

**WINDSOR TOWN BOARD
RESOLUTION 2014-50**

**RESOLUTION APPROVING REZONE FROM A-1 EX TO A-2 and
CONDITIONAL USE PERMIT (CUP)
TO ALLOW FOR CONSTRUCTION OF A CONVENIENCE SANITARY
FACILITY IN AN AGRICULTURAL ACCESSORY STRUCTURE**

**[Alan Buchner for Petitioner and Owner of 4003 Vinburn Road,
Town of Windsor, Dane County, Wisconsin]**

RECITALS

WHEREAS, Alan Buchner for petitioner and owner Buchner Revocable Trust, Alan (“Petitioner”) of 4003 Vinburn Road, Town of Windsor, Dane County, Wisconsin (“Property”) is requesting a rezone of the Property from Agriculture District Exclusive (A-1 EX) to Agriculture District (A-2) and a conditional use permit (CUP) in order to allow for construction of a convenience sanitary facility in an agricultural accessory structure;

WHEREAS, Mr. Buchner advised the Town Board of his pecuniary interest in the Property and participated in this matter solely as any petitioner appearing before the Town Board, and for that reason, Mr. Buchner removed himself from his seat as a supervisor throughout the deliberations related to this matter, did not participate in Town Board discussions and abstained from voting;

WHEREAS, Petitioner is in the process of constructing an addition to an existing accessory building and is making this request in order to bring the Property into compliance with the Dane County Zoning Ordinances, as set forth in the letter from the Dane County Zoning Department;

WHEREAS, the Town Planner has reviewed the request and prepared a Staff Report dated August 11, 2014 (“Staff Report”) recommending approval, subject to certain conditions specified in the Staff Report;

WHEREAS, following review of the Petitioner’s application materials and Staff Report, and consideration of input at the July 15, 2014 Plan Commission meeting, the Town Board finds that the request is consistent with the Town of Windsor Comprehensive Plan 2025 and applicable zoning provisions of the Dane County Code of Ordinances and wishes to recommend approval of same, subject to those conditions specified herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

A. The Town Board of the Town of Windsor approves a rezone of the Property from Agriculture District Exclusive (A-1 EX) to Agriculture District (A-2) and issuance of a conditional use permit (CUP) solely for construction of a convenience sanitary facility in an agricultural accessory structure, and subject to the following conditions:

1. The Petitioner shall obtain approval of the Rezone and Conditional Use Permit request from Dane County.
2. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the property (4003 Vinburn Road, DeForest, WI 53532) shall be restricted from any future land divisions.
3. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the accessory building connected to the sanitary plumbing fixture shall not be used as a temporary or secondary residence for overnight use.
4. The petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the application, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

B. The Town Board's approval expires one hundred-eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the petitioner either fails to act in accordance with the above-stated conditions or does not commence substantial construction of the convenience sanitary facility prior to expiration, then this approval shall expire. In such case, the petitioner shall be required to re-apply to the Plan Commission and the Town Board for the conditional use permit (CUP).

[SIGNATURES ON FOLLOWING PAGE]

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 21st day of August, 2014.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chair

Donald G. Madelung
Donald G. Madelung, Town Supervisor

Bruce Stravinski
Bruce Stravinski, Town Supervisor

ABSTAINED (See Recitals)

Alan Buchner, Town Supervisor

Monica M. Smith
Monica M. Smith, Town Supervisor

Attested by:

Christine Capstran
Christine Capstran, Town Clerk



TO: Town of Windsor Plan Commission
CC: Robert Wipperfurth, Chairman
Tina Butteris, Office Manager
Amy Anderson Schweppe, Planning & Development Coordinator
Kevin Richardson, Engineer
Connie Anderson, Attorney
FROM: Jamie Rybarczyk, Planning Consultant
RPT DATE: August 11, 2014
MTG DATE: August 21, 2014
FOTH FILE: 13W027.01/31
RE: Alan Buchner – Rezone & Conditional Use Permit

BACKGROUND:

1. Petitioner/Property Owner: Buchner Revocable Trust, Alan
2. Agent: N/A
3. Location/Address: 4003 Vinburn Road, DeForest, WI 53532
4. Taxkey Number: 068-0910-211-8000-0
5. Area: 20 acres
6. Existing Zoning: A-1 EX Agricultural District
7. Proposed Zoning: A-2 Agricultural District
8. Future Land Use: Agricultural

OVERVIEW:

The petitioner is in the process of constructing an 87'x36'x22' addition to an existing accessory building. On June 6, 2014 the Dane County Zoning Department conducted a site inspection and observed a sanitary plumbing fixture (in-ground holding tank) located outside of the accessory building available for sanitary fixture connection. A sanitary fixture is defined as any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system. Per §10.04(1)(b)2 of the Dane County Zoning Code, sanitary fixtures are prohibited in accessory buildings except in agricultural accessory buildings on zoning lots over 35 acres in size, or if required by law, or allowed by a conditional use permit. The property is zoned A-1 EX Agricultural District but is only 20 acres in area. If the petitioner rezones the property to A-2 Agricultural District, a sanitary plumbing fixture for an accessory use is permissible as a conditional use if the zoning lot is over 5 acres in size. As a result, the petitioner is requesting from the Town of Windsor Plan Commission and Town of Windsor Board approval of a Rezone and Conditional Use Permit for the installation of a sanitary plumbing fixture for an accessory use.

STAFF RECOMMENDATION:

Depending on confirmation by the Town of Windsor Board of the above described comments, the Town of Windsor Board may take the following action:

The Town of Windsor Board **Conditionally Approves** the Rezone and Conditional Use Permit request for Buchner Revocable Trust, Alan located at 4003 Vinburn Road; DeForest, WI 53532 subject to the following conditions:

1. The petitioner shall obtain approval of the Rezone and Conditional Use Permit request from Dane County.



Staff Report

2. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the property (4003 Vinburn Road, DeForest, WI 53532) shall be restricted from any future land divisions.
3. The petitioner shall record a Deed Restriction, in a form approved by the Town Attorney, acknowledging that the accessory building connected to the sanitary plumbing fixture shall not be used as a temporary or secondary residence for overnight use.
4. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

COMPREHENSIVE PLAN CONSISTENCY:

The Rezone and Conditional Use Permit request is consistent with the Town of Windsor Comprehensive Plan: 2025.

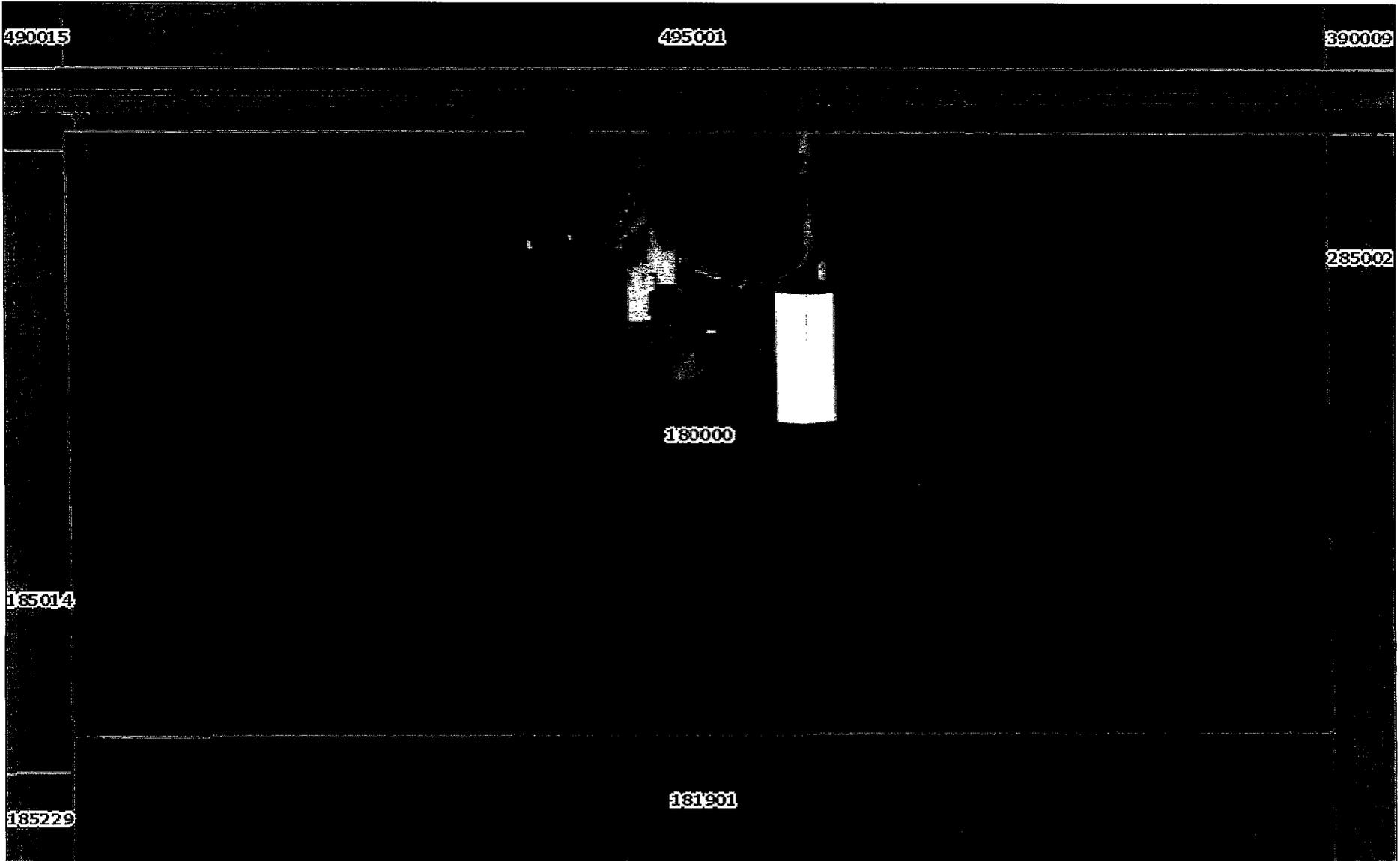
ZONING ORDINANCE CONSISTENCY:

The Rezone and Conditional Use Permit request is consistent with the applicable zoning provisions of the Dane County Code of Ordinances.

EXHIBITS:

- A. DCiMap
- B. Construction Plan
- C. Application
- D. Dane County Zoning Violation

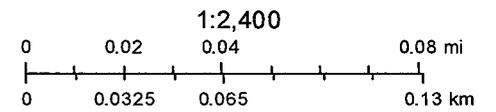
Buchner Property



June 16, 2014

Parcel Number

Tax Parcels



Planning
Administrative

TOWN OF WINDSOR

General Information and Application for Development, Land Division, Site Plan and Zoning

The Town of Windsor Plan Commission typically meets on the Third Tuesday of every month at 6:00 p.m., and the Town Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Town Hall, 4084 Mueller Road. Applicants must submit a complete application and materials no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

Requested Action:

- Rezone
- Concept Plan
- Site Plan Review
- Conditional Use Permit
- Preliminary Plat
- Final Plat
- Variance
- Certified Survey Map

Other Agencies that may need to be addressed (staff will provide direction):

- Dane County Zoning
- City of Sun Prairie
- Village of DeForest
- Token Creek Conservancy Committee or Windsor Parks Commission
- Capital Area Regional Plan Commission (CARPC)
- Wisconsin Department of Transportation (DOT)
- Wisconsin Department of Natural Resources (DNR)

Project Location:

4003 WINBURN RD. DEFOREST, WI

Parcel Number(s)

0910 - 211 - 8000 - 0

Zoning Jurisdiction:

- City of Sun Prairie / Town of Windsor Extra Territorial Zoning
- Dane County

Applicant Statement (Must be signed prior to the time the Application is reviewed by staff).

I have reviewed and understand the Town of Windsor subdivision ordinance, site plan review ordinance and applicable zoning ordinance as they relate to technical specifications, required submittal information, and standards for approval relating to this request and those standards governing the Town's recommendations and decisions.

I understand an administrative fee will be assessed for review of my project by the Town and its consultants, and that payment in full is required as a condition for approval. Consultant fees are invoiced and paid separately by the applicant in additional to any application fees.

Alan Buchner

Applicant Signature

6-12-14

Date

Fees and Review Escrow Paid

Yes

No

Receipt # _____

Contact Information

Applicant:

Name: BUCHNER REV TRUST, ALAN
Address: 4003 VIN BURN RD
City, State, Zip: DE FOREST WI 53532
Phone Number(s): 608-846-4560
Cell Phone(s): 608-225-2683
Email Address(es): ALAN@CIRCLEBINC.COM

Surveyor:

Name: Ø
Address: _____
City, State, Zip: _____
Phone Number(s): _____
Cell Phone(s): _____
Email Address(es): _____

Attorney:

Name: Ø
Address: _____
City, State, Zip: _____
Phone Number(s): _____
Cell Phone(s): _____
Email Address(es): _____

Owner:

Name: BUCHNER REV TRUST, ALAN
Address: 4003 VIN BURN RD
City, State, Zip: DE FOREST WI 53532
Phone Number(s): 608-846-4560
Cell Phone(s): 608-225-2683
Email Address(es): ALAN@CIRCLEBINC.COM

Engineer:

Name: Ø
Address: _____
City, State, Zip: _____
Phone Number(s): _____
Cell Phone(s): _____
Email Address(es): _____

**Town of Windsor
Conditional Use Permit Review**

Dane County Conditional Use Permit Review

Dane County Technical Requirements for a Conditional Use Permit: Standards for review shall follow Section 10.255 (2) (b) of the Dane County Code of Ordinances.

Item	Description	Applicant
1	Legal Description - of the land for which the permit is requested. Include the size of the CUP area in acres or square feet.	SEE ATTACH (A)
2	Tax parcel Number(s) - of the lot(s) or parcel(s) for the CUP. <u>0910-211-8000-0</u>	
3	Site Plan - drawn to scale large enough to show detail; including all existing and proposed buildings and outdoor uses labeled with dimensions and setbacks and showing provisions for water and sewer; location and width of all driveway entrances onto public or private roadways and all interior roads or driveways and indicating traffic patterns; parking lot layout; zoning district boundaries in the immediate area; and more complicated CUP's shall show additional detail such as contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, possible future expansion areas, etc.	SEE ATTACH (B) (C)
4	<p>Written Statement - including existing uses of the property, existing uses on all neighboring properties, proposed uses of the CUP area indicating why the CUP is appropriate, and a time schedule for development.</p> <p>a. Existing Zoning <u>A-1</u></p> <p>b. Proposed Zoning (if a rezone is required) <u>A-2</u></p> <p>c. Type of activity proposed <u>COND USE PERMIT</u></p> <p>d. Hours of Operation <u>Ø</u></p> <p>e. Number of Employees <u>Ø</u></p> <p>f. Anticipated Customers <u>Ø</u></p> <p>g. Outside Storage (describe) <u>Ø</u></p> <p>h. Outdoor Activities (describe) <u>Ø</u></p> <p>i. Outdoor Lighting (describe) <u>Ø</u></p> <p>j. Outside Loudspeakers? <u>Ø</u></p> <p>k. Proposed Signs (describe) <u>Ø</u></p> <p>l. Trash Removal (describe) <u>Ø</u></p>	
5	<p>Provide answers to the following 6 questions completely. The proposed land use must meet all 6 conditions in order to be approved.</p> <p>#1 The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.</p> <p>#2 The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.</p> <p>#3 The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.</p> <p>#4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.</p> <p>#5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.</p> <p>#6 That the conditional use shall conform to all applicable regulations of the district in which it is located.</p>	<p>YES - NO OBJECTABLE ACTIVITY</p> <p>YES - NO ADJACENT NEIGHBOR</p> <p>YES - A1 → A2</p> <p>YES - SHOP EXPANSION</p> <p>YES - NO ADDITIONAL ACCESS</p> <p>YES -</p>

Dane County Zoning Review

Dane County Technical Requirements for a Rezone

Item		Applicant
1	Legal Description – of the land proposed to be rezoned.	SEE ATTACH (D) (A)
2	Tax parcel Number(s) – of the lot(s) or parcel(s) to be rezoned. 0910-211-8000-0	
3	Scale Drawing – of the proposed rezone area showing point of beginning, dimensions, and bearings per the legal description. Scale should be 1" = 400'; if the rezoned area is small a larger scale map may be required. Scale drawings shall include the size of the area to be rezoned in acres or square feet, existing and proposed zoning districts for the proposed rezone area, existing zoning districts of all neighboring properties, and soil capability unit classifications as shown in the Soil Survey of Dane County. More complicated projects may require a site plan showing proposed buildings, parking, landscaping, etc.	SEE ATTACH (B) (C)
4	Written Statement – including existing uses of the property, existing uses on all neighboring properties, proposed uses of the rezoned area indicating why the rezone is appropriate, and a time schedule for development.	SEE BELOW

091016-00014
ROBERT E. WALTON &
JANICE S. WALTON

A-1(EX)
DCPREZ-0000-00000

081016368001
ALAN J. HARVEY
& DIANE HARVEY

091017
ALAN J.
& DIANE

Vinburn Rd

4003

081021180001
BUCHNER REV
TR, ALAN

A-1(EX)
DCPREZ-0000-00000

081021181001
BLIEFERNICHT
LIVING TR.

BLIEFERNICHT
LIVING TR.

JAGGULYN K. MARTIN

C.

STATE OF WISCONSIN
REAL ESTATE PROPERTY TAX BILL FOR 2013
 TOWN OF WINDSOR
 DANE COUNTY

BUCHNER REV TR, ALAN



BUCHNER REV TR, ALAN
 4003 VINBURN RD
 DEFOREST WI 53532

BILL NUMBER: 681021

IMPORTANT: Correspondence should refer to parcel number.
 See reverse side for important information.
 Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.

4318723 3683354 12342/31 ACRES: 20.000
 SEC 21, T 09 N, R 10 E, NE¼ of NE¼
 PLAT: MB-METES AND BOUNDS
 SEC 21-9-10 NE1/4NE1/4: EXC S 20 ACRES
 THE SUBJ TO ACCESS ESMT OVER WLY 66 FT
 THE

Property Address: 4003 VINBURN RD

Parcel #: 0910-211-8000-0
 Alt. Parcel #:

Assessed Value Land 90,000	Ass'd. Value Improvements 224,700	Total Assessed Value 314,700	Ave. Assmt. Ratio 1.0176	Net Assessed Value Rate (Does NOT reflect credits) 0.019755174
Est. Fair Mkt. Land See Reverse, Use Value Assessment	Est. Fair Mkt. Improvements	Total Est. Fair Mkt.	<input type="checkbox"/> A Star in this box means Unpaid Prior Year Taxes.	School taxes reduced by school levy tax credit \$ 564.79

Taxing Jurisdiction	2012 Est. State Aids Allocated Tax Dist.	2013 Est. State Aids Allocated Tax Dist.	2012 Net Tax	2013 Net Tax	% Tax Change
STATE OF WISCONSIN			51.89	52.42	1.0%
DANE COUNTY	83,867	89,834	1,040.38	1,085.35	4.3%
TOWN OF WINDSOR	253,995	236,954	1,487.26	1,619.31	8.9%
DEFOREST SCHOOL DIST	5,016,536	5,378,491	2,840.71	2,891.27	1.8%
MADISON TECH COLLEGE	107,204	107,789	555.13	568.61	2.4%
Total	5,461,602	5,813,068	5,975.37	6,216.96	4.0%
	First Dollar Credit		73.94	71.62	-3.1%
	Lottery & Gaming Credit		103.06	121.97	18.3%
	Net Property Tax		5,798.37	6,023.37	3.9%

Make Check Payable to: TOWN OF WINDSOR TREASURER 4084 MUELLER RD DEFOREST WI 53532	Full Payment Due On or Before January 31, 2014 \$6,194.40	Net Property Tax 6,023.37 PRIVATE SEPTIC MAIN 8.67 TRASH P/U 162.36
	Or First Installment Due On or Before January 31, 2014 \$3,121.73 <i>12-11-13</i>	
And Second Installment Payment Payable To T ADAM GALLAGHER DANE COUNTY TREASURER PO BOX 1299 MADISON WI 53701-1299	And Second Installment Due On or Before July 31, 2014 \$3,072.67	

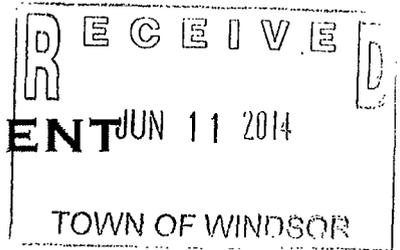
FOR TREASURERS USE ONLY	TOTAL DUE FOR FULL PAYMENT
PAYMENT _____	Pay By January 31, 2014
BALANCE _____	▶ \$ 6,194.40
DATE _____	Warning: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and, if applicable, penalty. Failure to pay on time. See reverse.

PLEASE RETURN LOWER PORTION WITH REMITTANCE



DANE COUNTY
PLANNING & DEVELOPMENT

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



June 10, 2014

Buchner Rev Trust, Alan
4003 Vinburn Road
DeForest, WI 53532

RE: Violations occurring at 4003 Vinburn Road
Parcel # 0910-211-8000-0

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

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

Zoning
(608)266-4266, Rm. 116

Dear Mr. Alan Buchner:

On June 6, 2014 the Dane County Zoning Department conducted a site inspection on your property at 4003 Vinburn Road in the Town of Windsor for permit **DCPZP-2014-00047** for the construction of an 87' x 36' x 22' machine shop and cold storage addition to a residential accessory building. It was observed that there was an in ground holding tank located outside of the accessory building available for sanitary fixture connections.

Dane County Code of Ordinances defines a sanitary fixture as any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system.

Section 10.04(1)(b)2. *Sanitary fixtures are prohibited in accessory buildings except in agricultural accessory buildings on zoning lots over 35 acres in size, or if required by law, or allowed by a conditional use permit.*

For properties zoned A-2, **Section 10.126(3)(x)** *Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.*

This letter serves as notice that your property at 4003 Vinburn Road is in violation of the ordinances as listed above. Please be informed that a STOP WORK ORDER has been posted on the site and further construction of the project shall cease until such time as the violations are corrected.

You are hereby instructed to either uninstall the in ground holding tank or submit to Dane County Planning and Development a complete rezone and conditional use application for a sanitary plumbing fixture in an A-2 accessory structure within **10 days** of the date of this letter. If you wish to construct a separate convenience bathroom under 120 square feet to serve independently of the residential and primary accessory structure through an in ground holding tank, please contact Dane County Zoning at (608) 266-9084.

When corrected, please contact the Zoning Department at (608) 266-9084 so that the corrections can be verified. If the violations are not corrected within the 10 day time period, citations will be issued for each day in violation

Your cooperation is appreciated in this matter.

Sincerely,



Sarah Weina
Zoning Inspector
County of Dane
608-266-9084
Weina.Sarah@countyofdane.com

Cc: Town Clerk
Madison and Dane County Public Health

