

# Dane County Rezone & Conditional Use Permit

<b>Application Date</b>	<b>Petition Number</b>
08/26/2019	DCPREZ-2019-11487
<b>Public Hearing Date</b>	<b>C.U.P. Number</b>
10/22/2019	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME CHARLES E BLACKBOURN	PHONE (with Area Code) (608) 295-8980	AGENT NAME TOWN OF ALBION	PHONE (with Area Code) (608) 884-8974
BILLING ADDRESS (Number & Street) 283 ALPINE RD		ADDRESS (Number & Street) 620 ALBION RD.,	
(City, State, Zip) WINTER HAVEN, FL 33881		(City, State, Zip) Edgerton,, WI 53534	
E-MAIL ADDRESS cebourn@gmail.com		E-MAIL ADDRESS jhanewall@townofalbion.net	

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	
200 Goede Rd.,					
TOWNSHIP ALBION	SECTION 35	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0512-351-8750-8					

REASON FOR REZONE	CUP DESCRIPTION
REMOVAL OF DEED RESTRICTION FROM EXISTING LOT	

FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
RR-8 (Rural Residential, 8 to 16 acres) District	RR-8 (Rural Residential, 8 to 16 acres) District	13.986		

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	SCW1	<i>Julie Hanewall</i>
Applicant Initials _____	Applicant Initials _____	Applicant Initials _____		PRINT NAME: <i>Julie Hanewall</i>

DATE:  
*8.27.19*

no fee  
no change of zoning

only terminate dar.

SEND COPY TO JULIE  
OCT. 22<sup>ND</sup> P.H.  
RL



# 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:

- o **Written Legal Description of the proposed Zoning Boundaries**  
Legal description of the land that is proposed to be changed. The description may be 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.
- o **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	<u>Charlie Blackburn</u>	Agent's Name	<u>Julie Hanewall</u>
Address	<u>283 Alpine Dr Winter Haven, FL 33881</u>	Address	<u>620 Albion Rd</u>
Phone	<u>(608) 295-8980</u>	Phone	<u>Edgerton, WI 53534 (608) 884-8974</u>
Email	<u>cebourn@gmail.com</u>	Email	<u>jhanewall@townofalbion.net</u>

Town: Albion  Parcel numbers affected: 0512-351-8750-8

Section: 35  Property address or location: 200 Geode Road, Edgerton, WI 53534

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:

Terminating deed restriction 2124188

I authorize that I am the owner or have permission to act on behalf of the owner of the property.  
Submitted By: Julie Hanewall


Date: 8/22/19

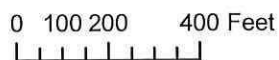




**Legend**

**Wetland > 2 Acres Significant Soils**

- |   |   |
|---|---|
|  Wetland    |  Class 1 |
|  Floodplain |  Class 2 |



Petition 11487  
CHARLES E  
BLACKBOURN





**CERTIFIED SURVEY MAP** FOR A PARCEL OF LAND  
 LOCATED IN PART OF THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  AND THE  
 SW  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  OF SECTION 35, T 5 N, R 12 E, TOWN OF ALBION, DANE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, Glen L. Northrop, Registered Land Surveyor, hereby certify that I have surveyed, and mapped the lands described below according to the provisions of Chapter 236.34 of the Wisconsin Statutes and that this map and description is a true representation of the field survey made and shows the size and location of the property, all visible structures, apparent easements, roadways and visible encroachments as of this date. Said land being located in part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 35, T 5 N, R 12 E, Town of Albion, Dane County, Wisconsin more particularly described by metes and bounds description as follows:

Commencing at the concrete monument found marking the NW corner of Said Section 35; thence N 89° 54' 08" E, 1273.22' to the center line of Goede Road; thence S 37° 27' E, along said centerline 1262.66' to the POINT OF BEGINNING; thence N 60° 26' E, 872.80'; thence S 38° 54' E, 375.99'; thence S 36° 36' E, 346.30'; thence S 63° 46' W, 516.09'; thence S 55° 53' W, 348.36'; thence N 38° 38' 50" W, 721.29' to the POINT OF BEGINNING.

This described parcel contains 609,238 S.F. (13.986 Ac.) and is subject to a public road right of way easement for Goede Road along the south-westerly 33' of the property.

I further certify that this map and description is correct to the best of my knowledge and belief.

Dated this 20<sup>TH</sup> day of DECEMBER, 1988 at Cambridge, Wisconsin.

Glen L. Northrop  
 Glen L. Northrop S-892

REVISED ON 1/20/89 FOR COUNTY CONDITIONS OF APPROVAL  
 AND ADDED NAME IN OWNER'S CERTIFICATE. ASU



ORDER NO. AB 1355-88  
 Drafted at ABEX Survey Co.  
 101 E. Main St., P.O. Box 369  
 Cambridge, WI 53523  
 TEL; 608-423-3331  
 Drg. No. 1355

SHEET 2 OF 3

DOC. NO. 2124187  
 CSM NO. 5733  
 VOL. 27 P. 48

CERTIFIED SURVEY MAP FOR A PARCEL OF LAND LOCATED IN PART OF THE NE 1/4 OF THE NW 1/4, SE 1/4 OF THE NW 1/4, NW 1/4 OF THE NE 1/4 AND THE SW 1/4 OF THE NE 1/4 OF SECTION 35, T 5 N, R 12 E, TOWN OF ALBION, DANE COUNTY, WISCONSIN.

OWNERS CERTIFICATE

As the owner of the land described and mapped hereon, I hereby certify that I caused said land to be surveyed as represented on this Certified Survey Map. I also certify that this map is required to be submitted to the Dane County Planning Agency represented by Norbert Scribner for approval or objection.

William G. Hicks (signature)

Justine M. Hicks (signature)

STATE OF WISCONSIN )
COUNTY OF DANE ) ss

Personally came before me this 23rd day of January, 1989, the above named William G. Hicks, to me known to be the persons who executed the foregoing and acknowledged the same. And Justine M. Hicks,

Notary Public (signature)

My commission expires permanent.

COUNTY APPROVAL

Approved for recording per Dane County Agriculture, Environment and Land Records Committee action of January 23 1989.

Norbert Scribner, Authorized Rep. #4248 (signature)

Glen L. Nordrop 12/20/88 (signature)



REGISTER OF DEEDS CERTIFICATE

Received for recording this 23 day of January, 1989 at 111 o'clock 7 P.M. and recorded in Volume 27 of Certified Surveys, Pages 47149.

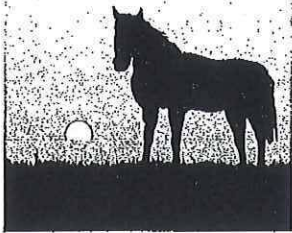
JANE LICHT
Jane Licht, Register of Deeds, Dane County
KAREN LC SUBERA DEPUTY CLERK

ORDER NO. AB 1355-88
Drafted at ABEX Survey Co.
101 E. Main St., P.O. Box 369
Cambridge, WI 53523
TEL: 608-423-3331
Drg. No. 1355

SHEET 3 OF 3

DOC. NO. 2124187
CSM NO. 5733
VOL 27 P. 49





**CEBOURN STABLE & KENNEL**

**200 GOEDE ROAD EDGERTON, WI 53534**

**608-295-8980**

**cebourn@gmail.com**

**07/26/2019**

**Mr. Pat Tesar  
676 Craig Rd  
Edgerton, WI5534**

**Dear Mr. Tesar,**

**I own property at 200 Goede Rd in Albion Township. I have recently come across a problem that I hope you can help me with .Let me outline the situation;**

**My wife passed in 2017, I have since relocated part of the year to Winter Haven, FL**

**I have listed my property with Stark Realty**

**In their due diligence, they have discovered a restriction on the property that dates back to 1986. This restriction was placed on the property by Wm. Hicks who was two owners ago and restricted it to 5 large animals. The zoning allows for 1 large animal per acre.**

**I purchased the property from a second owner in 1993 and did not use a realtor. I was not directly informed of this restriction although it was listed as a numbered restriction on the deed without explanation.**

**I have raised horses & dogs (with Albion Kennel license) since the spring of 1993. I have always had less than the zoning allowance but have usually had more than the 5 allowed in the restriction.**

**I would like to have this restriction lifted. I am told that it would require an action of the town board and their recommendation to Dane county to accomplish this. Can you help me with this?**

*I am older and it is difficult for me to travel, I can be represented by my realtor, Tom Dybevik of Stark Realty or my attorney Lisle Blackbourn of the Godfrey firm in Elkhorn if necessary.*

*My plan is to send you this letter, give you time to ckeck into it and then to give you a call to discuss it. Or, I can be reached anytime at 608-295-8980*

*Thanks in Advance*

*Charlie Blackbourn D.V.M.*

**Charlie Blackbourn D.V.M.**



1. WHEREAS, William Gerald Hicks, a/k//a William G. Hicks, and Justine M. Hicks, are the owners of the following described land in the Town of Albion, Dane County, Wisconsin, to-wit:

Lot One (1), of Certified Survey Map No. 5733, recorded in the Dane County Register of Deeds office in Volume 27, of Certified Survey Maps, Page 47-49, as Document No. 2124187, in the Town of Albion, Dane County, Wisconsin.

2. WHEREAS, the said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter;

3. NOW, THEREFORE, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land and the parties named as beneficiaries of these restrictions, the following restrictions are hereby imposed:

(a) Livestock is limited to a maximum of five head.

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties holding under them unless, pursuant to paragraphs 5 or 6 of this instrument, said restrictions are amended or terminated.

4. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights.

(a) The County Government of Dane County, Wisconsin, provided that the lands are under the jurisdiction of a zoning ordinance of said County at the time the enforcement action is commenced; and

- (b) The Town Government of the Town of Albion, Dane County, Wisconsin, provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land(s) which are located within the district subject to the regulations of this ordinance.

5. The restrictions set forth in Paragraph 3 above may be amended in the following manner.

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner(s) of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Agricultural Extension & Education, Zoning, Planning & Water Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled. Following such hearing, the committee shall issue a written report on the petition to the County board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner(s) shall draft the amendatory covenant instrument, have same executed by the owner(s) of the lands subject to the restrictions and record same.
- (b) Such amendment shall also require approval of the Town Board.

6. The restrictions set forth in Paragraph 3 above, may be terminated in the following manner:

- (a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided



in Paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is recorded shall be an instrument of termination. Such termination shall also require approval of the Town Board.

IN WITNESS WHEREOF, the said grantors have hereunder set their hands and seals this 23<sup>rd</sup> of January, 1989.

William G. Hicks (SEAL)  
William G. Hicks

Justine M. Hicks (SEAL)  
Justine M. Hicks

STATE OF WISCONSIN )  
( ss  
COUNTY OF DANE )

Personally came before me, this 23<sup>rd</sup> day of January, 1989, the above named William G. Hicks and Justine M. Hicks, to be known to be the persons who executed the foregoing instrument and acknowledged the same.

Peter J. Waltz  
Peter J. Waltz, Notary Public  
State of Wisconsin  
My Commission is Permanent.



RECORDED  
DANE COUNTY, WI.  
JANE H. HART  
REGISTER OF DEEDS  
INDEXED OR  
JAN 23 1 14 PM '89  
FEDERAL LAW

This Instrument Drafted By  
Attorney Peter J. Waltz  
Mt. Horeb, Wisconsin 53572

**Parcel Number - 002/0512-351-8750-8**

Current

[← Parcel Parents](#)[Summary Report](#)

Parcel Detail		Less —
Municipality Name	TOWN OF ALBION	
State Municipality Code	002	
PLSS (T,R,S,QQ,Q)	05N 12E 35 NW NE (Click link above to access images for Qtr-Qtr)	
Section	05N 12E 35 (Click link above to access images for Section)	
Plat Name	CSM 05733 (Click link above to access images for Plat) CSM 05733 (Click link above to access images for Surveys within Plat)	
Block/Building		
Lot/Unit	1 (Click link above to see images for this Lot)	
Plat Name	CSM 05733 (Click link above to access images for Plat)	
Parcel Description	LOT 1 CSM 5733 CS27/47-49 R12431/30-32-1/23/89 DESCR AS SEC 35-5-12 PRT NE1/4NW1/4, SE1/4NW1/4, NW1/4NE1/4 & SW1/4NE1/4 CONT 13.986 ACRES TO C/L <b>This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deed.</b>	
Current Owner	CHARLES E BLACKBOURN	
Current Co-Owner	LYNN BLACKBOURN	
Primary Address	200 GOEDE RD	
Billing Address	283 ALPINE RD WINTER HAVEN FL 33881	



<b>Assessment Summary</b>		<b>More +</b>
<b>Assessment Year</b>	<b>2019</b>	
Valuation Classification	G1 G5	
Assessment Acres	13.986	
Land Value	\$94,400.00	
Improved Value	\$220,000.00	
Total Value	\$314,400.00	

Show Valuation Breakout

Show Assessment Contact Information ▼

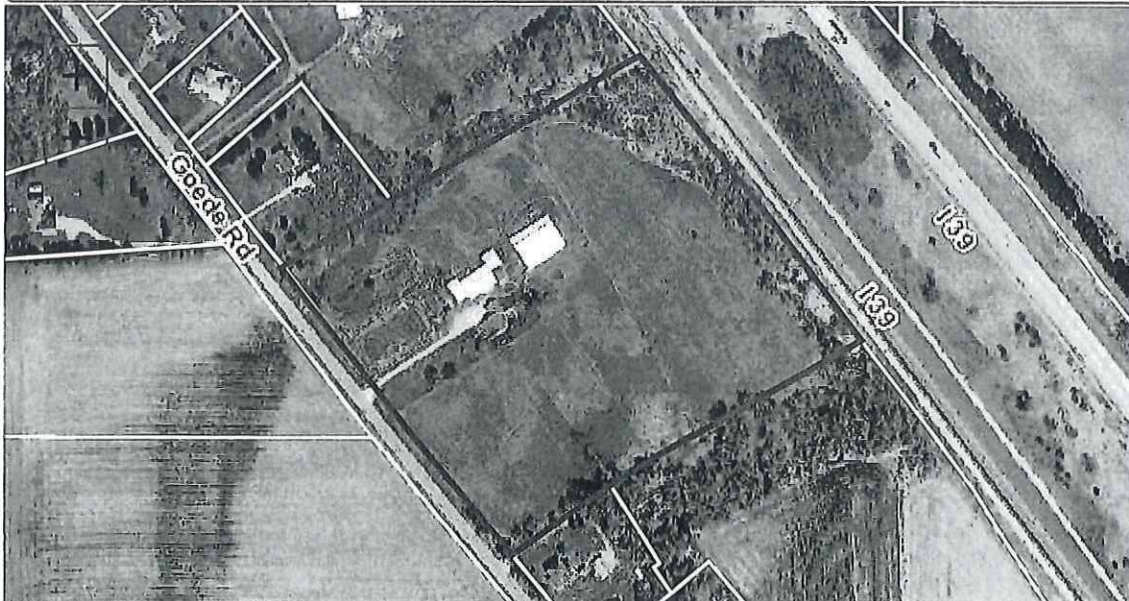
**Zoning Information**

For the most current and complete zoning information, contact the Division of Zoning.

<b>Zoning</b>
RR-8 DCPREZ-2019-00003

Zoning District Fact Sheets

**Parcel Maps**



Surveyor Map

DCiMap

Google Map

Bing Map

**Tax Summary (2018)****More +**[E-Statement](#)[E-Bill](#)[E-Receipt](#)[Pay Taxes Online](#)

Assessed Land Value	Assessed Improvement Value	Total Assessed Value
\$94,400.00	\$220,000.00	\$314,400.00
<b>Taxes:</b>		\$5,316.59
<b>Lottery Credit(-):</b>		\$177.48
<b>First Dollar Credit(-):</b>		\$73.08
<b>Specials(+):</b>		\$154.67
<b>Amount:</b>		\$5,220.70

**District Information**

Type	State Code	Description
REGULAR SCHOOL	1568	EDGERTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	01EF	EDGERTON FIRE
OTHER DISTRICT	01EE	EDGERTON EMS

**Recorded Documents**

Doc. Type	Date Recorded	Doc. Number	Volume	Page
WD	04/12/1994		21974	44

**DocLink**

DocLink is a feature that connects this property to recorded documents. If you'd like to use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. [Click here for instructions.](#)

By Parcel Number: 0512-351-8750-8

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210 Martin Luther King Jr. Blvd

City-County Bldg. Room 116

Madison, WI 53703



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## **RR-8 Rural Residential Zoning District**

Zoning district for single family homes with agricultural uses – CH. 10-Zoning, Section 10.244

### **Permitted Uses 10.244(2)**

- o Single family home – one per parcel
- o Small-scale farming
- o Residential accessory uses
- o Home occupations
- o Incidental room rental
- o Community living Arrangements for less nine (9) persons
- o Foster homes for less than five children
- o Undeveloped natural resource and open space areas
- o Utility services associated with a permitted use
- o Transportation, utility, communication, or other use required by law

### **Conditional Uses 10.244(3)**

- o Attached accessory dwelling units
- o Animal use exceeding one animal unit per acre
- o Limited family business
- o Day Care Centers
- o Community living arrangements for nine (9) or more people
- o Governmental, institutional, religious, or nonprofit community uses
- o Property management sheds
- o Transient or Tourist Lodging
- o Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above

### **Setbacks and Height Requirements for Structures 10.244(5),(6)**

#### **Front setback for all structures from Highway centerline / right-of-way line (whichever is greater)**

State or Federal Highway: 100/42 feet minimum  
County Highway: 75/42 feet minimum  
Town Road: 63/30 feet minimum  
Subdivision streets platted prior to ordinance: 20 feet minimum  
All other streets: 30 feet minimum from right-of-way

#### **Maximum Height:**

Residences: 2½ stories or 35 feet maximum  
Accessory buildings: 35 feet maximum  
Agricultural buildings: No height requirement

#### **Residences:**

**Side yard:** 25 feet total, with no single side less than 10 feet minimum

**Rear yard:** 50 feet minimum

Uncovered decks/porches: 38 feet minimum

#### **Rear and side yards:**

**Not housing livestock:** 10-feet

#### **Housing livestock:**

100 feet from Residential or Hamlet zoning districts  
50 feet from Rural Residential zoning districts  
10 feet from all other zoning districts

### **Lot Width & Area 10.244(4)**

**Minimum:** 8 acres

**Maximum:** 16 acres

**Minimum lot width:** 100 feet

### **Maximum Lot Coverage 10.244(7)**

**Maximum building coverage of lot:** 10% of lot area

### **Accessory Buildings Requirements 10.102(2)(a)**

Any number of detached accessory buildings associated with a permitted or conditional residential use is permitted, provided that the following conditions are met:

- o Except for property management sheds approved under a conditional use permit, a principal residential use (home) must exist or be under construction before a Zoning Permit for an accessory building may be issued.
- o Sanitary fixtures are prohibited in accessory buildings.
- o No living spaces are allowed in accessory buildings.

**NOTE:** A Zoning Permit is required for every building larger than 120 square feet in size. Zoning Permits are not required for accessory buildings equal to or less than 120 square feet on non-permanent foundations, provided they meet setback, height, and lot coverage requirements.



## **RR-8 Rural Residential District**

Zoning district for single family homes with agricultural uses – CH. 10-Zoning, Section 10.244

### **Livestock 10.004(86); 10.103(18)**

- o The number of livestock kept is limited to one (1) animal unit for each full acre.
- o An animal unit is defined as the equivalent of 1 cow; 4 hogs; 10 sheep or goats; 100 poultry or rabbits; 1 horse, pony, or mule; or an equivalent combination thereof.

### **Incidental Room Rental 10.004(72)**

Rental or leasing of rooms within a single-family residence is permitted provided all of the following are met:

- ✓ All rooms offered for rent are within the landowner's primary residence
- ✓ No more than two bedrooms are offered for rent
- ✓ One off-street parking space is provided for each rental room.

### **Limited Family Business 10.004(83)**

A small family-run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except up to one or one full-time equivalent, must be a member of the family residing on the premises.

MARAVILLO V LLC  
226 GOEDE RD  
EDGERTON, WI 53534

CHARLES E BLACKBOURN  
LYNN BLACKBOURN  
283 ALPINE RD  
WINTER HAVEN, FL 33881

SHANE LEGLER  
216 GOEDE RD  
EDGERTON, WI 53534

GOEDE ROAD PROPERTIES LL...  
1825 WESLEY AVE  
JANESVILLE, WI 53545

JOSEPH R SNELL  
JANEL L SNELL  
230 GOEDE RD  
EDGERTON, WI 53534

ANN L PLEYTE  
EARL R PLEYTE  
UNIT A 186 GOEDE RD  
EDGERTON, WI 53534

RYAN T SIMMONS  
TANYA S SIMMONS  
215 GOEDE RD  
EDGERTON, WI 53534

BERNARD H CARLEY  
LISA M CARLEY  
238 GOEDE RD  
EDGERTON, WI 53534

KIENBAUM TR, WILLIAM D  
KIENBAUM TR, DAVID  
427 LAKE DR  
EDGERTON, WI 53534

KIENBAUM TR, WILLIAM D  
KIENBAUM TR, DAVID  
427 LAKE DR  
EDGERTON, WI 53534

DOUGLAS A ZILLIOX  
JANE K ZILLIOX  
239 GOEDE RD  
EDGERTON, WI 53534

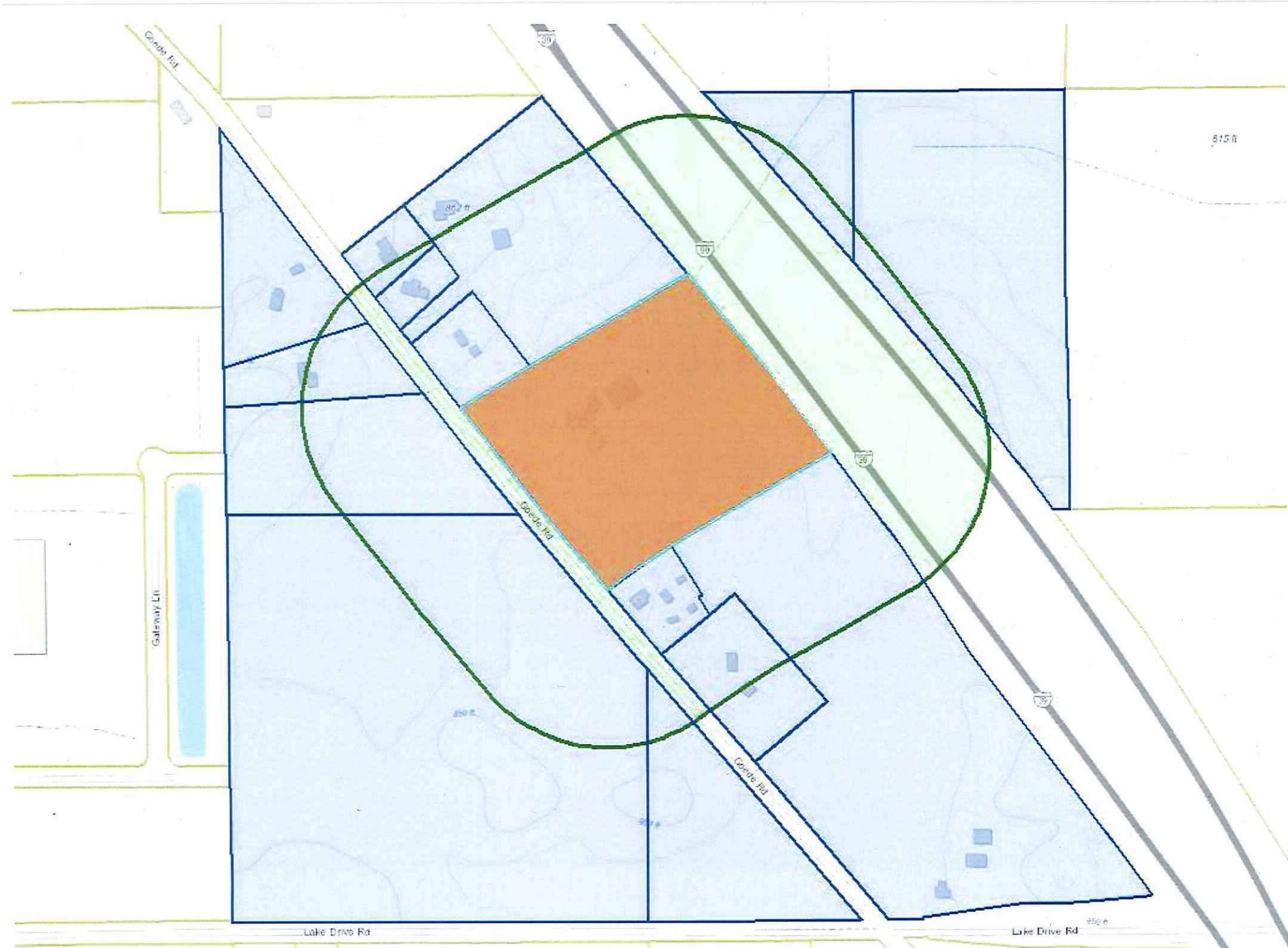
EASTMAN HUNTING CLUB INC  
411 WINDWOOD CIR  
EDGERTON, WI 53534

EASTMAN HUNTING CLUB INC  
411 WINDWOOD CIR  
EDGERTON, WI 53534

ROBERT JOSEPH HICKS  
354 LAKE DRIVE RD  
EDGERTON, WI 53534

KIENBAUM TR, WILLIAM D  
KIENBAUM TR, DAVID  
427 LAKE DR  
EDGERTON, WI 53534





Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap



