

To whom it may concern,

I (Karl Dettmann) am appealing Mr. Lane's decision to not approve my application for a building permit. Mr. Lane has taken the time to come up with four separate reasons why he will not approve my permit request. Mr. Lane and I collaborated up until we hit an impasse (see attached e-mail string). The impasse was the proposed deed restriction on my entire property. It was not items 1-3 in Mr. Lane's denial letter. Items 1-3 are easily provided and will be provided before the appeal date if it is pertinent and requested from the board. As has been the case many times in the past (and I will prove again during the appeal), Mr. Lane tells me that I need to make some changes, I spend money and time to make those changes, and then he denies my request for a permit or revokes my permit after I have it. Items 1-3 are not a problem to complete or provide, but as you can see, that is not the issue Mr. Lane and I are having. My ask is that the focus be solely on item 4 as that is where the issue is between Mr. Lane and I. When Mr. Lane initially proposed the idea of a deed restriction, I asked to collaborate with the drafting attorney to craft the restriction. Mr. Lane never allowed for this collaboration (even after my request) and presented me with a proposed deed restriction. As has been the case in dealings in the past with Mr. Lane, once he sends off his proposed solution, which is the only solution he is willing to approve. This creates a very lengthy and inefficient process for all involved. Mr. Lane has told me repeatedly how busy his department is and how spread thin they are. My hope is that this appeal can finally get an approved permit, build my building, and stop using up the zoning administration's time.

The issue at hand is that Mr. Lane wants me to put a deed restriction on the entire property that it not be used for commercial activity. My land is zoned A1-ex and that does not allow for commercial activities in the first place. One of Mr. Lane's concerns is that when I get my building built that I will then burden the town and the county with trying to get my land rezoned commercial after the fact and put greater stress on the town and county. My land is not only A1-ex but is also placed in an AG preservation district meaning it cannot be rezoned commercial. So it is not possible for me to rezone my land commercial. Hence Mr. Lane's concerns are a bit of a stretch. Also, I have modified my building to be a residence which doesn't allow for commercial activities as well. When you start stacking up the evidence, I am making choices that do not allow for commercial activities in the first place. A deed restriction is not needed. I told Mr. Lane that I would allow for a deed restriction on the proposed building as that has always been the concern. Mr. Lane has never voiced a concern about me having a commercial activities on the land, just the building. If the concern is the building, then that is where the deed restriction (if any deed restriction at all) should start and stop. As I have stated many times, my intention with the property is to comply with all residential and A1-EX rules and regulations. During the last appeal process Mr. Lane went to the extent to file a complaint with the Wisconsin Department of Safety and Professional Services stating that I was planning on having commercial activities on my property. I then had to spend time and money working with Sean Brown (an attorney for the department) to prove that I am indeed not doing any commercial activities. I don't even have a proposed building to do commercial activities in. At this stage it seems that Mr. Lane is going significantly above and beyond to block my building requests. Hence why there is 4 reasons why he is denying my permit....because only one item of the 4 needs to stick for the appeal to not be approved and we will all be back at square one. The real issue at hand is this deed restriction.

My appeal is that I will provide items 1-3 before the appeal date (if requested and needed), and I ask that the appeal board see that the proposed deed restriction is not necessary and should be dropped. A residential building does not allow for commercial activities, therefore a deed restriction is not needed. I also have stated many times in writing that have been printed in

newspapers, appeals, etc., that I will not be using my property for commercial activities. If I were to truly have commercial activities on my property in the future that would be asinine because I would lose any case brought against me. I want a private estate that my family, friends, and I can enjoy.

Sincerely,
Karl Dettmann



Dane County Planning and Development Department

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

July 3, 2017

Karl Dettmann
4200 County Highway P
Cross Plains, WI 53528

Aldo Partners, LLC
PO Box 45601
Madison, WI 53744

*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

Re: Denial of Zoning Permit DCPZP-2017-00273

Dear Mr. Dettmann,

On May 18, 2017, a letter was written with regards to a zoning permit submittal for the construction of a residential addition to an existing residence located at 4200 County Highway P in the Town of Cross Plains. The letter stated that the application was placed on "Hold" in order to obtain additional information on the design and the intended use of the proposed structure (See attached).

County Staff expressed concerns that the proposed addition appeared to be designed for commercial use given the past history of other submitted proposals. Zoning permit DCPZP-2015-0547 was revoked on August 25, 2015, based on misrepresentation of the proposed use of the structure. The zoning permit was issued for an agricultural building, however, the Zoning Division found information that the intended use of the structure was for weddings and social events. The material submitted for this proposed residential addition appears almost exactly like the structure that was previously denied.

Dane County Zoning Division is in receipt of your email dated June 23, 2017, which expressed your refusal to provide additional information on the proposed project.

Without this additional information, the application for the zoning permit had been deemed incomplete in accordance with Dane County Code of Ordinances Section 10.25(2)(d). Zoning permit application DCPZP-2017-00273 is hereby DENIED.

The zoning permit is denied based on the failure to submit information to identify the design and the intended use of the structure. The reasons for denial are listed below:

1. Dane County Zoning Division requested that a new site plan or building plan be submitted to clarify the discrepancy in basement openings. No revised site plan or building plans were submitted to address the issue.

2. Dane County Zoning Division identified that there was no true connection path between the separated addition and the existing residence. No revised building plans were submitted to address the issue.
3. Dane County Zoning Division requested information to ensure that the proposed addition is designed as a residential addition. A letter from the local building official was requested to confirm that the structure was designed to meet the Uniform Dwelling Code (residential building code). No information was submitted to ensure the structure has been designed to meet the residential building code.
4. Dane County Zoning Division requested that a deed restriction be placed on the property to ensure that the premise would not be used for commercial activity. The deed restriction was drafted in line with the narrative that was submitted as part of the zoning permit application, signed by Karl Dettmann (see attached). The narrative states, "Dettmann Vineyards is a private estate and will not be open to the public". The prepared deed restriction places assurances to match the submitted material for the project. This deed restriction was not recorded with the Register of Deeds.

Please be aware, under Dane County Code of Ordinance Section 10.26(3), persons aggrieved by this denial may appeal the denial to the Dane County Board of Adjustment within 30 days of the date of receipt of this letter.

Respectfully,



Roger Lane
Dane County Zoning Administrator

Cc: Nancy Meinholz, Cross Plains Town Clerk
Greg Hyer, Town of Cross Plains Chair
Nikki Jones, Dane County Supervisor, District 28
Shawn Widish, Dane County Regional Zoning Inspector



Karl Dettmann <karldettmann@gmail.com>

Residential Addition Zoning Permit Review

Lane, Roger <lane.roger@countyofdane.com>

Wed, Jun 28, 2017 at 5:36 PM

To: Karl Dettmann <karldettmann@gmail.com>, "Hilbert, Hans" <hilbert.hans@countyofdane.com>

Cc: "Violante, Todd" <Violante@countyofdane.com>, "Andy Fieber (andyf@aldopartners.com)" <andyf@aldopartners.com>, "Jones, Nikole" <Jones.Nikole@countyofdane.com>, Greg Hyer <grhyer@tds.net>

I am working on the denial letter. I would have to disagree with the four weeks statement. You have received a review letter four weeks ago requesting more information. It has actually been 5 days since our last correspondence, including Saturday and Sunday.

Roger Lane

Dane County Zoning Administrator

From: Karl Dettmann [mailto:karldettmann@gmail.com]
Sent: Wednesday, June 28, 2017 3:05 PM**To:** Lane, Roger; Hilbert, Hans**Cc:** Violante, Todd; Andy Fieber (andyf@aldopartners.com); Jones, Nikole; Greg Hyer

[Quoted text hidden]

[Quoted text hidden]

----- Forwarded message -----

From: Karl Dettmann <karldettmann@gmail.com>

To: Greg Hyer <grhyer@tds.net>

Cc: "Lane, Roger" <lane.roger@countyofdane.com>, "Violante, Todd" <Violante@countyofdane.com>, "Andy Fieber (andyf@aldopartners.com)" <andyf@aldopartners.com>, "Jones, Nikole" <Jones.Nikole@countyofdane.com>

Bcc:

Date: Fri, 23 Jun 2017 19:55:14 +0000

Subject: Re: Residential Addition Zoning Permit Review

Based on this response from the town, I believe we are at an impasse. As it sits today, I will not agree to a deed restriction on my entire property the way it is proposed (I will agree to restricting the building which has always been the concern). Unless you have a different solution to put out there as an option, please send a denial as soon as possible so I can file an appeal as soon as possible.

Regards,
Karl

Sent from my iPad

On Jun 23, 2017, at 12:41 PM, Greg Hyer <grhyer@tds.net> wrote:

Town of Cross Plains position is that the deed restriction should apply to entire parcel which is consistent with zoning, land use plan and his representations.

Town is ok with clarifying terms under which deed restriction would be amended/lifted — if existing County ag zoning on property was clearly modified in future to permit activities restricted by the deed restriction; if Town plan was amended to allow rezoning and the deed restricted restricted activities.

Town is not in favor of subdividing property to narrow the scope of the deed restriction to the building. Town understands that the County has to consider this a residential addition. Town doesn't believe that it is or that it should be permitted as a residential addition.

I have no interest in continuing emails explaining/clarifying our position. Happy to work on language. Happy to sign deed restriction. Happy to go to Board of Adjustment to support a denial of the application.

Greg Hyer, Chair.

On Jun 21, 2017, at 4:41 PM, Karl Dettmann <karldettmann@gmail.com> wrote:

Hi Roger, can you give me some clarity in what I am waiting for? I would either like to work on a modified deed restriction to the building, or please send me a denial asap so I can file an appeal.

Best regards,
Karl

Sent from my iPad

On Jun 14, 2017, at 5:15 PM, Karl Dettmann <karldettmann@gmail.com> wrote:

Thank you for getting back to me Roger. If I am understanding you correctly, you are unwilling to have a gentlemen's agreement with me (or something formal) that states that if I accept a deed restriction on my entire property; when I successfully parcel off the portion of the property where the building is built that the deed restriction will be lifted on the remaining land?

Unless you can think of another solution that we both can live with, then it is time for you to send me a denial of permit letter and for both of us, unfortunately, to go back to the board of adjustment.

I will not deed restrict all of my land without a guarantee that I can get a portion of it lifted after a parcel/rezone. Just to be clear, I am really not happy about any deed restriction on the land (the building is fine) at all, but that is something I am willing to compromise on.

The concerns you have stressed has always been about the building, not the land.

Because of changes that happen as time moves on to zoning, land use plans, ect I want to keep as much of my property in the same class and camp as everyone else who is experiencing those changes. A deed restriction puts me in my own individual bucket and sticks around until you can convince a board of people to change it or lift it. It would be simply too short sighted to accept the deed restriction you proposed with the verbiage the way that it is.

Based on my prior experience, it will likely take me the better part of a year and many thousands of dollars to get the rezone/parcel done. Even after I accomplish all of this, I am getting no guarantee from you that I will get my building permit back. At that point in time, I would have to submit a permit and hope that you would approve it. I have jumped thru the hoops requested in the past (not gone the BOA or legal route) and it has cost me years of time and many tens of thousands of dollars to no avail.

I believe that the deed restriction is overkill in the first place. Residential homes are not allowed to have commercial activities inside them in the first place without Conditional Use Permits (which I will not be seeking). If I break the rules (which I am not going to do), then I will be penalized the same way anyone else is.

If you can't think of any other options where I can have some sort of guarantee (gentlemen's agreement works for me) or if you are unwilling to change the verbiage in the deed restriction to something that is agreeable to the both of us...then I think that it is time to deny me, and for me to file an appeal.

I believe that your stance and viewpoint is only with the best of intent for myself, the township of Cross Plains, and the county. I just think that the deed restriction proposed is overkill for an already super long process. I hope we can come to an agreement (or the BOA) in the near future.

Take care,
Karl

On Wed, Jun 14, 2017 at 2:19 PM, Lane, Roger <lane.roger@countyofdane.com> wrote:

Dear Mr. Dettmann,

I cannot promise that the Town Board or the Zoning and Land Regulation Committee would amend a deed restriction once placed on the entire property.

As stated to you numerous times, the appearance of the proposed structure looks like and designed like a giant banquet hall. There is very clear evidence that the building was originally intended for this purpose. Banquet halls are not permitted by right or listed as a conditional use under the current zoning district of the property.

You have stated that the structure will no longer be used for a banquet hall, instead, just used for personal residential use. See attached note. If the structure is to be built, guarantees will need to be in place so that the building and property will not be used for commercial purposes. These guarantees come in the form of a recorded deed restriction on the property. This deed restriction has been sent to you.

If you are true to your word that the structure is to be used just for personal residential use, you should have no problem with the deed restriction being placed on the property.

If you would like the deed restrict to pertain just to a specific portion of your property, the portion of the property must be rezoned and parceled off through the certified survey map process. The deed restriction would be placed on the portion of property at that time.

If you would like to obtain a zoning permit for the residential addition, the information as noted in my letter dated May 18, 2017 shall be submitted to Dane County Zoning for processing.

Respectfully,

Roger Lane

Dane County Zoning Administrator

From: Karl Dettmann [mailto:karldettmann@gmail.com]

Sent: Wednesday, June 14, 2017 1:06 PM

To: Lane, Roger

Cc: Andy Fieber (andyf@aldopartners.com); Jones, Nikole; Violante, Todd;

tcpclerk@tds.net; Greg Hyer (grhyer@tds.net) (grhyer@tds.net)

Subject: Re: Residential Addition Zoning Permit Review

Hi Roger, I can only imagine how busy you are currently. I wanted to be pleasantly persistent and see if what we proposed last week will work. Would it be possible to get something back by the end of the week?

Take care,
Karl

On Fri, Jun 9, 2017 at 4:22 PM, Karl Dettmann <karldettmann@gmail.com> wrote:

Do you need me to do anything to help this happen (contact Greg, etc.)?

KD

Sent from my iPhone

On Jun 9, 2017, at 12:31 PM, Lane, Roger <lane.roger@countyofdane.com> wrote:

I need to make sure the Town is in agreement. The amendment to the deed restriction would run in conjunction with the rezoning of the residential lot.

Roger Lane

Dane County Zoning Administrator

From: Karl Dettmann [mailto:karldettmann@gmail.com]

Sent: Friday, June 09, 2017 11:13 AM

To: Lane, Roger

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Gmail - Residential Addition Zoning Permit Review

Cc: Andy Fieber (andyf@aldopartners.com); Jones, Nikole; Violante, Todd; tcpclerk@tds.net; Greg Hyer (grhyer@tds.net) (grhyer@tds.net)
Subject: Re: Residential Addition Zoning Permit Review

Do we need to write up something official or does a gentlemen'a agreement/understanding work that once the the RH parcel is created, that the deed restriction for the renaming A1-ex will be removed?

Sent from my iPhone

On Jun 9, 2017, at 9:38 AM, Lane, Roger
<lane.roger@countyofdane.com> wrote:

That works.

Roger

From: Karl Dettmann [mailto:karldettmann@gmail.com]
Sent: Thursday, June 08, 2017 10:00 AM
To: Lane, Roger
Cc: Andy Fieber (andyf@aldopartners.com); Jones, Nikole; Violante, Todd; tcpclerk@tds.net; Greg Hyer (grhyer@tds.net) (grhyer@tds.net)
Subject: Re: Residential Addition Zoning Permit Review

I would like to go that route of parceling off a lot where the house is being built. Obviously this takes time (the last time I parceled lots it took almost 9 months). I would greatly prefer to start construction sooner rather than later.

Would it work for you if I accepted the deed restriction on the entire property (allowing me to start construction very soon) with the ability for the deed restriction to be modified to just the RH lot once it has successfully be rezoned?

Meaning if choose not to do the RH zoned parcel or if I can't get it rezoned to RH, then the entire property stays deed restricted.

KD

Sent from my iPhone

On Jun 8, 2017, at 8:45 AM, Lane, Roger
<lane.roger@countyofdane.com> wrote:

Dear Mr. Dettmann,

If you do not want the deed restriction to be on the entire property, I would suggest creating a separate property for the residential building. In order to do so, the area will need to be rezoned and a certified survey map created. Attached is a flowchart and an application for a change in zoning. The most appropriate zoning for a parcel would be RH Rural Homes.

Respectfully,

Roger Lane

Dane County Zoning Administrator

From: Karl Dettmann
[mailto:karldettmann@gmail.com]

8/14/2017

Gmail - Residential Addition Zoning Permit Review

Sent: Wednesday, June 07, 2017 10:50 AM
To: Lane, Roger
Cc: Andy Fieber (andyf@aldopartners.com); Jones, Nikole; Violante, Todd; tcpclerk@tds.net; Greg Hyer (grhyer@tds.net) (grhyer@tds.net)
Subject: Re: Residential Addition Zoning Permit Review

Happy Tuesday Roger, I would like to get some movement (one way or another) on this by the end of this week if possible. My main issue is that a deed restriction on the entire property doesn't make me comfortable.

If 20 years down the road I want to sell my property (who knows what will change in Cross Plains by then), a deed restriction will still stay into effect even if the land use plan for Cross Plains changes. Based on my experience in the past working with the township and the county, asking for an amendment to the deed restriction in the future is not something I am keen on.

That being said, if a deed restriction can not be made for the buildings only, then could we parcel off a smaller piece of my property where the building sits and just deed restrict that portion of the land (and building) vs. everything?

If the only option you are presenting me right now is to either accept the deed restriction you sent a few weeks back or be denied....then I would say please send me a denial letter. Then I can start the process of appeal. My hope is that we can work on a modification of the proposed deed restriction...but if that isn't an option, I respect your decision.

I know that the end of the day, there is a solution that will work for both of us. I just want to keep things moving and not let things hang in limbo.

Take care,

Karl

Sent from my iPad

On May 31, 2017, at 10:24 AM, Karl Dettmann <karldettmann@gmail.com> wrote:

Please give me the not simple answer before drafting a denial letter. I hope you can understand my hesitation in accepting a restriction of my entire property. I will agree to a deed restriction for all buildings on my property now and in the future...I don't understand why it makes sense to restrict the land. That I don't understand.

Otherwise, we will be right back where we started, back to the

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board of adjustment. I don't think either of us desires to spend our evenings for the next couple of years going to BOA meetings.

KD

On Wed, May 31, 2017 at 10:19 AM, Lane, Roger <lane.roger@countyofdane.com> wrote:

The simple answer is no.

I guess we are back to the denial of the zoning permit. Shall I draft the letter?

Roger Lane

Dane County Zoning
Administrator

From: Karl Deltmann
[mailto:karldeltmann@gmail.com]
Sent: Wednesday, May 31, 2017
10:05 AM

To: Lane, Roger
Cc: Andy Fieber
(andyf@aldopartners.com);
Jones, Nikole; Violante, Todd;
tcpclerk@tds.net; Greg Hyer
(grhyer@tds.net)
(grhyer@tds.net)
Subject: Re: Residential Addition
Zoning Permit Review

I am more than fine to restrict the building that is causing concerns. Can we please update this deed restriction to be to the building that is the concern, not the entire property. I don't see why it would make sense to put a restriction on the entire property, just to amend it later. I will agree to restrict the building that is the concern and I'd like to put this to bed. Can we come to an agreement on this?

Take care,

Karl

On Wed, May 31, 2017 at 9:44 AM, Lane, Roger <lane.roger@countyofdane.com> wrote:

It would apply to the property. The deed restriction could be amended in the future if desired.

Roger Lane

Dane County Zoning
Administrator

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Gmail - Residential Addition Zoning Permit Review

From: Karl Dettmann
[mailto:karldettmann@gmail.com]
Sent: Wednesday, May 31, 2017
9:18 AM

To: Lane, Roger
Cc: Andy Fieber
(andyf@aldopartners.com);
Jones, Nikole; Violante, Todd;
tcpclerk@tds.net; Greg Hyer
(grhyer@tds.net)
(grhyer@tds.net)
Subject: Re: Residential Addition
Zoning Permit Review

One more clarification, it seems like this deed restriction restricts the entire parcel of land. Is this the case? I would think that the deed restriction would be contained to the building the country/town is concerned about, not my entire parcel of land. Please understand I am just trying to fully understand what I am agreeing to.

KD

On Wed, May 31, 2017 at 9:15 AM, Karl Dettmann
<karldettmann@gmail.com>
wrote:

Roger,

Thank you for getting back to me. As long as the deed restriction allows me to host my own private events from time to time, I will accept the language. Your e-mail affirms that we are on the same page and I just wanted to make sure. Unless my legal counsel tells me otherwise, I will sign this language and we can move forward.

Thank you,

Karl

On Wed, May 31, 2017 at 8:54 AM, Lane, Roger
<lane.roger@countyofdane.com>
wrote:

Dear Mr. Dettmann,

The 21,000 square foot addition that appears to be designed as an assembly hall creates a very odd situation. Given the past history, the Zoning Division and the Town feel that the language of the deed restriction is warranted. The deed restriction sets in place guarantees that prevent the property to be used for commercial purposes. The occasional private event will not

raise any concerns from the neighboring property owners. Having weekly social events or daily public activities would cause the deed restriction to be enforced in full.

The Dettmann Vineyards website and facebook are still active. The language invites the general public to the property.

"Taste and enjoy the best of Wisconsin wines while experiencing what makes this amazing state so special to us all." Having public information like this only further affirms the need for the deed restriction.

As part of your zoning permit application, your signed statement describes your intentions. It states that the property will be used as a private estate and will not be open to the public. The property will be used for a primary residence. The building will not be used for commercial purposes. The building will only be used for agricultural and residential purposes. The building will not be rented for events.

The deed restrictions have been crafted around these details. If your statement as part of the zoning application is inaccurate, we seriously need to sit down and discuss your intentions.

Respectfully,

Roger Lane

Dane County Zoning
Administrator

From: Karl Dettmann
[mailto:karldettmann@gmail.com]
Sent: Tuesday, May 30, 2017
12:14 PM
To: Lane, Roger
Cc: Andy Fieber
(andyf@aldopartners.com);
Jones, Nikole; Violante, Todd;
tcpclerk@tds.net; Greg Hyer
(grhyer@tds.net)
(grhyer@tds.net)
Subject: Re: Residential Addition
Zoning Permit Review

Hi Roger, I wanted to check in on this request. Who do I work with to gain clarity on the deed restriction and making sure that I don't get myself into trouble? I would greatly prefer to get this wrapped up this week.

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Gmail - Residential Addition Zoning Permit Review

KD

On Mon, May 22, 2017 at 12:01 PM, Karl Dettmann <karldettmann@gmail.com> wrote:

Thank you for sending this to me Roger. Andy Fieber is handling the physical building requests.

If I need some clarification on a few items with the deed restriction...who do I work with on that Roger? My concerns are around my personal use of the structure. I am totally fine with not allowing public or commercial use of the structure...but I want to be very clear that residential uses are permitted as well as personal events that I would host at my home. If I want to have my friends over for a party, or if I get remarried being able to have my wedding at the property, or if I want to personally host a charity event (like people do at there homes all the time) at my house...that I can do that. Are we on the same page there?

Is the deed restriction on the physical building itself or also on the parcel of land that it sits on? Since this is a home addition; I agree to and understand that ag entertainment activities are not allowed. If I want to have a grape stomp in the fall on the property (not inside the building)...my understanding is that I should be able to do that, the exact same way I can do that today on the field next to my grape vines.

I just want to understand the rules and what I am agreeing to so that I don't run into trouble in the future.

Thank you for the guidance,

Karl

Sent from my iPhone

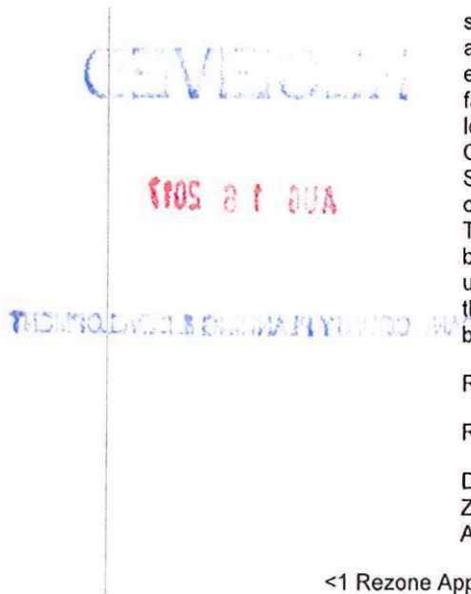
On May 22, 2017, at 6:35 AM, Lane, Roger <lane.roger@countyofdane.com> wrote:

Dear Mr. Dettmann,

The Dane County Zoning Division has completed the zoning permit review for a 21,000

8/14/2017

Gmail - Residential Addition Zoning Permit Review



square foot addition to your existing single-family residence located at 4200 County Highway P. See attached correspondence. The application has been place on hold until such time as the concerns have been addressed.

Respectfully,

Roger Lane

Dane County
Zoning
Administrator

<1 Rezone Application.pdf>

2 attachments

 noname.eml
102K

 Res Addition review letter.pdf
86K