

**WINDSOR TOWN BOARD
RESOLUTION 2014-50**

**RESOLUTION APPROVING REZONE FROM A-1 EX TO A-2 and
CONDITIONAL USE PERMIT (CUP)
TO ALLOW FOR CONSTRUCTION OF A CONVENIENCE SANITARY
FACILITY IN AN AGRICULTURAL ACCESSORY STRUCTURE**

**[Alan Buchner for Petitioner and Owner of 4003 Vinburn Road,
Town of Windsor, Dane County, Wisconsin]**

RECITALS

WHEREAS, Alan Buchner for petitioner and owner Buchner Revocable Trust, Alan (“Petitioner”) of 4003 Vinburn Road, Town of Windsor, Dane County, Wisconsin (“Property”) is requesting a rezone of the Property from Agriculture District Exclusive (A-1 EX) to Agriculture District (A-2) and a conditional use permit (CUP) in order to allow for construction of a convenience sanitary facility in an agricultural accessory structure;

WHEREAS, Mr. Buchner advised the Town Board of his pecuniary interest in the Property and participated in this matter solely as any petitioner appearing before the Town Board, and for that reason, Mr. Buchner removed himself from his seat as a supervisor throughout the deliberations related to this matter, did not participate in Town Board discussions and abstained from voting;

WHEREAS, Petitioner is in the process of constructing an addition to an existing accessory building and is making this request in order to bring the Property into compliance with the Dane County Zoning Ordinances, as set forth in the letter from the Dane County Zoning Department;

WHEREAS, the Town Planner has reviewed the request and prepared a Staff Report dated August 11, 2014 (“Staff Report”) recommending approval, subject to certain conditions specified in the Staff Report;

WHEREAS, following review of the Petitioner’s application materials and Staff Report, and consideration of input at the July 15, 2014 Plan Commission meeting, the Town Board finds that the request is consistent with the Town of Windsor Comprehensive Plan 2025 and applicable zoning provisions of the Dane County Code of Ordinances and wishes to recommend approval of same, subject to those conditions specified herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

A. The Town Board of the Town of Windsor approves a rezone of the Property from Agriculture District Exclusive (A-1 EX) to Agriculture District (A-2) and issuance of a conditional use permit (CUP) solely for construction of a convenience sanitary facility in an agricultural accessory structure, and subject to the following conditions:

1. The Petitioner shall obtain approval of the Rezone and Conditional Use Permit request from Dane County.
2. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the property (4003 Vinburn Road, DeForest, WI 53532) shall be restricted from any future land divisions.
3. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the accessory building connected to the sanitary plumbing fixture shall not be used as a temporary or secondary residence for overnight use.
4. The petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the application, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

B. The Town Board's approval expires one hundred-eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the petitioner either fails to act in accordance with the above-stated conditions or does not commence substantial construction of the convenience sanitary facility prior to expiration, then this approval shall expire. In such case, the petitioner shall be required to re-apply to the Plan Commission and the Town Board for the conditional use permit (CUP).

[SIGNATURES ON FOLLOWING PAGE]

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 21st day of August, 2014.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chair

Donald G. Madelung
Donald G. Madelung, Town Supervisor

Bruce Stravinski
Bruce Stravinski, Town Supervisor

ABSTAINED (See Recitals)

Alan Buchner, Town Supervisor

Monica M. Smith
Monica M. Smith, Town Supervisor

Attested by:

Christine Capstran
Christine Capstran, Town Clerk



TO: Town of Windsor Plan Commission
CC: Robert Wipperfurth, Chairman
Tina Butteris, Office Manager
Amy Anderson Schweppe, Planning & Development Coordinator
Kevin Richardson, Engineer
Connie Anderson, Attorney
FROM: Jamie Rybarczyk, Planning Consultant
RPT DATE: August 11, 2014
MTG DATE: August 21, 2014
FOTH FILE: 13W027.01/31
RE: Alan Buchner – Rezone & Conditional Use Permit

BACKGROUND:

1. Petitioner/Property Owner: Buchner Revocable Trust, Alan
2. Agent: N/A
3. Location/Address: 4003 Vinburn Road, DeForest, WI 53532
4. Taxkey Number: 068-0910-211-8000-0
5. Area: 20 acres
6. Existing Zoning: A-1 EX Agricultural District
7. Proposed Zoning: A-2 Agricultural District
8. Future Land Use: Agricultural

OVERVIEW:

The petitioner is in the process of constructing an 87'x36'x22' addition to an existing accessory building. On June 6, 2014 the Dane County Zoning Department conducted a site inspection and observed a sanitary plumbing fixture (in-ground holding tank) located outside of the accessory building available for sanitary fixture connection. A sanitary fixture is defined as any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system. Per §10.04(1)(b)2 of the Dane County Zoning Code, sanitary fixtures are prohibited in accessory buildings except in agricultural accessory buildings on zoning lots over 35 acres in size, or if required by law, or allowed by a conditional use permit. The property is zoned A-1 EX Agricultural District but is only 20 acres in area. If the petitioner rezones the property to A-2 Agricultural District, a sanitary plumbing fixture for an accessory use is permissible as a conditional use if the zoning lot is over 5 acres in size. As a result, the petitioner is requesting from the Town of Windsor Plan Commission and Town of Windsor Board approval of a Rezone and Conditional Use Permit for the installation of a sanitary plumbing fixture for an accessory use.

STAFF RECOMMENDATION:

Depending on confirmation by the Town of Windsor Board of the above described comments, the Town of Windsor Board may take the following action:

The Town of Windsor Board **Conditionally Approves** the Rezone and Conditional Use Permit request for Buchner Revocable Trust, Alan located at 4003 Vinburn Road; DeForest, WI 53532 subject to the following conditions:

1. The petitioner shall obtain approval of the Rezone and Conditional Use Permit request from Dane County.



Staff Report

2. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the property (4003 Vinburn Road, DeForest, WI 53532) shall be restricted from any future land divisions.
3. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the accessory building connected to the sanitary plumbing fixture shall not be used as a temporary or secondary residence for overnight use.
4. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

COMPREHENSIVE PLAN CONSISTENCY:

The Rezone and Conditional Use Permit request is consistent with the Town of Windsor Comprehensive Plan: 2025.

ZONING ORDINANCE CONSISTENCY:

The Rezone and Conditional Use Permit request is consistent with the applicable zoning provisions of the Dane County Code of Ordinances.

EXHIBITS:

- A. DCiMap
- B. Construction Plan
- C. Application
- D. Dane County Zoning Violation