

# Dane County Rezone Petition

<b>Application Date</b>	<b>Petition Number</b>
01/13/2021	DCPREZ-2021-11661
<b>Public Hearing Date</b>	
03/23/2021	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME KRISTINE M STONE	PHONE (with Area Code) (608) 622-8611	AGENT NAME PAUL HALBERG	PHONE (with Area Code) (608) 778-0996
BILLING ADDRESS (Number & Street) 3956 HOEPKER RD		ADDRESS (Number & Street) 6769 ELM STREET	
(City, State, Zip) MADISON, WI 53718		(City, State, Zip) Platteville, WI 53818	
E-MAIL ADDRESS kriscustomsewing@sbcglobal.net		E-MAIL ADDRESS paulhalberg@gmail.com	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
3956 Hoepker Road					
TOWNSHIP BURKE	SECTION 10	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0810-103-9232-1					

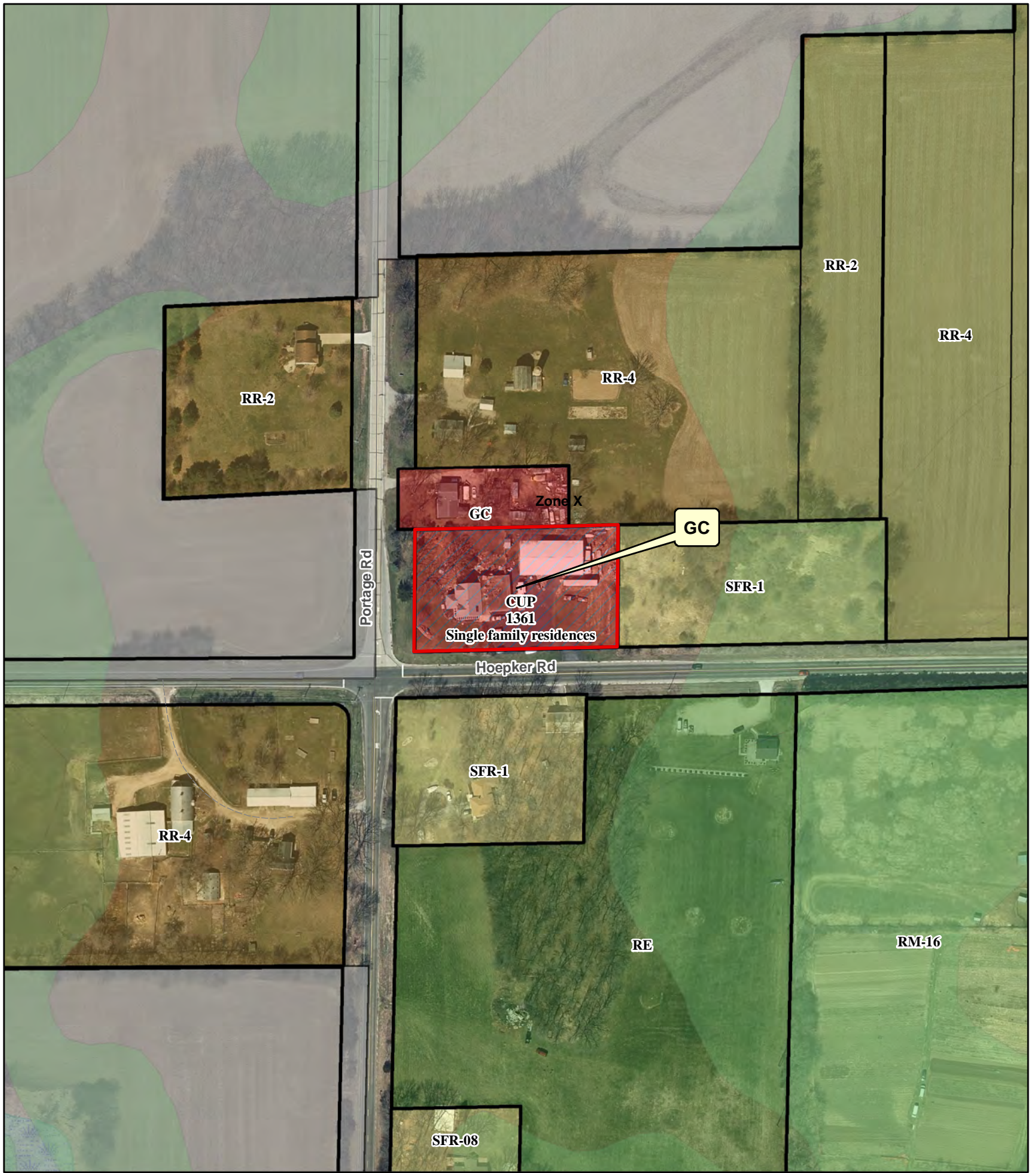
## REASON FOR REZONE

AMEND ZONING TO REMOVE EXISTING DEED RESTRICTIONS ON PROPERTY

FROM DISTRICT:	TO DISTRICT:	ACRES
GC General Commercial District with Restrictions	GC General Commercial District without Restrictions	1.39

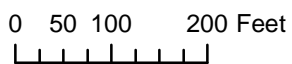
<b>C.S.M REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>PLAT REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>DEED RESTRICTION REQUIRED?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	<b>INSPECTOR'S INITIALS</b>  RWL1	<b>SIGNATURE:(Owner or Agent)</b>   <b>PRINT NAME:</b>   <b>DATE:</b>   
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COMMENTS: RESTRICTIONS APPLIED TO PROPERTY IN 1996 UNDER ZONING PETITION #6692.



**Legend**

- |  |            |   |
|--|------------|---|
|  | Wetland    | <b>Significant Soils</b>  |
|  | Floodplain |  Class 1 |
|  |            |  Class 2 |



Petition 11661  
KRISTINE M STONE



**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> <li>• PERMIT FEES DOUBLE FOR VIOLATIONS.</li> <li>• ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.</li> </ul>	

## REZONE APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	Kristine Atkinson	Agent Name:	Paul Halberg
Address (Number & Street):	3956 Hoepker Rd	Address (Number & Street):	6769 N Elm St
Address (City, State, Zip):	Madison, Wi 53718	Address (City, State, Zip):	Platteville Wi 53818
Email Address:	Kriscustomsewing@sbcglobal.net	Email Address:	paulhalberg@gmail.com
Phone#:	608-622-8611	Phone#:	608-778-0996

PROPERTY INFORMATION			
Township:	Burke	Parcel Number(s):	0810-103-9232-1
Section:	10	Property Address or Location:	3956 Hoepker Rd, Madison Wi 53718

REZONE DESCRIPTION	
<p><b>Reason for the request.</b> In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.</p>	<p><b>Is this application being submitted to correct a violation?</b>            Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

Owner is asking to have the property rezoned from GC with Deed Restrictions to GC with out Deed Restrictions to allow a potential buyer to operate her business on the property which will include but may not limited to a retail shop,work shops, art studio(s) and storage inside a portion of the existing structures as allowed in the GC Zoning.

The Deed restrictions were placed on the property approx 25 years ago and since that time the area has changed with the development of more business and commercial type properties.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
GC with Deed Restrictions	GC with out Deed Restrictions	1.39

<p><b>Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. <u>Only complete applications will be accepted.</u> All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.</b></p>				
<input checked="" type="checkbox"/> Scaled drawing of proposed property boundaries	<input checked="" type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable)	<input type="checkbox"/> Pre-application consultation with town and department staff	<input type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to the Dane County Treasurer

I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature \_\_\_\_\_

Date \_\_\_\_\_

# 3956 Hoepker Rd Site Plan



Existing Lawn / Green Space

Existing Warehouse

Walkways

Existing Main Building

Walkways

Existing Parking

Existing Lawn / Green Space

Existing Lawn / Green Space

Existing Driveway

The Land is described as follows:

Lot Two (2), Certified Survey Map No. 8459, recorded in Volume 46 of Certified Survey Maps, Pages 109-111, as Document No. 2826203, in the Town of Burke, Dane County, Wisconsin.

The following is being provided for informational purposes only:

Parcel ID No.: 014/0810-103-9232-1

# Rezoning/C.U.P. Application Information

NUMBER 6692/1361  
 D.E.D. Yes x ~~off~~  
 COUNTY **DANE**

## GENERAL INFORMATION

PUBLIC HEARING DATE: 9/17/96

1. TOWN, VILLAGE, OR CITY Burke

2. THIS NOTICE IS FOR:  REZONING  CONDITIONAL USE / SPECIAL EXCEPTION

3. OWNER'S NAME AT TIME OF REZONING Pumpkin Hollow, c/o Jeff Connery TELEPHONE (608)

OWNER ADDRESS 2718 St. Paul Ave, Madison, WI. 53704

AGENT Gilman J. Stone TELEPHONE (608) 244-8622

AGENT ADDRESS 619 Clairmont Lane, Madison, WI. 53704

4. DESCRIPTION OF PROPERTY WHICH WAS GRANTED THE REZONING OR CONDITIONAL USE / SPECIAL EXCEPTION PERMIT  
 1/4 1/4 Sec. SWSW Sec. 0810 Town 08N Range 10E

PARCEL NUMBER(S) BEFORE REZONING 0810-103-9230-3 PREVIOUS ZONING DISTRICT A-1 NEW ZONING DISTRICT C-2 w/CUP

PARCEL ADDRESS 3956 Hoepker Rd.

INTENT / PURPOSE New canvas boat cover and canvas awning business w/CUP for residence of caretaker or watchman

## LAND AREA AND IMPROVEMENTS

5. TOTAL ACRES IN PARCEL BEFORE REZONING 2.05 TOTAL ACRES IN PARCEL IN EXCLUSIVE AG. ZONE BEFORE REZONING 0

a. Of the original parcel, how many acres were rezoned OUT OF agricultural use or granted a non-Ag conditional use/special exception? 2.05

b. How many acres were rezoned INTO exclusive agricultural district? 0

c. Were there improvements on the original parcel?  YES  NO

d. What percentage of the improvements was rezoned or granted a conditional use/special exception?

## REZONE

6. REASON FOR REZONING

a.  Develop land for non-Ag. residential use.

How far is the land from a city or village boundary? 0.5 MILES How far is the land from an existing residential area? 0.5 MILES

Is the land served by public sewer?  YES  NO Is the land within a sanitary district?  YES  NO

Is the land served by public water?  YES  NO Is the land within a planning transition area?  YES  NO

If more than one lot was developed - number of lots: Average lot size:

b.  Develop land for industrial use f.  Farm consolidation

c.  Develop land for commercial use g.  Residence for parent or child of farm operator

d.  Develop land for recreational use h.  Other (please specify) \_\_\_\_\_

e.  Pre-existing use, substandard or nonconforming parcel

**DANE COUNTY ORDINANCE AMENDMENT NO. 6692**

Amending Section 10.03 relating to Zoning Districts in the Town of Burke.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Burke be amended to include in the C-1 Commercial District/s the following described land:

**PETITION NUMBER/C.U.P. NUMBER: 6692/1361**

Part of the SW 1/4 SW 1/4 Section 10, Town of Burke described as follows:  
Commencing at the Southwest corner of said Section 10; N 88° 26' East along the South line of said Section to the centerline of a Town Road, 419.50 feet; thence North 231.0 feet; S 88° 26' West, parallel to the South line of said Section 10, 419.50 feet; thence South along the West line of the SW 1/4 SW 1/4 of Section 10, 231.0 feet to the point of beginning.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

**CERTIFIED SURVEY REQUIRED**

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. This amendment will become effective, if within 90 days of its approval by Dane County, a certified survey map that describes the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the survey will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

**DEED RESTRICTION REQUIRED**

This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

1. The use on the C-1 rezone area shall be limited to only item 10.13(1)(j), woodworking shops, manufacturing and assembly plants.

Said restrictions shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. **Failure to record the restrictions will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.**

Handwritten signature and date: "E.A." followed by "1/14/97" circled.

# COMPOSITE REPORT

## Dane County Zoning & Natural Resources Committee

Dane County Application for Change in Zoning or CUP

HEARING DATE: 09/17/96 ITEM#: 7.

ZONING PETITION #: 6692 CUP #: 1361

TOWN / SECTION: Burke 10

APPLICANT: Pumpkin Hollow

LOCATION: at 3956 Hoepker Road

AREA: 2.00 acres DELAYED EFFECTIVE DATE: Yes

CHANGE: From the A-1 Agricultural to the ~~C-1~~ Commercial

PROPOSED USE: new boat cover and canvass shop with residence use

### Regional Planning Staff Comments.

This proposed commercial rezoning is in the former Pumpkin Hollow School building, which has had several proposals for re-use in recent years.

The primary use in the area is agriculture, with some homes in the immediate area. The C-1 parcel to the north is for a small repair shop.

While the fabrication of canvas products inside the building may not be too intrusive, the applicant indicates that boats will be parked outside while awaiting covers.

C-2 commercial zoning is also very intensive and would permit many uses which would be incompatible at this location. If this rezoning is considered, it should have very carefully drawn conditions.

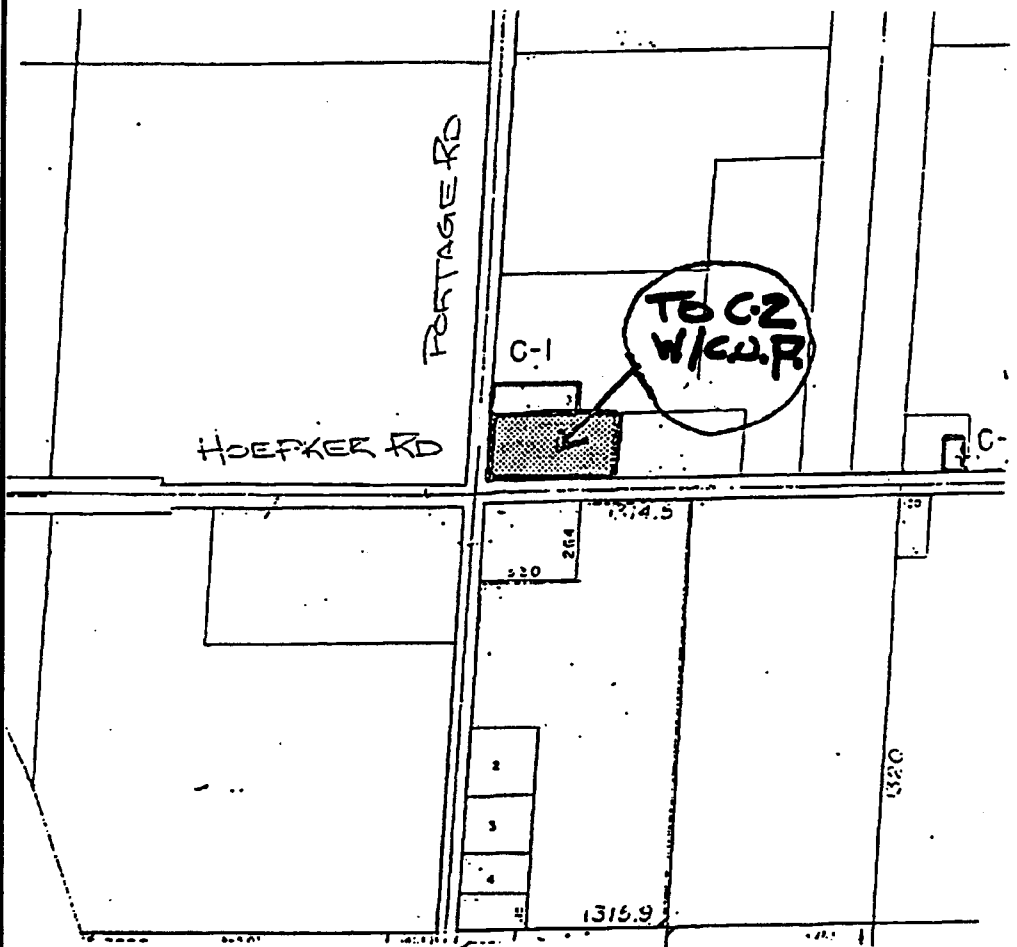
### ENVIRONMENTAL HEALTH (septic, etc.)

None.

### DANE COUNTY HIGHWAY

None.

Shaded area indicates the rezoning of CUP area, white is A-1 EX or A-1, other areas are zoned as marked



### TOWN ACTION RECOMMENDATION:

Approved Aug 21/96  
 DENY

### SUBJECT TO:

Conditions  Amended

### IF CUP:

Conditions  None

### ZNR COMMITTEE ACTION - REZONING

Postponed  
 Approve  Cond/Amend Town  Cond/Amend Comm.  
 As Condition Restrict to 10-13  
 Amended  Changed Zone Dist. C-1  
 Changed Boundary Description  
 DENY  
 Action Date Sept 24/96 Vote 6 - 0

### ZNR CUP APPROVAL

Approved  As Specified by Town  
 Con by ZNR  DENY  
 Date MAY 20/97

### COUNTY BOARD ACTION REZONING

Referred  Date Oct 3/96  
 Approved  Amended on Floor  
 DENY

COUNTY BOARD AGENDA ITEM #



7-19-96

MY NAME IS GILMAN 'JACK' STONE. MY WIFE, KRISTINE AND I HAVE A SMALL CANVAS AND VINYL FABRICATION BUSINESS. IN OUR BUSINESS WE CUSTOM FIT BOAT COVERS, TOPS, AND MARINE UPHOLSTERY. WE ALSO DO PORCH CURTAINS, RESIDENTIAL AWNINGS, LIGHT COMMERCIAL AWNINGS PLUS MANY OTHER LIGHT CANVAS AND VINYL PRODUCTS.

OUR BUSY SEASON IS FROM APRIL THROUGH JULY. DURING THE BUSY SEASON WE HAVE 5-7 CUSTOMERS PER DAY. ALL OUR MATERIALS ARE DELIVERED BY UPS APPROXIMATELY TWICE PER WEEK. DURING THIS PERIOD ONE OR TWO BOATS MAY BE ON THE PROPERTY. THE ASPHALT PARKING LOT IS OF SUFFICIENT SIZE AND HAS GOOD ACCESS TO HANDLE THIS AMOUNT OF TRAFFIC. WE DO ALL BOATS BY APPOINTMENT SO WE CAN CONTROL THE PARKING AND NUMBER OF VEHICLES ON THE PROPERTY. WE OWN TWO VEHICLES, A 14' BOAT AND A SMALL POP-UP CAMPER. THESE WOULD ALSO BE ON THE PROPERTY.

WE WOULD LIKE TO REZONE 3956 HOEPKER RD. AT PORTAGE RD. (PUMPKIN HOLLOW SCHOOL) FROM A-1 TO C-2 TO ACCOMADATE OUR CANVAS BUSINESS. WE WOULD ALSO LIKE A VARIANCE SO MY WIFE AND I COULD HAVE RESIDENCY AT THIS SITE. I BELIEVE OUR SMALL BUSINESS WITH CONTROLLED TRAFFIC WOULD BE A GOOD MIX FOR THE PRESENT NEIGHERBORHOOD.

WE WOULD USE THE NEW ADDITION UPPER LEVEL FOR THE CANVAS SHOP. THE OLD SCHOOL UPPER LEVEL WOULD BE REMODELED INTO TWO BEDROOMS, A FULL BATH, A LIVING ROOM AND A KITCHEN. THE OLD CAFETERIA AND LUNCH ROOM WOULD BE CONVERTED INTO A REC ROOM, WET BAR AND KITCHENETTE. THE LOWER LEVEL OF THE NEW ADDITION WOULD BE USED FOR A PERSONAL WORKSHOP AND STORAGE AREA.

I HOPE OUR ADDITION TO THIS NEIGHERBORHOOD WILL BE A MUTUALLY HAPPY ONE

THANK YOU,

GILMAN 'JACK' STONE

X *Gilman Jack Stone*

U

P 521

DANE COUNTY REGISTER OF DEEDS

Doc No 2814033

DEED RESTRICTION PAGE 1

1996-11-20 01:30 PM  
Trans. Fee 0.00  
Rec. Fee 16.00  
Pages 4

RETURN TO: GILMAN J. STONE  
3956 HOEPKER RD.  
MADISON, WI. 53704

PIN: 07-0810-103-9230-3

RESTRICTIONS

I. WHEREAS, GILMAN J. & KRISTINE M. STONE  
is ~~are~~ the owner/s of the following described land in the  
Town of BURKE Dane County, Wisconsin,  
to-wit:

Part of the SW 1/4 SW 1/4 Section 10, Town of Burke described as follows: Commencing at the Southwest corner of said Section 10; N 88° 26' East along the South line of said Section to the centerline of a Town Road, 419.50 feet; thence North 231.0 feet; S 88° 26' West, parallel to the South line of said Section 10, 419.50 feet; thence South along the West line of the SW 1/4 SW 1/4 of Section 10, 231.0 feet to the point of beginning.

II. WHEREAS said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter.

III. NOW, THEREFORE, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land and the parties named as beneficiaries of these restrictions, the following restrictions are hereby imposed:

4/16

DEED RESTRICTION  
PAGE 2

1. The use on the C-1 rezone area shall be limited to only item 10.13(1)(j), woodworking shops, manufacturing and assembly plants.

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties holding under them unless, pursuant to paragraphs 5 or 6 of this instrument, said restrictions are amended or terminated.

IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:

- (a) The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town BORKE Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.

V. The restrictions set forth in paragraph 3 above may be amended in the following manner:

DEED RESTRICTION  
PAGE 3

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.

- (b) Such amendment shall also require approval of the Town Board.

VI. The restrictions set forth in Paragraph 3 above may be terminated in the following manner:

- (a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in Paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is records shall be an instrument of termination. Such termination shall also require approval of the Town Board.
- (b) A rezone of the property to a different zoning district shall also act to repeal the covenant controls.

DEED RESTRICTION  
PAGE 4

IN WITNESS WHEREOF, the said grantor/s have hereunder set their seal/s this 20 day of NOVEMBER 1996

SIGNED AND SEALED IN THE PRESENCE OF:

*Gilman J. Stone*  
*Kristin M. Stone*  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF WISCONSIN) ) SS.  
COUNTY OF DANE ) )

Personally came before me, this 20 day of November 1996 the above named, known to be the person/s who executed the foregoing instrument, and acknowledged the same.

\_\_\_\_\_  
\_\_\_\_\_  
NOTARY PUBLIC *Judith K. Anderson*  
MY COMMISSION EXIRES Judith K Anderson 19  
Notary Public State of Wisconsin  
Dane Co. Commission Expires 7/12/98

**DANE COUNTY**  
**CONDITIONAL USE PERMIT #1361**

THE ZONING AND NATURAL RESOURCES COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT the conditional use permit subject to conditions.

FOR: Single family residence in the C-1 Commercial District.

EFFECTIVE DATE OF PERMIT: 5/20/97 EXPIRATION DATE: (See below)

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

Part of the SW 1/4 SW 1/4 Section 10, Town of Burke described as follows: Commencing at the Southwest corner of said Section 10; N 88° 26' East along the South line of said Section 10 to the centerline of a Town Road, 419.50 feet; thence North 231.0 feet; S 88° 26' West, parallel to the South line of said Section 10, 419.50 feet; thence South along the West line of the SW 1/4 SW 1/4 of Section 10, 231.0 feet to the point of beginning.

**CONDITIONS:**

These conditions are specifically made applicable to this permit, any violation of such conditions shall be sufficient grounds for revocation of this permit.

1). That the Conditional Use Permit is for a single family residence only.

THE ZONING AND NATURAL RESOURCES COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDING OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.

EXPIRATION OF PERMIT

Section 10.25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the Ordinance.