

1. Agenda

Documents: [ZBA_20151214_AG.PDF](#)

2. Complete Packet

Documents: [ZBA_20151214_PK.PDF](#)



CITY OF FITCHBURG

Planning Department

5520 Lacy Road
Fitchburg, WI 53711-5318

Phone: (608) 270-4256 ■ Fax: (608) 270-4275

www.fitchburgwi.gov

NOTICE

Zoning Board of Appeals
December 14, 2015

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the City of Fitchburg, Dane County, Wisconsin will hold a meeting on **Monday, December 14, 2015 at 5:00 p.m.** in the Meeting Room of Fitchburg City Hall, 5520 Lacy Road, Fitchburg, WI 53711 for the purposes of:

1. Call to order.
2. Roll Call.
3. Approval of minutes of July 27, 2015.
4. Public hearing and consideration of Administrative Appeal request, AA-2093-15, by Gregory J. DiMaggio to appeal the administrative decision of the Zoning Administrator's interpretation of Section 22-4(A)(1) of the Zoning Ordinance, regarding pre-existing substandard parcels as it relates to property along County Highway MM.
5. Public hearing and consideration of Variance request, VR-2097-15, by Chuck Chvala, agent for Erv Bendorf, to reduce the side yard setback from 10 feet to 5 feet and reduce the street side setback from 20 feet to 5 feet for the proposed church on property associated with 1911 Pike Drive, Lot 3 Hasz Subdivision. – **POSTPONED due to lack of hearing notice publication.**
6. Such other matters as may come before the Board.
7. Adjournment.

Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.city.fitchburg.wi.us/Cablecast/Public/Main.aspx?ChannelID=3>

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk's office (270-4200), Fitchburg City Hall, 5520 Lacy Rd, Fitchburg, WI 53711



CITY OF FITCHBURG

Planning Department

5520 Lacy Road
Fitchburg, WI 53711-5318

Phone: (608) 270-4256 ■ Fax: (608) 270-4275

www.fitchburgwi.gov

NOTICE

Zoning Board of Appeals
December 14, 2015

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the City of Fitchburg, Dane County, Wisconsin will hold a meeting on **Monday, December 14, 2015 at 5:00 p.m.** in the Meeting Room of Fitchburg City Hall, 5520 Lacy Road, Fitchburg, WI 53711 for the purposes of:

1. Call to order.
2. Roll Call.
3. Approval of minutes of July 27, 2015.
4. Public hearing and consideration of Administrative Appeal request, AA-2093-15, by Gregory J. DiMaggio to appeal the administrative decision of the Zoning Administrator's interpretation of Section 22-4(A)(1) of the Zoning Ordinance, regarding pre-existing substandard parcels as it relates to property along County Highway MM.
5. Public hearing and consideration of Variance request, VR-2097-15, by Chuck Chvala, agent for Erv Bendorf, to reduce the side yard setback from 10 feet to 5 feet and reduce the street side setback from 20 feet to 5 feet for the proposed church on property associated with 1911 Pike Drive, Lot 3 Hasz Subdivision. – **POSTPONED due to lack of hearing notice publication.**
6. Such other matters as may come before the Board.
7. Adjournment.

Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.city.fitchburg.wi.us/Cablecast/Public/Main.aspx?ChannelID=3>

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk's office (270-4200), Fitchburg City Hall, 5520 Lacy Rd, Fitchburg, WI 53711



DRAFT MINUTES

CITY OF FITCHBURG

Planning Department

5520 Lacy Road
Fitchburg, WI 53711-5318

Phone: (608) 270-4255 ■ Fax: (608) 270-4275

Fitchburgwi.gov

MINUTES BOARD OF APPEALS July 27, 2015

Members Present: Kari Myrland, Kelsey Henriquez, Dan Crowley, Craig Stevenson
Others Present: Susan Badtke – Community Planner,
Debbie Hatfield - representing applicant, Promega Corporation

1. **Call to Order** – Chair Kari Myrland called the meeting to order at 5:00 p.m.
2. **Roll call** – Roll call indicated those present being members listed above and a quorum was established.
3. **Approval of minutes of June 24, 2014**

Motion by Crowley, second by Myrland, to approve the minutes of June 24, 2014 was carried unanimously.

4. **Public hearing and consideration of variance request, VR-2070-15, by Daniel Motl, agent for Promega Corporation, to exceed the allowed 30 foot commercial drive width at 5445 E Cheryl Pkwy, Lot 1 CSM 09025.**

Chair Myrland opened the public hearing.

Debbie Hatfield, 119 S Main Street, representing Promega, spoke in support of the request and was available to answer questions. She explained Promega's request noting that they are looking to rebuild the eastern part of the parking lot by the loading dock and replace the existing driveway in its current configuration. She stated that the existing driveway exceeds the allowable driveway width. The existing driveway is 28' at the right-of-way and 72' at the street; the replacement driveway would be identical widths. She stated that they ran the auto turn program and the existing widths are needed for truck turning movement to avoid trucks jumping the curb. Additionally, Hatfield noted that they will not be redoing the back of the parking lot, all work will be at the north end of the building near E Cheryl Pkwy.

Dan Crowley questioned whether trucks have an issue going out or more when they are coming in to the site. Hatfield responded that the issue is with trucks entering the site as trucks are having to jump the curb. She also noted that the applicant has agreed to install colored concrete on the extra winged areas as requested by public works.

Chair Myrland closed the public hearing.

Community Planner Susan Badtke provided the staff memo noting that Promega was looking to replace their driveway in its existing configuration, which does not meet the City's driveway standards. Public Works had reviewed the request and was agreeable to the variance for a wider approach due to the turning templates showing the need for the additional width as well as that the applicant is agreeable to providing colored concrete within the driveway approach, in the areas that exceed the standard driveway curb opening. The colored concrete would provide a visual cue to guide motorists who don't need the

DRAFT MINUTES

additional width to enter/exit within the narrower opening. Staff recommended approval with conditions.

Henriquez commented that it seems like a pretty simple request where they are looking to replace what they have today.

Motion by Crowley, second by Stevenson, to approve variance request VR-2070-15 due to the unnecessary hardship or practical difficulty that exists within the code by limiting truck turning movements, that there is a unique property limitation that present a safety issue and that there is no harm to the public interest as the increased width will allow trucks to make a clean turn into the site.

Motion was carried unanimously with all members attending voting aye.

5. Such other matters as may come before the Commission

None.

6. Adjournment

Motion by Stevens, second by Crowley, to adjourn at 5:13 p.m., was carried unanimously.

Submitted by,

Susan Badtke, Community Planner



MEMORANDUM

City of Fitchburg Planning/Zoning Department

5520 Lacy Road
Fitchburg, WI 53711
(608) 270-4256

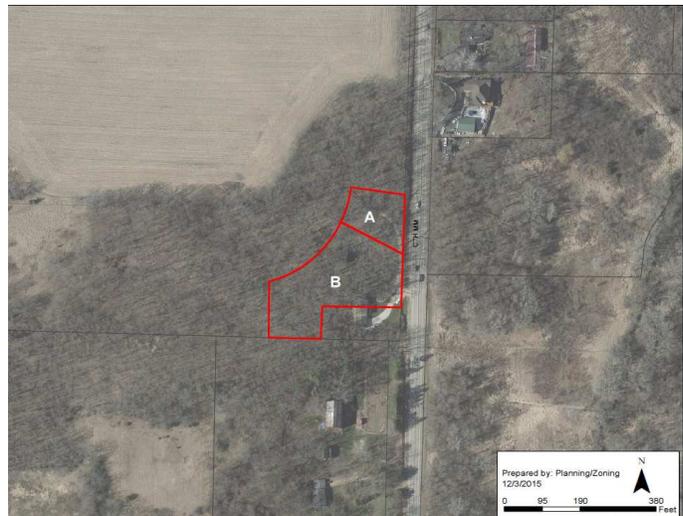
TO: Zoning Board of Appeals
FROM: Susan B. Badtke, Community Planner
DATE: December 9, 2015
SUBJECT: December 14, 2015 Board of Appeals Meeting

4. Public hearing and consideration of Administrative Appeal request, AA-2093-15, by Gregory J. DiMaggio to appeal the administrative decision of the Zoning Administrator's interpretation of Section 22-4(A)(1) of the Zoning Ordinance, regarding pre-existing substandard parcels as it relates to property along County Highway MM.

Request Summary

The applicant, Gregory DiMaggio, is appealing the administrative decision of the Zoning Administrator's interpretation of Section 22-4(A)(1) of the Zoning Ordinance, which relates to pre-existing substandard parcels.

The applicant owns a vacant parcel, Parcel ID # 060924194703, along CTH MM and is wishing to obtain permits to build a home on the property. The parcel, identified as "A" on the accompanying map, is approximately .4 acres according to the Dane County parcel data. The applicant also owns an adjacent parcel, Parcel ID # 060924194507, identified as "B" on the accompanying map, which is approximately 1.3 acres and contains a single-family dwelling. Both parcels are zoned R-L (Residential – Low Density).



Background/Interpretation:

In December 2013, Planning Staff was asked by the City Assessor as well as a lady who is believed to have been the property owner at that time, for information as to whether Parcel A was a buildable parcel, as the owner at that time was interested in selling the land. Staff provided information to the Assessor on December 31, 2013 noting that Parcel A is zoned R-L which requires a minimum size of 1 acre for unsewered lots and pointed out that this parcel is less than the required one acre. Given that the parcel does not meet the minimum lot size, staff determined that the parcel is a pre-existing substandard parcel and commented that the parcel falls under section 22-4 of the Zoning Ordinance. Staff specifically pointed to 22-4(A)(1) which states that "If one or more adjoining parcels are owned by the same party and if joinder of parcels or movement of parcel boundaries is determined to be feasible, the substandard parcel shall be required to be made more conforming by combination with the adjoining parcel or movement of parcel boundaries" and

made the determination at this time that because parcels A & B were owned by the same owner, that the two parcels are considered as one zoning lot, despite there being two physical separate parcels.

In December 2014, the applicant, Mr. Greg DiMaggio, inquired about parcels A & B and questioned whether both were buildable. At this time, staff informed Mr. DiMaggio that the minimum lot size under R-L zoning for unsewered lots is 1 acre and given that the smaller parcel is .4 acres, "it is not a buildable parcel in its current state". In discussions with staff, he acknowledged that he was aware of the minimum lot size of 1 acre for unsewered lots prior to purchasing the property. Because the combined area of both parcels is less than two acres, movement of a boundary to create two 1-acre parcels cannot be accomplished.

Timing of Determination:

Section 22-643(b)(2) of the Zoning Ordinance specifies the time for appeals; "An appeal shall be commenced within 30 days after decision or interpretation was made". Staff would argue Mr. DiMaggio was provided staff's interpretation on this matter on December 17, 2014, therefore, the time for the appeal has expired.

Regulation Purpose:

Section 22-4 of the City's Zoning Ordinance provides regulations for pre-existing substandard parcels. The ordinance states the following:

Sec. 22-4. - Pre-existing substandard parcels.

(a) Lots or parcels used or proposed to be placed in a use allowable under this chapter that are deficient in minimum lot area or minimum lot width may be allowable for such use if the parcel was of record with the register of deeds on the effective date of the ordinance from which this chapter is derived in its current size or shape and if the following conditions are met:

(1) If one or more adjoining parcels are owned by the same party and if joinder of parcels or movement of parcel boundaries is determined to be feasible, the substandard parcel shall be required to be made more conforming by combination with the adjoining parcel or movement of parcel boundaries.

(2) If the deficiency is lack of required frontage on a public street, an existing substandard parcel may nevertheless be approved if it has either 20 feet of frontage on a public street or (for residential parcels) effective and workable easement access to a public street.

(3) An existing substandard parcel that is zoned residential may be allowed as a site for a residential dwelling structure not to exceed two units if it has 6,000 square feet of lot area and at least 60 feet of lot width at the building line along with an effective and workable easement access to a public street. If such a parcel is 6,000 square feet or more in area but less than standard dimensions, the area of such lot may not be reduced.

(b) These allowances apply only to pre-existing substandard parcels and do not establish policy or precedent favoring the creation of new substandard lot configurations.

(Ord. No. 2010-O-09, § 22.13, 10-12-2010)

The intent of this regulation is to eliminate substandard, non-conforming parcels which do not comply with the ordinance requirements. The requirement has been in the City's Zoning Ordinance since 1987 adoption; however, in 2010 the language was amended to clarify that the parcels "shall" be required to be made more conforming rather than "may" be required to be made more conforming.

The Zoning Administrator's interpretation regarding substandard parcels has been longstanding and is consistent with his application to other substandard parcels in the City.

Other municipalities have very similar requirements and work to minimize and eliminate substandard parcels. The City of Middleton, Wisconsin has a nearly identical requirement requiring the combination of adjoining parcels, where feasible.

Dane County, Wisconsin under section 10.16(3)(b) allows for two or more lots or parcels of land in common ownership, each of which lacks adequate area or dimensions prescribed for the zoning districts in which they are located, may be used as one zoning lot if conditions are met.

Monona, Wisconsin under section 13-1-123 Substandard Lots: Works to make more conforming by utilizing adjacent lands owned by same owner.

Staff Recommendation:

Staff believes the timeframe is not timely since the interpretation on whether the subject parcel is buildable was made to the prior owner in December 2013 and to the current owner on December 17, 2014. However, if the Board agrees to proceed with this request, staff believes joinder of parcels is required by section 22-4 and that the Zoning Administrator's interpretation of 22-4 is correct in this matter.

Attachments:

- AA-2093-15 Materials
- Air photo
- Section 22-4 and 22-643 of the City of Fitchburg Zoning Ordinance
- Email correspondence

5. Public hearing and consideration of Variance request, VR-2097-15, by Chuck Chvala, agent for Erv Bendorf, to reduce the side yard setback from 10 feet to 5 feet and reduce the street side setback from 20 feet to 5 feet for the proposed church on property associated with 1911 Pike Drive, Lot 3 Hasz Subdivision. – POSTPONED due to lack of hearing notice publication.

This item is postponed to a future meeting as the State Journal did not publish the public hearing notice that is required by statute and local ordinance. Staff will work to get a meeting scheduled for January to hear this request.



CITY OF FITCHBURG
 PLANNING/ZONING DEPARTMENT
 5520 LACY ROAD
 FITCHBURG, WI 53711
 (608) 270-4200

VARIANCE - ADMINISTRATIVE APPEAL
 APPLICATION

UNDER THE RULES AND REQUIREMENTS OF THE FITCHBURG ZONING ORDINANCE, THE UNDERSIGNED OWNER, OR OWNER'S AGENT, OF THE PROPERTY HEREIN DESCRIBED

HEREBY APPLIES FOR A Appeal of an Administrative Decision
Variance or Appeal of an Administrative Decision

1. OWNER OF PROPERTY Gregory J DiMaggio PHONE NO. 608-843-9590

2. LOCATION OF PROPERTY

STREET ADDRESS [REDACTED] parcel #060924194703

LEGAL DESCRIPTION (METES & BOUNDS, OR LOT NO. & PLAT) Parcel #060924194703

See attached Map

3. EXPLAIN THE VARIANCE, OR ADMINISTRATIVE APPEAL REQUESTED Requesting a building permit for a single family home on pre-existing parcel that is currently zoned ~~BL~~ Residential

4. REASON(S) WHY THE APPLICANT CANNOT COMPLY WITH THE ORDINANCE REQUIREMENTS, OR WHY YOU FEEL THE ADMINISTRATIVE DECISION IS INCORRECT: (ADDITIONAL COMMENTS OR INFORMATION MAY BE ATTACHED)

The administrative decision is being appealed based on a reading of Fitchburg City Ordinance 22-4, Chapter A sub Chapter (1) - Pre-existing substandard parcels (see Page 2 - attached)

ATTACH TWO (2) COPIES OF A SITE PLAN, DRAWN TO SCALE, INDICATING WHERE A VARIANCE IS REQUESTED. ONE (1) COPY SHALL BE NO LARGER THAN 11" X 17". SUBMIT ONE (1) PDF DOCUMENT OF THE COMPLETE SUBMITTAL (planning@city.fitchburg.wi.us).

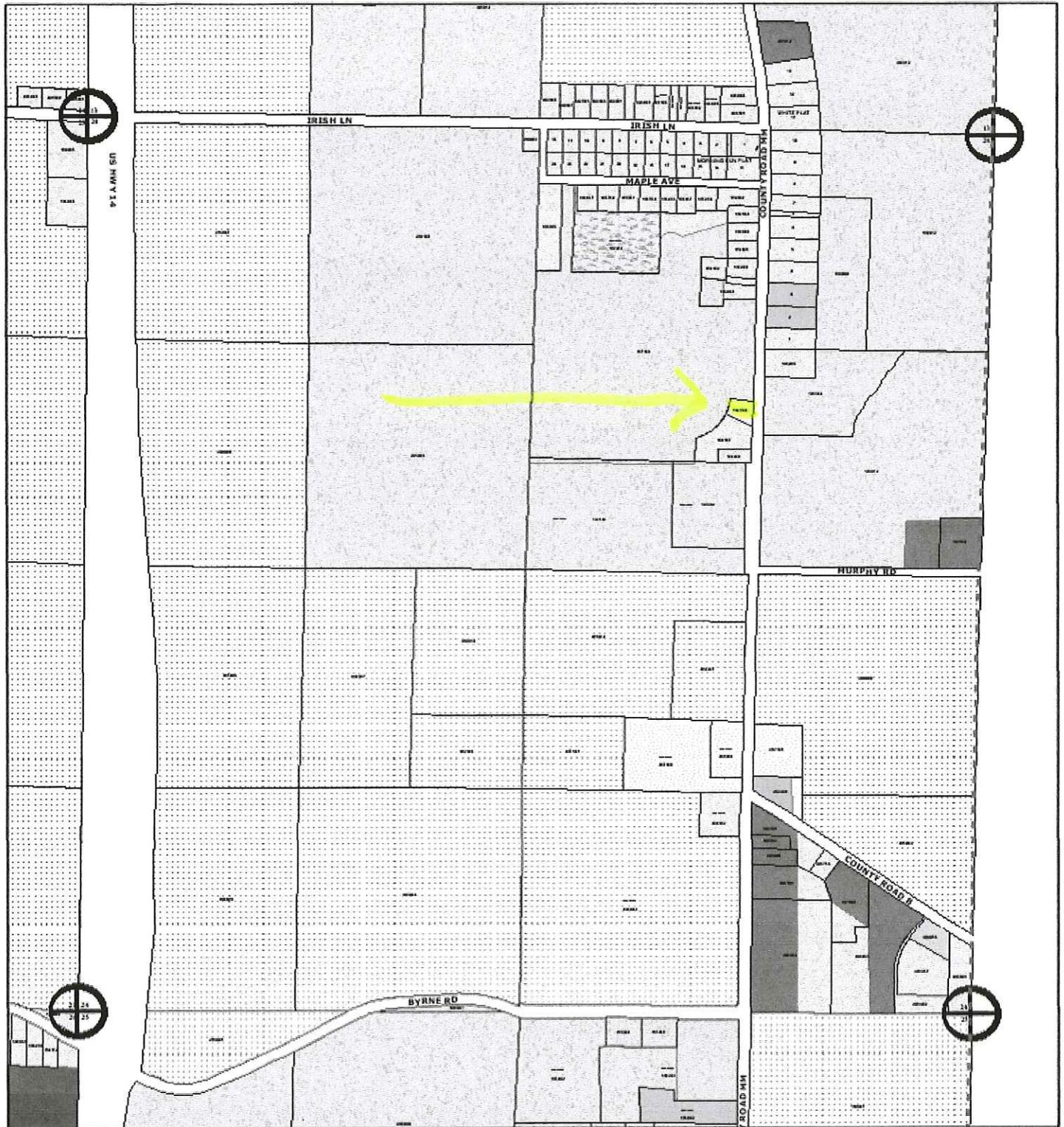
5. CONTACT PERSON Gregory J DiMaggio

ADDRESS 2364 Co. Hwy MM, Oregon, WI 53575 PHONE NO. 608-843-9590

RESPECTFULLY SUBMITTED BY [Signature] 11-11-2015
Signature of Owner or Owner's Authorized Agent

FOR CITY USE ONLY

DATE RECEIVED 11/11/2015 PUBLISH _____
 ORDINANCE SECTION NO. R#1-10543 FEE PAID \$550.00 REQUEST NO. AA-2093-15



CITY OF FITCHBURG

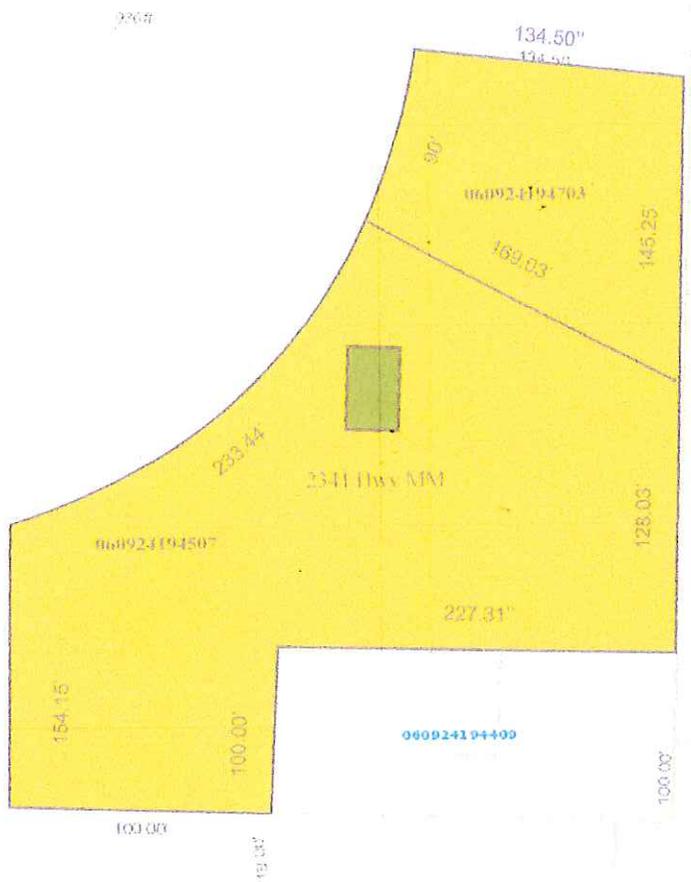
SECTION 24 TOWNSHIP 6N RANGE 9E

Zoning Districts

	R-R; Rural Residential		R-D; Rural Development		City Limits
	R-L; Low Density Residential		I-S; Specialized Industrial		Wetland Protection Area
	R-LM; Low to Medium Density Residential		I-G; General Industrial		Section Corner
	R-HA; Former R-4 Residential		PDD-GIP; Planned Development District - General Implementation Plan		
	R-M; Medium Density Residential		PDD-SIP; Planned Development District - Specific Implementation Plan		
	R-H; High Density Residential		P-R; Park and Recreation District		
	B-P; Professional Business		A-T; Transitional Agriculture		
	B-G; General Business		A-X; Exclusive Agriculture		
	B-H; Highway Business		A-S; Small Lot Agriculture		
			SC-NC; SmartCode - New Community		



4991



CTH MM

060924194202

2313

2313

1.766 acres combined area

Sec. 22-4. - Pre-existing substandard parcels.

- (a) Lots or parcels used or proposed to be placed in a use allowable under this chapter that are deficient in minimum lot area or minimum lot width may be allowable for such use if the parcel was of record with the register of deeds on the effective date of the ordinance from which this chapter is derived in its current size or shape and if the following conditions are met:
- (1) If one or more adjoining parcels are owned by the same party and if joinder of parcels or movement of parcel boundaries is determined to be feasible, the substandard parcel shall be required to be made more conforming by combination with the adjoining parcel or movement of parcel boundaries.
 - (2) If the deficiency is lack of required frontage on a public street, an existing substandard parcel may nevertheless be approved if it has either 20 feet of frontage on a public street or (for residential parcels) effective and workable easement access to a public street.
 - (3) An existing substandard parcel that is zoned residential may be allowed as a site for a residential dwelling structure not to exceed two units if it has 6,000 square feet of lot area and at least 60 feet of lot width at the building line along with an effective and workable easement access to a public street. If such a parcel is 6,000 square feet or more in area but less than standard dimensions, the area of such lot may not be reduced.
- (b) These allowances apply only to pre-existing substandard parcels and do not establish policy or precedent favoring the creation of new substandard lot configurations.

(Ord. No. 2010-O-09, § 22.13, 10-12-2010)

Parcel B:

A parcel of land located in the West half of the Northeast Quarter of Section 24, Township 6 North, Range 9 East, City of Fitchburg, more fully described as follows: Commencing at the Southeast corner of the Morning Sun Plat, thence South 3°00' East along the Westerly right of way line of U.S.H. #14 and S.T.H. # 13, 1405.87 feet to the point of beginning; thence North 68°23' West, 169.03 feet to a point on a curve; thence Northeasterly on a curve to the left which has a radius of 279.28 feet and a chord which bears 09°07' East, 90 feet; thence Easterly 134.50 feet more or less to a point on the Westerly right of way line of said U.S.H. # 14 and S.T.H. # 13; thence South 03°00' East along the Westerly right of way line of said U.S.H. # 14 and S.T.H. # 13 145.25 feet more or less to the point of beginning.

TAX ROLL PARCEL NUMBER: 225-0609-241-9470-3



CTH MM

A

B

Prepared by: Planning/Zoning
12/3/2015

0 95 190 380 Feet



Sec. 22-4. - Pre-existing substandard parcels.

- (a) Lots or parcels used or proposed to be placed in a use allowable under this chapter that are deficient in minimum lot area or minimum lot width may be allowable for such use if the parcel was of record with the register of deeds on the effective date of the ordinance from which this chapter is derived in its current size or shape and if the following conditions are met:
- (1) If one or more adjoining parcels are owned by the same party and if joinder of parcels or movement of parcel boundaries is determined to be feasible, the substandard parcel shall be required to be made more conforming by combination with the adjoining parcel or movement of parcel boundaries.
 - (2) If the deficiency is lack of required frontage on a public street, an existing substandard parcel may nevertheless be approved if it has either 20 feet of frontage on a public street or (for residential parcels) effective and workable easement access to a public street.
 - (3) An existing substandard parcel that is zoned residential may be allowed as a site for a residential dwelling structure not to exceed two units if it has 6,000 square feet of lot area and at least 60 feet of lot width at the building line along with an effective and workable easement access to a public street. If such a parcel is 6,000 square feet or more in area but less than standard dimensions, the area of such lot may not be reduced.
- (b) These allowances apply only to pre-existing substandard parcels and do not establish policy or precedent favoring the creation of new substandard lot configurations.

(Ord. No. 2010-O-09, § 22.13, 10-12-2010)

Sec. 22-643. - Appeals board functions—Appeals of interpretations of the zoning administrator.

- (a) *Appealable matters.* Decisions by the zoning administrator that consist of interpretations of the terms of the city zoning ordinance and that are made in the course of determining whether a permit or approval will be issued by the administrator are appealable to the zoning board of appeals as administrative appeals. Decisions by the zoning administrator to issue an enforcement demand or to commence other enforcement activities, where the administrator has determined that a violation of the ordinance exists, are appealable to the board of appeals as an administrative appeal.
- (b) *Procedures for initiating an administrative appeal.*
- (1) *Eligible appellants.* Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board or committee of the city government.
 - (2) *Time for appeals.* An appeal shall be commenced within 30 days after decision or interpretation was made.
 - (3) *Initiating an appeal.* An appeal may be commenced by filing with the zoning administrator a notice of appeal identifying the decision being appealed, the grounds for the requested relief and payment of applicable fees. Upon receipt of such a notice, the zoning administrator shall notify the board of appeals and shall transmit to the board all papers and files which constitute the record of the decision being appealed.
 - (4) *Stays.* An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the zoning administrator or city attorney files with the board of appeals a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.
 - (5) *Decisions of the zoning board of appeals.* Following the procedures specified in section 22-642(c) through (e), the board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from, or may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. Decisions by the board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

(Ord. No. 2010-O-09, § 22.119, 10-12-2010)

Susan Badtke

From: Michael Procknow
Sent: Tuesday, December 31, 2013 10:44 AM
To: Susan Badtke
Subject: RE: Follow-up: 2341 CTH MM

Thanks much Susan. M.

From: Susan Badtke
Sent: Tuesday, December 31, 2013 10:42 AM
To: Michael Procknow
Subject: Follow-up: 2341 CTH MM

Hi Mike,

Just a quick follow-up to our conversation yesterday regarding 2341 CTH MM. As you are aware, there are two Metes & Bounds parcels associated with this property. Both of these parcels are currently zoned R-L (Residential – Low Density). The R-L zoning district standards are provided in the City's Zoning Ordinance, which is available on the web at http://library.municode.com/HTML/14843/level2/TIIILAUSDE_CH22ZO.html#TOPTITLE. The zoning ordinance requires a minimum 1 acre for unsewered lots in the R-L zoning district.

It is my understanding that parcel number 060924194703 is less than one acre in size. Given this, it is considered a pre-existing substandard parcel, as it does not meet the minimum size requirements. Section 22-4 of the zoning ordinance discusses the requirements for pre-existing substandard parcels. "If one or more adjoining parcels are owned by the same party and if joinder of parcels or movement of parcel boundaries is determined to be feasible, the substandard parcel shall be required to be made more conforming by combination with the adjoining parcel or movement of parcel boundaries". As I mentioned in yesterday's discussion, while the City, to my knowledge, has not gone out and required lot line adjustments, the two parcels are considered as one zoning lot, despite there being two physical separate parcels. I am not certain how long this has been in the ordinance, but it likely has been part of the ordinance since the ordinance was adopted. I am certain it was in the ordinance in 2002. Tom and/or Mark may have additional information on this.

Let me know if you have any questions. Feel free to include this information in a response to Dolores.

Thanks,

Susan (Sloper) Badtke
Community Planner
City of Fitchburg, WI | 5520 Lacy Road | Fitchburg, WI 53711
susan.badtke@fitchburgwi.gov
ph: 608.270.4256
fax: 608.270.4275



Susan Badtke

From: Greg Dimaggio <campus2364@gmail.com>
Sent: Wednesday, December 17, 2014 2:04 PM
To: Susan Badtke
Subject: Re: CTH MM Property

Hi Susan its Greg DiMaggio .I just received your email concerning the two lots I came in and talked to you and tom about .I believe the two parces are in excess of two acres and the information you are telling me is in accurate at this point I have surveyor computing exactly the amount of land that's there .thank you I will keep you informed

On Dec 17, 2014 1:53 PM, "Susan Badtke" <Susan.Badtke@fitchburgwi.gov> wrote:

Greg,

This e-mail is a follow-up to our conversation yesterday morning regarding property along CTH MM in the City of Fitchburg, specifically parcels 060924194703 (~.4 acres) & 060924194507 (~1.3 acres). As Tom Hovel, the Zoning Administrator, and I explained, and which you acknowledged that you were aware of prior to purchasing the property, the minimum lot size under R-L zoning for unsewered lots is 1 acre. Given this, the smaller parcel of .4 acres is not a buildable parcel in its current state. In addition, our information indicates that both properties total less than two acres.

You have indicated a desire to attach land east of CTH MM to land on the west side of CTH MM to allow a sufficiently sized building site. Staff's interpretation is that the road breaks the contiguity of property whether as an easement or a right-of-way dedication. The City Attorney concurs with staff's opinion. Additionally, after reviewing the deed for the parcels identified above, we believe the eastern property line for the parcels is the west edge of the road right-of-way, not the centerline of the road.

There is no contiguity as the road divides the property, therefore you cannot add property from the east side of CTH MM to the west side and parcel 060924194703 remains an unbuildable parcel.

Regards,

Susan Badtke

Community Planner

City of Fitchburg, WI | 5520 Lacy Road | Fitchburg, WI 53711

susan.badtke@fitchburgwi.gov

ph: [608.270.4256](tel:608.270.4256)

fax: [608.270.4275](tel:608.270.4275)

