

Dane County Rezone & Conditional Use Permit

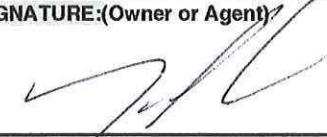
Application Date	Petition Number
03/22/2018	DCPREZ-2018-11286
Public Hearing Date	C.U.P. Number
06/26/2018	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME JAMES G LEHMAN	PHONE (with Area Code) (608) 334-9541	AGENT NAME <input type="checkbox"/>	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 5421 ALAN DR		ADDRESS (Number & Street) <input type="checkbox"/>	
(City, State, Zip) OREGON, WI 53575		(City, State, Zip)	
E-MAIL ADDRESS JGLEHMAN@GMAIL.COM		E-MAIL ADDRESS	

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	
SOUTH OF 4603 STATE HIGHWAY 92					
TOWNSHIP RUTLAND	SECTION 31	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0510-314-9220-0					

REASON FOR REZONE	CUP DESCRIPTION
ALLOW FOR ACCESSORY BUILDING PRIOR TO RESIDENCE	

FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
RH-3 Rural Homes District	A-2 (8) Agriculture District	9.49		

C.S.M REQUIRED?	PLAT REQUIRED?	DEED RESTRICTION REQUIRED?	INSPECTOR'S INITIALS	SIGNATURE:(Owner or Agent)
<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	HJH3	
Applicant Initials <u>JL</u>	Applicant Initials <u>JL</u>	Applicant Initials <u>JL</u>		PRINT NAME:

COMMENTS: POND IS NOT DNR DESIGNATED AND NOT SUBJECT TO CHAPTER 11.

DATE: 3/23/18



DANE COUNTY PLANNING & DEVELOPMENT

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

Zoning Change Application

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 James Lehman Agent's Name
Address 5421 Alan Drive, Oregon, WI Address
Phone 608-334-9541 Phone
Email jglehman@gmail.com Email

Town: Rutland Parcel numbers affected: Lot 2 0510-314-9270-0
Section: 31 Property address or location: East of Brooklyn, S of hwy 92, CSM 9837, lot 2
Zoning District change: (To / From / # of acres) RH-3 to A-2 9.49 acres

Soil classifications of area (percentages) Class I soils: % Class II soils: 70% Other: 30%

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

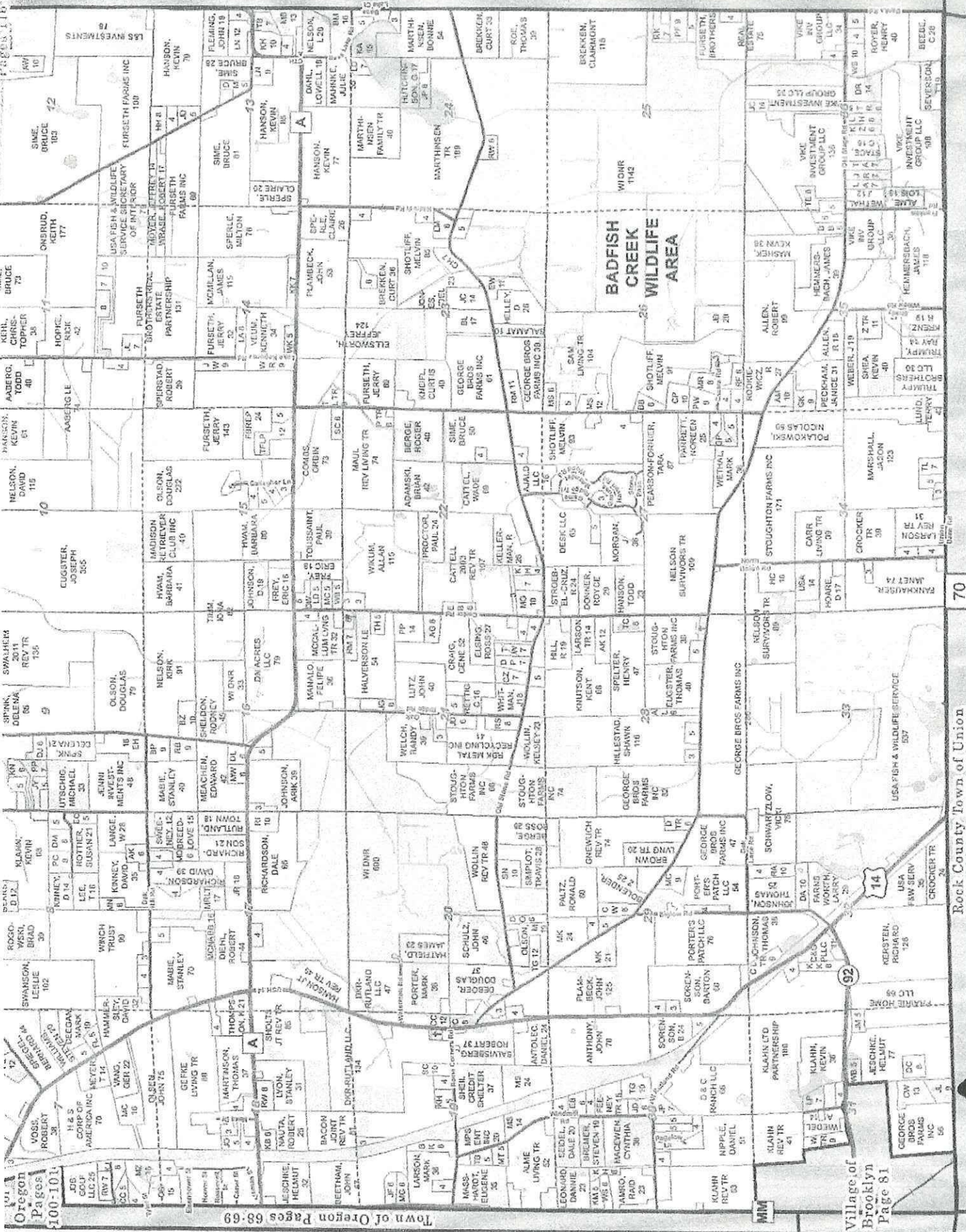
- Separation of buildings from farmland
Creation of a residential lot
Compliance for existing structures and/or land uses
Other

The reason for changing from RH-3 to A-2 is to allow the construction of an accessory building prior to building the residence. We currently live in Oregon, WI and intend to build our primary residence on this parcel in approximately 3 to 5 years. However, we would like to build a detached garage/shop on the property in advance. The purpose of this accessory building is for equipment used for property maintenance, personal storage and hobby activities. It is not intended for business purposes such as those potentially allowed under A-2 conditional uses.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: James Lehman

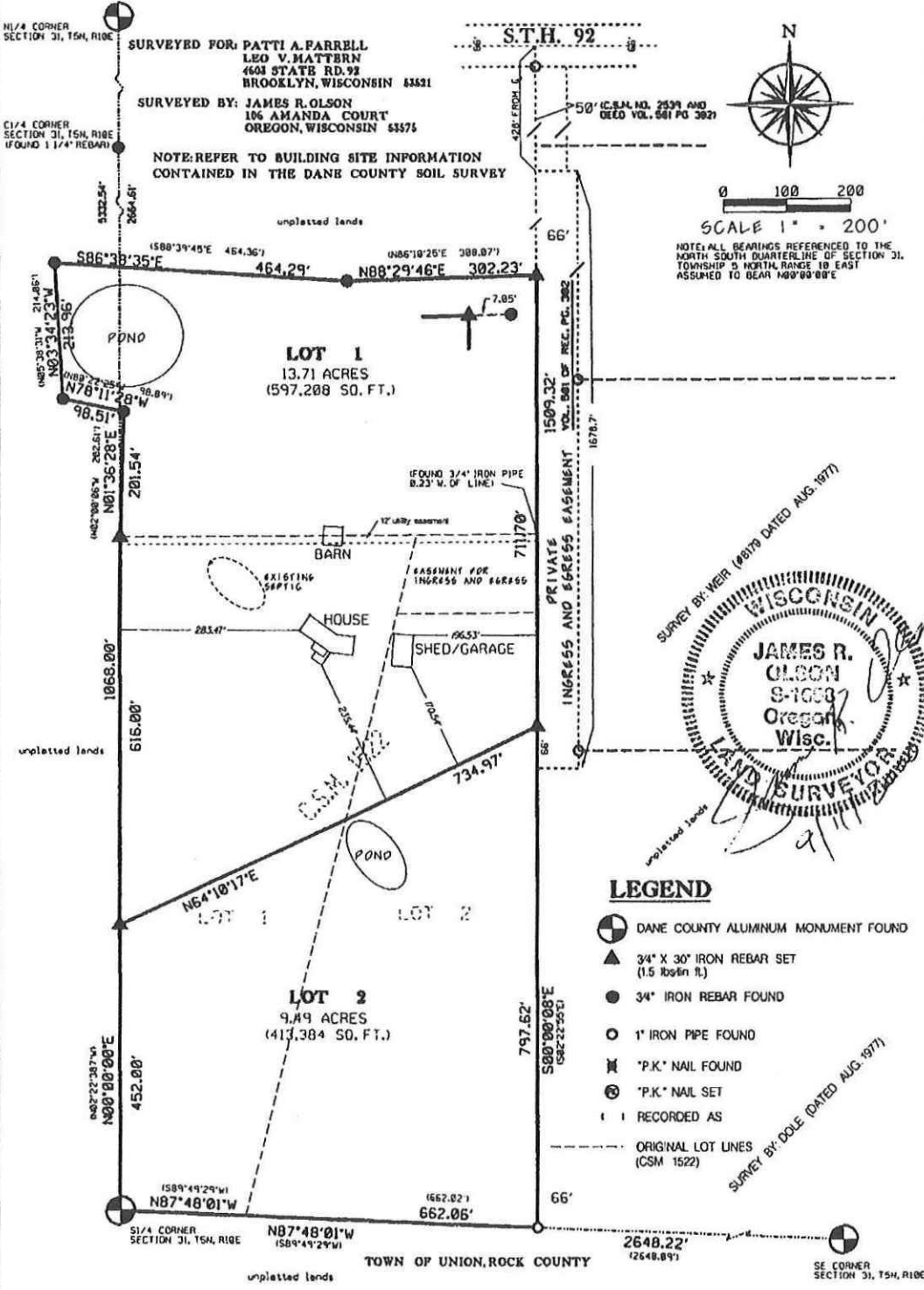
Date: 3/16/18



DANE COUNTY CERTIFIED SURVEY MAP NO. 9837

LAND LOCATED IN THE SW1/4 - SE1/4 AND THE SE1/4 - SW1/4 OF SECTION 31, TOWNSHIP 5 NORTH, RANGE 10 EAST, AND ALL OF DANE COUNTY CERTIFIED SURVEY MAP NUMBER 1522, TOWN OF RUTLAND, DANE COUNTY, WISCONSIN

#3257240



3/12

SURVEYOR'S CERTIFICATE

I, **James R. Olson**, Registered Land Surveyor, do hereby certify that by the direction of **Patti A. Farrell** and **Leo V. Mattern**, I have surveyed, divided, mapped and monumented a part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), and part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 31, Township 5 North, Range 10 East, and all of Dane County Certified Survey Map number 1522, Town of Rutland, Dane County, Wisconsin, more particularly described as follows:

Beginning at the South Quarter corner of said Section 31; thence North, along the North-South Quarter Line of said Section, 1068.00 feet; thence N01°36'28"E, 201.54 feet; thence N78°11'28"W, 98.51 feet; thence N03°34'23"W, 213.96 feet; thence S86°38'35"E, 464.29 feet; thence N88°29'46"E, 302.23 feet; thence S00°00'08"E, 1509.32 feet to the southline of the Southeast Quarter of said Section; thence N87°48'01"W, along said southline 662.06 feet to the Point of Beginning. Said parcel contains 1,010,592 square feet or 23.2 acres, more or less. And is subject to any and all easements of record and or usage.

I further certify that this certified survey map is a correct representation of all the exterior boundaries of the land surveyed, and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of Dane County and the Town of Rutland in surveying, dividing, and mapping the same to the best of my knowledge and belief.


James R. Olson

Registered Land Surveyor No. S-1698

Dated this 11th day of SEPT., 2000.

TOWN OF RUTLAND

This Certified Survey Map, including any dedications shown thereon, has been duly approved by the Town Board, of the Town of Rutland, Dane County, Wisconsin, on this 6th day of SEPTEMBER, 2000


Town Clerk

Town Board Chairman

Dane County Approval

Approved for recording per Dane County Zoning and Natural Resources Committee action of

October 9, 2000


Norbert Scribner, Authorized Representative

OWNERS CERTIFICATE

As owners we **Patti A. Farrell** and **Leo V. Mattern** certify that we caused the land described on this certified survey map to be surveyed, divided, and mapped as represented on this certified survey map. We also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Natural Resources Committee.

WITNESS the hand and seal of said owners this 18 day of SEPT., 2000


Patti A. Farrell


Leo V. Mattern

State of Wisconsin)

County of Dane)ss.

Personally came before me this 18 day of Sept., 2000, the above named Patti A. Farrell and Leo V. Mattern, to me known as the same persons who executed the foregoing instrument and acknowledge the same.


Notary Public

My commission expires July 29, 2001

CONSENT OF MORTGAGEE

I, David J. Adams, V.P., mortgagee of the above described land, do hereby consent to the surveying, dividing, and mapping of the land described on this Certified Survey Map, and do hereby consent to the above certificate of Paul A. Farrell and Leo V. Mattern, owners

WITNESS the hand and seal of said mortgagee, this 2 day of October, 2000

Mortgagee - North American Mortgage Company
David J. Adams, Vice President

State of ~~Wisconsin~~ New York
 County of ~~Duane~~ Orleans ss

Personally came before me this 2 day of October, 2000, the above named David J. Adams, to me known as the same person who executed the foregoing instrument and acknowledge the same.

Pamela S. Allen
 Notary Public
 My commission expires _____

PAMELA S. ALLEN
 Notary Public, State of New York
 No. 01AL603861
 Qualified in Orleans County
 Commission Expires 3-13-02

Office of Register of Deeds
 Dane County, Wisconsin
 Received for Record Oct. 9th
20 00 at 4:26 o'clock P M
 and recorded in vol. 57
 of CSM on pages 75, 76, 77
Jane Licht by Ann M. Ford Deputy
 JANE LICHT Register

Hilbert, Hans

From: Lane, Roger
Sent: Monday, March 19, 2018 11:09 AM
To: Hilbert, Hans
Subject: FW: Rutland zoning

From: Lane, Roger
Sent: Tuesday, March 06, 2018 4:14 PM
To: 'Jim Lehman'
Cc: chair@town.rutland.wi.us; 'clerk@town.rutland.wi.us'; Allan, Majid
Subject: RE: Rutland zoning

Dear Mr. Lehman,

I understand your desire to construct a building on a small rural lot prior to the construction of a single-family residence. Dane County Zoning Division receives this request approximately twice a year.

The fact of the matter is that the building you are suggesting is not accessory to any land use on the property. The suggested building WILL BE the principal building on the property and will need to be used for an existing principal use allowed on the property.

The zoning ordinance provides for the placement of an agricultural building for the purpose of using the building for a clear legitimate agricultural use. This provision applies to the RH Rural Homes Zoning District.

10.04(1)(9)

(c) *Agricultural accessory buildings.* On land in the A-1, A-1 Exclusive, A-2, A-3, and A-4 Agriculture Districts, and on land in the Rural Homes District involved in an agricultural or agricultural accessory use, agricultural accessory buildings are permitted but are limited to barns, sheds, silos and other structures that are clearly related to a permitted agricultural or agricultural accessory use. The minimum side and rear yard setback for such structures is 10 feet, unless a greater distance is required by the applicable district regulations of this ordinance.

The building you are suggesting sounds like maintenance shed rather than being used for a legitimate agricultural purpose. I would not consider the trimming of a small stand of trees as an agricultural use.

Options:

1. Construct a building under 120 square feet in size for the storage of maintenance equipment. A zoning permit is not needed for the construction of a building under 120 square feet in size. It appears that there is a small pond on the property. Please be informed, Shoreland Regulations will apply with the placement of a building on the property.
2. Construct a small residence with a garage. A zoning permit would be issued contingent upon the receipt of building plans, site plan, sanitary permit, and driveway permit. It appears that there is a small pond on the property. Please be informed, Shoreland Regulations will apply with the placement of a building on the property.
3. Submit an application for a maintenance shed on the property. The zoning permit would be denied. The denial could be appealed to the Board of Adjustment on the basis of incorrect interpretation of the zoning ordinance.
4. Rezone the property to A-2 Agriculture Zoning District. The zoning district provides for permitted as described:

10.126(2)(e) 2. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property. This language is intended for agricultural uses, but is unclear of the use. The ordinance has been and is being interpreted to the benefit of the landowner.

The rezoning process will provide an opportunity the Town Board and the County to review the intended development and have the potential of placing limits on the development.

REGARDING THE PROPOSED ORDINANCE: The proposed zoning ordinance does not have a provision for maintenance sheds on property prior to the residential use. However, a plan commission member from the Town of Vermont had a suggested allowing small maintenance sheds on properties without residences. This will be one of the many topics discussed at the next meeting of the Comprehensive Revision of Chapter 10 Sub-committee. The committee will meet tomorrow night. See attached link to the meeting agenda:

<https://dane.legistar.com/View.ashx?M=A&ID=595660&GUID=AC6C0D5A-C04E-479C-B08D-2B59DDB97B05>

If you have any further questions or concerns, please give me a call, 266-9078.

Respectfully,

Roger Lane
Dane County Zoning Administrator

From: Jim Lehman [mailto:jglehman@gmail.com]
Sent: Tuesday, March 06, 2018 2:04 PM
To: Lane, Roger
Subject: Rutland zoning

Roger,

I have been discussing my options with Majid Allan as well as Mark Porter from Rutland and was asked to contact you directly. I own a 9.5 acre piece of wooded land in Rutland township. It is currently zoned RH-3. My wife and I live in Oregon, WI and bought the land intending to build our home on it. We plan to do so in the next 3-5 years.

I have been looking into building an accessory building prior to the house which is generally not allowed. I talked with someone there in zoning and the town a month or so ago and was told re-zoning to A-2 was my only option and that managing and maintaining a wooded lot would count as an Ag related building.

I went to the town board meeting yesterday and the planning commission there is ok with the idea. However, they suggested I try just getting approval without changing zoning as a much easier process. I then learned of the plans to change zoning entirely in the near future.




I intend to keep and maintain my equipment that I use for brush and downed trees in the building (skidsteer, dump trailer, chainsaws, mowers, etc) as well as garage type uses now and when we build our house there. I don't have a business, storage, warehouse or any other use for this building.

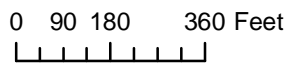
Is there a possibility of getting this approved?

Thanks,
Jim Lehman
334-9541



Legend

- | | | |
|--|------------|---|
|  | Wetland | Significant Soils |
|  | Floodplain |  Class 1 |
| | |  Class 2 |



Petition 11286
JAMES G LEHMAN