



Dane County Planning and Development Department

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

September 13, 2017

Mary Beth Peranteau
Wheeler, Van Sickle & Anderson, S.C.
44 E Mifflin Street, Suite 1000
Madison, WI 53703

RE: Zoning Petition #11186 & Conditional Use Permit #2386

*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

Dear Ms. Peranteau,

This letter is in response to your questions regarding the appeal process for zoning petitions and/or conditional use permits. As part of our discussion, I understand that the Town Board has denied your client's request to change the zoning of the property located at 5009 Thorson Road in the Town of Burke and had also denied the request for a conditional use permit for a Limited Family Business. Both the zoning change and the conditional use request were allowed to run concurrently in order to expedite the request.

The request is somewhat unique in the fact that the conditional use permit application is based on the ability to have the property's zoning being changed to A-2(4). Please note that the zoning district needs to be established prior to any land use being permitted or the ability to obtain a conditional use permit within that district.

The property currently holds the zoning district classification of RH-2 Rural Homes. Under the Rural Homes District, a Limited Family Business is not listed as a permitted use or a conditional use. Thus the need of changing the zoning to a different zoning district which lists a Limited Family Business as a conditional use. If the zoning district for the property is not amended to A-2(4), the conditional use permit request becomes moot.

In order to have a legitimate conditional use permit request, the property must have the zoning district classification of A-2(4). Please be aware, if the zoning district does not change, the conditional use permit application will be rendered null and void for the reason as stated above.

Zoning Petition #11186 is currently in the Town/County review process. Given the County has not received a formal Town Board action report regarding the status of Zoning Petition #11186, the County views the petition as still pending at the Town level. If the town action is not received by September 21st, the County Zoning and Land Regulation Committee will postpone action at the September 26th public hearing until the Town Action Report is received. If town action is received, the Committee will possibly act on the petition.

The Zoning and Land Regulation Committee (ZLR) may act on the zoning petition by accepting the Town's recommendation or amend the zoning change request. The ZLR recommendation will be passed along to the County Board. If the County Board accepts the ZLR's recommendation, the petition is passed to the County Executive, and then to the County Clerk which publishes the ordinance amendment. If the zoning request is amended, the request will proceed to the Town which may approve the amended request or deny it. The process follows Wisconsin Statutes 59.69(5)(e).

Once the process is concluded, a letter will be sent to the applicant regarding the outcome of the request. The applicant or other parties have the right to appeal the decision through Circuit Court.

I hope this letter clarifies the appeal process regarding your request.

Respectfully,

A handwritten signature in black ink, reading "Roger W. Lane III". The signature is written in a cursive style with a vertical line at the end.

Roger Lane
Dane County Zoning Administrator

Cc: Burke Town Clerk
Mark Bursaw, A-1 Landscaping
County Supervisor Schauer