

# Rezone/C.U.P. Application Information

NUMBER 7443/1537

**GENERAL INFORMATION** PUBLIC HEARING DATE: JAN 26, 1999

1. TOWN, VILLAGE, OR CITY: PRIMROSE COUNTY: DANE D.E.D.: NO RML

2. THIS NOTICE IS FOR:  REZONING  CONDITIONAL USE / SPECIAL EXCEPTION

3. OWNER'S NAME AT TIME OF REZONING: RONALD M & EDA B. PASSNER TELEPHONE: ( ) 832-6663

OWNER ADDRESS: 1129 LA FOLLETTE RD, MT HOZERS, WI 53572

AGENT: TELEPHONE: ( )

AGENT ADDRESS:

4. DESCRIPTION OF PROPERTY WHICH WAS GRANTED THE REZONING OR CONDITIONAL USE / SPECIAL EXCEPTION PERMIT

1/4 1/4 Sec. SESE | Sec. 7 | Town 5N | Range 7E  
 PARCEL NUMBER(S) BEFORE REZONING: 0507-074-9690-6 PREVIOUS ZONING DISTRICT: A-1Ex NEW ZONING DISTRICT: A-2u/CUP

PARCEL ADDRESS: 1129 LA FOLLETTE RD

INTENT / PURPOSE: PROVIDE ZONING COMPLIANCE FOR AN EXISTING LIMITED FAMILY BUSINESS

## LAND AREA AND IMPROVEMENTS

5. TOTAL ACRES IN PARCEL BEFORE REZONING: 20.0 TOTAL ACRES IN PARCEL IN EXCLUSIVE AG. ZONE BEFORE REZONING: 20.0

a. Of the original parcel, how many acres were rezoned OUT OF agricultural use or granted a non-Ag conditional use/special exception? 20.0

b. How many acres were rezoned INTO exclusive agricultural district?

c. Were there improvements on the original parcel?  YES  NO

d. What percentage of the improvements was rezoned or granted a conditional use/special exception? 0%

## REZONE

6. REASON FOR REZONING

a.  Develop land for non-Ag. residential use.

How far is the land from a city or village boundary? 2.5 MILES How far is the land from an existing residential area? 2.5 MILES

Is the land served by public sewer?  YES  NO Is the land within a sanitary district?  YES  NO

Is the land served by public water?  YES  NO Is the land within a planning transition area?  YES  NO

If more than one lot was developed - number of lots: Average lot size:

b.  Develop land for industrial use f.  Farm consolidation

c.  Develop land for commercial use g.  Residence for parent or child of farm operator

d.  Develop land for recreational use h.  Other (please specify) LIMITED FAMILY BUSINESS

e.  Pre-existing use, substandard or nonconforming parcel

**7. SOILS INFORMATION**

a. Type of soils in parcel rezoned out of agricultural district (approximate)

Percent of land had soils in Classes I-II 10% Percent of the land had soils in Class IV \_\_\_\_\_  
 Percent of the land had soils in Class III \_\_\_\_\_ Percent of the land had soils in Classes V-VIII 90%

b. Type of land in parcel rezoned out of agricultural district (approximate)

Percent of land in cropland \_\_\_\_\_ Percent of the land in woodland 30%  
 Percent of the land in pasture 60% Percent of the land in other (specify) 10%  
LAWN & BUILDINGS

**CONDITIONAL USE**

8. WHAT IS THE TYPE OF CONDITIONAL USE / SPECIAL EXCEPTION?

- a.  Agricultural (please specify use)  
\_\_\_\_\_
- b.  Agricultural-related (please specify use)  
\_\_\_\_\_
- c.  Institutional
- d.  Governmental
- e.  Religious
- f.  Utility
- g.  Other (please specify use) LIMITED FAMILY BUSINESS

**CERTIFICATION HISTORY**

9. HAVE ANY ZONING CERTIFICATES BEEN ISSUED FOR THE PROPERTY WHICH WAS GRANTED THE REZONING OR A NON-AGRICULTURAL CONDITIONAL USE / SPECIAL EXCEPTION?

YES  NO

If "YES," please attach copies of any zoning certificates that have been issued for the property during the last 10 years, and a copy of a property record that includes a description of the rezoned property, such as a warranty deed, land contract, subdivision plat, or certified survey map.

**FINDINGS FOR REZONING**

10. WAS THE PETITION FOR REZONING APPROVED ONLY AFTER FINDINGS WERE MADE BASED ON CONSIDERATION OF THE FOLLOWING AS REQUIRED BY s. 91.77(1), Wis. Stats.:

- (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonable adverse effect on rare or irreplaceable natural areas.

YES  NO

SIGNATURE OF ZONING AUTHORITY

DATE OF SIGNATURE

DATE OF LOCAL APPROVAL OF REZONING OR CONDITIONAL USE

x Ronald M Passner  
RONALD M PASSNER  
1129 LaFollette Rd  
Mt. Horeb, WI 53572  
 DATE 11/10/98

**TOWN BOARD ACTION REPORT**

Regarding Zoning Petition # 7443/1537 Public Hearing 1/26/99

Whereas, the Town Board of the Town of Primrose having considered said zoning petition, be it therefore resolved that said petition is hereby (Approved/Denied).

**The Town Planning Commission,**

consisting of 5 members voted 4 in favor and 0 opposed. 1 ABSENT

**The Town Board,**

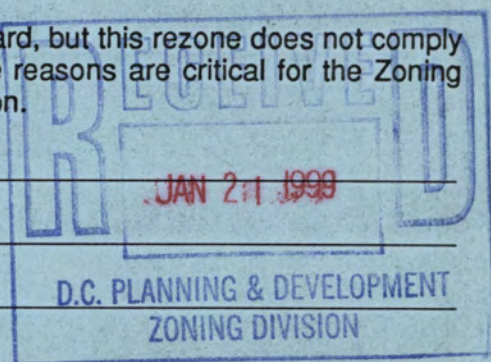
consisting of 3 members voted 2 in favor and 0 opposed. 1 ABSTAINED

The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)

None

(attach additional page(s) as required)

Please note: If the proposed rezoning is approved by the Town Board, but this rezone does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for the Zoning Committee and the County Board in their consideration of the petition.



(attach additional page(s) as required)

Please note: The following space (and additional pages as required) are reserved for comment by the minority voter(s).

I, LARRY SHERVEN, as Town Clerk of the Town of PRIMROSE, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on DECEMBER 15, 19 98.

Larry Sherwen  
Town Clerk

Date: 1-20, 19 99.

C.U.P. # 1537/7443

WHEREAS, the Town Board of the Town of PRIMROSE having considered said Conditional Use Permit, be it therefore resolved that said permit is hereby (Approved/Disapproved).

Subject to the following conditions:

(Cross out or write "none" if not pertinent)

None

(Use reverse side if necessary)

I, LARRY SHERVEN, as Town Clerk of the Town of

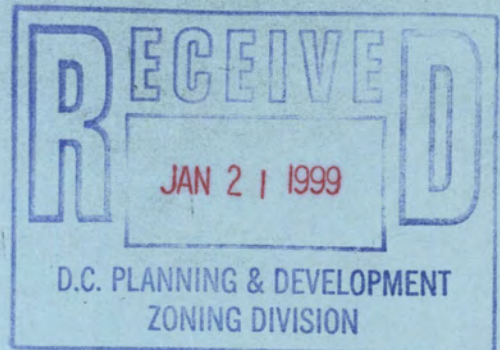
PRIMROSE, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on DEC 15, 1998.

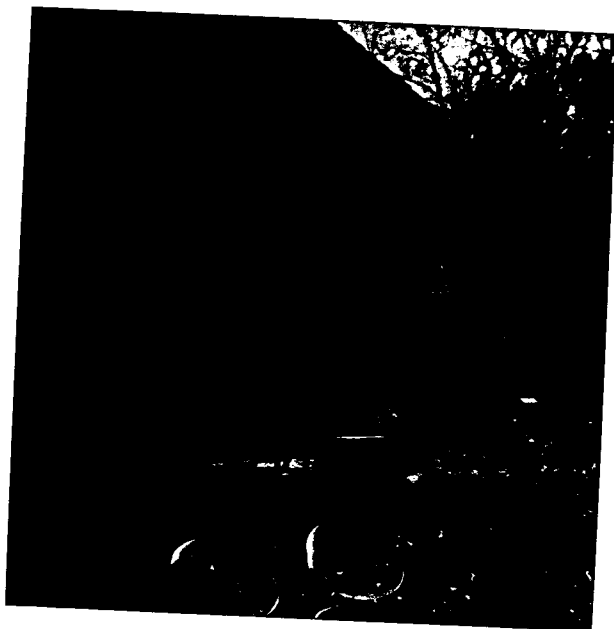
Town Clerk

Larry Sherwen

DATED: 1-20-, 1999.

545-83(9/90) CUP TN BD ACTION





10-20-48

Primrose Retreat A-1 Ex

BJS

**STAFF COMMENTS**

**ZONING REVIEW**

3. 7443/CUP 1537 Ronald & Eda Rassner, Primrose 07  
A-1EX to A-2 with CUP for Limited Family Business

Ms. Rassner operates the "Primrose Retreat," her massage therapy business, on this 20 acre A-1EX non-conforming parcel, which includes the Rassner's home, a barn, and the 26'x18' 'retreat' building. There are no other employees; hours of operation are 10AM-6PM Tuesday-Saturday.

Note: An intermittent stream tributary to the Primrose Branch of the Sugar River flows NW to SE within 300' of the SW corner of the 20 acre parcel, but is not near any of the buildings.

**REGIONAL PLANNING**

Petition 7443 — CUP 1537. The rezoning of this 20-acre parcel to A-2 is consistent with adopted policies.

Non-residential policies in the town/county plan in the Town of Primrose indicate there should be some connection to agriculture or activities needed to support agriculture. The policy also indicates limiting rezoning to the minimal area necessary.

If the limited family business is approved, it should be:

- limited to the existing building
- state hours of operation

**ENVIRONMENTAL HEALTH (septic, etc.)**

A review of the existing private sewage system will be required in order to determine whether the proposed business will increase the wastewater flow from the dwelling.

**DANE COUNTY HIGHWAY**

**OTHER**

Effective: 5/17/99

**STATE OF WISCONSIN  
TOWN OF PRIMROSE  
DANE COUNTY**

**TOWN BOARD: 832-6623**

**Earl Garfoot, Chairman  
Ronald Rassner, Supervisor  
Dale Judd, Supervisor  
Larry Sherven, Clerk 277-0196  
Roger Werndll, Treasurer**

**PLANNING: 832-6635**

**Jerry Judd, Chairman  
Martha Gibson  
John Hanna  
Jerry Ziegler  
William Olson**

February 9, 1999

To: Chairperson and  
Members of the Dane County  
Zoning Committee and the  
Dane County Board of Supervisors

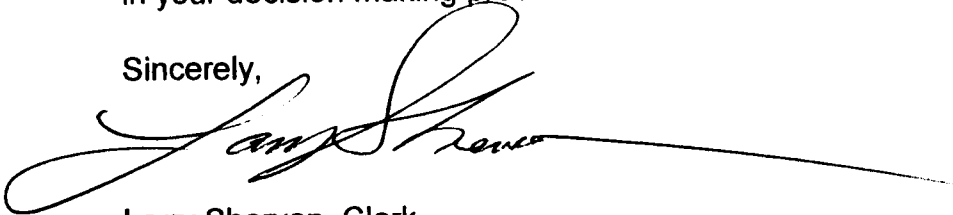
Subject: Rezone Petition # 7443 and CUP # 1537  
by Ronald and Eda Rassner

Dear Ladies and Gentlemen:

In my haste, I inadvertantly omitted the Town of Primrose's Planning Committee and the Town Board's approval of Petition 7443 and CUP 1537 with the following deed restriction. "For Business of Massage Therapy/Sauna only!"

I apologize to you and to the Petitioners for my error and hope that by resubmitting the Town Board Action Report will remedy any further questions you may have in your decision making process.

Sincerely,



Larry Sherven, Clerk

cc: Town Board  
Ron and Eda Rassner

**MAILING ADDRESS: 620 C T H U BELLEVILLE, WI 53508-9569**

**TOWN BOARD ACTION REPORT**

Regarding Zoning Petition # 7443/1537 Public Hearing 1-26-99

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**The Town Planning Commission.**

consisting of 5 members voted 4 in favor and 0 1 ABSENT opposed.

**The Town Board.**

consisting of 3 members voted 2 in favor and 0 1 ABSTAINED opposed.

The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)

APPROVED WITH DEED RESTRICTION - FOR BUSINESS OF MASSAGE THERAPY/SAUNA ONLY!

(attach additional page(s) as required)

Please note: If the proposed rezoning is approved by the Town Board, but this rezone does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for the Zoning Committee and the County Board in their consideration of the petition.

(attach additional page(s) as required)

Please note: The following space (and additional pages as required) are reserved for comment by the minority voter(s).

I, LARRY SHERVEN, as Town Clerk of the Town of PRIMROSE, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on DECEMBER 15, 1998.

Larry Sherven  
Town Clerk

Date: 2-09-, 1999. Resubmitted



Resubmitted

C.U.P. # 1537/7443

WHEREAS, the Town Board of the Town of PRIMROSE having considered said Conditional Use Permit, be it therefore resolved that said permit is hereby (Approved/Disapproved).

Subject to the following conditions:

(Cross out or write "none" if not pertinent)

APPROVED WITH DEED RESTRICTION - FOR  
BUSINESS OF MASSAGE THERAPY/SAUNA  
ONLY!

(Use reverse side if necessary)

LARRY SHERVEN, as Town Clerk of the Town of

PRIMROSE, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on DEC 15, 1998

Town Clerk

*Larry Sherwen*

Resubmitted 2-09-99

DATED: 1-20- 1999

*Larry Sherwen*  
Clerk

DEED RESTRICTION  
PAGE 1

3110537

05-07-1999 3:41 PM

Trans. Fee

Rec. Fee 14.00  
Pages 3

RETURN TO:

RONALD RASSNER  
1179 LA FOLLETTE RD  
MT. NORDB, WI 53572

001200

PIN: 24-0507-074-9690-6

RESTRICTIONS

I. WHEREAS, RONALD & EDA RASSNER  
is/are the owner/s of the following described land in the  
Town of PRIMROSE Dane County, Wisconsin,  
to-wit:

The S 1/2 of the SE 1/4 of the SE 1/4 Section 7, Town of  
Primrose.

II. WHEREAS said owner desires to place certain restrictions thereon,  
to bind the owner and those who may acquire title hereafter.

III. NOW, THEREFORE, in consideration of the mutual benefits passing to  
and from the owner and those who may hereafter purchase said land  
and the parties named as beneficiaries of these restrictions, the  
following restrictions are hereby imposed:

1. That the rezone area be restricted to business for massage  
therapy/sauna only.

REZ EFF  
5/7/99

3/14

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties holding under them unless, pursuant to paragraphs 5 or 6 of this instrument, said restrictions are amended or terminated.

IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:

- (a) The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town Primrose Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.

V. The restrictions set forth in paragraph 3 above may be amended in the following manner:

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.

DEED RESTRICTION  
PAGE 3

(b) Such amendment shall also require approval of the Town Board.

VI. The restrictions set forth in Paragraph 3 above may be terminated in the following manner:

(a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in Paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is records shall be an instrument of termination. Such termination shall also require approval of the Town Board.

(b) A rezone of the property to a different zoning district shall also act to repeal the covenant controls.

IN WITNESS WHEREOF, the said grantor/s have hereunder set their seal/s this 20~~th~~ day of April 1999

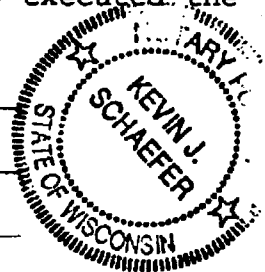
SIGNED AND SEALED IN THE PRESENCE OF:

Ronald M. Larson  
Edda B. Larson  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF WISCONSIN )  
                          ) SS.  
COUNTY OF DANE    )

Personally came before me, this 20~~th~~ day of April 1999 the above named, known to be the person/s who executed the foregoing instrument, and acknowledged the same.

NOTARY PUBLIC Kevin J. Schaefer  
MY COMMISSION EXPIRES 9-23 2001  
19





# Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

Land Division Review

608/266-9086

Property Listing

608/266-4120

Surveyor

608/266-4252

Zoning

608/266-4266

G. JEANIE SIELING  
Director

Date

3/25/99

RONALD M & EDA B RASSNER  
1129 LAFOLLETTE RD  
MT HOREB WI 53572

## REMINDER NOTICE

Rezone Petition # 7443 Section 7 Town Prunetown

Please be advised that all required approvals by Town, Zoning Committee, Dane County Board and County Executive have been obtained.

### NOTE:

- The petition included a delayed effective date subject to the recording of a Certified Survey\* and/or a Deed Restriction.
- The petition was amended to include a delayed effective date subject to the recording of a Certified Survey\* and/or a Deed Restriction.

Please be advised that the zoning change will not become effective until the required documents have been recorded. The document must be recorded in the office of the Dane County Register of

Deeds 6/21/99

If a deed restriction is required you may utilize the document enclosed or have your attorney draft a document for you. Please note that the wording of the restrictions may not be altered.

The survey review may also take 60 days, please take this into consideration when you are submitting a survey for approval. A survey submitted close to or on the deadline date may not be processed in time for the recording of the document.

### IMPORTANT:

Failure to record the survey and/or deed restriction will null and void the Zoning Petition. The time period may not be extended.

Please provide Dane County Zoning with a copy of the recorded survey or deed restriction document. These are required for log entry, closing of and notifications of effective date to the County Clerk, Town Clerk and property owner.



# Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

**Land Division Review**

608/266-9086

**Property Listing**

608/266-4120

**Surveyor**

608/266-4252

**Zoning**

608/266-4266

11/10/98

Ronald M. Rassner  
1129 La Follette Rd.  
Mount Horeb, WI. 53572

RE: Rezone/ CUP 7443/1537

Dear Sir;

The dates given for the Public Hearing (12/15/98), and Zoning Committee Work Meeting, (1/12/98) when you made your application were incorrect. The correct dates of the meetings should be 1/26/99 for the Public Hearing and 2/9/99 for the Work Meeting. Please feel free to call me if you have any questions.

Sincerely;

David D. Lorenz  
Zoning Inspector  
608-267-1541

DANE COUNTY, WISCONSIN

ZNSCRN01

COMPUTER NUMBER: 24 - 195 - Parcel Number: 050707496906
ISSUED TO: First: RONALD & EDA Last: RASSNER
PROPERTY ADDRESS: Hse # 1/2 PD --Street Name-- Type SD Room

Number Identifier: 7443 - 199 Code: RE-Z
Appl. Date: 11/10/1998 PETITION. #: 7443 CUP #: 1537
Construction: N/A Not Applicable Year issued: 1998
Use: N/A Not Applicable Citation # 0
Zoning Dist.: A-1EX Exclusive Agricultural Pub Hearing 01/26/1999
Class: N/A Not Applicable Issued By:
Building Size: Width: 0.00 Length: 0.00 Area: 0.000 sq ft.
Height: 0.00 ft # of Stories: # of Bedrooms:
Lot Area: 20.0 Cost: Fee \$ PAID \$
Other:
Date Paid: / / Total \$
Effective Date: / / Expires: / / State Approval:
Comments: limited family business - massage therapy business

Location: at 1129 LaFollette Road

F1-Names, F2-Notes, F3-Special, F4-Prev, F5-Next, F9-Change, F10-Exit, ^F1-Form
^F2-View Documents, ^F4-Scan Documents, ^F6-Print Documents, ^F8-Delete Document

DANE COUNTY, WISCONSIN

ZNSCRN10

COMPUTER NUMBER: 24 - 195 - Parcel Number: 050707496906
ISSUED TO: First: RONALD & EDA Last: RASSNER
PROPERTY ADDRESS: Hse # 1/2 PD --Street Name-- Type SD Room

Number Identifier: 7443 - 199 Code: RE-Z
Date Issued: 11/10/1998 PETITION. #: 7443 CUP #: 1537
Town Board Date 12/15/98, M Committee Date 02/09/99, A Voted Yes 6
03/23/99, A No
Absent
Co. Board Date 02/18/99, A Exe Sigs Date 02/22/1999 Parcel #
DED Recording Date 06/21/99 Deed Restrictions X CSM
Item # 3. Zoning From A-1 EX To A-2 Q Sec. SE QQ Sec. SE
Sec TwN Rng

F9 - Change Information, F10 - Exit

Number Identifier: 7443 - 199 PERMIT TRACKING SYSTEM
Type Last Name First Name
ISSUED TO RASSNER RONALD & EDA M
OWNER RASSNER RONALD & EDA M

DANE COUNTY, WISCONSIN

ZNSCRN01

COMPUTER NUMBER: 24 - 195 - Parcel Number: 050707496906
ISSUED TO: First: RONALD & EDA Last: RASSNER
PROPERTY ADDRESS: Hse # 1/2 PD --Street Name-- Type SD Room

Number Identifier: 1537 - 199 Code: CUP
Appl. Date: 11/10/1998 PETITION. #: 7443 CUP #: 1537
Construction: N/A Not Applicable Year issued: 1998
Use: N/A Not Applicable Citation # 0
Zoning Dist.: A-1EX Exclusive Agricultural Pub Hearing 01/26/1999
Class: N/A Not Applicable Issued By:
Building Size: Width: 0.00 Length: 0.00 Area: 0.000 sq ft.
Height: 0.00 ft # of Stories: # of Bedrooms:
Lot Area: 20.0 Cost: Fee \$ PAID \$
Other:
Date Paid: / / Total \$
Expires: / / State Approval:
Comments: limited family business - massage therapy business

Location: at 1129 LaFollette Road

F1-Names, F2-Notes, F3-Special, F4-Prev, F5-Next, F9-Change, F10-Exit, ↑F1-Form
↑F2-View Documents, ↑F4-Scan Documents, ↑F6-Print Documents, ↑F8-Delete Document

DANE COUNTY, WISCONSIN

ZNSCRN10

COMPUTER NUMBER: 24 - 195 - Parcel Number: 050707496906
ISSUED TO: First: RONALD & EDA Last: RASSNER
PROPERTY ADDRESS: Hse # 1/2 PD --Street Name-- Type SD Room

Number Identifier: 1537 - 199 Code: CUP
Date Issued: 11/10/1998 PETITION. #: 7443 CUP #: 1537
Town Board Date 12/15/98, M Committee Date 02/09/99, A
03/23/99, A

Item # 3. Zoning From A-1 EX To A-2 Q Sec. SE QQ Sec. SE
Sec Twn Rng

F9 - Change Information, F10 - Exit

Table with 4 columns: Number Identifier, Type, Last Name, First Name. Includes rows for ISSUED TO (Rassner, Ronald & Eda) and OWNER (Rassner, Ronald & Eda).



# COMPOSITE REPORT

## Dane County Zoning & Natural Resources Committee

Dane County Application for Change in Zoning or CUP

**HEARING DATE:** 01/26/99 **ITEM#:** 3.

**ZONING PETITION #:** 7443 **CUP #:** 1537

**TOWN/SECTION:** Primrose 07

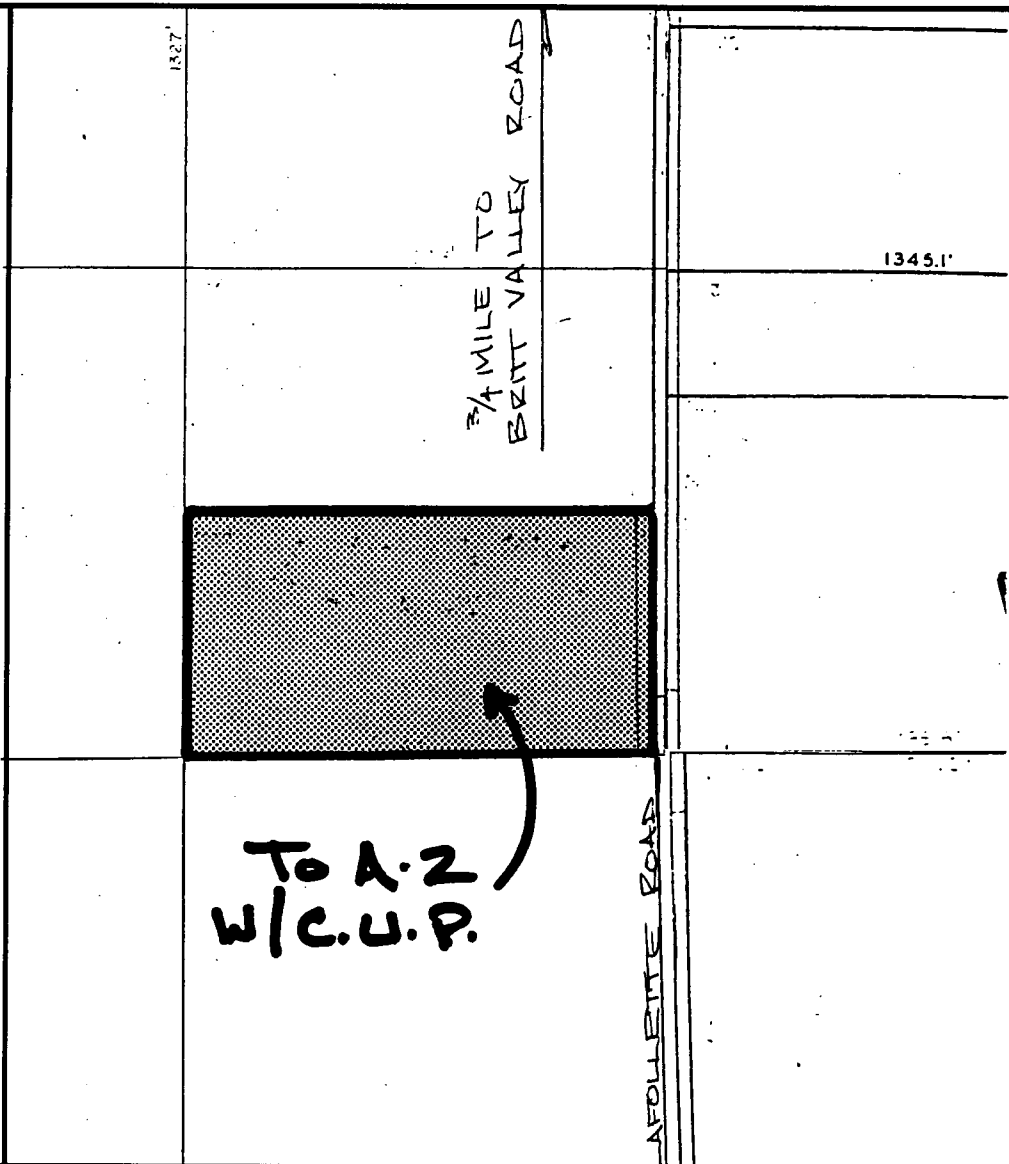
**APPLICANT:** Ronald & Eda Rassner

**LOCATION:** at 1129 LaFollette Road

**AREA:** 20.00 acres **DELAYED EFFECTIVE DATE:** None

**CHANGE:** From the A-1 EX Exclusive Agricultural to the A-2 Agricultural

**PROPOSED USE:** limited family business - massage therapy business



<p><b>TOWN ACTION RECOMMENDATION:</b></p> <p><input checked="" type="checkbox"/> Approved <u>Dec 15/98</u></p> <p><input type="checkbox"/> DENY</p> <p><b>SUBJECT TO:</b></p> <p><input checked="" type="checkbox"/> Conditions <input type="checkbox"/> Amended</p> <p><b>IF CUP:</b></p> <p><input type="checkbox"/> Conditions <input type="checkbox"/> None</p>	<p><b>ZNR COMMITTEE ACTION - REZONING</b></p> <p><input type="checkbox"/> Postponed</p> <p><input checked="" type="checkbox"/> Approve <input checked="" type="checkbox"/> Cond/Amend Town <input type="checkbox"/> Cond/Amend. Comm.</p> <p><input checked="" type="checkbox"/> As Condition <u>MESSAGE therapy</u></p> <p><input type="checkbox"/> Amended <input type="checkbox"/> Changed Zone Dist.</p> <p><input type="checkbox"/> Changed Boundary Description</p> <p><input type="checkbox"/> DENY</p> <p>Action Date <u>Feb 9 99</u> Vote <u>0</u></p>	<p><b>ZNR CUP APPROVAL</b></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> As Specified by Town</p> <p><input type="checkbox"/> Con by ZNR <input type="checkbox"/> DENY</p> <p>Date _____</p> <p><b>COUNTY BOARD ACTION REZONING</b></p> <p><input type="checkbox"/> Referred <input type="checkbox"/> Amended on Floor</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> DENY</p> <p>Date <u>FEB 18, 99</u></p> <p style="border: 1px dashed black; padding: 2px;">COUNTY BOARD AGENDA ITEM #</p>
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# Dane County Clerk

City-County Building, Room 112  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53709  
(608) 266-4121

CHIEF DEPUTY  
ROBERT OHLSEN  
(608) 266-4122

JOSEPH T. PARISI  
COUNTY CLERK

REPORT ON ZONING ORDINANCE/PETITION NO. 7443

DANE COUNTY  
Received  
MAR 23 1999  
CLERK

TO THE DANE COUNTY CLERK:

At a meeting held on MARCH 16, 1999 the Town Board of PRIMROSE

APPROVED  
 DISAPPROVED

the petition as amended by the Dane County Board of Supervisors.

This will certify that the following is a true and correct resolution:

RECEIVED  
MAR 25 1999  
D.C. PLANNING & DEVELOPMENT  
ZONING DIVISION

### RESOLUTION

RESOLVED by the Town Board of PRIMROSE that Zoning  
Ordinance/Petition No. 7443, be, and the same hereby is,

APPROVED  
 DISAPPROVED

Dated this 16th day of  
MARCH, 1999.

[Signature], CLERK  
TOWN OF PRIMROSE

PLEASE RETURN THIS GOLDENROD FORM TO THE DANE COUNTY CLERK'S OFFICE.

*[Handwritten signature]*

**DANE COUNTY ORDINANCE AMENDMENT NO. 7443**

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

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Primrose be amended to include in the A-2 Agricultural District/s the following described land:

**PETITION NUMBER/C.U.P. NUMBER: 7443/1537**

The S 1/2 of the SE 1/4 of the SE 1/4 Section 7, Town of Primrose.

**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 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

1. That the rezone area be restricted to business for massage therapy/sauna only.

Said restriction shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. **Failure to record the restrictions will cause the rezone to be null and void.**

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).

**DANE COUNTY CONDITIONAL USE PERMIT APPLICATION #1537**

**Town of Primrose**

The conditional use shall be located on property described as follows:

**C.U.P. #1537:**

The S 1/2 of the SE 1/4 of the SE 1/4 Section 7, Town of Primrose.

CUP # 1537

APPLICATION FOR A CONDITIONAL USE PERMIT

DANE COUNTY, WISCONSIN

TO: The Zoning and Natural Resources Committee

Ladies and Gentlemen:

The undersigned hereby applies for a Conditional Use Permit for the following described use:

LIMITED FAMILY BUSINESS

Said use is provided for in Section # 10.126(3)(m) of the Dane County Code of Ordinances.

The use will be implemented on the following listed property:

PARCEL NUMBER/S 0507-074-9690-C

PROPERTY ADDRESS 1129 LA FOLLETTE RD

LOCATED IN THE SE 1/4 SE 1/4 of Section 7

TOWN OF PRIMROSE, Dane County, Wisconsin

Respectfully submitted on 11/10/98

AGENT:

Name \_\_\_\_\_

Street \_\_\_\_\_

Post \_\_\_\_\_

Office \_\_\_\_\_

Telephone \_\_\_\_\_ Zip \_\_\_\_\_

OWNER:

Name Ronald M. Rasher

RONALD & EDA RASHER

1129 LA FOLLETTE RD

MT HORIZES WI

Telephone 832-6663 zip 53572

Ronald and Eda Rassner  
1129 LaFollette Road  
Town of Primrose  
Mt. Horeb, WI 53572

**APPLICATION FOR CONDITIONAL USE PERMIT**

1. **LEGAL DESCRIPTION:** S ½ of the SE ¼ of the SE ¼ of Sec. 07 T5N R7E (Primrose)
2. **TAX PARCEL NUMBER:** Parcel # 050707496906
3. **WRITTEN STATEMENT**
  - A. **Existing and proposed uses of the property:** Property is currently a residence and will remain a residence. We have constructed another, free-standing building to house Eda's home business; she is a massage therapist. It is for this building only that we want to apply a "limited family business" and a C.U.P.
  - B. **Existing use of all neighboring properties:** All neighboring properties are residential and/or agricultural. All adjacent neighboring properties are agricultural.
  - C. **Time schedule for development:** The building is completed and currently in use.
  - D. **Reasons why property is suitable for the proposed use:** Eda has an established clientele of residents (local and from Madison) who live within a ten - twenty mile radius of our property. There is little to no impact on the property, with no more than four-five clients arriving during an entire "work" day; there is generally no more than one client vehicle on-site at a time. Combining massage therapy in a rural setting has benefited many of Eda's clients.
  - E. **Number of employees and hours of operation of the proposed use:** One employee only - Eda; hours of operation generally from 10 am to 6 pm, Tuesday through Saturday.

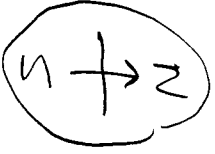
PASSNER  
SE ¼ Sec 7 Primrose  
Parcel # 050707496906

①

663.5' +

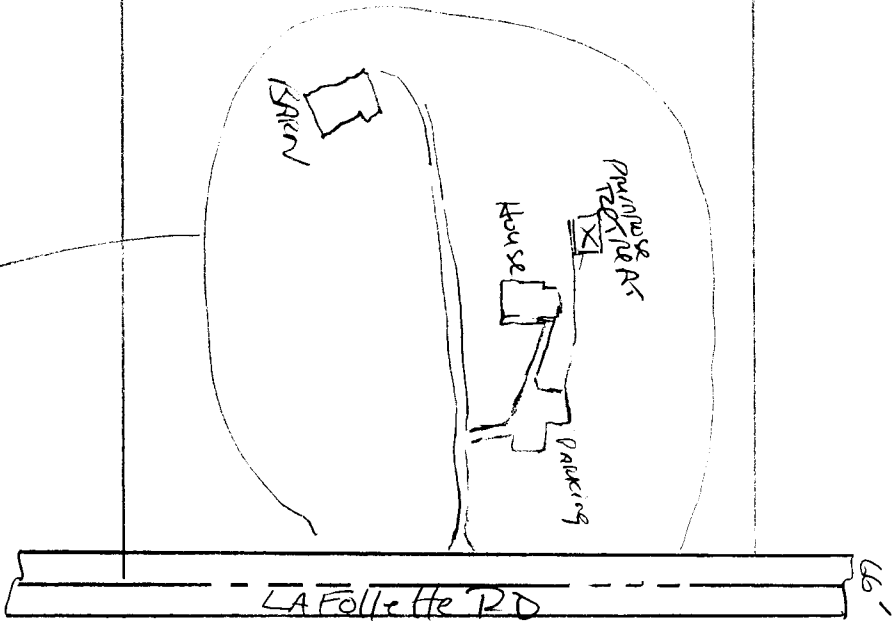
ALL ABSTRACT  
PROPERTY AS I EX

1327' +



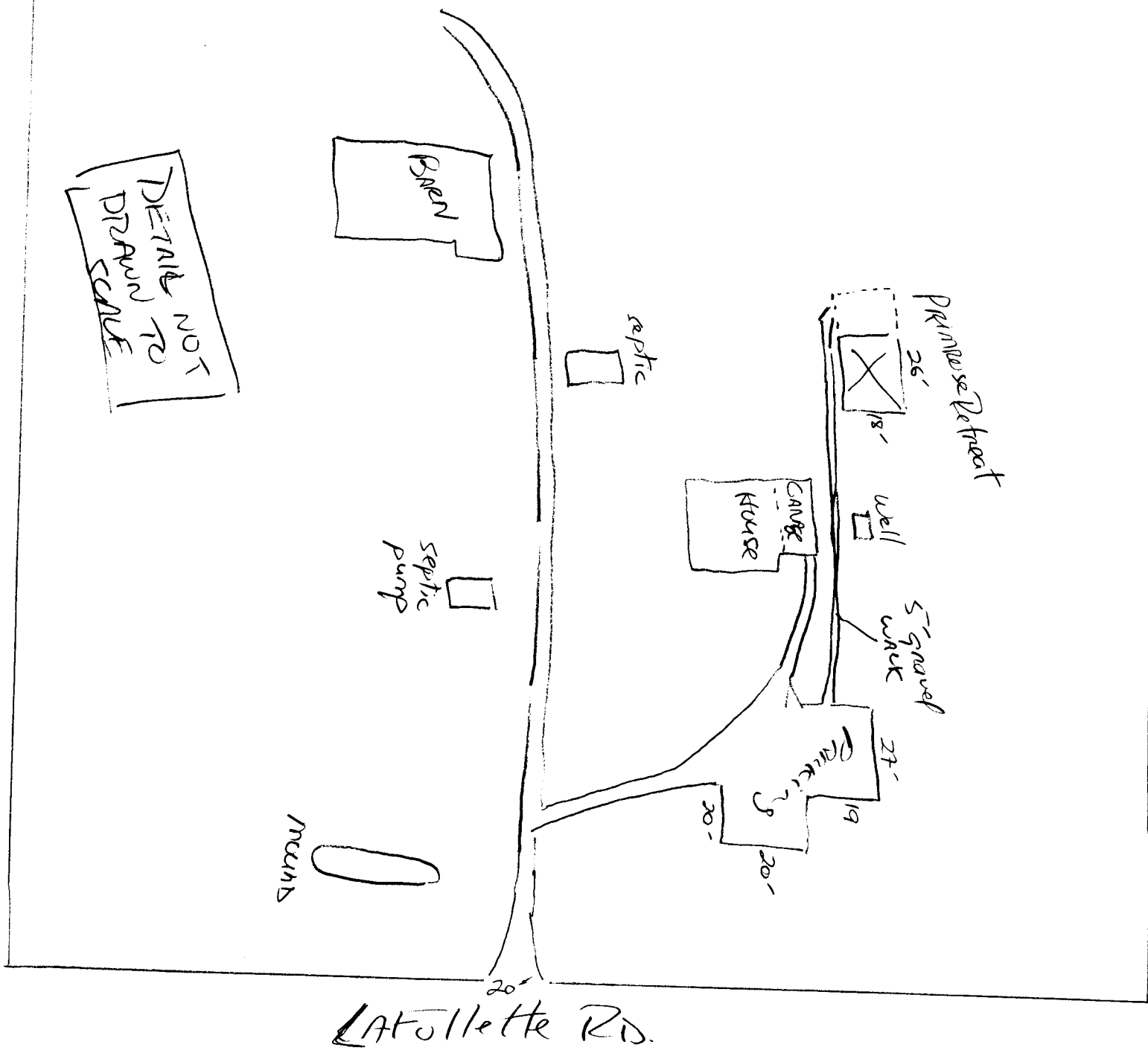
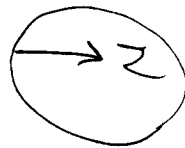
SCALE  
1" = 200 feet

SEE DETAIL,  
P. 2



RASSNER  
SE 1/4 SE 1/4 Sec 7 Primrose  
Parcel # 050707496906

(2)





Ron Rassner  
1129 LaFollette Rd.  
Mt. Horeb, WI 52572

facsimile transmittal

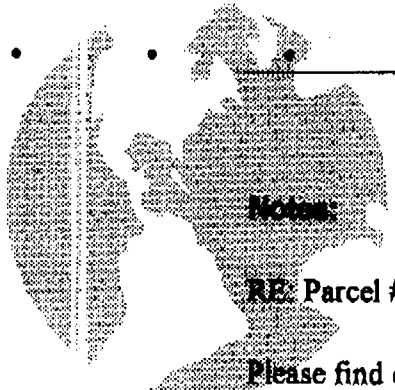
To: James Gregorius Fax: 267 1540

From: Ron Fassner Date: 10/30/98

Re: Rezone A-2 or A-1Ex Pages: 3

CC: Brian Simmert, Norb Scribner

Urgent  For Review  Please Comment  Please Reply  Please Recycle



Notes:

RE: Parcel #1500707496906

Please find enclosed letter, and will await your comments. My work number is 832 6647, home number is 832 6663.

CONFIDENTIAL

October 30, 1998

James Gregorius  
Zoning Administrator  
Room 116  
City-County Building  
Madison, WI 53709

Dear Mr. Gregorius:

This letter is in response to several conversations I have had with Mr. Brian Simmert, Zoning Inspector, regarding our land in Primrose Township and my wife's home-based, massage therapy business, The Primrose Retreat. Our land's location is:  
SE ¼ SE ¼ Sec. 07 Primrose, Parcel # 050707496906

We agree with Mr. Simmert's evaluation that we need to obtain a Conditional Use Permit for The Primrose Retreat, and want to comply immediately. However, in subsequent discussions I had with Mr. Simmert, and an earlier discussion I had with Mr. Norb Scribner, I'm a little unsure of whether we need to rezone to the recommended A-2, or simply keep our parcel in A1-Ex.

Under the Dane County Ordinances for *both* A-1 (Sec. 10-123) and A-2 (Sec. 10-126), C.U.P.'s are permitted for "Limited family businesses subject to 10.192." (It is my belief, and I believe Mr. Simmert's, that my wife's business qualifies under 10.192.) Mr. Simmert did inform me, though, of a memo that Mr. Steve Reynolds received from the Farmland Preservation Board, recommending that all limited businesses within A-1 Ex. "had to be related to agricultural use." Also Mr. Simmert referred to the A-1 Statement of Purposes, that he felt reinforces that memo.

The questions I have, and our reason for writing this letter is as follows:

1. Our property is a "pre-existing, sub-standard" parcel that has always been A-1 Ex. We'd simply like to not change that, especially if "limited" businesses are permitted under common interpretations of the current county ordinance code.
2. The A-1 Statement of Purpose, although clearly written to highlight its "preservation of agriculture" intent, also includes other language that could be interpreted as permitting such C.U.P.'s as my wife's business (here I refer to "reduce costs for providing services to scattered non-farm uses" as well as other somewhat ambiguous passages).
3. The A-2 Statement of Purpose is nearly as general as the A-1 Statement of Purpose, except that it applies to parcels less than 35 acres.
4. I want to make certain that a decision to have us rezone to A-2 is not based on a memo, but rather is based on an objective reading of the Dane County Code of Ordinances.

Again, I want to make it absolutely clear that we are anxious to adhere to county guidelines, and apply for the C.U.P. In fact, we'd be happy to start the C.U.P. process while the related rezone question is being investigated – can/should we do so? Yet we also request that our situation be interpreted in manner consistent with the Code of Ordinances, both for this and future cases.

Mr. Simmert recommended that I write this letter to you, so that a process could be begun to investigate other "state" precedents and/or interpretations and perhaps refer this to your corporate counsel. I apologize for introducing this potential delay, and I hope you understand our reasons for doing so. Mr. Simmert had previously requested that we take care of this rezone by no later than December 15<sup>th</sup>, but I would like assurances from you that if some research must be taken on this case, that a delay will be sanctioned by your department.

Sincerely,

Ronald M. Rassner

Cc: Norb Scribner and Brian Simmert



## Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

**Land Division Review**

608/266-9086

**Property Listing**

608/266-4120

**Surveyor**

608/266-4252

**Zoning**

608/266-4266

Ron Rassner  
1129 Lafollette Rd.  
Mt. Horeb, WI 53572

October 28, 1998

An inspection has been made of your property. This inspection has disclosed a violation of the Dane County Zoning Ordinance.

**LOCATION:** SE ¼ SE ¼ Sec. 07 Primrose  
Parcel # 050707496906

**DISTRICT:** A-1 Exclusive legal non-conforming


**REPORT:** Massage Therapy Business—Primrose Retreat

**VIOLATION:** Aforementioned business is not a permitted use in the A-1 Exclusive Zoning District but requires A-2 Zoning with a Conditional Use Permit for a Limited Family Business- Section/s 10.126 (3)(m), 10.192- Dane County Zoning Ordinance.

**NOTICE:** Application for the respective rezone and conditional use permit shall be submitted no later than December 1, 1998 by 4:00 p.m. Please see the enclosed application instructions. Application may not be processed by mail.

Sincerely yours,

James Gregorius,  
ZONING ADMINISTRATOR

  
BY: Brian Simmert  
Zoning Inspector

enc: copy of zp 1998 1555, sections 10.126, 10.129 Dane County Zoning Ordinance,  
applicable information



#3

000707496000

PRELIMINARY



Same  
No other  
Reason  
for Business

Property address: 1129 LAFOLLETTE RD  
Assignment of new address is subject to fire department approval  
Lot: Block: Plot: 20 ACRE PARCEL  
Sect#: Parcel area: OLD PNT #:  
Proposed use: ACCESSORY BLDG New: X Addn/Alt. Correlate code: 110  
MINI MASSAGE BUILDING FOR SFR  
Sewer: Public: Private: X Permits: Pa-0200  
Road classification: C Road right-of-way width: 11

Conditional use permit: Variance:  
Choreland: Y Floodzone: n Wetland: n

Dimensions: 18 x 32 Storage: 1 Feet: 12 20 sq. area  
Project cost: 14000 Permit fee: 10

OWNER and AGENT hereby agree to comply with all State, Local  
Ordinances. Any unauthorized change from the information on this plan shall  
nullify the permit.

OWNER  
RON KASNER  
1129 LAFOLLETTE RD  
M. HOMER, MI 48120  
PHONE: 800-6613

CONTRACTOR  
EDA KASNER  
1129 LAFOLLETTE RD  
M. HOMER, MI  
PHONE

SIGNATURE: Owner/Agent  
Rural address # 1129 Meter reg. card: 1129 Installation: 06-01-48  
Permit: 06-02-48 Fee: 10000 Reviewed: 06-04-48 by  
City inspection: 06-09-48 by City Engineer: [Signature]  
State inspection: 06-09-48 by State Engineer: [Signature]

B-1  
employee(s)

Do 1st  
& 2nd Insp.

→ BUSINESS ON PROPERTY

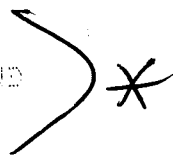
MASSAGE THERAPY

A-2  
C/Up  
Limited Firm  
Business

complaint by Susan Schlub 9-30-48  
608-832-41852  
To Remain Anonymous

THE TOTAL FLOOR AREA OF ALL ACCESSORY BUILDINGS SHALL NOT EXCEED 100 PERCENT OF THE FLOOR AREA OF THE RESIDENCE.  
MAXIMUM PERMITTED HEIGHT OF ACCESSORY BUILDING IS 10 FEET.

THIS BUILDING SHALL BE USED FOR STORAGE OF PERSONAL PROPERTY INCIDENTAL TO A RESIDENTIAL USE AND SHALL NOT BE USED FOR ANY BUSINESS OR COMMERCIAL PURPOSE OR HUMAN HABITATION.  
DOCK IS NOT INCLUDED IN THIS PERMIT.



ALL STRUCTURES EXCEPT BOATHOUSES, PIERS AND BOATHOUSES MUST BE LOCATED AT LEAST 75 FEET FROM THE ORDINARY HIGH WATER MARK.

THIS PROPERTY IS LOCATED IN A SHOULDER DISTRICT. FILLING, GRADING, (INCLUDING DISPOSAL OF CONSTRUCTION SPOILS), BRUSH OR TREE REMOVAL, REQUIRE A SPECIAL EXCEPTION PERMIT. PLEASE CONTACT DANE COUNTY ZONING (266-4266).

MINIMUM SETBACK FOR STRUCTURES IS 40 FEET FROM THE CENTER OF THE RIGHT-OF-WAY OR 30 FEET FROM THE RIGHT-OF-WAY LINE, WHICHEVER IS GREATER. MINIMUM SETBACK FROM SEPTIC SYSTEM IS 10 FEET FROM FIELD 5 FEET FROM TANK.

LOCATION OF THIS BUILDING IS CRITICAL. A LOCATION SURVEY MAY BE REQUIRED TO VERIFY LOCATIONAL COMPLIANCE.

THE COMBINED TOTAL OF THE SIDE YARDS MUST EQUAL 40 FEET AND NEITHER SIDE YARD SHALL BE LESS THAN 10 FEET.

MINIMUM REAR YARD IS 30 FEET. OK TO ISSUE PERMIT. THOMAS C. M. A.E./P.L.



# Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

**Land Division Review**

608/266-9086

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608/266-4120

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1/22/99

TO Whom It may concern Re: Rassners Rezone & CUP Request

I do not have a problem with the persons running a business out of their property. In fact, I'd like to see more Cottage-type businesses encouraged.

I also do not have a problem with the type of Business the Rassners are running on their property.

I do have a problem with how the Rassners went around zoning ordinances to obtain a permit for their business building.

In looking into the history of the permit, in speaking with someone ~~at~~ in the zoning Dept. it appears that:

- ① The permit was for an accessory building only
- ② The Rassners signed that the building would not be used for commercial purposes

Also, I do not know the amount of time lapsed between the issuance of the permit and when the building was constructed, however, around the time of construction the Wisconsin State Journal in its Home/Real Estate Section ran an article about the building due to its unusual construction materials - Straw & mud.

The article also wrote that the Rassners were planning to use it for his wife's Massage therapy work. This implies that the Rassners knew from the beginning what plans they had for the building and deliberately went about to deceive the zoning Department in order to get around zoning ordinances.

I do not find a difference between this case, and that of a couple (Pat Lease and Pam Meyer) that Mr Rassner (who is now a town Supervisor in Primrose) is adamant pay fines for "going around" ordinances by building a road on their Substandard parcels and also for placing a mobile home on their property.

I am not suggesting that fines are an answer to the Rassners situation. I only wanted to show the hypocrisy of a policy maker in Primrose. I don't mind the business; I don't mind the building; I don't mind ~~that~~ if the Rassner request for Rezone & Conditional use permit is approved. I just felt some issues needed to be brought out and trust your judgment in this issue.

Thank you for your time,

Susan Schell