

**VILLAGE OF WINDSOR
VILLAGE BOARD RESOLUTION 2024-76**

**APPROVAL OF TWO-LOT CERTIFIED SURVEY MAP (EAST) FOR PROPERTY LOCATED ON
COUNTY TRUNK HIGHWAY V AND 7590 MARTHA LANE**

WHEREAS, Robert & Julie Wipperfurth (the “Petitioner”) has requested approval of Certified Survey Map Creating two lots on Country Trunk Highway V and adjusting the lot lines to 7590 Martha Lane (Parcel ID #196/0910-102-8440-0) located on Martha Lane, DeForest, WI 53532 (the “Subject Property”); and

WHEREAS, the Village Staff and Consultants have reviewed the Petitioner’s request and prepared a Staff Report dated August 01, 2024 (the “Staff Report”) recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, the Village of Windsor Plan Commission held a meeting regarding the request on August 08, 2024; and

WHEREAS, following review of information presented at the Plan Commission meeting and the Staff Report, the Plan Commission recommends approval to the Village Board, subject to the conditions specified in the Staff Report and as set forth herein.

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

The Village of Windsor Village Board approves the Certified Survey Map located at the Subject Property, subject to the following conditions:

A. Certified Survey Map (east)

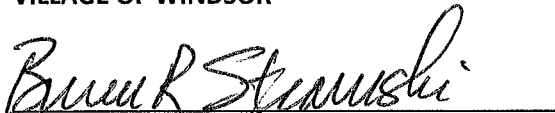
1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
3. The Petitioner shall satisfy all conditions of approval by the Village and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deed’s Office.
4. No payment of Fees in Lieu of Land and Fees for Initial Improvement of Parkland is due. The Certified Survey Map does not create a new residential land split.
5. The Petitioner shall prepare and record a notice acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.

- B.** The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the matters herein, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services.

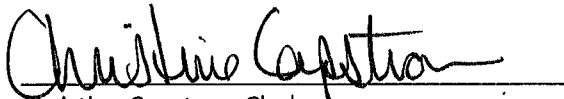
C. The Plan Commission's recommendation and Village Board's approval of the matters herein expires one hundred-eighty (180) days from the date of adoption of this Resolution (or in the case of the Village Board, from the date of adoption of a resolution by that body) unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on August 15, 2024, by a vote of 3 in favor and 0 opposed.

VILLAGE OF WINDSOR


Bruce Stravinski, Trustee

Attested by:


Christine Capstran, Clerk

Incorporated by Reference:

Staff Report
Development Review Application
Plan Commission Resolution 2024-18



STAFF REPORT

To: Plan Commission & Village Board
Cc: Bruce Stravinski, Tina Butteris, & William Cole
From: Shaun Mularkey & Jamie Rybarczyk
Submtl Date: July 10, 2024
Rpt Date: August 01, 2024
Decision Date: October 08, 2024
Mtg Date for PC: August 08, 2024
Mtg Date for VB: August 15, 2024
Re: Wipperfurth – Certified Survey Map & Rezone Request

BACKGROUND:

Petitioner: Robert & Julie Wipperfurth
Property Owner: Robert & Julie Wipperfurth Revocable Living Trust
Address: 7580 Martha Lane, DeForest, WI 53532
Taxkey: 196/0910-102-8001-0, 196/0910-102-8045-0, 196/0910-102-8060-0,
196/0910-102-8075-0, 196/0910-101-8500-8, 196/0910-102-8090-0 &
196/0910-102-8440-8
Area: 78 acres (approx. total)
Existing Zoning: A-1(EX), Exclusive Agriculture & R-1, Single Family Residential
Proposed Zoning: A-1(EX), Exclusive Agriculture & R-1, Single Family Residential
Future Land Use: Agricultural Preservation

REQUEST:

The Petitioner is requesting review and approval of two Certified Survey Maps (CSMs) where a lot is being removed from one CSM and added to the other, but no additional lots are created in total, and a rezone of a portion of one lot (7,530sf) from A-1(EX), Exclusive Agriculture to R-1, Single Family Residential.

See Exhibit A for additional information regarding the Development Review Application.

OVERVIEW:

The Subject Property is comprised of seven (7) parcels totaling approximately 78 acres. Existing uses include agricultural land, two existing homes, accessory buildings, and a horse boarding operation.

There are two CSMs proposed. The first CSM (west) reduces four (4) existing lots with an area of 38,628sf each along CTH V down to three (3) lots ranging from 45,150sf to 57,940sf. Proposed Lot 1 also includes a 25' strip of land to be added from the larger remnant parcel, which is to be rezoned to R-1,

Single Family Residential to match the rest of the lot. The three (3) lots will access CTH V via the previously established access points/permits by Dane County.

The second CSM (east) creates a new lot on the east side of Martha Lane (south of CTH V) as Lot 1. Proposed Lot 1 includes agricultural/pasture land, two sheds, and a septic system easement (by other instrument) for the benefit of the larger remnant parcel. This CSM also includes an existing parcel as Lot 2 (0.46 ac) with boundaries slightly adjusted to comply with building setback requirements. Lot 2 includes an existing home and an easement on the driveway (by other instrument) for access to the north end of the shed on Lot 1.

Lot 1 of the west CSM and Lot 1 of the east CSM includes land in the CTH V right-of-way as shown on the CSMs. Dane County is currently studying CTH V and the potential future right-of-way, so the ultimate right-of-way is unknown at this time and will be dedicated by the Petitioner as part of the CTH V project.

No additional parcels/lots are being created in total on the subject property, and therefore no density calculation or deed restriction is required.

STAFF COMMENTS – COMMUNITY DEVELOPMENT:

The Community Development Department provides the following comments:

A. Comprehensive Plan: 2035

The Subject Property is planned for Agricultural Preservation. The request is consistent with the Comprehensive Plan as no new lots are being created in total.

B. Ch. 52: Zoning Districts

The Subject Property is zoned A-1(EX), Exclusive Agriculture District aside from the lots along CTH V in the northwest corner of the Subject Property, which are zoned R-1, Single Family Residential District. Proposed Lot 1 of the CSM (west) includes a 25' strip of land (0.173 acres) to be added from the larger remnant parcel, which will be rezoned to R-1, Single Family Residential District to match the rest of the lot. All proposed lots and building setbacks for both CSMs meet the requirements of zoning districts.

Lots 1 and 2 of the CSM (east) are less than 35 acres (minimum required by A-1(EX), Exclusive Agriculture District), however, Village policy has permitted A-1(EX), Exclusive Agriculture District lots to be smaller than 35 acres, provided they are contiguous to larger A-1(EX), Exclusive Agriculture District holdings under the same ownership, which is the case here.

C. Wis. Stats. Ch. 236: CSM (west) **NOTE: The Petitioner has addressed the following Staff comments.**

1. 236.20(3)(e). Abutting Street and state highway lines of adjoining plats shown in their proper location by dotted or dashed lines. The width of these streets and highways shall be given also. Show dashed line for CTH V in detailed view.
2. 236.20(20)(j). The areas in square feet of each lot and outlot. Areas excluding ROW on Sheet 1 and Sheet 3 do not match.
3. 236.34(1m)(e). Add "Dedicated" to the surveyor certificate on Surveyor's certificate and owner's certificate if ROW dedication required by Dane County.
4. Recommendations
 - a. Label POB and POC on sheet 1.

- b. Show dedicated ROW with Symbol and add Symbol in legend if ROW dedication required by Dane County.
 - c. Dedication area sf & acres if ROW dedication required by Dane County.
- D. Wis. Stats. Ch. 236: CSM (east) **NOTE: The Petitioner has addressed the following Staff comments.**
1. 236.20(3)(e). Abutting Street and state highway lines of adjoining plats shown in their proper location by dotted or dashed lines. The width of these streets and highways shall be given also. Show dashed line for CTH "V" on sheet 1.
 2. 236.20(20)(j). The areas in square feet of each lot and outlot. Area on Sheet 1, 2 and Sheet 4 doesn't match.
 3. 236.34(1m)(e). Add "Dedicated" to the surveyor certificate on Surveyor's certificate and owner's certificate if ROW dedication required by Dane County.
 4. 236.34(1m)(d)(2). Commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or add POC leading line from Section corner to the POB.
 5. Recommendations
 - a. Label POB on sheet 1.
 - b. Dedication area sf & acres if ROW dedication required by Dane County.
 - c. Show leading arrow with 7.25 distance on sheet 2.
 - d. Show ties from house to lot lines.

STAFF RECOMMENDED CONDITIONS:

Staff recommends any approval be subject to the following conditions:

A. Certified Survey Map (west)

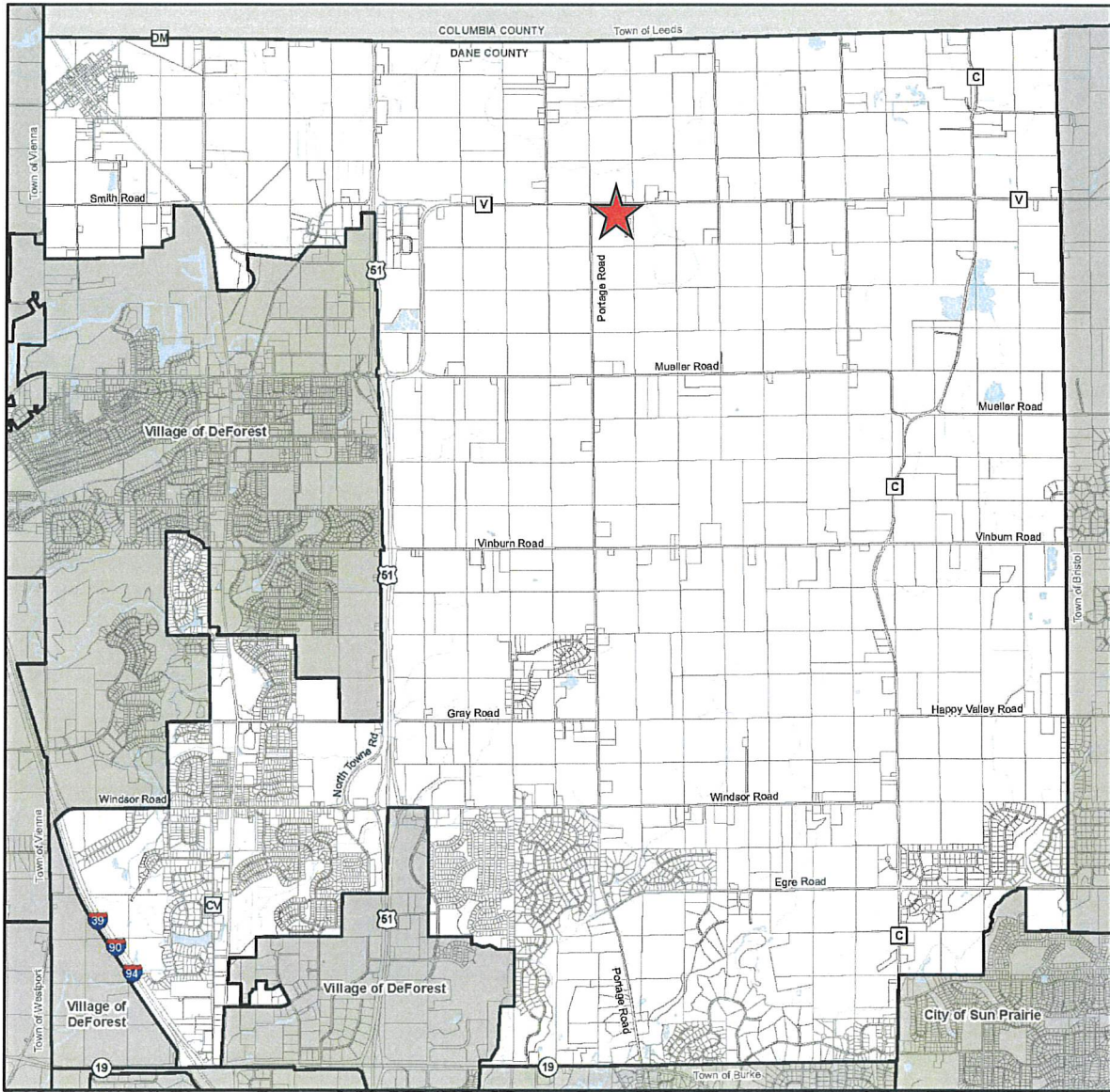
1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
3. The Petitioner shall satisfy all conditions of approval by the Village and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deed's Office.
4. No payment of Fees in Lieu of Land and Fees for Initial Improvement of Parkland is due. The Certified Survey Map does not create a new residential land split.
5. The Petitioner shall prepare and record a notice acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.

B. Certified Survey Map (west) Rezone

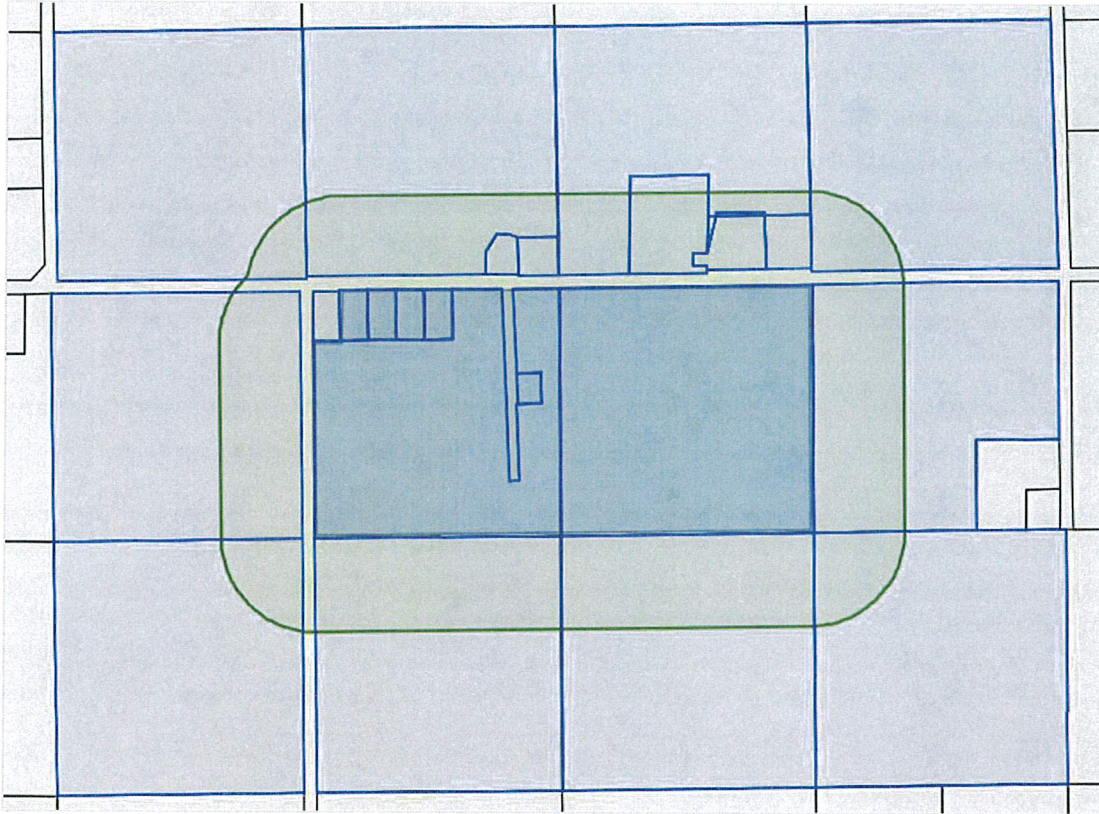
1. The 25' strip of land (0.173 acres) on the west edge of Lot 1 of the west (3-lot) Certified Survey Map as shown on the Petitioner's Development Review Application shall be rezoned from the A-1(EX), Exclusive Agriculture District to the R-1, Single Family Residential District, so that Lot 1 is zoned R-1 in its entirety.

2. The Rezone shall have a delayed effective date and shall take effect at such time as the accompanying Certified Survey Map has been recorded in the Dane County Register of Deed's office.
- C. Certified Survey Map (east)
1. The Petitioner shall address the Staff Comments set forth in the Staff Report to the satisfaction of the Community Development Director.
 2. The Petitioner shall address the Policy Comments/ Concerns set forth in the Staff Report to the satisfaction of the Community Development Director.
 3. The Petitioner shall satisfy all conditions of approval by the Village and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deed's Office.
 4. No Fees in Lieu of Land and Fees for Initial Improvement of Parkland is due. The Certified Survey Map does not create a new residential land split.
 5. The Petitioner shall prepare and record a notice acknowledging the presence of agricultural practices in the vicinity of the Subject Property pursuant to the Wisconsin Right to Farm Statute §823.08.
- D. The Petitioner shall promptly reimburse the Village for all costs and expenses incurred by the Village in connection with the review and approval of the matters herein, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services.
- E. The Plan Commission's recommendation and Village Board's approval of the matters herein expires one hundred-eighty (180) days from the date of adoption of this Resolution (or in the case of the Village Board, from the date of adoption of a resolution by that body) unless the Petitioner has satisfied all conditions of approval stated herein. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Community Development Director, the Community Development Director is authorized to extend the one hundred-eighty (180) day expiration, one time, up to an additional one hundred-twenty (120) days. If the Village Board is unable to or does not act on the Plan Commission's recommendation prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Village Board.

LOCATION MAP:



500' NOTICE:



Owner	BillingStr	BillingCit BillingSta BillingZip
WIPPERFURTH REV LIVING TR, ROBERT E & JULIE A	7580 MARTHA LN	DEFOREST, WI 53532
MANTHE TR, DEAN L & JACQULYN K	3827 MUELLER RD	DEFOREST, WI 53532
LOVICK JT REV TR, RONALD K & PATSY G	3576 COUNTY HIGHWAY V	DEFOREST, WI 53532
SUE A RUCKER	7652 PORTAGE RD	DEFOREST, WI 53532
RANDY & SUSAN LANGER LAND LLC	7833 HELMKE RD	DEFOREST, WI 53532
LISA BRODERICK	3788 COUNTY HIGHWAY V	DEFOREST, WI 53532
MANTHE LIVING TR	W6298 MANTHE RD	DEFOREST, WI 53532
RANDY G LANGER	3840 COUNTY HIGHWAY V	WINDSOR, WI 53598
DAVID J TRZEBIATOWSKI	3764 COUNTY RD V	DE FOREST, WI 53532
SUE ANN BELDA	3838 COUNTY ROAD V	DEFOREST, WI 53532

EXHIBIT:

- A. Development Review Application

7580 Martha Lane

07/10/2024 - 07/09/2025

8890665

Development Review

Development Review Request Fee

1d3980a0-3ec2-11ef-a15a-f9660028080d

Awaiting Payment

Active

Application Review Status

Final-Review

Completed

07/10/2024

07/10/2024

Fees

Planning and Development: Certified Survey Map - \$325.00
Application Fee

Planning and Development: Certified Survey Map - \$1,000.00
Escrow

Zoning Districts: Zoning Map and/or Ordinance \$350.00
Amendment - Application Fee

Zoning Districts: Zoning Map and/or Ordinance \$1,000.00
Amendment - Escrow

Subtotal **\$2,675.00**

Amount Paid **\$0.00**

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Parcel Number

0910-102-8001-0, 0910-102-8440-0, 0910-101-8500-8, 0910-102-8045-0, 0910-102-8060-0, 0910-102-8075-0, 0910-102-8090-0

Property Physical Address

7580 Martha Lane

Lot Area (sq ft)*

+/- 80 acres (see attached maps)

Primary Contact First Name

Paulson & Associates, LLC, Daniel

Primary Contact Last Name

Paulson

Contact Email

Dan@PaulsonLLC.net

Mailing Address

136 W. Holum Street

City
DE FOREST

State
WI

Zip
53532

Contact Phone
(608) 846-2523

Is the applicant the property owner?
No

Owner First Name
Robert

Owner Last Name
Wipperfurth

Owner Email
Bob.Wipperfurth@GMail.com

Mailing Address
7580 Martha Lane

City
De Forest

State
WI

Zip
53532

Owner Phone
(608) 692-8119

Planning and Development
Certified Survey Map: Refer to Ch 38, Art IV, Div 6

Zoning Districts
Zoning Map and/or Ordinance Amendment: Refer to Ch 52, Art V, Sec 52-101(4)

Supplemental Application Information Document Upload
 Wipperfurth 3 Lot CSM 7-10-24.pdf
 Wipperfurth 2 Lot CSM 7-10-24.pdf
 Wipperfurth Zoning Change Revised 7-10-24.pdf

Signature

Acknowledgement of Understanding: The Applicant and Property Owner have reviewed and understand the Village of Windsor Code of Ordinances as it relates to the Development Review Application, Supplemental Information, and Technical Specifications required for the Development Review Request.

The Applicant and Property Owner understand that an Administrative Fee and Escrow Fee will be charged for review of the Development Review Request by the Village staff and professional consultants, and payment must be submitted with the Development Review Request.

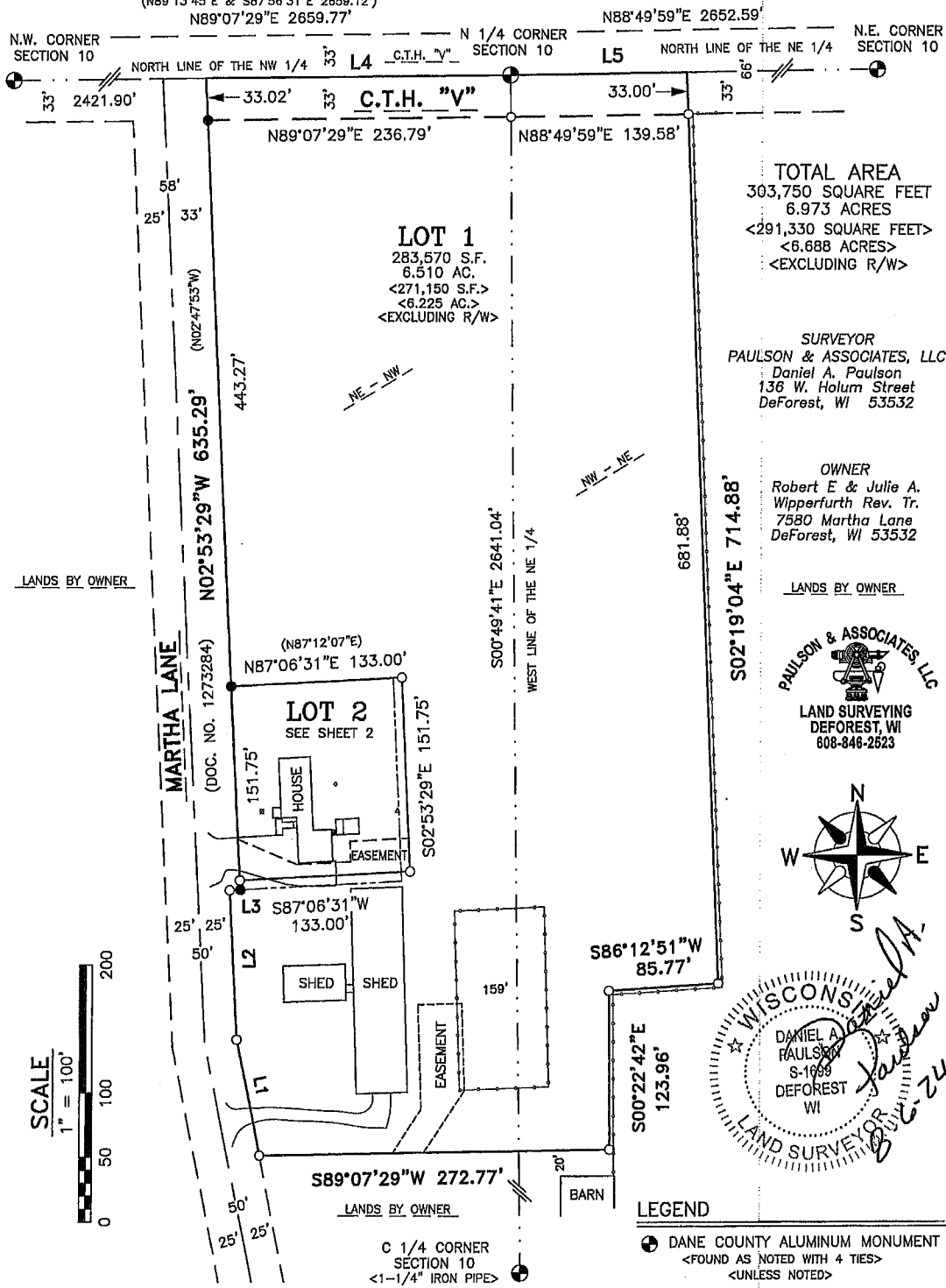
Daniel A. Paulson - 07/10/2024 8:41 am

Messages

Hello Dan, I have deemed the application complete. This will be scheduled for the August 8th Plan Commission meeting and August 15th Village Board meeting. Please have your client submit payment to the Village of Windsor in the amount of \$2,675.00.

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOT 1, C.S.M. NO. 4875 AND LANDS; LOCATED IN THE NW 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE NW 1/4, SECTION 10, T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN
 (N89°13'45"E & S87°56'31"E 2659.12')
 N89°07'29"E 2659.77'

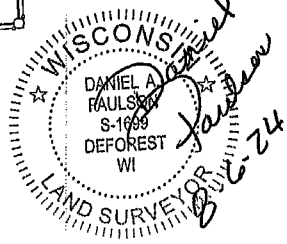


TOTAL AREA
 303,750 SQUARE FEET
 6.973 ACRES
 <291,330 SQUARE FEET>
 <6.888 ACRES>
 <EXCLUDING R/W>

SURVEYOR
 PAULSON & ASSOCIATES, LLC
 Daniel A. Paulson
 136 W. Holm Street
 DeForest, WI 53532

OWNER
 Robert E & Julie A.
 Wipperfurth Rev. Tr.
 7580 Martha Lane
 DeForest, WI 53532

LANDS BY OWNER
 PAULSON & ASSOCIATES, LLC
 LAND SURVEYING
 DEFOREST, WI
 808-846-2623



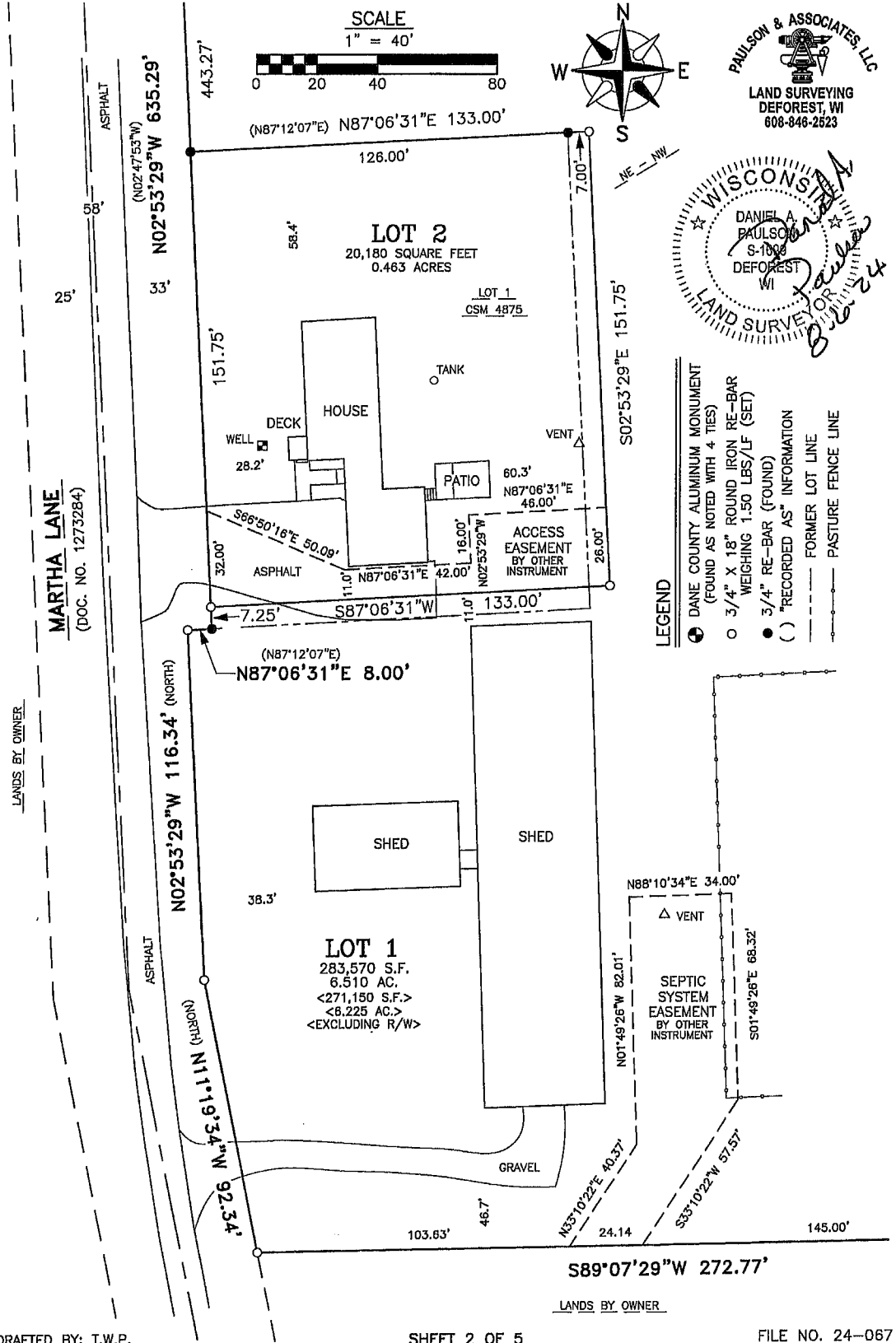
- LEGEND**
- DANE COUNTY ALUMINUM MONUMENT
 <FOUND AS NOTED WITH 4 TIES>
 <UNLESS NOTED>
 - 3/4" X 18" ROUND IRON RE-BAR
 WEIGHING 1.50 LBS/LF (SET)
 - 3/4" RE-BAR (FOUND)
 - () "RECORDED AS" INFORMATION
 - FORMER LOT LINE
 - PASTURE FENCE LINE

BASIS OF BEARINGS
 THE NORTH LINE OF THE NE 1/4 IS
 ASSUMED TO BEAR N88°49'59"E, AS
 REFERENCED TO WCCS DANE CO. ZONE.

- L1=N11°19'34"W 92.34' (NORTH)
- L2=N02°53'29"W 116.34' (NORTH)
- L3=N87°06'31"E 8.00' (N87°12'07"E)
- L4=N89°07'29"E 237.87'
- L5=N88°49'59"E 138.83'

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOT 1, C.S.M. NO. 4875 AND LANDS; LOCATED IN THE NW 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE NW 1/4, SECTION 10, T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN

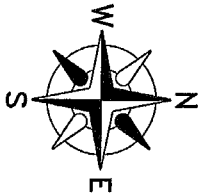


DANE COUNTY CERTIFIED SURVEY MAP NO. _____

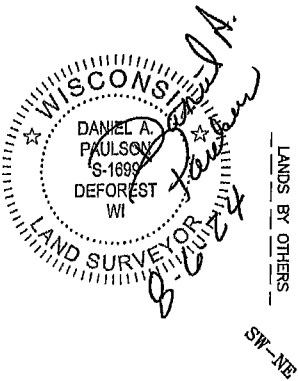
BEING LOT 1, C.S.M. NO. 4875 AND LANDS; LOCATED IN THE NW 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE NW 1/4, SECTION 10, T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN

GENERAL LOCATION SKETCH

N.W. CORNER SECTION 10

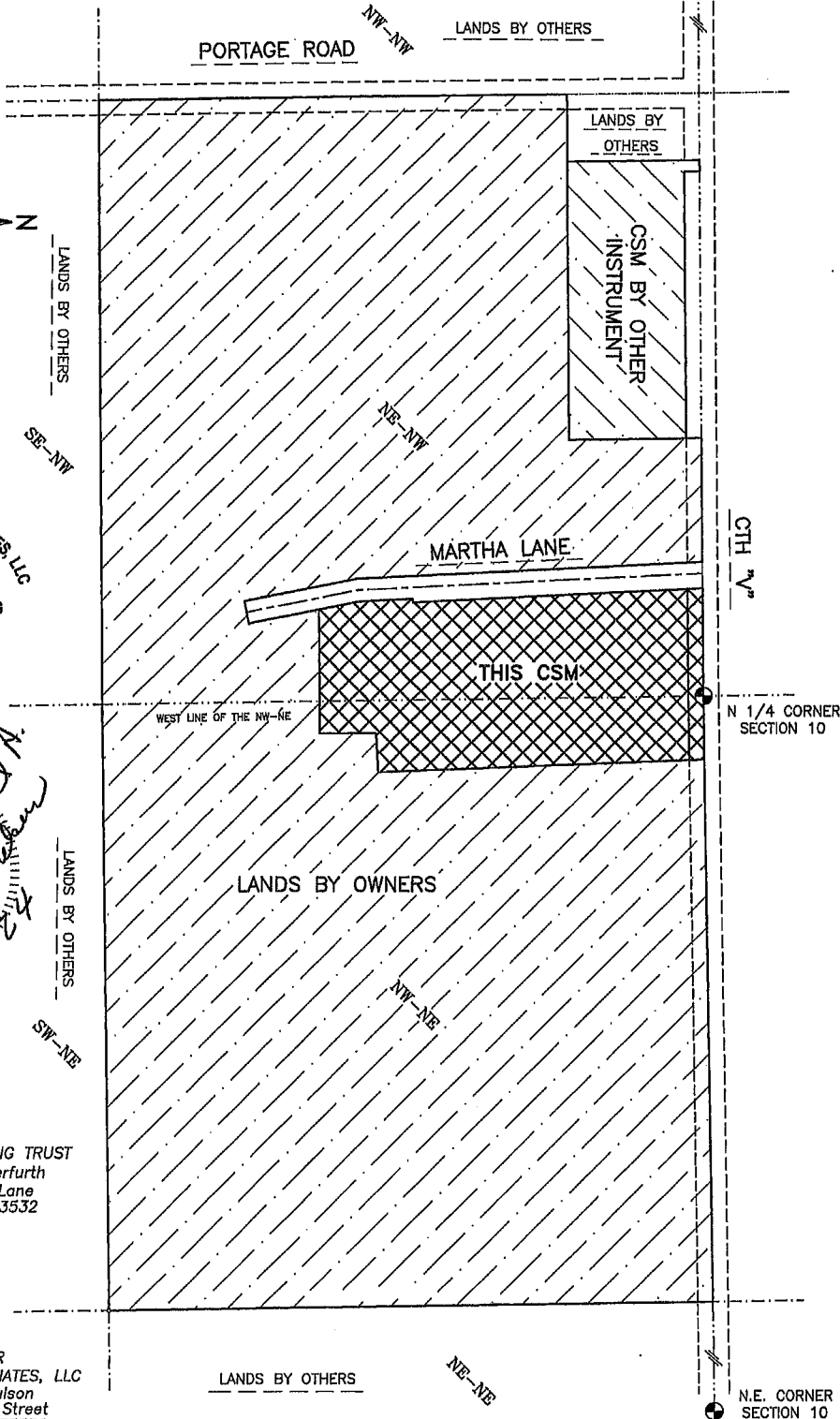


PAULSON & ASSOCIATES, LLC
LAND SURVEYING
DEFOREST, WI
608-846-2623



OWNER
WIPPERFURTH LIVING TRUST
Robert E. Wipperfurth
7580 Martha Lane
DeForest, WI 53532

SURVEYOR
PAULSON & ASSOCIATES, LLC
Daniel A. Paulson
136 W. Holum Street
DeForest, WI 53532



DANE COUNTY CERTIFIED SURVEY MAP NO. _____

Being Lot 1, Certified Survey No. 4875 and lands; located in the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼, Section 10, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Robert E. Wipperfurth, I have surveyed, divided, monumented, and mapped Lot 1, CSM No. 4875, recorded in Volume 21 on Page 300 as Document No. 1922822 and lands, located in the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ of Section 10, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described as follows:

BEGINNING at the North ¼ Corner of Section 10;
thence N88°49'59"E, 138.83 feet along the north line of the NE ¼ of Section 10;
thence S02°19'04"E, 714.88 feet;
thence S86°12'51"W, 85.77 feet;
thence S00°22'42"E, 123.96 feet;
thence S89°07'29"W, 272.77 feet to the east right-of-way line of Martha Lane;
thence N11°19'34"W (recorded as North), 92.34 feet along the east right-of-way line of Martha Lane;
thence continuing along the east right-of-way line of Martha Lane, N02°53'29"W (recorded as North), 116.34 feet to the southwest corner of C.S.M. No. 4875;
thence continuing along the east right-of-way line of Martha Lane and the south line of C.S.M. No. 4875, N87°06'31"E (recorded as N87°12'07"E), 8.00 feet to the southwest corner of Lot 1 said C.S.M. No. 4875;
thence continuing along the east right-of-way line of Martha Lane, N02°53'29"W (recorded as N02°47'53"W), 635.29 feet to the north line of the NW ¼ of Section 10;
thence N89°07'29"E (recorded as N89°13'45"E & S87°56'31"E), 237.87 feet along the north line of the NW ¼ of Section 10 to the **POINT OF BEGINNING**;

Containing 303,750 square feet (6.973 acres), 291,330 square feet (6.688 acres), excluding C.T.H. "V" right-of-way.

Subject to all recorded and unrecorded easements.

Subject to C.T.H. "V" right-of-way.

I do hereby certify that to the best of my information, knowledge and belief this survey is a correct representation of the boundaries of land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Windsor Code of Ordinances in surveying and mapping the same.



Daniel A. Paulson

PLS-1699



Date:

