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November 27, 2017

VIA ELECTRONIC MAIL TO: lane.roger@countyofdane.com

Dane County Zoning and Land Regulation Committee
c/o Roger Lane, Zoning Administrator
City - County Building, Room 354
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

RE: Bursaw/Town of Burke - Rezone Petition #11186

Dear Committee Members:

The above rezone petition is before the Committee following the Applicant's filing of an appeal of the Town of Burke's denial of a CUP for the proposed landscaping storage use. The minutes show that in its August 2017 meeting, the Town Board devoted all of its deliberations to the CUP standards. As an afterthought, the Town moved to deny the associated rezone petition on the basis that "*the requested zoning (A-2) is not consistent with other properties in the area.*" But there was no discussion by the Board concerning the scope of existing uses of these "other properties." Based on a review of surrounding land uses and the actual zoning classifications of the properties in the area, the Town's conclusion has no basis in fact. For these reasons, the Town's denial should not be accorded any weight.

It is important to recognize that the Bursaws purchased the Thorson Road property primarily for use as a family residence, and they place a high priority on retaining its residential character for their own use and enjoyment, and on maintaining their property's market value. It appears that the Town Board lost sight of the primarily residential use proposed for the property, considering the application as a plan to conduct landscaping business operations on site. In reality, business-related activity would be limited to a few minutes in the morning and evening during weekdays when work vehicles exit and enter the property. The vehicles and trailers used in the Bursaws' small, family-owned landscaping and snow plowing business will be parked in an existing shed (a former horse barn), which will also be used for the storage of landscaping materials. Small quantities of leftover materials like washed stone will be stored outside. No bulk materials or road salt will be stored, nor will customer services be provided on the premises. The Applicant's

proposal to store vehicles and materials for his business is consistent with the existing mixed zoning classifications and land uses in the immediate area.

Statements at the hearing from the neighboring property owners sought to portray the Bursaws' home landscaping project (ironically, completed for the purpose of screening his driveway from the neighbors) as a "business operation" involving multiple employees. Mark's one-time landscaping project to improve his property and increase its value does not reflect the far more limited activities that are proposed. None of the stored vehicles or materials will be visible from the road or from adjacent properties. The business does not employ any office staff. Employees of A-1 Landscaping work at landscaping job sites, not the owner's residential property. No retail operations are proposed. No materials will be delivered to the premises.

The zoning map of the area shows that the vast majority of lands proximate to the Applicant's premises are zoned agricultural. Adjacent A-1 and A-2 zoned properties allow home occupations, storage of motor vehicles owned by persons other than the property owner, and storage of vehicles for agricultural use. (See §§ 10.11 and 10.126, DCO.) Agricultural zoning allows a variety of activities, for example, crop production, horse stables, and commercial nursery operations, that require the intensive use of trucks, trailers and storage of materials like those used in the Applicant's landscaping business.

The Thorson Road neighborhood is already developed with a mix of rural residential, agricultural and commercial property, including a number of properties on which trucks, machinery and other vehicles are stored and from which large vehicles enter and exit. The Bursaws' primarily residential use of the property is fully consistent with the existing mix of zoning districts and uses. The limited business-related uses outlined above have less negative impacts than many surrounding properties because all of the vehicles will be stored in a barn. In addition, the Bursaws' property will be screened along the shared lot line by evergreens and attractive landscaping, much of which has already been installed. These limited business activities are no different in kind or degree from the existing uses of neighboring properties.

While the applicable statute precludes the Committee from recommending approval of the identical rezone petition denied by the Town, it does have the power to recommend a rezone with conditions, as a modification to the petition. Accordingly, the Applicant requests that the Committee approve a rezone to A-2 with the conditions that: (1) the use of the property must be primarily residential, and (2) limited family business activity is restricted to that specified in the application materials.

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Thank you for your consideration.

Very truly yours,

WHEELER, VAN SICKLE & ANDERSON, S.C.



Mary Beth Peranteau

/mbp

cc: Roger Lane (via email to: lane.roger@countyofdane.com)
Mary Kolar, Chair, and ZLR Committee Members (via email)