

**From:** Town Chair  
**To:** [Standing, Brian](#)  
**Subject:** 11/27/18 ZLR Committee Meeting, Agenda Item, page 7, Amending Ch 10 of the Dane County Code of Ordinances, Zoning  
**Date:** Monday, November 26, 2018 11:39:56 AM

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Brian,

The Town of Middleton wishes to express its' appreciation for the number of meetings that Dane County Zoning staff have participated in at the Town of Middleton, Town Hall, over the past year and longer. In addition, we appreciate that Dane County Zoning staff have also continued to be readily available to Town residents and Town staff to answer zoning related questions, and to provide technical zoning expertise as well.

Please also let the ZLR Committee Chair and Members know that we appreciate the time, effort, and attention they have given to the Town of Middleton to assist with effectively addressing the unique zoning circumstances present in the Town of Middleton. We are unaware of any unaddressed, outstanding Dane County Zoning Ordinance (re-write) issues at this time in the Town of Middleton.

Our present system of shared zoning authority between the Town of Middleton and Dane County Zoning continues to work well.

Sincerely,

Cynthia Richson  
Town Board, Chair  
Town of Middleton

**From:** Ben Kollenbroich  
**To:** [Standing, Brian](#)  
**Cc:** [Cathy Hasslinger](#)  
**Subject:** Questions for Zoning Rewrite  
**Date:** Wednesday, September 26, 2018 2:38:53 PM

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Hi Brian,

Thank you for talking with us about the zoning rewrite. Below we share our comments and hope you will consider them as this work moves forward.

One concern is that we have single family homes, especially along our lakeshores, that have a finished lower level featuring bedroom, bath, entertainment bar that is a full kitchen, and outside entrance often by way of sliding doors to a patio area. It seemed that the language in the rewrite didn't make it very clear how these would be regarded in terms of permitted use incidental room rental. We hope that it can be made more clear that incidental room rental on a lower level would be permitted as long as these homes share a common entrance with their lower level. The current draft says no room can have its own kitchen and that seemed unclear to us.

Another concern is that we have had neighbors complain that a home has been purchased and is being used solely for short-term rental and that does cause problems for them.

Below are the specific sections that we had questions on:

1. Should the definition of duplex include language that there is not a common shared entrance? Likewise, should incidental room rental include a definition stating that there must be a common shared entrance?
2. Should 10.004(72)(b) of incidental room rental state that "no room has its own private kitchen facility" to better capture that this is referring to studio-like spaces?
3. Should 10.004(72)(a) state "primary residence" rather than "principal residence"? The Town has had reports and inquiries from residents about if they could purchase a second home specifically to create an AirBnB and use this home as an income source.
4. Should 10.004(72)(c) state "bedrooms" rather than "rooms"? Is a bedroom and bath two rooms or one?

Thank you,

Ben & Cathy

**From:** [Lane, Roger](#)  
**To:** ["mike@adaptiverestoration.com"](mailto:mike@adaptiverestoration.com)  
**Cc:** [Standing, Brian](#)  
**Subject:** FW: comment  
**Date:** Monday, October 29, 2018 9:31:29 AM

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Dear Mike,

I would agree that the visual screening section of the proposed ordinance needs a little attention. There will be occasions that visual screening will not make sense or alternative screening would be warranted.

The ordinance could possibly include a statement for alternative screening. Something like, "At the time of a zoning district change to commercial, the Town Board or Zoning and Land Regulation Committee will decide upon the necessary screening that will be provided for the property. An alternative design to the minimum standards or the absence of a visual screening shall be decided upon by the Town Board or Zoning and Land Regulation Committee".

That should get some flexibility.

Roger Lane  
Dane County Zoning Administrator

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**From:** Standing, Brian  
**Sent:** Thursday, October 25, 2018 4:04 PM  
**To:** Lane, Roger  
**Subject:** FW: comment

Here's the other one. I know we talked about this, but I seem to have lost my notes. Thoughts?

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**From:** Michael Healy [<mailto:mike@adaptiverestoration.com>]  
**Sent:** Friday, August 24, 2018 12:41 PM  
**To:** Standing, Brian  
**Subject:** Re: comment

Hi Brian,

Checking in re: comments sent in March to see if you have any updates or staff response. I can imagine you are pretty busy! Feel free to call me at 608-277-9960 if you can.

Thanks,  
Mike

On Jun 13, 2018, at 8:18 AM, Michael Healy <[mike@adaptiverestoration.com](mailto:mike@adaptiverestoration.com)> wrote:

Hi Brian,

Following up to see if you were able to provide any staff response or feedback on the comments I sent you in March.

Regards,  
Mike

On Mar 12, 2018, at 3:49 PM, Standing, Brian  
<[Standing@countyofdane.com](mailto:Standing@countyofdane.com)> wrote:

Hi, Michael

Thanks for getting in touch with me. I will review your comments and put together some staff comments on this shortly. In the meantime, I have copied our Comprehensive Revision of Chapter 10 Subcommittee, which is meeting this afternoon at 4:30 p.m. in Room 357 of the City County Building.

While it may be too late to get this on the agenda for consideration by the subcommittee this afternoon, there will be additional opportunities for comment, including the public hearing for the ordinance amendment before the Zoning and Land Regulations committee (to be scheduled some time this summer). We will also be doing more direct outreach to landowners in anticipation of town meetings between now and the ZLR public hearing.

We don't have a hard deadline for public comment, yet, but we anticipate presenting a final draft to the county board for consideration by June or so.

Thank you for your interest and for taking the time to comment on the draft zoning ordinance.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

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**From:** Michael Healy [<mailto:mike@adaptive restoration.com>]  
**Sent:** Monday, March 12, 2018 3:33 PM

**To:** Standing, Brian  
**Cc:** Jim Elleson; Anna Healy  
**Subject:** comment

Hi Brian,

Below are some comments on the ZLR Comprehensive Revision of Chapter 10. These are my personal comments and not comments of the Town of Springdale Plan Commission. When does the comment period end? In one of the presentations (<https://plandev.countyofdane.com/zoning/pdf/OrdinanceSummary.pdf>) I saw June 2018 as the cut-off date.

### Comments

1.) screening provisions should allow native, non-evergreen, non-woody plantings and shrubs (see lines 2358-2400 of the 10/5/17 version of the Chapter 10 update)

rationale:

a) zoning ordinance should not contribute to degradation of the county's natural areas.

example: a LC zoned parcel may have wetland or desirable plant community along the lot line. the planting would disturb this area and allow weeds to invade

b) within an agricultural treeless landscape, the woody screening may actually draw more attention to the commercial activity, since it is inconsistent with the surrounding non-woody vegetation

c) shrubs may provide better long-term screening compared to trees

d) the notes in the fact sheet for LC-1 specify shrubs, but the updated chapter (lines 2380-2394) require trees

Consider omitting LC from this requirement, and/or omitting this requirement when the commercial district is adjacent to rural residential

Any language in the ordinance requiring or prescribing vegetative screening should note the screening shall be non-invasive

2.) include the following conditional uses for LC district:

(g) More than 6 on site employees

(h) Livestock

(i) Transient or tourist lodging

(j) Incidental room rental

(j) Seasonal storage of recreational equipment and motor vehicles (including those not owned by the landowner) in existing buildings

(k) Agricultural accessory uses

(l) Agricultural entertainment under 10 days/year

(m) Agricultural accessory buildings

(n) Farm related exhibitions, up to 5 days/year

(o) Single family residential – one per parcel

rationale:

a) During your presentations last year you mentioned the idea of having “ladders” within the zoning code to allow growth of businesses before a rezone is needed. Allowing towns to conditionally approve the above will help address situations where a town may wish to allow a desirable, low-impact LC zoned business to grow but can’t rezone to a district allowing more employees (e.g. GC, HC, AT-B) due to land uses associated with the rezone that may be incompatible with the town plan and/or may adversely impact neighboring landowners.

b) LC zoned parcels may contain farm buildings or be on land appropriate for the conditional agricultural uses noted above

c) many of these conditional uses are allowed conditionally in other zoning districts that contain or may be adjacent to residential areas.

3) Consider ecological restoration services as an agricultural use  
rationale: these services contribute to restoring and protecting the soil necessary for agriculture, creating/restoring pollinator and beneficial insect habitat needed for agriculture, and planting and maintaining native plant communities that improve soil, reduce erosion and attenuate flooding and stormwater runoff.

4) update line 4991

Lot area

why is there a limit here? strike.

5) consider classifying size and type of renewable energy systems ( lines 1174-1177) from within the definition of utility services.  
perhaps large, medium, small per existing utility definitions? a 1MW wind turbine will have a substantially larger impact on neighbors compared to a 20kw grid-tied solar electric system

a) line 1174 (renewable energy systems) conflicts with lines 1182-83 (electric generating facilities) since both can generate electricity

6) List Forestry and Ecological Restoration Services as an Agricultural Accessory Use

rationale:

a) Forestry and Ecological restoration services support agriculture by

- planting and maintaining land in the conservation reserve program
- maintaining productive forest land, including land in the managed forest law program
- creating and maintaining habitat for pollinators, which are essential for agriculture

b) the equipment and footprint of an ecological restoration service operation is similar in nature to an agricultural operation

c) Planting and maintaining restoring or maintaining land in the Conservation Reserve Program

7) add ecological restoration service providers as an agriculture-related use

8) List ecological restoration service provider in definitions

Forestry and Ecological Restoration Service providers:

- plant and/or maintain agricultural land in the Conservation Reserve Program (or similar local, state or federal soil and wildlife habitat conservation program)
- plant and/or maintain native pollinator habitat
- provide services supporting forestry and agricultural operations

rationale:

Ecological restoration service providers are establishing and maintaining the soil and biodiversity that currently supports or will support agriculture in the future.

Thank you for your consideration. Feel free to call or e-mail if you have any questions about the comments above.

Regards,

Mike Healy  
Town of Springdale

**From:** brian jensen  
**To:** [Lane, Roger](#); [Standing, Brian](#)  
**Subject:** Town of Dunn Zoning Change  
**Date:** Tuesday, November 27, 2018 10:51:57 AM

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Hello Roger and Brian,

I'm writing to you to express grave concern over the pending Town of Dunn zoning changes that directly impact my home on Jordan Drive. In particular, the 10 foot setback. My property is already closer than 10 feet and while I understand that there are grandfather rules, it still limits me significantly in terms of re-sell, rebuilding and expansion. I'm interested in why the county is considering this considering the narrow lot sizes on Jordan Drive?

Thanks,  
Brian



**From:** Chad"s Gmail  
**To:** [minniedoone@charter.net](mailto:minniedoone@charter.net)  
**Cc:** [Standing, Brian](#); [Ben Kollenbroich \(bkollenbroich@town.dunn.wi.us\)](#); [brian jensen](#); [Drew Davey](#); [Tamara Knickmeier](#); [Sarah Pavelski](#); [Lane, Roger](#)  
**Subject:** Re: 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates  
**Date:** Tuesday, November 27, 2018 11:52:44 AM

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All,

This is not just an issue for 40 foot lots. This affects all lots under 60 feet as it disallows the 15' foot setback with the option of one side at 5' and the other at 10' (which is what has been mostly used by a large # of lots that were platted at 50' some 50+ years ago).

I want to know how many lots in dane county are <60 feet wide, how many won't be subject to this proposal as it can only impact those jurisdictions which simply don't have a post office, and how many of the lots are located on our urban area completely developed lakeshores. In other words, what small group of very unlucky people with this really affect?

Based on what I'm sure will be revealed, why punish this small group? What's to be accomplished environmentally by so narrowly targeting this arbitrary group?

I agree with the above public comments. As nearly everyone has been misinformed about this change, there needs to be a postponement of anything moving forward until all affected property owners are properly notified of these adverse policy proposals. There should also be an economic impact study completed to asses the loss of property values and the resulting loss of property tax revenue that affected municipalities can expect to see.

Regards,  
Chad Mietz  
Town of Dunn resident

Sent from my iPhone

On Nov 27, 2018, at 11:31 AM, [minniedoone@charter.net](mailto:minniedoone@charter.net) wrote:h

Dane County ZLR committee:

I would like to add to Brian's notes, there probably are more concerned residents out there than just the Town of Dunn. Based on the misinformation given at the Town of Dunn meeting by Brian, we were wholeheartedly told that the deletion of the 5' set back was an error and would be added back onto the zoning revisions. Brian failed to send you a copy of the email he just sent to me yesterday notifying me of his error and confirming the lack of notice to anyone!

Only yesterday did we find out that was he told us was incorrect, no notice was even sent to any Dane County tax payers of the correction. We have had no notice

to engage any of the other lake front owners aside from our street, or any of the other Dane

County residents that have lots under 50'. Therefore, I feel you really cannot say how many residents might have contacted you and I of course have no idea how

many other municipalities had meetings and those land owners were also misinformed.

We have requested that they postpone the presentation of the new zoning changes due to this misinformation until all taxpayers are properly notified of this error as it

is a very large concern if you have a 40' lot.

Mildred Everson

Town of Dunn

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From: "Standing, Brian"

To: "Ben Kollenbroich ([bkollenbroich@town.dunn.wi.us](mailto:bkollenbroich@town.dunn.wi.us))"

Cc: "brian jensen", "Drew Davey", "[minniedoone@charter.net](mailto:minniedoone@charter.net)", "Tamara Knickmeier", "Chad's Gmail", "Sarah Pavelski", Roger"

Sent: Tuesday November 27 2018 11:09:56AM

Subject: FW: 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates

FYI.

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**From:** Standing, Brian

**Sent:** Tuesday, November 27, 2018 11:07 AM

**To:** Kolar, Mary; Peters, Steven; Knoll, Jason; Bollig, Jerome; Wegleitner, Heidi

**Cc:** Lane, Roger; Violante, Todd

**Subject:** RE: 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates

Hello, all

I just wanted to give the ZLR committee members a heads up. We are receiving a number of e-mails today, mostly from residents in the Town of Dunn, related to a change in the new zoning ordinance regarding side yard setbacks on nonconforming parcels with a lot width of less than 60 feet. Specifically, Section 10.16(5) of the existing ordinance reads:

***(5) Side yards. (a) Lots of nonconforming width.***

***1. On lots 50 feet or more in width but less than 60 feet, the minimum aggregate side yards shall be 15 feet and no single side yard shall be less than five (5) feet.***

***2. On lots less than 50 feet in width the minimum side yard on each side shall be five (5) feet.***

The new ordinance deletes this language.

Staff will present the comments received to date, provide information about the number of properties affected, and will be prepared to discuss possible text amendments at the public hearing tonight. We also expect to have a recommendation from the Town of Dunn in time for tonight's hearing.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

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**From:** Standing, Brian  
**Sent:** Monday, November 26, 2018 3:15 PM  
**To:** Kolar, Mary; Peters, Steven; Knoll, Jason; Bollig, Jerome; Wegleitner, Heidi  
**Cc:** Lane, Roger; Violante, Todd; Gault, David  
**Subject:** 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates

Hello, all

I have added some updated attachments in Legistar to [2018 OA-20](#) (A COMPREHENSIVE REVISION OF THE DANE COUNTY ZONING ORDINANCE), which is on the ZLR Public Hearing agenda for Tuesday, November 27<sup>th</sup>. The modified attachments include:

- <![if !supportLists]>3. <![endif]>[Staff recommended edits to OA-20](#) in response to public comments below
- <![if !supportLists]>4. <![endif]>Public [comments from Cynthia Richson](#), Middleton Town Chair, regarding the town's support for the overall process
- <![if !supportLists]>5. <![endif]>Public [comments from Ben Kollenbroich](#), Planning and Land Conservation Director for the Town of Dunn, regarding "incidental room rentals."
- <![if !supportLists]>6. <![endif]>Public [comments from, and staff response to, Mike Healy](#), landowner in the Town of Springdale, regarding vegetative buffer requirements.

In addition, the proposed zoning maps for each town have been updated to include all town-recommended edits received as of November 26, 2018. If the Department of Planning and Development receives additional town-recommended edits to the zoning maps after the county board adoption date, we will have those submitted separately for consideration at a future ZLR public hearing.

I will be in attendance at the public hearing tomorrow, and will be available to answer any questions. I look forward to seeing you tomorrow night. Thank you for your support and assistance on this project.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

**From:** Chad"s Gmail  
**To:** [Standing, Brian](#); [Lane, Roger](#)  
**Cc:** [Tamara L Knickmeier](#)  
**Subject:** Fwd: Action Required: New Zoning Definitions will require a 10 footside yard set back.  
**Date:** Monday, November 26, 2018 9:30:43 PM

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Brian/ Roger,

Following up on my previous email I now recvd a copy of your statement below and what I feared to be the case does in fact appear to be what is being proposed. The variance process is an unacceptable process from which to seek redress from this discriminatory policy. And even if this policy were evenly placed on all property owners in Dane County, it would then just evenly harm all property owners with smaller lots. And an ever evolving variance process simply provides ambiguity, complexity, and added costs to those few who are then forced to deal with it. A 30 foot wide home on a 50 foot lot is not ideal, especially when you're spending so much on the land to begin with. And what about lots of 40 feet wide, 20 foot houses? Unless the goal is to lower property values and property taxes on said lots.

If I'm right and this policy change really only affects locales like those of town of Dunn residents, then really why do we need to place such burdensome restrictions on so few people? I can't accept that these changes will have any meaningful and measurable impacts on lake quality, water mitigation, or any erosion impacts and yet it will have huge negative consequences to this who are forced to confine themselves to more stringent zoning rules than nearly every one else.

Regards,  
Chad Mietz

From: "Standing, Brian"  
To: "[minniedoone@charter.net](mailto:minniedoone@charter.net)"  
Cc: Majid", Hans", Roger", "Ben Kollenbroich  
([bkollenbroich@town.dunn.wi.us](mailto:bkollenbroich@town.dunn.wi.us))"  
Sent: Monday November 26 2018 10:50:09AM  
Subject: RE: Zoning changes SFR-08

Hi, Millie

Majid Allan forwarded your comments to me, as I gave the presentation in the Town of Dunn. I remember our conversation, and I went back and looked at the setback requirements for the R-1 and SFR-08 districts and the nonconforming language in section 10.16 of the existing ordinance. I have also had a conversation with our zoning staff, who reminded me that we did have some discussion about this during the development of the draft ordinance. So, I am afraid I misspoke at the Town of Dunn meeting: this was, in fact, a deliberate change, and not an oversight.

Here's the rationale for the change. In a highly developed area, the difference between a 5-foot and a 10-foot setback, for a principal building, can be

substantial in terms of the impact to adjoining properties. The ability to mitigate impacts related to light, privacy, erosion or runoff of a large structure are greatly reduced if there's only five feet to work with. Even on a fifty-foot wide lot, a setback of 10 feet from each side lot line still would give a landowner up to 30 feet to work with, which seems a reasonable building width for a single-family residence. Given the potential impacts from a new building within 5 feet of a property line, our zoning staff is of the opinion that such requests are better handled on a case-by-case basis through a variance request to the Dane County Board of Adjustments. That way, the unique circumstances of each individual application can be considered on their own merits.

Once the new ordinance is adopted by the town, and unless a variance is granted, any existing principal residence that is closer than 10 feet to a side yard line would become a legal, nonconforming structure. Such a structure could continue indefinitely, could be maintained without limitation, or sold to another landowner. New additions or expansions would have to comply with setback requirements. If the building were destroyed by natural disaster, it could be rebuilt in the same location and at the same size. However, if the building were demolished, a replacement building would have to meet all setback requirements.

The zoning ordinance is scheduled for public hearing tomorrow, in Room 354 of the City County Building, at [6:30 p.m. before the county Zoning and Land Regulation Committee](#). There will be an opportunity for public comment. If you cannot attend, please feel free to e-mail either me, and/or our Zoning Administrator, Roger Lane (cc'd above), and we will relay your comments to the committee members.

I hope this information is helpful, and I'm sorry for any previous confusion I may have inadvertently caused.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, [210 Martin Luther King, Jr. Blvd.](#)  
[Madison, WI 53703](#)  
(608) 267-4115



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**From:** Donald Tofte  
**To:** [Standing, Brian](#); [Lane, Roger](#)  
**Subject:** zoning  
**Date:** Tuesday, November 27, 2018 2:41:03 PM

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Gentlemen,

We are extremely disappointed with the disorganization and misinformation surrounding these zoning changes. You would think with something as important as setbacks, that a better effort would have been made to get information out to all involved, and that the information would be accurate. There are many people on S. Jordan Drive, alone, who have 40 foot lots, and would be unfairly handicapped if they wanted to sell or rebuild. At this juncture it seems fair that the presentation to the board should be delayed, so that all parties can be appropriately brought up to speed with accurate information. Barring that, we will be at tonights meeting, and if these short sighted guidelines pass, we will do what we can to make sure the Town of Dunn does not accept them.

Sincerely,  
Don and Sue Tofte  
4342 South Jordan Drive  
McFarland, WI 53558



**From:** Drew Davey  
**To:** [Lane, Roger](#); [Standing, Brian](#); [bkollenbroich@town.dunn.wi.us](mailto:bkollenbroich@town.dunn.wi.us)  
**Subject:** SFR-08 Zoning Changes - Minimum Setbacks  
**Date:** Tuesday, November 27, 2018 9:55:04 AM

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Hi All,

I'm writing to express our concern over the proposed adoption of a 10' minimum building setback with the change from R-3 to SFR-08 zoning in the town of Dunn. Many of us with lakefront property have 40' lots, and a 10' minimum setback leaves us with only 20' of width to build on. While we don't plan to expand our home's footprint in the foreseeable future, this proposed change:

- a) limits our resale value, as buyers would see our lot as less desirable in the event they're looking to expand / re-build.
- b) prevents us from re-building our detached garage, which at 20' 7" is already non-conforming to the new proposal, and is a very tight squeeze for our two vehicles (we want a 24' wide garage).
- c) adds yet another restriction to our ability to utilize our property as we had planned at the time of purchase.

We urge you to consider updating the SFR-08 definition to include a 5' setback for narrow lots, or for the town to consider rejecting the re-zoning proposal without this change included.

Regards,  
-Drew and Colleen Davey

**From:** James Conklin  
**To:** [Standing Brian Lane Roger](#)  
**Subject:** Potential Zoning Changes  
**Date:** Tuesday, November 27, 2018 3:13:26 PM

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Hello Brian and Roger,

My neighbor copied me on his message and rather than rewrite his arguments, I want to further endorse his comments. I think the proposed zoning changes are punitive to the current home owners and limit future improvements, while decreasing the potential home values. I encourage the committee to eliminate the proposed changes or make exceptions for the Lake Waubesa properties.

Thank you.

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We are writing in regards to the proposed Dane County zoning changes as it relates to setbacks on lake front properties. You recently held a meeting at the Town of Dunn town hall where it was stated that the proposed change was meant to state the current five-foot side yard setback requirement would stay in place. Only yesterday were we made aware that in fact, that is not the case and the proposed change would require a 10-foot side yard setback.

While this appears to be a minor change, it has significant impacts on current and future homeowners as related to: resale values, assessed values and ability to make improvements to the properties.

To demonstrate that, we would group properties into two categories below and the potential impact of the zoning change on those properties:

Lots with improvements currently at the five-foot setback.

Our home fits into this category; we have a 40-foot lot with a 30-foot house. Our current assessment is \$250,000 for improvements and \$200,000 for land. While we are grandfathered in with our current home, we would argue that the assessment for improvements, while valid today, would have little opportunity to increase over time due to the limitations on the what may or may not be allowed in the future due to the change in zoning.

More so, we would argue that under the new zoning, the land value for assessment purposes would have only nominal value. While in theory, one could buy the property, tear down the existing improvements and build a new home on the site, by the new zoning, that home could only be 20-feet wide. A 20-foot wide home in a neighborhood of upper-scale homes would simply not be practical or economically reasonable.

Thus, a potential future buyer for a home that is currently at the five-foot setback can only be assured that they can make improvements to the existing structure in the existing footprint. This significantly diminishes the potential resale and ability to make improvements.

Lots with improvements currently at ten-foot setbacks or greater.

These properties have both the smallest and largest impact from the proposed changes. While the numbers diminish as time goes on, there are still many smaller cabin properties on the lake. Over time, most of these been purchased and either torn down and a new home built or significantly improved upon to be considered true single-family homes rather than cabins.

While those improved properties that are currently at the ten-foot setbacks appear to have little impact, the new zoning requiring ten-foot setbacks versus five-foot setbacks still limits what a homeowner may be able to do with their property in the future. The new zoning takes ten-feet of the owner's property out of the potential for future improvements and thus would have an impact on resale value, and ability for future improvements.

The most significant impact will be on those cabin type properties. In our neighborhood, there are several small cabin type properties that are on 40-foot wide lots, which may or may not be in the ten-foot setback. The result of this zoning change would be that those properties would have the most significant impact. You may be limited to making improvements on the existing footprint or, as demonstrated earlier, build a 20-foot wide home. One could argue that because of these restrictions, these properties could have only nominal values to a limited group of owners.

Should these changes go into effect, we intend to petition for the assessment of our property be reduced as the new zoning changes significantly limits the future improvement opportunities for the property, thus the improvement valuation should be held at its current level. The land value, we would argue, has only a nominal value, as there are few, if any, viable building plans one could construct in a 20-foot corridor. We would encourage our neighbors to review their assessments as well.

We would recommend that the proposed zoning changes not be approved or at least tabled in order to have new listening sessions with homeowners with the correct information.

Peggy and Ted Gunderson

4284 S Jordan Drive

McFarland, [WI 53558](#)

James

James R. Conklin  
4348 S Jordan Drive  
McFarland, WI 53558  
(608) 217-4250

**From:** jlorimer@charter.net  
**To:** [Lane, Roger](#); [Standing, Brian](#); "[bkollenbroich@town.dunn.wi.us](#)"  
**Cc:** "[minniedoone@charter.net](#)"  
**Subject:** Zoning changesSFR-08  
**Date:** Tuesday, November 27, 2018 2:39:26 PM

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I just learned that the information regarding this zoning change that was provided to Town of Dunn residents was in error and that the new change will require 10 ft. side yards on all new construction or remodeling on lots in the Town of Dunn. This new change will create a significant hardship on many of the property owners in the Town of Dunn. Many of the lots around Lake Waubesa were platted as 40 ft. lots. This new change means that a house rebuilt/remodeled on one of those lots would be limited to 20' in width. I believe that is the about the width of a two car garage. I challenge the members of the Committee to think of their own current residences reconfigured to that size footprint.

With many of the homes along the lake possibly needing replacement due to aging, the new zoning restriction creates a severe hardship if not rendering the lots not suitable for the creation of a family residence. The ordinance will not only have a financial impact on the property owners, but also on the Town and the County. If property values/assessments decrease because of the restriction of use of these lots, the Town and County stand to lose a valuable tax base and the resulting lower tax revenues.

I plan to attend tonights meeting to present my concerns in person, but I wanted to provide some comments in writing in advance of the meeting. I urge the Zoning Committee to rethink the Ordinance changes and try to come up with a reasonable plan that does not have such a negative impact on the current property owners/taxpayers. I have some ideas as to how that might be done if you are interested.

John Lorimer, sixty year resident, 4266 S Jordan Dr., Town of Dunn

**From:** minniedoone@charter.net  
**To:** [Standing, Brian](#); ["Ben Kollenbroich \(bkollenbroich@town.dunn.wi.us\)"](#)  
**Cc:** ["brian jensen"](#); ["Drew Davey"](#); ["Tamara Knickmeier"](#); ["Chads Gmail"](#); ["Sarah Pavelski"](#); [Lane, Roger](#)  
**Subject:** RE: FW: 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates  
**Date:** Tuesday, November 27, 2018 11:31:18 AM

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Dane County ZLR committee:

I would like to add to Brian's notes, there probably are more concerned residents out there than just the Town of Dunn. Based on the misinformation given at the Town of Dunn meeting by Brian, we were wholeheartedly told that the deletion of the 5' set back was an error and would be added back onto the zoning revisions. Brian failed to send you a copy of the email he just sent to me yesterday notifying me of his error and confirming the lack of notice to anyone!

Only yesterday did we find out that what he told us was incorrect, no notice was even sent to any Dane County tax payers of the correction. We have had no notice to engage any of the other lake front owners aside from our street, or any of the other Dane County residents that have lots under 50'. Therefore, I feel you really cannot say how many residents might have contacted you and I of course have no idea how many other municipalities had meetings and those land owners were also misinformed. We have requested that they postpone the presentation of the new zoning changes due to this misinformation until all taxpayers are properly notified of this error as it is a very large concern if you have a 40' lot.

Mildred Everson

Town of Dunn

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**From:** "Standing, Brian"  
**To:** "Ben Kollenbroich (bkollenbroich@town.dunn.wi.us)"  
**Cc:** "brian jensen", "Drew Davey", "minniedoone@charter.net", "Tamara Knickmeier", "Chad's Gmail", "Sarah Pavelski", Roger  
**Sent:** Tuesday November 27 2018 11:09:56AM  
**Subject:** FW: 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates

FYI.

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**From:** Standing, Brian  
**Sent:** Tuesday, November 27, 2018 11:07 AM  
**To:** Kolar, Mary; Peters, Steven; Knoll, Jason; Bollig, Jerome; Wegleitner, Heidi  
**Cc:** Lane, Roger; Violante, Todd  
**Subject:** RE: 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates

Hello, all

I just wanted to give the ZLR committee members a heads up. We are receiving a number of e-mails today, mostly from residents in the Town of Dunn, related to a change in the new zoning ordinance regarding side yard setbacks on nonconforming parcels with a lot width of less than 60 feet. Specifically, Section 10.16(5) of the existing ordinance reads:

***(5) Side yards. (a) Lots of nonconforming width.***

***1. On lots 50 feet or more in width but less than 60 feet, the minimum aggregate side yards shall be 15 feet and no single side yard shall be less than five (5) feet.***

***2. On lots less than 50 feet in width the minimum side yard on each side shall be five (5) feet.***

The new ordinance deletes this language.

Staff will present the comments received to date, provide information about the number of properties affected, and will be prepared to discuss possible text amendments at the public hearing tonight. We also expect to have a recommendation from the Town of Dunn in time for tonight's hearing.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

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**From:** Standing, Brian  
**Sent:** Monday, November 26, 2018 3:15 PM  
**To:** Kolar, Mary; Peters, Steven; Knoll, Jason; Bollig, Jerome; Wegleitner, Heidi  
**Cc:** Lane, Roger; Violante, Todd; Gault, David  
**Subject:** 2018-OA-20 (A Comprehensive Revision of Chapter 10) updates

Hello, all

I have added some updated attachments in Legistar to [2018 OA-20](#) (A COMPREHENSIVE REVISION OF THE DANE COUNTY ZONING ORDINANCE), which is on the ZLR Public Hearing agenda for Tuesday, November 27<sup>th</sup>. The modified attachments include:

- <![if !supportLists]>3. <![endif]>[Staff recommended edits to OA-20](#) in response to public comments below
- <![if !supportLists]>4. <![endif]>Public [comments from Cynthia Richson](#), Middleton Town Chair, regarding the town's support for the overall process
- <![if !supportLists]>5. <![endif]>Public [comments from Ben Kollenbroich](#), Planning and Land Conservation Director for the Town of Dunn, regarding "incidental room rentals."
- <![if !supportLists]>6. <![endif]>Public [comments from, and staff response to, Mike Healy](#), landowner in the Town of Springdale, regarding vegetative buffer requirements.

In addition, the proposed zoning maps for each town have been updated to include all town-

recommended edits received as of November 26, 2018. If the Department of Planning and Development receives additional town-recommended edits to the zoning maps after the county board adoption date, we will have those submitted separately for consideration at a future ZLR public hearing.

I will be in attendance at the public hearing tomorrow, and will be available to answer any questions. I look forward to seeing you tomorrow night. Thank you for your support and assistance on this project.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

**From:** minniedoone@charter.net  
**To:** ["Tamara Knickmeier"](#); [Lane, Roger](#); [Standing, Brian](#); ["bkollenbroich@town.dunn.wi.us"](#); ["Daniel Knickmeier"](#)  
**Subject:** RE: FW: RE: Zoning changes SFR-08  
**Date:** Monday, November 26, 2018 7:58:43 PM

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Brian Roger and Zoning Staff:

I too would like to express my concern about the misinformation I was given at the Town of Dunn meeting. In response to Brian's explanation that the zoning staff reminded him that they had discussions regarding the 5' set back, in my mind should have prompted Dane County to

notify (or require the Town of Dunn) to notify all property owners of this change/correction. I feel the least the County can do at this point, in light of this error, is to postpone the presentation

to the County Board tomorrow evening. A new meeting should be scheduled with Town of Dunn

residents, so that all residents with small lots have an opportunity to voice their complaints and contact their Town Board members.

Our town board members hopefully can see this does not make sense, and we will make it our mission to try and convince them not to accept this zoning for the Town of Dunn. We need to be allowed to build more than a 20' wide structure on the nonconforming undersized lots that we have homes on. Your rationale just doesn't work for a property owner with a 40' lot. It is very unfair to not grandfather our parcels to the 5' set backs as our neighbors were allowed to build based on those rules and we have absolutely no option to increase our lot sizes.

Thank you

Mildred Everson

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**From:** "Tamara Knickmeier"  
**To:** "lane.roger@countyofdane.com", "standing@countyofdane.com",  
"bkollenbroich@town.dunn.wi.us", "Millie", "Daniel Knickmeier"  
**Cc:**  
**Sent:** Monday November 26 2018 6:57:11PM  
**Subject:** FW: RE: Zoning changes SFR-08

Brian, Roger and Zoning staff,

The misinformation given at the Town of Dunn meeting is very unfortunate. I know there were other people at the meeting with the same concern and now they have left that meeting with the understanding the language for substandard lots would be put back in the definition. I understand you have a difficult and sometimes thankless job and these kinds of mistakes do not help build trust in what you are trying to achieve.

As I look at the rationale for removing the substandard lot language I can understand the Zoning Staff's thinking that a 50 foot lot could accommodate a reasonable footprint for a home with a 10 foot minimum side however many of the lots on Lake Waubesa are 40 feet wide. This puts homeowners at a great disadvantage for very little benefit. Homes age and at some point they need to be rebuilt. This change forces people with a 40 foot lot into a home no wider than a double wide



trailer. These are established neighborhoods with most homes at the 5 foot side setback. These lot sizes are grandfathered in and so should the side yard setback. I am requesting you add the Substandard lot language in the SFR-08 zoning definition.

I would like to see more thought put into drainage mitigation plans for homes that are building or remodeling. I would think there would be greater benefits if we focused on how we manage the water on these small lots.

Thank you for taking the time to consider my request.

Tamara Knickmeier

---

From: "Standing, Brian"  
To: "minniedoone@charter.net"  
Cc: Majid", Hans", Roger", "Ben Kollenbroich (bkollenbroich@town.dunn.wi.us)"  
Sent: Monday November 26 2018 10:50:09AM  
Subject: RE: Zoning changes SFR-08

Hi, Millie

Majid Allan forwarded your comments to me, as I gave the presentation in the Town of Dunn. I remember our conversation, and I went back and looked at the setback requirements for the R-1 and SFR-08 districts and the nonconforming language in section 10.16 of the existing ordinance. I have also had a conversation with our zoning staff, who reminded me that we did have some discussion about this during the development of the draft ordinance. So, I am afraid I misspoke at the Town of Dunn meeting: this was, in fact, a deliberate change, and not an oversight.

Here's the rationale for the change. In a highly developed area, the difference between a 5-foot and a 10-foot setback, for a principal building, can be substantial in terms of the impact to adjoining properties. The ability to mitigate impacts related to light, privacy, erosion or runoff of a large structure are greatly reduced if there's only five feet to work with. Even on a fifty-foot wide lot, a setback of 10 feet from each side lot line still would give a landowner up to 30 feet to work with, which seems a reasonable building width for a single-family residence. Given the potential impacts from a new building within 5 feet of a property line, our zoning staff is of the opinion that such requests are better handled on a case-by-case basis through a variance request to the Dane County Board of Adjustments. That way, the unique circumstances of each individual application can be considered on their own merits.

Once the new ordinance is adopted by the town, and unless a variance is granted, any existing principal residence that is closer than 10 feet to a side yard line would become a legal,

nonconforming structure. Such a structure could continue indefinitely, could be maintained without limitation, or sold to another landowner. New additions or expansions would have to comply with setback requirements. If the building were destroyed by natural disaster, it could be rebuilt in the same location and at the same size. However, if the building were demolished, a replacement building would have to meet all setback requirements.

The zoning ordinance is scheduled for public hearing tomorrow, in Room 354 of the City County Building, at [6:30 p.m. before the county Zoning and Land Regulation Committee](#). There will be an opportunity for public comment. If you cannot attend, please feel free to e-mail either me, and/or our Zoning Administrator, Roger Lane (cc'd above), and we will relay your comments to the committee members.

I hope this information is helpful, and I'm sorry for any previous confusion I may have inadvertently caused.

Brian Standing  
Senior Planner  
Dane County Professional Employees Local 1871  
Dane County Planning & Development  
Room 116, 210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703  
(608) 267-4115

---

**From:** Allan, Majid  
**Sent:** Monday, November 26, 2018 9:54 AM  
**To:** Standing, Brian  
**Subject:** FW: Zoning changes SFR-08

Hey Brian... I think this woman meant to contact you. I'm curious about her question and happy to reply if you can clue me in.

Thanks,  
Majid

---

**From:** Millie [mailto:minniedoone@charter.net]  
**Sent:** Thursday, November 22, 2018 8:21 AM  
**To:** Allan, Majid  
**Subject:** Zoning changes SFR-08

Allan

We met with you at the Town of Dunn meeting on October 15, 2018 and you told me that the SFR-08 zoning would be edited to reflect the old zoning set backs of 5' (we reside on small 40' wide lake lots). To refresh your memory you asked for my copy of the old zoning where I had highlighted the 5' set back on old nonconforming lots. The change was supposed to be put in prior to the 11.27.18 meeting.

As of today when I go on line I see nothing changed regarding this.  
You said that was an error and this was not to have been deleted from the new  
SFR-08 zoning. My neighbor also asked the question during the meeting  
and you again confirmed to her that it wasn't supposed to have changed.  
Please advise.

Thanks  
Millie Everson  
4296 Jordan Drive  
McFarland, WI



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**From:** Sarah Pavelski  
**To:** [Standing, Brian](#); [Lane, Roger](#)  
**Subject:** New proposed ordinance changes  
**Date:** Monday, November 26, 2018 5:53:44 PM

---

Hello Mr. Standing and Mr. Lane,

My name is Sarah Pavelski, I am sending this email on behalf of myself and my husband Joseph Pavelski. We are the owners of properties at 4328 S. Jordan Drive and 4330 S. Jordan Drive in McFarland and we are writing to express our concerns regarding the new proposed zoning of our properties since we are not able to attend tomorrow's meeting. We are greatly concerned about the new proposed 10' side yard setbacks that will be required under the new zoning. We believe these new setbacks will negatively affect property values on our lakefront street by greatly handicapping those who choose to purchase and/or build on these properties. Nearly all of the lots on Jordan Drive are 40' wide lots which are already small by area standards. This new setback would allow only a 20' wide structure which is neither practical or functional for families. This will in turn hinder growth in our neighborhood. This new change would also affect those who wish to remodel on their own properties, it limits options and could ultimately drive people from the neighborhood and into other areas where residents have more options on how to use their purchased space.

The existing 5' side yard setback is neither uncommon in other areas, nor is it a problem in our neighborhood, but the new side yard setback proposal would greatly affect the nice, tax paying people of Jordan Drive and many other areas.

Please consider this concern during tomorrow's meeting. Thank you.

Sarah Pavelski

**From:** Tamara Knickmeier  
**To:** [Lane, Roger](#); [Standing, Brian](#); [bkollenbroich@town.dunn.wi.us](mailto:bkollenbroich@town.dunn.wi.us); [Millie](#); [Daniel Knickmeier](#)  
**Subject:** FW: RE: Zoning changes SFR-08  
**Date:** Monday, November 26, 2018 6:57:07 PM

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Brian, Roger and Zoning staff,

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I would like to see more thought put into drainage mitigation plans for homes that are building or remodeling. I would think there would be greater benefits if we focused on how we manage the water on these small lots.

Thank you for taking the time to consider my request.

Tamara Knickmeier

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**From:** "Standing, Brian"  
**To:** "minniedoone@charter.net"  
**Cc:** Majid", Hans", Roger", "Ben Kollenbroich ([bkollenbroich@town.dunn.wi.us](mailto:bkollenbroich@town.dunn.wi.us))"  
**Sent:** Monday November 26 2018 10:50:09AM  
**Subject:** RE: Zoning changes SFR-08

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I hope this information is helpful, and I'm sorry for any previous confusion I may have inadvertently caused.

Brian Standing  
Senior Planner  
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Dane County Planning & Development  
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**Sent:** Monday, November 26, 2018 9:54 AM  
**To:** Standing, Brian  
**Subject:** FW: Zoning changes SFR-08

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Thanks,  
Majid

---

**From:** Millie [mailto:minniedoone@charter.net]  
**Sent:** Thursday, November 22, 2018 8:21 AM  
**To:** Allan, Majid  
**Subject:** Zoning changes SFR-08

Allan

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Thanks  
Millie Everson  
4296 Jordan Drive  
McFarland, WI



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**From:** Ted Gunderson  
**To:** [Lane, Roger](#); [Standing, Brian](#)  
**Subject:** Dane County Zoning Changes  
**Date:** Tuesday, November 27, 2018 2:06:36 PM  
**Attachments:** [image002.png](#)

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Brian Standing - [standing@countyofdane.com](mailto:standing@countyofdane.com)

Roger Lane - [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)

We are writing in regards to the proposed Dane County zoning changes as it relates to setbacks on lake front properties. You recently held a meeting at the Town of Dunn town hall where it was stated that the proposed change was meant to state the current five-foot side yard setback requirement would stay in place. Only yesterday were we made aware that in fact, that is not the case and the proposed change would require a 10-foot side yard setback.

While this appears to be a minor change, it has significant impacts on current and future homeowners as related to: resale values, assessed values and ability to make improvements to the properties.

To demonstrate that, we would group properties into two categories below and the potential impact of the zoning change on those properties:

**Lots with improvements currently at the five-foot setback.**

Our home fits into this category; we have a 40-foot lot with a 30-foot house. Our current assessment is \$250,000 for improvements and \$200,000 for land. While we are grandfathered in with our current home, we would argue that the assessment for improvements, while valid today, would have little opportunity to increase over time due to the limitations on the what may or may not be allowed in the future due to the change in zoning.

More so, we would argue that under the new zoning, the land value for assessment purposes would have only nominal value. While in theory, one could buy the property, tear down the existing improvements and build a new home on the site, by the new zoning, that home could



only be 20-feet wide. A 20-foot wide home in a neighborhood of upper-scale homes would simply not be practical or economically reasonable.

Thus, a potential future buyer for a home that is currently at the five-foot setback can only be assured that they can make improvements to the existing structure in the existing footprint. This significantly diminishes the potential resale and ability to make improvements.

### **Lots with improvements currently at ten-foot setbacks or greater.**

These properties have both the smallest and largest impact from the proposed changes. While the numbers diminish as time goes on, there are still many smaller cabin properties on the lake. Over time, most of these been purchased and either torn down and a new home built or significantly improved upon to be considered true single-family homes rather than cabins.

While those improved properties that are currently at the ten-foot setbacks appear to have little impact, the new zoning requiring ten-foot setbacks versus five-foot setbacks still limits what a homeowner may be able to do with their property in the future. The new zoning takes ten-feet of the owner's property out of the potential for future improvements and thus would have an impact on resale value, and ability for future improvements.

The most significant impact will be on those cabin type properties. In our neighborhood, there are several small cabin type properties that are on 40-foot wide lots, which may or may not be in the ten-foot setback. The result of this zoning change would be that those properties would have the most significant impact. You may be limited to making improvements on the existing footprint or, as demonstrated earlier, build a 20-foot wide home. One could argue that because of these restrictions, these properties could have only nominal values to a limited group of owners.

Should these changes go into effect, we intend to petition for the assessment of our property be reduced as the new zoning changes significantly limits the future improvement opportunities for the property, thus the improvement valuation should be held at its current level. The land value, we would argue, has only a nominal value, as there are few, if any, viable building plans one could construct in a 20-foot corridor. We would encourage our neighbors to review their assessments as well.

We would recommend that the proposed zoning changes not be approved or at least tabled in

order to have new listening sessions with homeowners with the correct information.

Peggy and Ted Gunderson

[4284 S Jordan Drive](#)

[McFarland, WI 53558](#)

**Ted Gunderson**

**Senior Vice President**

**Phone** (608) 223-5159

**Fax** (608) 395-2344

[tgunderson@mononabank.com](mailto:tgunderson@mononabank.com)

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6430 Bridge Road  
Monona, WI 53713  
[mononabank.com](http://mononabank.com)



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