

# Dane County Rezone & Conditional Use Permit

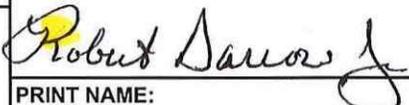
<b>Application Date</b>	<b>Petition Number</b>
03/27/2018	DCPREZ-2018-11287
<b>Public Hearing Date</b>	<b>C.U.P. Number</b>
05/22/2018	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME RBJ RIPP LLC	PHONE (with Area Code) (608) 206-4064	AGENT NAME CLEARY BUILDING CORP.	PHONE (with Area Code) (608) 575-8611
BILLING ADDRESS (Number & Street) 9537 CTH KP		ADDRESS (Number & Street) P.O. BOX 175	
(City, State, Zip) BLACK EARTH, WI 53515		(City, State, Zip) MOUNT HOREB, WI 53572	
E-MAIL ADDRESS		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	
9678 COUNTY HIGHWAY KP					
TOWNSHIP BLACK EARTH	SECTION 36	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0806-361-9000-8					

REASON FOR REZONE	CUP DESCRIPTION
REMOVE COMMERCIAL ZONING TO BRING WHOLE PARCEL INTO AGRICULTURAL ZONING.	

FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
C-2 Commercial District	A-1Ex Exclusive Ag District	.869		

<b>C.S.M REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>PLAT REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>DEED RESTRICTION REQUIRED?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	<b>INSPECTOR'S INITIALS</b>  PMK2	<b>SIGNATURE:(Owner or Agent)</b> 
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COMMENTS: REMOVE COMMERCIAL ZONING TO BRING WHOLE PARCEL INTO AGRICULTURAL ZONING.

<b>PRINT NAME:</b> ROBERT DARROW JR
<b>DATE:</b> 3/27/18

No Fee per RWL 3/26/18



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	<u>RAPHAEL RIPP</u>	Agent's Name	<u>BOB DARROW - CLEARY</u>
Address	<u>9678 Hwy KP</u>	Address	<u>P.O. Box 175 - MT. HOREB</u>
Phone	<u>BLACK EARTH, WI 53515</u>	Phone	<u>(608) - 575-8611</u>
Email	<u>CELL - 206-4064</u>	Email	

Town: Black Earth Parcel numbers affected: 0806-361-9000-8

Section: 01 Property address or location: 9678 County Highway KP

Zoning District change: (To / From / # of acres) Arlex Agricultural from C-2 (pet 7030)  
, 869

Soil classifications of area (percentages) Class I soils:     % Class II soils:     % Other:     %  
See Attached

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:

Remove defunct time business zoning to allow agricultural  
uses.

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

Date: 3/26/18

**DANE COUNTY ORDINANCE AMENDMENT NO. 7030**

Amending Section 10.03 relating to Zoning Districts in the Town of Black Earth.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Black Earth be amended to include in the C-2 Commercial District/s the following described land:

**PETITION NUMBER: 7030**

A parcel of land located in the SW 1/4 NE 1/4 of Section 36, Town of Black Earth, described as follows: Beginning at a point which is North 336.68 feet and East 2939.24 feet of the West quarter corner of said Section 36; thence N 07° 56' 50" East, 201.51 feet; thence S 83° 34' 50" East, 205.28 feet; thence S 05° 52' 06" West, 169.43 feet; thence N 83° 23' 42" West, 131.61 feet; thence S 07° 05' 00" West, 33.38 feet; thence N 82° 55' 00" West, 80.29 feet to the point of beginning.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

**DEED RESTRICTION REQUIRED**

This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

1. The only use to be allowed on the rezone area is a tire business and that the only tire business to be allowed is for Don's tire business.
2. There shall be no expansion of the existing business, including the expansion of any building used for such use and that the memorandum of understanding between the town and the applicant be recorded in the register of deeds office.

Said restriction shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. Failure to record the restrictions will cause the rezone to be null and void.

A copy of the recorded document shall be submitted to Dane County Zoning.

*Eff: - 2/25/98*

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

DEED RESTRICTION  
PAGE 1

zoning Petition 7030

DANE COUNTY  
REGISTER OF DEEDS

Doc No 2937718

1998-02-25 04:15 PM  
Trans. Fee 0.00  
Rec. Fee 18.00  
Pages 5

RETURN TO:

Raphael & Betty Ann Ripp  
9678 Hwy KP  
Black Earth WI 53515

PIN:- 03-0806-361-9000-8

RESTRICTIONS

I. WHEREAS, Raphael Ripp and Betty Ann Ripp  
is/are the owner/s of the following described land in the Town of \_\_\_\_\_  
Black Earth Dane County, Wisconsin, to-wit:

A parcel of land located in the SW 1/4 NE 1/4 of Section 36, Town of Black Earth, described as follows: Beginning at a point which is North 336.68 feet and East 2939.24 feet of the West quarter corner of said Section 36; thence N 07° 56' 50" East, 201.51 feet; thence S 83° 34' 50" East, 205.28 feet; thence S 05° 52' 06" West, 169.43 feet; thence N 83° 23' 42" West, 131.61 feet; thence S 07° 05' 00" West, 33.38 feet; thence N 82° 55' 00" West, 80.29 feet to the point of beginning.

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

III. 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

DEED RESTRICTION

PAGE 2

Following restrictions are hereby imposed:

1. The only use to be allowed on the rezone area is a tire business and that the only tire business to be allowed is for Don's tire business.
2. There shall be no expansion of the existing business, including the expansion of any building used for such use and that the memorandum of understanding between the town and the applicant be recorded in the register of deeds office.

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.

IV. 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 zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town \_\_\_\_\_ 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 300 feet of the subject site.

V. 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 Zoning & Natural 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.

**Parcel Number - 006/0806-361-9000-8**

Current

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

Parcel Detail		Less —
Municipality Name	TOWN OF BLACK EARTH	
State Municipality Code	006	
<b>Township &amp; Range</b>	<b>Section</b>	<b>Quarter/Quarter &amp; Quarter</b>
T08NR06E	36	SW of the NE
Plat Name	METES AND BOUNDS	
Block/Building		
Lot/Unit		
Parcel Description	SEC 36-8-6 SW1/4 NE1/4 <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	RBJ RIPP LLC	
Primary Address	9678 COUNTY HIGHWAY KP	
Billing Address	9537 CTH KP BLACK EARTH WI 53515	

Assessment Summary		More +
<b>Assessment Year</b>	<b>2018</b>	
Valuation Classification	G4 G5 G7	
Assessment Acres	40.200	
Land Value	\$48,800.00	
Improved Value	\$221,100.00	
Total Value	\$269,900.00	

[Show Valuation Breakout](#)

Show Assessment Contact Information ▼

**Zoning Information**

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

**Zoning**

A-1(EX)

C-2 0.87 Acres DCPREZ-0000-07030

NOTICE: Some portion of this parcel either contains or is in close proximity to sensitive environmental features (i.e. shorelands, floodplains, or wetlands), and Dane County regulations may apply. Please contact the Dane County Zoning Division at (608) 266-4266 for additional permitting information.

Zoning District Fact Sheets

**Parcel Maps**



[DCiMap](#)

[Google Map](#)

[Bing Map](#)

**Tax Summary (2017)** **More +**

[E-Statement](#)    [E-Bill](#)    [E-Receipt](#)

Assessed Land Value	Assessed Improvement Value	Total Assessed Value
\$48,800.00	\$221,100.00	\$269,900.00
<b>Taxes:</b>		\$4,467.45
<b>Lottery Credit(-):</b>		\$0.00
<b>First Dollar Credit(-):</b>		\$78.19
<b>Specials(+):</b>		\$8.67
<b>Amount:</b>		\$4,397.93

**District Information**

Type	State Code	Description
REGULAR SCHOOL	0469	WIS HEIGHTS SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE

**Recorded Documents**

Doc. Type	Date Recorded	Doc. Number	Volume	Page
QCD	12/11/2012	4941212		

Show More ▼

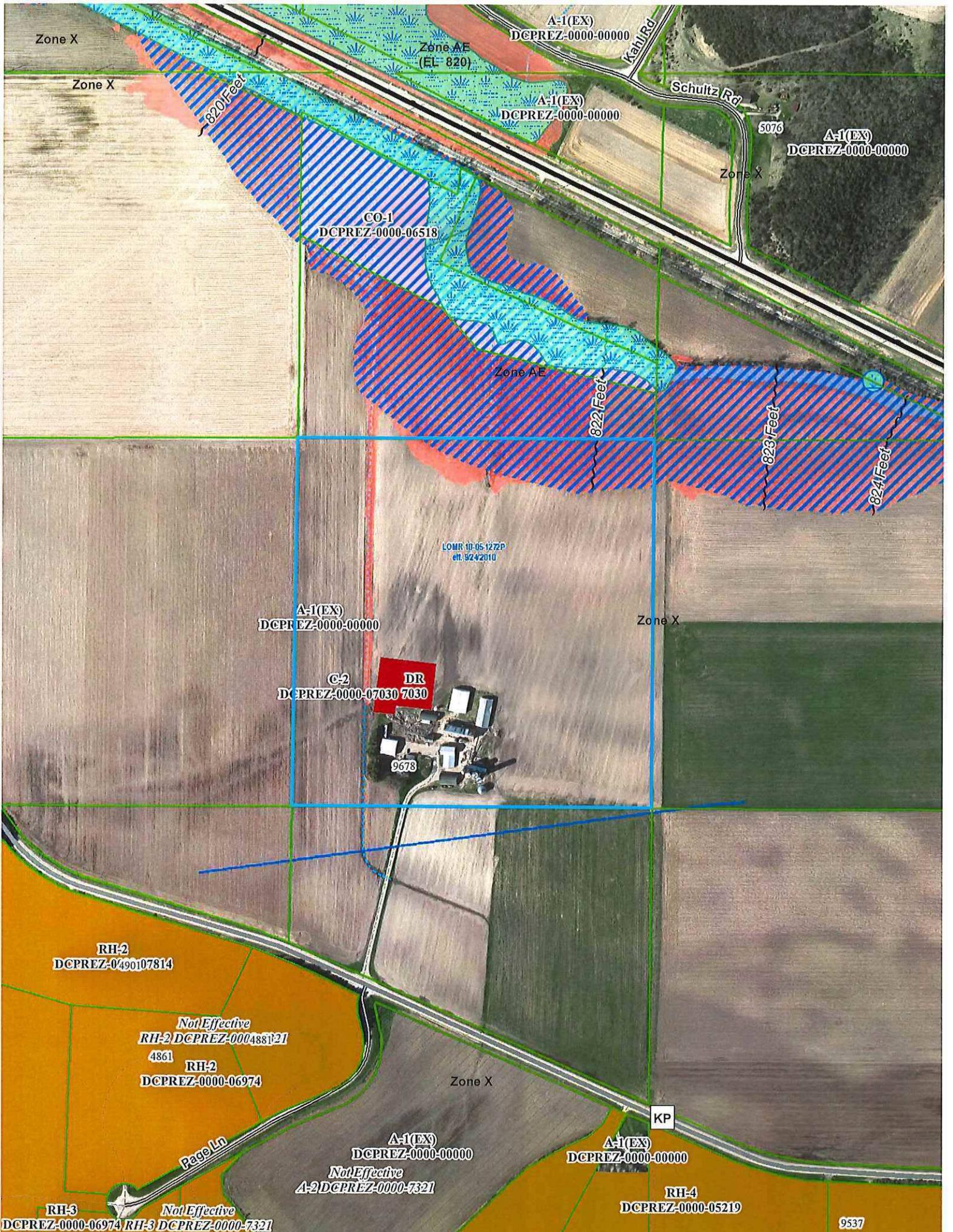


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 210 Martin Luther King Jr. Blvd  
 City-County Bldg. Room 116  
 Madison, WI 53703



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Zone X

Zone X

Zone AE  
(EL 820)

A-1(EX)  
DCPREZ-0000-00000

A-1(EX)  
DCPREZ-0000-00000

A-1(EX)  
DCPREZ-0000-00000

CO-1  
DCPREZ-0000-06518

Zone AE

A-1(EX)  
DCPREZ-0000-00000

Zone X

C-2  
DCPREZ-0000-07030

**DR**

9678

LOMR 10-05-12ZP  
eff. 9-24-2010

RH-2  
DCPREZ-0490107814

*Not Effective*  
RH-2 DCPREZ-000488121  
4861

RH-2  
DCPREZ-0000-06974

Zone X

A-1(EX)  
DCPREZ-0000-00000

*Not Effective*  
A-2 DCPREZ-0000-7321

A-1(EX)  
DCPREZ-0000-00000

RH-4  
DCPREZ-0000-05219

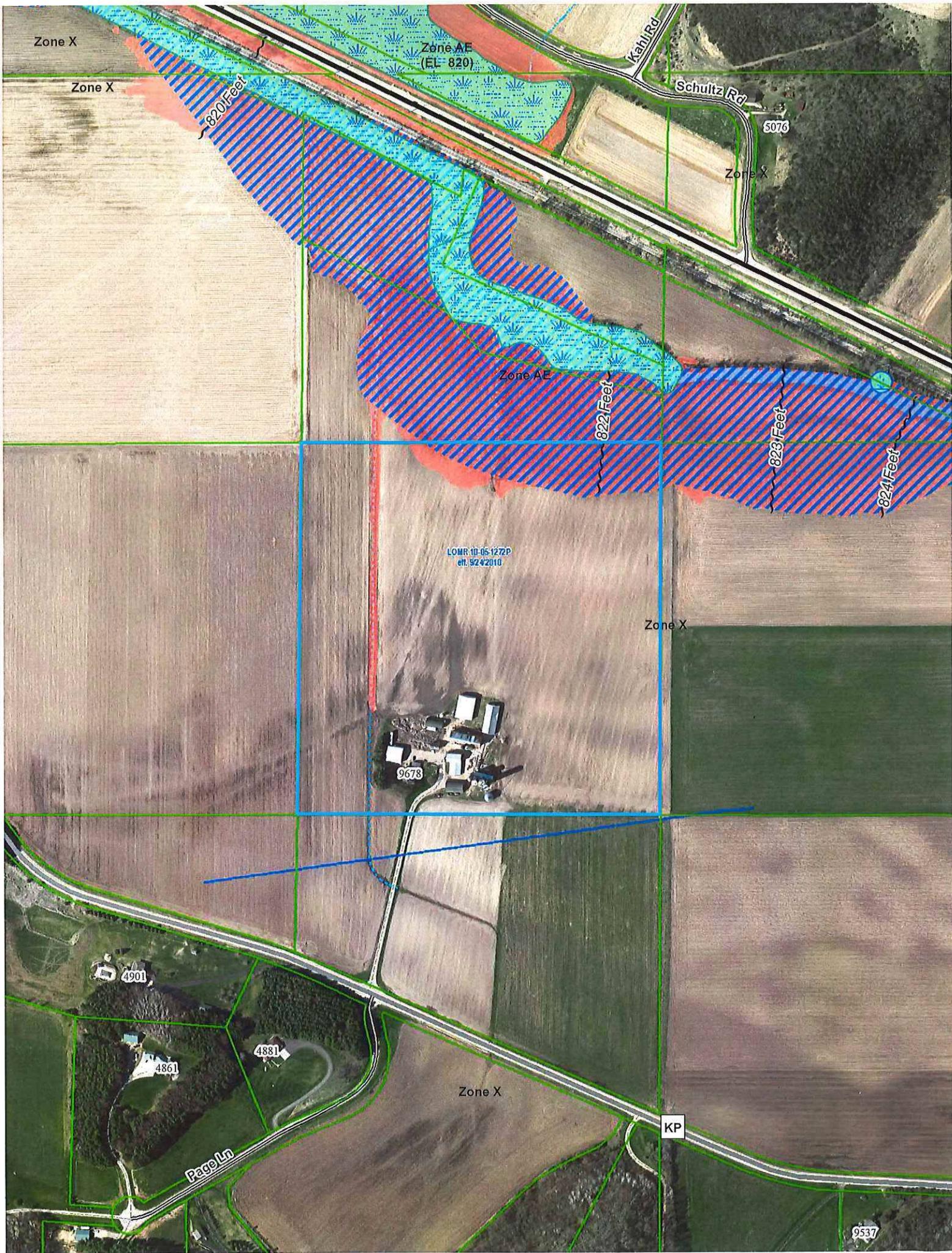
RH-3  
DCPREZ-0000-06974

*Not Effective*  
RH-3 DCPREZ-0000-7321

KP

9537





Zone X

Zone X

Zone AE  
(EL 820)

Kahl Rd

Schultz Rd

5076

Zone X

Zone AE

820 Feet

822 Feet

823 Feet

824 Feet

LOMR 10-05-1272P  
est. 9242010

Zone X

9678

4901

4861

4881

Zone X

Pace Ln

KP

9537



**Legend**

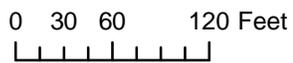
 Wetland

 Floodplain

**Significant Soils**

 Class 1

 Class 2



Petition 11287  
RBJ RIPP LLC