow in this area was diffuse into shallow ponding areas. A point near the east property line contained ponding water deep and large enough to float a small craft.

After further review of the intermittent stream, it has been determined that it is not navigable on your property, however becomes navigable immediately downstream of your eastern property line.

This letter serves as notice that the future development that will occur within 300 feet of a point immediately downstream of your eastern property line is within the Shoreland Zoning District as defined under Chapter 11, Dane County Code of Ordinances. Upstream lands beyond 300 feet from this point are not subject to shoreland zoning regulations.

I hope you find this information helpful. If you have any questions regarding this matter, or if I may be of further assistance, please feel free to contact me directly.

Sincerely,

Hans Hilbert
Assistant Zoning Administrator



8972

8982

Domini Rd

8990

8987

S

Point of Navigability

9006

300 foot buffer
shoreland zoning
district

8911

Zone X

9030

9036

9056

Non-navigable

9039



CONTROLLED ACCESS PERMIT

This permit is required and shall be issued in accordance with the provisions of Section 83.027 of the Wisconsin Statutes and Chapter 79 of the Dane County Code of Ordinances.

Name Syed Nizamuddin			Co. Trunk Hwy in which access is requested: S	
Street Address 460 Presidential Lane			Town, Village, City Town of Springdale	Section 5
City Madison		State WI	Zip 53711	
Home Phone (608) 233-4158	Work Phone (608) 217-8915	Fax Number	E-Mail Address nizam460@yahoo.com	
Existing Access? No	If yes, how modified? <input type="checkbox"/> Relocated <input type="checkbox"/> Removed <input type="checkbox"/> Change of Use <input type="checkbox"/> Culvert Replace <input type="checkbox"/> Asphalt Paving			

Describe Use:
new access for Agricultural and residential use

North/South/East/West Side south	Nearest Cross Road	Distance & Direction of nearest cross rd 3685 ft west	Existing Zoning: AG	Meets Intended Use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Type of Permit Requested:

- \$110 Temporary Controlled Access
- \$110 Agricultural Controlled Access
- \$110 Residential (single family) Controlled Access
- \$220 Residential, Joint Access > 1 parcel
- \$1,100 Private/Public, New/Existing, Street or Road
- \$45 Miscellaneous
- \$75 Temporary Non-Controlled Access
- \$75 Agricultural Non-Controlled Access
- \$75 Residential (single family) Non-Controlled Access
- \$220 Commercial, <100 ADT**
- \$550 Commercial, >100 and <1,000 ADT
- \$1,100 Commercial, >1,000 ADT

**ADT denotes Average Daily Traffic. Data substantiating ADT for access or road intersections may be required.

Fees paid in full on 5/20/2020

PERMIT APPROVAL BY DANE COUNTY **COUNTY PERMIT NO. 20C009**

The application submitted is hereby approved and this permit is issued by Dane County subject to full compliance by the Applicant with all provisions and conditions stated herein and on the reverse side hereof and all attachments hereto.

Other Special Provisions:

ck #1836
This permit is contingent on all other Local, State and/or County Agency permits, zoning and approvals and applicant must comply with all federal, state and local laws, ordinances and regulations. A new 18"x40' metal culvert with approved apron endwalls is required. Driveway shall be graded in such a way that no water drains from driveway onto CTH S. All future driveway and culvert maintenance is the property owners responsibility. Access to be restricted to 4 new home sites (max) and access to remaining agricultural lands. No additional access will be granted for the remaining properties. Permit 85-01 issued in 1985 is no longer valid. Permit is good for one year from date of issue. Pink lath left in field marking location.

By
 Signature of Dane County Representative
Kristine Walker Associate Highway Engineer
 Name and Title

6/25/2020
 Date
608-283-1486
 Phone

CONDITIONS

You are required to contact the authorized representative on the previous page before starting construction. **THIS PERMIT IS VOID ONE YEAR AFTER THE DATE IT IS ISSUED.** If construction is not completed at that time, the applicant is responsible for obtaining a new permit.

You are required to contact the Township and other governmental agencies, including but not limited to, the Dane County Land and Water Resources Department, who have authority to permit the construction of the driveway on and off of highway right-of-way.

Runoff from the driveway shall not be directed toward the roadway shoulder, nor shall the driveway obstruct drainage on the highway. Concrete driveways are not allowed to directly abut the edge of roadway pavements. Decorative paving on highway right-of-way will not be repaired or replaced in kind if damaged during maintenance or removed during repaving/reconstruction. Normal setback is 20 feet from the edge of pavement for concrete and decorative pavement. No poured concrete, stone, brick, wood, or other types of endwalls/headwalls shall be constructed on highway right-of-way. Proper traffic control and signing shall be provided in accordance with the "Manual of Uniform Traffic Control Devices". This permit does not exempt the applicant from any State, County or Local Agency permits or approval processes.

INDEMNIFICATION/HOLD HARMLESS

For purposes of this document, "the Permit Holder or their Agent(s)" is understood to mean the individual(s) causing this access construction and/or access improvements.

- a. Permit holder shall indemnify, hold harmless and defend County, its boards, commissions, agencies, officers, employees and representatives against any and all liability, loss (including, but not limited to, property damage, bodily injury and loss of life), damages, costs or expenses which County, its officers, employees, agencies, boards, commissions and representatives may sustain, incur or be required to pay as a result of the permit or activities associated with the permit, provided, however, that the provisions of this paragraph shall not apply to liabilities, losses, charges, costs, or expenses caused by or resulting from the acts or omissions of County, its agencies, boards, commissions, officers, employees or representatives. The obligations of the permit holder under this paragraph shall survive the expiration or termination of the permit.
- b. If any and all claims against Dane County or any of its officers, agents, or employees by any employee of the Permit Holder, the Permit Holder's Agent(s), anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this contract shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Permit Holder or the Permit Holder's Agent(s) under worker's compensation acts, disability benefit acts, or other employee benefit acts.
- c. The obligations of the Permit Holder or the Permit Holder's Agent(s) under this Contract shall not extend to the liability of an architect or engineer, his/her agents or employees arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications or (2) the giving of or the failure to give directions or instructions by an architect or engineer, his/her agents or employees provided such giving or failure is the primary cause of the injury or damage.
- d. Dane County shall not be liable to the Permit Holder or the Permit Holder's Agent(s) for damages or delays resulting from work by third parties or by injunctions or other restraining orders obtained by third parties.

CONTROLLED/NON-CONTROLLED ACCESS COUNTY TRUNK HIGHWAYS

Following is a list of controlled access County Trunk Highways. All other County Trunk Highways are non-controlled access.

- CTH "AB" From the eastern boundary of the City of Madison to CTH "MN".
- CTH "B" From the eastern boundary of the City of Fitchburg to USH 51.
- CTH "B" From USH 51 to CTH "N" (except areas within the City of Stoughton).
- CTH "B" From the northern boundary of the Village of Rockdale to the southern boundary of the Village of Cambridge.
- CTH "BB" From the eastern boundary of the City of Madison to the western boundary of the Village of Cottage Grove.
- CTH "BB" From the eastern boundary of the Village of Cottage Grove to STH 73.
- CTH "BW" (Broadway) From Raywood Road easterly to Copps Avenue
- CTH "C" From STH 19 to Happy Valley Road (except areas within the City of Sun Prairie).
- CTH "CC" From CTH "D" to the western boundary of the Village of Oregon.
- CTH "CV" From the northern boundary of the City of Madison to USH 51.
- CTH "CV" From the southern boundary of the Village of DeForest to STH 19.
- CTH "D" From CTH "CC" to Wingra Drive (except areas within the Cities of Madison and Fitchburg).
- CTH "G" From STH 92 to USH 18-151.
- CTH "ID" From the west county line to the intersection of STH 78 (except areas within the Village of Blue Mounds).
- CTH "K" From USH 12 to CTH "M".
- CTH "M" From the northern boundary of the City of Verona to CTH "S".
- CTH "M" From the eastern boundary of the City of Middleton to STH 113.
- CTH "MC" Those segments outside the City of Madison.
- CTH "MM" From the northern boundary of the Village of Brooklyn to the southern boundary of the Village of Oregon.
- CTH "MM" From the northern boundary of the City of Fitchburg to CTH "MC" (except areas in the City of Madison).
- CTH "N" From the northern boundary of the City of Stoughton to the southern boundary of the Village of Cottage Grove.
- CTH "N" From the northern boundary of the Village of Cottage Grove to the southern boundary of the City of Sun Prairie.
- CTH "N" From the northern boundary of the City of Sun Prairie to CTH "V".
- CTH "P" From CTH "S" in Section 33 Town of Cross Plains to the southern boundary of Village of Cross Plains.
- CTH "PB" From STH 69/92 in Section 33 Town of Montrose to CTH "M".
- CTH "PD" From the eastern boundary of the Village of Mt. Horeb to the City of Fitchburg (except areas in City of Madison).
- CTH "Q" From the northern boundary of the City of Middleton to the southern boundary of the Village of Waunakee.
- CTH "S" From STH 78 to the western boundary of the City of Madison.
- CTH "T" From the eastern boundary of the City of Madison to the Village of Marshall.
- CTH "TT" From Seminary Springs to Ridge Road.
- CTH "V" From STH 113 to USH 51 (except areas within the Village of DeForest).