

# Dane County Rezone & Conditional Use Permit

<b>Application Date</b>	<b>Petition Number</b>
03/25/2020	DCPREZ-2020-11559
<b>Public Hearing Date</b>	<b>C.U.P. Number</b>
06/23/2020	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME ALEXANDER C MCKENZIE	PHONE (with Area Code) (608) 848-0111	AGENT NAME D'ONOFRIO KOTTKE & ASSOCIATES	PHONE (with Area Code) (608) 833-7530
BILLING ADDRESS (Number & Street) 9808 GREENWALD RD		ADDRESS (Number & Street) 7530 WESTWARD WAY	
(City, State, Zip) MT HOREB, WI 53572		(City, State, Zip) Madison, WI 53717	
E-MAIL ADDRESS alex@trmckenzie.com		E-MAIL ADDRESS rklaas@donofrio.cc	

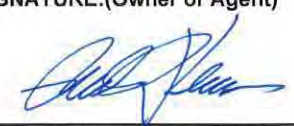
ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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<b>ADDRESS OR LOCATION OF REZONE/CUP</b>		<b>ADDRESS OR LOCATION OF REZONE/CUP</b>		<b>ADDRESS OR LOCATION OF REZONE/CUP</b>	
1000 feet SW of 9812 Greenwald Road					
TOWNSHIP VERMONT	SECTION 26	TOWNSHIP	SECTION	TOWNSHIP	SECTION
<b>PARCEL NUMBERS INVOLVED</b>		<b>PARCEL NUMBERS INVOLVED</b>		<b>PARCEL NUMBERS INVOLVED</b>	
0706-261-8500-8		0706-234-9001-0			

REASON FOR REZONE	CUP DESCRIPTION
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CREATING ONE RESIDENTIAL LOT	
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<b>FROM DISTRICT:</b>	<b>TO DISTRICT:</b>	<b>ACRES</b>	<b>DANE COUNTY CODE OF ORDINANCE SECTION</b>	<b>ACRES</b>
FP-35 (General Farmland Preservation) District	RR-2 (Rural Residential, 2 to 4 acres) District	3.9		

<b>C.S.M REQUIRED?</b> <input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>INSPECTOR'S INITIALS</b>  RWL1	<b>SIGNATURE:(Owner or Agent)</b> 
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<b>PRINT NAME:</b> RONALD R. KLAAS
<b>DATE:</b> 3-25-20



**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 Area:	\$495
Commercial:	\$545

- PERMIT FEES DOUBLE FOR VIOLATIONS.
- ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.

## REZONE APPLICATION

### APPLICANT INFORMATION

Property Owner Name:	Alex and Mary Lee McKenzie	Agent Name:	D'Onofrio Kottke & Assoc. - Ron Klaas
Address (Number & Street):	9808 Lattimer Lane	Address (Number & Street):	7530 Westward Way
Address (City, State, Zip):	Mt. Horeb, WI 53572	Address (City, State, Zip):	Madison, WI 53717
Email Address:	alex@trmckenzie.com	Email Address:	rklaas@donofrio.cc
Phone#:	(608) 848-0111	Phone#:	(608) 833-75730

### PROPERTY INFORMATION

Township:	Vermont	Parcel Number(s):	0706-261-8500-8 and 0706-234-9001-0
Section:	23	Property Address or Location:	N. Side of Greenwald Rd, 1000' SW of Lattimer Lane

### 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 owner would like to split 3.9 acres off of their property for a single family residence. The current zoning is FP-35 and the proposed zoning is RR-2.

*ACCESS TO REMAINING MCKENZIE PROPERTY?*

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
FP-35	RR-2	3.9

**Applications will not be accepted until the applicant has met with department staff to review the application and 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.**

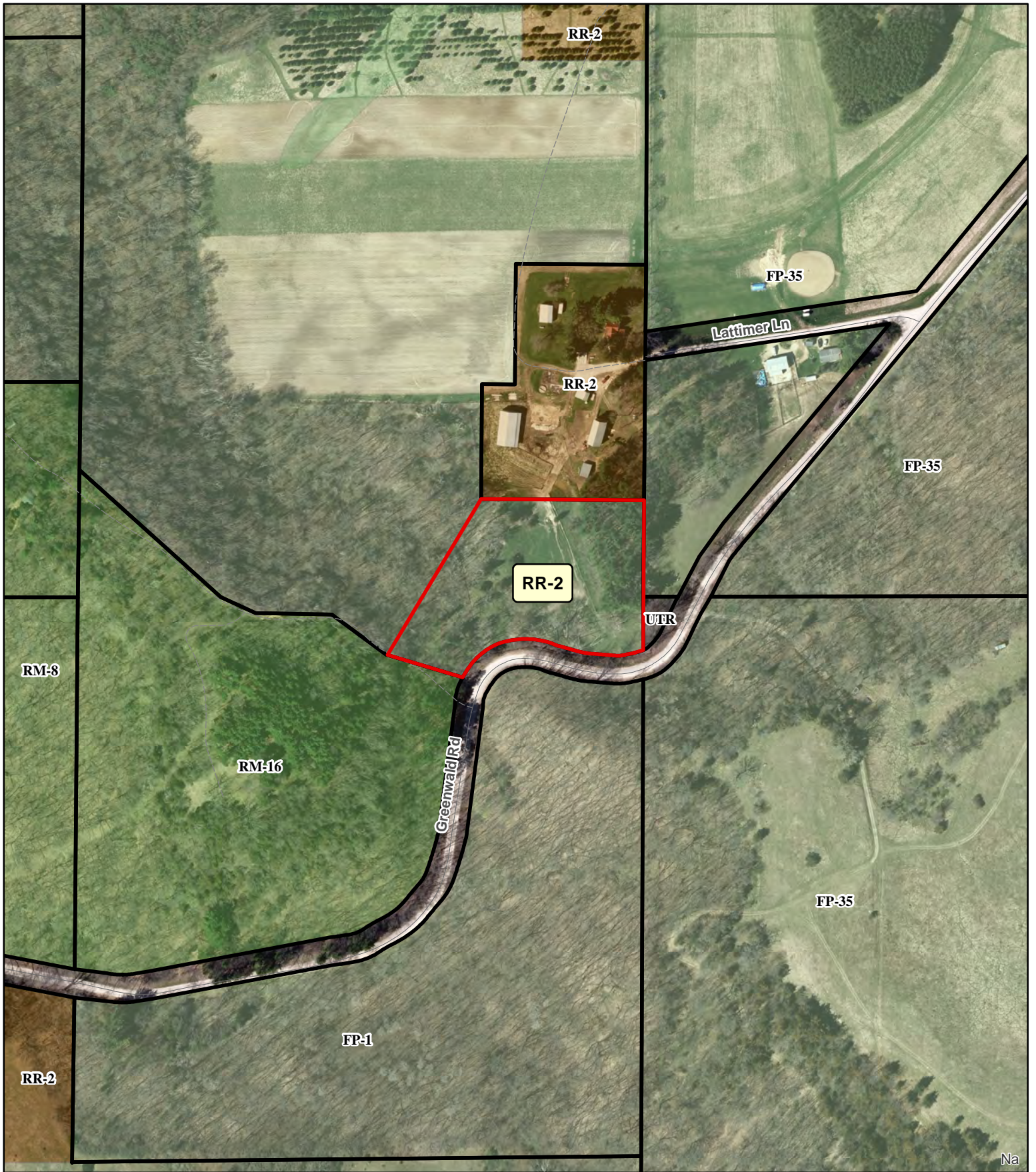
- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Scaled drawing of proposed property boundaries | <input type="checkbox"/> Legal description of zoning boundaries | <input type="checkbox"/> Information for commercial development (if applicable) | <input type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to the Dane County Treasurer |
|---|---|---|--|

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.





Owner/Agent Signature 

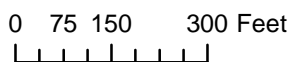
Date 3-19-20





**Legend**

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

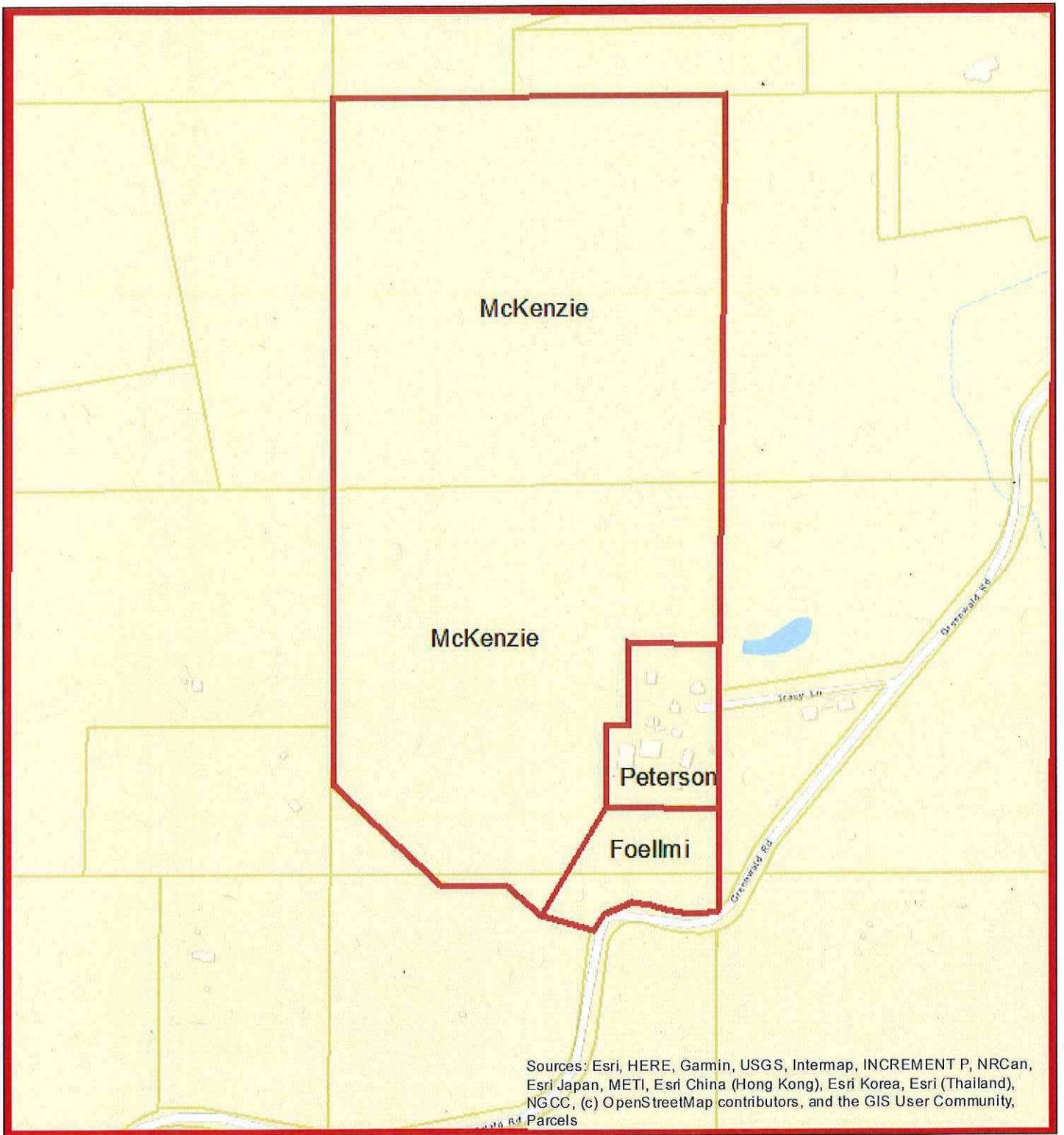


Petition 11559  
 ALEXANDER C  
 MCKENZIE


Na



# McKenzie Property



March 11, 2020

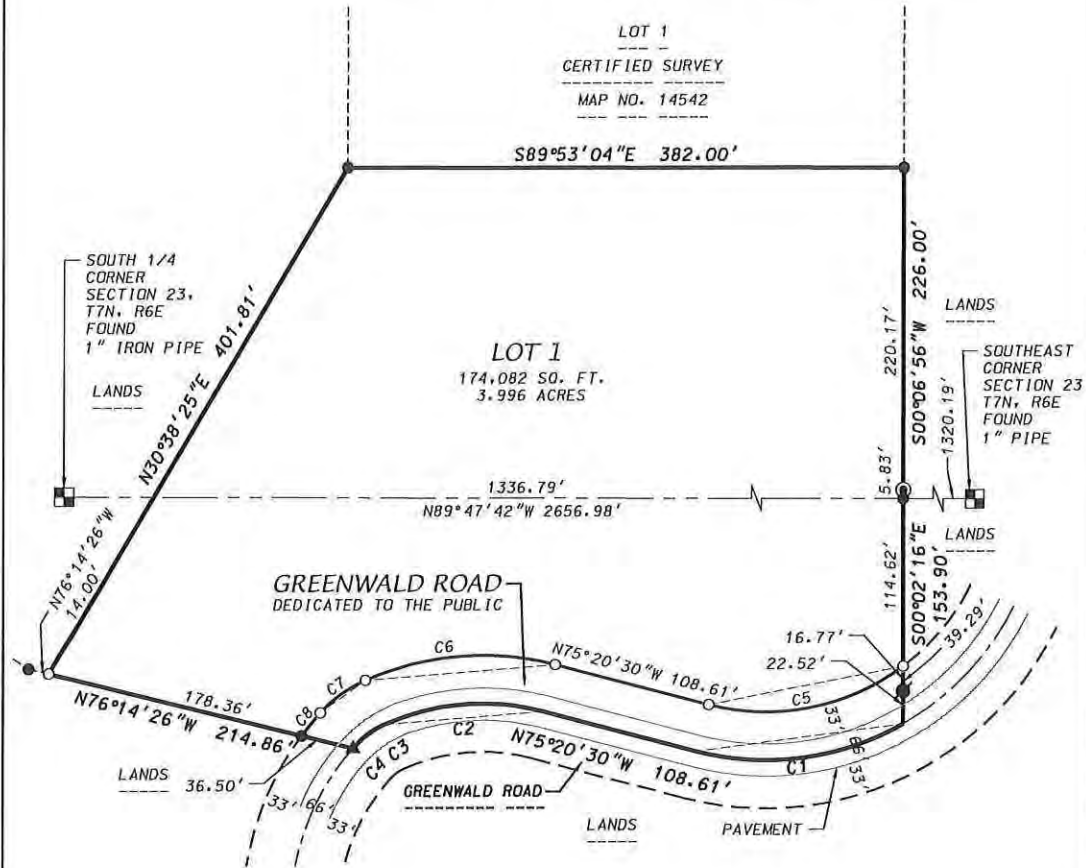
 Parcels

0 295 590 1,180 Feet



# PRELIMINARY CERTIFIED SURVEY MAP

LOCATED IN THE NW1/4 OF THE NE1/4 OF SECTION 26  
AND IN THE SW1/4 OF THE SE1/4 OF SECTION 23, T7N, R6E,  
TOWN OF VERMONT, DANE COUNTY, WISCONSIN



### LEGEND

- FOUND 3/4" REBAR
- ⊙ FOUND 1-1/4" IRON PIPE
- ▲ FOUND PK NAIL
- PLACED 3/4"X18" REBAR  
WT=1.5LBS/FT



THE SOUTH LINE OF THE  
SE1/4 OF SECTION 23  
T7N, R6E IS ASSUMED  
TO BEAR  
S89°47'42"E

0 100  
Scale 1" = 100'

SHEET 1 OF 4

DATE: March 11, 2020

F.N.: 19-07-108

C.S.M. NO. \_\_\_\_\_

DOC. NO. \_\_\_\_\_

VOL. \_\_\_\_\_ SHEET \_\_\_\_\_

**D'ONOFRIO KOTTKE AND ASSOCIATES, INC.**

7530 Westward Way, Madison, WI 53717  
Phone: 608.833.7530 • Fax: 608.833.1089  
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

# PRELIMINARY CERTIFIED SURVEY MAP

LOCATED IN THE NW1/4 OF THE NE1/4 OF SECTION 26  
AND IN THE SW1/4 OF THE SE1/4 OF SECTION 23, T7N, R6E,  
TOWN OF VERMONT, DANE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

I, Brett T. Stoffregan, Professional Land Surveyor, S-2742, do hereby certify that this survey is in full compliance with Chapter 236.34 of the Wisconsin Statutes and the Subdivision Regulations of Dane County and the Town of Vermont, Dane County, Wisconsin, and under the direction of the Owners listed below, I have surveyed, divided and mapped the land described herein and that said map is a correct representation of the exterior boundaries of the land surveyed and the division thereof. Said land is described as follows:

A parcel of land located in the NW1/4 of the NE1/4 of Section 26 and in the SW1/4 of the SE1/4 of Section 23, T7N, R6E, Town of Vermont, Dane County, Wisconsin to-wit:  
Commencing at the Southeast corner of said Section 23; thence N89°47'42"W, 1320.19 feet along the South line of said SE1/4 to the point of beginning; thence S00°02'16"E, 153.90 feet to a point of curve on the centerline of Greenwald Road; thence Westerly along said centerline on a curve to the right which has a radius of 190.00 feet and a chord which bears S82°33'42"W, 142.94 feet; thence N75°20'30"W, 108.61 feet along said centerline to a point of curve; thence Westerly along said centerline on a curve to the left which has a radius of 166.00 feet and a chord which bears S85°23'59"W, 109.50 feet to a point of compound curve; thence Southwesterly along said centerline on a curve to the left which has a radius of 60.00 feet and a chord which bears S54°18'13"W, 24.62 feet to a point of compound curve; thence Southwesterly along said centerline on a curve to the left which has a radius of 170.00 feet and a chord which bears S42°01'08"W, 2.65 feet; thence N76°14'26"W, 214.86 feet; thence N30°38'25"E, 401.81 feet to the Southwest corner of Lot 1, Certified Survey Map No. 14542; thence S89°53'04"E, 382.00 feet along the South line of said Lot 1, to the Southeast corner of said Lot 1; thence S00°06'56"W, 226.00 feet to the point of beginning. Containing 187.863 square feet (4.313) acres.

Dated this 11th day of March, 2020.


Brett T. Stoffregan, Professional Land Surveyor, S-2742

**NOTES**

1. Refer to the building site information contained in the Dane County Soil Survey.
2. Surveyed For: Alex and Mary Lee McKenzie  
9808 Greenwald Road  
Mt. Horeb, WI 53572

**CURVE TABLE**

NUMBER	RADIUS (FEET)	CHORD (FEET)	ARC (FEET)	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1	190.00	142.94	146.55	S82°33'42"W	44°11'36"	IN-S60°27'54"W
2	166.00	109.50	111.59	S85°23'59"W	38°31'02"	OUT-S66°08'28"W
3	60.00	24.62	24.79	S54°18'13"W	23°40'30"	OUT-S42°27'58"W
4	170.00	2.65	2.65	S42°01'08"W	00°53'40"	OUT-S41°34'18"W
5	157.00	135.85	140.49	S79°01'23"W	51°16'14"	IN-S53°23'16"W
6	199.00	131.27	133.78	S85°23'59"W	38°31'02"	OUT-S66°08'28"W
7	93.00	38.16	38.43	S54°18'13"W	23°40'30"	OUT-S42°27'58"W
8	203.00	20.21	20.22	S39°36'46"W	05°42'24"	OUT-S36°45'34"W



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DATE: March 11, 2020  
F.N.: 19-07-108  
C.S.M. NO. \_\_\_\_\_  
DOC. NO. \_\_\_\_\_  
VOL. \_\_\_\_\_ SHEET \_\_\_\_\_

# PRELIMINARY CERTIFIED SURVEY MAP

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AND IN THE SW1/4 OF THE SE1/4 OF SECTION 23, T7N, R6E,  
TOWN OF VERMONT, DANE COUNTY, WISCONSIN

## OWNER'S CERTIFICATE

Alexander C. McKenzie and Mary Lee McKenzie, as owners of the lands contained in this Certified Survey Map, do hereby certify that we caused the lands described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this map. We also certify that this Certified Survey Map is required by S.75.17(1)(a), Dane County Code of Ordinances and S236.10 of the Wisconsin Statutes to be submitted to the following for approval or objection:

Dane County Zoning and Land Regulation Committee  
Town of Vermont

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Alexander C. McKenzie

\_\_\_\_\_  
Mary Lee McKenzie

State of Wisconsin )  
County of Dane )ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, above named Alexander C. McKenzie and Mary Lee McKenzie to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My commission expires \_\_\_\_\_  
Notary Public, Dane County, Wisconsin

  
D'ONOFRIO KOTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717  
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TOWN OF VERMONT, DANE COUNTY, WISCONSIN

## TOWN OF VERMONT APPROVAL CERTIFICATE

This Certified Survey Map and the roadway dedication shown hereon is hereby acknowledged and accepted by the Town of Vermont, Dane County, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Katie Zelle, Clerk, Town of Vermont

## DANE COUNTY APPROVAL CERTIFICATE


Approved for recording per Dane County Zoning and Land Regulation Committee action of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Daniel Everson, Authorized Representative

## REGISTER OF DEEDS CERTIFICATE

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_, M. and recorded in Volume \_\_\_\_\_ of Certified Survey Maps on Pages \_\_\_\_\_ as Document Number \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski, Dane County Register of Deeds

  
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DATE: March 11, 2020  
F. N. : 19-07-108  
C. S. M. NO. \_\_\_\_\_  
DOC. NO. \_\_\_\_\_  
VOL. \_\_\_\_\_ SHEET \_\_\_\_\_



Document No.

**SHARED DRIVEWAY EASEMENT  
AGREEMENT**

Document Title

Legal Description:

Lot One, of Certified Survey Map # \_\_\_\_\_ recorded in the Dane County Register of Deeds Office in Volume \_\_\_\_\_ of Certified Survey Maps, Page \_\_\_\_\_ as Document No. \_\_\_\_\_, in the Town of Vermont, Dane County, Wisconsin, and the residual lands currently owned by Alexander C. McKenzie and Mary Lee McKenzie at 9808 Greenwald Road in the Town of Vermont, Dane County, WI.

Recording Area

**Name and Return Address:**

D'Onofrio Kottke & Associates, Inc.  
7530 Westward Way  
Madison, WI 53717

Parcel Identification Number(s)

**WITNESSETH:**

**WHEREAS**, the parties (hereinafter Owners, whether present or future), which presently own the lands described above and, hereto presently have, or will have, an ownership interest in and to the above referenced lands; and

**WHEREAS**, the lands described above will use a Shared Driveway Easement for ingress and egress to the respective parcels; and

**WHEREAS**, it is the intended purpose of the Owners, for and in consideration of the benefits each will mutually receive to enter into this written Shared Driveway Easement Agreement (hereinafter "Driveway Agreement") for the purpose of defining the respective rights and obligations of the Owners; and

**WHEREAS**, this Driveway Agreement shall become binding upon execution of this document by the undersigned;

**NOW THEREFORE**, for good and valuable consideration, and the benefits to be derived from this Driveway Agreement by each of the Owners, the Owners mutually do agree and grant to the other, their heirs, successors, and assigns the rights, title, and interest in their lands as is required and is necessary in order to create a Shared Driveway Easement over and across the lands as described above and shown on the attached Exhibit 1.

The Owners do mutually covenant and agree for themselves, their heirs, executors, administrators, personal representatives, successors, and assigns forever that said Shared Driveway Easement shall be subject to the following conditions:

That each of them, together with their tenants, servants, visitors, and agents, assigns and licensees, in common with all others having the like right at all times hereafter, with or without automobile or other vehicles or on foot shall have free and unrestricted access in, to, and upon said area and the right to use of said Shared Driveway Easement as an appurtenance to their respective lands for the purposes of ingress and egress to and from the property owned by them, and to pass and re-pass along and over the Shared Driveway Easement as above described.

That the Owners will at all times keep the Shared Driveway Easement free and clear of blockages of any kind that would otherwise prevent the free and unrestricted use of the area by the others.

That the Owners will equally pay all the expenses or be responsible for the maintenance of the surface of said Shared Driveway Easement that services their property, including such surfacing, removal of snow and ice therefrom as shall be from time to time required, and mowing of the grass.

That the decision of when to repair or maintain the shared driveway and the Shared Driveway Easement upon which it is sited shall be by the agreement of both Owners. If any party to this Driveway Agreement wishes to further improve the surface it must be done at that party's sole expense, or as per a future agreement between the then Owners.

That the sharing of the expenses as explained in the paragraph above shall begin when the owners of any lots have taken out their respective building permits, or otherwise utilize the property so as to merit sharing of said cost. Until such time, the expenses shall be borne solely by the Owner(s) actively utilizing the driveway.

That none of the parties, their heirs, successors, agents, or assigns, shall do anything, without the written consent of the other parties, which would cause any rights of the public to attach to said Shared Driveway Easement, and said parties, for themselves, their heirs and assigns, shall do any and all things reasonably necessary in order to prevent said Shared Driveway Easement from being subservient to any rights of the public therein. However, all parties with an interest in the lots served by the Shared Driveway Easement consent to the dedication of a future town road right-of-way within the Shared Driveway Easement at any time if the Town of Vermont, in its sole discretion, accepts it.

Other Provisions:

- a.) The Shared Driveway Easement shall be maintained to provide access to emergency vehicles, school buses and other equipment as determined by the Town of Vermont, local fire department, and EMS service.
- b.) Either the Town of Vermont, at its sole discretion, or Dane County, is authorized to inspect and conduct repair work on the Shared Driveway Easement, at the expense of the property Owners, if such Owners fail to adequately maintain the Shared Driveway Easement.
- c.) Buildings constructed on the parcels served by this Shared Driveway Easement shall be set back from the Shared Driveway Easement as specified in Section 10.17(3)(b) of the Dane County Ordinances.
- d.) Permanent, unimpeded access to the lots served by the Shared Access Agreement is granted to emergency service responders, utility services, and other access which could be had by any public road.
- e.) Modifications to the Shared Driveway Easement Agreement are prohibited without written pre-approval of the Town of Vermont and the Dane County Zoning and Land Regulation committee.
- f.) Gates, fences, or other obstructions are prohibited on the Shared Driveway Easement.

IT IS FURTHER AGREED by and between the Owners that this Driveway Agreement shall be binding upon and inure to the benefit of the Owners, and upon their respective heirs, executors, administrators, personal representatives, successors, and assigns until amended or revoked in writing with the same formality as the execution hereof. It is also further agreed that both the Town of Vermont and Dane County are co-holders of this Shared Driveway Access Agreement and have full enforcement rights.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this \_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Alexander C. McKenzie

\_\_\_\_\_  
Rollie Peterson

\_\_\_\_\_  
Mary Lee McKenzie

**ACKNOWLEDGEMENT**

STATE OF WISCONSIN)

) SS

COUNTY OF DANE )

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, the above named Alexander C. McKenzie, Mary Lee McKenzie and Rollie Peterson, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

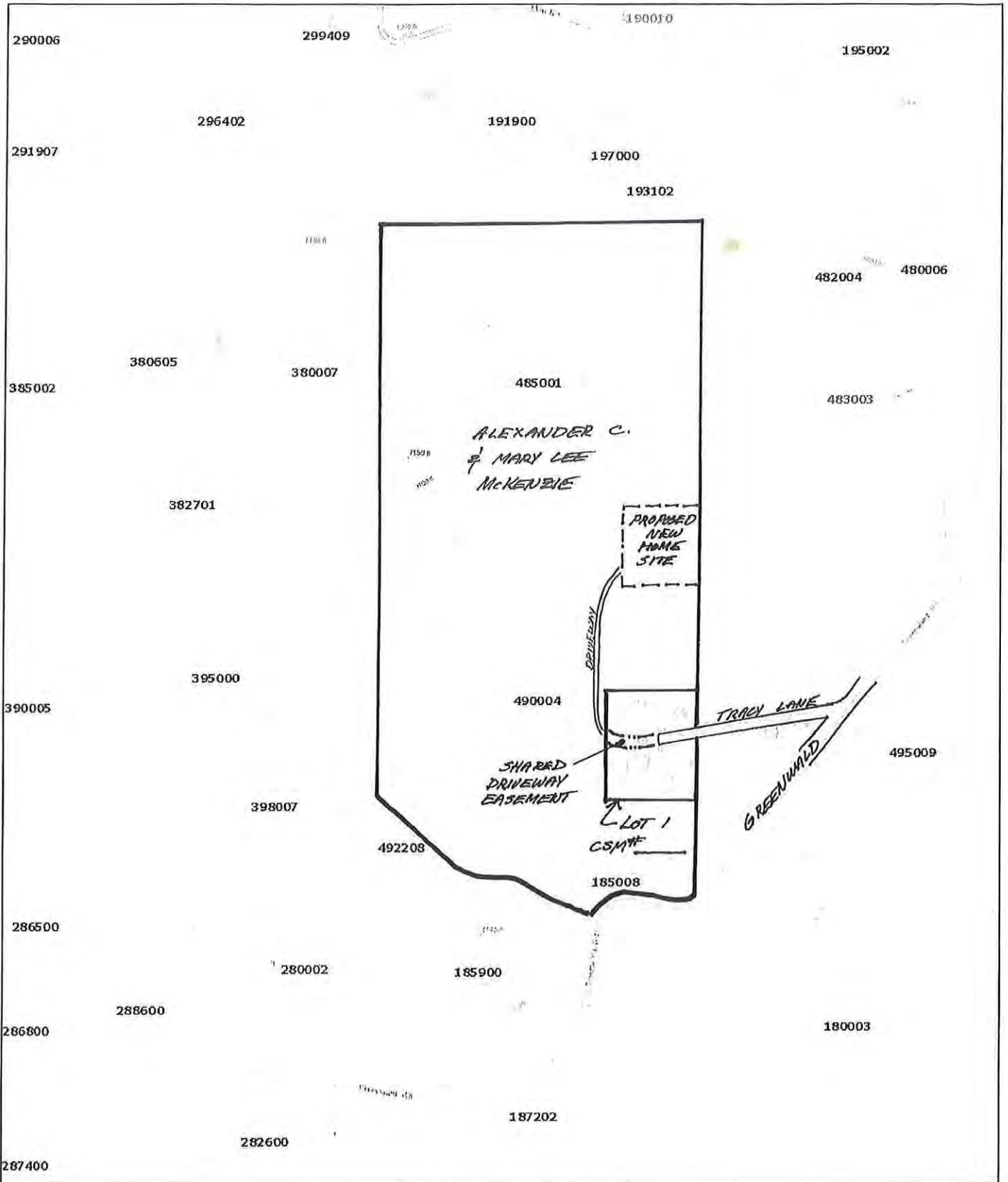
\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires: \_\_\_\_\_.

Document Drafted By: Ronald R. Klaas  
D'Onofrio, Kottke & Associates, Inc.



# Shared Driveway Easement Agreement



November 3, 2016

Parcel Number

Tax Parcels

