

BEFORE THE DANE COUNTY BOARD OF ADJUSTMENT

Appeal of Tom Willan, 4407 Vilas Hope Road, Town of Cottage Grove, Dane County, Wisconsin

Appeal No. 3683

BRIEF OF DANE COUNTY ZONING ADMINISTRATOR

Tom Willan is appealing the action of the Dane County Zoning Administrator with regards to the construction of a second story addition to his existing house and for the denial of a zoning permit for the observed construction. Mr. Willan claims that he does not need a zoning permit due to information from the Town of Cottage Grove Building Inspector. He also claims that the addition being constructed is not a separate dwelling unit, however the addition is designed with a bathroom, kitchen, living area, and bedroom. The only entrance point to the addition is an exterior doorway.

Argument of the appeal

Mr. Willan is appealing various actions by the Dane County Zoning Division. I have separated the individual disputes to provide clarity.

Issuance of a Zoning Permit

Under Dane County Code of Ordinances Section 10.25(2), no existing building shall be added to or structurally altered until a zoning permit has been issued. On March 23, 2017, the Dane County Zoning Division conducted a site inspection at 4407 Vilas Hope Road and observed construction activity commenced on the existing single family residence. It was observed that existing roof trusses were removed from the garage portion of the residence and a floor deck was installed above the garage area. Second story exterior wall framing was installed along with roof trusses which created a space above the garage area (second story addition).

The Dane County Zoning Division feels that the removal of trusses and construction of a second story addition falls within the scope of an existing building being added to and structurally altered which would require the need to obtain a zoning permit. A Stop Work Order was issued and posted on the property on March 24, 2017. **See Exhibit A.**

Mr. Willan has claimed that he does not need a zoning permit because the local building inspector did not require one for the issuance of a building permit. Dane County Zoning Division received an email from the Town of Cottage Grove Building Inspector, Thomas Viken, noting that he did not understand the scope of the project and if Mr. Willan provided accurate information to him, he would have required a zoning permit be obtained. **See Exhibit B.**

Even though Mr. Willan had numerous interactions with the Dane County Zoning Division over the past 4 years, he did not contact the Dane County Zoning Division to check on the need for a zoning permit on his proposed project. This is not the first instance that Mr. Willan has started construction without obtaining a zoning permit. A stop work order was issued September 28, 2016 for the construction of an addition to a residential accessory building located on the property. Once again, Mr. Willan refused to obtain a zoning permit. This matter is still pending in Dane County Circuit Court under Case 2016-CX000014. **See Exhibit C.**

Dane County Zoning Division has provided zoning permit information on previous occasions to Mr. Willan. The Division feels that he has known about the need for a zoning permit for construction activities and has willingly refused to obtain a zoning permit as he has done in the past.

Denial of a Zoning Permit

On April 13, 2017, Dane County Circuit Court Judge Neiss issued a temporary injunction prohibiting further construction on the residence until a Mr. Willan obtained a zoning permit for the construction of a second story addition on his residence. Mr. Willan submitted plans of the second story addition to Dane County Zoning Division.

The plans submitted show a second story space that has a separate entrance which is not associated with the existing single-family residence. The space clearly identifies a bathroom, a kitchen, living space, and area which could be used as a bedroom. Dane County Zoning Division considers this design as an individual dwelling, which is separate from the existing dwelling, making the overall structure a duplex family dwelling.

Under Dane County Code of Ordinances Section 10.1(21)(c), a *duplex family dwelling* is defined as a building designed to be occupied by two families living independently of each other. The design of the second story addition creates a space which a person or persons can live independently from the persons living in the existing residence. It has been a long standing interpretation by the Dane County Zoning Division that separate living spaces which include kitchen, bathroom, and sleeping spaces which are disconnected from another space with similar features would be considered a separate dwelling unit.

The property is currently zoned A-2(2) Agriculture. Duplex family dwellings are not listed as a permitted or conditional use in this district. Pursuant to Dane County Code of Ordinances Section, 10.16(1)(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.

The Dane County Zoning Division denied the zoning permit application due to the proposal creating a duplex family dwelling on the property and the duplex family dwellings are prohibited within the property's current zoning district. **See Exhibit D.**

The letter denying the zoning permit references the need for compliance with on-site septic system regulations. Mr. Willan claims that he currently has a 2-bedroom residence (See page 2 of Willan appeal request under Background Facts). However, the assessment records show that the residence is currently a 3-bedroom house. **See Exhibit E.** The existing septic system has been designed for a 3-bedroom house. **See Exhibit F.** Given the addition having a sleeping area, the addition would

exceed the current limitation of the on-site septic system. The septic system would need to be redesigned and approved by the Department of Health in order for the addition to proceed.

Mr. Willan claims that a zoning permit should be issued due to the fact that a building permit was issued for the project. In an email from the Town of Cottage Grove Building Inspector, Tom Viken, it appears that the project was misrepresented to Mr. Viken. The email states that Mr. Willan did not provide any building plans when applying for the building permit and he also explains that Mr. Willan told him that he was just constructing a “bonus room”. See previous Exhibit B. On May 3, 2107, Building Inspector Tom Viken rescinded the approval of the building permit due to misrepresentation of the proposed project. **See Exhibit G.**

Mr. Willan also claims that the addition is not another dwelling because its design does not meet the building code. Wisconsin Uniform Dwelling Code (residential building code) defines a dwelling unit. Under Wisconsin Administrative Code SPS 320.07 Definition (27), “Dwelling unit” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

Although Mr. Willan states that the second story addition will not be used as a separate dwelling unit, the addition has been designed and could easily be used in the future as a separate living space. The design falls under the scope of the building code’s definition of a dwelling unit. Given that no plans were presented to the building inspector during the issuance of a building permit, along with misrepresentation of the project, it is unclear that the present design is even being constructed to the building code standards.

Limitations of the property

In 1982, the Town of Cottage Grove adopted A-1 Exclusive Agriculture and started participating in the State Farmland Preservation Program. The Town Comprehensive Plan was revised and adopted to reflect areas within the Town that would be part of the Agricultural Preservation Area. The property located at 4407 Vilas Hope Road is within this agricultural preservation planning area. The Town Plan placed limitations on development within the agricultural preservation area to one housing density right per 35 acres of land owned. **See Exhibit H.** In 1982, 4407 Vilas Hope Road was part of a larger 20-acre property owned by C.J Vale.

1998, C.J. Vale separated the existing residence (4407 Vilas Hope Road) from the 20-acre parcel through certified survey map #9181. A 2-acre(gross) parcel was created for the residence and the remaining 18-acres was set aside for agricultural production. The 18-acre agricultural land was deed restricted to prohibit further residential development due to the housing density rights being exhausted in this portion of the agricultural preservation area due to the creation of the residential lot. Zoning for the parcels were to be assigned through zoning petition #7341. However, the landowner did not meet specific timelines set in the conditions of approval and the new zoning districts were never assigned. The two parcels remained in the A-1 Exclusive Agriculture Zoning District until 2013.

In 2013, Mr. Willan questioned the zoning of his property. Dane County Zoning Division made Mr. Willan aware of this discrepancy in the zoning of his property.. Mr. Willan demanded that the correct zoning district be assigned to his property. The Town and the County approved zoning petition #10589 which assigned the zoning district classification of A-2(2) Agriculture to the Willan property.

Dane County Zoning Division made Mr. Willan fully aware of the land use limitations of the zoning district classification during the process.

Mr. Willan's property currently holds the zoning district classification of A-2(2) Agriculture. See Excerpt below. The purpose of this district is to provide for low density land uses compatible with agricultural and other rural uses. The land uses which are listed as permitted or conditional uses reflect the purpose of the zoning district. The A-2 Agriculture Zoning District only lists single-family detached residences. In accordance with the purpose, single-family detached dwellings are only permitted within this zoning district to keep the density low. The district's land uses places limits on the use of accessory buildings as well. An accessory building may only be used for residential storage or for a legitimate agricultural purposes. Habitable spaces and storage of business products are specifically prohibited. Any other land uses which deviate from either single-family residences or agricultural uses are allowed only through specific approval in the granting of a conditional use permit.

The development that Mr. Willan is proposing does not fit the purpose of the A-2 Agriculture Zoning District nor is permitted under the land uses listed within the zoning district.

Excerpts from the Dane County Zoning Ordinance

10.01 DEFINITIONS.

(21) Dwelling.

(a) Single family dwelling. A building designed for and occupied exclusively as a residence for one (1) family.

(b) Multiple family dwelling. A building designed or intended to be used by more than two (2) families living independently of each other.

(c) Duplex family dwelling. A building designed to be occupied by two families living independently of each other.

10.25 ADMINISTRATION, ENFORCEMENT AND PENALTIES.

(1) Zoning administrator.

(a) The provisions of this ordinance shall be administered by or under the zoning administrator, who in person or by duly authorized deputy or assistant shall have the right to enter upon premises affected by this ordinance at reasonable hours for the purpose of inspection. The zoning administrator shall hold his or her office under civil service, and vacancies in such office shall be filled by procedures established by civil service ordinance. The county executive shall be the appointing authority for the position of zoning administrator.

(b) It shall be the duty of the zoning administrator to receive applications for zoning permits and such other permits and licenses provided in this ordinance, and to issue such permits after applications have been examined and approved; to inspect buildings under construction for compliance with the regulations of this ordinance; to make periodic inspections; to take such action as may be necessary for the enforcement of the regulations provided herein; to attend all meetings of the zoning committee and the board of adjustment; and to perform such other duties as the zoning committee and the board of adjustment may direct.

(2) Zoning permits.

(a) No new building shall hereafter be erected, and no existing building shall be added to, structurally altered, moved or changed in use, nor shall any nonconforming building be repaired or restored, in any district, until a zoning permit has been issued, except as otherwise provided by law or ordinance.

(c) Stop work order

1. Whenever the zoning administrator finds that any construction does not comply with the provisions of this ordinance, the zoning administrator shall post, in a conspicuous place on the premises, a stop work order which shall cause all activity to cease until the construction is in compliance with the ordinance.

2. The card shall provide the following information: date of issuance, town and section number, reason for posting and the signature of the inspector posting the card.

3. It shall be a violation of the ordinance for the unauthorized removal of the card from the premises.

10.126 A-2 AGRICULTURE DISTRICT. (1)

Statement of purpose. The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres.

(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.

1. Accessory buildings include private garages and buildings clearly incidental to a permitted use of the premises. Such buildings shall not be used for residential purposes. The building shall not be used for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

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.

(3) Conditional uses permitted in the A-2 Agriculture District.

- (a) Mineral extraction operations, asphalt plants, ready mix concrete plants.

1. Applications for mineral extraction operations require a description of the operation, a site plan and a reclamation plan, as provided for under section 10.191.

- (b) Communication towers.

(c) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites shall also comply with section 60.72 of the Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources.

- (d) Cemeteries.

(e) Airports, landing strips or landing fields together with accessory structures.

- (f) Religious uses.

(g) Salvage recycling centers.

(h) Solid waste recycling centers.

(i) Dependency living arrangements.

(j) Governmental uses.

(k) Native wildlife rehabilitation facilities.

(l) Parking or storage of not more than two trucks, semi-tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.

(m) Limited family businesses subject to s. 10.192.

(n) Schools.

(o) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.

(p) Unlimited livestock on 3 to 16 acres.

(q) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.

(r) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those resident on the premises, this storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this chapter.

(s) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.

(t) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.

(u) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(v) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions regarding explosive materials.

(x) Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.

Summary

Since 2013, Mr. Willan has known about the limitations of his property. Dane County Zoning Division has provided information to Mr. Willan regarding obtaining zoning permits, changing zoning of a property, and obtaining a conditional use permit over the past years. Mr. Willan has knowingly refused to accept the limitations of his property and has began construction projects which are not permitted in the district and change the land uses on his property. Mr. Willan has not obtained a zoning permit or obtained zoning district change. It is clear by the photos that an addition is being added to the residence which would require a zoning permit. The building plans for the addition show a separate living space which would create two individual residences on the property which would not be permitted in the current zoning district.

Finding of Fact

I respectfully request that the Dane County Board of Adjustment make the following Findings of Fact:

1. Under Dane County Code of Ordinances Section 10.25(2), a zoning permit is needed when an existing building is added to or structurally altered.
2. Mr. Willan is constructing a second story onto an existing building which adds to and structurally alters the existing building.
3. The plans submitted for the second story addition contain a kitchen, bathroom, living area, and sleeping space. The configuration of the space creates a complete dwelling unit and is separate from the existing residence.
4. The property located at 4407 Vilas Hope Road is currently zoned A-2(2) Agriculture. Duplex dwellings units are not listed as a permitted use or a conditional use in this district.

Conclusion

With the aforementioned evidence, I respectfully request that the Dane County Board of Adjustment make the following conclusion:

1. The construction of a second story addition above the garage on the existing residence located at 4407 Vilas Hope Road requires the issuance of a Dane County Zoning Permit.
2. The plans submitted for the second story addition shows the construction of a living space or dwelling unit which is separate from the existing residence. The construction plans submitted makes the structure a duplex family dwelling.
3. The Zoning Administrator was correct in the administration the ordinances by denying the zoning permit application for the second story addition on the structure located at 4407 Vilas Hope Road.
4. Given that a zoning permit was not obtained for the construction, the second story addition shall be removed and the structure returned to a single-family residence.



Dane County Planning & Development

Division of Zoning

PROPERTY INSPECTION REPORT

DATE: March 23, 2017

OWNER'S NAME: Thomas Willan

ADDRESS: 4407 Vilas Hope Road

LOCATION: Lot 2, Certified Survey Map #9338, Town of Cottage Grove, Section 7

PARCEL #: **0711-072-9971-5** ZONING DISTRICT: A-2 Agriculture

PURPOSE: Construction without a zoning permit

The property was inspected to determine if construction was commencing prior to a zoning permit being issued for the project.

Arrived at site. Requested to entrance to the site. Denied by Mr. Willan. Conducted inspection from road right-of-way. Observed that the roof of the garage was removed and a second story addition was being added above the garage area. Posted a stop work order by the right-of-way. Mr. Willan removed the stop work order placard from the site. Mr. Willan was very rude. Mr. Willan stated that he was not going to stop working on his project.

I also observed numerous construction trucks parked on the property. It appeared that the Iron Man Buildings was being operated from the site.

Informed Tom Viken, building inspector, of the construction.

See pictures.

Inspection conducted by:
Roger Lane
Dane County Zoning Administrator

EXHIBIT A-1



EXHIBIT A-2



EXHIBIT A-3

Lane, Roger

From: Tom Viken <viken.tom@gmail.com>
Sent: Tuesday, April 18, 2017 11:35 AM
To: Lane, Roger
Subject: Tom Willan
Attachments: Willan Application.pdf

Roger:

Per the information that was given to me, the application was to add a "bonus room" above the existing garage. Consequently, I did not think I needed a complete set of plans for a one room addition with a stairway to access the room or possibly an access from the house. I did not believe I needed a complete set of plans for a one room addition above the garage. Had I seen the complete set of plans, that included another bedroom, bathroom, kitchen, etc., I would have advised him to contact Dane County Zoning to see if he needed to get a zoning permit from Dane County. Once he received a zoning permit, a more detailed permit application would have been necessary, along with a copy of the plans. Attached is what was submitted to me for the building permit.

Tom Viken
Viken Inspection Agency

EXHIBIT B-1

Work shall not proceed until the inspector has approved the various stages of construction or two business days have elapsed since the day of inspection request. This permit will expire 24 months after the date of issuance if the building's exterior has not been completed. **Keep this card posted until final inspection has been made.** (WI Stats. 101.63)

Alfix uniform permit seal here (when applicable)
Seal No.:

WISCONSIN UNIFORM BUILDING PERMIT # M2141

Constr HVAC Elect Plumb Erosion
Project:

Issued Tom Wilton PHONE 608-739-3103
To 4407 Miles Hope Rd, Cedar Grove
Cottage Grove
BUILDING SITE ADDRESS
CITY, VILLAGE TOWN

PERSON ISSUING Tom Wilton CERT. NO. 7657
DATE ISSUED 3-6-17 TELEPHONE 608-444-0996

Comments: add room above garage

018/0211-072-9971-5
NOTICE OF NONCOMPLIANCE: This issuing jurisdiction shall notify the applicant in writing of any violations to be corrected. All cited violations, except erosion control ones, shall be corrected within 30 days of notification, unless extension time is granted.

SITE INFO

SUBDIVISION _____ BLOCK NO. _____

LOT NO. _____

ZONING DISTRICT _____

1/4, 1/4, SEC _____, T _____, N, R _____ E or W _____

PARCEL NO. _____

SETBACKS: _____ ft REAR _____ ft

FRONT _____ ft RIGHT _____ ft

LEFT _____ ft

INSPECTIONS

PHASE	FINAL	
	ROUGH	EROSION
FOOTING		
FOUNDATION		
BSMT DRAIN TILES		
CONSTRUCTION		
PLUMBING		
HEAT/VENT/AC		
ELECTRICAL		
INSULATION		
OCCUPANCY		

CONTRACTORS

NAME	CREDENTIAL #	PHONE

EXHIBIT B-2

018/0711-072-9971-5

TOWN OF COTTAGE GROVE BUILDING PERMIT APPLICATION 4058 County Road N Cottage Grove, WI 53527 Office: (608) 839-5021	CHECK #: <u>3420</u> RECEIPT #: <u>2141</u> AMT PAID: <u>225.00</u>
Building Inspector: (608) 837-3371	

Building	HVAC	Electric	Plumbing	Erosion	Other
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Owner's Name: <u>Thomas M Willan</u>	Date (mm/dd/yyyy): <u>3-2-2017</u>	TOTAL COST: OFFICE USE ALL PERMITS - ADD \$10.00 ADMIN FEE
Mailing Address : <u>4407 Vilas Hope Rd</u>	Phone #: (include area code) <u>608-438-3103</u>	
Contractor's Name: <u>Tom Willan</u>	License/Dwelling Contr. Qualifier/Contractor Registration # <u>N/A</u>	
Mailing Address :	Phone #: (include area code)	

PROJECT LOCATION <u>4407 Vilas Hope Rd</u>	Estimated Cost: <u>\$20,000</u>
Address: Parcel No: 018/0711	Project Description: <u>Add Bonus Room create Existing</u> <u>George</u>

ELECTRICAL	COST: Office use
Contractor's Name: <u>Tom Willan</u>	License # / Contractor Registration #
Mailing Address :	Phone #: (include area code)

PLUMBING	COST: Office Use
Contractor's Name: <u>Tom Willan</u>	License # / Contractor Registration #
Mailing Address :	Phone #: (include area code)

HEATING, VENTILATING & AIR CONDITIONING	COST: Office Use
Contractor's Name: <u>Tom Willan</u>	License # / Contractor Registration #
Mailing Address :	Phone #: (include area code)

Make checks payable to TOWN OF COTTAGE GROVE, sign the 'Cautionary Statement to Owners' and mail to Viken Inspection Agency, 5116 Pierceville Road, Cottage Grove, WI 53527.

PLEASE verify that you are submitting your application to the correct town: **EXHIBIT B-3**

Wisconsin Circuit Court Access (WCCA)

County of Dane vs. Julia A Willan

Dane County Case Number 2016CX000014A

Filing Date 06-20-2016
Case Type Complex Forfeitures
Case Status Open
Defendant Date of Birth
Address 4407 Vilas Hope Rd, Cottage Grove, WI 53527
Branch Id 9
DA Case Number
Case(s) Cross-Referenced With This Case 2016CX000014

Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	10.04	Zoning Viol-Restrict Upon Land/Bldgs	Forf.	U
2	14.45(1)	No Valid Erosion Control Permit - > 4000 sq ft Land Disturbance	Forf.	U
3	10.25(2)(a)	No Zoning Permit	Forf.	U

Responsible Official	Prosecuting Agency	Prosecuting Attorney	Defense Attorney
Niess, Richard G			

Defendant

Defendant Name	Date of Birth	Sex	Race ¹
Willan, Julia A			
Address			Address Updated On
4407 Vilas Hope Rd, Cottage Grove, WI 53527			06-24-2016
JUSTIS ID	Finger Print ID		
Defendant Attorney(s)			
Attorney Name	GAL	Entered	Withdrawn
Jardine, Daniel G.	No	03-14-2017	04-17-2017

Future Court Activity

Date	Time	Location	Description	Type ²	Court Official
08-17-2017	08:30 am	5th Floor, Courtroom 5D - Branch 9	Court trial	Court	Niess, Richard G
08-18-2017	08:30 am	5th Floor, Courtroom 5D - Branch 9	Court trial	Court	Niess, Richard G

Charge(s)/Sentence(s)

Charge Detail

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	10.04	Zoning Viol-Restrict Upon Land/Bldgs	Forf. U	06-14-2016	

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
2	14.45(1)	No Valid Erosion Control Permit - > 4000 sq ft Land Disturbance	Forf. U	06-14-2016	

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
3	10.25(2)(a)	No Zoning Permit	Forf. U	09-28-2016	

1 The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

2 Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

EXHIBIT C-2



DANE COUNTY
PLANNING & DEVELOPMENT

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

April 17, 2017

Thomas Willan
4407 Vilas Hope Road
Cottage Grove, WI 53527

Planning
(608)266-4251, Rm. 116

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

Zoning
(608)266-4266, Rm. 116

RE: Review of zoning permit application for a second story addition above garage

SITE: 4407 Vilas Hope Road, Section 7, Town of Cottage Grove

Dear Mr. Willan,

The Dane County Zoning Division is in receipt of an application to construct a second story addition above your garage which is located at 4407 Vilas Hope Road in the Town of Cottage Grove. The plans submitted show a second story space that has a separate entrance which is not associated with the existing single-family residence. The space clearly identifies a bathroom, a kitchen, living space, and area which could be used as a bedroom. Dane County Zoning Division considers this design as an individual dwelling, which is separate from the existing dwelling, making the overall structure a duplex family dwelling.

Under Dane County Code of Ordinances Section 10.1(21)(c), a *duplex family dwelling* is defined as a building designed to be occupied by two families living independently of each other. The design of the second story addition creates a space of which a person or persons can live independently from the persons living in the existing residence.

The property located at 4407 Vilas Hope Road is located in the A-2 Agriculture Zoning District. Under Dane County Zoning Ordinance Section 10.126(2)(a), the A-2 Agriculture Zoning District, single family detached residences are the only type of dwelling listed as a permitted use. A duplex family dwelling is not listed as a permitted use or as a condition use in the A-2 Agriculture Zoning District. Under Dane County Code of Ordinances Section 10.16(1)(a), any use not listed as a permitted use in a district is prohibited in that district.

Given that the current zoning of the property is in the A-2 Agriculture Zoning District, which only permits single family dwellings, and the proposed construction is designed to be a separate dwelling unit, the application for the second story addition is hereby DENIED.

Please note that an addition of this scale will need to be reviewed and approved by the Madison/Dane County Health Department to ensure that the on-site septic system is adequately sized to accommodate the loading.

If you feel aggrieved by this decision, the ruling may be appealed through an administrative appeal process pursuant to Dane County Code of Ordinances Section 10.26.

EXHIBIT D-1

If you have any questions or concerns regarding the rezoning of your property, please feel free to contact me directly at 266-9078.

Respectfully,

Handwritten signature of Roger W. Lane III in black ink.

Roger Lane
Dane County Zoning Administrator

Cc: Town of Cottage Grove Clerk
Town Building Inspector Tom Viken

ZONING PERMIT APPLICATION www.countyofdane.com

PROPERTY/OWNER INFORMATION		
OWNER NAME Thomas M. W. Law		
OWNER ADDRESS (Number, Street, City, State, Zip) 4407 Vilas Hope Rd		
HOME PHONE 608-438-3103	CELL PHONE Same	E-MAIL ADDRESS Tom@jrommanhousellaw.com
AGENT INFORMATION		CONTRACTOR INFORMATION
AGENT NAME Tom W. Law		CONTRACTOR NAME Same AS Above
AGENT ADDRESS Same AS Above		CONTRACTOR ADDRESS
(City, State, Zip) Cottage Grove		(City, State, Zip)
PHONE 608-438-3103		PHONE 608-438-3103
E-MAIL ADDRESS		E-MAIL ADDRESS

PROPERTY/LOCATION INFORMATION (http://access.dane.co.gov/dane/wills/)			
<input type="checkbox"/> PARENT PARCEL NUMBER	PARCEL NUMBER:	CURRENT ZONING: AG-2	ACREAGE: 2.1
TOWNSHIP: Cottage Grove		SECTION: B 1/4 1/4	
ADDRESS: 4407 Vilas Hope Rd			
CSM: 9338	LOT: 2	SUBDIVISION	BLOCK/LOT

PROPOSED PROJECT INFORMATION		
PROJECT DESCRIPTION:		
<input type="checkbox"/> This project is a new building or structure. <input checked="" type="checkbox"/> This project is an addition/alteration to an existing building or structure.		
SANITARY SERVICE: <input type="checkbox"/> SEWER <input checked="" type="checkbox"/> SEPTIC	PERMIT NUMBER:	
HEIGHT IN FEET: 24'	NUMBER OF STORIES: (Not including basement) 2	
AREA TO NEAREST SQUARE FOOT: (Outside dimensions including unfinished area, attached garages and above grade decks or porches)		
BASEMENT:	1ST FLOOR:	↓ TOTAL SQUARE FOOTAGE: ↓
2ND FLOOR: 980 sq. FT.	3RD FLOOR:	980 sq. FT.
ESTIMATED CONSTRUCTION COST: (Please round to nearest dollar) → → → → →		\$15,000.00

SUBREMITTALS TO BE PROVIDED

CUSTOMER TO PROVIDE

Zoning Status; CUP; Deed Restriction; CSM Variance (# _____)

Site Plan drawn to scale and includes dimensions

Site Plan including location of well/septic

Setbacks

Site Plan approval from applicable township.

Floor plans to scale

Elevation of property frontage drawn to scale.

Driveway permits (state, county, town)

Sanitary permits (public, private)

STAFF REVIEW

Zoning District

Permitted Use

Rural Address (new/existing)

Wetland/Floodplain/Shoreland (attachment)

Erosion Control permit (slopes/disturbance/filling/access)

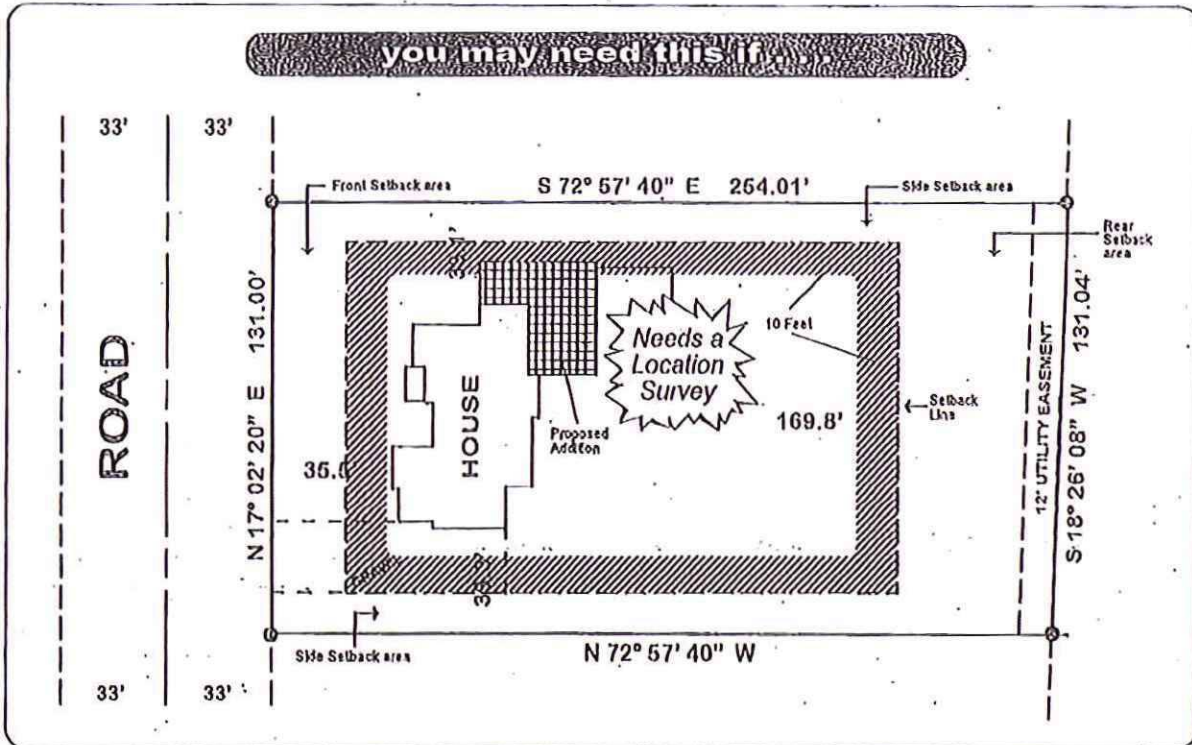
Review/ironation Survey and available options

- The property is within 300 feet of a stream or 1000 feet from a pond or lake? Yes No Don't know
- Is there a wetland or floodplain on or near the property? Yes No Don't know
- Have you talked with the township about your project and are they in agreement? Yes No Don't know
- Has there been a zoning permit issued for this property in the past 5 years? Yes No (leave blank if none)
- Is this project associated with a rezone/CUP/variance (petition/appeal # _____) Yes No Don't know
- Is a location survey required? (see reverse) Yes No Don't know
- Is this to correct a violation? Yes No

APPLICATION MUST BE SIGNED (Continue on Back) → → →

A location survey, by a licensed surveyor, is required if your construction is within 10 feet of a setback line.

- You will need to hire a surveyor to prepare a location survey to verify the construction location.
- The survey shall be done at the time when foundations or basement walls are completed.
- A location survey shall be submitted to the zoning office before continuing work on the project.
- Note: A location survey may add significant cost to your project. Please contact a Wisconsin Licensed Land Surveyor.



1. I, the undersigned, hereby make application for a zoning permit only for the location and the work described herein and certify to the accuracy of that information. I further certify I am the property owner, or a duly authorized representative, and may sign this permit application on behalf of the owner(s) of said property, and I have read and understand all of the conditions of this permit and will construct the project in compliance with those conditions. I understand that failure to provide accurate information or to comply with any provisions of the permit renders it null and void and may result in an enforcement action.

2. I, the undersigned, hereby consent to the entry on the permitted premises by zoning inspectors of the Dane County Department of Planning & Development to determine compliance with the county's zoning ordinances. This consent is valid for the period commencing with issuance of this zoning permit and terminating with issuance of a certificate of compliance or until earlier revoked in writing by the owner of the property.

There is no need to inspect because nothing is changing as far as setbacks. Limited to what has been issued. T.M.W.

PRINT: Owner/Agent <i>Thomas M. Wilman</i>	DATE: <i>4-13-17</i>
SIGNATURE: Owner/Agent 	

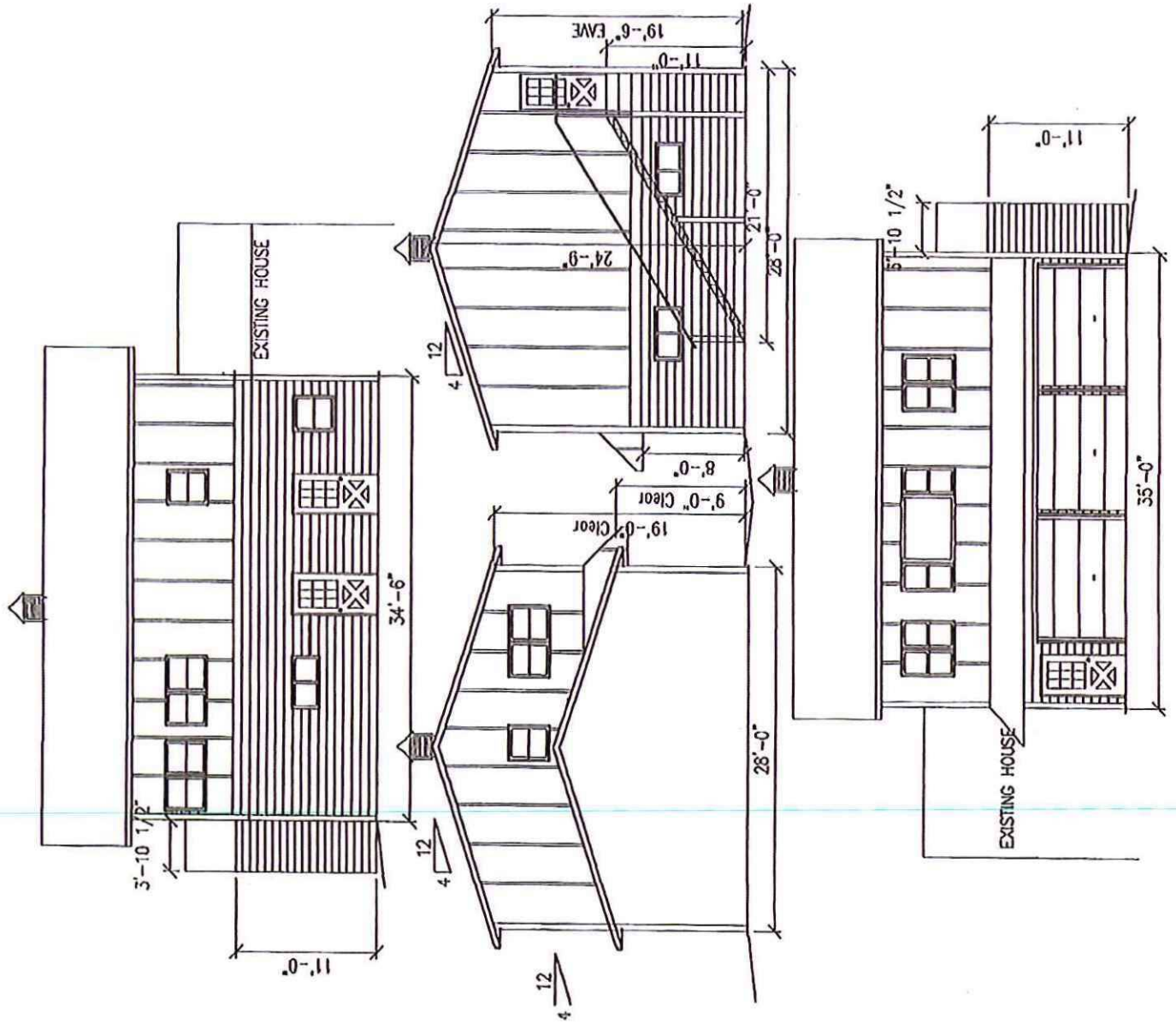


EXHIBIT D-5

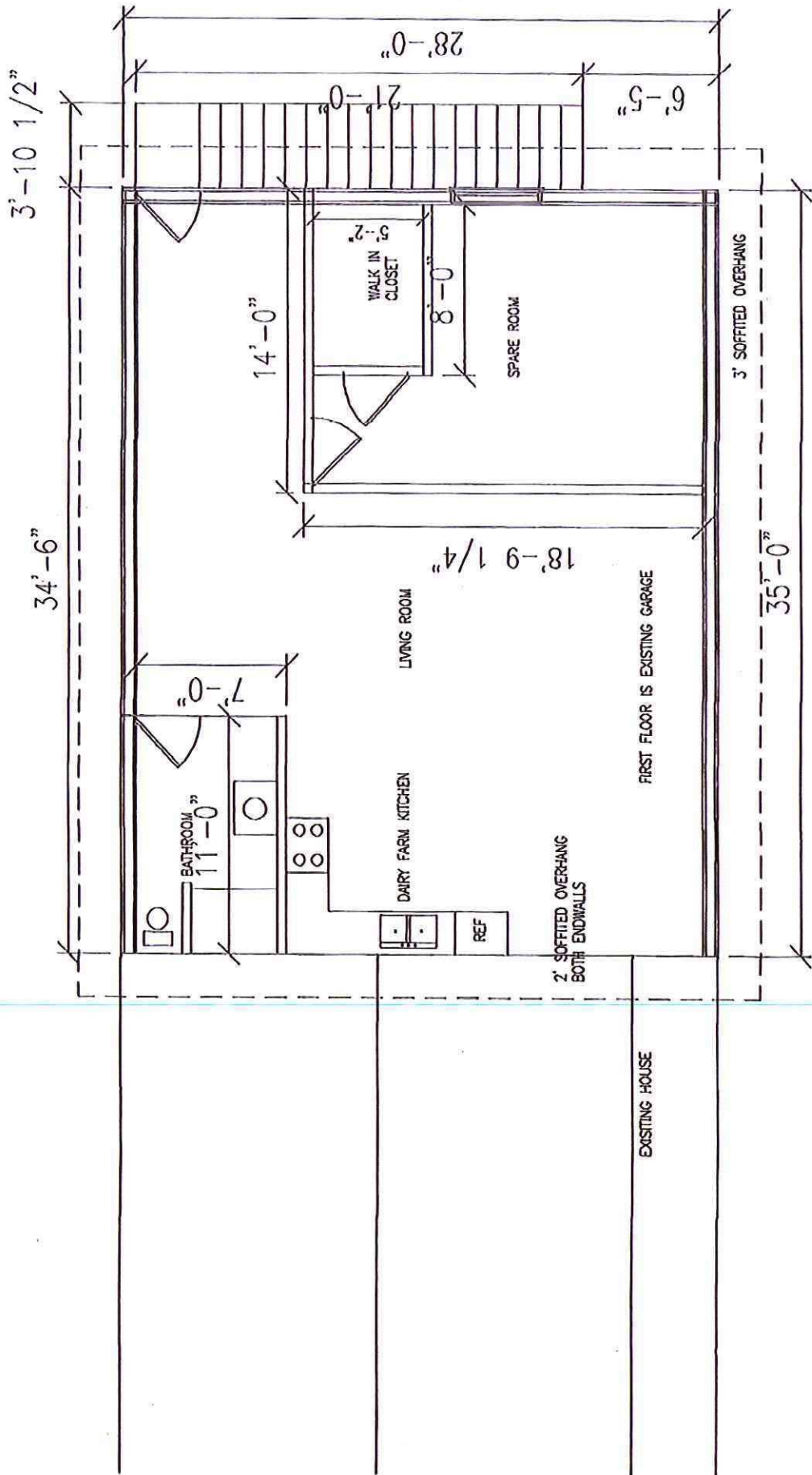
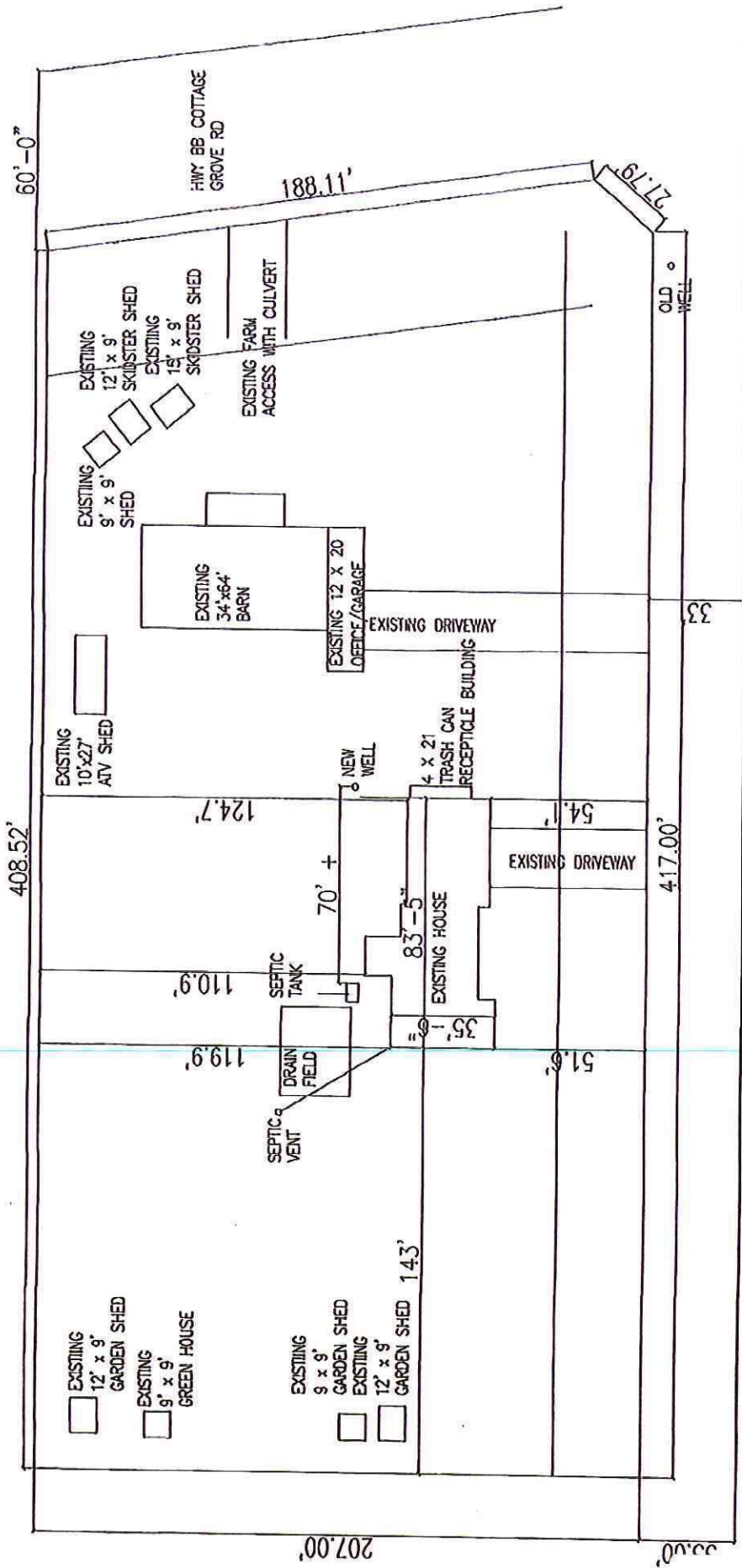


EXHIBIT D-6



VILAS HOPE RD

2017 Property Records for Town of Cottage Grove, Dane County

Tax key number: 07111-072-9971-5

Property address: 4407 Vilas Hope Rd

Neighborhood / zoning: Average Residential

Traffic / water / sanitary: Light / Well water / Septic

Legal description: LOT 2 CSM 9338 CS53/55&56 6/22/99 F/K/A CSM 9121 DESCR AS SEC 7-7-11 PRT NE1/4NW 1/4 & SE1/4NW1/4 (2.313 ACRES INCL R/W)

Summary of Assessment	
Land	\$106,900
Improvements	\$172,100
Total value	\$279,000

Summary of Last Valid Sale	
Sale date	10/31/2011
Sale price	\$235,000
Document no	4808198

Qty	Tax Classification	Unit of Measure	Width	Depth	Sq Ft	Acres	Waterfront	Description	Assess Value
1	Residential	Acres			100,754	2.313	None		\$106,900
									Total land: \$106,900

		Residential Building	
Year built:	1971	Full basement:	1,318 SF
Story height:	1 Story	Crawl space:	
Style:	Ranch (1970+)	Rec room:	659 SF
Use:	Single family	FBLA:	
Exterior wall:	Alum/vinyl	First floor:	1,526 SF
Roof type:	Asphalt Shingles	Second floor:	
Heating:	Gas, forced air	Finished attic:	
Cooling:	A/C (same ducts)	Unfinished attic:	
Bedrooms:	3	Unfinished area:	
Family rooms:		Open porch, frame, lower	230 SF
Baths:	1 full, 1 half	Att garage, frame or cb	764 SF
Total rooms:	3		
Whirl / hot tubs:			
Masonry FPs:	1 stacks, 1 openings		
Metal FPs:			
Gas only FPs:	1 openings	Masonry adjust:	
Bsmt garage:		Grade factor:	C
Shed dormers:		Condition:	Average
Gable/hip dorm:		Percent complete:	100%



Residential assessed building value: \$153,100 Total square feet: 1,526

EXHIBIT E-1

2017 Property Records for Town of Cottage Grove, Dane County

072-9971-5

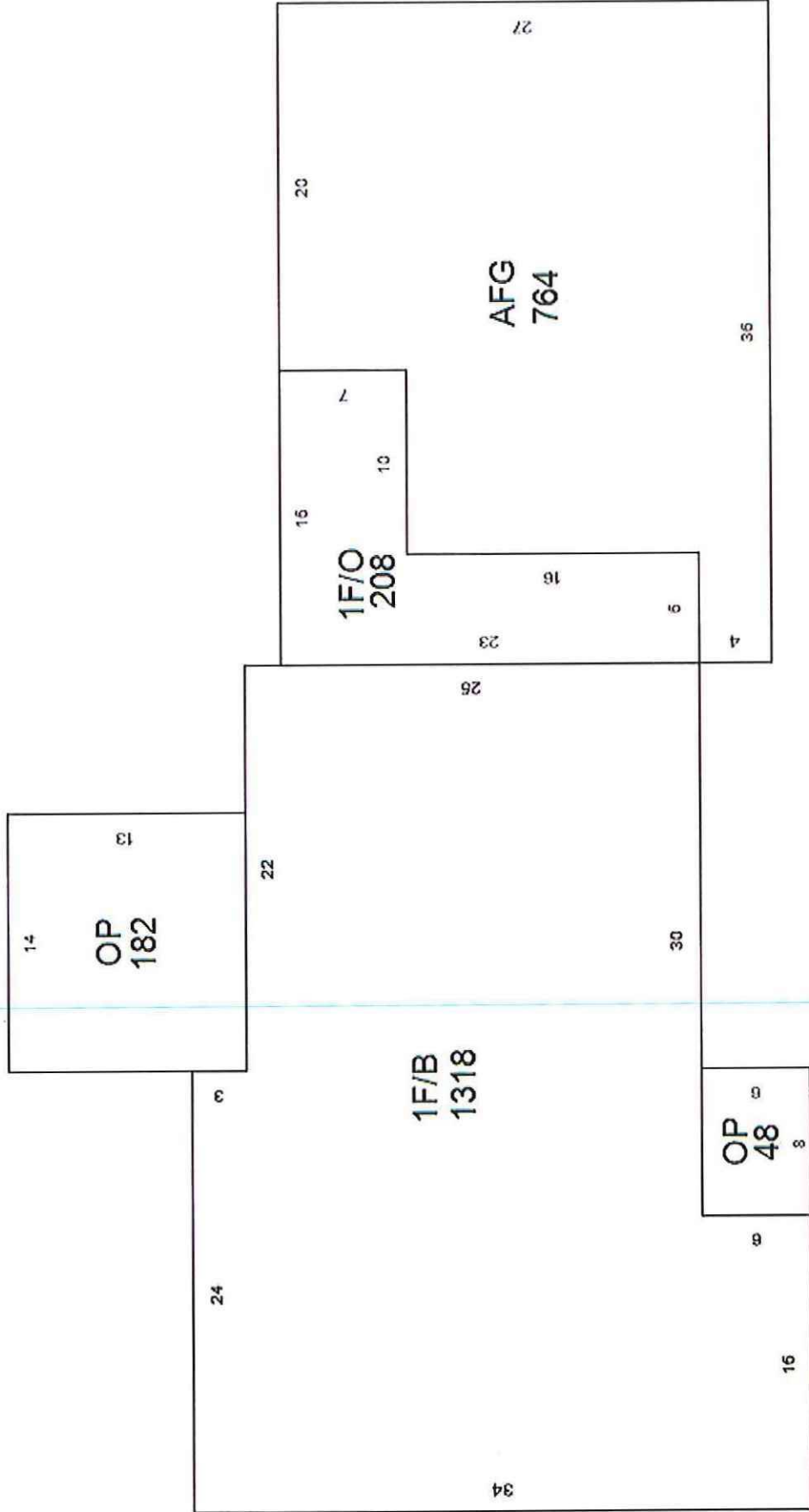


EXHIBIT E-2

2017 Property Records for Town of Cottage Grove, Dane County

May 3, 2017

Other Building Improvements					
Qty	Description	Width	Depth	Height	Assess Value
1	Utility shed, residential, metal	6	8		\$500
1	Utility shed, residential, metal	9	12		\$800
1	Utility shed, residential, metal	20	18		\$2,700
1	Barn, general purpose, bank, wood	34	48	18	\$8,500
1	Milk house, attached, concrete block	14	12	8	\$800
Total OBIs:					\$13,300

Other Improvements		
Tax Class	Description	Assess Value
Residential	w/s	\$5,000
Residential	canopy	\$600
Residential	silo	\$100

Total other improvements: \$5,700

EXHIBIT E-3

DANE COUNTY HUMAN SERVICES DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION

PSUATS 8797

Owner C. J. VALE Parcel No. _____

Mailing Address _____

Property Address 4407 Vilas Hope Road, Cottage Grove, WI. 53527

Subdivision/CSM _____ Lot _____ Block _____

Section 18 NE 1/4 NW 1/4

Township/City COTTAGE GROVE

July 3, 1989 - received copy of DNR well correction order - RCH
December 4, 1991 - received copy of letter from DNR - well corrections completed - RCH

EXHIBIT F-1

DANE COUNTY
ENVIRONMENTAL HEALTH DEPARTMENT
1202 NORTHPORT DRIVE
MADISON, WISCONSIN 53704

DANE COUNTY SANITARIANS' OFFICE
~~1001 STATE STREET~~, MADISON, WISCONSIN

INTER-OFFICE MEMORANDUM

DATE May 27, 1971

TO: Charles Jones, 225 Inglesby St., Columbus, Wis. 53925

FROM: Orville W. Hints, R.S., Chief Sanitarian

SUBJECT: Premise location - County Permit #1277 - State Permit #17415

Ref.: Celius J. Vale, Rt. 1, Cottage Grove
Cottage Grove Twn., Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$ - Buss Rd. & Cottage Grove Rd.

Please change the premise location to:

Cottage Grove Twn., Sec. 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ - corner OTH "BB" & Vilas-Hope Rd.

O.W.H.

mp

cc: County Zoning Dept.

EXHIBIT F-2



**DANE COUNTY
ENVIRONMENTAL HEALTH DEPARTMENT**

1202 Northport Drive
Madison, Wisconsin 53704
Phone 266-4953

PERMIT APPLICATION FOR PRIVATE DOMESTIC SEWAGE SYSTEMS

A. LOCATION OF PREMISE WHERE SYSTEM WILL BE CONSTRUCTED, ALTERED OR EXTENDED

LEGAL DESCRIPTION: Buss Rd. & Cottage Grove Rd. sec. 8 Name One: _____ CITY _____ VILLAGE
Cottage Grove TOWNSHIP

B. OWNER OF PROPERTY MAILING ADDRESS
Name: Celius J. Vale (Street, City, Zip Code)
RR#1 Cottage Grove, Wis.

C. SEPTIC TANK CAPACITY 1000 Gallons NEW INSTALLATION REPLACEMENT _____ ADDITION _____
MATERIALS: Prefab Concrete Poured in Place _____ Steel _____ Other _____; No. of Tanks 1

D. TYPE OF OCCUPANCY
One or Two Family Residence 1 No. of Bedrooms 3
Commercial _____ Industrial _____ Other _____ No. of Persons to be Accommodated 3
(specify)

E. APPLIANCES, ETC.: Food Waste Grinder YES _____ NO Automatic Clothes Washer YES _____ NO
Dishwasher YES _____ NO Other (Specify) _____

F. EFFLUENT DISPOSAL SYSTEM NEW EXTENSION _____ ADDITION _____ REPLACEMENT _____
Seepage Trenches: No. Lin. Feet _____ Trench Width _____ Depth _____ Number of Lines _____
Seepage Bed: Length 55' Width 18' Depth 1' Tile Size 4" No. Lines 3
Seepage Pit: Inside diameter _____ Liquid Depth _____

G. Percent of slope of land 1 % south direction 990 ft

PERCOLATION TEST

Test Number	Depth Inches	Character of Soil Thickness in Inches	Hours Since Hole 1st Wetted	Water in Hole Overnight	Test Time Interval in Minutes	Drop in Water Level Inches			Minutes To Fall One Inch
						Second to Last Period	Next to Last Period	Last Period	
Example P-O	36"	Top Soil 10", Clay 26"	25	yes or no	30	1/2	1/2	1/2	60
1	36	" 12" " 24"	12	no	30	1	5/8	5/8	48
2	"	" "	"	"	"	3/4	3/4	5/8	48
3	"	" "	"	"	"	5/8	5/8	5/8	48

RECORD DATA FROM MINIMUM OF 3 TEST HOLES IN THE AREA IN WHICH THE SYSTEM IS TO BE INSTALLED

SOIL BORINGS — Minimum 36" Below Proposed Absorption System

Boring Number	Total Depth Inches	Depth to Ground Water		Depth to Bedrock		Character of Soil with Thickness in Inches
		Observed	Estimated	Observed	Estimated	
Example B-O	72"	72"				Black Top Soil 12"; Clay 18" Sand 18"; Gravel 24"
1	72	none	30'	none	30'	" " " 12" clay 40" sandish clay 20"
2	"	"	"	"	"	" " " " " " " "
3	"	"	"	"	"	" " " " " " " "

RECORD DATA FROM MINIMUM OF 3 BORE HOLES IN THE AREA IN WHICH THE SYS

(COMPLETE OTHER SIDE)

EXHIBIT F-3

PERCOLATION TESTS

I, the undersigned, hereby certify that The Percolation Tests reported on this form were made by me or under my supervision in accord with the procedures and method specified in Chapter H 62.20 (3), Wisconsin Administrative Code, and that the data recorded and location of test holes are correct to the best of my knowledge and belief.

NAME C. A. Jones TITLE Plumber
(Type or Print)

REGISTRATION NO. _____ or MASTER PLUMBER LICENSE No. 5019

ADDRESS 225 Inglesby St, Columbus Wis,

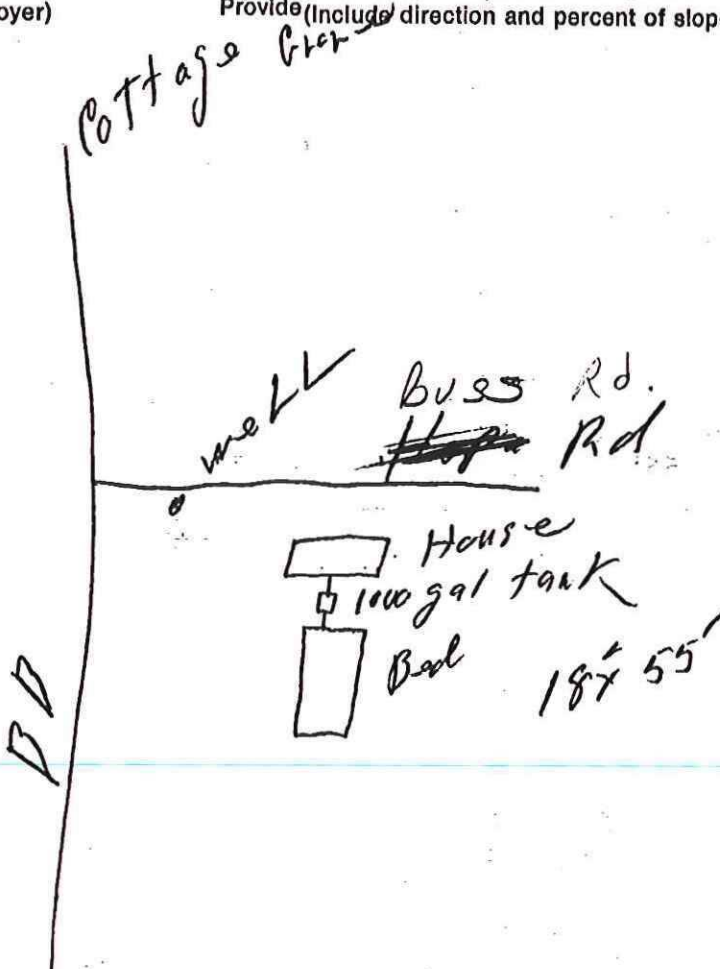
DATE 4/26/71 SIGNATURE Charles A. Jones

MASTER PLUMBER MAKING APPLICATION

MP 5019

Signature: Charles A. Jones License Number: MP RSW _____

For: _____ Provide sketch below of system
(employer) Provide (Include direction and percent of slope)



Handwritten note: Permit signed [initials]

Note: The application cannot be considered for filing until all of the above questions are answered and the fee paid.

Do not write in space below — FOR DEPARTMENT USE ONLY

Date of Application 5-4-71 Fee Paid \$ 10

Permit Issued/Rejected (date) 5-4-71 Permit Number 1277 17415

Sanitarian (name) James Johnson Soil Type 620

EXHIBIT F-4

Viken Inspection Agency
5116 Pierceville Road
Cottage Grove, WI 53527
608-444-0986

May 2, 2015

Hand-Delivered

Thomas Willan
4407 Vilas Hope Road
Cottage Grove, WI 53527

RE: Building Permit M2141, Issued March 6, 2017

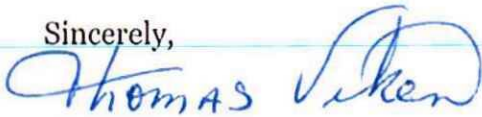
Dear Mr. Willian:

Be advised that I am rescinding the above building permit I issued. I was under the impression this permit was for a "bonus room above the garage" and that is what I issued the building permit for. Upon receiving the actual plans after the fact, this is indeed not a bonus room. Had I known your true intentions for this addition, I would have advised you to contact Dane County Zoning before requesting a building permit.

Once this issue has been resolved, you can apply for a building permit once you go through Dane County Zoning if you intend to build anything other than a "bonus room" above the garage.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Viken". The signature is written in a cursive style with a large, looping initial 'T'.

Thomas Viken
Viken Inspection Agency

EXHIBIT **G**

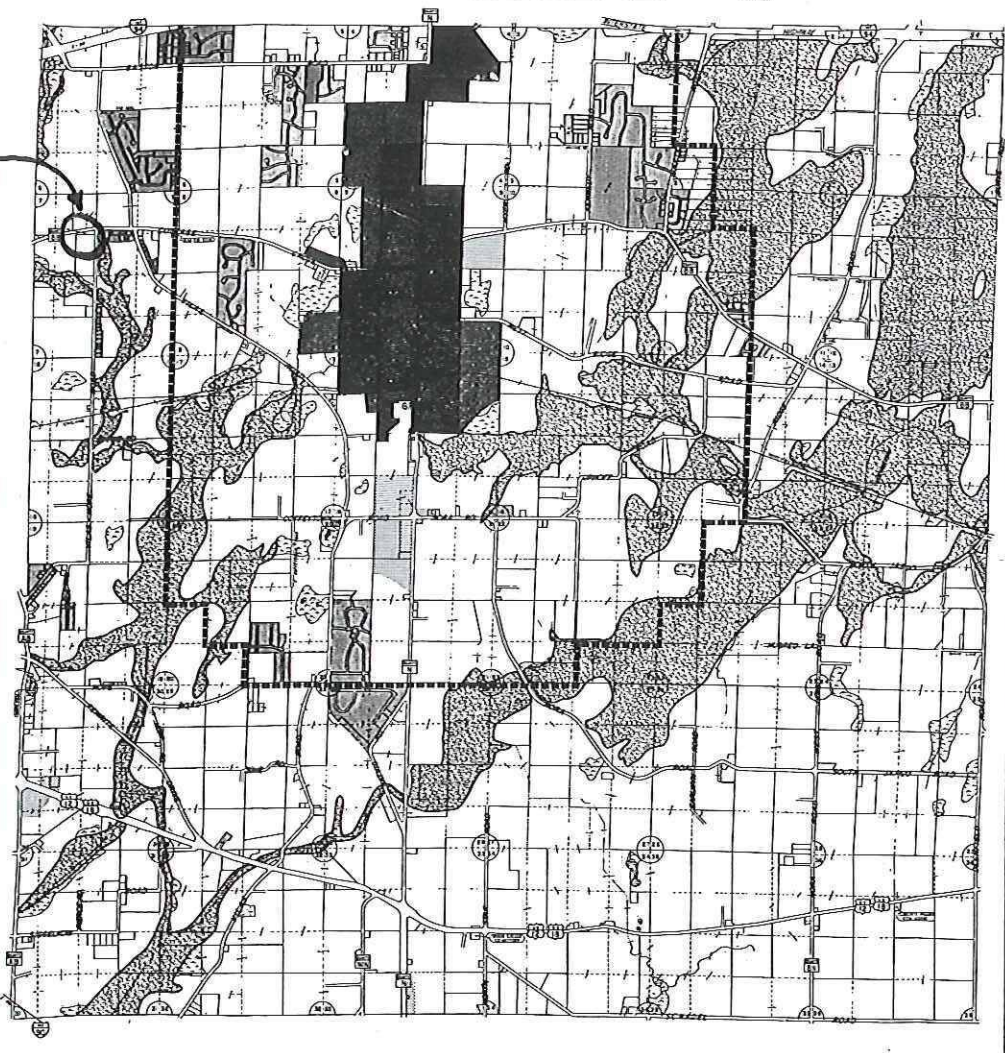
Master Plan — Town of Cottage Grove, Wisconsin

Prepared by Staff to the Dane County Regional Planning Commission

T. 7 N. R. 11 E. DANE COUNTY, WIS.



WILLAN PROPERTY



LAND USE PLAN SUMMARY

The Land Use Plan implements the Goals and Policies of the Master Plan and reflects the following land use designations:

- A. Agriculture - A2
- B. Business - B1
- C. Urban Residential - UR
- D. Rural Residential - RR
- E. Light Industrial - LI
- F. Medium Density Residential - MD
- G. Single-Family Residential - SR
- H. Office - O
- I. Public and Recreation - PR

Some of the plan designations are assigned to specific parcels on the land use map. Other plan designations are described in detail below and are not assigned to specific parcels. These plan designations include Agriculture Business, which will be assigned only when circumstances warrant.

A. Agriculture - A2
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as agriculture. This designation is intended to encourage the development of agriculture and to protect the agricultural resources of the town.

B. Business - B1
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as business. This designation is intended to encourage the development of business and to protect the business resources of the town.

C. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

D. Rural Residential - RR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as rural residential. This designation is intended to encourage the development of rural residential and to protect the rural residential resources of the town.

E. Light Industrial - LI
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as light industrial. This designation is intended to encourage the development of light industrial and to protect the light industrial resources of the town.

F. Medium Density Residential - MD
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as medium density residential. This designation is intended to encourage the development of medium density residential and to protect the medium density residential resources of the town.

G. Single-Family Residential - SR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as single-family residential. This designation is intended to encourage the development of single-family residential and to protect the single-family residential resources of the town.

H. Office - O
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as office. This designation is intended to encourage the development of office and to protect the office resources of the town.

I. Public and Recreation - PR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as public and recreation. This designation is intended to encourage the development of public and recreation and to protect the public and recreation resources of the town.

J. Other
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as other. This designation is intended to encourage the development of other and to protect the other resources of the town.

K. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

L. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

M. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

N. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

O. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

P. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

Q. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

R. Urban Residential - UR
 Purpose: The Land Use Plan designates areas of the town and rural areas of the Village of Cottage Grove for use as urban residential. This designation is intended to encourage the development of urban residential and to protect the urban residential resources of the town.

- A. Agriculture
- B. Business
- C. Urban Residential
- D. Rural Residential
- E. Light Industrial
- F. Medium Density Residential
- G. Single-Family Residential
- H. Office
- I. Public and Recreation
- J. Other
- K. Urban Residential
- L. Urban Residential
- M. Urban Residential
- N. Urban Residential
- O. Urban Residential
- P. Urban Residential
- Q. Urban Residential
- R. Urban Residential
- Flood
- Wet
- ETU

All applications for land divisions must comply with the Town of Cottage Grove Code of Ordinances, Chapter 89—Land Development Ordinance.

1. **Agriculture – AG** – SEE ALSO TDR POLICY ADOPTED 5/9/2000 (AFTER P.42)

Purpose: The Land Use Plan Map designates almost all of the area east and south of the Village of Cottage Grove for long-term agricultural use. Additionally, most of the area west of the Village, comprising some of the best farmland in the Town, is designated for continued agricultural use for the planning period of the Master Plan.

Agriculture plays a key role in the Town's economy and land use, and in establishing the "rural character" of the Town. Land devoted to crop and pasture use totalled 73% of the Town's land area in 1990. The majority of the Town's land area is typified by large-acreage farms and farm-oriented residential uses. It is the intent of the Master Plan to maintain the Town's agricultural base.

Plan Area Standards—Farmland Preservation: The accepted minimum parcel size for a viable farm unit, and for qualifying for state-provided farmland preservation tax credits, is 35 acres. Non-farm residential development is permitted per the standard of one dwelling unit per 35 acres owned. This density limit has been in effect in the Town since January 1, 1981. The Town recognizes that the one lot per 35 acres owned policy **does not** mandate the creation of 35-acre lots and strongly encourages the creation of lots as small as possible in order to minimize loss of agricultural land to non-agricultural purposes. The Town has adopted the A-1 Agricultural District (Exclusive) of the Dane County Zoning Ordinance, effective May 15, 1982.

Plan Area Standards—Residential Development: The density of one lot per 35 acres within a farm unit means that someone who owns 210 acres could create up to six lots if all other plan policies were met. The one lot per 35 acres is meant literally with no fractions allowed.

In order to prevent the occurrence of multiple divisions by successive landowners, the limitation of one lot per 35 acres shall run with the land, shall be cumulative, and shall apply to those persons or entities owning land within the Town on May 15, 1982, and to their grantees, heirs, successors and assigns.

Substandard parcels (those less than 35 acres in size existing as of May 15, 1982) are allowed to be divided into no more than one new lot.

In addition, the following policies for residential development are applicable:

- a. Allow for an additional farm residence for parents or children of the farm operator if the conditional use standards of the Exclusive Agricultural Zoning District are met and all Town policy criteria are met. These houses will count toward the policy of one lot per 35 acres overall density.
- b. Allow for a one-time replacement of the existing farm residence with a new residence for the farm operator. Separation and sale of the old farm residence would have to meet all policy criteria of the plan, land division and zoning change requirements. These new houses will count toward the policy of one lot per 35 acres overall density,

unless the old residence is demolished. These limitations do not apply to farm houses destroyed by wind, fire and other acts of God.

- c. Allow the separation of farm dwellings and related structures which existed prior to January 1, 1981, and which remain after farm consolidation. These separated lots will count toward the policy of one lot per 35 acres overall density.
- d. Allow the separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm. These separated lots will count toward the one lot per 35 acres overall density policy. If the farm operator chooses to retire in the existing home, a new home would be allowed for the new operator.

Plan Area Standards—Siting Requirements for Non-Farm Residential Development: A key component of this Land Use Plan is to not only limit the overall amount of non-farm residential development in the Agriculture Plan Area, but also to appropriately site whatever development does occur. Development should be guided to those areas not containing prime or important soils and which can support a private septic system. The proposed dwelling shall be placed so as to minimize impacts on neighboring agricultural uses, minimize disruption of existing natural features and be placed so as to prevent visual predominance over the surrounding landscape. Therefore, a site plan will be required to be submitted to the Town Board and Plan Committee and must address the following criteria:

- a. Where practical, non-agricultural development is to be located on the least productive portion of the farm parcel. Productivity will be measured by the soil classification of the *Soil Survey of Dane County, Wisconsin*.
- b. The maximum permitted lot size shall be two acres in order to minimize conversion of farmland to non-agricultural use. At the discretion of the Town Board and Plan Committee, certain physical conditions may necessitate the creation of larger lots.
- c. New roads or utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmland and other natural resources.
- d. Driveways shall not be permitted to cross productive agricultural lands and disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances and any other emergency vehicle. The Town Board and/or Plan Committee may require notification of the fire chief or other emergency service provider, as well as their approval of any driveway configuration.
- e. All existing property boundaries, lot lines and easements must be shown.
- f. All existing uses, structures, roads and driveways must be shown.
- g. The proposed lot lines and approximate location of structures and driveways must be shown. Septic fields and well sites shall be approximately delineated.
- h. Areas of differing soil productivity shall be delineated.

EXHIBIT 11-4