

# Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
03/15/2017	DCPREZ-2017-11134
Public Hearing Date	C.U.P. Number
05/23/2017	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME RICHARD J FAHEY	PHONE (with Area Code) (608) 212-5710	AGENT NAME WILLIAMSON SURVEYING	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 7532 WALTER RD		ADDRESS (Number & Street) 104A W MAIN ST	
(City, State, Zip) BELLEVILLE, WI 53508		(City, State, Zip) WAUNAKEE, WI 53597	
E-MAIL ADDRESS		E-MAIL ADDRESS chris@williamsonsurveying.com	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
7532 WALTER RD					
TOWNSHIP MONTROSE	SECTION 29	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0508-293-9500-8					

REASON FOR REZONE			CUP DESCRIPTION	
CREATING TWO RESIDENTIAL LOTS				
FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
A-1Ex Exclusive Ag District	RH-1 Rural Homes District	4.34		

C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials: <i>CA</i>	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials: <i>CA</i>	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials: <i>CA</i>	INSPECTOR'S INITIALS  SSA1	SIGNATURE: (Owner or Agent) 
				PRINT NAME: <i>Chris Adams</i>
				DATE: <i>3-15-2017</i>

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Form Version 03.00.03

Petition # 11134

Public Hearing Date 5/23/17

### Application

- ☒ Application filled out and signed
- ☒ Metes and bounds description
- ☒ Scaled map
- ☒ Letter of intent
- ☐ If commercial, plan showing proposed improvements (building, parking, landscape)

### Zoning Review

1. Zoning District fits the proposed land use? Yes / No
2. Zoning District fit the proposed and remaining lots (s)? Yes / No
3. Proposed lot meet the minimum width and area requirements? Yes / No
4. Do the existing structures meet the setbacks for the District? Yes / No ✓
5. Do the existing structures meet the height limitations? Yes / No ✓
6. Do the existing (proposed) structures meet the lot coverage? Yes / No ✓
7. Do the Accessory structures meet the principal structure ratio? Yes / No ✓
8. Existing building heights conform to district? Yes / No ✓
9. Shoreland, Wetland, Flood plain issues? Yes / No
10. Steep slope issues? Yes / No
11. Commercial parking standards met? Yes / No ✓
12. Screening requirements met? Yes / No ✓
13. Outside lighting requirements? Yes / No ✓

Comments:

Intermittent stream in rear yard

### Planning Review

1. Density Study Needed? Yes / No Splits 2
2. Determination of Legal Status Yes / No ✓
3. In compliance with Town plan? Yes / No
4. Land Division Compliance? Yes / No

Comments:

Contacts / Correspondence: (date: issue)





## Zoning Change Application

Zoning Division  
Room 116, City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53703-3342  
Phone: (608) 266-4266  
Fax: (608) 267-1540

Items that must be submitted with your application:

- **Written Legal Description of the proposed Zoning Boundaries**  
Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.
- **Scaled Drawing of the location of the proposed Zoning Boundaries**  
The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name RICHARD FAHEY

Agent's Name Williamson Surveying

Address 7532 WALTER RD, BELLEVILLE,  
53508

Address 104A W. Main St, Waunakee  
608-255-5705

Phone (608) 212-5710

Phone

Email

Email

chris@williamsonsurveying.com

Town: Montrose Parcel numbers affected: 0508-293-9500-8

Section: 29 Property address or location: 7532 WALTER RD, BELLEVILLE, WI

Zoning District change: (To / From / # of acres) RH-1 / A-1EX / 4.34 acres

Soil classifications of area (percentages) Class I soils: 0 % Class II soils: 100 % Other: 0 %

Narrative: (reason for change, intended land use, size of farm, time schedule)

- ☐ Separation of buildings from farmland
- ☒ Creation of a residential lot
- ☐ Compliance for existing structures and/or land uses
- ☐ Other:

Richard & Mary Fahey would like to create 2 residential building sites. 1 site will be for his daughter to build a new home on and the second will be determined later.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

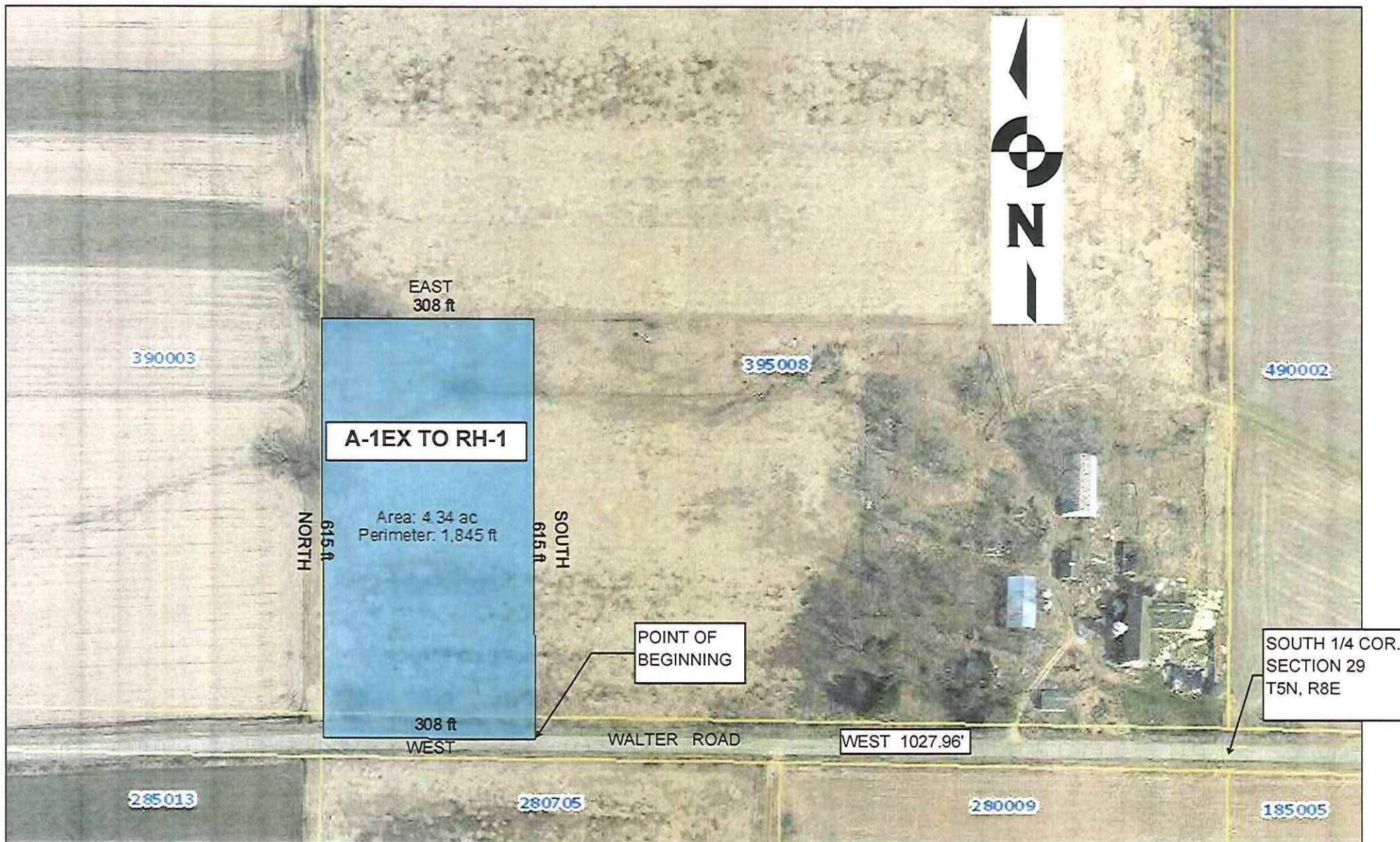
Submitted By:

(Agent)

Date:

3-13-2017

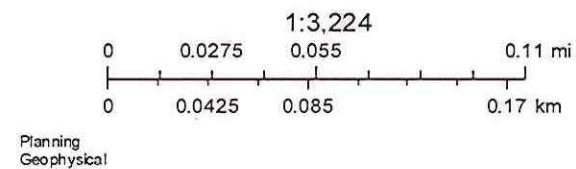




March 13, 2017

Parcel Number

Tax Parcels



## **A-1EX TO RH-1**

A parcel of land located in part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29, T5N, R8E in the Town of Montrose, Dane County, Wisconsin being more particularly described as follows:

Commencing at the South  $\frac{1}{4}$  corner of said Section 29; thence West along the south line of said section, 1027.96 feet to the point of beginning.

Thence continue West, 308.00 feet; thence North, 615.00 feet; thence East, 308.00 feet; thence South, 615.00 feet to the point of beginning. This parcel contains 4.34 acres and is subject to a road right of way of 33.00 feet over the most northerly part thereof.





8 9 6 3 9 5 2  
Tx:8740171

## ALLOCATION OF LAND SPLITS

(This instrument allocates land splits between parcels and is not a conveyance within the meaning of Section 77.21(1), Wisconsin Statutes, and is exempt from transfer tax return and transfer fee.)

20 This Agreement is made and entered into this day of February, 2015, by and between Frederick Zweifel and Alice Zweifel, as trustees of the Frederick and Alice Zweifel Revocable Trust U/A/D March 12, 2012 (the "Trust"), Richard Fahey and Mary Fahey (collectively the "Faheys"), and Fahey Brothers LLP ("LLP").

WHEREAS, the Trust owns a parcel of real property (hereinafter referred to as the "Trust Parcel") that is more particularly described on Exhibit A attached hereto; and

WHEREAS, the Faheys own a parcel of real property (hereinafter referred to as the "Fahey Parcel") that is more particularly described on Exhibit A attached hereto; and

WHEREAS, the LLP owns a parcel of real property (hereinafter referred to as the "LLP Parcel"; the Trust Parcel, Fahey Parcel, and LLP Parcel are hereinafter collectively referred to as the "Subject Parcels") that is more particularly described on Exhibit A attached hereto; and

WHEREAS, the parties have agreed to an allocation of existing legal rights to divide portions of the Subject Parcels into residential building sites; and

WHEREAS, the parties wish to confirm and state their agreement with respect to the foregoing in the manner and form following.

NOW, THEREFORE, for valuable consideration, the parties agree as follows:

1. The parties understand and acknowledge that, as owners of the Subject Parcels, they possess the legal right under applicable ordinances and regulations of the Town of Montrose, Dane County, Wisconsin to divide (i.e., to "split") such property into a total of three (3) residential building sites. Such rights of division of property into residential building sites shall be allocated between the Trust Parcel, Fahey Parcel, and the LLP Parcel as follows:

- (a) One (1) split shall be allocated to the Trust Parcel; and
- (b) Two (2) splits shall be allocated to the Fahey Parcel.

Neither party shall claim the right to any greater number of residential building sites than is allocated to such party under this paragraph. Neither party shall oppose the lawful use of a split allocated to the other party hereunder in the development of a residential building site for single family residential purposes.

**KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS**

**DOCUMENT #  
5215065**

02/15/2016 1:21 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 9

### Return to:

Attorney William L. Fahey  
Boardman & Clark LLP  
P.O. Box 927  
Madison, Wisconsin 53701-0927

See attached Exhibit A

**Parcel Identification Number**

2. The benefits and burdens set forth herein shall run with the land and shall be binding upon and accrue to the benefit of the parties hereto and their successors in interest to the Trust Parcel, Fahey Parcel and the LLP Parcel, respectively.

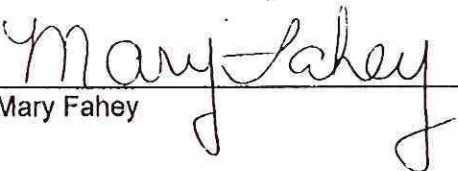
IN WITNESS WHEREOF, the parties have placed their hands and seals on the day and year first above-written.

FREDERICK AND ALICE ZWEIFEL  
REVOCABLE TRUST U/A/D MARCH 12, 2012

By: \_\_\_\_\_ (SEAL)  
Frederick Zweifel, Trustee

By: \_\_\_\_\_ (SEAL)  
Alice Zweifel, Trustee

 \_\_\_\_\_ (SEAL)  
Richard Fahey

 \_\_\_\_\_ (SEAL)  
Mary Fahey

FAHEY BROTHERS, LLP

By: \_\_\_\_\_ (SEAL)  
Theodore Fahey, Partner

[ACKNOWLEDGEMENT ON FOLLOWING PAGES]



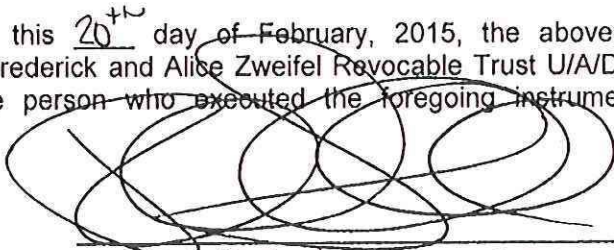
## ACKNOWLEDGEMENT

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

ss.

Personally came before me this 20<sup>th</sup> day of February, 2015, the above-named Frederick Zweifel, as trustee of the Frederick and Alice Zweifel Revocable Trust U/A/D March 12, 2012, to me known to be the person who executed the foregoing instrument and acknowledged the same.



  
\_\_\_\_\_  
Rachel Schumann

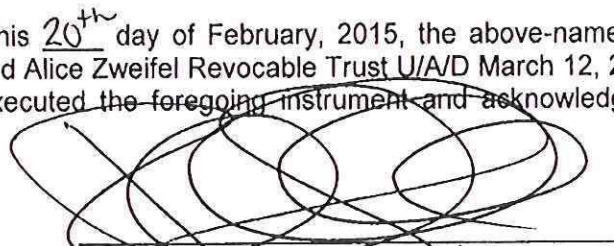
Notary Public, Dane County, Wisconsin.  
My commission: 02/05/2018

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

ss.

Personally came before me this 20<sup>th</sup> day of February, 2015, the above-named Alice Zweifel, as trustee of the Frederick and Alice Zweifel Revocable Trust U/A/D March 12, 2012, to me known to be the person who executed the foregoing instrument and acknowledged the same.



  
\_\_\_\_\_  
Rachel Schumann

Notary Public, Dane County, Wisconsin.  
My commission: 02/05/2018

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

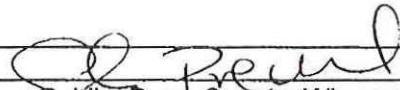
ss.

Personally came before me this \_\_\_\_ day of February, 2015, the above-named Richard Fahey, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, Dane County, Wisconsin.  
My commission: \_\_\_\_\_

STATE OF WISCONSIN     )  
                                      )  
COUNTY OF DANE         )     ss.

Personally came before me this 5<sup>th</sup> day of March, 2015, the above-named Mary Fahey, to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
\_\_\_\_\_  
Notary Public, Dane County, Wisconsin  
My commission: 04/10/2016  
Sarah Prechel

STATE OF WISCONSIN     )  
                                      )  
COUNTY OF DANE         )     ss.

Personally came before me this \_\_\_\_ day of February, 2015, the above-named Theodore Fahey, as partner of Fahey Brothers LLP, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, Dane County, Wisconsin.  
My commission: \_\_\_\_\_

*This document drafted by  
Attorney Josh C. Kopp  
Boardman & Clark LLP  
1 South Pinckney Street, Suite 410  
Madison, WI 53701*

F:\DOCS\WD\66920\3\A2092653.DOCX



**EXHIBIT A TO  
ALLOCATION OF LAND SPLITS  
DATED FEBRUARY 20, 2015**

1.     **Trust Parcel**

The Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 29, Town 5 North, Range 8 East (Township of Montrose); EXCEPT Lot 1 of Certified Survey Plat No. 3158 Recorded May 1, 1979 in Vol. 12 Certified Survey Maps Page 213, Document 1618847.

PIN: 0508-294-9690-8; 0508-294-9000-2

2.     **Fahey Parcel:**

The East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 29, Town 5 North, Range 8 East, Township of Montrose, Dane County, Wisconsin. Subject to existing highway over the South side thereof.

PIN: 040/0508-293-8000-5; 040/0508-293-9500-8

3.     **LLP Parcel:**

The West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Town 5 North, Range 8 East, Township of Montrose, Dane County, Wisconsin. Subject to existing highway over the North Side thereof.

PIN: 040/0508-322-8070-5



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29 T5N, R8E, Town of Montrose, Dane County, Wisconsin.

## PREPARED FOR:

RICHARD AND  
MARY FAHEY  
7532 WALTER ROAD  
BELLEVILLE, WI 53508

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 89°37'43" W	169.04'
L-2	N 89°37'43" W	164.13'
L-3	S 87°57'42" W	7.79'

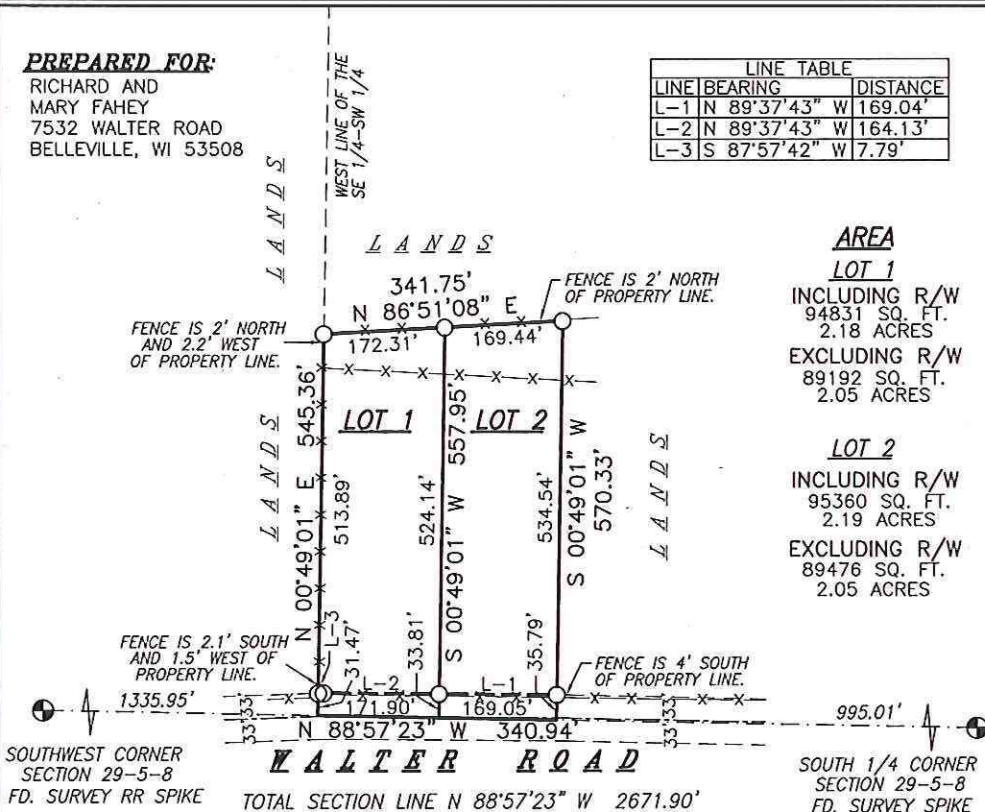
## AREA

### LOT 1

INCLUDING R/W  
94831 SQ. FT.  
2.18 ACRES  
EXCLUDING R/W  
89192 SQ. FT.  
2.05 ACRES

### LOT 2

INCLUDING R/W  
95360 SQ. FT.  
2.19 ACRES  
EXCLUDING R/W  
89476 SQ. FT.  
2.05 ACRES



## LEGEND

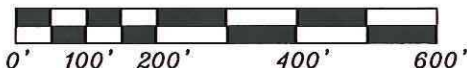
- = SET  $\frac{3}{4}$ "x24" REBAR  
WT 1.5 LB PER LIN FT
- ⊕ = FOUND DANE COUNTY  
SECTION CORNER (AS NOTED)
- (##) = RECORDED AS

## NOTES:

1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

2.) WETLANDS, AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.

SCALE 1" = 200'



DOCUMENT NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Sheet 1 of 3

SURVEYORS SEAL

PRELIMINARY ONLY  
FOR REVIEW

17W-73





# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29 T5N, R8E, Town of Montrose, Dane County, Wisconsin.

## SURVEYOR'S CERTIFICATE

I, Noa T. Prieve, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29, T5N, R8E, Town of Montrose, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the South  $\frac{1}{4}$  corner of said Section 29; thence N 88°57'23" W along the South line of the Southwest  $\frac{1}{4}$ , 995.01 feet to the point of beginning.

thence continue N 88°57'23" W, 340.94 feet to the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence N 00°49'01" E along the West line of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , 545.36 feet; thence N 86°51'08" E, 341.75 feet; thence S 00°49'01" W, 570.33 feet to the point of beginning. This parcel contains 190,190 sq. ft. or 4.37 acres and is subject to a road right of way over the Southerly side thereof.

Williamson Surveying and Associates, LLC  
by Noa T. Prieve & Chris W. Adams

Date \_\_\_\_\_

Noa T. Prieve S-2499  
Professional Land Surveyor

## OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Richard J. Fahey

\_\_\_\_\_  
Mary E. Fahey

STATE OF WISCONSIN)  
DANE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the above named Richard J. Fahey and Mary E. Fahey to me known to be the person who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
County, Wisconsin.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

Sheet 2 of 3

SURVEYORS SEAL

PRELIMINARY ONLY  
FOR REVIEW

17W-73



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29 T5N, R8E, Town of Montrose, Dane County, Wisconsin.

## TOWN BOARD RESOLUTION

Resolved that this certified survey map is hereby acknowledged and approved by the Town of Montrose on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Julie Bigler  
Town Clerk

## NOTE:

REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

## DANE COUNTY APPROVAL:

Approved for recording per Dane County Zoning and Land Regulation Committee action on \_\_\_\_\_.

\_\_\_\_\_  
Daniel Everson  
Assistant Zoning Administrator

## REGISTER OF DEEDS:

Received for recording this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_M. and recorded in Volume \_\_\_\_\_ of Dane County Certified Surveys on pages \_\_\_\_\_ through \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski  
Register of Deeds

DOCUMENT NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Sheet 3 of 3

SURVEYORS SEAL

PRELIMINARY ONLY  
FOR REVIEW

17W-73