

AGENDA – Iowa County Planning & Zoning Committee

Thursday, December 2, 2021 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 818 9701 3156

<https://us02web.zoom.us/j/81897013156>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

For information regarding access for the disabled, please call 608-935-0399.

1. Call to order.
2. Roll Call.
3. Approve of this agenda.
4. Approve the minutes of the October 21, 2021 meeting.
5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.
6. Continued petition by Dean Siegenthaler and JSP Properties to rezone 3.968 acres & 2.002 acres from A-1 Ag to AR-1 Ag Res in the NW/SW of S29 & NE?SE of S30 all in T6N-R2E in the Town of Linden.
7. Petition by Terry Askevold and Gary Heck to rezone 7.0 acres from A-1 Ag to AR-1 Ag Res in the W1/2 of S10-T8N-R4E in the Town of Arena.
8. Petition by John & Gerald White and Karen Wipperfurth for a Conditional Use Permit to divide an existing R-1 SF Res lot into two lots of 1.116 & 1.115 acres in the SE/SW of S18-T8N-R5E in the Town of Arena.
9. Petition by Mark Rauls and Dan & Marge Neumaier to rezone 30.152 acres from A-1 Ag to AR-1 Ag Res in part of the SW/SE in S4-T7N-R5E in the Town of Arena.
10. Petition by Tyran Runyan and Kari Kegler to rezone 1.575 acres from AR-1 Ag Res to B-2 Hwy Bus in the NW/SW of S25-T8N-R5E in the Town of Arena.
11. Petition by Tyran Runyan and Kari Kegler for a Conditional Use Permit for a vehicle repair shop with associated residence on a 1.575-acre B-2 Hwy Bus lot in the NW/SW of S25-T8N-R5E in the Town of Arena.
12. Petition by John Feters and Coleman to rezone 26.11 acres and 19.74 acres from A-1 Ag & B-2 Hwy Bus to all AR-1 Ag Res in part of the SE/NE of S15-T5N-R2E in the Town of Linden.
13. Petition by Kurt, Tami & Roger Wedig to review a preliminary subdivision plat called Ridge Point Estates in part of S2-T4N-R2E in the Town of Mineral Point.
14. Petition by Steve & Lori Murphy to rezone 28.48 acres from B-2 Hwy Bus to A-1 Ag for consolidation with adjacent existing A-1 Ag land in the NE/NE of S8-T7N-R4E in the Town of Wyoming.

15. Motion to end the public hearings and resume the regular meeting.
16. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.
17. Director's report
18. Next meeting date and time
19. Motion to adjourn

Scott A. Godfrey, Director

Posted 11/16/2021

You may attend via videoconference by downloading the free Zoom program to your computer at <https://zoom.us/download>. At the date and time of the meeting, you log on through the Zoom program and enter the Meeting ID from the above agenda. You may also attend via conference call by dialing the phone number listed on the agenda above.

Iowa County Planning & Zoning Committee – unapproved minutes

Thursday, October 21, 2021 at 6:00 PM

Conference Call 1-312-626-6799

Zoom meeting ID: 820 4027 7156

<https://us02web.zoom.us/j/82040277156>

Health and Human Services Center – Community Room

303 West Chapel St., Dodgeville, WI 53533

For information regarding access for the disabled, please call 608-935-0399.

1. Call to order. Chair Peterson called the meeting to order at 6:00pm
2. Roll Call.

Committee Present: Curt Peterson, Don Leix, Kevin Butteris, Mel Masters, Dave Gollon

Committee Absent: none

Staff Present: Scott Godfrey

Other Supervisors Present: none

3. Approve of this agenda.

Motion by Supervisor Leix

Second by Supervisor Butteris

Motion carries unanimously

4. Approve the minutes of the September 23, 2021 meeting.

Motion by Supervisor Butteris

Second by Supervisor Masters

Motion carries with Supervisor Leix abstaining

5. Motion to enter into public hearings associated with zoning and/or conditional use permit petitions and ordinance revisions.

Motion by Supervisor Leix

Second by Supervisor Butteris

Motion carries unanimously

6. Petition by Trophy Ridge Properties LLC for a Conditional Use Permit to reconfigure three AR-1 Ag Res lots in the NW/NW of S2-T6N-R5E in the Town of Bringham.

Director Godfrey gave the staff report.

Public comment: none

Motion to approve by Supervisor Gollon

Second by Supervisor Leix

Motion carries unanimously

7. Petition by Eric & Pamela Blabaum and Michael & Suzanne Nechkash to rezone 20 acres from A-1 Ag to AR-1 Ag Res in the SW/NE of S11-T5N-R5E in the Town of Brigham.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Gollon

Second by Supervisor Butteris

Motion carries unanimously

8. Petition by the Town of Clyde to rezone 15.331 acres from A-1 Ag to C-1 Conservancy & 2.185 acres from A-1 Ag to B-3 Heavy Bus in part of the NE/NW in S36-T8N-R2E in the Town of Clyde.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Leix

Second by Supervisor Gollon

Motion carries unanimously

9. Petition by the Town of Clyde for a Conditional Use Permit to allow a waste transfer site as a Governmental Use on a 2.185-acre B-3 lot in the NE/NW of S36-T8N-R2E in the Town of Clyde.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the permit expires if the land is no longer owned by the Town of Clyde by Supervisor Leix

Second by Supervisor Butteris

Motion carries unanimously

10. Petition by Susan Morrison for a Conditional Use Permit for short-term rental termed Recreational Residential Rental on a 29-356-acre AR-1 Ag Res lot in the SW/SE of S11-T7N-R2E in the Town of Clyde.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve by Supervisor Leix with the following conditions:

- 1) The maximum occupancy shall be based on the number of bedrooms the septic system is sized to allow, at double occupancy. The existing 3-bedroom system would allow up to 6 guests at any one time.
- 2) The following rental conditions as proposed in the application shall apply: no fireworks; no loud parties; parking on driveway only; contact owners by phone as soon as possible if any issues arise
- 3) The applicant is responsible for any State license/permit/approval.
- 4) The permit terminates if the use of the house is no longer principally as a residence of the landowner, at which time a CUP may be sought for a Tourist Cottage.

Second by Supervisor Masters

Motion carries unanimously

11. Petition by Jason & Vicki Goodman and Paul & Mary Dolan to rezone 2.676 acres from A-1 Ag & AR-1 Ag Res to all AR-1 Ag Res in part of the W1/2-NW of S34-T7N-R3E in the Town of Dodgeville.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Gollon

Second by Supervisor Leix

Motion carries unanimously

12. Petition by Addison Family LLC to rezone 4.71 acres from C-1 Conservancy & AR-1 Ag Res to all AR-1 Ag Res in part of S18-T6N-R1E in the Town of Eden.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Leix

Second by Supervisor Butteris
Motion carries unanimously

13. Petition by Dean Siegenthaler and JSP Properties to rezone 3.935 acres & 2.002 acres from A-1 Ag to AR-1 Ag Res in the NW/SW of S29 & NE?SE of S30 all in T6N-R2E in the Town of Linden.

Director Godfrey gave the staff report.

Public Comment:

Mr. Siegenthaler stated he is planning to purchase both lots. He asked if the two lots can be a single lot. Director Godfrey replied the ordinance prohibits more than one residence on a lot that is under 40 acres in area outside the A-1 Ag district.

There was discussion of the committee wanting to see agreements for the shared driveway, shared well and shared septic system. The committee also would like the shared lot line marked, even if flush at the ground versus a fence.

Mr. Siegenthaler said he may consider reconfiguring the lots to change the shared lot line.

Motion to postpone until the next meeting to allow time for the agreements and possible reconfiguration of the lots by Supervisor Gollon

Second by Supervisor Leix

Motion carries unanimously

14. Petition by Eric and Mary Baehler to rezone 5 acres from A-1 Ag to AR-1 Ag Res in the SE/NE of S17-T4N-R2E in the Town of Linden.

Director Godfrey gave the staff report.

Public Comment:

Al McGaulley, a neighbor, asked about the number of users on an easement. Director Godfrey replied that, if there is a limit, it is within the town's driveway ordinance.

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Leix

Second by Supervisor Masters

Motion carries unanimously

15. Petition by William Lineberger for a Conditional Use Permit to allow up to 16 animal units on a 20.24-acre AR-1 Ag Res lot in part of the W1/2-SE in S4-T4N-R5E in the Town of Moscow.

Director Godfrey gave the staff report.

Public Comment:

Justin Gruenenfelder said he owns the land the driveway is on and feels the easement wasn't intended to be used for the applicant boarding horses.

Bill Lineberger stated he is not boarding anybody's horses.

Motion to approve with the condition that the permit be terminated if the management of manure becomes a public health issue or nuisance as determined by the Committee by Supervisor Gollon

Second by Supervisor Masters

Motion carries unanimously

16. Petition by Tim Scott and Sam Williams to rezone 36.47 acres from A-1 Ag & AR-1 Ag Res to all AR-1 Ag Res in the W1/2-SW of S15-T4N-R5E in the Town of Moscow.

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval by Supervisor Gollon

Second by Supervisor Butteris

Motion carries unanimously

17. Petition by David & Rosalie Cates and the Anderson Family Trust to rezone 34.05 acres from A-1 Ag to AR-1 Ag Res in the W1/2-SE of S6-T7N-R4E in the Town of Wyoming

Director Godfrey gave the staff report.

Public Comment: none

Motion to approve by Supervisor Masters

Second by Supervisor Butteris

Motion carries unanimously

18. Motion to end the public hearings and resume the regular meeting.

Motion to approve by Supervisor Leix

Second by Supervisor Masters

Motion carries unanimously

19. Consideration of the extension of a Conditional Use Permit to allow nonmetallic mining for Rule Stone LLC at 2755 Whitson Rd in the Town of Linden. This is a standard review under Section 4.5(4) of the Iowa County Zoning Ordinance.

Motion to approve the permit for another 5 years by Supervisor Masters

Second by Supervisor Gollon

Motion carries unanimously

20. Consideration of the extension of a Conditional Use Permit to allow nonmetallic mining for Rule Quarry LLC at 3696 State Road 23 in the Town of Dodgeville. This is a standard review under Section 4.5(4) of the Iowa County Zoning Ordinance.

Motion to approve the permit for another 5 years by Supervisor Leix

Second by Supervisor Masters

Motion carries unanimously

21. Report from the committee members and an opportunity for members of the audience to address the Committee. No action will be taken.

Supervisor Joan Davis said she attended the Wisconsin Counties Association conference last month and attended a session on county authority in regulating wind and solar projects. She provided the website where the presentation can be found and asked the committee consider revising the county wind siting ordinance to include all that is permissible by State law.

Supervisor Leix stated his support in revising the wind siting ordinance to include all that PSC 128 will allow.

22. Director's report

Director Godfrey overviewed the report provided in the packet

23. Next meeting date and time: Dec. 2, 2021 at 6pm and Dec. 30th at 6pm

24. Motion to adjourn

Motion to adjourn by Supervisor Gollon

Second by Supervisor Masters

Motion carries unanimously. Adjourned at 7:12pm

Scott A. Godfrey, Director



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

Zoning Hearing: 3212
Dean Siegenthaler
4125 State Road 39
Mineral Point, WI 53565

Hearing Date: Oct. 21, 2021
Town of Linden
NW/SW S29 & NE/SE S30-T6N-R2E
PIN: 014-0274; 0301

JSP Properties
PO Box 80
Belleville, WI 53508

Request: This is a request to create two lots of 3.968 acres and 2.002 acres by zoning each from A-1 Ag to AR-1 Ag Res.



2. Comments

1. This petition is being made to separate the two existing farm residences on separate lots, each not meeting the minimum 40-acre lot size to remain zoned A-1 Ag.
2. If approved, each lot would be eligible for one single family residence, accessory structures and limited ag uses, not including livestock type animals.

3. The associated certified survey map has not yet been submitted for formal review.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Linden recommends approval

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.



This document prepared by
and after recording mail to:

Diana M. Eisenberg
Stroud, Willink & Howard, LLC
33 East Main Street Suite 610
Madison, Wisconsin 53703

DECLARATION OF ACCESS AND UTILITY EASEMENT AGREEMENT

THIS DECLARATION OF ACCESS AND UTILITY EASEMENT AGREEMENT (this "**Declaration**") is made as of the ____ day of _____, 2021, by JSP Property Holdings, LLC, a Wisconsin limited liability company (collectively, "**Declarant**"), under the following circumstances:

Recitals:

WHEREAS, Declarant is the owner of certain land located in Iowa County, Wisconsin and Declarant intends to subdivide approximately 6 acres of Declarant's land into two parcels, consisting of a 3.935-acre parcel ("**Lot 1**") and a 2.002-acre parcel ("**Lot 2**"), as further depicted and legally described on Exhibit A attached to this Declaration. Lot 1 and Lot 2 may be referred to herein as a "**Parcel**" and collectively as the "**Parcels**";

WHEREAS, Declarant desires provide for the construction or maintenance of a shared driveway and utilities to be situated on or within the Parcels, and in that regard desires to establish certain restrictions, easements and covenants as to the Parcels and the record fee simple owners of each Parcel (each of which may be referred to herein as an "**Owner**" and collectively as the "**Owners**") and, to the extent set forth in this Declaration, the successors, assigns, employees, agents, contractors, tenants, invitees and visitors of an Owner (collectively, "**Affiliates**") as set forth in this Declaration.

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares that the Parcels and all portions thereof are and shall be held, sold, conveyed, leased, mortgaged, occupied, used, operated and otherwise transferred in accordance with and subject to the covenants, restrictions, easements, charges, liens and other encumbrances set forth herein.

Declaration:

1. Shared Driveway.

(a) Grant of Driveway Easement. Declarant grants for the benefit of the Parcels a non-exclusive, permanent easement (the "**Driveway Easement**") over a portion of Lot 1 and Lot 2, approximately thirty feet (30') in width along U.S. Highway 18 and seventy-five feet (75') in length, with the centerline of such easement extending along the shared line which divides Lot 1 and Lot 2, which is described and depicted on Exhibit B attached hereto (the

"**Shared Driveway Area**") for purposes of vehicular and pedestrian ingress and egress to and from Lot 1 and Lot 2 to U.S. Highway 18 by the Owners and their respective Affiliates.

(b) Prohibition. An Owner shall not block or otherwise restrict or impede the other Owner, or the Affiliates of the other Owner, from accessing or using the Shared Driveway for the purposes set forth in this Declaration. Similarly, each Owner shall not permit such Owner's Affiliates from blocking or otherwise restricting or impeding the other Owner or the Affiliates of such Owner from accessing or using the Shared Driveway for the purposes set forth in this Declaration.

(c) Maintenance.

(i) The Owners of each Parcel shall be responsible for maintaining and keeping the Shared Driveway Area in good condition and repair and in compliance with all applicable laws, removing the snow and ice, and maintaining the lawn and landscaping within the Driveway Easement (the "**Shared Maintenance Costs**"). The Owners of Lot 1 and Lot 2 shall each pay fifty percent (50%) of the Shared Maintenance Costs.

(ii) The Owners of each Parcel shall each have a perpetual non-exclusive easement and right-of-way over, under, across and through the Shared Driveway for purposes of inspecting, maintaining, repairing and replacing the Shared Driveway (the "**Maintenance Easement**"). The Maintenance Easement shall be for the exclusive use and benefit of the Owners and their respective Affiliates.

(iii) Notwithstanding anything herein to the contrary, if any extraordinary damage (*e.g.*, caused by construction vehicles) to the Shared Driveway or the Shared Driveway Area is caused solely by either Owner or its Affiliates or if any damage is caused by the intentional acts of an Owner or its Affiliates, such Owner shall be solely responsible for all costs and expenses incurred in connection with the curing of such damage.

2. Utilities.

(a) Grant of Septic Easement over Lot 2. Declarant hereby grants to the Owner of Lot 1 for the benefit of Lot 1 a permanent non-exclusive easement over, under and across Lot 2 to operate, inspect, maintain, repair, or reconstruct any and all presently existing and hereinafter constructed septic system drainage field and related facilities or a conventional septic system (the "**Septic System**"), with the right of entry in, across, beneath, and above Lot 2, provided, however, that the Owner of Lot 1 shall not exercise of its rights granted under this paragraph in a way which unreasonably interferes with the use of, ingress or egress to or from, or activities on Lot 2. The Lot 1 Owner's use of the Septic System shall be shared with the Lot 2 Owner. This easement shall be solely for the exclusive use and benefit of the Owner of Lot 1 and its respective Affiliates.

(b) Joint Well Easement. Declarant hereby grants to the Owner of Lot 2 for the benefit of Lot 2 a permanent non-exclusive easement over, under and across Lot 1 to operate,

inspect, maintain, repair, or reconstruct any and all presently existing and hereinafter constructed shared well and related facilities to provide water to Lot 2 (the "**Shared Well**"), with the right of entry in, across, beneath, and above Lot 1, provided, however, that the Owner of Lot 2 shall not exercise of its rights granted under this paragraph in a way which unreasonably interferes with the use of, ingress or egress to or from, or activities on Lot 1. The Lot 2 Owner's use of the Shared Well shall be shared with the Lot 1 Owner. This easement shall be solely for the exclusive use and benefit of the Owner of Lot 2 and its respective Affiliates.

(c) Maintenance. The Septic System and the Shared Well shall collectively be referred to as the "**Utilities**."

(i) The Owners of each Parcel shall be jointly responsible for maintaining and keeping the Utilities in good condition and repair and in compliance with all applicable laws, including any maintenance, repair, or replacement which is deemed necessary or advisable and which includes all maintenance or inspection requirements of the State of Wisconsin or Iowa County (the "**Shared Maintenance Costs**"). The Owners of Lot 1 and Lot 2 shall each pay fifty percent (50%) of the Shared Maintenance Costs.

(ii) Declarant represents that it has complied, and will continue to comply during the period in which Declarant owns the Parcels, with all relevant State of Wisconsin and Iowa County regulations governing private wastewater treatment systems ("POWTS Regulations"). Declarant shall indemnify the Owners for any and all costs or penalties imposed upon the Owners related to Declarant's failure to comply with the POWTS Regulations.

(iii) Notwithstanding anything herein to the contrary, if any extraordinary damage (*e.g.*, caused by construction vehicles) to the Utilities is caused solely by either Owner or its Affiliates, or if any damage is caused by the intentional acts of an Owner or its Affiliates, then such Owner shall be solely responsible for all costs and expenses incurred in connection with the curing of such damage.

3. Default and Remedies. If any Owner fails to pay any amount owed hereunder, then such amount shall bear interest at the maximum legal rate until paid and shall become a lien on such Owner's Parcel. If any Owner fails to perform any other obligation under this Declaration, then any other Owner may deliver written notice of such default to the defaulting Owner, declaring that if the defaulting Owner fails to perform its obligation within thirty (30) days after the delivery of the default notice, or within forty-eight (48) hours in the event of an emergency, then the non-defaulting Owner may, but shall not be obligated to, cure such default, in which event the defaulting Owner shall reimburse the Owner performing such cure for any reasonable expenses incurred by such Owner in curing such default within ten (10) days upon receipt of written demand therefor. The Owners shall also have all other remedies available at law or in equity in the event of a default hereunder, and any court enforcing the rights and duties granted in this Declaration shall have the power (insofar as that power may be granted by contract) to issue restraining orders or injunctions necessary to enforce this Declaration. In the event any action is brought by an Owner to enforce any provision of this

Declaration, the prevailing Owner shall be entitled to an award of its costs and reasonable attorneys' fees in connection with such action. Any forbearance, delay or omission by an Owner in exercising its rights or remedies under this Declaration in the event of a default of any term hereof by any other Owner shall not impair such right or remedy or be deemed or construed to be a waiver by the non-defaulting Owner of such default or of any of the non-defaulting Owner's rights or remedies hereunder.

4. Indemnification. To the fullest extent permitted by law, the Owners will indemnify and hold each other harmless from and against any and all loss, liability, claim, injury, damage and/or expense arising out of the negligence or willful misconduct of the indemnifying Owner and its Affiliates related to the use of the easement areas detailed herein or any rights or obligations under this Declaration; and the indemnifying Owner shall defend by counsel satisfactory to the indemnified Owner any suit or action brought against the indemnified Owner based on any such alleged injury or damage and shall pay all damages, costs and expenses, including, without limitation, reasonable attorneys' fees, connected therewith or resulting therefrom.

5. Insurance. Each Owner (as to its Parcel only) shall maintain or cause to be maintained in full force and effect general liability insurance, which shall include a duty to defend and which shall provide coverage for premises liability and property damage all on an occurrence basis, with limits of at least One Million Dollars (\$1,000,000.00) for bodily injury, personal injury and property damage, arising out of any one occurrence. All insurance carriers shall maintain at least an AM Best Rating of A, Class X or better.

6. Notices. Notices required or permitted to be given under this Declaration shall be given by certified mail, return receipt requested, nationally recognized overnight courier service or hand delivery to each Owner at the tax mailing address of such Owner in the records of the Iowa County, Wisconsin Treasurer's Office.

7. Covenants Running with the Land. The covenants, rights and obligations described in this Declaration shall: (a) run with the land, (b) apply to and be binding upon the Owners and their respective successors and assigns, and subsequent owners of any portion of the Parcels, (c) not be affected by a conveyance of all or any part of a Parcel, and (d) be for the benefit of the subsequent owners of any portion of the Parcels.

8. Amendments. This Declaration may be amended, modified or terminated at any time, but only by a written instrument executed by all of the Owners or their successors in interest and recorded in the records of the Iowa County, Wisconsin Register of Deeds.

9. No Rights in Public; No Implied Easements. Nothing in this Declaration shall be construed to create any rights in the general public or as a dedication for public use. No easements, except those expressly set forth in this Declaration, shall be implied by this Declaration.

10. Independent Parcels. Except as otherwise set forth herein, each Parcel shall be solely responsible for all costs relating to the development, construction, and use of all facilities and improvements located on and/or serving such Parcel.

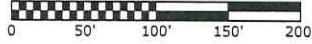
EXHIBIT A
LOT 1 AND LOT 2 LEGAL DESCRIPTION AND DEPICTION

CERTIFIED SURVEY MAP

OF
PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 29, AND PART OF THE NORTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 30, ALL IN TOWNSHIP 6 NORTH,
RANGE 2 EAST OF THE FOURTH PRINCIPAL MERIDIAN IOWA COUNTY,
WISCONSIN



SCALE: 1" = 100'



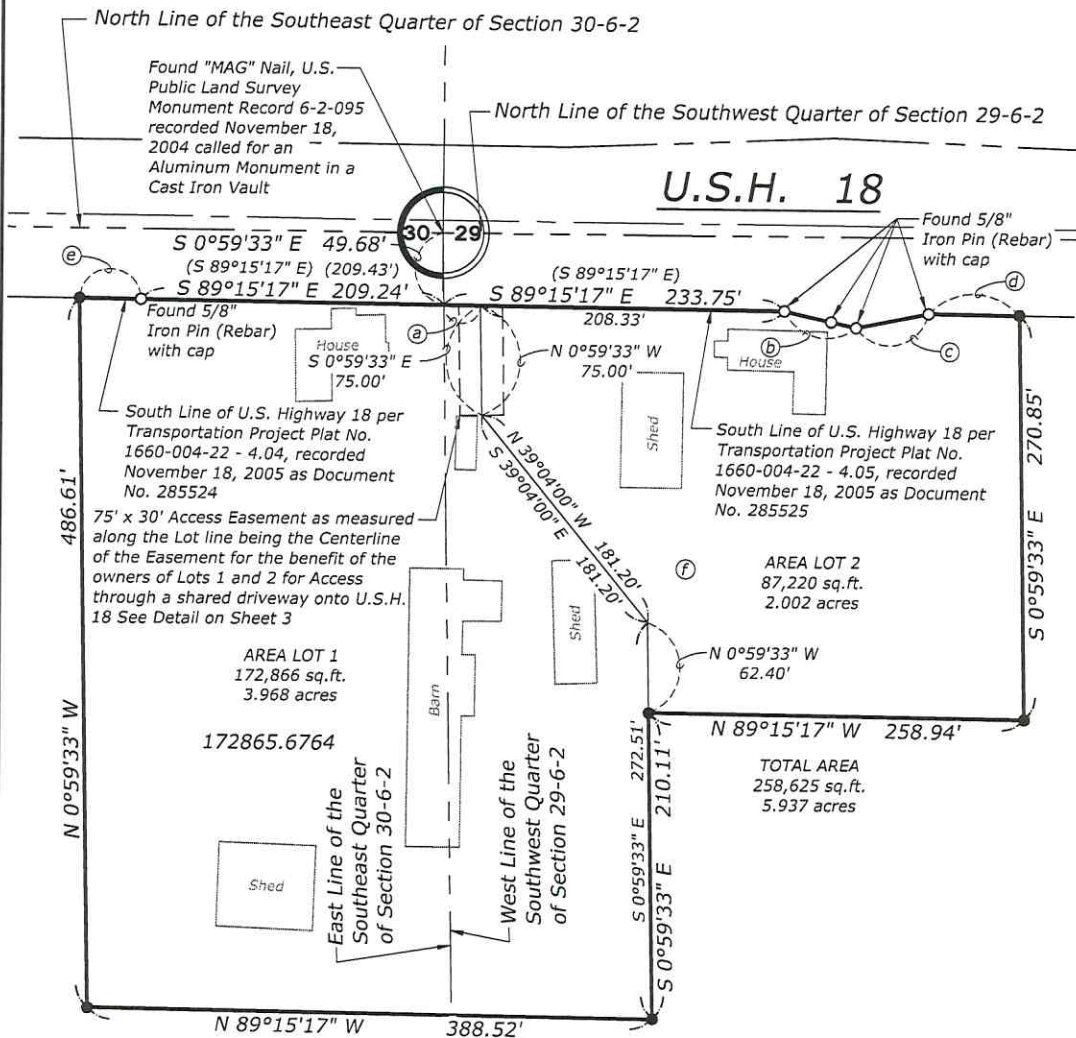
Basis of Bearing is the North Line of the Southeast Quarter of Section 29-06-2 which as measured bears S 89°42'30" E. This was determined based upon G.P.S. observations referenced to the Iowa County Coordinate System - NAD 83 (2007).

KEY LEGEND:

- Set Monument: Iron Rebar 1.25" O.D. x 18" (4.30 LBS / LF)
- Found Monument: See Map for Monument Material



Section Corner Monument



NOTE: For missing dimensions refer to the Line Table on Sheet 3

CERTIFIED SURVEY MAP

OF

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 29, AND PART OF THE NORTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 30, ALL IN TOWNSHIP 6 NORTH,
RANGE 2 EAST OF THE FOURTH PRINCIPAL MERIDIAN IOWA COUNTY,
WISCONSIN



SURVEYORS CERTIFICATE

I, Lee S. Sprecher, a Registered Land Surveyor, do hereby certify that I have surveyed and mapped a parcel of land being part of the Northwest Quarter of the Southwest Quarter of Section 29 and part of the Northeast Quarter of the Southeast Quarter of Section 30, all in Township 6 North, Range 2 East, Iowa County, Wisconsin, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of said Section 29; thence South 0 degrees 59 minutes 33 seconds East along the West line of the Northwest Quarter of the Southwest Quarter of said Section 29, a distance of 49.68 feet to the South line of a public road designated U.S.H. 18 as designated upon Transportation Project Plat No. 1660-004-22 - 4.05, recorded November 18, 2005 as Document No. 285525 in the Registers Office of Iowa County, Wisconsin, said point being the Point of Beginning for the hereinafter described parcel of land; thence South 89 degrees 15 minutes 17 seconds East along the South line of said U.S.H. 18, a distance of 233.75 feet; thence South 77 degrees 13 minutes 00 seconds East along the South line of said U.S.H. 18, a distance of 51.00 feet; thence North 78 degrees 54 minutes 07 seconds East along the South line of said U.S.H. 18, a distance of 51.04 feet; thence South 89 degrees 15 minutes 34 seconds East along the South line of said U.S.H. 18, a distance of 62.57 feet; thence South 0 degrees 59 minutes 33 seconds East, parallel with the West line of the Northwest Quarter of the Southwest Quarter of said Section 29, a distance of 270.85 feet; thence North 89 degrees 15 minutes 17 seconds West, a distance of 258.94 feet; thence South 0 degrees 59 minutes 33 seconds East parallel with the West line of the Northwest Quarter of the Southwest Quarter of said Section 29, a distance of 215.76 feet; thence North 89 degrees 15 minutes 17 seconds West, a distance of 388.52 feet; thence North 0 degrees 59 minutes 33 seconds West, a distance of 486.61 feet to the South line of U.S.H. 18 per Transportation Project Plat No. 1660-004-22 - 4.04, recorded November 18, 2005 as Document No. 285524 in said Register's Office; thence South 89 degrees 27 minutes 46 seconds East along the South line of said U.S.H. 18, a distance of 42.07 feet; thence South 89 degrees 15 minutes 17 seconds East along the South line of said U.S.H. 18, a distance of 209.24 feet to the Point of Beginning, containing 5.937 acres, more or less, all being situated in Iowa County, Wisconsin.

Subject to all easement and restrictions, recorded and unrecorded.

That I have made such survey and map by the direction of the Owner of said land and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying and mapping the same.

That the map is correct representation of all the exterior boundaries of the land surveyed and the division of that land.

Given under my hand and seal this _____ day of

_____, 2021.

Lee S. Sprecher
Wisconsin Professional Land Surveyor No. 2672
Arc Design Resources, Inc.
5291 Zenith Parkway
Loves Park, IL 61111
(815) 484-4300

For: JSP Property Holdings, LLC
P.O. Box 80
Belleville, WI 53508

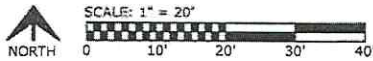
Prepared by: Arc Design Resources, Inc.
5291 Zenith Pkwy.
Loves Park, IL 61111

Sheet 4 of 5
Arc Project: 21043
Date: 06/01/2021

EXHIBIT B
SHARED DRIVEWAY AREA

CERTIFIED SURVEY MAP

OF
PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 29, AND PART OF THE NORTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 30, ALL IN TOWNSHIP 6 NORTH,
RANGE 2 EAST OF THE FOURTH PRINCIPAL MERIDIAN IOWA COUNTY,
WISCONSIN

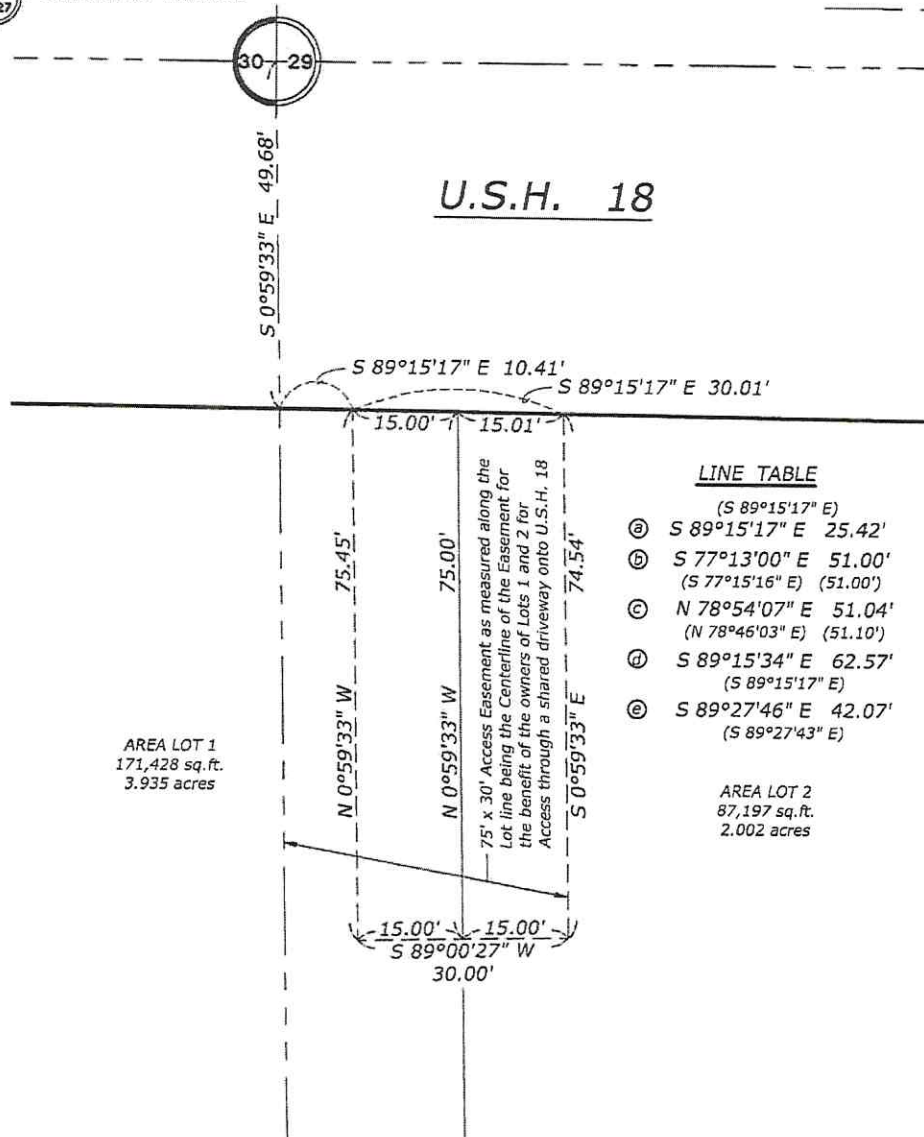


Basis of Bearing is the North Line of the Southeast Quarter of Section 29-06-2 which as measured bears S 89°42'30" E. This was determined based upon G.P.S. observations referenced to the Iowa County Coordinate System - NAD 83 (2007).

KEY LEGEND:

- Set Monument: Iron Rebar 1.25" O.D. x 18" (4.30 LBS / LF)
- Found Monument: See Map for Monument Material

Section Corner Monument
21.22
28.27



LINE TABLE

- (S 89°15'17" E)
- ① S 89°15'17" E 25.42'
 - ② S 77°13'00" E 51.00'
(S 77°15'16" E) (51.00')
 - ③ N 78°54'07" E 51.04'
(N 78°46'03" E) (51.10')
 - ④ S 89°15'34" E 62.57'
(S 89°15'17" E)
 - ⑤ S 89°27'46" E 42.07'
(S 89°27'43" E)



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

Zoning Hearing: 3217
Terry Askevold
6174 US Highway 14
Arena, WI 53503

Hearing Date: Dec. 2, 2021
Town of Arena
W1/2 S10-T8N-R4E
PIN: 002-0948.10; 0647.01; 0946; 0949.11

Gary Heck
7266 US Highway 14
Arena, WI 53503

Request: This is a request to create a 7-acre lot by rezoning from A-1 Ag to AR-1 Ag Res.



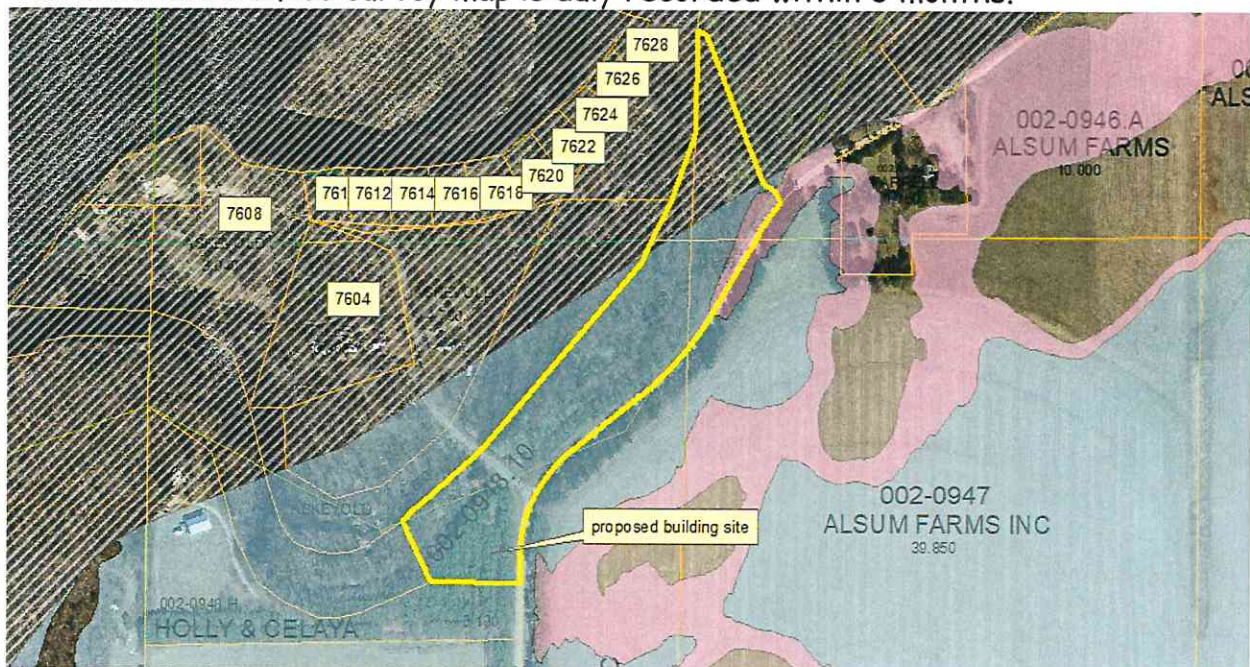
2. Comments

1. The current A-1 district has a minimum 40-acre lot size, so the AR-1 district is being requested.
2. If approved, the lot would be eligible for one single-family residence, accessory structures and up to 3 livestock type animal units.

3. The entire lot is in the mapped floodplain. The proposed building site is in the floodfringe part of the floodplain, which will allow development provided floodplain standards are followed.
4. The proposed lot meets the minimum lot size in the town comprehensive plan.
5. The associated certified survey map has not yet been submitted for formal review.
6. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Arena is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Terry Askevold Address: 6174 Hwy 14
City/Zip Code: Arena, WI 53503

Landowner: Gary Heck Address: 7266 Hwy 14
(if other than applicant) City/Zip Code: Arena, WI 53503

Applicant Phone: (608) 778-9327 Landowner Phone: (608) 753-2474

Email: shot Tower Trading @ gmail . com Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only — \$500 filing fee
☐ Conditional Use only — \$500 fee if no land use change
☐ Both — \$600

in the Town of Arena Acreage of proposed lot(s) 7 a

Section 10 Town 8 N Range 4 E ^{6vt lots 3,4,5} 1/4 of the 1/4 PIN 002-0948.10; 0947.01; 0946.01; 0949.11

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No

Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: R-1 for the proposed use(s) of: Construction of single family home

Requested Conditional uses (s):

etc

TOWN OF ARENA BOARD MEETING

November 1, 2021

****6:00pm** NEW TIME**

ARENA TOWN HALL

Notice is hereby given that the Arena Town Board will meet on Monday, November 1, 2021 at the Arena Town Hall at 6:00pm.

The Agenda is as follows and will be updated as necessary:

1. Call to Order
2. Roll Call
3. Vote on Agenda
4. Verification of proper public notice: TOA Website, TOA Facebook, Town Hall
5. Vote on Previous Month's Meeting Minutes.
6. Ward Creation Resolution
7. Amanda & Billy Wipperfurth, Rezone from A1 to AR1, 7280 Demby Rd. Plus additional land from William Wipperfurth Sr.

In September they were approved to rezone the 14 acres, and paid their fee, but Godfrey suggested they rezone at the same time for the second parcel. Two lot CSM AR1. Jewell brought up the point that if they do both at the same time it will be less money. They can get more land from Bill Wipperfurth Sr. if needed.

Depending on what is needed for them to keep.

Joo explained they would need to come back to Planning and Zoning and basically start all over. They will be put on the agenda for PZ November 29th. Dave will talk to Scott Godfrey. As long as Bill Sr kept 5 acres, they can gift to Jr to up the acreage. They will have to be brought up to AR1 for both parcels.

8. Sandy Peterson, 8190 Peterson Rd. Land Division and Rezone

 9. Gary Heck, Land Division & Rezone, 7702 Wittwer Rd. Land division and rezone to residential. Copy of deed, preliminary survey and topical map given to board members to look over. The property borders Heck's secondary driveway. 7 acres. Currently zoned as A1 to AR1. Motion made by Gauger to rezone and Joo seconded. Discussion made by public, Ingmar Nelson. He believes there is a mistake on the deed and that Heck's do not have enough land for 3 building sites. Cheryl Heck explained how the Wittwer Boys did not give any building sites away, so there was no record that they would not have building sites with the land.

If there was not a record, it would be going back to the homestead. When Gary Heck purchased the land (50.4 acres), he asked for building sites from the Wittwer family. Nelson made the argument that there is already two houses on the 53 acres, and now there will be one more if he sells to Askevold with a building site. The original house should be grandfathered in because it is on the deed. Nelson said the deed is incorrect. Motion carried. Heck's were given a Land Use Application to fill out. Fee paid and application filled.

10. Mark Rauls, purchasing 29.998 acres from Marge Neumeier on Knight Hollow Rd, Rezone to AR1. M.Neumeier is also in attendance.

A building site is with the property that he is purchasing from Marge Neumier. Joo made motion to rezone from A1 to AR1 for parcel number 0685 that is included with a building site. Gauger seconded. No further discussion made. Motion carried. Fee paid and application filled out.

11. Jack & Jerry White, Land Division of parents' former property at 7336 Highway 14. for Lot #2. Separating the land for a lot to be sold to Jerry. Halverson is currently doing the survey. Rezone will not be needed. Driveway will not be able to be accessible from Highway 14. Anyone that wants to build will need to have additional driveway permit off of the existing driveways.

Motion made by Joo to approve the land division of Lot #2 to create a third lot at 7336 Highway 14 with the zoning staying the same at R1. Seconded by Gauger. Motion carried. No further discussion.

12. Ty Runyun/Kari Legler, 8771 Knight Hollow Rd. Rezone to RB1 for Auto Business. 1.57 acres. Conditional uses will be as followed but not limited to:

Runyun will need to research what to do with auto waste. Oil, antifreeze, tires, scrap metal. He will meet with Gauger to take over the auto waste. Parked Vehicles will be limited to 10 at one time. Lucey suggested signage being small, as per the town ordinance (4x8). Motion made by Joo to rezone 8771 Knight Hollow Rd from AR1 to RB1 for general maintain and repair for vehicles the contingency that no more than 10 vehicles being parked on site and all auto waste being disposed of properly, hours to be as: and signage to adhere to town and county ordinance. Gauger seconded. No further discussion. Motion Carried. Fee paid and application submitted.

13. Tyler Smith, representing Matt Hayle, Driveway and Building Permit, 8044 Knight Hollow Rd. Drainage issues with the property. Land owner is looking to put a culvert in to redirect water from the barn. Another culvert by the existing

shed and a new shed. 60x108 just north of the existing shed with a culvert there also. Lucey advised he call the Scott Godfrey at the county for the shed permit. There are existing culverts on the property that are parallel with the road but they are not doing the job very well. So they would like to put additional culverts to direct the water away from the buildings. It is decided that landowner will not need any building or driveway permits at this time.

14. Replacement for John Wright on Fire Board

Motion made by Lucey to approve Bill Gauger to sit on the fire board for the time being. Joo seconded. Motion carried.

15. Increase charges for garbage by \$1 per bag beginning January 1, 2022.

Recycling costs have increased and is not charged for residents to recycle. Price will be \$4 per bag unless a punch ticket is purchased for \$35, then the cost will be \$3.50 per bag with the purchased punch ticket. Recycling will remain free for township residents. Joo made motion for the increase of \$1 at the new year for garbage drop off. Gauger seconded. Motion carried.

16. Discussion and decision about joining the Towns Association will be tabled for now while research is done for amount it will cost to join.

17. Liquor License update/amendment of ordinance: changes will be tabled for the moment while research will be done on wording.

18. Patrolman's Report: discussion on the plow blades replacement and possibly using a new type that is made of rubber. Will do a comparison of the two different blades on the trucks.

19. Bills to be paid: October bills paid motion made by Joo, seconded by Gauger. Motion made.

20. Public Comments:

21. Adoption for 2022 Budget as proposed. Motion made by Joo to approve 2022 budget, Gauger has seconded. Motion Carried.

22. Adjournment

Submitted by:

Joni Johnson-Kropp, Town of Arena Clerk, October 27, 2021



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3218

John & Gerald White

Karen Wipperfurth

6832 Willison Rd

Arena, WI 53503

Hearing Date: Dec. 2, 2021

Town of Arena

SE/SW S18-T8N-R5E

PIN: 002-0255.B

Request: This is a request for a Conditional Use Permit to divide an existing R-1 lot into two lots of 1.116 & 1.115 acres.



2. Comments

1. The division of an existing R-1 lot requires a CUP in order to ensure the proposed lots meet ordinance and comprehensive plan standards.
2. If approved, each lot would be eligible for one single family residence and accessory structures.
3. The associated certified survey map has not yet been submitted for formal review.
4. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:
 1. The proposed use complies with all applicable provisions of this Ordinance.

2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
6. Adequate assurances by the applicant of continuing maintenance are provided.
7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Arena acted in 1999 to approve the division prior to the current 5-acre minimum lot size and is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

BROTHERS
&
SISTER

Applicant: JOHN WHITE
KAREN WIPPERFORTH
GERALD L WHITE

Address: 6832 WILLISON RD
City/Zip Code: ARENA WI 53503

Landowner: ALL THREE
(if other than applicant)

Address: _____
City/Zip Code: _____

Applicant Phone: (608) 753-2413

Landowner Phone: (608) 753-2413

Email: JWCONTAX@AOL.COM Please contact by: ☒ email ☐ postal mail

This application is for: _____ Land use change/Rezone only --- \$500 filing fee
☒ Conditional Use only ----- \$500 fee if no land use change
_____ Both ----- \$600

in the Town of ARENA Acreage of proposed lot(s) 1.12 1.116 1.115

Section 18 Town 8N Range 5E SE1/4 of the SW1/4 PIN 062-0255.B

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No

Does this request involve any proposed land division? ☒ Yes ☐ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: R-1 Requested zoning district: NA for the proposed use(s) of: _____

Requested Conditional uses (s):

Split existing R-1 lot

I. Please list any improvements currently on the land: NONE

II. Please explain the reason for the request and proposed plans: Herold is
Buy lot so no one build on lot till
her gone

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

1) How is this land better suited for a non-agricultural use?

NO

2) How will rezoning not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use?

NO

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature: John White Date: 11-3-21
Landowner(s) Signature: John White Date: 11-3-21

For Office Use Only: Rcv'd by [Signature] Date 11/5/21 Fee \$20 Check # 7933 Cash
____ present zoning ____ floodplain ____ shoreland/wetland

TOWN OF ARENA BOARD MEETING

November 1, 2021

****6:00pm** NEW TIME**

ARENA TOWN HALL

Notice is hereby given that the Arena Town Board will meet on Monday, November 1, 2021 at the Arena Town Hall at 6:00pm.

The Agenda is as follows and will be updated as necessary:

1. Call to Order
2. Roll Call
3. Vote on Agenda
4. Verification of proper public notice: TOA Website, TOA Facebook, Town Hall
5. Vote on Previous Month's Meeting Minutes.
6. Ward Creation Resolution
7. Amanda & Billy Wipperfurth, Rezone from A1 to AR1, 7280 Demby Rd. Plus additional land from William Wipperfurth Sr.

In September they were approved to rezone the 14 acres, and paid their fee, but Godfrey suggested they rezone at the same time for the second parcel. Two lot CSM AR1. Jewell brought up the point that if they do both at the same time it will be less money. They can get more land from Bill Wipperfurth Sr. if needed. Depending on what is needed for them to keep.

Joo explained they would need to come back to Planning and Zoning and basically start all over. They will be put on the agenda for PZ November 29th. Dave will talk to Scott Godfrey. As long as Bill Sr kept 5 acres, they can gift to Jr to up the acreage. They will have to be brought up to AR1 for both parcels.

8. Sandy Peterson, 8190 Peterson Rd. Land Division and Rezone
9. Gary Heck, Land Division & Rezone, 7702 Wittwer Rd. Land division and rezone to residential. Copy of deed, preliminary survey and topical map given to board members to look over. The property borders Heck's secondary driveway. 7 acres. Currently zoned as A1 to AR1. Motion made by Gauger to rezone and Joo seconded. Discussion made by public, Ingmar Nelson. He believes there is a mistake on the deed and that Heck's do not have enough land for 3 building sites. Cheryl Heck explained how the Wittwer Boys did not give any building sites away, so there was no record that they would not have building sites with the land.

If there was not a record, it would be going back to the homestead. When Gary Heck purchased the land (50.4 acres), he asked for building sites from the Wittwer family. Nelson made the argument that there is already two houses on the 53 acres, and now there will be one more if he sells to Askevold with a building site. The original house should be grandfathered in because it is on the deed. Nelson said the deed is incorrect. Motion carried. Heck's were given a Land Use Application to fill out. Fee paid and application filled.

10. Mark Rauls, purchasing 29.998 acres from Marge Neumeier on Knight Hollow Rd, Rezone to AR1. M. Neumeier is also in attendance.

A building site is with the property that he is purchasing from Marge Neumier. Joo made motion to rezone from A1 to AR1 for parcel number 0685 that is included with a building site. Gauger seconded. No further discussion made. Motion carried. Fee paid and application filled out.

 11. Jack & Jerry White, Land Division of parents' former property at 7336 Highway 14. for Lot #2. Separating the land for a lot to be sold to Jerry. Halverson is currently doing the survey. Rezone will not be needed. Driveway will not be able to be accessible from Highway 14. Anyone that wants to build will need to have additional driveway permit off of the existing driveways. Motion made by Joo to approve the land division of Lot #2 to create a third lot at 7336 Highway 14 with the zoning staying the same at R1. Seconded by Gauger. Motion carried. No further discussion.

12. Ty Runyun/Kari Legler, 8771 Knight Hollow Rd. Rezone to RB1 for Auto Business. 1.57 acres. Conditional uses will be as followed but not limited to:

Runyun will need to research what to do with auto waste. Oil, antifreeze, tires, scrap metal. He will meet with Gauger to take over the auto waste. Parked Vehicles will be limited to 10 at one time. Lucey suggested signage being small, as per the town ordinance (4x8). Motion made by Joo to rezone 8771 Knight Hollow Rd from AR1 to RB1 for general maintain and repair for vehicles the contingency that no more than 10 vehicles being parked on site and all auto waste being disposed of properly, hours to be as: and signage to adhere to town and county ordinance. Gauger seconded. No further discussion. Motion Carried. Fee paid and application submitted.

13. Tyler Smith, representing Matt Hayle, Driveway and Building Permit, 8044 Knight Hollow Rd. Drainage issues with the property. Land owner is looking to put a culvert in to redirect water from the barn. Another culvert by the existing

shed and a new shed. 60x108 just north of the existing shed with a culvert there also. Lucey advised he call the Scott Godfrey at the county for the shed permit. There are existing culverts on the property that are parallel with the road but they are not doing the job very well. So they would like to put additional culverts to direct the water away from the buildings. It is decided that landowner will not need any building or driveway permits at this time.

14. Replacement for John Wright on Fire Board

Motion made by Lucey to approve Bill Gauger to sit on the fire board for the time being. Joo seconded. Motion carried.

15. Increase charges for garbage by \$1 per bag beginning January 1, 2022.

Recycling costs have increased and is not charged for residents to recycle. Price will be \$4 per bag unless a punch ticket is purchased for \$35, then the cost will be \$3.50 per bag with the purchased punch ticket. Recycling will remain free for township residents. Joo made motion for the increase of \$1 at the new year for garbage drop off. Gauger seconded. Motion carried.

16. Discussion and decision about joining the Towns Association will be tabled for now while research is done for amount it will cost to join.

17. Liquor License update/amendment of ordinance: changes will be tabled for the moment while research will be done on wording.

18. Patrolman's Report: discussion on the plow blades replacement and possibly using a new type that is made of rubber. Will do a comparison of the two different blades on the trucks.

19. Bills to be paid: October bills paid motion made by Joo, seconded by Gauger. Motion made.

20. Public Comments:

21. Adoption for 2022 Budget as proposed. Motion made by Joo to approve 2022 budget, Gauger has seconded. Motion Carried.

22. Adjournment

Submitted by:

Joni Johnson-Kropp, Town of Arena Clerk, October 27, 2021

WHITE



Stock No. 26273

285687

IOWA COUNTY CERTIFIED SURVEY MAP NO. 939

LOCATED IN THE SE 1/4-SW 1/4 OF SECTION 18, TOWN 8 NORTH, RANGE 5 EAST,
TOWN OF ARENA, IOWA COUNTY, WISCONSIN.

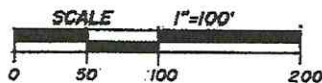
IOWA COUNTY PLANNING AND DEVELOPMENT

Approved for recording by the Iowa County Planning and Development Committee.

Scott Godfrey
Scott Godfrey-Director

11-28-05
Date

OWNER: Doris White
7336 HWY 14
Arena, WI 53503



TOTAL AREA=3.358 AC.



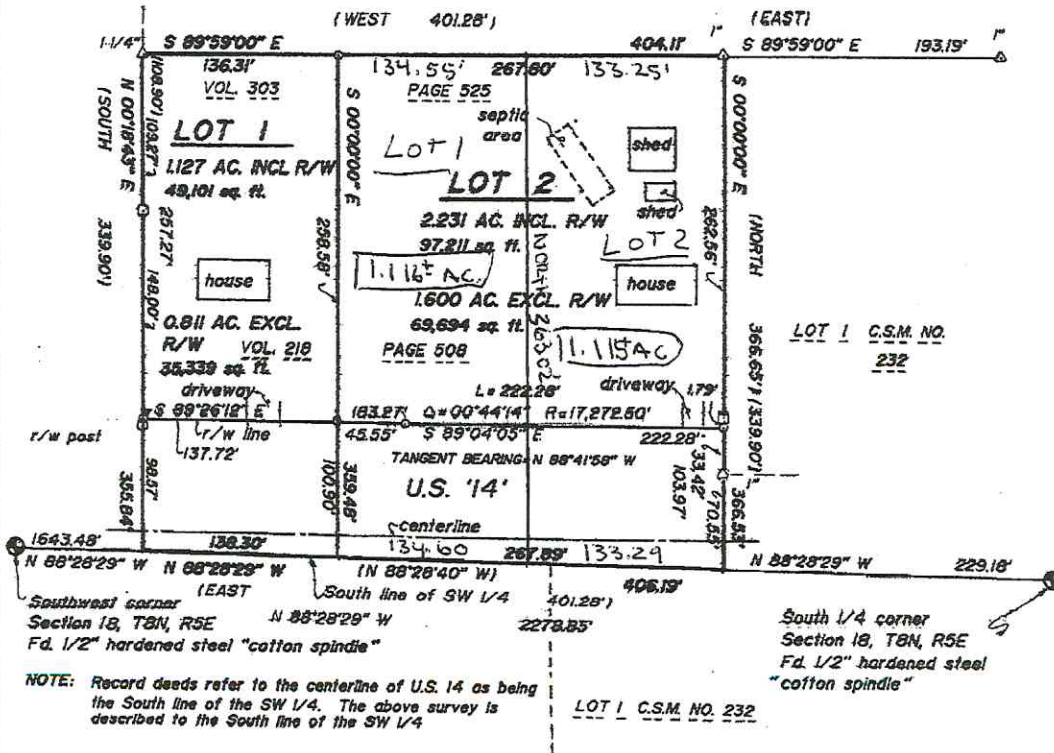
LEGEND AND NOTES

- △ Existing iron pipe found-size noted
- 3/4"x24" Solid iron rebar set, weighing 1.50 lbs./lin. ft.

() Recorded as

□ Previously located 1" iron pipe

Bearings referenced to the West line of C.S.M. NO. 232, recorded as North



LOT 1 LEGAL DESCRIPTION

A part of Lot 2 of Iowa County Certified Survey Map Number 939 recorded in Volume 6 of Certified Survey Maps on pages 228 and 229 located in the SE ¼ of the SW ¼ of Section 18, Town 8 North, Range 5 East, Town of Arena, Iowa County, Wisconsin, described as follows:

Commencing at the South ¼ corner of said Section 18; thence N 88°28'29" W, 362.47 feet along the South line of the SW ¼ of said Section 18 to the point of beginning; thence N 88°28'29" W, 134.60 feet along the South line of the SW ¼ of said Section 18; thence N 00°00'00" E, 359.48 feet; thence S 89°59'00" E, 134.55 feet; thence S 00°00'00" E, 363.02 feet to the point of beginning, containing 1.116 acres.

LOT 2 LEGAL DESCRIPTION

A part of Lot 2 of Iowa County Certified Survey Map Number 939 recorded in Volume 6 of Certified Survey Maps on pages 228 and 229 located in the SE ¼ of the SW ¼ of Section 18, Town 8 North, Range 5 East, Town of Arena, Iowa County, Wisconsin, described as follows:

Commencing at the South ¼ corner of said Section 18; thence N 88°28'29" W, 229.18 feet along the South line of the SW ¼ of said Section 18 to the point of beginning; thence N 88°28'29" W, 133.29 feet along the South line of the SW ¼ of said Section 18; thence N 00°00'00" E, 363.02 feet; thence S 89°59'00" E, 133.25 feet; thence S 00°00'00" E, 366.53 feet to the point of beginning, containing 1.115 acres.

3. The associated certified survey map has not yet been submitted for formal review.
5. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Arena is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of the County Board approval.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Mark Rauls Address: 7960 Sweeny Rd.
City/Zip Code: Barneveld, WI 53507

Landowner: Marge Neumaier Address: 7960 Knight Hollow Rd.
(if other than applicant) City/Zip Code: Arena, WI 53503

Applicant Phone: (608) - 438 - 0917 Landowner Phone: (608) - 795 - 4916

Email: mockyt849@gmail.com Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only --- **\$500 filing fee**
☐ Conditional Use only ----- **\$500 fee if no land use change**
☐ Both ----- **\$600**

in the Town of Arena Acreage of proposed lot(s) ~~29.998~~ 30.152

Section 4 Town 7 N Range 5 E SW 1/4 of the SE 1/4 PIN 002-0685

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 Requested zoning district: AR-1 for the proposed use(s) of: No change of use. Rauls is purchasing 002-0685 from Neumaier. Parcel is less than 40 acres so A-1 zoning needs to change.

Requested Conditional uses (s):
None

TOWN OF ARENA BOARD MEETING

November 1, 2021

****6:00pm** NEW TIME**

ARENA TOWN HALL

Notice is hereby given that the Arena Town Board will meet on Monday, November 1, 2021 at the Arena Town Hall at 6:00pm.

The Agenda is as follows and will be updated as necessary:

1. Call to Order
2. Roll Call
3. Vote on Agenda
4. Verification of proper public notice: TOA Website, TOA Facebook, Town Hall
5. Vote on Previous Month's Meeting Minutes.
6. Ward Creation Resolution
7. Amanda & Billy Wipperfurth, Rezone from A1 to AR1, 7280 Demby Rd. Plus additional land from William Wipperfurth Sr.
In September they were approved to rezone the 14 acres, and paid their fee, but Godfrey suggested they rezone at the same time for the second parcel. Two lot CSM AR1. Jewell brought up the point that if they do both at the same time it will be less money. They can get more land from Bill Wipperfurth Sr. if needed.
Depending on what is needed for them to keep.
Joo explained they would need to come back to Planning and Zoning and basically start all over. They will be put on the agenda for PZ November 29th. Dave will talk to Scott Godfrey. As long as Bill Sr kept 5 acres, they can gift to Jr to up the acreage. They will have to be brought up to AR1 for both parcels.
8. Sandy Peterson, 8190 Peterson Rd. Land Division and Rezone
9. Gary Heck, Land Division & Rezone, 7702 Wittwer Rd. Land division and rezone to residential. Copy of deed, preliminary survey and topical map given to board members to look over. The property borders Heck's secondary driveway. 7 acres. Currently zoned as A1 to AR1. Motion made by Gauger to rezone and Joo seconded. Discussion made by public, Ingmar Nelson. He believes there is a mistake on the deed and that Heck's do not have enough land for 3 building sites. Cheryl Heck explained how the Wittwer Boys did not give any building sites away, so there was no record that they would not have building sites with the land.

If there was not a record, it would be going back to the homestead. When Gary Heck purchased the land (50.4 acres), he asked for building sites from the Wittwer family. Nelson made the argument that there is already two houses on the 53 acres, and now there will be one more if he sells to Askevold with a building site. The original house should be grandfathered in because it is on the deed. Nelson said the deed is incorrect. Motion carried. Heck's were given a Land Use Application to fill out. Fee paid and application filled.



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12. Ty Runyun/Kari Legler, 8771 Knight Hollow Rd. Rezone to RB1 for Auto Business. 1.57 acres. Conditional uses will be as followed but not limited to:

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Motion made by Lucey to approve Bill Gauger to sit on the fire board for the time being. Joo seconded. Motion carried.

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Recycling costs have increased and is not charged for residents to recycle. Price will be \$4 per bag unless a punch ticket is purchased for \$35, then the cost will be \$3.50 per bag with the purchased punch ticket. Recycling will remain free for township residents. Joo made motion for the increase of \$1 at the new year for garbage drop off. Gauger seconded. Motion carried.

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19. Bills to be paid: October bills paid motion made by Joo, seconded by Gauger. Motion made.

20. Public Comments:

21. Adoption for 2022 Budget as proposed. Motion made by Joo to approve 2022 budget, Gauger has seconded. Motion Carried.

22. Adjournment

Submitted by:

Joni Johnson-Kropp, Town of Arena Clerk, October 27, 2021

IOWA COUNTY CERTIFIED SURVEY MAP NO. _____
LOCATED IN THE SOUTHWEST 1/4-SOUTHEAST 1/4 OF SECTION 4, TOWN 7 NORTH,
RANGE 5 EAST, TOWN OF ARENA, IOWA COUNTY, WISCONSIN.

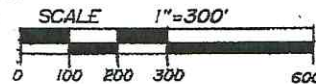
OWNER

Margery P. Neumaier
 7960 Knight Hollow Road
 Arena, WI 53503

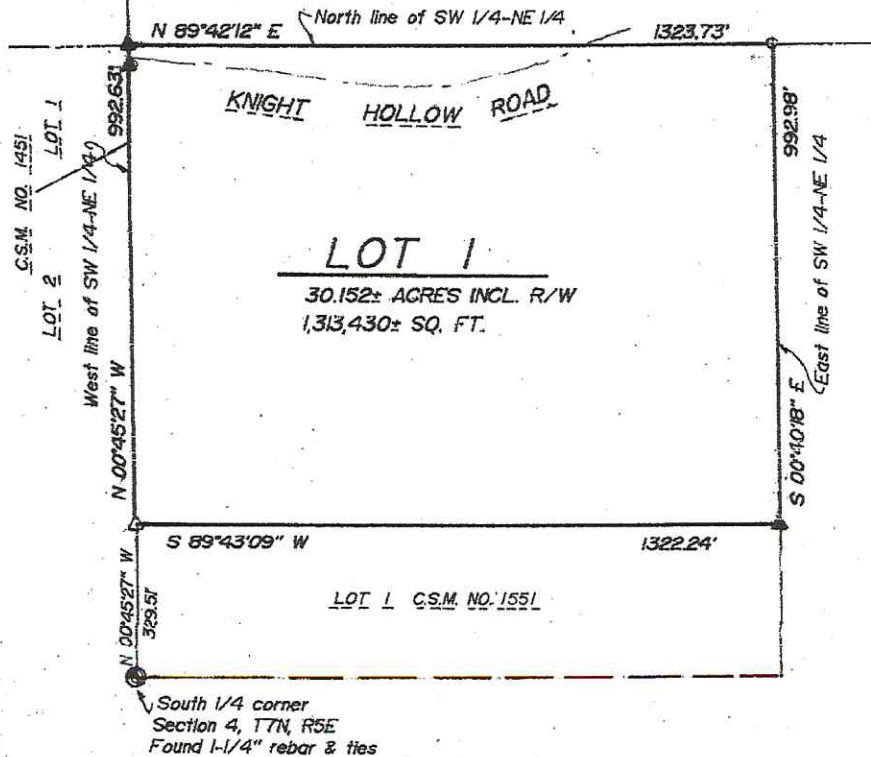
LEGEND AND NOTES

- ▲ Found 3/4" rebar
- Set 3/4"x24" iron rebar weighing 1.50 lbs./lin. ft.

North 1/4 corner
 Section 4, T7N, R5E
 Found 1-1/4" iron pipe & ties



Bearings are referenced to the N-S 1/4 line of Section 4, recorded as N 00°45'27" W.



IOWA COUNTY CERTIFIED SURVEY MAP NO. _____
LOCATED IN THE SOUTHWEST ¼ -SOUTHEAST ¼ OF SECTION 4, TOWN 7 NORTH,
RANGE 5 EAST, TOWN OF ARENA, IOWA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, John M. Halverson, Professional Land Surveyor, hereby certify that I have surveyed, divided, and mapped a part of the Southwest ¼-Southeast ¼ of Section 4, located in Town 7 North, Range 5 East, Town of Arena, Iowa County, Wisconsin, described as follows:

Commencing at the South ¼ corner of said Section 4; thence N 00°45'27" W, 329.51 feet along the West line of the SW ¼-SE ¼ of said Section 4 to the point of beginning; thence N 00°45'27" W, 992.63 feet along the West line said SW ¼-SE ¼ to the Northwest corner of said SW ¼-SE ¼; thence N 89°42'12" E, 1323.73 feet along the North line of said SW ¼-SE ¼; thence S 00° 40'18" E, 992.98 feet along the East line of said SW ¼-SE ¼; thence S 89°43'09" W, 1322.24 feet to the point of beginning, containing 30.152 acres, more or less.

That I have prepared the above certified survey map at the request of Mark Rauls.

That I have complied with the provisions of Section 236.34 of the Wisconsin State Statutes, the Iowa County Land Division and Subdivision Regulations to the best of my knowledge and belief. That such certified survey map is a true and correct representation of the exterior boundaries of the land surveyed and the division thereof made.

John M. Halverson
Professional Land Surveyor
6381 Coon Rock Road
Arena, WI 53503

Dated this _____ day of _____, 2021

IOWA COUNTY PLANNING AND DEVELOPMENT COMMITTEE

Approved for recording by the Iowa County Planning and Development Committee:

Scott Godfrey, Director

Date

REGISTER OF DEEDS

Received for recording this _____ day of _____, 2021 at _____ o'clock __.M. and recorded in Volume _____ of Certified Survey Maps of Iowa County on pages _____.

Taylor Campbell – Iowa County Register of Deeds



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

Zoning Hearing: 3220
Tyran Runyan & Kari Kegler
8771 Knight Hollow Rd
Arena, WI 53503

Hearing Date: Dec. 2, 2021
Town of Arena
NW/SW S25-T8N-R5E
PIN: 002-0385.B

Request: This is a request to rezone a 1.575-acre AR-1 Ag Res lot to B-2 Hwy Bus with a Conditional Use Permit for a vehicle repair shop with associated residence.



2. Comments

1. The AR-1 district does not allow the proposed vehicle repair shop use, so the B-2 district is being requested.
2. If approved, only the vehicle repair shop and associated residence will require Conditional Use Permit approval.
3. The proposal is to use an existing building and the applicant has been in contact with the Town of Arena Building Inspector on complying with State commercial building codes.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:

1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
6. The petition will not be used to legitimize a nonconforming use or structure.
7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).
- 5. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:**
 1. The proposed use complies with all applicable provisions of this Ordinance.
 2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
 3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
 4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
 5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
 6. Adequate assurances by the applicant of continuing maintenance are provided.
 7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Arena recommends approval of the zoning change and approval of the CUP with the following recommended conditions:

- 1) All waste oil, antifreeze, tires and scrap metal shall be legally disposed of.
- 2) The maximum number of vehicles to be repaired that are parked outside shall be 10.
- 3) Signage to comply with town and county regulations.

Staff Recommendation: Staff recommends approval of the zoning change and approval of the CUP with the following conditions:

- 1) The conditions recommended by the town.
 - 2) All relevant commercial building codes shall be complied with.
 - 3) The associated residence can only be occupied by an owner or employee of the business as an accessory use to the principal use, being the auto repair shop.
-





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – must be complete

Applicant: TYRAN RUNYAN Address: 8771 Knight Hollow Rd
KARU KEGLER City/Zip Code: ARUNA, WIS, 53503

Landowner: TYRAN RUNYAN Address: 8771 Knight Hollow Rd
(if other than applicant) City/Zip Code: ARUNA, WIS, 53503

Applicant Phone: (608) 445-1457 Landowner Phone: (608) 445-1457 - TY
444-3742 - KARU

Email: tyrunyan14@yahoo.com Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only --- \$500 filing fee
☐ Conditional Use only ----- \$500 fee if no land use change
☐ Both ----- \$600

in the Town of ARUNA Acreage of proposed lot(s) ~~1.575~~ 1.575

Section 25 Town 8 N Range 5 E NW 1/4 of the SW 1/4 PIN NE 1/4 of SW 1/4

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No 002-0385-B
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: AR 1 Requested zoning district: BR 1 for the proposed use(s) of: 8771 Knight Hollow Rd, ARUNA, WIS, 53503

Requested Conditional uses (s):

Selling AND installing - Tires, Shocks, Exhaust, Brakes, Lift Kits on truck,
MAINTENANCE = oil changes, Light engine work

Body maintenance - Cleaning or Detailing Vehicles, Painting, wiring trailer lights
Welding small projects, Sell Aftermarket Cleaning product for vehicles

- VEHICLE REPAIR SITE W/ ASSOCIATED RESIDENCES

I. Please list any improvements currently on the land: House of Resident
and Work Shop.

II. Please explain the reason for the request and proposed plans: I want to
open a business in my shop.

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?

FOR SALES AND SERVICE

- 2) How will rezoning not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use?

NO CROP USES OR FARM USES

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

YES

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

Starting out my hours will be 7:00 am to 6:00 pm
Monday thru Friday - Saturday will be 8:00 am to 12:00 pm
I might have longer hours in the summer depending
on work load. Most vehicle will be gone the same day
they show up.

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

NO

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

N/A

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

N/A

6. What assurances can be provided for potential continuing maintenance associated with the use?

There will be daily work on the property and
PARCEL

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at 7:00 am)

Yes

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature: Tyler Ryan Date: 10/16/21

Landowner(s) Signature: Kaitlyn Date: 10/16/21

Tyler Ryan 10/16/21

For Office Use Only: Rcv'd by SL Date 11-1-21 Fee 500 Check # 1544 Cash
AR-1 present zoning N/A floodplain N/A shoreland/wetland

TOWN OF ARENA BOARD MEETING

November 1, 2021

****6:00pm** NEW TIME**

ARENA TOWN HALL

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20. Public Comments:

21. Adoption for 2022 Budget as proposed. Motion made by Joo to approve 2022 budget, Gauger has seconded. Motion Carried.

22. Adjournment

Submitted by:

Joni Johnson-Kropp, Town of Arena Clerk, October 27, 2021

Scott Godfrey

From: Johnson Inspection LLC <johnsoninspection@gmail.com>
Sent: Friday, November 5, 2021 9:47 AM
To: Scott Godfrey
Subject: Re: commercial building code

Hi Scott I have spoken with Ty and I understand what his intent with the building is, he will need to meet certain requirements for the code electrical and heating wise, as an existing building he will not need state(commercial) plan review.

Once he has county approval and zoning I will then issue any remodeling permits required.

Thanks

Tracy

Please Note:

*All Inspections must be called in at:
608-459-8800*



Tracy Johnson
Building Inspector
Po. Box 127
Arena, WI. 53503
608-444-0372
johnsoninspection@gmail.com

On Nov 4, 2021, at 10:05 AM, Scott Godfrey <Scott.Godfrey@iowacounty.org> wrote:

Hi Ty,

I'm in the process of preparing the next hearings. Your proposal may likely require the building where the auto repair is to take place to meet commercial building codes. If you have not already, I suggest you contact the town's Building Inspector to make sure you're aware of what, if anything, may need to be done to meet those codes.

The contact is:

Tracy Johnson



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3221
John Fetters & Coleman
2950 State Road 39
Mineral Point, WI 53565

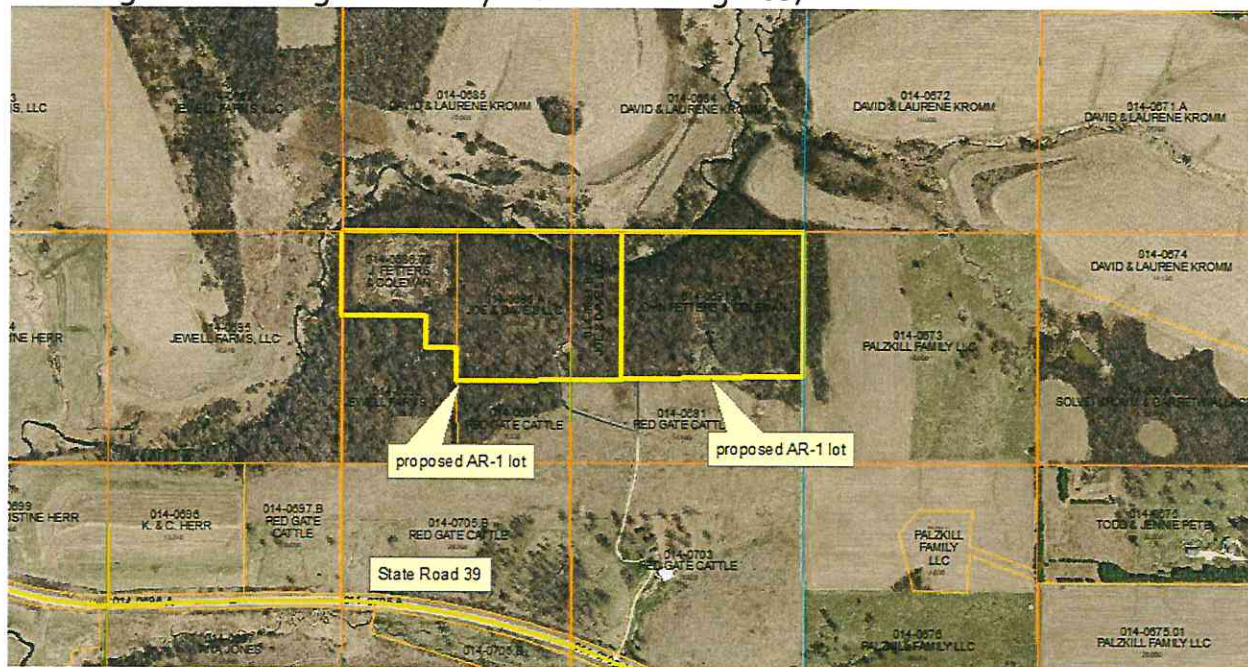
Hearing Date: Dec. 2, 2021

Town of Linden

SE/NE S15-T5N-R2E

PIN: 014-0686.02; 0686.A; 0691.B; 0691.A

Request: This is a request to create two lots of 26.11 acres & 19.74 acres by rezoning from A-1 Ag & B-2 Hwy Bus to AR-1 Ag Res,



2. Comments

1. The existing A-1 are is nonconforming and the B-2 lot was approved for a Tourist Home use.
2. If approved, each AR-1 lot will be eligible for one single-family residence (existing), accessory buildings and limited ag uses, including up to 8 livestock type animal units.
3. The associated certified survey map has been submitted for formal review.
4. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:

1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan

- of any Town affected by said petition.
2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
 3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
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 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Linden is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.





IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223
Dodgeville, WI 53533
608-935-0333/608-553-7575/fax 608-935-0326
Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: John Feters & Coleman Address: 2950 State Road 39
City/Zip Code: Mineral Point, WI 53565

Landowner: _____ Address: _____
(if other than applicant) City/Zip Code: _____

Applicant Phone: (608) 341-8467 Landowner Phone: ()

Email: coleman@mhtc.net Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only --- \$500 filing fee
☐ Conditional Use only ----- \$500 fee if no land use change
☐ Both ----- \$600

in the Town of Liinden Acreage of proposed lot(s) 26.11 acres & 19.74 acres

Section 15 Town 5 N Range 2 E SE 1/4 of the NE 1/4 PIN 014-0486.02, 0486.A, 0491.B, 0491-A

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No

Does this request involve any proposed land division? ☒ Yes ☐ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: A-1 & B-2 Requested zoning district: AR-1 for the proposed use(s) of: CREATE TWO LOTS

Requested Conditional uses (s): 2/A

I. Please list any improvements currently on the land: Lot 1: house, garage, outbuilding, septic mound, well; Lot 2: House, garage, shed, septic, well

II. Please explain the reason for the request and proposed plans: Returning property to original two lots which we purchased in 1998 and 2003 respectively, for the purpose of selling one of the lots

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

- 1) How is this land better suited for a non-agricultural use?
This change will have no affect on its current use. Although the zoning category will
will change, it will still have the two houses, woodland and restored prairie that it
has had for the last twenty-plus years
- 2) How will rezoning not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use?
It will have the same effect on current or future agricultural use of surrounding parcels
that it has had for the last 20+ years, which is to say - no effect at all.

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.**

Applicant(s) Signature:  Date: Oct 15, 2021

Landowner(s) Signature:  Date: _____

For Office Use Only: Rcv'd by SL Date 10/15/21 Fee 11-42 Check # 297 Cash
A-1, B-2 present zoning 4A floodplain 2P shoreland/wetland

Fetters and Coleman
2950 State Road 39
2952 State Road 39



2952 State Road 39

- 014-0686.02 is nonconforming A-1 Agricultural (titled to J. Fetters and Coleman)
- 014-0686.A and 014-0691.B is a single lot zoned partial B-2 Hwy Business with the balance nonconforming A-1 Agricultural (titled to Joe & Dave's LLC)

We propose to combine the three lots listed above as a single lot AR-1 Ag Res to be sold, with the existing house that is currently located on the B-2 partial lot.

2950 State Road 39

- 014-0691.A is nonconforming A-1 Agricultural (titled to and residence of J. Fetters and Coleman)

We propose rezoning this lot as AR-1 Ag Res. (2950 State Road 39).

Proposed change to:

Attached is a new 2-lot certified survey map... two AR-1 lots.

Each lot requires a minimum 66-foot wide easement to State Road 39. These two easements already exist.

Scott Godfrey has reviewed the new survey and the description of the changes above.

TOWN OF LINDEN

BOARD MEETING MINUTES

October 13, 2021

Meeting was called to order at 7:00 pm by Chairman Dean Liddicoat.

Present: Dean Liddicoat, Mark Sieling, Jeff Lindner, Michelle Wendhausen, Sam Palzkill.

Others Present: Coleman, John Feters, Mark Masters, Fred Jones, Jeff Oxnem, Eric Baehler, John Trace(late)

Confirmed compliance with open meeting law.

Minutes from the September meeting were approved on motions by Mark, second by Jeff.

Treasurer's report presented by Shelly, approved on a motion by Mark, second by Jeff.

* Coleman presented a request for rezoning. After discussion, approved on a motion by Mark, second by Jeff.

Eric Baehler presented a survey of the property he wants rezoned for a residence on CTH A. Rezoning approved on a motion by Mark, second by Jeff.

Discussion on the letter received from the Iowa County Humane Society regarding the Township's responsibility of providing a Humane Officer. Tabled until November meeting pending clarification. Sam will contact them

Mel Masters provided information on the new jail – open house December 11, 2021 and Bloomfield Healthcare—going referendum. A new facility would cost \$25 million and cost \$700,000/year to run.

Jeff Oxnem reported on the progress of Keough Springs road construction

Discussion regarding seeking bids for possible purchase of a new truck. A new chassis would cost approx.. \$121,000 from Western Star. Orders out about seven months.

Next meeting set for November 10, 2021 at 7:00pm Budget meeting set for November 10, 2021 at 8:00pm

Motion by Jeff, second by Mark to adjourn. Meeting adjourned at 8:15pm

Respectfully submitted, Sam Palzkill, Clerk



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3222

Kurt, Tammy & Roger Wedig

116 Valley View Rd

Mt. Horeb, WI 53572

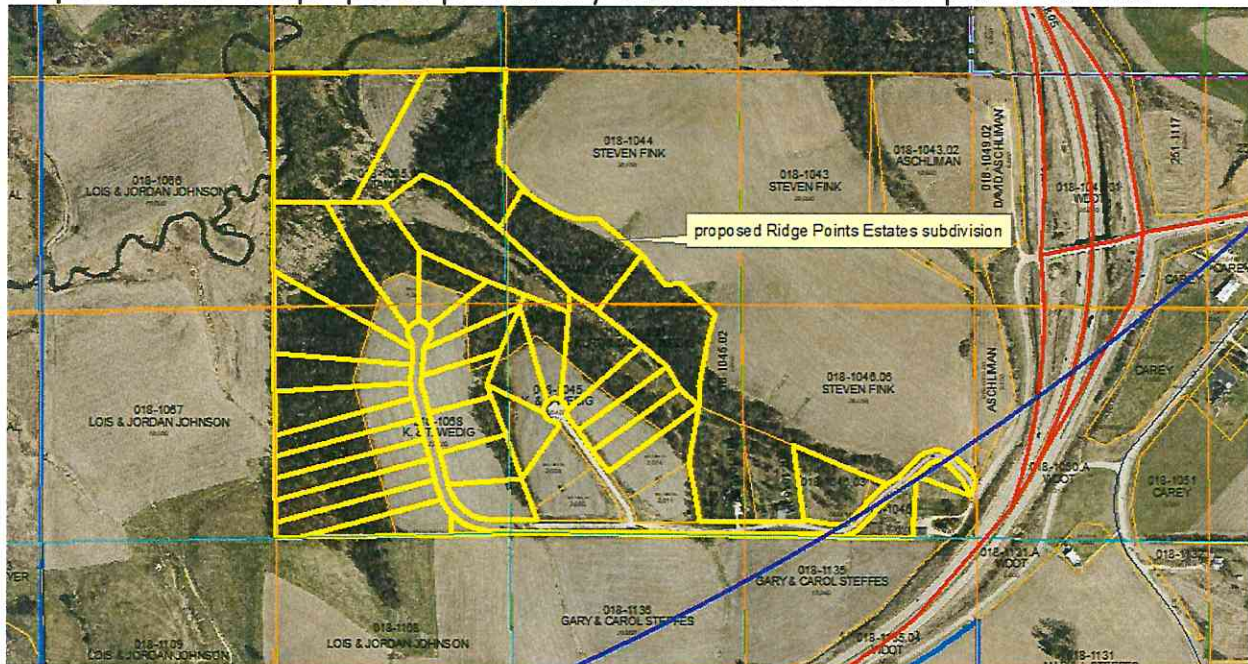
Hearing Date: Dec. 2, 2021

Town of Mineral Point

S2-T4N-R2E

PIN: 018-1068+

Request: This is a proposed preliminary subdivision of 26 lots plus 7 outlots.

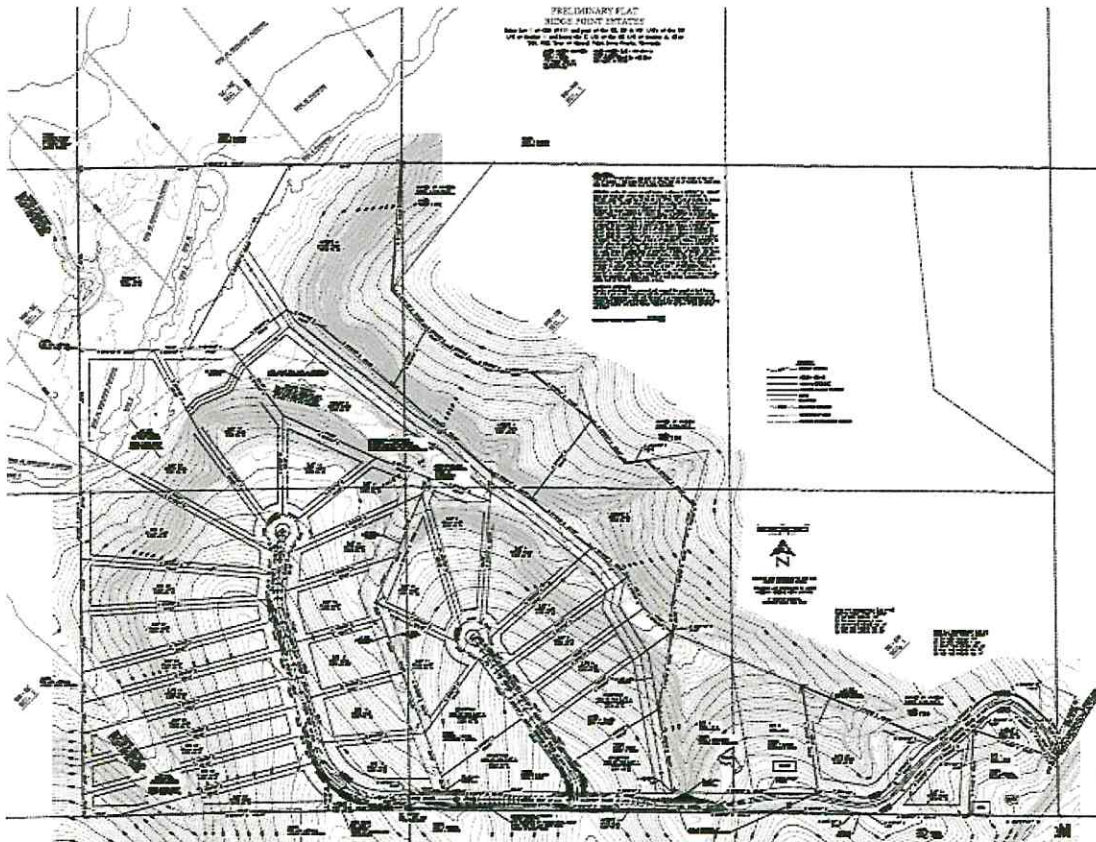


2. Comments

1. The proposed subdivision is in the extraterritorial zoning jurisdiction of the City of Mineral Point. The city has approved the zoning (R-2) and the preliminary plat as proposed.
2. The proposed subdivision is also in the jurisdiction of the Iowa County Airport Zoning Ordinance and is consistent with those standards. The primary restrictions include the height of any proposed structure and the prohibition of ponds. The subdivision will be on private wells and septic systems.
3. The proposed outlots would not be eligible for development under the county's subdivision ordinance.

Staff Recommendation: Staff recommends approval with the following conditions:

- 1) The outlots be labelled as unbuildable or a statement be included on the plat to that affect.
- 2) The Town of Mineral Point agree to accept the dedication of the roads as public roads.



Next Steps

1. The committee shall take action to approve, approve with condition, or deny this Preliminary Plat. An approval is valid for six months and does not constitute automatic approval of the Final Plat.
2. The Final Plat requires action by the committee unless the committee chooses to have the review and approval by staff alone.
3. If approved, the Final Plat must be submitted for review and approval within 6 months of the committee action following the standards within Section 5.0 and 5.1 of the Iowa County Subdivision & Land Division Ordinance.

Scott Godfrey

From: cmp-deputyclerk
Sent: Wednesday, October 13, 2021 12:59 PM
To: Scott Godfrey
Subject: RE: Wedig plat

Scott,

Yes, the rezoning request in the ETZ was granted by an amending Ordinance, which will not be effective until the date of publication (next Thursday, October 21, 22). The variance on the length of a road terminating in a cul-de-sac was granted as well. Lastly, the Preliminary Plat was approved by voice vote: 6 in favor, 1 against, and one abstention.

Thanks,
John

John Wright
Deputy Clerk
City of Mineral Point
137 High St., Ste 1
Mineral Point, WI 53565
Ph 608-987-2361 | Fax 608-987-3885
www.cityofmineralpoint.com

From: Scott Godfrey
Sent: Wednesday, October 13, 2021 12:49 PM
To: cmp-deputyclerk <deputyclerk@cityofmineralpoint.com>
Subject: Wedig plat

Hi John,

I've got a voicemail from Kurt Wedig, which I presume will be to ask when his preliminary plat will be on the county committee agenda. Before returning his call, I wanted to check with you if the preliminary plat was approved, along with the corresponding zoning, by the city last night. If yes, were there any conditions or required changes to the plat?

Thank you.

Scott A. Godfrey, Director/LIO
Iowa County Planning & Development
222 N. Iowa Street
Dodgeville, WI 53533
608-935-0333

**DECLARATION OF COVENANTS,
CONDITIONS & RESTRICTIONS FOR LOTS
1 - 31 AND OUTLOTS 4, 5, 6, 7 & 8 OF THE
PLAT OF RIDGE POINT ESTATES TOWN OF
MINERAL POINT, IOWA COUNTY,
WISCONSIN AND LOTS 1 - 4 OF IOWA
COUNTY CERTIFIED SURVEY MAP NO. 1798
AND LOTS 1 - 3 OF IOWA COUNTY
CERTIFIED SURVEY MAP NO. 1111.**

WHEREAS, the undersigned are presently the owners of the following described property to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 and Outlots 4, 5, 6, 7, and 8, of the Plat of Ridge Point Estates, Town of Mineral Point, Iowa County, Wisconsin.

AND

Lots 1, 2, 3, and 4 of Certified Map No. 1798 as recorded in Volume 13 of Certified Survey Maps on Page 84 as Document No. 366046, Iowa County Registry, being located in the Town of Mineral Point, Iowa County, Wisconsin.

AND

Lots 1, 2, and 3 of Certified Map No. 1111 as recorded in Volume 8 of Certified Survey Maps on Page 57 as Document No. 299848, Iowa County Registry, being located in the Town of Mineral Point, Iowa County, Wisconsin.

Which are hereinafter referred to together as "Ridge Point Estates" or "Subdivision"; and

WHEREAS, Kurt J. Wedig and Tammy M. Wedig, ("Developer"), the owner of Lots 1-29 and Lot 31 and Outlets 4, 5, 6, 7, and 8 of the Plat of Ridge Point Estates and Lot 1 of Iowa County Certified Map No. 1798 in the Town of Mineral Point, Iowa County, Wisconsin, and the remaining undersigned record owners to a platted lot referenced above and respectively identified below, all together hereinafter ("Owners"), desire to control the purposes for which all of the above described property is used, as well as to obligate future owners of said land to be bound by certain conditions, restrictions and covenants for the benefit of said property as a whole and for the benefit of each owner of any part thereof;

WHEREAS, the respective undersigned Owners of Lots 1, 2, 3, and 4 of Iowa County Certified Map No. 1798 are subject and bound to a certain Declaration of Covenants, Conditions & Restrictions for Certified Survey Map No. 1798 recorded in the office of the Iowa County Register of Deeds on

Name and Return Address
McDaniel Law Office
P.O. Box 209
Darlington, WI 53530

January 15, 2021 as Document No. 371010, and as such can modify and amend such agreement, and therefore do so as they agree to comply with and be subject to the terms set forth in these Protective Covenants which shall supersede the covenants, restrictions, and conditions contained the Declaration of Covenants, Conditions & Restrictions for Certified Survey Map No. 1798;

WHEREAS, the respective undersigned Owners of Lots 1, 2, and 3 of Iowa County Certified Map No. 1111 are subject and bound to a certain Declaration of Covenants, Conditions & Restrictions for Iowa County Certified Survey Map No. 1111 recorded in the office of the Iowa County Register of Deeds as Document No. 299926, and as such can modify and amend such agreement, and therefore do so as they agree to comply with and be subject to the terms set forth in these Protective Covenants which shall supersede the covenants, restrictions, and conditions contained the Declaration of Covenants, Conditions & Restrictions for Iowa County Certified Survey Map No. 1111;

NOW, THEREFORE, said Developers and Owners hereby declare and provide all of the above described Lots be and the same hereby are subject to the following restrictions, covenants and conditions.

All lots shall be used for single-family residential purposes or 2 unit family residential purposes only, with any structures erected, altered, placed or permitted to remain on any lot or part thereof being subject to the following described conditions, covenants and restrictions:

1. No manufacturing or commercial activity shall be carried out on said premises. This restriction shall not be construed, however, as preventing a self-employed party from engaging in his/her trade or business from his/her home office, except as prohibited by local zoning regulations. No article is to be sold or offered for sale, no stock in trade kept or sold on home sites.
2. For the purposes of determining floor area, stair openings shall be included but open porches, screened porches, attached garages and basements, even if the basements have a finished area, shall be excluded. Square footage for a raised ranch, bi-level or split level entry home is calculated using main level only, excluding the garage. Square footage of tri-level homes is calculated using the two main levels above grade excluding the garage.
3. Roof pitch shall be no less than 6/12. No rolled or sheet roofing shall be used nor shall any "second hand" or "used" materials be used for construction purposes.
4. Lot maintenance exteriors of brick, vinyl, aluminum, stone or natural-finished wood are required for the front elevation and are encouraged for the entire home. All exterior walls facing the front of the lot of those visible from the driveway approach shall consist of at least 60% stone or brick. Texture-111 (T-111), composition press board and unpainted metal siding is not permitted.
5. Above-ground and in-ground swimming pools are prohibited unless approved by the Developer and/or Architectural Control Committee and the pool is properly fenced and maintained.
6. All chimneys and flues shall be fully enclosed.
7. All utilities serving all lots in the subdivision and the improvements thereon, including, but not limited to, sewer, water, gas, electric, telephone and television shall be installed underground. No overhead wires or above-ground utilities are allowed.

8. Once construction of a home has commenced, it shall be completed within 1 year. The house exterior shall be completely finished, including paint and/or stain prior to occupancy unless prohibited by bad weather.

9. No trailer, basement, tent, shack, garage, barn or out buildings, or any part thereof, erected in said Plat, shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be used as a dwelling.

10. No building previously erected elsewhere shall be moved upon any lot in said Plat.

11. All driveways shall be fully completed with hard surface within 18 months of the occupancy of the dwelling.

12. No new building or exterior alteration of an existing building shall be erected or placed on any lot in this Plat unless the plans, with specifications and plot plan and elevations showing the location of such building or the nature of such alteration have been submitted to and approved in writing by the Developer. In addition to rejecting any building plan which does not meet the requirements set forth herein, the Developer shall have the right to reject any building plan which is deemed, in the sole discretion of the Developer, to be incompatible with other buildings or the Subdivision as a whole, because of color, exterior materials, architectural design/style or on any other reasonable basis. No plans shall be approved unless the lot owner furnishes a plot plan to the Developer indicating the elevation of the house relative to the street elevation. Such approval shall not be granted unless the proposed finished grade is compatible with the finished grade of adjacent lots, if such lots have previously been approved, or unless such grade is compatible to what the Developer deem to be the reasonably desirable grade level for the lot in question. The Developer shall maintain a copy of all approved plot plans for the benefit of other purchasers in planning their individual elevations.

13. No buildings shall be erected or placed in Ridge Point Estates until the provisions of the preceding paragraph have been complied with and the written approval of Developer obtained. This approval must be given or waived prior to the issuance of a building permit by the appropriate regulatory agency.

14. In the event the Developer fails to approve or reject such plans, site plans, specifications and elevations within 30 days after the same have been submitted to him for approval, then such approval shall be deemed to have been granted.

15. The Developer is authorized to grant variances from any of the provisions of these Covenants and Restrictions where such variances will assist in carrying out the intent and spirit of these requirements and where strict application of the provisions thereof would result in a particular hardship to the person seeking the variance.

16. The Developer shall not be liable under any circumstances for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans or specifications, whether or not defective; (b) the construction or performance of any work whether or not pursuant to approved plans and specifications; or (c) the development of any property within Ridge Point Estates.

17. One story or raised ranch shall not be less than 1700 square feet of floor area above grade, plus attached garage of a minimum of 400 square feet.

18. 1.5 or two story homes shall have at least 2100 square feet above grade with a minimum of 1300 square feet on first floor with an attached garage of 400 square feet minimum.

19. All houses must be placed on full concrete basement and footings acceptable to state building codes.

20. Fencing:

A. No fencing may be constructed on any of the lots other than in the rear yard behind any improvements. All fencing shall be done in conjunction with suitable landscaping.

B. Agricultural Fencing: The owners of lots which border Agricultural Land shall be responsible for maintaining the fence in such a condition so as to be animal tight.

21. No signs or advertising shall be permitted to be displayed upon any property within Ridge Point Estates, except for sale signs not exceeding six square feet for the lot to be sold.

22. After the original sale by Developer, no lots shall be further divided in such a manner so as to increase the number of lots in Ridge Point Estates. The seller shall permit no alteration of boundaries between lots after the initial sale.

23. Lots must be final graded and seeded or sodded within 60 days of occupancy depending on weather.

24. Storage buildings must meet the minimum requirements established by the government body having regulatory authority and must be finished with same siding as house. No more than one storage building shall be permitted on a lot.

25. No carports attached or free standing allowed.

26. In the event home construction does not commence upon purchase of a Lot, it shall be the responsibility of each Lot owner to have his or her ground covering the Lot (grass, weeds, etc.) Mowed at least four (4) times annually. This is construed to be once in the Spring, Mid-May to Mid-June, twice in the Summer, Mid-June to Mid-August, and once in the Fall, Mid-August to Mid-October.

27. Firewood may be stored within the dwelling unit. If stored outside, it shall be stacked out of view of neighboring residence in an orderly fashion. If the wood is purchased by the truckload, it must be cut and stacked within 7 days.

28. All earth excavated from the lot on the properties and not used thereon shall, at the option of the Developer, be removed to such place on or adjacent to the properties as may be designated by the Developer. This shall be done at no cost to the Developer.

29. No owner of any lot shall grade or obstruct any drainage way which is in evidence at the time of development so as to impede the flow of drainage water from the other lots across such drain ways. No planting shall be permitted within an easement of record which may damage or interfere with the installation and maintenance of utilities which may alter the direction or impede the flow of surface water and drainage channels within the easement.

30. There shall be no tree removal by a lot owner without expressed written consent of the Developer.

31. Solar collectors or panels of use must be an integral portion of the house.

32. All lots shall at all times be maintained in a neat and clean manner including keeping grass cut within a reasonable length.

33. Wood Burners are not allowed.

34. The premises shall not be used for junk, wrecking, or a dismantling yard, or for any purpose that may be a nuisance, annoyance, noxious or obnoxious.

35. All mailboxes shall be approved by the Developer.

36. Parking of service vehicles owned or operated by residents of the homes on Lots in the subdivision is allowed, provided they are parked off-street on a concrete or asphalt pad or in a garage and that no more than one (1) such vehicle is stored at any time on any Lot. Storage of boats, travel trailers, mobile homes, and campers is prohibited unless they are stored in garages or parked on asphalt or concrete pads. No more than one (1) boat, travel trailer, mobile home, or camper can be stored outside on any Lot at any time. All snowmobiles, all-terrain vehicles, or other type of personal recreational vehicle must be stored in a garage. This shall not prohibit the temporary storage of such vehicles for the purpose of loading or unloading for a period not to exceed twenty-four (24) hours.

37. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats and other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes, or allowed to annoy neighbors. When walking a pet it is the owners responsibility to clean up any mess caused by the animal.

Only two (2) domestic animals may be kept on any of the premises and must be housed within the principle structure.

38. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and the same shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition, and suitably screened from view from the street.

39. No building shall be erected on any parcel of real estate unless the design and location is in harmony with existing structures already on the real estate and does not violate any restrictive covenant. In this connection, the construction of A-frame dwellings, dome dwellings, concrete exterior dwellings and fiberglass buildings is expressly prohibited.

40. The Lot owner shall be responsible for maintaining the structure, Lot and adjoining Street Terrace in a neat appearance and keeping the Lot and Terrace free of noxious weeds, debris and road gravel. Seeding or sodding is permissible in the entire yard. Each will be completed within sixty (60) days of occupancy of the building unless, due to weather conditions.

41. All lots are subject to a 6' wide utility and storm water easement on each side of joint property lines and a 12' wide utility and storm water drainage easement along all other property lines not abutting street right-of-ways, or as noted on the plat.

42. No visual obstructions, such as structures, parking, or vegetation with the exception of annual agricultural crops permitted by local zoning regulations above 30 inches in height, or less than ten feet above the plane passing through the mean centerline grades shall be permitted.

43. No owner is permitted to place any dam or divert the flow of water from the stream bed.

44. The Developers may elect to assign all rights granted to it under this document to the Committee. After Developers cease to have any title to any lot in Ridge Point Estates, an architectural Control Committee (hereinafter called "COMMITTEE") may be established. The COMMITTEE shall consist of three (3) persons designated by an election of all property owners of land so controlled by this document. The election shall be held on a date determined by Developers and written notice shall be given to all lot owners at least ten (10) days before election. Prior to election of the Architectural Control Committee as herein provided and so long as Developers have an ownership interest in any lot within said subdivision, all powers and authority of the COMMITTEE shall vest in and be exercised by Developers, unless voluntarily assigned by Developers to the COMMITTEE.

45. These Protective Covenants shall run with the land and shall be binding upon and inure to the benefit of the owners of the Lots and all persons claiming under them for a period of twenty (20) years from the date these Protective Covenants are recorded. Thereafter, these Protective Covenants shall be automatically extended for successive twenty (20) year periods, unless otherwise indicated in a written declaration signed by the then owners of a majority of the Lots and recorded in the office of the Iowa County Register of Deeds.

46. Enforcement and Modification.

A. Right to Enforce. This Declaration and the covenants contained herein on the final plat are enforceable only by the Developer and/or the Committee or such person or organization specifically designated by the Developer, in a document recorded in the office of the Iowa County Register of Deeds, as its assignee for the purpose thereof.

B. Manner of Enforcement. This Declaration and the covenants contained herein and on the final plat shall be enforceable by the Developer and its assigns, and/or the Committee, in any manner provided by law or equity, including, but not limited to, one or more of the following:

- i. Injunctive Relief
- ii. Action for Specific Performance
- iii. Action for money damages
- iv. Performance of these covenants by the Developer, and/or the Committee, on behalf of any party in default thereof for more than thirty (30) days, after receipt by such party of notice from the Developer or the Committee describing such default. In such event, the defaulting Lot Owner shall be liable to the Developer or the Committee for the actual costs (plus ten percent (10%) for overhead) related to or in connection with performing these covenants.

C. Reimbursement. Any amount expended by the Developer and/or the Committee in enforcing these covenants, including reasonable attorney fees, and any amounts expended in curing a default on behalf of any Owner or other party, shall constitute a lien against the subject real property until such amounts are reimbursed to the Developer and/or the Committee with such lien to be in the nature of a mortgage and enforceable pursuant to the procedures for foreclosure of a mortgage.

D. Failure to Enforce Not a Waiver. Failure of the Developer or assigns or the Committee to enforce any provision contained herein shall not be deemed a waiver of the right to enforce these covenants in the event of a subsequent default.

E. Right to Enter. The Developer and/or the Committee shall have the right to enter upon any building site or other Lot within the premises for the purpose of ascertaining whether the Owner of said Lot is complying with these covenants and if the Developer and/or the Committee so elects as specified in Paragraph 46(B) for the purpose of performing obligations hereunder on behalf of a party in default hereof.

F. Dedications/Restrictions/Covenants/Easements. Each and every Owner of a Lot shall be subject to and bound by the easements, dedications and restrictive covenants as set forth on the final plat and any subsequent additions or phases to Ridge Point Estates.

G. Conflict and Failure to Mention. In the event of a conflict between the provisions of this Declaration and an applicable municipal ordinance, and the ordinance is more strict than the provisions contained herein, the ordinance shall control. Failure to mention a requirement, with respect to any Lot and single-family home to be build thereon, or other necessary approval in this Declaration shall not imply that no such requirement exists and shall not constitute a waiver of such municipal requirement and/or approval. Each and every Owner shall be solely responsible to insure that the ordinance is adhered to and shall be subject to the appropriate municipal approval process for construction of a single-family home on a lot.

H. Modification. These Protective Covenants may be amended in whole or in part at any time by a document signed by the owners of two-thirds (2/3) of the Lots and recorded in the Office of the Iowa County Register of Deeds.

47. Ridge Point Estates Homeowners Association.

A. Membership. The Owner of a Lot shall automatically become a member of the Ridge Point Estates Homeowners Association (the "Association"). By acceptance of the deed or other instrument of conveyance, the Owner(s) of each Lot consents to such Owner's membership in the Association. Membership in the Association is appurtenant to each Lot. Each Owner of a Lot shall automatically be entitled to the benefits and subject to the burdens relating to such membership in the Association. Membership in the Association shall be limited to the fee simple Owners of the Lots, except that in case of a land contract, the vendee, and not the vendor, shall be a member. The Association shall have authority to manage the conservancy area which will be conveyed to the Association. An annual Association membership fee of \$250.00 shall be assessed against each Lot owner.

B. Vote of Owners. The Owner(s) of each Lot shall be entitled to one vote as members of the Association for each such Lot owned. Where more than one person is an Owner of one Lot, all such persons shall be members of the Association, but they shall be cumulatively entitled to only one vote per such Lot, and they may cast their total one vote in proportion to their Ownership of such Lot.

C. Bylaws. The purposes and powers of the Association and the rights and obligations with respect to the members thereof shall be governed by the Bylaws of the Association; provided that, however, such Bylaws shall be subject to, and shall not contravene, the terms, conditions, benefits and burdens set forth in this Declaration.

IN WITNESS WHEREOF, the undersigned Developers and Owners have caused these Covenants and Restrictions to be executed and have each set their hand and seal on the date set forth opposite their signature.

Developer by:

Date Kurt J. Wedig Tammy M. Wedig

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Kurt J. Wedig and Tammy M. Wedig, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Aaron J. Stauffacher, Notary Public
State of Wisconsin
My commission is permanent.

Owner of Lot 30 the Plat of Ridge Point Estates in the Town of Mineral Point, Iowa County, Wisconsin by:

Date Owner Owner

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Owner and Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires: _____

Continued on next page.

Owner of Lot 2 of Iowa County Certified Map No. 1798 in the Town of Mineral Point, Iowa County, Wisconsin by:

Date Owner Owner

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Owner and Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires: _____

Owner of Lot 3 of Iowa County Certified Map No. 1798 in the Town of Mineral Point, Iowa County, Wisconsin by:

Date Owner Owner

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Owner and Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires: _____

Owner of Lot 4 of Iowa County Certified Map No. 1798 in the Town of Mineral Point, Iowa County, Wisconsin by:

Date Owner Owner

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Owner and Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires: _____

Owner of Lot 2 of Iowa County Certified Map No. 1111 in the Town of Mineral Point, Iowa County, Wisconsin by:

Date Owner Owner

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Owner and Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires: _____

Owner of Lot 3 of Iowa County Certified Map No. 1111 in the Town of Mineral Point, Iowa County, Wisconsin by:

Date Owner Owner

State of Wisconsin
County of _____ -- ss

Personally came before me this ____ day of _____, 2021 the above named Owner and Owner, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires: _____

This Instrument Drafted By:
Atty. Aaron J. Stauffacher
McDaniel Law Office
434 Main Street, P.O. Box 209
Darlington, WI 53530
608-776-4442



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

Scott.Godfrey@iowacounty.org

Zoning Hearing: 3223

Steve & Lori Murphy

4308 Green Leaf Dr

Dodgeville, WI 53533

Hearing Date: Dec. 2, 2021

Town of Wyoming

NE/NE S8-T7N-R4E

PIN: 028-0157; 0158; 0156; 0155.01

Request: This is a request to rezone 28.48 acres from B-2 Hwy Bus to A-1 Ag to be consolidated with adjacent A-1 lands.



2. Comments

1. The existing B-2 lot was approved for an equestrian operation: horse boarding, trail riding, room rent, camping, etc. This business is no longer in operation so the B-2 lot is being requested to be eliminated through rezoning.
2. If approved, the A-1 property will be considered a "farm" and all uses in that district will be allowed.
3. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.

2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
6. The petition will not be used to legitimize a nonconforming use or structure.
7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Wyoming recommends approval

Staff Recommendation: Staff recommends approval.





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Scott.Godfrey@iowacounty.org

IOWA COUNTY LAND USE CHANGE/CONDITIONAL USE APPLICATION

Filing Fee: See below: payable to Office of Planning & Development
(non-refundable upon publication)
Filing Deadline: 1st Friday of each month for the next hearings – **must be complete**

Applicant: Steve + Lori Murphy Address: 4308 Green Leaf Dr.
City/Zip Code: Dodgeville, WI 53533

Landowner: _____ Address: _____
(if other than applicant) City/Zip Code: _____

Applicant Phone: (608) 553-5674 Landowner Phone: () _____

Email: evssteve@yahoo.com Please contact by: ☒ email ☐ postal mail

This application is for: ☒ Land use change/Rezone only --- \$500 filing fee
☐ Conditional Use only ----- \$500 fee if no land use change
☐ Both ----- \$600

in the Town of Wyoming Acreage of proposed lot(s) 28.48

Section 8 Town 7 N Range 4 E NE 1/4 of the NE 1/4 PIN 028-0157; 0158; 0159; 0156; 0155.01

Have you contacted your Town Board about this proposal? ☒ Yes ☐ No
Does this request involve any proposed land division? ☐ Yes ☒ No

All land use change/rezoning requests must include an exact metes and bounds or survey plat legal description of the proposed lot or lots. This description must be identical to any proposed parcel to be created by sale or transfer.

**Present zoning district: B2 Requested zoning district: A1 for the proposed use(s) of: Farm

Requested Conditional uses (s):

525 214 2468

I. Please list any improvements currently on the land: ① Horse Barn w/Living Quarters,
② 5,500 sq. foot Warehouse/Barn, old red barn, and shed.

II. Please explain the reason for the request and proposed plans: We want the whole property to be zoned ag because that is what it is used for now. We no longer want it to be a commercial horse stable.

III. If this is a petition to zone land from A-1 Agricultural, please explain how each of the following are satisfied (attach additional sheets if necessary):

1) How is this land better suited for a non-agricultural use?

2) How will rezoning not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use?

IV. For all Conditional Use Permit Requests please describe how the following are either currently being complied with or can be complied with. Feel free to attach additional documentation. (Incomplete applications will not be scheduled for a hearing until complete.)

1. How do you feel the proposed use complies with all applicable provisions of this Ordinance?

2. How do you feel the proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts)?

3. Do you feel there will be significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use and why?

4. How can any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent?

5. Are public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development?

6. What assurances can be provided for potential continuing maintenance associated with the use?

7. How do you feel the proposed use is consistent with the Iowa County Comprehensive Plan? (available at www.iowacounty.org)

****NOTE**** The signature of the land owner and applicant below gives consent for Office of Planning & Development personnel to enter his/her property for purposes of on-site investigative report in relation to this application. Denial of consent must be submitted in writing as part of this application.

Applicant(s) Signature: *St. Murphy* Date: 10/21/21

Landowner(s) Signature: _____ Date: _____

=====

For Office Use Only: Rcv'd by SW Date 10/25/21 Fee 500 - Check # 5476 Cash
____ present zoning ____ floodplain ____ shoreland/wetland

Scott Godfrey

From: John Hess <johnhesswyoming@gmail.com>
Sent: Wednesday, October 13, 2021 11:22 AM
To: Scott Godfrey
Cc: Mike Degen; Dick Cates
Subject: Rezone recommendations Town of Wyoming

Scott

At last night's Board Meeting, we took the following actions:

1. Recommended approval to the Planning & Zoning Committee of the Blair Anderson/ David Cates application to rezone a 34 acre parcel located on Co Road Z, Sec 6, T7N, R3E from A-1 to AR-1
-  2. Recommended approval to the Planning & Zoning Committee of the Steve Murphy application to rezone property at 5977 Co Road Z currently zoned B-2 to A-1.

Please let me know if any other communication is needed for the upcoming county hearings.

Thank you

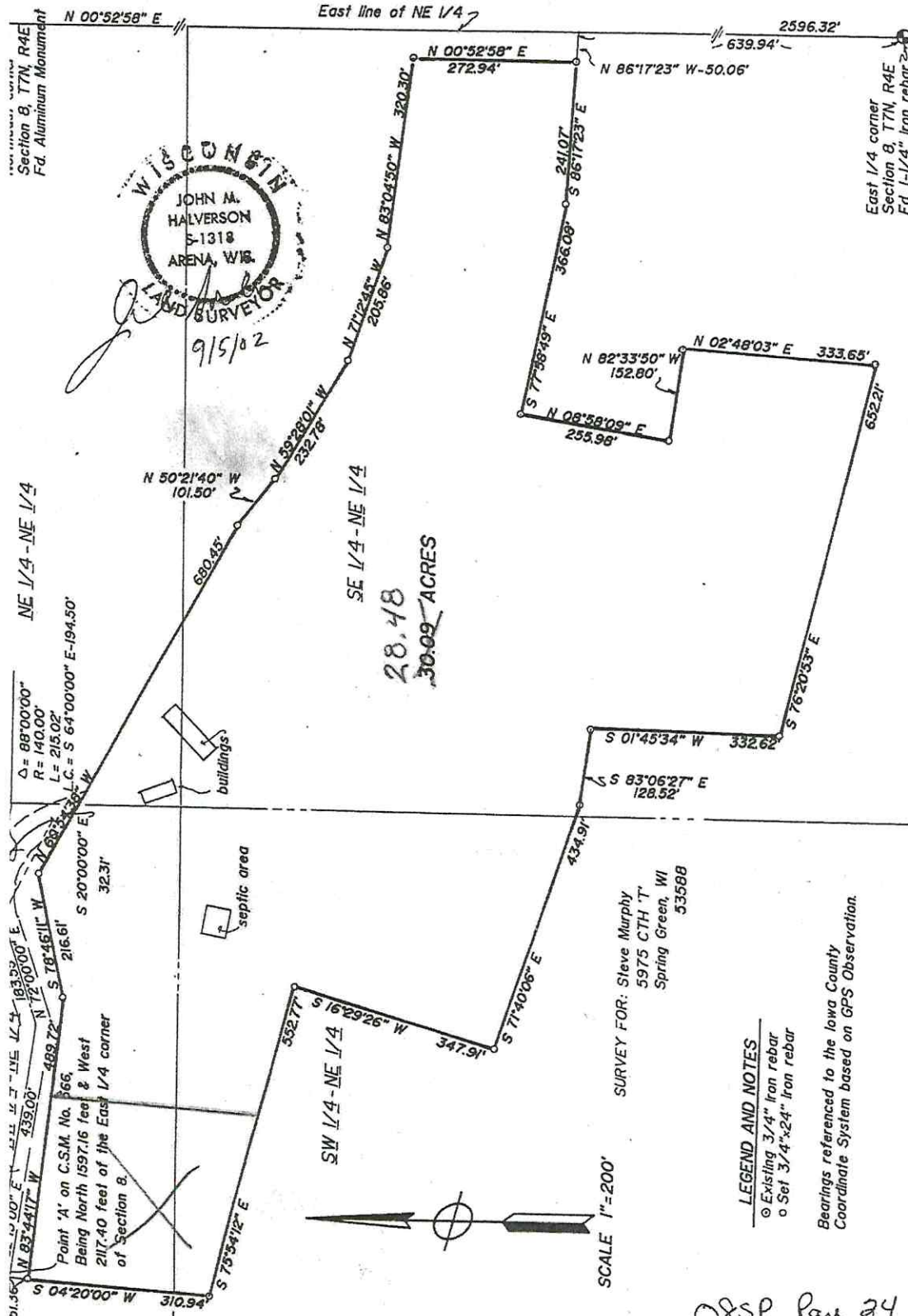
John



SURVEY PLAT

Stock No. 26273

LOCATED IN THE NE 1/4-NE 1/4, THE NW 1/4-NE 1/4, THE SW 1/4-NE 1/4,
THE SE 1/4-NE 1/4, SECTION 8, T7N, R4E, TOWN OF WYOMING, IOWA COUNTY,
WISCONSIN.





Approx Aerial View for 5977 County Road T



DISCLAIMER: No guarantee in the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 400'



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Director's Report: November 2021

	Since last report	Year to date	same time 2020	Comments
Zoning permits	28	252	243	
Permit project value	\$1,842,729	\$27,669,478	\$21,364,925	
New residences	3	42	50	
Accessory structures	17	101	99	
Ag buildings	8	64	82	
Solar	0	13	7	
Floodplain/Shoreland pts	1	25	23	
Complaints/Violations	1	28	26	
Certified survey map review	5	53	39	
Zoning Hearings	11	76	57	
Board of Adj hearings	0	0	2	
Sanitary Permits	5	93	106	
Soil Tests Reviewed	11	94	71	

as of Nov. 16, 2021

Other Updates

- 36 citations were issued for septic system maintenance reports still out (of total 1527)
 - 2021 is on track to have the most parcel splits in the last 10 years
 - Black Diamond Subdivision Final Plat has been approved – awaiting submission for signature and recording
 - Starting annual reports for NR135 nonmetallic mining reclamation – 27 mine sites
 - Iowa County Bloomfield Property Ordinance approved – takes effect Jan. 1, 2022
 - Sanitarian/Asst Zoning Administrator position listed – applications due Nov. 29th
 - Sending out notifications to stakeholders on 2022 fee revisions and San/Asst ZA change
 - Met with Linn County, IA contingency to discuss large solar in context of Badger Hollow Solar Farm
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