



DANE COUNTY
PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

Violation Notice

April 29, 2016

George Vetesnik
VETESNIK ENTERPRISES LLC
27475 US HIGHWAY 14
RICHLAND CENTER WI 53581

RE: Violations occurring on Parcel # 0810-054-9685-0
Lot 1, Certified Survey Map 12830
Town of Burke
Illegal use of a property

Dear Mr. Vetesnik:

On September 4, 2015, a notice of violation was sent to you regarding Lot 1, CSM 12830. The letter made you aware that the storing of building for commercial display on this property was in violation of Dane County Code of Ordinance section, 10.126, 10.16, and 10.17. See attached violation notice. Subsequently, the buildings were removed from the site.

On April 3, 2016, we had a discussion with regards to the limitations on this property and I had provided you an email which included a copy of the deed restriction which prohibits the placement of structures on the property.

In addition, no structures shall be placed in the 75-foot buffer area of a wetland pursuant to Dane County Code of Ordinances Section 11.06(5).

A site inspection was conducted on April 22, 2016 to check the status of the property. Once again, structures were found on the property. This letter serves as notice that the property is in violation of Dane County Code of Ordinances Section 10.126, 10.16, 10.17, 11.06(5). In addition, the placement of buildings on the property violates the term of the deed restriction found under Register of Deeds document #4623768.

You are hereby instructed to terminate the storage of buildings on the property, display of buildings, and remove all buildings from the property. Attached is a map showing where display of accessory structures is prohibited.

If the buildings are not removed from the site within 5 days of the date of this letter, Dane County will be forced to seek injunctive relief through circuit court.

When corrected, please contact the Zoning Department at (608) 266-9084 so that the corrections can be verified.

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

Your cooperation is appreciated in this matter.

Sincerely,

Roger Lane
Dane County Zoning Administrator

Cc: Town Clerk

CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

BUILDINGS
PROHIBITED
DUE TO ZONING (D-2)
AND
WETLAND
SETBACK

EAST 1/4 CORNER SECTION 5, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 523,569.39 E: 837,190.69

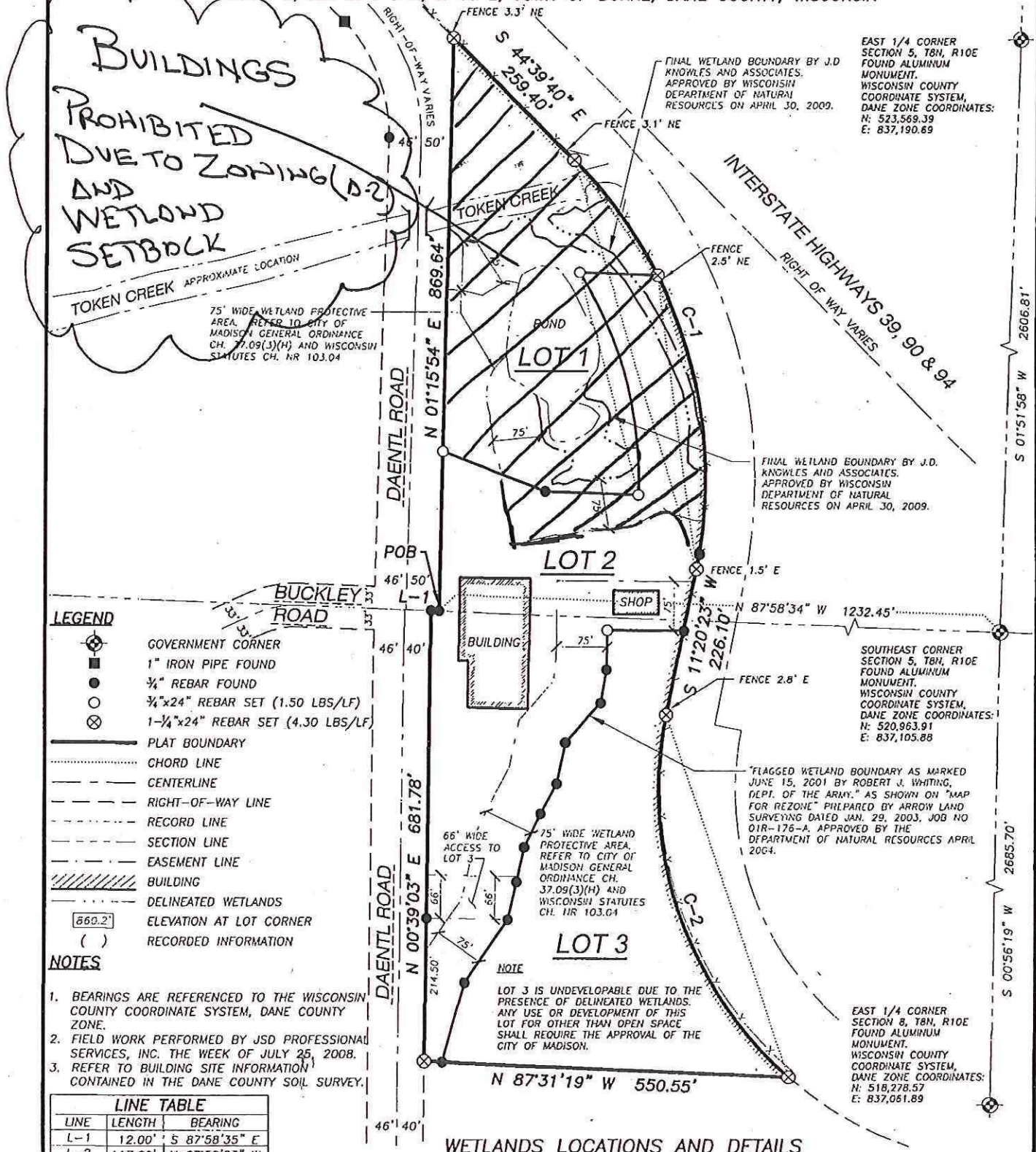
FINAL WETLAND BOUNDARY BY J.D. KNOWLES AND ASSOCIATES, APPROVED BY WISCONSIN DEPARTMENT OF NATURAL RESOURCES ON APRIL 30, 2009.

FINAL WETLAND BOUNDARY BY J.D. KNOWLES AND ASSOCIATES, APPROVED BY WISCONSIN DEPARTMENT OF NATURAL RESOURCES ON APRIL 30, 2009.

SOUTHEAST CORNER SECTION 5, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 520,963.91 E: 837,105.88

"FLAGGED WETLAND BOUNDARY AS MARKED JUNE 15, 2001 BY ROBERT J. WHITING, DEPT. OF THE ARMY." AS SHOWN ON "MAP FOR REZONE" PREPARED BY ARROW LAND SURVEYING DATED JAN. 29, 2003, JOB NO 01R-176-A. APPROVED BY THE DEPARTMENT OF NATURAL RESOURCES APRIL 2004.

EAST 1/4 CORNER SECTION 8, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 518,278.57 E: 837,061.89



LEGEND

- ⊕ GOVERNMENT CORNER
- 1" IRON PIPE FOUND
- 3/4" REBAR FOUND
- 3/4"x24" REBAR SET (1.50 LBS/LF)
- ⊗ 1-3/4"x24" REBAR SET (4.30 LBS/LF)
- PLAT BOUNDARY
- CHORD LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- RECORD LINE
- SECTION LINE
- EASEMENT LINE
- ▨ BUILDING
- DELINEATED WETLANDS
- 860.2' ELEVATION AT LOT CORNER
- () RECORDED INFORMATION

NOTES

1. BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY ZONE.
2. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. THE WEEK OF JULY 25, 2008.
3. REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

LINE TABLE		
LINE	LENGTH	BEARING
L-1	12.00'	S 87°58'35" E
L-2	117.09'	N 87°58'23" W
L-3	95.85'	S 11°20'23" W
L-4	115.31'	N 89°39'56" W

WETLANDS LOCATIONS AND DETAILS

Lane, Roger

From: Lane, Roger
Sent: Thursday, April 14, 2016 8:34 AM
To: jr@vetesnik.com
Cc: 'townofburke@frontier.com'; 'cooperb@vi.deforest.wi.us'; 'blahniks@vi.deforest.wi.us'
Subject: Change of Zoning information Section 5 Town of Burke
Attachments: 20160414081546.pdf; C-2 land uses.pdf; Vetesnik.pdf; 1 Rezone Application.pdf

Dear Mr. Vetesnik,

This email is in regards to request for information to allow the display of shed on Lot 1 of CSM 12830.

Please note that there is a deed restriction on the property by the Town of Burke and the City of Madison with regards to prohibiting permanent and temporary buildings on the property. See attached. This information was sent to you as part of the Violation letter on September 25, 2015 with regards to the displaying sheds on the property. This deed restriction MUST be addressed prior to the rezoning or the request will most certainly be DENIED.

In any event, the property will need to be rezoned to C-2 Commercial to allow sales and storage of building materials or sales of vehicles and recreational equipment.

In looking at the Dane County Zoning Maps and the Village of DeForest ETZ boundaries, it appears that almost all of the lot is within the County/Town jurisdiction. See attached map. I believe the rezoning process will fall under the jurisdiction of County Zoning rather than DeForest. I have a call in to the Village of DeForest just to confirm.

Attached is an application for rezoning the property. The fee will be \$661. Please submit a copy of the CSM, a letter identifying the intended uses, and a site plan showing the area to be used for display. You can use the attached map for convenience.

The C-2 Commercial Zoning District allows for various commercial uses. See attached sheet. Due to the close proximity to Token Creek, the land uses and usable area will be limited. Please restrict your proposed list of land uses accordingly. Please note that this area is located in a mapped environmental corridor.

I would suggest contacting the Town of Burke and the City of Madison regarding the recorded deed restriction on the property prior to rezoning.

If you have any questions or concerns, please let me know.

Respectfully,

Roger Lane
Dane County Zoning Administrator

DECLARATION OF RESTRICTIVE COVENANT

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
4623768

01/05/2010 08:00 AM

Trans. Fee:
Exempt #1

Rec. Fee: 13.00
Pages: 2

WHEREAS, Vetesnik Enterprises, LLC is/are the sole owner(s) of the following described real estate in the Town of Burke, Dane County, Wisconsin in the City of Madison's Extraterritorial Jurisdiction (hereinafter referred to as "The City") further described as follows:

- Lots 1, Certified Survey Map No. 12830, part of the SE ¼ of the SE ¼ of Section 5, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin.

WHEREAS, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

WHEREAS, Item No. 15 in the City's Letter of Conditional Approval for the CSM, dated July 21, 2009, requires the Property Owner to restrict the Property before the City shall approve the CSM;

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the City of Madison, Wisconsin provided that the land is under the jurisdiction of the City at the time the enforcement action is commenced.

NOW, THEREFORE, the following restrictions are hereby imposed:

1. That no permanent or temporary buildings shall be constructed on the portion of Lot 1 located north of Token Creek unless the lot is both further subdivided and the proposed use approved by the City of Madison
2. That no permanent or temporary buildings shall be constructed on the portion of Lot 1 located south of Token Creek and that use of that portion of the property shall be restricted to open space and agriculture. Any use or development of that parcel of other than open space or agriculture shall require the approval of the City of Madison.
3. That Lot 3 is undevelopable due to the presence of delineated wetlands. Any use or development of that parcel for other than open space shall require the approval of the City of Madison.
4. This Declaration may be released or modified only by written agreement executed by the Property Owner and the City of Madison, which agreement shall be recorded in the Office of the Dane County Register of Deeds.
5. This Declaration shall constitute a covenant that shall run with the land described herein and shall be binding upon the Property Owner and his/her heirs, successors and assigns.

Recording area

Name and return address:

Parent Parcel Number(s):	Return To:
0810-054-9670-1	MAD CITY POWER SPORTS 4246 DAENVL RD. FOREST, WI 53532
0810-081-8090-2	

2
13



DANE COUNTY PLANNING & DEVELOPMENT

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VIOLATION NOTICE

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

September 4, 2015

VETESNIK ENTERPRISES LLC
27475 US HIGHWAY 14
RICHLAND CENTER WI 53581

RE: Violations occurring on Parcel # 0810-054-9685-0
Lot 1, Certified Survey Map 12830
Town of Burke
Illegal use of a property

Dear Vetesnik Enterprises LLC:

On September 2, 2015 the Dane County Zoning Department received a written complaint for parcel # 0810-054-9685-0, Lot 1, Certified Survey Map (CSM) 12830; north of 4246 Daentl Rd, Town of Burke. The complaint stated concerns that commercial use of storing and/or selling portable buildings onsite was being operated illegally.

Per Rezone Petition 10043, Lot 1, CSM 12830 is zoned A-2(2) AGRICULTURAL. Per Dane County Code of Ordinances:

SEC. 10.126 A-2 AGRICULTURE DISTRICT. (2) Permitted uses.

- (a) Agricultural uses.
- (b) Single family detached residences.
- (c) Utility services.
- (d) Home occupations as defined in s. 10.01(25).
- (e) Accessory buildings

2. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property.

SEC. 10.16 GENERAL PROVISIONS AND EXCEPTIONS. (1) Use. (a) Any use not listed as a permitted use in a district is prohibited in that district and except as otherwise expressly provided, any use listed as a permitted use in any other district shall be construed as a prohibited use in any other district.

A site inspection was conducted on September 4, 2015. It was observed that there were commercial uses operated on Lot 1, CSM 12830: storing and/or selling of temporary structures.

In addition, it was observed the temporary structures to be located within public right-of-way.

Sec. 10.17 SETBACK REGULATIONS. For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways in Dane County are divided into the following classes:

(1) Class A highways.

(a) All state and federal highways are hereby classified class A highways.

(b) The setback line for a class A highway shall be 100 feet from the centerline of the highway right-of-way or 42 feet from the right-of-way line, whichever is greater

(3) Class C highways.

(a) All town roads not included within the boundaries of a recorded subdivision or plat are hereby designated class C highways.

(b) The setback from class C highways shall be 63 feet from the centerline of such highway right-of-way or 30 feet from the right-of-way line, whichever is greater; provided, however, that in the case of a service road, contiguous to the right-of-way of a main highway, where buildings can be built on only one (1) side of such service road, the minimum setback shall be 30 feet, regardless of the width of such service road, and provided, further, that if such service road shall be a street in a platted subdivision, then the setback provisions governing such platted street shall apply.

This letter serves as notice that Parcel # 0810-054-9685-0 is in violation of Section 10.126(2), Section 10.16(1), and Section 10.17 of the Dane County Code of Ordinances.

You are hereby instructed to terminate the commercial use and remove structures from Lot 1, CSM 12830, parcel # 0810-054-9685-0 within **10 days** of the date of this letter.

When corrected, please contact the Zoning Department at (608) 266-9084 so that the corrections can be verified. If the violations are not corrected within the **10 day** time period, citations will be issued for each day in violation

Your cooperation is appreciated in this matter.

Sincerely,

Sarah Sauer
Zoning Inspector
County of Dane
608-266-9084
sauer.sarah@countyofdane.com

Cc: Town Clerk

