

Dane County Rezone Petition

Application Date	Petition Number
02/26/2024	DCPREZ-2024-12037
Public Hearing Date	
05/28/2024	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME TODD B WOLF	PHONE (with Area Code) (608) 628-3502	AGENT NAME <input type="checkbox"/>	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 520 SHERMAN ST		ADDRESS (Number & Street) <input type="checkbox"/>	
(City, State, Zip) STOUGHTON, WI 53589		(City, State, Zip)	
E-MAIL ADDRESS tbwolfda@gmail.com		E-MAIL ADDRESS	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
Northwest of 4592 W. Rutland Road					
TOWNSHIP RUTLAND	SECTION 30	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0510-304-2011-0					

REASON FOR REZONE



TRANSFER OF DEVELOPMENT RIGHT TO ALLOW FOR RESIDENTIAL DEVELOPMENT
 REMOVE DEED RESTRICTION FROM PROPERTY

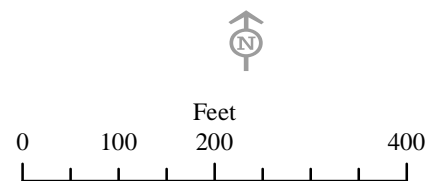
FROM DISTRICT:	TO DISTRICT:	ACRES
RR-1 Rural Residential District	RR-1 Rural Residential District	1.1

C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	INSPECTOR'S INITIALS RWL1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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REZONE 12037

-  Floodway Areas in Zone AE
-  Floodplain





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

- PERMIT FEES DOUBLE FOR VIOLATIONS.
- ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.

REZONE APPLICATION

APPLICANT INFORMATION

Property Owner Name:	TODD B. WOLF	Agent Name:	
Address (Number & Street):	520 STONEMAN ST.	Address (Number & Street):	
Address (City, State, Zip):	SToughton WI, 53589	Address (City, State, Zip):	
Email Address:	tbwolfda@gmail.com	Email Address:	
Phone#:	608-628-3502	Phone#:	

PROPERTY INFORMATION

Township:	RUTLAND	Parcel Number(s):	0510-304-2011-0
Section:	30-5-10	Property Address or Location:	4578 West Rutland Rd.

REZONE DESCRIPTION

Reason for the request. 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.

Is this application being submitted to correct a violation?
 Yes No

This app. is to TRANSFER the development right/split FROM Wendy's property 1529 LAKE KEGONSA RD to mine 4578 W. RUTLAND RD, in the process remove my deed restriction, & change my classification from G7 other to G1 residential, 2-5-24 Rutland planning meeting gave approval to move forward with required paper work.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
RR1 G-7	RR1 - G1	1.1

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. Only complete applications will be accepted. 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.

<input 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 checked="" type="checkbox"/> Pre-application consultation with town and department staff	<input checked="" type="checkbox"/> Application fee (non-refundable), 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 Todd B. Wolf

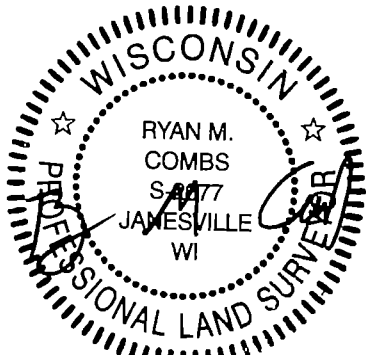
Date 2-13-2024

CERTIFIED SURVEY MAP NO. 16189

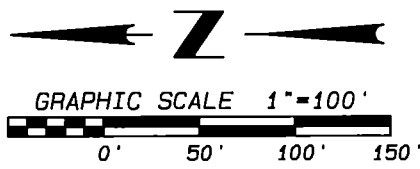
PART OF THE NW 1/4 OF THE SE 1/4 OF SECTION 30, T.5N., R.10E. OF THE 4TH P.M., TOWN OF RUTLAND, DANE COUNTY, WISCONSIN.

Document #
5880117

OWNER OF RECORD:
TODD B. WOLF
520 SHERMAN ST
STOUGHTON WI 53589



9-2-22



LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- FOUND 1" IRON PIPE
- △ FOUND RR SPIKE

NOTE: FIELDWORK COMPLETED AUGUST 30, 2022.

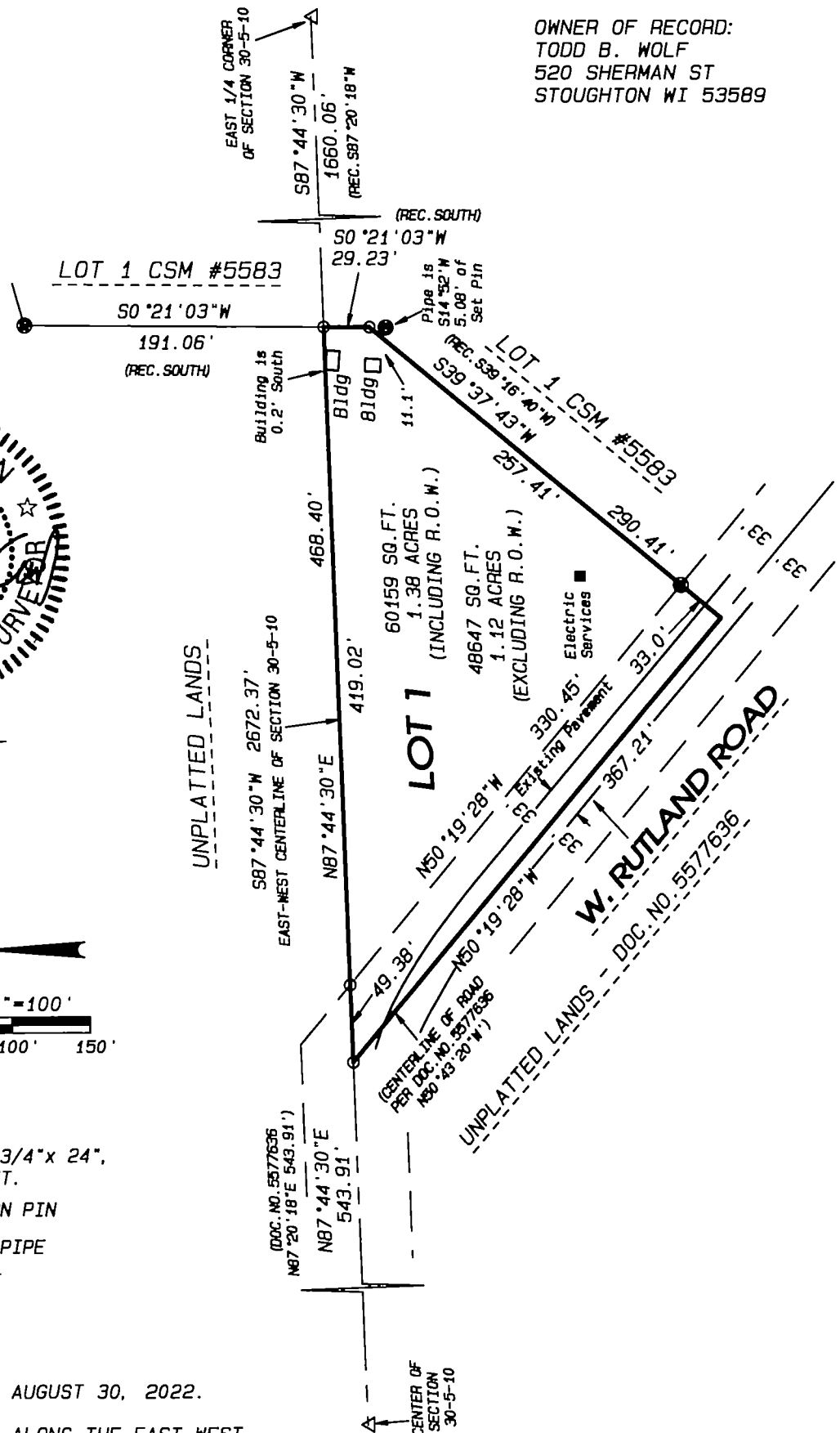
NOTE: ASSUMED S87°44'30"W ALONG THE EAST-WEST CENTERLINE OF SECTION 30-5-10.

NOTE: PLSS CORNERS AND TIES WERE LOCATED IN GOOD CONDITION AND FIELD VERIFIED.

NOTE: REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

Project No. 122 - 335 For: WOLF

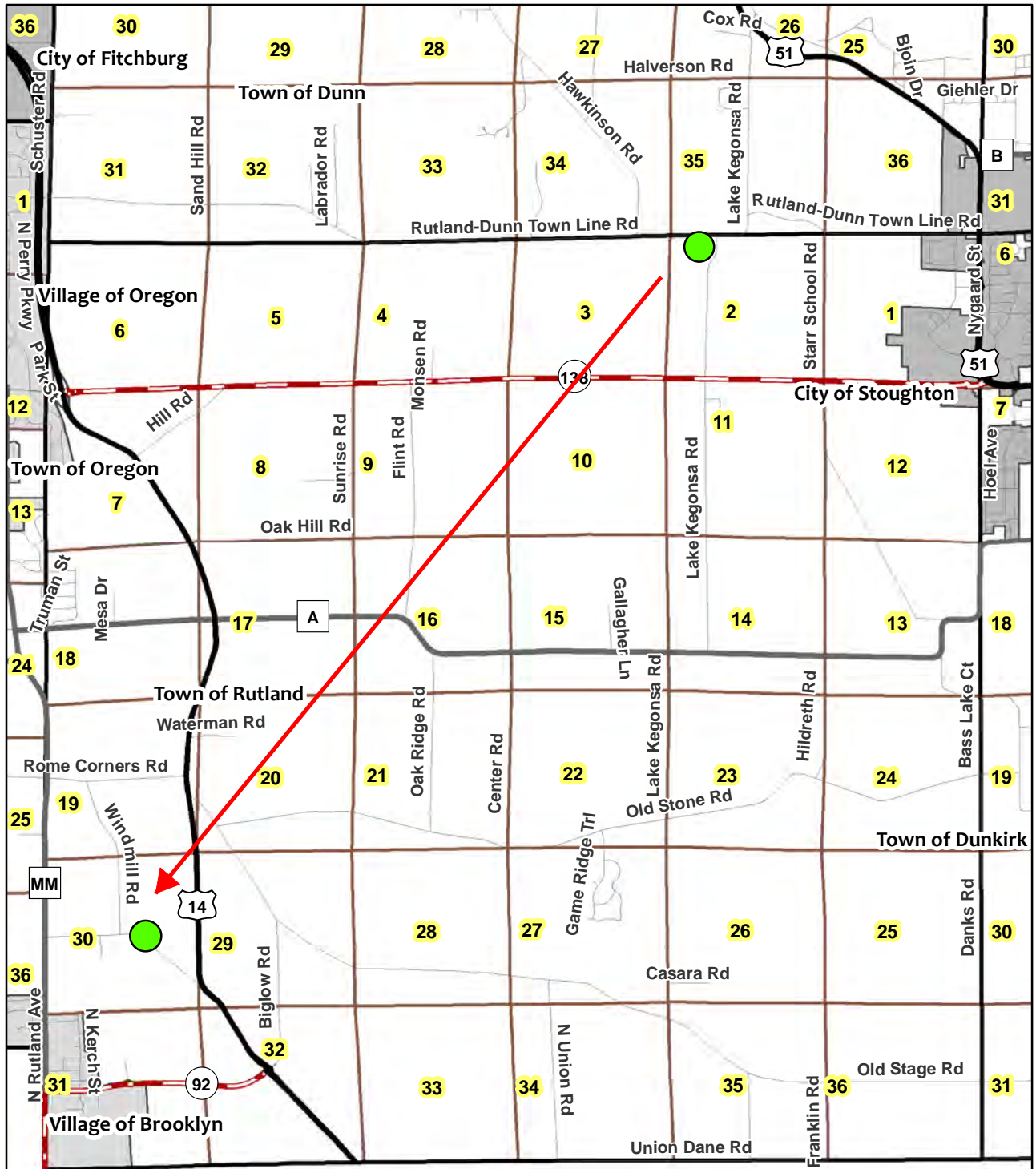
SHEET 1 OF 3 SHEETS



- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 N. Milwaukee St.
Janesville, WI 53548
www.combsurvey.com

tel: 608 752-0575
fax: 608 752-0534



Transfer of Development Right


Parcel Number - 052/0510-304-2011-0

Current

Receiving property

< Parcel Parents

Summary Report

Parcel Summary		More +
Municipality Name	TOWN OF RUTLAND	
Parcel Description	LOT 1 CSM 16189 CS119/320-322 12/30/2022...	
Owner Name	TODD B WOLF 	
Primary Address	No parcel address available. 4578 W. Rutland	
Billing Address	520 SHERMAN ST STOUGHTON WI 53589 RD.	

Show Municipal Contact Information ▼

Assessment Summary		More +
Assessment Year	2023	
Valuation Classification	G7	
Assessment Acres	1.380	
Land Value	\$6,000.00	
Improved Value	\$2,000.00	
Total Value	\$8,000.00	

Show Valuation Breakout

Zoning Information

For the most current and complete zoning information contact:
Dane County Zoning | ☎ 608-266-4266

Zoning

RR-1

Zoning District Fact Sheets

Deed Restrictions

There's a deed restriction on this property for:

- Prohibit Development

Transfer property

Parcel Summary		More +
Municipality Name	TOWN OF RUTLAND	
Parcel Description	LOT 1 CSM 2459 CS9/376-6/28/77 DESCR AS ...	
Owner Name	WANDA HOUGAN	
Primary Address	1529 LAKE KEGONSA RD	
Billing Address	1529 LAKE KEGONSA RD STOUGHTON WI 53589	

Show Municipal Contact Information ▼

Assessment Summary		More +
Assessment Year	2023	
Valuation Classification	G1 G4	
Assessment Acres	8.100	
Land Value	\$182,000.00	
Improved Value	\$278,800.00	
Total Value	\$460,800.00	

Show Valuation Breakout

Zoning Information

For the most current and complete zoning information contact:
Dane County Zoning | ☎ 608-266-4266

Zoning
RR-8

Zoning District Fact Sheets

Town of Rutland Planning Commission Meeting

785 Center Rd.

February 5, 2024 – 6:30 p.m.

This meeting will be held via zoom and in person at the Rutland Town Hall

Agenda:

1. Call meeting to order.
2. Roll Call.
3. Approval of the January meeting minutes.
4. Preliminary Inquiry Wendy Hougan regarding transfer of development right from 1529 Lake Kegonsa Rd to Todd Wolf for property located at 4578 W. Rutland Rd.
5. Petition 2024-12020 by Kevin Hahn to create one residential lot to rezone 8.5 acres from FP-35 to RR-8. The property is located north of 3978 Old Stage Rd.
6. Preliminary Inquiry by Valerie Ahl to add a sign to advertise horse boarding services at 4321 State Rd 138.
7. Discussion and possible action regarding revision of Driveway Policy to address bump-outs on long driveways and to also address easement requirements.
8. Ordinance Amendment 2023 OA-068 regarding conditional use permit and rezoning processes. Discussion and possible action.
9. Adjournment.

WAS APPROVED
TO GO FORWARD

Notice is hereby given that a majority of the Town Board of the Town of Rutland may be present at this meeting to gather information about subjects over which they have decision making responsibility. This constitutes a meeting of the Rutland Town Board pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such although the Town Board will not take any formal action at this meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82050799830?pwd=d0t1aDdHTllvQVd2MTF2NFR4bjFaQT09>

Meeting ID: 820 5079 9830

Passcode: 290357

One tap mobile

+13052241968,,82050799830#,,, *290357# US

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US



DANE COUNTY PLANNING DEVELOPMENT

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

October 18, 2022

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

TO: ZLR Committee
FROM: Majid Allan, Senior Planner
RE: Comprehensive Plan Review
Wolf 1-Lot Certified Survey Map, section 30 Town of Rutland
CC: Town of Rutland

REQUEST: Property owner Todd Wolf proposes a 1 lot Certified Survey Map (CSM) to bring an existing, vacant property into compliance with the subdivision code. The property totals approximately 1.1 acres and was left as a remnant following prior land divisions from a larger parent parcel. Because the proposal presents issues for compliance with town/county density standards, the CSM is being presented to the ZLR Committee for action in accordance with the committee's [rules and procedures](#). The staff recommendation on page 2 has been discussed with the applicant and the town and would ensure compliance with both the land division regulations and town/county planning policies.

BACKGROUND: A [parcel status determination](#) was completed on the property at the request of Mr. Wolf in 2002. As referenced in the determination, the parcel was created illegally. Note that Mr. Wolf was not responsible for the illegal land division. After conducting additional title research, staff [confirmed the findings](#) of the 2002 determination.

The property underwent a foreclosure action in the early 1980s and was subsequently subdivided in 1988 resulting in the current parcel configuration shown in the map below. It is apparent that the subject 1.1 acre property was created as a remnant following the 1988 land division.

- Two ~2 acre lots created by Certified Survey Map 5583 in 1988 (Broadhead and Vanderwegen residences at 4592 and 4566 W. Rutland Rd., respectively)
- One ~9.6 acre lot with the original house (Groeneweg residence at 4598 W. Rutland Rd.)
- One ~1.1 acre property (Wolf / subject property)



TOWN PLAN: The property is located in the town's agricultural preservation planning area where development is limited based on land ownership / acreage as of June 7, 1978. The property is not eligible to be used as a building site as the allowable land divisions have been exhausted. Several other applicable plan policies include the [following](#):

- *Prevent creation of extra residential sites on remnant parcels. Note: Periodically, there are situations in which there are remnant parcels (less than 35 net acres) left after an authorized division. The A-1 Agriculture (Exclusive) zoning district has a minimum parcel size of 35 acres; therefore, these parcels need to be rezoned to another district. Further the Town will use conditional zoning and deed restrictions as appropriate.*
- *When the allowable number of splits has been reached, the Town will require that a deed restriction be placed on the remaining A1EX zoned land from the original June 7, 1978 farm unit to prohibit further divisions or splits for residential development. The intent of this policy is to alert property owners and public officials that further land divisions are not allowed unless the plan and the deed restriction or conditional rezoning are amended.*
- *Parcels which are sold after June 7, 1978 without clear documentation showing the presence of split rights shall be reviewed on a case-by-case basis to determine the use of split rights.*
- *Illegally-created parcels may not be further subdivided or built upon.*

The applicant approached the town in 2007 regarding the possibility of rezoning the property to allow construction of an agricultural shed. However, no zoning change or CSM was pursued at the time. Town meeting minutes show that the applicant was informed as follows:

“Wolf was advised that the rezoning change will also require a deed restriction on the land prohibiting any residential development as there are no homesites available for this remnant of land that was part of land owned by King and Snyder in 1978 and the splits and homesites allowed have been exhausted.”

In 2019, the property was assigned the RR-1 (Rural Residential) zoning classification as part of a blanket rezoning to effectuate the 2018-19 zoning code update in the town of Rutland. Based on the aforementioned parcel determination as well as the applicable town comprehensive plan policies and historic records, it is apparent that the RR-1 zoning was assigned in error.

As noted above, the proposed CSM would address the illegal parcel status and bring the property into compliance with the subdivision regulations. However, approving the CSM without condition or a change in zoning would be inconsistent with, and result in a violation of, applicable town plan policies.

STAFF RECOMMENDATION: In order to maintain compliance with town comprehensive plan policies, while also allowing the applicant to bring the property into compliance with land division regulations, staff recommends the committee take the following action:

Approve the applicant's Certified Survey Map with the following condition:

- Owner shall record a deed restriction with the register of deeds prohibiting residential development on the property until such time as a development right is transferred to the property in accordance with town of Rutland plan policies. The restriction shall list the town of Rutland and Dane County as parties with enforcement rights.

Staff have discussed this recommendation with the applicant and the town of Rutland and the parties agree that the above action will result in a satisfactory outcome.

Please contact me with any questions (608-720-0167 / allan@countyofdane.com).