

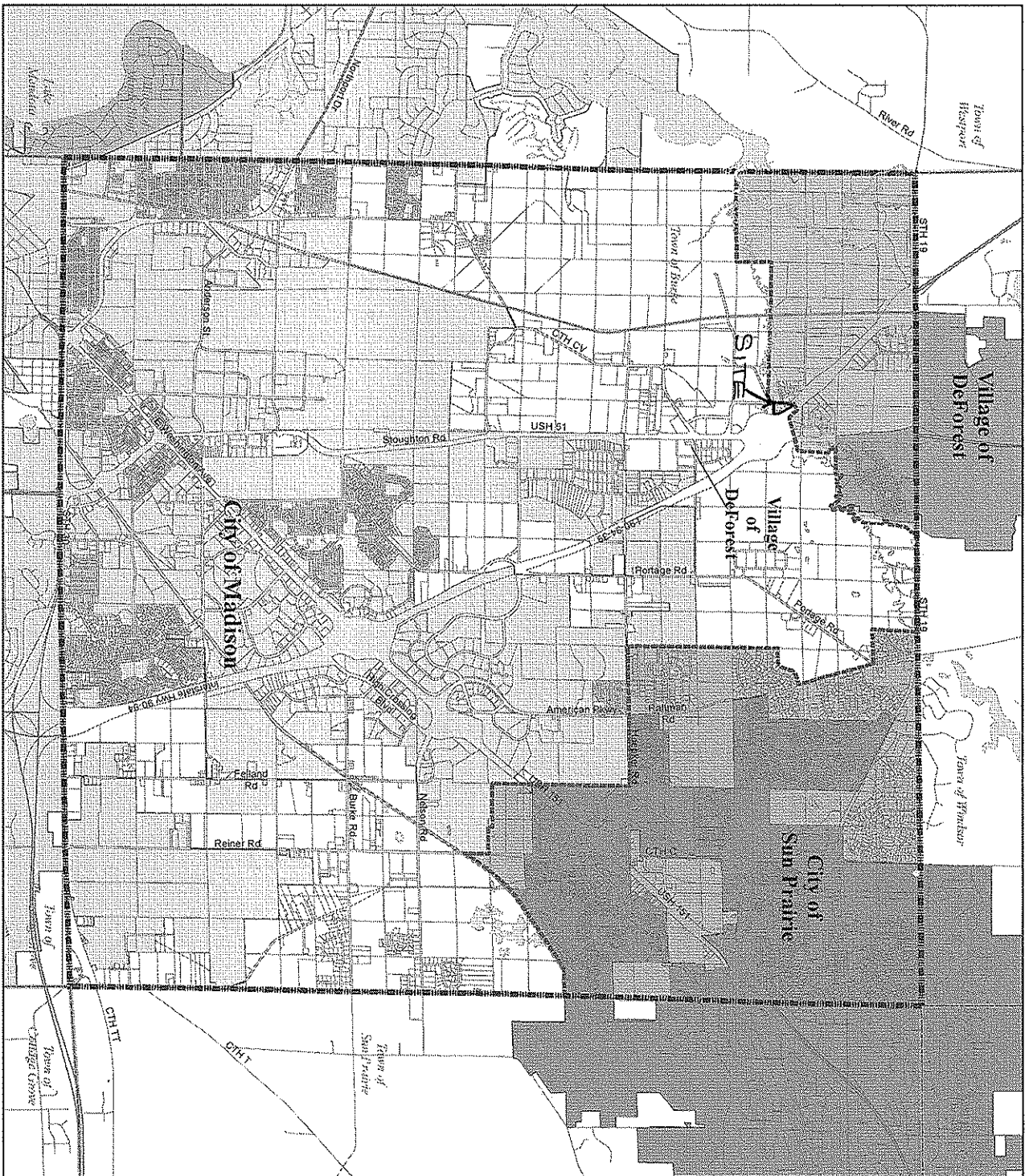
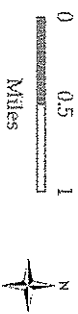


Exhibit 3 Final Boundary Adjustment Areas for DeForest, Sun Prairie and Madison

Town of Burke
Village of DeForest
City of Sun Prairie and
City of Madison
Cooperative Plan
December 2006

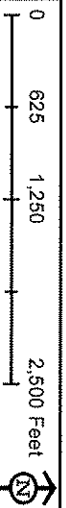
- Town of Burke Boundary
- Final Boundary Line
- City of Madison
- Boundary Adjustment Area - Madison (BAA-M)
- Village of DeForest
- Boundary Adjustment Area - DeForest (BAA-D)
- City of Sun Prairie
- Boundary Adjustment Area - Sun Prairie (BAA-S)
- Village of Maple Bluff

Data Source:
City of Madison Department of Planning and Development, Planning Unit

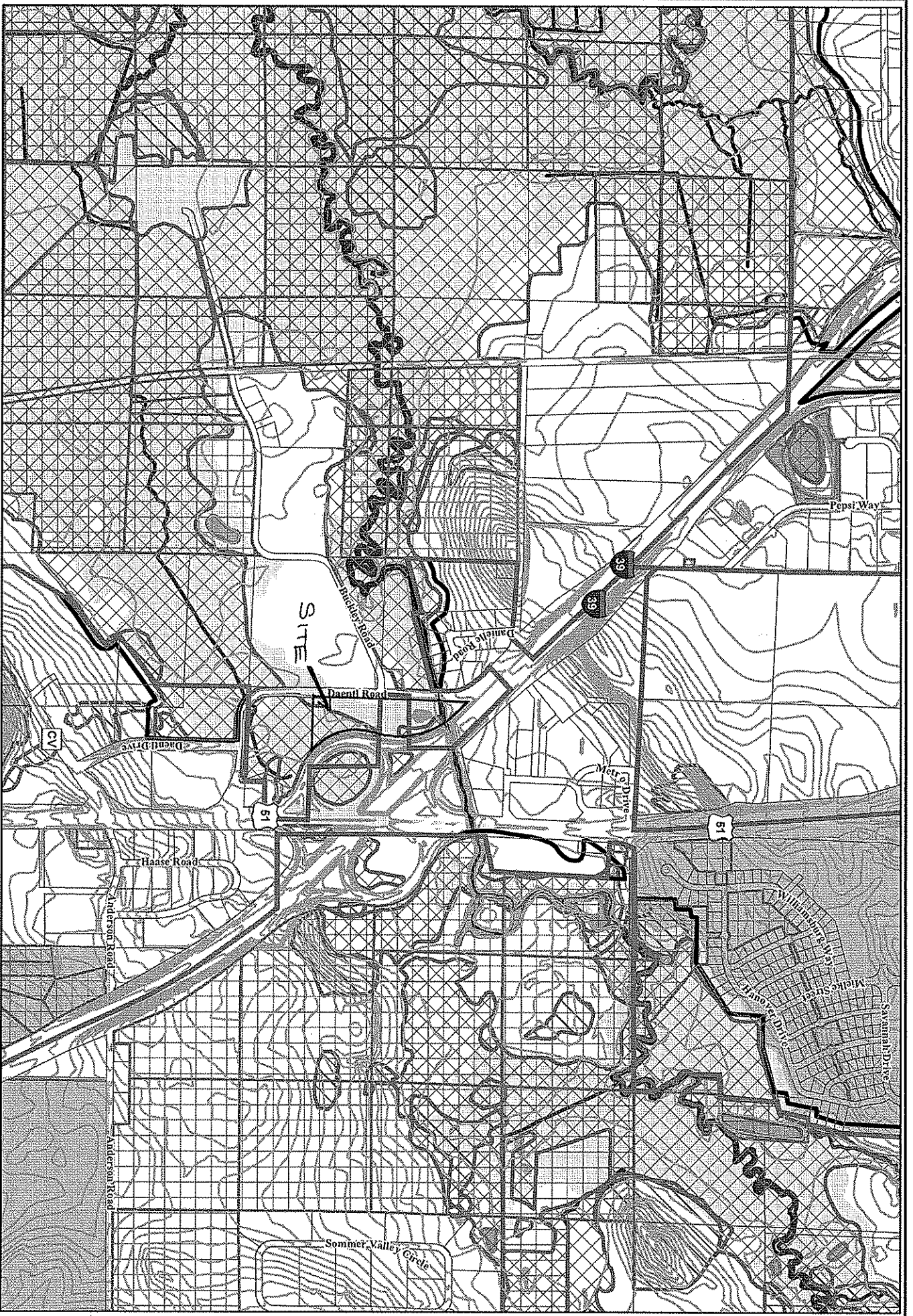


Environmental Corridors
Central_Map_F2
Dane County, Wisconsin

Nov 03, 2008



- Urban Service Area
- Limited Service Area
- Environmental Corridor
- Channel
- Intermittent
- Perennial
- Shoreline
- Contours (4ft interval)
- Steep Slopes (GTE 12%)
- Proposed Public Land
- Public Land
- Incorporated Area
- Wetland
- Woodland (80% canopy)
- 100 Year Floodplain





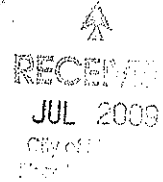
Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53703-3342

Land Division Review
608/266-9086

July 3, 2009

JSD Professional Services, Inc.
161 Horizon Drive, Suite # 101
Verona, Wisconsin 53593



Re: CERTIFIED SURVEY MAP (Vetesnik Enterprises, LLC)
SE1/4 S T8N R10E
NE1/4 S8 T8N R10E
Town of Burke
Dane County

Gentlepeople:

Zoning Petition # 10043 has been approved by the Dane County Board of Supervisors. Accordingly, the above-described preliminary certified survey map proposal is hereby conditionally approved as follows:

1. Zoning Petition # 10043 is to become effective (one day following publication in the Wisconsin State Journal).
2. If lands are being dedicated to the public with this certified survey map, said lands are to be clearly designated "dedicated to the public."
3. If lands are not being dedicated to the public with this certified survey map, all references to dedications are to be removed from the document.
4. The Town of Burke approval certificate is to be executed.
5. The City of Madison approval certificate is to be executed (extraterritorial jurisdiction).
6. The document is to be completed in accordance with S.236.34, Wisconsin Statutes.
7. The legal description is to be reviewed with respect to mathematical consistency.
8. All owners of record are to be included in the owners certificate (County records indicate that Vetesnik Enterprises, LLC is an owner). Spouses signatures and middle initials are required to provide valid certificates.
9. The required certificates are to be executed.

JSD Professional Services, Inc.
July 3, 2009
Page 2

10. It would be quite logical to require a public land dedication 50' East of the Daentl Road right-of-way centerline.
11. Legal access to Lot 3 is to be identified.
12. The net lot area calculations are to be specified in square feet.
13. The deed restrictions, required with Zoning Petition # 10043, are to be of record.
14. Town of Burke approval of the amended Zoning Petition # 10043 is to be obtained and properly communicated to the Dane County Clerk.
15. A notation is to be affixed to the document "the Dane County Board of Adjustment, at its meeting of 05/28/09, approved Application # 3559."
16. The recordable document is to be submitted for review and approval.
17. Dane County Surveyor approval is to be obtained.

When the above conditions have been fully satisfied, the original document may be submitted to which the Dane County approving signature will be affixed. Please contact the writer with questions regarding this matter.

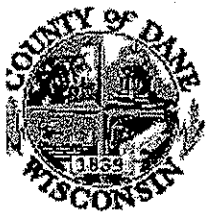
Sincerely,



Norbert Scribner, Dane County Land Division Review

cc: Vetesnik Enterprises, LLC
Clerk, Town of Burke
City of Madison Planning Department (extraterritorial jurisdiction) ✓
Wisconsin Department of Transportation
Dane County Surveyor

Enclosure:



Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703

Fax (608) 267-1540

www.countyofdane.com/plandev/

Community Development
(608)261-9781, Rm. 362

7/2/2009

Planning
(608)266-4251, Rm. 116

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

Zoning
(608)266-4266, Rm. 116

VETESNIK ENTERPRISES LLC
27475 US HIGHWAY 14
RICHLAND CENTER WI 53581

RE: Notice of Delayed Effective Date Deadline (Jan. 4, 2010) for Petition #10043

Please be advised that rezone petition #10043 in the Town of Burke will become effective once the following conditions are complied with by the Delayed Effective Date deadline date of Jan. 4, 2010.

CONDITIONS OF APPROVAL OF PETITION #10043

1. Recording of an approved Certified Survey Map with the Dane County Register of Deeds Office.
2. Recording of a Deed Restriction to include the following conditions:
 - a. The proposed A-2(2) Zoning District parcel shall be deed restricted to prohibit the construction of buildings south of Token Creek.
 - b. The northerly arm of the proposed C-2 Zoning District parcel shall be deed restricted to limit the land uses to an on-premise advertising sign and temporary outdoor display of recreational vehicles.
 - c. The C-2 Zoning District parcel shall be deed restricted limiting the permitted uses exclusively to the following: 10.14(1)(a) all uses permitted in the C-1 Commercial District without limitations as to size; 10.14(1)(b) major repairs to motor vehicles; 10.14(1)(c) sales of new and used motor vehicles; 10.14(1)(d) sales of new and used mobile homes, recreational equipment rental, sales and service; 10.14(1)(e) sales of new and used contractor's machinery and equipment; 10.14(1)(f) repairs, storage and service of contractor's machinery and equipment; 10.14(1)(q) parking or storing of motor vehicles; 10.14(1)(s) warehouses.
- Please inform your surveyor to submit the final CSM as soon as possible. A survey submitted close to or on the deadline date may not be processed in time to meet the recording deadline. Zoning approval may become void.

Sincerely,

Roger Lane
Zoning Administrator

Cc: JSD Professional Services Inc., 161 Horizon Dr., Ste 101, Verona WI 53593

NOTICE: The Delayed Effective Date Deadline is Jan. 4, 2010.

Failure to comply with the above conditions by the specified deadline date will make your Zoning Petition null and void. The time period may not be extended. Please provide Dane County Zoning with a copy of the recorded survey, deed restriction, and/or notice document. These are required for log entry, closing of files and notifications of effective date to the County Clerk and property owner.

DANE COUNTY ORDINANCE AMENDMENT NO: 10043
Internal Tracking Number: RFL025337

Amending Section 10.03 relating to Zoning Districts in the Town of Burke.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Burke be amended to include in the A-2(2) Agricultural and C-2 Commercial district(s) following described land:

PETITION NUMBER: 10043

Part of Section 05 and Section 08, Town of Burke described as follows:

PARCEL A: A-2(4) To A-2(2)

Part of the SE ¼ of the SE ¼ of Section 5, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 5; thence North 87°58'34" West along the South line of the SE ¼ of said Section 5, 1,232.45 feet to the East right-of-way line of Daentl Road; thence North 01°15'54" East, along the said East right-of-way line, 241.37 feet to the Point of Beginning; thence continue North 01°15'54" East, along said right-of-way line, 628.27 feet to the Southerly right-of-way line of Interstate Highway 39, 90 & 94; thence South 44°39'40" East, 259.40 feet to a point of curve; thence Southeasterly 216.28 feet along the arc of a curve to the right, having a radius of 689.50 feet, the chord bearing South 35°40'30" East, 215.39 feet; thence North 87°58'23" West, 117.09 feet to a point of non-tangent curve; thence Southeasterly 354.50 feet along the arc of a curve to the right, having a radius 589.50 feet, the chord bearing South 14°56'16" East, 349.18 feet; thence North 87°58'23" West, 139.75 feet; thence North 68°58'05" West, 166.22 feet to the Point of Beginning.

PARCEL B: A-1 To C-2

Part of the NE ¼ of the NE ¼ of Section 8, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Northeast corner of said Section 8; thence North 87°58'34" West along the North line of the NE ¼ of said Section 8 a distance of 1244.45 feet to the East right-of-way line of Daentl Road; thence South 00°39'03" West along the said East right-of-way line, 467.28 feet to the Point of Beginning; thence South 89°22'40" East, 122.95 feet; thence South 34°36'37" West, 115.02 feet; thence South 15°32'47" West, 124.19 feet; thence North 87°31'19" West, 26.79 feet to the East right-of-way line of Daentl Road; thence North 00°39'03" East along the said East right-of-way line, 214.50 feet to the Point of Beginning. Said parcel contains 13,779 square feet or 0.316 acres.

PARCEL C: A-1 To C-2

Part of the NE ¼ of the NE ¼ of Section 8, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Northeast corner of said Section 8; thence North 87°58'34" West, along the North line of the NE ¼ of said Section 8 a distance of 860.67 feet to the East right-of-way line of State Highway 139, 90 & 94; thence South 11°20'23" West, 16.81 feet; thence North 89°39'56" West, 115.31 feet to the Point of Beginning; thence South 00°20'04" West, 59.25 feet; thence North 71°36'01" West, 42.18 feet; thence North 29°25'29" West, 30.29 feet; thence North 00°20'34" East, 19.66; thence South 89°53'25" East, 55.13 feet to the Point of Beginning. Said parcel contains 2,604 square feet or 0.060 acres.

The Dane County Board of Supervisors does ordain that this amendment, based upon Their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

G-7

(Page 2, Pet. No. 10043)

PARCEL D: A-2(4) To C-2

Part of the SE ¼ of the SE ¼ of Section 5, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 5; thence North 87°58'34" West along the South line of the SE ¼ of said Section 5 a distance of 860.67 feet to the Southwesterly right-of-way line of State Highway I39,90&94; thence North 11°20'23" East along the said East right-of-way line, 79.38 feet; thence Northeasterly 109.35 feet along the arc of a curve to the left, having a radius of 689.50 feet, the chord bearing North 06°47'43" East, 109.24 feet to the Point of Beginning; thence North 87°58'23" West, 100.00 feet; thence Northwesterly 354.50 feet along the arc curve to the left, having a radius of 589.50 feet, the chord bearing North 14°56'16" West, 349.18 feet; thence South 87°58'23" East, 117.09 feet to the Southwesterly right-of-way line of State Highway I39,90&94; thence along said right-of-way line Southeasterly 348.28 feet along the arc of a curve to the right, having a radius of 689.50 feet, the chord bearing South 12°13'07" East, 344.59 feet to the Point of Beginning. Said parcel contains 35,109 square feet or 0.806 acres.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions:

DEED RESTRICTION REQUIRED

This amendment will be effective if within 180 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. The proposed A-2(2) Zoning District parcel shall be deed restricted to prohibit the construction of buildings south of Token Creek.
2. The northerly arm of the proposed C-2 Zoning District parcel shall be deed restricted to limit the land uses to an on-premise advertising sign and temporary outdoor display of recreational vehicles.
3. The C-2 Zoning District parcel shall be deed restricted limiting the permitted uses exclusively to the following: 10.14(1)(a) all uses permitted in the C-1 Commercial District without limitations as to size; 10.14(1)(b) major repairs to motor vehicles; 10.14(1)(c) sales of new and used motor vehicles; 10.14(1)(d) sales of new and used mobile homes, recreational equipment rental, sales and service; 10.14(1)(e) sales of new and used contractor's machinery and equipment; 10.14(1)(f) repairs, storage and service of contractor's machinery and equipment; 10.14(1)(g) parking or storing of motor vehicles; 10.14(1)(s) warehouses.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. **Failure to record the restriction(s) will cause the**

rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. This amendment will become effective, if within 180 days of its approval by Dane County, a certified survey map that describes the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the survey will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

The Dane County Board of Supervisors does ordain that this amendment, based upon Their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

6-7

**ZONING & LAND REGULATION COMMITTEE
Dane County Board of Supervisors**

MINUTES OF THE MAY 26, 2009 PUBLIC HEARING

MEMBERS PRESENT: Hendrick, Jensen, Miles, Matano and Solberg.

OTHERS PRESENT: Lane, Violante, Scribner, Allan, and Members of the Public.

I. CALL TO ORDER

Chair Miles called the meeting to order at 7:33 p.m. in Room 201 of the City-County Building.

II. PUBLIC COMMENT

1. Discussion of lengths of private driveways

David Dinkel, 33 N. Main Street, Deerfield, stated that 27% of the rural homes in the Town of Deerfield have private driveways in excess of 1000 feet. He also stated that insurance companies do not view long driveways as a potential risk.

Phil Salkin, representing the Realtors Association, stated that the association would oppose limits on the lengths of private driveways.

Art Mickelson, Chair of the Town of Deerfield Plan Commission, stated that the best area to place a home is on the land that is impractical to be tilled with modern farm machinery. Sometimes long driveways are needed to access these areas.

Mark Hazelbaker, representing Dane County Towns Association, stated that the committee may be overstepping their bounds in creating a policy on private driveways without public input.

Nick Brattlie, 4231 Bannon Road, Marshal, stated that he purchased the Dorshorst farmland based on the ability to sell off a portion of land for a residence. The wooded area at the rear of the property is of no use to the farm operation. The sale of the land will be used to offset the cost of the farmland purchase.

Supervisor Hendrick stated that the County is required to apply the policies found in the adopted Dane County Comprehensive Plan. The Committee will refrain from using an exact length of 1000 feet in determining adequate length of a private driveways. However, zoning petitions may be rejected if they are found to be against the health, safety, and general welfare of the public.

Supervisor Miles stated that he discussed the driveway issue with a Town Fire Chief. The fire department is more concerned with the grade of the drive and trees over the drive rather than the length. The conversation changed his perspective on driveways.

Supervisor Jensen stated that if petitions are rejected by the committee on the basis of the length of a private driveway, then substantial evidence should be presented to show why a long private driveway negatively affects the health, safety, and general welfare of the public.

5. PETITION # 10042 by TROSPER TR, GRAYSON & MARJORIE to change the zoning from A-1EX Exclusive Agricultural to R-1 Residential to allow ZONING COMPLIANCE FOR EXISTING PARCEL on the property located at 1461 COUNTY TRUNK HIGHWAY D in Section 04, Town of Oregon.

IN FAVOR: Petitioner
OPPOSED: None
STAFF: P&D, HWY
TOWN: Approved no conditions.

Motion by Jensen / Hendrick to recommend approval contingent upon the recording of a Certified Survey Map; motion carried, 5-0.

- 6. PETITION # 10043 by VETESNIK ENTERPRISES LLC to change the zoning from A-2(4) Agricultural and A-1 Agricultural to A-2(2) Agricultural and C-2 Commercial to allow the EXPANSION OF COMMERCIAL ZONING DISTRICT on the property located at 4246 DAENTL ROAD in Section 05, Town of Burke.

IN FAVOR: JSD Enterprises, George Vetesnick
OPPOSED: None
STAFF: P&D, HWY
TOWN: Approved with conditions.

Motion by Hendrick / Matano to recommend approval with the following conditions; motion carried, 5-0.

1. The proposed A-2(2) Zoning District parcel shall be deed restricted to prohibit the construction of buildings south of Token Creek.
 2. The northerly arm of the proposed C-2 Zoning District parcel shall be deed restricted to limit the land uses to an on-premise advertising sign and temporary outdoor display of recreational vehicles.
 3. The C-2 Zoning District parcel shall be deed restricted limiting the permitted uses exclusively to the following: 10.14(1)(a) all uses permitted in the C-1 Commercial District without limitations as to size; 10.14(1)(b) major repairs to motor vehicles; 10.14(1)(c) sales of new and used motor vehicles; 10.14(1)(d) sales of new and used mobile homes, recreational equipment rental, sales and service; 10.14(1)(e) sales of new and used contractor's machinery and equipment; 10.14(1)(f) repairs, storage and service of contractor's machinery and equipment; 10.14(1)(q) parking or storing of motor vehicles; 10.14(1)(s) warehouses.
7. PETITION # 10044 by KEVIN HANSON to change the zoning from A-1EX Exclusive Agricultural to A-2(8) Agricultural to allow for the SEPARATION OF EXISTING RESIDENCE AND FARMING BUILDINGS FROM THE FARM on the property located at 595 BASS LAKE ROAD in Section 19, Town of Dunkirk.

IN FAVOR: Petitioner
OPPOSED: None
STAFF: P&D, HWY
TOWN: Approved with no conditions.

Motion by Hendrick / Solberg to recommend approval; motion carried, 5-0.

8. PETITION # 10045 by WILLIAM TAPLICK to change the zoning from A-1EX Exclusive Agricultural and A-2 Agricultural to C-2 Commercial and R-1 Residential to PROVIDE COMPLIANCE FOR AN EXISTING COMMERCIAL USE AND COMPLIANCE FOR AN EXISTING RESIDENCE on the property located at 2522 AND 2514 CTH A in Section 09, Town of Dunkirk.

IN FAVOR: Petitioner
OPPOSED: None
STAFF: P&D, HWY
TOWN: Approved with conditions.

Expanding the kitchen and adding an entry and half-bath on the first floor; B) Enlarging a third bedroom for use as a master bedroom suite on the second floor; C) Adding a 16 foot x 22 foot great room addition to the rear (west) side of house on the first floor; and D) Adding a one-story covered front porch to access the living/dining area of the existing first floor. A small existing porch would remain to provide access to the main stairway, and is grandfathered.

4. Except for D), above, all proposed additions would meet all minimum setbacks and yards.
5. The existing house is 25.5 feet from the Dunkirk Avenue right-of-way. The proposed porch would be set back from the existing front wall of house 2.2 feet at 27.7 feet from the right-of-way.
6. Zoning staff worked with Ms. Bukrey since June 2008, with a resulting reduction of the variance request. Staff also noted the setback from right-of-way was 42 feet before 1990, when the road was a county highway.
7. Bukrey described hardships including: Rising topography, phone line, and wooded area including large oaks on the south side of the house; Request for reduced variance from original design; Historic status and location of the house; Benefit to public from improving house in compliance with current codes; Recent replacement of septic system in rear (west) yard.

Conclusions:

1. Unnecessary Hardship: It would be unnecessarily burdensome to prevent improvement of a permitted residential use. The variance serves the purposes of the Zoning Ordinance, and does not result in cumulative detrimental effects.
2. Unique Limitations of the Property: The road in front of the house changed from a County Highway to a Town road, which reduced the setback, and also reduced the amount of traffic on Dunkirk Avenue. The river behind the house, trees around it, and other existing features limit the possible locations for improvements.
3. No Harm to Public Interests: It is in the public interest to save and improve this historic house. The applicant has minimized her request.

Motion carried: 5 – 0.

7. Appeal 3559 returning from the April 23, 2009 Public Hearing, with modifications: Appeal by Vetesnik Enterprises LLC (Hans Justeson, JSD Professional Services, Inc., agent) for variances from minimum required setback from delineated Wetlands boundary and minimum required setback from road as provided by Sections 11.06(5) and 10.17(1), Dane County Code of Ordinances, to permit new on-premise pylon sign for Mad City Power Sports as proposed at 4246 Daentl Road in the SE 1/4 SE 1/4 Section 5 and NE 1/4 NE 1/4 Section 8, Town of Burke.

COMMUNICATIONS: AZA Schutte did not present all communications received since the April 23, 2009 Public Hearing, since the matter was summarized in the meeting Minutes. She distributed and shared documents provided by the agent and others, including:

05/21/2009 Memorandum from Hans Justeson responding to questions from the Board at the April meeting, with "Rezone Exhibit and Sign Graphic" and "Construction Graphic" showing the proposed sign location, Wetland delineation, and installation location.

06/26/2009 Wetland Delineation Report from J.D. Knowles and Associates, Inc.,

05/28/2009 Email from Dan Schneider to Cami Peterson at WDNR and Kamran Mesbah at CARPC, describing the "Mad City Powersports Project Path."

05/27/2009 Email from Eric Heggelund, WDNR Water Regulations and Zoning Specialist to Jim Knowles, J.D. Knowles and Associates, Inc., affirming Knowles' Wetland Delineation Report

VARIANCES REQUESTED: Purpose: Allow On-Premise Pylon Sign for Mad City Powersports
Setback from Wetlands Variance

Minimum setback from delineated Wetlands Boundary: 75 feet.

Proposed setback: 1 foot from delineated Wetlands Boundary

VARIANCE NEEDED: 74 feet

Setback from right-of-way Interstate 90-94:

Minimum setback required: 5 feet (Section 10.83(1) – incorrectly noticed as 10.17(1))

Proposed setback: 2.15 feet

VARIANCE NEEDED: 2.85 feet

IN FAVOR: Hans Justeson, P.E., R.L.S., JSD Professional Services, Inc., Madison, WI

ZONING ADMINISTRATOR'S COMMENT: None

OPPOSED: None

Motion: Hamre/Studz to grant variance of 74 feet from the required 75 feet minimum setback from the delineated Wetland boundary to permit proposed on-premise pylon sign with **CONDITION:** That there be no disturbance of the existing trees along Token Creek.

Finding of Fact:

1. The Board was unable to take action on the setback from Wetlands appeal at the April 23, 2009 Public Hearing because the applicant had not submitted the required Wetlands delineation report.
2. Action of the Board at the April 23, 2009 Public Hearing: Motion: Schulz/Long to abey action until the applicant can provide a confirmed Wetland boundary delineation. Motion carried: 5 0 by roll call vote.
3. The Board's action allowed a new Public Hearing Notice to be published incorporating the request for setback from the Interstate right-of-way.
4. Schutte informed the Board that the Public Hearing Notice for the May 28, 2009 Public Hearing included an incorrect ordinance citation for the Interstate highway setback: Section 10.17(1) Dane County Code of Ordinances (DCCO) refers to a minimum 42 foot setback required for *structures*; Section 10.83(1) refers specifically to the required setback for *signs*: "All signs shall be located a minimum of 5 feet from the road right-of-way except as otherwise provide by [Subchapter II – the Dane County sign ordinance]."
5. Justeson presented the following updated information:
 - a. Although it was initially assumed that Interstate construction and rerouting of Token Creek created remnants that might not be "official" Wetlands, Knowles' Wetlands Delineation Report" shows "official" areas of Wetlands that now have been confirmed by the Wisconsin Department of Natural Resources and US Army Corps of Engineers.
 - b. The proposed sign was located where there is greatest width between the Wetlands and Interstate right-of-way. The Town of Burke requested that sign installation minimize disturbance of the Wetlands. Installation will comply with their request, and will be cone under an updated Dane County Stormwater Management Permit and WDNR Chapter 30 permit.
 - c. The proposed sign has been sited to maximize visibility from the Interstate while minimizing disturbance of the Wetlands and avoiding undesirable removal or trimming of existing trees along Token Creek.
 - d. The Zoning & Land Regulation Committee has approved rezoning an area to C-2 Commercial to allow the proposed sign to be on the premises of the Mad City Powersports business, with Conditions: No buildings/"temporary" product display and signs only. The rezone must be approved by the County Board, Executive and Town of Burke. The proposed CSM must be approved by the County, Town and City of Madison before the rezoning is effective. Schutte noted that the sign may not be installed until the rezoning to C-2 is effective, which may take 6-8 weeks or more.
6. Schutte confirmed the proposed sign meets requirements for maximum size and height above the adjacent centerline for an "eligible" interstate highway on-premise pylon sign, as well as maximum allowable height in the Airport Height Limitation Zone.

Conclusions:

1. Unnecessary Hardship: It would be unnecessarily burdensome to prohibit permitted signage for a commercial-zoned property.

2. Unique Limitations of the Property: Development of this site has included multiple challenges including more than one Wetland area, Shoreland associated with Token Creek, and topography near the adjacent Interstate and ramp rights-of way.
3. No Harm to Public Interests: The location and plans for installation of the sign provide mitigating conditions, reducing disturbance of the site and preserving the existing trees along Token Creek.

Motion carried: 5 – 0.

Motion: Hamre/Schulz to publish a Public Hearing Notice for the next available meeting of the Board for Appeal 3559 to include the variance from setback from road for the proposed on-premise pylon sign, citing Section 10.83(1) DCCO, not Section 10.17(1), to allow the Board to act upon the requested setback from the Interstate right-of-way.

Motion carried: 5 – 0.

Chair Schulz initially suggested publishing a notice to allow action on Appeal 3559 at the BOA's Site Inspection meeting on June 11, 2009, but Schutte stated the Class II Notice requirements would not permit this. Therefore, Schulz directed that the Notice be published for the Board's June 25, 2009 meeting.

IV. OTHER BUSINESS

1. Zoning Administrator's and Assistant Zoning Administrator's Report, including distribution of materials, if any, discussion, and possible action regarding the following topics:
 - a) Discussion and possible action on draft amendments to the Dane County Board of Adjustment Rules and Procedures: Schutte reported that no progress had been made in preparing the remaining draft material for the Board. No action was taken by the Board.
 - b) Status of Ordinance Amendment regarding temporary structures in the Airport Height Limitation Zone: Schutte had distributed copies of the Airport Counsel's draft revision of Chapter 28 to the Board members present at the May 14 Site Inspections, and sent copies to the absent members by mail. She asked for any comments to be directed to her by phone, email or mail. No action was taken by the Board.
 - c) Staff report on status of lawsuits, if any, against the Board of Adjustment: Schutte reported receipt of a May 27, 2009 letter from Attorney Teague Devitt of Soffa & Devitt LLC, Whitewater, WI. Devitt represented the Board in the case brought by Zoning Administrator Roger Lane v. the BOA and Viking Village Campground, pursuant to the Board's decision on Appeal 3535 (Dane County Case No. 08-CV-5010). IN his letter, Devitt stated, "the time for filing an appeal is now expired, such that the matter can and should be considered conclusively closed." No action was taken.
 - d) Staff report on activities of the Task Force for the Prioritized Revision of Chapter 10 (Zoning): Schutte gave a brief report. No action was taken by the Board.
 - e) Distribution of materials, discussion, and possible action regarding agendas for the June 11, 2009 Site Inspection and June 25, 2009 Public Hearing of the Dane County Board of Adjustment. Schutte reported that there is an appeal for a Special Exception Permit for an Alternate Cutting Plan as per Section 11.04, a charge of the Board of Adjustment that is not commonly brought before them. Schutte told the Board she would forward information about the plan and the ordinance requirements to them as soon as she received them. No action was taken.

V. ADJOURNMENT



TOWN OF BURKE

5365 Reiner Road • Madison, WI 53718 • (608) 825-8420 • Fax (608) 825-8422

June 23, 2009

Norbert Scribner
Dane County Zoning
210 Martin Luther King, Jr Blvd Room 116
Madison WI 53703

Re: CSM, Vetesnik Enterprises, 4246 Daentl Rd, parcel #014/0810-054-9670-1 and
014/0810-081-8090-2

Dear Mr. Scribner:

At their regular meeting on May 6, 2009, The Town of Burke Board members voted
unanimously to approve the above referenced CSM as presented.

Enclosed is a copy of the meeting minutes for your records.

Please let me know if you have any questions.

Sincerely,

Brenda M. Ayers
Clerk/Treasurer
Town of Burke

RECEIVED

JUN 25 2009

DANE COUNTY PLANNING & DEVELOPMENT



Wisconsin Department of Transportation

WisDOT DTSD Southwest Region Madison
2101 Wright St.
Madison, WI 53704-2583
Phone: 608-246-3807
Fax: 608-246-3819
jean.mancheski@dot.state.wi.us

June 15, 2009

NORBERT SCRIBNER
DANE COUNTY ZONING
210 MARTIN LUTHER KING JR. BLVD #116
MADISON WI 53703

Subject: Vetesnik Enterprises
Town of Burke
Dane County
IH 90

Log #: 100002914

Dear Norbert Scribner

WisDOT DTSD Southwest Region Madison office requests that Dane County Zoning & Land Regulation Committee consider the following in regards to the above-mentioned proposed land division.

I39/90 & 94 is an access controlled highway therefore access for the proposed land division will continue to be obtained from Daentl Road. In addition, nothing is to be placed in the state right of way that abuts the interstate.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Mancheski".

Jean Mancheski
Planning Specialist

RECEIVED

JUN 18 2009

DANE COUNTY PLANNING & DEVELOPMENT