

# Dane County Rezone Petition

<b>Application Date</b>	<b>Petition Number</b>
02/18/2021	DCPREZ-2021-11681
<b>Public Hearing Date</b>	
04/27/2021	

<b>OWNER INFORMATION</b>	<b>AGENT INFORMATION</b>
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OWNER NAME KING REV TR, DOUGLAS B & MARJORIE A	PHONE (with Area Code) (608) 832-6455	AGENT NAME <input type="checkbox"/>	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 991 PERRY CENTER RD		ADDRESS (Number & Street) <input type="checkbox"/>	
(City, State, Zip) MT HOREB, WI 53572-3206		(City, State, Zip)	
E-MAIL ADDRESS DOUGMARGIE@TDS.NET		E-MAIL ADDRESS	


<b>ADDRESS/LOCATION 1</b>	<b>ADDRESS/LOCATION 2</b>	<b>ADDRESS/LOCATION 3</b>
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ADDRESS OR LOCATION OF REZONE	ADDRESS OR LOCATION OF REZONE	ADDRESS OR LOCATION OF REZONE
JUST NORTH OF 991 PERRY CENTER ROAD		
TOWNSHIP PERRY	SECTION 15	TOWNSHIP SECTION
<b>PARCEL NUMBERS INVOLVED</b>	<b>PARCEL NUMBERS INVOLVED</b>	<b>PARCEL NUMBERS INVOLVED</b>
0506-151-9500-3		


### REASON FOR REZONE

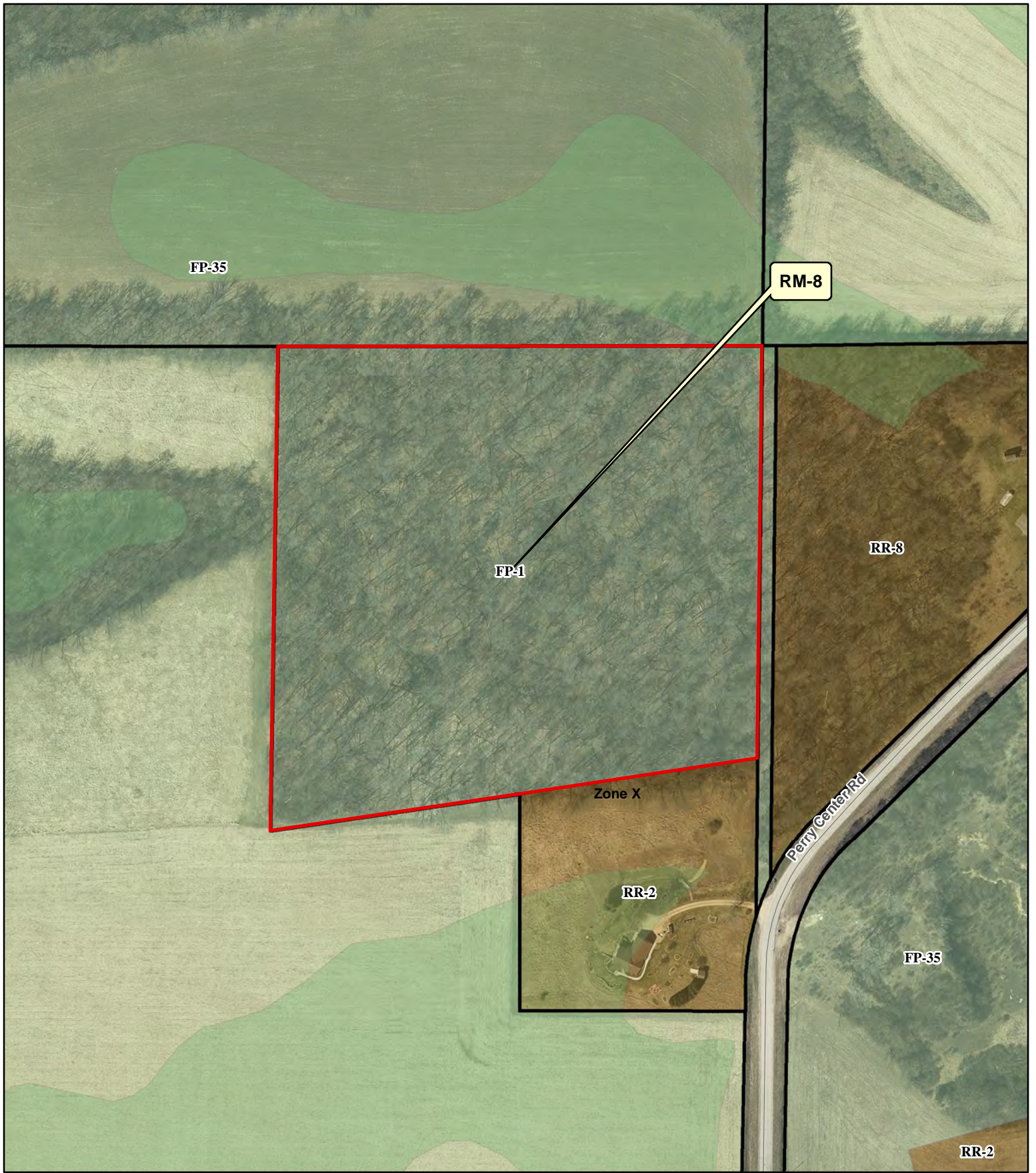
CREATING ONE RESIDENTIAL LOT

FROM DISTRICT:	TO DISTRICT:	ACRES
FP-1 Farmland Preservation District	RM-8 Rural Mixed-Use District	12





C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	INSPECTOR'S INITIALS  PMK2	SIGNATURE:(Owner or Agent) 
Applicant Initials _____	Applicant Initials _____	Applicant Initials _____		PRINT NAME:  Douglas King

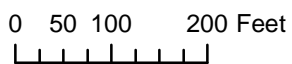
COMMENTS: CREATING ONE RESIDENTIAL LOT.

DATE:  
 February 18, 2021



**Legend**

- |   |   |
|---|---|
|  Wetland    | <b>Significant Soils</b>  |
|  Floodplain |  Class 1 |
|   |  Class 2 |



Petition 11681  
 KING REV TR, DOUGLAS  
 B & MARJORIE A



**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> <li>• PERMIT FEES DOUBLE FOR VIOLATIONS.</li> <li>• ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.</li> </ul>	

## REZONE APPLICATION

### APPLICANT INFORMATION

Property Owner Name:	Douglas and Marjorie King	Agent Name:	
Address (Number & Street):	991 Perry Center Road	Address (Number & Street):	
Address (City, State, Zip):	Mount Horeb WI 53572	Address (City, State, Zip):	
Email Address:	dougmargin@tds.net	Email Address:	
Phone#:	(608)8326455	Phone#:	

### PROPERTY INFORMATION

Township:	Perry	Parcel Number(s):	044/0506-151-9500-3
Section:	15	Property Address or Location:	North of and contiguous to 991 Perry Center Road.

### REZONE DESCRIPTION

**Reason for the request.** In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.

**Is this application being submitted to correct a violation?**  
 Yes  No

The Town Land Use Committee and Town Board approved a density unit on the parcel after a Density Unit Study was completed. At that time, the parcel was zoned A-1 EX. Then the Town adopted the new Dane County Zoning Ordinance. The new Ordinance reclassified the parcel to FP-1. But the FP-1 classification does not recognize density units. To solve the problem, Dane County Zoning staff recommended doing a Parcel Status Determination Study and then rezoning the parcel to RM-8. The parcel status determination study was completed and determined that the parcel was created prior to Dane County requiring Certified Survey Maps for newly created parcels less than 15 acres and is therefore a grandfathered legal parcel of record eligible for rezoning to RM-8.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
FP-1	RM-8	12

**Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.**

<input checked="" type="checkbox"/> Scaled drawing of proposed property boundaries	<input checked="" type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable)	<input checked="" type="checkbox"/> Pre-application consultation with town and department staff	<input checked="" type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to the Dane County Treasurer
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I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature \_\_\_\_\_

Date 2-14-2021

# WARRANTY DEED



8 5 9 4 6 7 2  
Tx:8478349

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
**5014639**

08/08/2013 11:49 AM  
Trans. Fee: 91.50  
Exempt #:  
Rec. Fee: 30.00  
Pages: 2

Name and Return Address:  
DOUGLAS & MARJORIE KING  
991 PERRY CENTER ROAD  
MOUNT HOREB, WI 53572-3206

044/0506-151-9500-3  
Parcel Identification Number

THIS DEED, made between

Herbert C. Swingen and Marlene Swingen, husband and wife,  
("Grantor," whether one or more),

and:

Douglas King and Marjorie King,  
("Grantee," whether one or more).

Grantor for a valuable consideration, conveys and warrants to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Dane County, State of Wisconsin ("Property"):

**Legal Description:**

Part of the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 5 North, Range 6 East, in the Town of Perry, Dane County, Wisconsin, described as follows: Commencing at a point nine chains and eighty-two links South of the Northeast corner thereof; thence North to the Northeast corner thereof; thence West eleven chains and forty-four links; thence South eleven chains and twenty-six links; thence North seventy-four degrees East, eleven chains and forty-seven links to the place of beginning.

This conveyance is subject to the restrictions set forth on Exhibit A attached hereto and incorporated herein by reference.

This is not homestead property.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, general taxes levied in the year of closing.

Dated 7/30/2013.

Herbert C. Swingen  
Herbert C. Swingen

### AUTHENTICATION

Marlene Swingen  
Marlene Swingen

### ACKNOWLEDGEMENT

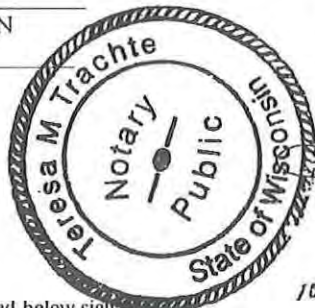
Signature(s) Herbert C. Swingen and Marlene Swingen, husband and wife authenticated on \_\_\_\_\_.

State of Wisconsin )  
) ss.  
County of Dane )

Personally came before me on July 30, 2013, the above named Herbert C. Swingen and Marlene Swingen \_\_\_\_\_, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

\*  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by Wis. Stat. 706.06)

THIS INSTRUMENT DRAFTED BY:  
Atty. Peter Zarov  
Zarov Law  
3 Point Place  
Madison, WI 53719



Teresa M. Trachte  
\* Teresa M. Trachte  
Notary Public, State of Wisconsin  
My Commission (is permanent) (expires: \_\_\_\_\_)

10 - 18 - 15 )

File No. C2013070972

30.50  
91.50

\* Names of persons signing in any capacity must be printed below signature

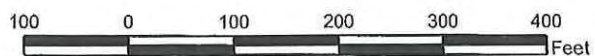
# Conservation Plan Map EQIP-FY17

Legal Description: T5N R6E Sec 15  
Town of Perry  
Farm 21945 Tract 18371

Field Office: MADISON SERVICE CENTER  
Agency: USDA Natural Resources Conservation Service  
Assisted By: PATTIE HAACK



Date: 7/21/2016



**DOUGLAS AND MARJORIE KING**  
**REZONING APPLICATION PARCEL 044/0506-151-9500-3**

**DOCUMENTATION OF CONSULTATION WITH  
TOWN OF PERRY CLERK, DEPUTY CLERK, SECRETARY OF TOWN LAND USE COMMITTEE**

From: "sszwettler@tds.net" <sszwettler@tds.net>  
Date: Friday, February 12, 2021 at 8:35 AM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

Yes, that would good to do - they take about 6 months to process rezones. And that way when you come to Perry, you can also include any application paperwork you have submitted to DC.

Stay warm and have a great weekend!  
Steph

From: "Madison Group Consultants & Marjorie King Studio" <dougmargin@tds.net>  
To: sszwettler@tds.net  
Sent: Thursday, February 11, 2021 9:16:34 PM  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

No worries. Glad you found them. So at this point we're good to go until Spring, right?

BTW Dan Everson at DCZ confirmed I can send in the rezone application anytime at this point. Think you said that would be OK even if I did that ahead of the Land Use Committee meeting? Or should I maybe wait until after that?

Thanks for your excellent hand holding. :-)

Doug

From: <sszwettler@tds.net>  
Date: Thursday, February 11, 2021 at 8:24 PM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

My apologies! I found the soil maps in your folder! You HAD sent them - they look great :-)

Thanks, Doug  
Steph

On Feb 11, 2021 7:34 PM, Madison Group Consultants & Marjorie King Studio <dougmargin@tds.net> wrote:

Hi Steph,

Great! Yes, the building location is current.

Yes, let's wait on the site view meeting until a nice Spring day! Leaves off. No snow. No bugs. :-)

As far as the soils map, it was among the set of documents I provided to the Committee before — which I don't expect you to remember! :-)

Attached is a combo-PDF of everything I sent in. The soils are on PDFs 5,6,7 & 8. Do those look OK?

Thanks,  
Doug

From: "sszwettler@tds.net" <sszwettler@tds.net>  
Date: Thursday, February 11, 2021 at 6:18 PM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

Hi Doug,

The application looks good - and yes, the building location you indicated on your previous map will work as long as that's current.

Oh, and another exhibit you should include is a soil map with an overlay of your building site and driveway on it. (it's to make sure they're not on "choice" soil) Let me know if you need help getting one printed - they're available on Access Dane.

I'm presuming you would like to wait until some of the snow goes away before scheduling a site view/meeting, right?

Let me know if you have any questions!  
Steph

From: "Madison Group Consultants & Marjorie King Studio" <dougmargin@tds.net>  
To: ssszwettler@tds.net  
Sent: Thursday, February 11, 2021 3:28:10 PM  
Subject: Douglas and Marjorie King Parcel Rezoning Application

Hi Steph,

P.S. You suggested to just note the location of the building site on the 12 acres to be rezoned to RM-8. It would be inside the red box shown on the previously submitted aerial photo. Does that work? If not, then I could put a little icon inside the box showing "exactly" where. But I didn't do that because I'm actually not sure to that level or precision right now. I just know it would be inside the box. Think that's OK?

Thanks,  
Doug

From: The Madison Group Consultants <dougmargin@tds.net>  
Date: Wednesday, February 10, 2021 at 12:31 PM  
To: "sszwettler@tds.net" <sszwettler@tds.net>  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

Hi Steph,

See updated (again) application attached. How does this one look?

If OK, please use this one.

Thanks! :-)

Doug

From: "sszwettler@tds.net" <sszwettler@tds.net>  
Date: Wednesday, February 10, 2021 at 11:22 AM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

Sounds great! Thank you :-)

From: "Madison Group Consultants & Marjorie King Studio" <dougmargin@tds.net>  
To: ssszwettler@tds.net  
Sent: Tuesday, February 9, 2021 3:48:56 PM  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

Hi Steph,

I never had a reason to pay attention to how this stuff works until now so I really appreciate your coaching!! :-)

I thought I needed to create a building site with separate boundaries around a residential building site. But it makes sense that the whole 12 acres would be RM-8 which would allow a residential building anywhere on the 12 acres so why create a separate building site? GREAT IDEA!!!! THANKS!! I will change the application.

I also thought it would be more efficient to get approval for an accessory building and garage all at the same time. But OOOOOHHHHHHHHH, I did not know the house would have to be built first. I have no idea where the best places would be an accessory building or garage anyway, so I will drop that from the application.

I'll send you an updated application (again).

THANK YOU!!!!!!!!!!!! :-)

Doug

From: "sszwettler@tds.net" <sszwettler@tds.net>  
Date: Tuesday, February 9, 2021 at 8:44 AM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Subject: Re: Douglas and Marjorie King Parcel Rezoning Application

Hi Doug,

Thanks for the updated application. Quick question - if you're rezoning the entire 12 acres to RM-8 (which will allow you a building site because it's residential zoning), why indicate Land Division of 2 acres? This would involve hiring a surveyor to create a new parcel, presumably to be zoned to RR-2... is that your intent? If not, you don't need to indicate Land Division, just identify on your map where the building site will be on the 12 acres.

And you've also indicated accessory building and detached garage - that's fine if you're wanting approval for everything all at once. Be sure to show the locations for them on your site plan. Just remember the house has to be built first. DC won't approve an accessory building or garage unless there's a house there already.

Let me know if you have any questions!

Steph

From: "Madison Group Consultants & Marjorie King Studio" <dougmargin@tds.net>  
To: sszwettler@tds.net  
Cc: "Mary Price" <mlprice@mhtc.net>  
Sent: Sunday, February 7, 2021 1:09:25 AM  
Subject: Douglas and Marjorie King Parcel Rezoning Application

Hi Steph,

OK, I think I've properly updated the Town application form for resubmittal to Land Use Committee. Could you take a look and see if any problems?

I also attached Dane County Zoning's parcel status determination approval letter in case you want to add it to the set of documents previously submitted.

No rush. Hey it's Superbowl weekend. The TB meeting is coming up. So is the election. You probably already have your hands full. And besides, don't know about you but it will be another two days waiting out the cold and wind drifts before we get the snow off our driveway so there's that too!

Whenever is fine. Just let me know you got this. The email gremlins have been busy.

Thanks,  
Doug

From: The Madison Group Consultants <dougmargin@tds.net>  
Date: Friday, February 5, 2021 at 5:16 PM  
To: "sszwettler@tds.net" <sszwettler@tds.net>  
Cc: Mary Price <mlprice@mhtc.net>  
Subject: Re: Douglas King Parcel Rezoning Application

Hi Steph,

Thanks for following everything! I was kind of dreading trying to explain all that happened since you first directed me to Pat Klinkner, and then it went to Roger Lane, and then to Brian Standing, and then to Dan Everson! But the good news is it all turned out OK thank goodness.

Also thanks for pointing me to what to do next in your message.

OK, I will update the application to Land Use to say rezone 12 acres to RM-8. And yes, let's do the building site and driveway approval process at the same time. Guess the site visit will have to wait many months yet huh? We are marooned in snowdrifts over here!!!!



Glad we waited on the site review, so I don't need to pay another \$550 again. Think that was your idea, which was obviously a VERY GOOD ONE. :-)

Although I see the parcel determination was \$100 and the rezone application is going to be \$350 and then Dan Everson says they will be hearing from my "surveyor" (I don't have one) - even though the parcel has a recorded meets and bounds description on it now and a survey will cost me \$2,500 so I guess that will be another issue unless a certified survey is required by law on top of the meets and bounds. Do you know?

I'll update Town application form. Do you need copies of all the other stuff, or do you still have it?

I'll bet I know the answer. You (and Mary) are like bank vaults. :-)

Thanks!  
Doug

From: "sszwettler@tds.net" <sszwettler@tds.net>  
Date: Friday, February 5, 2021 at 3:13 PM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Cc: Mary Price <mlprice@mhtc.net>  
Subject: Re: Douglas King Parcel Rezoning Application

Hi Doug,

I think you'll need to come back to Land Use for the rezone. You can certainly submit your application to DCZ at the same time though.

Your visit in 2019 was ultimately a meeting to determine the density unit calculation. And you've already paid \$550, but since there was no site view you don't need to send any more. I think you should update your application to say that you would like to rezone 12 acres to RM-8. Right now your application says 2 acres to Conservancy/NR-C with an accessory building... so updating it would be good. Then if any of the exhibits need amending you can change them - but I'll need to send committee members new packets because I'm sure they didn't keep them!

Are you also wanting approval for a building site and driveway at the same time? If so, you'll want to indicate that on the application.

I'm glad you've gotten direction from Dane County - I've been following everything :-)

Let me know if you have any questions,  
Steph

From: "Madison Group Consultants & Marjorie King Studio" <dougmargin@tds.net>  
To: "Mary Price" <mlprice@mhtc.net>, "Stephanie Zwettler" <sszwettler@tds.net>  
Sent: Friday, February 5, 2021 2:51:23 PM  
Subject: Douglas King Parcel Rezoning Application

Dan Everson at DCZ completed the parcel status determination and approved it and says my next step is to send in a rezoning application to Roger Lane.

The rezoning application says I need to submit proof of "pre-application consultation with the Town." SEE ATTACHED

So does the building site application I sent to the Land Use Committee that they previously reviewed constitute the pre-application consultation?

If yes, what document do I use as the proof to DCZ?

If no, then I assume a notice of intent to rezone the parcel has to go back to the Land Use Committee?

Just point me and I will follow the bouncing ball. :-)

Thanks, :-)  
Doug

From: "Everson, Daniel" <Everson.daniel@countyofdane.com>  
Date: Friday, February 5, 2021 at 2:09 PM  
To: The Madison Group Consultants <dougmargin@tds.net>

Cc: "Lane, Roger" <lane.roger@countyofdane.com>, "Standing, Brian" <Standing@countyofdane.com>  
Subject: RE: Douglas King Parcel Status Determination

Yes, the rezone petition application is your next step. The application and the supporting materials may be submitted to Roger Lane at any time or when you are ready by you or your surveyor. Roger will confirm that everything is complete and you can submit the application to the township for their review process.

Thank you,

Dan Everson  
Assistant Zoning Administrator  
608.267.1541  
[everson.daniel@countyofdane.com](mailto:everson.daniel@countyofdane.com)

From: Madison Group Consultants & Marjorie King Studio <dougmargin@tds.net>  
Sent: Friday, February 5, 2021 2:04 PM  
To: Everson, Daniel <Everson.daniel@countyofdane.com>  
Cc: Lane, Roger <lane.roger@countyofdane.com>; Standing, Brian <Standing@countyofdane.com>; Klinkner, Patrick <klinkner.patrick@countyofdane.com>; Mary Price <mlprice@mhtc.net>; Stephanie Zwettler <sszwettler@tds.net>  
Subject: Re: Douglas King Parcel Status Determination

Dan Everson, Assistant Zoning Administrator  
Dane County Planning and Development  
Hi Dan,

Thank you for the quick turnaround on the parcel status determination. Great! Very good news.

Brian Standing has advised me that after the parcel status determination was successfully completed, then I should submit a rezoning application to change the zoning on all 12 acres from FP-1 (previously A-1 EX) to RM-8, (not SFR).

Do I need to submit the application to the Town of Perry for review first before submitting it to Dane County? If not, I will submit it directly to Dane County.

Please let me know. Just want to make sure I'm doing everything the right way.

Thanks for the hand holding. :-)

Doug King

Dr. Douglas King  
The Madison Group Consultants LLC  
A Private Practice In The Public Interest  
<http://www.madisongroup.us>  
Home: [dougmargin@tds.net](mailto:dougmargin@tds.net)  
Office: [douglasking@madisongroup.us](mailto:douglasking@madisongroup.us)  
991 Perry Center Road  
Mt. Horeb, Wisconsin 53572 USA  
608-832-6455

From: "Everson, Daniel" <Everson.daniel@countyofdane.com>  
Date: Friday, February 5, 2021 at 10:42 AM  
To: The Madison Group Consultants <dougmargin@tds.net>  
Cc: "Town of Perry (mlprice@mhtc.net)" <mlprice@mhtc.net>, "Lane, Roger" <lane.roger@countyofdane.com>, "Standing, Brian" <Standing@countyofdane.com>  
Subject: Parcel Status Determination

Please see the attached letter that confirms that the 12 acre parcel is a legal parcel of record.

Thank you,

Dan Everson  
Assistant Zoning Administrator  
608.267.1541  
[everson.daniel@countyofdane.com](mailto:everson.daniel@countyofdane.com)

From: The Madison Group Consultants <dougmargin@tds.net>  
Date: Monday, February 1, 2021 at 8:03 PM  
To: "Standing, Brian" <Standing@countyofdane.com>  
Cc: "Lane, Roger" <lane.roger@countyofdane.com>, "Klinkner, Patrick" <klinkner.patrick@countyofdane.com>, "Mary L. Price" <mlprice@mhtc.net>, Stephanie Zwettler <sszwettler@tds.net>  
Subject: Re: Help Solve Zoning Issue

Brian Standing, Senior Planner  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

Hello Brian,

Thank you for your explanation. It helps ALOT! :-)

OK, I think I understand. But just to summarize and also to clarify this for myself, here is what I need to do, right?

- (1) Submit a request for a parcel status determination to be performed on the property by Dane County to determine if the parcel qualifies for a building site under the town/county plan. (The Town of Perry has already conducted and approved a Density Unit Calculation on the property.)
- (2) Submit a rezoning application to change the zoning on all 12 acres from FP-1 (previously A-1 EX) to RM-8, and not to SFR.
- (3) The RM-8 would allow for continuation of the forestry use and would likely be more compatible with the Forest Management Program.
- (4) After rezoning, then the Town of Perry Land Use Committee can complete the pending building site review (the application review is already complete) without any issues related to zoning.
- (5) Under Wisconsin's Use-Value Assessment law, the property would be assessed in the future based on the actual use on the ground, not the theoretical maximum the zoning would allow.

If this all sounds good, I will submit the request for a parcel status determination to Dane County. If not, or if there is anything else, please let me know.

Again, thank you for your help,

Doug King

Dr. Douglas King  
The Madison Group Consultants LLC  
A Private Practice In The Public Interest  
<http://www.madisongroup.us>  
Home: [dougmargin@tds.net](mailto:dougmargin@tds.net)  
Office: [douglasking@madisongroup.us](mailto:douglasking@madisongroup.us)  
991 Perry Center Road  
Mt. Horeb, Wisconsin 53572 USA  
608-832-6455

From: "Standing, Brian" <Standing@countyofdane.com>  
Date: Monday, February 1, 2021 at 4:02 PM  
To: The Madison Group Consultants <dougmargin@tds.net>, "Lane, Roger" <lane.roger@countyofdane.com>  
Cc: "Klinkner, Patrick" <klinkner.patrick@countyofdane.com>, "mlprice@mhtc.net" <mlprice@mhtc.net>, "Stephanie Zwettler" <sszwettler@tds.net>  
Subject: RE: Help Solve Zoning Issue

Hi, all.

Sorry to get to this late. Just to clarify: zoning all 12 acres to "Single-Family Residential" (SFR) zoning would not be supported by the *Town of Perry / Dane County Comprehensive Plan*, due to residential density caps in effect for Farmland Preservation Areas. If the parcel determination indicates the parcel qualifies for a building site under the town/county plan, and if the parcel remains at 12 acres, RM-8 zoning would be more

appropriate. This would also allow for continuation of the forestry use and would likely be more compatible with the Forest Management Program.

To create a smaller rural residential lot and keep the balance of the property in FP-1 zoning, you would need to record a 3-lot Certified Survey Map that:

- Reconfigured CSM 7395, Lot 1 to provide a total of at least 132 feet of road frontage (one for each of the two new lots);
- Created a new lot of 2-5 acres for the home, and
- Created a new lot of 10 – 7 acres that could remain in FP-1 zoning.

Under Wisconsin's Use-Value Assessment law, property should be assessed based on the actual use on the ground, not the theoretical maximum the zoning would allow.

Hope this helps.

Brian Standing  
Senior Planner  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

From: "Lane, Roger" <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
Date: Monday, February 1, 2021 at 3:25 PM  
To: The Madison Group Consultants <[dougmargin@tds.net](mailto:dougmargin@tds.net)>  
Cc: "Mary L. Price" <[mlprice@mhtc.net](mailto:mlprice@mhtc.net)>, "[sszwettler@tds.net](mailto:sszwettler@tds.net)" <[sszwettler@tds.net](mailto:sszwettler@tds.net)>, "Standing, Brian" <[Standing@countyofdane.com](mailto:Standing@countyofdane.com)>  
Subject: RE: Help Solve Zoning Issue

Talk with the DNR regarding Managed Forest Law Program prior to submitting a rezoning application.

Roger Lane  
Dane County Zoning Administrator

From: Madison Group Consultants & Marjorie King Studio <[dougmargin@tds.net](mailto:dougmargin@tds.net)>  
Sent: Monday, February 1, 2021 1:40 PM  
To: Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
Cc: Mary L. Price <[mlprice@mhtc.net](mailto:mlprice@mhtc.net)>; [sszwettler@tds.net](mailto:sszwettler@tds.net); Standing, Brian <[Standing@countyofdane.com](mailto:Standing@countyofdane.com)>  
Subject: Help Solve Zoning Issue

Hello Roger,

Our Town Clerk Mary Price kindly corrected my misunderstanding of rezoning by telling me that assessed value is based on land use not zoning, so if the entire 12-acre property were rezoned to residential we would not have to pay residential property taxes on it. I was happy to hear that.

However, what is your advice about the NRCS Forest Management Plan practices paid for by Dept. of Ag? It would be a shame to end invasive species control practices and payments on the parcel just because it was zoned residential. We will take that up with Dept. of Ag who previously told us the property cannot be residential to be in the program. For example, they will not cross from the 12-acre parcel onto our current 3-acre parcel where we live to remove brush because it is zoned residential. Any suggestions?

Thanks,  
Doug King

From: Madison Group Consultants & Marjorie King Studio <[dougmargin@tds.net](mailto:dougmargin@tds.net)>  
Sent: Monday, February 1, 2021 1:19 PM  
To: Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
Cc: Klinkner, Patrick <[klinkner.patrick@countyofdane.com](mailto:klinkner.patrick@countyofdane.com)>; [mlprice@mhtc.net](mailto:mlprice@mhtc.net); [sszwettler@tds.net](mailto:sszwettler@tds.net); Standing, Brian <[Standing@countyofdane.com](mailto:Standing@countyofdane.com)>  
Subject: Re: Help Solve Zoning Issue

Hello Roger,

If the entire 12-acre property were rezoned to residential, then wouldn't we be paying residential property taxes on 12 acres, even though we only created a 3-acre residential building site? That makes no sense to me.

The 12 acres is also currently enrolled in the NRCS Forest Management program and we have a Certified Forest Management Plan on it for which we are receiving Dept. of Agriculture grant assistance for forest management practices that are conducted annually, such as invasive brush management. Why would we want to discontinue a land management practice to control Wisconsin invasive species by reclassifying a native woodland into a residential property? That makes no sense to me either.

Could you please explain further?

Thank you,

Doug King

Dr. Douglas King  
The Madison Group Consultants LLC  
A Private Practice In The Public Interest  
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991 Perry Center Road  
Mt. Horeb, Wisconsin 53572 USA  
608-832-6455

From: "Lane, Roger" <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
Date: Monday, February 1, 2021 at 11:50 AM  
To: The Madison Group Consultants <[dougmargin@tds.net](mailto:dougmargin@tds.net)>  
Subject: RE: Help Solve Zoning Issue

It would not change the process. The entire 12-acre property would need to be rezoned to residential.

Roger Lane  
Dane County Zoning Administrator

From: Madison Group Consultants & Marjorie King Studio <[dougmargin@tds.net](mailto:dougmargin@tds.net)>  
Sent: Thursday, January 28, 2021 4:21 PM  
To: Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
Cc: Klinkner, Patrick <[klinkner.patrick@countyofdane.com](mailto:klinkner.patrick@countyofdane.com)>; [mprice@mhtc.net](mailto:mprice@mhtc.net); [sszwettler@tds.net](mailto:sszwettler@tds.net); Standing, Brian <[Standing@countyofdane.com](mailto:Standing@countyofdane.com)>  
Subject: Re: Help Solve Zoning Issue

Hello Roger,

Thank you for your advice. Before sending in a Parcel Status Determination Form, perhaps I should clarify one thing in case that might affect what you are suggesting that I should do.

I failed to mention that I asked the Town of Perry Land Use Committee to approve a 3-acre residential building site that is inside the 12-acre property formerly zoned A1-EX now zoned FP-1.

Please let me know if that changes your advice or if I should proceed as you suggested.

Thanks for the help,

Doug King

From: "Lane, Roger" <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>  
Date: Thursday, January 28, 2021 at 11:32 AM  
To: The Madison Group Consultants <[dougmargin@tds.net](mailto:dougmargin@tds.net)>  
Cc: "Klinkner, Patrick" <[klinkner.patrick@countyofdane.com](mailto:klinkner.patrick@countyofdane.com)>; "[mprice@mhtc.net](mailto:mprice@mhtc.net)" <[mprice@mhtc.net](mailto:mprice@mhtc.net)>; "[sszwettler@tds.net](mailto:sszwettler@tds.net)" <[sszwettler@tds.net](mailto:sszwettler@tds.net)>; "Standing, Brian" <[Standing@countyofdane.com](mailto:Standing@countyofdane.com)>  
Subject: RE: Help Solve Zoning Issue

Dear Mr. King,

The property in question is approximately 12 acres in size. When the new zoning ordinance was adopted by the Town of Perry in May 2019, the property was assigned the zoning district classification of FP-1 Farmland Preservation. It was assigned this classification due to the property being 12 acres in size and described as a metes and bounds description. I was not easily known of the origin of the property or if it was created in ordinance with the historic land division regulations.

In order for the property to be used for the construction of a single-family residence, the property will need to be rezoned to a residential zoning district. During the rezoning review process, a determination will need to be made whether or not the property was legally created in accordance with the historic land division regulations. In addition, the rezoning will need to meet the development policies found within the Town of Perry Comprehensive Plan.

Before submitting a rezoning application to change the zoning, I would suggest having a parcel status determination performed on the property to determine when the property was created and if it was in accordance with historic land division regulations. See attached application.

The property will need to meet the Town of Perry Comprehensive Plan policies as well. Please contact Senior Planner Brian Standing at 608-267-4115 do discuss the policies.

Regards,

Roger Lane  
Dane County Zoning Administrator

From: Madison Group Consultants & Marjorie King Studio <dougmargin@tds.net>  
Sent: Tuesday, January 26, 2021 8:56 PM  
To: Lane, Roger <lane.roger@countyofdane.com>  
Cc: Klinkner, Patrick <klinkner.patrick@countyofdane.com>; mlprice@mhtc.net; sszwettler@tds.net  
Subject: Re: Help Solve Zoning Issue

January 26, 2021

Roger Lane, Dane County Zoning Administrator  
Dane County Planning and Development  
Phone 266-9087  
[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)

Hello Roger,

I am writing to you at the suggestion of our Town of Perry's Land Use Committee to confirm that the committee can complete the site review and approval of a building site on a parcel my wife and I own in the Town of Perry without issue regarding the new Dane County Zoning Ordinance.

The reason for the request for confirmation is as follows.

My wife and I live in the Town of Perry. We live on a 3-acre residential parcel with a contiguous 12-acre woodlot. The woodlot has a density unit on it. The parcel ID on Access Dane is: 0506-151-9901-8.

The density unit on the 12-acre woodlot was confirmed by a Density Unit Calculation conducted by the Town Clerk and approved by the Town of Perry Board of Supervisors. The parcel ID on Access Dane is: 0506-151-9500-3. I have attached a copy of the Density Unit Calculation approved by the Town Board for your information.

The Town's Land Use Committee reviewed the building site application materials and found them to be sufficient to complete the site review and approval process.

The Town's Land Use Committee noticed a possible problem whose solution needs your confirmation. Here is the problem:

When the Town Board approved the density unit on the 12-acre woodlot, the zoning classification on the parcel was A-1 EX. As you know, A-1 EX recognizes density units.

However, when the Town Board adopted the new Dane County Zoning Ordinance, the zoning classification on the parcel then changed from A-1 EX to FP-1. I am told that FP-1 does not recognize density units.

The Land Use Committee suggested I obtain your confirmation that the solution to this problem is that because the Town Board approved the density unit before the zoning classification was changed, the committee can complete the building site review and approval without issue.

Before contacting you, I spoke with Patrick Klinkner on the telephone about this. He was very helpful in explaining the differences between the A-1 EX classification and the FP-1 classification. But he suggested I should explain this situation to you for the purpose of what he called "informing the interpretation of the ordinance."

So now what do we do? I hope you are able to solve this problem by confirming that the Land Use Committee can complete the site review and approval without issue based upon the Town Board's prior approval of the density unit, which preceded the change in zoning classification.

Thank you for your help figuring out a solution.

Doug King

991 Perry Center Road  
Mount Horeb, Wisconsin 53572  
608-832-6455  
[dougmargin@tds.net](mailto:dougmargin@tds.net)

Cc:

Patrick Klinkner, Zoning Inspector for Town of Perry  
[Klinkner.patrick@countyofdane.com](mailto:Klinkner.patrick@countyofdane.com)

Mary Price, Clerk, Town of Perry  
[mprice@mhtc.net](mailto:mprice@mhtc.net)

Stephanie Zwettler, Deputy Clerk  
Town of Perry Land Use Committee  
[sszwettler@tds.net](mailto:sszwettler@tds.net)



Zone X

117

991

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1042

Perry Center Rd

921

921