Town of Berry Board Meeting

February 16, 2026, immediately following the Joint Meeting of the Town Board and Plan Commission at 7:00 pm, at the Town Hall, 9046 State Road 19, Mazomanie, WI 53560

Agenda

1. Call to order
2. Confirmation of Compliance with Open Meetings Law
3. Approve minutes of January 20, 2026
4. Public Comments: You may address the Board on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed. Comments are generally limited to three minutes.
5. Public Hearing by the Town Board on the application of Scott & Dawn Evert, 8916 State Highway 19, to rezone 83.6 acres from A-1EX to AG and for a conditional use permit to allow construction of a nonmetallic mining operation to extract sand and gravel
6. Close the public hearing
7. Discussion/action re:
   A. (R-2026-2) (CUP-2026-2) Scott & Dawn Evert, 8916 State Highway 19, to rezone 119.74 acres from A-1Ex to AG and for a conditional use permit to allow construction of a nonmetallic mining operation to extract sand and gravel
   B. (R-2025-14) Juliann Fick, 5596 Enchanted Valley Road, to rezone 5.01 acres from A-1EX to AG and approval of the final certified survey map
   C. (R-2026-1) (CUP-2026-1) Mark Stegbauer & Jennifer Boyd, 9440 Blackberry Road, to rezone 5.044 acres from A-2(4) to SFR and for a conditional use permit for an art studio
   D. (D-2026-1) Kris & Megan Laufenberg, 9315 Turkey Road, driveway permit application
8. Patrolman Report
9. Discussion/action re: Resolution 2026-3, Discontinuation of a Public Way – Public Hearing
10. Discussion/action re: Revisions to the Cross Plains Area EMS Agreement
11. Discussion/action re: Confirming Open Book and Board of Review Dates
12. Budgetary Matters
    A. Discussion/action re: Payment of bills
13. Discussion/action re: Committee reports/Correspondence/Communications
    A. Fire Districts
    B. EMS Districts
    C. Other
14. Discussion of future agenda items
15. Adjourn

Persons requiring additional services to participate in a public meeting should contact the Town Clerk at the Town Hall, 9046 State Highway 19, Mazomanie, WI 53560. Call 608-767-4152 or email clerk@tn.berry.wi.gov

Posted: 2/9/26 Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Town Board Meeting Minutes
DATE: January 20, 2026
TIME: 7:00 – 7:41 p.m.
PLACE: Town Hall, 9046 State Road 19, Mazomanie, WI 53560
POSTINGS: Town Hall and Town of Berry website

I. CALL TO ORDER – ROLL CALL: The meeting was called to order at 7:00 p.m. Board members present: Duane Haag, David Evert, Michael Statz, Nichole Schwoerer and Derek Statz. Also present Clerk, Brenda Kahl and Patrolman, Lucas Danz.

II. CONFIRMATION OF COMPLIANCE WITH OPEN MEETING LAWS
The Clerk confirmed that the agenda was posted at the town hall and on the town website.

III. APPROVE MINUTES OF DECEMBER 15, 2025
**Motion** M Statz/Evert to approve the minutes of December 15, 2025. Motion carried. Vote 5-0

IV. PUBLIC COMMENTS: You may address the Board on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed.
*Carla Wright asked for an update on the status of the comprehensive plan survey.

V. PATROLMAN REPORT
Have been busy plowing snow and wood cutting. Also, getting estimates for road projects and new truck.

VI. DISCUSSION/ACTION RE:
A. (R-2025-13) Sanftleben Irrev Tr, Dean & Thankful, 8751 Spring Valley Road, rezone 1 acre from A-1EX to SFR and approval of final certified survey map
**Motion** Evert/M Statz to approve Sanftleben Irrev Trust's rezone of 1 acre from A-1EX to SFR and to approve the final certified survey map. Motion carried. Vote 5-0

B. (D-2025-13) Jeff & Heidi Hollenberger, Spring Valley Road, driveway permit application
**Motion** Evert/M Statz to approve Jeff and Heidi Hollenberger's driveway permit application. Motion carried. Vote 5-0

VII. DISCUSSION ACTION RE: ORDINANCE AMENDMENT RELATED TO SMALL PLANNED UNIT DEVELOPMENT
**Motion** Haag/Evert to approve the Zoning Ordinance Amendment related to Small Planned Unit Development. Motion carried. Vote 5-0

VIII. DISCUSSION/ACTION RE: RESOLUTION 2026-2, DISCONTINUATION OF A PUBLIC WAY
**Motion** Haag/D Statz to approve Resolution 2026-2, Discontinuation of a Public Way. Motion carried. Vote 5-0

IX. DISCUSSION/ACTION RE: 2026 ROAD PROJECTS
Discussion only. Lucas presented estimates for various roads.

X. DISCUSSION/ACTION RE: DELMORE CONSULTING CONTRACT
Discussion only. No action taken.

XI. BUDGETARY MATTERS
A. Discussion/action re: Payment of bills
**Motion** Haag/M Statz to approve the payment of bills. Motion carried. Vote 5-0. Check numbers 19988-20047

B. Discussion/action re: Resolution to transfer and designate funds within the 2025 budget
**Motion** Evert/M Statz to approve Resolution 2026-1, Transfer and Designate Funds within the 2025 Budget. Motion carried. Vote 5-0

XII. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS
*Cross Plains EMS: Meeting tomorrow where Jay Lengfeld will present the proposed changes to the district agreement
*District 1 EMS: Medical supplies are increasing higher than what the district is being reimbursed for

XIII. DISCUSSION OF FUTURE AGENDA ITEMS

XIV. ADJOURN
**Motion** M Statz/D Statz to adjourn until the next regular meeting or the call of the chair. Motion carried. Vote 5-0

Brenda Kahl, Clerk/Treasurer

Duane Haag, Chair

# ZONING CHANGE APPLICATION

| | |
|---|---|
| PERMIT #: | 2026-2 |
| Permit Fee: $_____ | Fee Paid: ☐ |
| Approved By: | |
| Approval Date: | / / |

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PHONE (608) 767-4152 • FAX (608) 767-3015 • www.townofberry.org

Items that must be submitted with your application:

- **Written Legal Description of the Proposed Zoning Boundaries**
  Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

- **Scaled Drawing of the Location of the Proposed Zoning Boundaries**
  The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

| OWNER | AGENT (Contractor, Coordinator, Other) |
|---|---|
| NAME<br>Scott A Evert | CONTACT NAME<br>Dustin Gradel |
| BUSINESS NAME or CO-OWNER'S NAME (if applicable)<br>Dawn M Evert | BUSINESS NAME (if applicable)<br>Tri-County Paving |
| MAILING ADDRESS<br>9515 State Highway 19 | MAILING ADDRESS<br>7579 S Meixner Road |
| CITY, STATE, ZIP<br>Mazomanie, WI 53560 | CITY, STATE, ZIP<br>DeForest, WI 53532 |
| DAYTIME PHONE #<br>608-235-8519 | DAYTIME PHONE #<br>608-846-4657 |
| EMAIL<br>scott.evert67@gmail.com | EMAIL<br>dgradel@tricountypaving.com |

**LAND INFORMATION**

Town: 8 Parcel Numbers Affected: 080704390001, 080704385008, 080709285009, 080709280004

Section: 4 Property Address or Location: 8916 State Highway 19

Zoning District Change (To / From / # of acres) A-1(EX) (Dane County) / Agriculture (AG) / 83.6 acres

Soils classification of area (percentages) Class I Soils: 18 % Class II Soils: 37 % Other: 45 %

Narrative: (reason for change, intended land use, size of farm, time schedule)

☐ Separation of buildings from farmland ☐ Creation of a residential lot

☐ Compliance for existing structures and/or land uses ☑ Other

A 28.1 acre non-metallic mine for the extraction of sand and gravel is proposed on the affected parcels. The zoning change is required to switch from Dane County Zoning into a Town of Berry zoning district, which is necessary to obtain the Conditional Use Permit required for non-metallic mining.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: Scott Evert VP Date: 12-19-25

Revised 11/14/2017

# TOWN OF BERRY JURISDICTION REVIEW FORM

## COMPLETE THIS FORM BEFORE STARTING THE ZONING APPLICATION

If your property is subject to Dane County's jurisdiction, the Town cannot grant your zoning change without Dane County's approval. If the answer to any of the Jurisdictional Questions is "Yes", the Town cannot proceed with your application unless Dane County indicates that the County does not have jurisdiction over zoning the parcel.

Applicant/Agent/Contractor: Dustin Gradel Email: dgradel@tricountypaving.com

Address: 7579 Meixner Road City/State/Zip: DeForest, WI 53532 Phone: 608-846-4657

Parcel ID Number(s): 080704390001, 080704395006, 080704385008

CSM or Plat Information, if any: _____

Proposed activity on the property: 29.5 acre non-metallic mine

Is the property enrolled in CRP or any other farm programs? ☑ No ☐ Yes

If "Yes" is checked, identify the program and file identification number(s): _____

## JURISDICTIONAL QUESTIONS

1. Is your proposed project located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage?
   ☐ No ☑ Yes
2. Is your proposed project located within 300 feet of the ordinary high-water mark of a navigable river, stream or creek?
   ☑ No ☐ Yes
3. Is your proposed project located within a floodplain? ☐ No ☑ Yes
4. Is your proposed project located within a wetland? ☑ No ☐ Yes
5. Will your project involve disturbing more than 4,000 square feet of land by excavating, grading or filling?
   ☐ No ☑ Yes (If Yes, you may need a Dane County erosion control and/or stormwater permit)
6. Do the maps showing wetlands, floodplains and shorelands at https://dcimapapps.countyofdane.com/lwrviewer/ indicate that there are any floodplain, wetland or shoreland areas on your property or an adjacent parcel?
   ☐ No ☑ Yes

### STATEMENT OF APPLICANT

The answers above were made after reviewing the facts pertaining to my property. I am aware that if my proposed project is located within a floodplain, shoreland or wetland area, the project must be reviewed by Dane County. Any approvals obtained in error will be void, and all expenses incurred in seeking those approvals will be lost.

Dated: 11-20-25 By: _____

If the answer to any jurisdictional question is "Yes," the applicant must submit this request to the Dane County Department of Planning and Development for a determination of whether the project is subject to Dane County Jurisdiction.

### DETERMINATION BY DANE COUNTY

The undersigned, acting by authority of Dane County, indicates that the parcel identified in this Jurisdictional Review Form is not subject to shoreland, floodplain or wetland zoning regulations of Dane County.

Dated: _____ By: _____

# CONDITIONAL USE PERMIT APPLICATION

| | |
|---|---|
| PERMIT #: | 2026-2 |
| Permit Fee: $_____ | Fee Paid: ☐ |
| Approved By: | |
| Approval Date: | / / |

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**Items that must be submitted with your application:**

- **Written Legal Description of Conditional Use Permit boundaries.**
- **Scaled Drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking areas, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.**
- **Scaled map showing neighboring area land uses and zoning districts.**
- **Written operations plan describing the items listed below (additional items needed for mineral extraction sites).**
- **Written statement on how the proposal meets the 6 Standards of a Conditional Use.**

| OWNER | AGENT (Contractor, Coordinator, Other) |
|---|---|
| NAME<br>Scott A Evert | CONTACT NAME<br>Dustin Gradel |
| BUSINESS NAME or CO-OWNER'S NAME (if applicable)<br>Dawn M Evert | BUSINESS NAME (if applicable)<br>Tri-County Paving |
| MAILING ADDRESS<br>9515 State Highway 19 | MAILING ADDRESS<br>7579 S Meixner Road |
| CITY, STATE, ZIP<br>Mazomanie, WI 53560 | CITY, STATE, ZIP<br>DeForest, WI 53532 |
| DAYTIME PHONE #<br>608-235-8519 | DAYTIME PHONE #<br>608-846-4657 |
| EMAIL<br>scott.evert67@gmail.com | EMAIL<br>dgradel@tricountypaving.com |

## LAND INFORMATION

Parcel Numbers Affected: 080704390001, 080704385008, 080709285009, 080709280004

Section: 4 Property Address: 8916 State Highway 19

Existing/Proposed Zoning District: A-1 (EX) (Dane County) / Agriculture (AG)

Type of Activity Proposed (check and explain all that apply):

| | |
|---|---|
| ☑ Hours of Operation<br>M-F 6AM-6PM, Sat 7AM-4PM | ☑ Number of Employees<br>3-4 on site during intermittent processing of materials |
| ☐ Anticipated Customers | ☑ Outside Storage<br>Stockpiling of processed material |
| ☑ Outdoor Activities<br>Non-metallic mining | ☑ Outdoor Lighting<br>Minimal, as needed |
| ☐ Outside Loudspeakers | ☑ Proposed Sign<br>Sign at entrance "Tri-County Paving - Evert Sand & Gravel Pit" |
| ☐ Trash Removal | ☑ Six Standards of CUP<br>(see back) |

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: Dustin Gradel V.P. Date: 10-29-25



Revised 05/24/2018

## SIX STANDARDS OF A CONDITIONAL USE PERMIT

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

   See narrative Section 1.2.1

2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

   See narrative Section 1.2.2

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

   See narrative Section 1.2.3

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

   See narrative Section 1.2.4

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

   See narrative Section 1.2.5

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

   See narrative Section 1.2.6

# 1.0 NARRATIVE

## 1.1 Introduction

This application to the Town of Berry is a request by Tri-County Paving for a Conditional Use Permit (CUP), Zoning Change, and Non-Metallic Mining Permit for a non-metallic mining operation with the purpose of extracting sand and gravel materials on 28.1 acres of land currently owned by Scott A Evert and Dawn M Evert. Refer to Exhibits 3.1, 3.2, 3.3, 3.4, Town of Berry Conditional Use Application, Jurisdictional Review Form, Zoning Change Application, and Non-Metallic Mining Application, respectively. Please review the enclosed applications and associated attachments.

The site is located north of the intersection of State Highway 19 and County Road KP in the Town of Berry, Dane County, Wisconsin (Parcels #080704390001, 080704385008, 080709285009, 080709280004). See Exhibit 3.5, Location Map. The proposed conditional use permit area and zoning boundary for the 83.6 acres to be rezoned to Agriculture is shown in Exhibit 3.6. A legal description of permit area is included in Exhibit 3.7. Access to the pit is proposed from an existing driveway on State Highway 19.

Pit extraction operations are expected to last for 20 years in one phase with the removal of sand and gravel through the excavation method. No blasting will be required. The CUP will be renewed as required by the Town prior to expiration. The operation is expected to produce approximately 150,000 tons +/-, depending on the construction market needs for gravel, of material per year. Before extraction operations begin, erosion control will be installed, and a landscape berm will be constructed using topsoil on site for visual and noise screening. A 4-foot tall two strand barbed wire fence will be constructed on top of the berm to enclose the perimeter of the site. Reclamation of the pit will begin immediately following the conclusion of mining activities. The land will be restored to a pond after the completion of mining.

Tri-County Paving plans to conduct non-metallic mineral extraction on the property for the long-term supply of aggregates for various construction purposes. The construction aggregate materials may be used for base course, concrete, and asphalt mixtures.

## 1.2 Town of Berry Conditional Use Review Criteria

The Town of Berry Conditional Use Permit Application is enclosed as Exhibit 3.1. Below is a summary of how each of the Town of Berry Criteria for the Conditional Use Permit is met. Each of these criteria is further described in Section 2.

1. **The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.**

   The non-metallic mining operation will not be detrimental to or endanger public health, safety, or general welfare. A 4-foot-tall perimeter fence will be constructed around the pit for safety. Access to the site will be limited to the entrance and exit on State Highway 19, and the pit area will be secured with a locking gate and warning signage. Warning signage will also be placed around the perimeter of the pit. The access road will be swept and watered as needed to control dust and sediment tracking. A landscape berm will be constructed around the extraction area to provide visual and noise screening for nearby residents.

2. **The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance, or operation of the conditional use.**

   The surrounding area is primarily agricultural land with rural single-family residences. The proposed extraction area will be located more than 330 feet from the nearest building. Landscape berms will be constructed around the pit to reduce visual and noise impairment to neighboring properties. Following the completion of mining, the land will be restored to a pond with side slopes no greater than 3:1 down to the pond surface.

3. **The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

   The surrounding areas are primarily zoned for Agriculture or Exclusive Agriculture. Non-metallic mining is a conditional use of both the Agriculture and Exclusive Agriculture zoning districts in the Town of Berry according to Section 1.045 of the Town of Berry Zoning Ordinance. A non-metallic mine in this area will not impact the future agricultural use of the surrounding land for permitted purposes. The pit will be reclaimed to a pond following the completion of mining. The pond will comply with the Town of Berry Zoning Ordinance Section 1.0629, Secondary Standards for Ponds.

4. **That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being made.**

   There are no proposed utilities. The existing driveway and dirt road will be upgraded with new asphalt and gravel as required to become the access road to the pit. There is an existing culvert passing for Halfway Prairie Creek which will be sufficient to support truck crossings. The pit will be internally drained, and therefore will not impact stormwater runoff to neighboring properties.

5. **Adequate measures have been or will be taken to provide ingress and egress is designed as to minimize traffic congestion in the public streets.**

   Trucks will haul material from the pit to State Highway 19. From the site, trucks will primarily travel on State Highway 19 or County Road KP to reach destinations throughout Dane County. Impact to town roads will be minimal due to the direct access to State Highway 19. Tri-County Paving shall coordinate with WISDOT to permit the driveway connection as required.

6. **The conditional use shall conform to all applicable regulations of the district in which it is located.**

   The parcel is currently zoned A-1 (EX). An application to change the zoning to Agriculture (AG) within the Town of Berry is included as Exhibit 3.3. This narrative and the accompanying plans demonstrate how the site conforms with the requirements of the conditional use as described in the Town of Berry Comprehensive Plan, Nonmetallic Mining Ordinance Chapter 500.4, and Secondary Standards for Non-Metallic Mining and Extraction (Town of Berry Zoning Ordinance Section 1.056).

**General Engineering Company**
P.O. Box 340
916 Silver Lake Drive
Portage, WI 53901

608-742-2169 (Office)
608-742-2592 (Fax)
gec@generalengineering.net
www.generalengineering.net

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# ZONING ADMINISTRATOR REVIEW REPORT

**TO:** Town of Berry Plan Commission, Town Board, Town Clerk/Treasurer

**FROM:** Mitchell Bortz, Town of Berry Zoning Administrator

**DATE:** (for) February 2, 2026: Plan Commission Meeting

**SUBJECT:** Zoning Change/ CUP for Evert
Tax Parcels 0807-043-9000-1, 0807-043-8500-8, 0807-092-8500-9 & 0807-092-8000-4

**GEC NO.:** 2-0125-36Q

## Background Information

Owner / Applicant: Scott & Dawn Evert
9515 State Highway 19
Mazomanie, WI 53560

Agent or Surveyor: Dustin Gradel
Tri-County Paving
7579 S Meixner Road
DeForest, WI 53532

Location: 8916 State Highway 19
In part of the SW ¼ of the SW ¼ and in part of the NW ¼ of the SW ¼ of Section 4 and in part of the NE ¼ of the NW ¼ and in part of the NW ¼ of the NW ¼ of Section 9, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Zoning Change/ CUP Approval

Existing Zoning:

| | | |
|---|---|---|
| Tax Parcel 0807-043-9000-1 | A-1(EX) (Legacy) | 40.30 Acres |
| Tax Parcel 0807-043-8500-8 | A-1(EX) (Legacy) | 40.30 Acres |
| Tax Parcel 0807-092-8500-9 | A-1(EX) (Legacy) | 2.30 Acres |
| Tax Parcel 0807-092-8000-4 | A-1(EX) (Legacy) | 36.84 Acres |
| | Total | 119.74 Acres |

Existing Land Use: Tax Parcel 0807-043-9000-1 is primarily open agricultural fields. There are no structures on this parcel. There is some wooded area with steeper slopes in the northwestern portion of the property. There are shoreland, floodplain and wetland indicators on this parcel. Halfway Prairie Creek passes through the parcel.

Tax Parcel 0807-043-8500-8 looks to be half open agricultural fields and half wooded with steep elevation on a majority of the parcel. There are no structures on this parcel. There are shoreland, floodplain and wetland indicators on this parcel.

Tax Parcel 0807-092-8500-9 is a smaller parcel that has a large agricultural structure with fenced in areas for cattle. The entire structure is not fully located on the parcel and crosses over into the other parcel. There are shoreland, floodplain and wetland indicators on this parcel.

Tax Parcel 0807-092-8000-4 is a piece of property that is located on both sides of the roadway. There are primarily open agricultural fields in the southern half of the property (south of State Highway 19). In the smaller, northern section of the property (north of State Highway 19) has a residential home located on the property. There are wetlands and a pond in the area just south of State Highway 19.

Adjacent Land Uses: North: Agricultural
West: Agricultural, County Road KP
East: Agricultural
South: Agricultural, State Highway 19

**Proposal**

| Zoning Change: | | | | |
|---|---|---|---|---|
| | Tax Parcel 0807-043-9000-1 | AG | | 40.30 Acres |
| | Tax Parcel 0807-043-8500-8 | AG | | 40.30 Acres |
| | Tax Parcel 0807-092-8500-9 | AG | | 2.30 Acres |
| | Tax Parcel 0807-092-8000-4 | AG | | 36.84 Acres |
| | | | Total | 119.74 Acres |

Applicant submitted information for a zoning change on Tax Parcels 0807-043-9000-1, 0807-043-8500-8, 0807-092-8500-9 & 0807-092-8000-4 from zoning A-1(EX) (Legacy) Exclusive Agriculture District to AG Agricultural District in the newer zoning ordinance. The owner would like to convert 28.1 acres of land for a non-metallic mine for the extraction of sand and gravel. The rezone out of exclusive agricultural zoning district in the legacy zoning will allow the conditional use for the non-metallic mining operation to be obtained.

**Submittals/Attachments**

1. Zoning Change Application, received December 22, 2025.
2. Conditional Use Permit Application, received December 22, 2025.
3. Jurisdictional Review Form, received December 22, 2025.
4. Non-Metallic Mining Application, received, December 22, 2025.
5. Property Map/ Site Plan/ Image Descriptions, other attachments, received December 22, 2025.

GEC reviewed the attachments and the information submitted by the applicant/agent and has the following comments outlined below:

**Comprehensive Plan**

The planned land use for this parcel is Agricultural Area with no other overlay districts. I'll always defer to the Town on the history of a property meeting the density requirements and the Agricultural and Rural Lands Preservation Area policy in the Town's Comp Plan. The Town's comprehensive plan has a section that discusses non-metallic mineral extraction sites in chapter 8. It does not appear there is extraterritorial review by another municipality.

**Town Ordinances**

1. **General – Proposed Non-Metallic Mining Operation**
   The proposed 28.1 acres pit will be used to extract sand and gravel products for various purposes, including, but not limited to, construction of buildings and roads. Operations will consist of the following:
   a) Installation of erosion control measures.
   b) Removing topsoil and overburden soils to form berms around the perimeter of the pit for visual screening, noise reduction, landscaping, and reclamation.
   c) Crushing of the rock into appropriately sized material to meet government and private contractor specifications.
   d) Washing crushed rock to meet government and private contractor specifications.
   e) Stockpiling the crushed rock and other aggregate in accordance with appropriate size and physical characteristics.
   f) Hauling the crushed rock and aggregate from the site.
   g) Related activities.

The Evert Sand & Gravel Pit will extract approximately 150,000 +/-, depending on construction market needs for gravel, tons of material per year for an estimated total of 3,000,000 tons to be processed. The primary material will be sand and gravel, which will be processed into different sized aggregates. The project will occur as one phase over a 20-year term. The proposed pit area is 28.1 acres as shown on Exhibit 3.16 for the site plan depicting the proposed pit boundary. The proposed extraction is planned to occur from April 1, 2026, to April 2046. Reclamation will begin immediately following the conclusion of mining activities and will be completed within two years of the completion of mining. Tri-County Paving, Inc. will provide the appropriate certificate of insurance before operations commence, as required by the Town of Berry. As required by the Town Comprehensive Plan, Tri-County Paving agrees to onsite inspection for regulatory compliance, during normal business hours, by County, State, or Town agents and officials, without advanced notice or an inspection warrant.

2. **Conditional Use Permit Application**
   The Town of Berry Zoning Ordinance allows for the conditional use of a non-metallic mining operation, one acre or greater, under Ordinance 1.056. The submitted application requests the hours of operation from Monday- Friday, 6a.m.-6p.m. and on Saturdays from 7a.m.-4-p.m. as well as after-hour maintenance of equipment. The Town's comprehensive plan has a section that refers to the hours of operation on weekdays from 8 a.m. to 5 p.m. and 9 a.m. to 2 p.m. on Saturdays. If the extraction site is located close to residential properties, the Town can alter these hours of operation as needed.
   It is noted in their application that in the event a state or municipal contract is awarded to Tri-County Paving and requires night extraction operations, Tri-County Paving will give notice of 3 days to the municipality. In this event, should the conditions of the CUP only allow for daytime operations, the CUP will need to be amended for such a change.
   There will be 3-4 onsite employees at any given time. There will be stockpiling of processed materials on site. There is a proposed sign that is listed as well. A DAC will need to be submitted prior for verification that meets the zoning district requirements. GEC did not receive any proposed sign information, such as design, height, etc.
   It is also mentioned there will be a scale house constructed near the vehicle access to the pit located on the submitted site plan (Exhibit 3.16).
3. **Reclamation Plan**
   Reclamation will begin immediately following the completion of mining activities and will be completed within 2 years. The pit will be reclaimed as a pond for recreational use according to the applicable County and State regulations. The Reclamation Plan and cross sections of the pit area are included in Exhibits 3.20 and 3.21. This Reclamation Plan will be submitted to Dane County for review and approval. The pond will need to adhere to the Town zoning secondary standards under section 1.0629. This requires a land use permit since the pond will be greater than 200 square feet in size. Since it will be within 75 feet of the abutting property line to the east, a conditional use permit is required. The pond will be stocked with pan fish and bass, and the plans for biological stability are included in the application. Fencing and gating is required as well under these secondary standards.
   There shall be no changes to the proposed mine operation as described in the Reclamation Plan regarding the depth, extent, proposed final grades, or phasing sequence without the prior written approval of the Dane County Planning and Zoning Department, which shall have the right to determine whether such changes require further review by the Planning and Zoning Department or revisions to the Reclamation Plan.
4. **Property Map/ Site Plan**
   The 28.1-acre mining area will only be located on tax parcels 0807-043-8500-8 and 0807-043-9000-1. The included site plan shows the location of the proposed pit boundary, screening location for the fencing, pit warning signs, the location of the scale house and proposed 26-foot gravel roadway that will extend from the existing driveway that connects to State Highway 19. There is no mention of a lighting plan, or proposed lighting on the site. Any proposed lighting on site shall comply with the town's dark sky ordinance and shall be kept to a minimum during off hours.

5. **General – Rezone to AG Zoning District**
   The rezone of tax parcels 0807-043-8500-8, 0807-043-9000-1 and 0807-092-8000-4 all have the minimum acreage (5 acres) to rezone the parcel to AG Agricultural in the Town's newer ordinance. Tax parcel 0807-092-8500-9, however, does not meet the minimum of 5 acres as it is only 2.30 acres in size.
6. **Other - Permits**
   The non-metallic mining operation will require a handful of permits:
   - Town of Berry Conditional Use Permit
   - Town of Berry Non-Metallic Mine Permit
   - Town of Berry Land Use Permit
   - Dane County Reclamation Permit
   - Dane County Floodplain Permit
   - Wisconsin DNR Industrial Discharge Permit
7. **General – Farmland Preservation**
   By rezoning out of Exclusive Ag, the property owner will no longer be eligible for Farmland Preservation credits.

**Recommendation**

GEC recommends that the Plan Commission conditionally approve the proposed zoning change and conditional use permit of Tax Parcels 0807-043-9000-1, 0807-043-8500-8, 0807-092-8500-9 & 0807-092-8000-4 from zoning A-1(EX) (Legacy) Exclusive Agriculture District to AG Agricultural District in the newer zoning ordinance, contingent on the following:

1. Plan Commission/Town Board discuss any concerns with above comments.
2. Any comments or conditions from the Town Attorney shall be addressed.
3. Applicant receives the required permits from all other agencies.
4. After a public hearing is held, the Town Board approve a Conditional Use Permit for the non-metallic mineral extraction with the conditions set forth by the Town's zoning ordinance and any other conditions that may arise.

# CONDITIONAL USE PERMIT

Town of Berry Conditional Use Permit

2026-2 Evert CUP #1

The Town Board of the Town of Berry does hereby:

GRANT Conditional Use Permit CUP #1 for Non-Metallic Mining & Extraction 1.056 in accordance with the Town of Berry Comprehensive Plan and Zoning Code.

EFFECTIVE DATE OF PERMIT: February 16, 2026

The Conditional Use Shall Be Located on the Property Described as Follows:

Tax Parcel 0807-043-8500-8, 0807-043-9000-1, 0807-092-8000-4 and 0807-092-8500-9, 8916 State Highway 19, Sec 4-8-7 in part SW ¼ of the SW ¼ and in part of the NW ¼ of the SW ¼ and 9-8-7 in part NE ¼ of the NW ¼ and in part of the NW ¼ of the NW ¼, Town of Berry, Dane County, Wisconsin.

1) Conditional Use Permit shall be for Non-Metallic Mining and Extraction for the business known as Tri-County Paving.
2) The Conditional Use Permit is limited to Tax Parcels 0807-043-8500-8, 0807-043-9000-1, 0807-092-8000-4 and 0807-092-8500-9 as shown in the site plan provided with the December 2025 Conditional Use Permit application.
3) The proposed scale house is the only building that shall be constructed for the purpose of this non-metallic mining extraction site. No additional buildings or modifications of the proposed scale house shall be constructed without modifying this Conditional Use Permit.
4) Hour of operation, including the operation of equipment, shall be limited to 7am to 6pm Monday-Friday and Saturdays from 7am to 12pm.
5) No additional driveways from the Highway shall be permitted other than the existing driveway off of State Road 19.
6) Outdoor lighting shall be limited to security lighting.
7) Subject property shall be in compliance with all local, county, and floodplain, state stormwater and erosion control, and reclamation requirements through Dane County and the approved stormwater discharge permit through the Wisconsin Department of Natural Resources.
8) Plumbing fixtures shall drain to an approved on-site waste treatment system or sewer and shall meet all plumbing code requirements.
9) The property shall be maintained in a clean and orderly manner.
10) This CUP shall expire on April 1, 2046, or upon the sale of the property to an unrelated third party.
11) Fencing requirements must be met while the Non-Metallic Mining Extraction is in operation. Fencing shall stay in place after the mineral extraction operations have ceased.
12) Reclamation plan must be completed within two years, or within the time frame required by Dane County.
13) Ponds shall require a land use permit as it will be greater than 200 square feet in size.
14) In the event a state or municipal contract is awarded to Tri-County Paving and requires night extraction operations, Tri-County Paving shall provide 7 days' notice to the Town. Said notice shall identify the job and the number of nights required for after-hours operation. Notice shall be in writing unless the Town consents to email notification

**CONDITIONS:**

CONDITIONAL USE PERMIT | 2026-2 Evert CUP#1 | , PAGE 2

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance, or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The conditional use shall confirm to all applicable regulations of the district in which it is located.

Expiration of Permit

Per Town of Berry Zoning Code, Subchapter IX, 1.095: If a use or activity associated with a previously approved conditional use ceases for 365 days or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorizing agent must reapply and obtain another conditional use before recommencing the use or activity.

# ZONING CHANGE APPLICATION

| PERMIT #: | |
|---|---|
| Permit Fee: $_____ | Fee Paid: ☐ |
| Approved By: | |
| Approval Date: / / | |

TOWN OF BERRY • 9046 STATE ROAD 19 • MAZOMANIE, WI 53560
PHONE (608) 767-4152 • FAX (608) 767-3015 • www.townofberry.org

Items that must be submitted with your application:

- **Written Legal Description of the Proposed Zoning Boundaries**
  Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

- **Scaled Drawing of the Location of the Proposed Zoning Boundaries**
  The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

| OWNER | AGENT (Contractor, Coordinator, Other) |
|---|---|
| NAME<br>Juliann Fick | CONTACT NAME<br>Frank Pohlkamp, Jr. |
| BUSINESS NAME or CO-OWNER'S NAME (if applicable) | BUSINESS NAME (if applicable)<br>Assist2Sell |
| MAILING ADDRESS<br>5596 Enchanted Valley Road | MAILING ADDRESS<br>6333 University Ave, Suite 202 |
| CITY, STATE, ZIP<br>Cross Plains, WI 53528 | CITY, STATE, ZIP<br>Middleton, WI 53562 |
| DAYTIME PHONE # | DAYTIME PHONE #<br>608-225-5954 |
| EMAIL | EMAIL<br>fpohlkamp@gmail.com |

**LAND INFORMATION**

Town: Berry Parcel Numbers Affected: 0807-242-8600-6

Section: 24-8-7 Property Address or Location: 5596 Enchanted Valley Road

Zoning District Change (To / From / # of acres) To Agriculture / From AG1 / 5 Acres
A-1Ex

Soils classification of area (percentages) Class I Soils: 0 % Class II Soils: 0 % Other: 100 %

Narrative: (reason for change, intended land use, size of farm, time schedule)

☐ Separation of buildings from farmland ☐ Creation of a residential lot

☑ Compliance for existing structures and/or land uses ☑ Other

The parcel currently has a grandfathered single-family residence on-site, request for rezoning to allow the construction of a new residence on the parcel.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: _____ Date: 11/10/2025

# TOWN OF BERRY JURISDICTION REVIEW FORM

## COMPLETE THIS FORM BEFORE STARTING THE ZONING APPLICATION

**If your property is subject to Dane County's jurisdiction, the Town cannot grant your zoning change without Dane County's approval. If the answer to any of the Jurisdictional Questions is "Yes", the Town cannot proceed with your application unless Dane County indicates that the County does not have jurisdiction over zoning the parcel.**

Applicant/Agent/Contractor: Noa Prieve - Williamson Surveying and Associates Email: _____

Address: 104 A West Main Street City/State/Zip: Waunakee, WI 53597 Phone: (608) 712-3196

Parcel ID Number(s): 0807-242-8600-6

CSM or Plat Information, if any: _____

Proposed activity on the property: Residential Use

Is the property enrolled in CRP or any other farm programs? ☑ No ☐ Yes

If "Yes" is checked, identify the program and file identification number(s): _____

## JURISDICTIONAL QUESTIONS

1. Is your proposed project located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage?
   ☑ No ☐ Yes

2. Is your proposed project located within 300 feet of the ordinary high-water mark of a navigable river, stream or creek?
   ☑ No ☒ Yes POSSIBLE

3. Is your proposed project located within a floodplain? ☑ No ☐ Yes

4. Is your proposed project located within a wetland? ☑ No ☐ Yes

5. Will your project involve disturbing more than 4,000 square feet of land by excavating, grading or filling?
   ☑ No ☐ Yes (If Yes, you may need a Dane County erosion control and/or stormwater permit)

6. Do the maps showing wetlands, floodplains and shorelands at https://dcimapapps.countyofdane.com/lwrviewer/ indicate that there are any floodplain, wetland or shoreland areas on your property or an adjacent parcel?
   ☑ No ☐ Yes

### STATEMENT OF APPLICANT

The answers above were made after reviewing the facts pertaining to my property. I am aware that if my proposed project is located within a floodplain, shoreland or wetland area, the project must be reviewed by Dane County. Any approvals obtained in error will be void, and all expenses incurred in seeking those approvals will be lost.

Dated: _____ By: _____

If the answer to any jurisdictional question is "Yes," the applicant must submit this request to the Dane County Department of Planning and Development for a determination of whether the project is subject to Dane County Jurisdiction.

### DETERMINATION BY DANE COUNTY

The undersigned, acting by authority of Dane County, indicates that the parcel identified in this Jurisdictional Review Form is not subject to shoreland, floodplain or wetland zoning regulations of Dane County.

Dated: Nov. 10, 2025 By: _____

**General Engineering Company**
P.O. Box 340
916 Silver Lake Drive
Portage, WI 53901

608-742-2169 (Office)
608-742-2592 (Fax)
gec@generalengineering.net
www.generalengineering.net

Engineers • Consultants • Inspectors

# ZONING ADMINISTRATOR REVIEW REPORT

**TO:** Town of Berry Plan Commission, Town Board, Town Clerk/Treasurer

**FROM:** Mitchell Bortz, Town of Berry Assistant Zoning Administrator

**DATE:** (for) January 5, 2026: Plan Commission Meeting

**SUBJECT:** Zoning Change for Fick
Tax Parcel 0807-242-8600-6

**GEC NO.:** 2-0125-36O

## Background Information

Owner / Applicant: Juliann Fick
5596 Enchanted Valley Road
Cross Plains, WI. 53528

Agent or Surveyor: Frank Pohlkamp Jr.
Assist2Sell
6333 University Ave, Suite 202
Madison, WI 53562

Location: 5596 Enchanted Valley Road
In part of the NW ¼ of the NW ¼ of Section 24, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Zoning Change Approval

Existing Zoning:

| | | |
|---|---|---|
| Tax Parcel 0807-242-8600-6 | A-1(EX) (Legacy) | 5.01 Acres |
| | Total | 5.01 Acres |

Existing Land Use: The property is mostly wooded. There is an existing residential home near the northwestern corner of the property with a paved driveway connecting the house to Enchanted Valley Road. There are no wetlands, streams, or floodplains associated with the property. Much of the property appears to have shoreland zoning indicators. There is some sloping terrain in the southern portion of the property.

Adjacent Land Uses: North: Residential
West: Enchanted Valley Road
East: Agricultural
South: Agricultural

## Proposal

Zoning Change:

| | | |
|---|---|---|
| Tax Parcel 0807-242-8600-6 | AG | 5.01 Acres |
| | Total | 5.01 Acres |

Applicant submitted information for a zoning change on Tax Parcel 0807-242-8600-6 from zoning A-1(EX) (Legacy) Exclusive Agriculture District to AG Agricultural District in the newer zoning ordinance. The owner would like to build a new principal structure on the property and the rezone out of exclusive agricultural zoning district will allow the construction.

**Submittals/Attachments**

1. Zoning Change Application, received November 11, 2025.
2. Jurisdictional Review Form, received November 11, 2025.
3. Property Map/ Image Descriptions received November 11, 2025.
4. Preliminary CSM from Williamson Surveying, LLC, received December 12, 2025.
5. Site Plan for new Principal Structure, not yet received.

GEC reviewed the attachments and the information submitted by the applicant/agent and has the following comments outlined below:

**Comprehensive Plan**

The planned land use for this parcel is Agricultural Area with no other overlay districts. I'll always defer to the Town on the history of a property meeting the density requirements and the Agricultural and Rural Lands Preservation Area policy in the Town's Comp Plan. It does not appear there is extraterritorial review by another municipality.

**Town Ordinances**

1. **General – Proposed Principal Structure**
   The application does not provide the location of the proposed principal structure. Prior to issuance of a land use permit, site plans will need to be provided to verify setback requirements from property lines. There are no wetlands, streams, or floodplains associated with the property. Near the southern property line there does appear to be shoreland zoning indicators. Depending on the location of the new home, a shoreland zoning permit may be required by Dane County.
2. **General – Old Principal Structure**
   For the AG zoning district, there can only be one principal structure located on the property. Prior to any new construction of the proposed principal structure, the old home will need to be razed from the property.
3. **Well & Septic**
   The homeowner will need to verify that the existing well and septic systems can handle the new loadings for the proposed new principal structure.
4. **General – Farmland Preservation**
   By rezoning out of Exclusive Ag, the property owner will no longer be eligible for Farmland Preservation credits.
5. **Preliminary CSM**
   The preliminary CSM shows the property has a total acreage of 5.01 acres. This total includes the right-of-way. Total area excluding the right-of-way totals 4.34 acres. While there is less than 5 acres of usable land, the ROW still counts towards the total property size and can be rezoned to the AG Agricultural Zoning District.

**Recommendation**

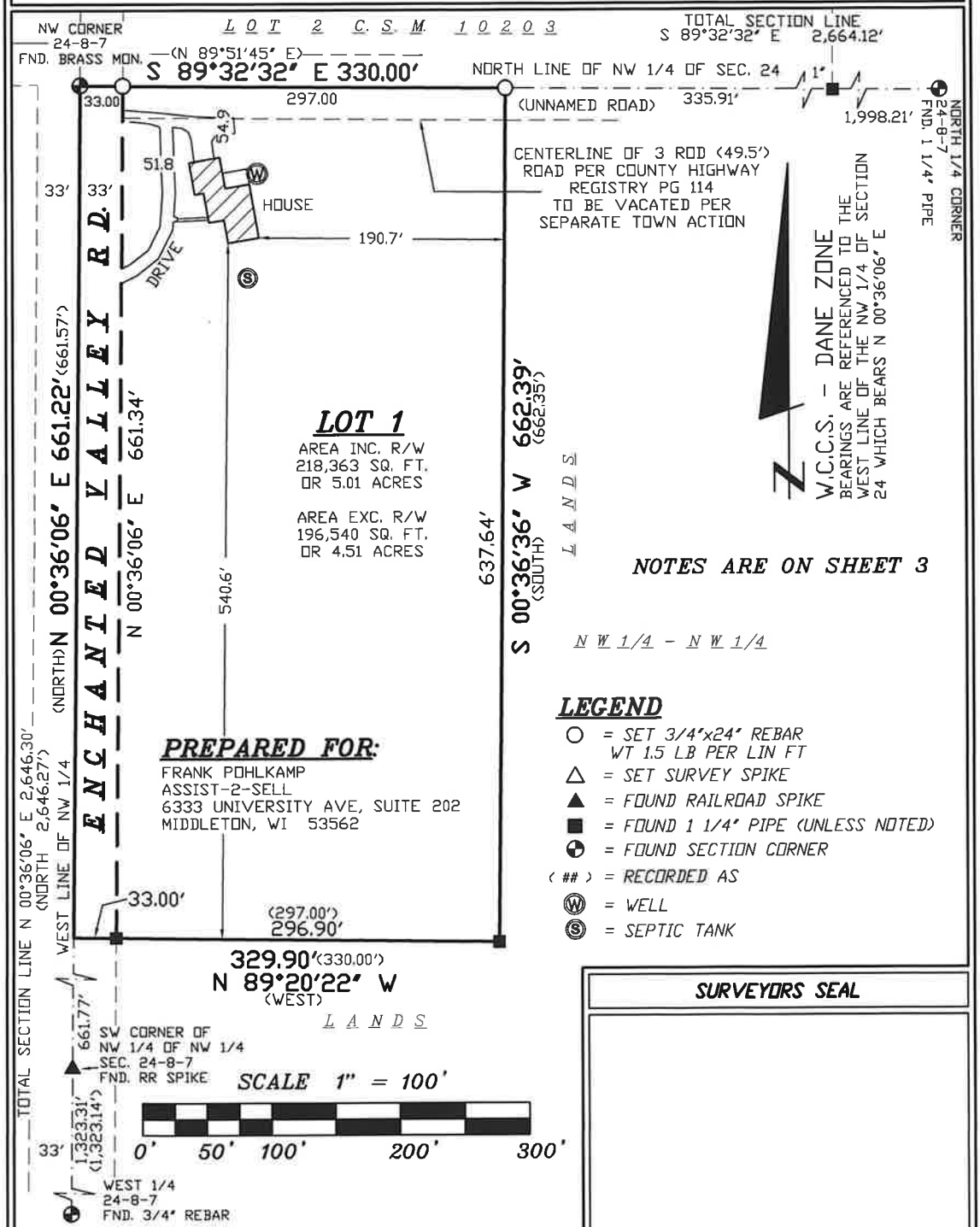
GEC recommends that the Plan Commission conditionally approve the proposed zoning change of Tax Parcel 0807-242-8600-6 from zoning A-1(EX) (Legacy) Exclusive Agriculture District to AG Agricultural District in the newer zoning ordinance, contingent on the following:

1. Town Board discuss any concerns with above comments.
2. Any comments or conditions from the Town Attorney shall be addressed.
3. Applicant obtains a demolition permit to remove the older home.
4. Applicant obtains a land use permit and building permit for the proposed new principal structure.

# CERTIFIED SURVEY MAP


WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705


Located In the NW 1/4 of the NW 1/4 of Section 24, T8N, R7E,
Town of Berry, Dane County, Wisconsin.




SURVEYORS SEAL

DOCUMENT NO._____

CERTIFIED SURVEY MAP NO._____



REVISION: 1-12-2026

25W-490

# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NOA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NW 1/4 of Section 24, T8N, R7E,
Town of Berry, Dane County, Wisconsin.

## SURVEYOR'S CERTIFICATE

I, Noa T. Prieve, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part of the NW 1/4 of the NW 1/4 of Section 24, T8N, R7E, Town of Berry, Dane County, Wisconsin, more particularly described as follows:

Beginning at the NW Corner of said Section 24; thence S 89°32'32" E along the north line of the NW 1/4 of said Section 24, 330.00 feet; thence S 00°36'36" W, 662.30 feet; thence N 89°20'22" W, 329.90 feet to the centerline of Enchanted Valley road and also the west line of the NW 1/4 of said Section 24; thence N 00°36'06" E along said west line, 661.22 feet to the point of beginning. The above-described parcel contains 218,363 square feet or 5.01 acres and is subject to a 33.00 wide right of way over the most westerly part thereof.

Williamson Surveying and Associates, LLC
by Noa T. Prieve

*Date*_____

_____
*Noa T. Prieve S-2499*
*Professional Land Surveyor*

## OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand seal of said owners this _____day of_____,20___.

_____
*Juliann L. Fick*

STATE OF WISCONSIN)
DANE COUNTY)

Personally came before me this _____ day of _____, 20___ the above named Juliann L. Fick to me known to be the person who executed the foregoing instrument and acknowledge the same.

_____*County, Wisconsin.*

*My commission expires* _____

_____
*Notary Public*

_____
*Print Name*

SURVEYORS SEAL



25W-490

# ZONING CHANGE APPLICATION

TOWN OF BERRY • 9046 STATE ROAD 19 • MAZOMANIE, WI 53560
PHONE (608) 767-4152 • FAX (608) 767-3015 • www.townofberry.org

| | |
|---|---|
| PERMIT #: | 2026 - 1 |
| Permit Fee: $ | Fee Paid: ☐ |
| Approved By: | |
| Approval Date: | / / |

Items that must be submitted with your application:

- **Written Legal Description of the Proposed Zoning Boundaries**
  Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

- **Scaled Drawing of the Location of the Proposed Zoning Boundaries**
  The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

| OWNER | AGENT (Contractor, Coordinator, Other) |
|---|---|
| NAME: Jennifer Boyd | CONTACT NAME |
| BUSINESS NAME or CO-OWNER'S NAME (if applicable): Mark Stegbauer | BUSINESS NAME (if applicable) |
| MAILING ADDRESS: 9440 Blackberry Rd. | MAILING ADDRESS |
| CITY, STATE, ZIP: Black Earth, WI 53515 | CITY, STATE, ZIP |
| DAYTIME PHONE #: 608-228-5925 | DAYTIME PHONE # |
| EMAIL: jo.boyd422@gmail.com | EMAIL |

**LAND INFORMATION**

Town: Berry — Parcel Numbers Affected: LOT 2 0807-302-8190-0

Section: — Property Address or Location: 9440 Blackberry Rd - Una Hacker Structure

Zoning District Change (To / From / # of acres) From A2 (4) to SFR 5.049 acres

Soils classification of area (percentages) Class I Soils: 100 % Class II Soils: 0 % Other: — %

Narrative: (reason for change, intended land use, size of farm, time schedule)

- ☐ Separation of buildings from farmland
- ☐ Compliance for existing structures and/or land uses
- ☐ Creation of a residential lot
- ☒ Other

Open an art gallery in exsisting structure

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: J. Boyd Date: 1/14/26

# TOWN OF BERRY JURISDICTION REVIEW FORM

## COMPLETE THIS FORM BEFORE STARTING THE ZONING APPLICATION

If your property is subject to Dane County's jurisdiction, the Town cannot grant your zoning change without Dane County's approval. If the answer to any of the Jurisdictional Questions is "Yes", the Town cannot proceed with your application unless Dane County indicates that the County does not have jurisdiction over zoning the parcel.

Applicant/Agent/Contractor: Jennifer Boyd Email: Jo boyd4220@gmail.com

Address: 9440 Blackberry Rd. City/State/Zip: Black Earth, WI Phone: 608-228-5925

Parcel ID Number(s): _____

CSM or Plat Information, if any: _____

Proposed activity on the property: Art Gallery & vintage shop

Is the property enrolled in CRP or any other farm programs? ☒ No ☐ Yes

If "Yes" is checked, identify the program and file identification number(s): _____

## JURISDICTIONAL QUESTIONS

1. Is your proposed project located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage?
   ☒ No ☐ Yes
2. Is your proposed project located within 300 feet of the ordinary high-water mark of a navigable river, stream or creek?
   ☒ No ☐ Yes
3. Is your proposed project located within a floodplain? ☒ No ☐ Yes
4. Is your proposed project located within a wetland? ☒ No ☐ Yes
5. Will your project involve disturbing more than 4,000 square feet of land by excavating, grading or filling?
   ☒ No ☐ Yes (If Yes, you may need a Dane County erosion control and/or stormwater permit)
6. Do the maps showing wetlands, floodplains and shorelands at https://dcimapapps.countyofdane.com/lwrviewer/ indicate that there are any floodplain, wetland or shoreland areas on your property or an adjacent parcel?
   ☒ No ☐ Yes

### STATEMENT OF APPLICANT

The answers above were made after reviewing the facts pertaining to my property. I am aware that if my proposed project is located within a floodplain, shoreland or wetland area, the project must be reviewed by Dane County. Any approvals obtained in error will be void, and all expenses incurred in seeking those approvals will be lost.

Dated: 1/14/26 By: Jn · Boyd

If the answer to any jurisdictional question is "Yes," the applicant must submit this request to the Dane County Department of Planning and Development for a determination of whether the project is subject to Dane County Jurisdiction.

### DETERMINATION BY DANE COUNTY

The undersigned, acting by authority of Dane County, indicates that the parcel identified in this Jurisdictional Review Form is not subject to shoreland, floodplain or wetland zoning regulations of Dane County.

Dated: _____ By: _____



Revised 11/06/2017

**General Engineering Company**
P.O. Box 340
916 Silver Lake Drive
Portage, WI 53901

608-742-2169 (Office)
608-742-2592 (Fax)
gec@generalengineering.net
www.generalengineering.net

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# ZONING ADMINISTRATOR REVIEW REPORT

**TO:** Town of Berry Plan Commission, Town Board, Town Clerk/Treasurer

**FROM:** Mitchell Bortz, Town of Berry Assistant Zoning Administrator

**DATE:** (for) February 2, 2026: Plan Commission Meeting

**SUBJECT:** Zoning Change/CUP for Boyd-Stegbauer
Tax Parcel 0807-302-8190-0

**GEC NO.:** 3-13004-002

## Background Information

Owner / Applicant: Jennifer Boyd/ Mark Stegbauer
9440 Blackberry Road
Black Earth, WI 53515

Agent or Surveyor: N/A

Location: 9440 Blackberry Road
In part of the NE ¼ of the NW ¼ of Section 30, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Zoning Change Approval/ CUP Approval

| Existing Zoning: | | | |
|---|---|---|---|
| | Tax Parcel 0807-302-8190-0 | A-2 | 5.044 Acres |
| | | Total | 5.044 Acres |

Existing Land Use: There is an existing residential home on the property along with a detached accessory building. The property has a long-paved driveway that connects to Blackberry Road. The property appears mostly wooded. There is moderate sloping terrain associated with this property. There are no lakes, streams, shoreland, or wetlands located on the property.

Adjacent Land Uses: North: Residential
West: Agricultural/ Residential
East: Residential
South: Blackberry Road, Residential

## Proposal

| Zoning Change: | | | |
|---|---|---|---|
| | Tax Parcel 0807-302-8190-0 | SFR | 5.044 Acres |
| | | Total | 5.044 Acres |

Applicant submitted information for a zoning change and a Conditional Use Permit on Tax Parcel 0807-302-8190-0 from zoning A-2 Agriculture District to SFR Single Family Residential District in the newer zoning ordinance. The owner would like to use an existing accessory structure that will allow them to operate an art studio/ gallery with said Conditional Use Permit.

**Submittals/Attachments**

1. Zoning Change Application, received January 15, 2026.
2. Jurisdictional Review Form, received January 15, 2026.
3. Conditional Use Permit Application, received January 15, 2026.
4. Operational Plans for Art Gallery/ Shop, received January 15, 2026.
5. Certified Survey Map of property received January 15, 2026.

GEC reviewed the attachments and the information submitted by the applicant/agent and has the following comments outlined below:

**Comprehensive Plan**

The planned land use for this parcel is Agricultural Area with no other overlay districts. I'll always defer to the Town on the history of a property meeting the density requirements and the Agricultural and Rural Lands Preservation Area policy in the Town's Comp Plan. It does not appear there is extraterritorial review by another municipality.

**Town Ordinances**

1. **General – Proposed Use**
   Applicants are looking to operate a small business within an existing accessory structure on the property. The proposed use is for an art studio/ gallery/ retail shop to feature artworks created by the owners of the property. Hosting small classes, workshops and demonstrations is being proposed. The studio/ gallery could be considered use for the Rural Based Business (RBB) Overlay District that was approved in the Summer/ Fall of 2025. See # 5 below.
2. **Conditional Use Permit**
   "Art Gallery & Art Studios" require a conditional use permit per the Town of Berry's zoning ordinance in residential zoning districts. Secondary standards for art gallery & art studios are as follows in 1.0609: Sales of products and goods shall be primarily of products and goods produced on the premises. The sale of products and goods not produced on the premises are permitted provided these sales are incidental to, or part of, the art gallery or art studio use.
3. **Conditional Use Permit – Proposed Use**
   Applicants are requesting weekend hours of operations from 10am to 4pm and appointments by advanced/ prior scheduling during the week. They state anticipated customers around 10-20 per weekend. The total number of employees (2) are the property owners. No additional employees not currently residing on the property are listed or are required at this time. There is a request to hold outdoor art classes on the property. This location on the property was not specified.
4. **Parking**
   There was nothing submitted to show the proposed layout for parking or how that will look. In section 1.079(5)(b)3&4, art gallery and art studio are listed as moderate parking. Space shall be provided to park 4.5 vehicles per 1,000 square feet of floor area or 1 vehicle per 4 beds or chairs, as applicable, whichever number is more restrictive. The current accessory building is roughly 1,200 square feet. I would consider the number of people who attend the proposed at classes as the number of "chairs" in this scenario. If considering the RBB overlay district, the Town can determine the number of spaces that should be provided.
5. **Possible Use of the Rural Based Business Overlay District**
   In the land use table in section 1.045, art studios are a permitted conditional use in SFR Zoning District. In the same table, art galleries are not permitted or permitted as a conditional use in the SFR Zoning District. The secondary standards that I've listed above seem to conflict with what is and is not permitted/ permitted with a conditional use. If sales of products and goods not produced on the premises is permitted in connection with an art studio, then it seems the Town should consider an art gallery with goods that are produced on the premises should be conditionally permitted. If the Town sees fit, they could go the route of using the Rural Based Business Overlay District to this property. With the RBB Overlay District, the Town can conditionally permit all that the applicants are applying for the same as the Town would normally do for a conditional use permit. The property meets the requirements of the RBB Overlay District.

**Recommendation**

GEC recommends that the Plan Commission conditionally approve the proposed zoning change and Conditional Use Permit 0807-302-8190-0 from zoning A-2 Agriculture District to SFR Single Family Residential District with the Rural Based Business Overlay, in the newer zoning ordinance, contingent on the following:

1. Town Board discuss any concerns with above comments.
2. Any comments or conditions from the Town Attorney shall be addressed.
3. After a public hearing, a Conditional Use Permit be prepared by the Town Attorney incorporating required conditions discussed with and approved by the Town Plan Commission and Town Board.

FORM NO. 985-A

H.C. Miller

**Stock No. 26273**

000116

# DANE COUNTY CERTIFIED SURVEY MAP NO. 9106

**LOCATED IN THE NE 1/4-NW 1/4 AND THE SE 1/4-NW 1/4, SECTION 30, T8N, R7E, TOWN OF BERRY, DANE COUNTY, WISCONSIN.** 3048576

CURVE DATA TABLE

| CURVE | RADIUS | ARC | CENTRAL ANGLE | CHORD BEARING | DISTANCE | TANGENT BEAR. | TANGENT BEAR. |
|---|---|---|---|---|---|---|---|
| 1-2 | 1380.00' | 211.39' | 08°46'36" | S 65°12'42" W | 211.18' | N 60°49'24" E | S 69°36'00" W |
| 3-4 | 1347.00' | 224.77' | 09°33'40" | S 64°49'10" W | 224.51' | N 60°02'20" E | S 69°36'00" W |
| 5-7 | 166.25' | 136.21' | 46°56'34" | N 23°21'33" W | 132.43' | S 00°06'44" W | N 46°49'50" W |
| 5-6 | 166.25' | 69.77' | 24°02'42" | N 11°54'37" W | 69.26' | S 00°06'44" W | N 23°55'58" W |
| 6-7 | 166.25' | 66.44' | 22°53'52" | N 35°22'54" W | 66.00' | S 23°55'58" E | N 46°49'50" W |

Northwest corner Section 30, T8N, R7E Found aluminum monument

N 88°49'21" W - 1251.63'

S 88°49'21" E

North line of NW 1/4

1307.92'

North 1/4 corner Section 30, T8N, R7E Found 3/4" iron rebar

S 00°04'39" E

1656.55'

East line of NW 1/4

## LEGEND & NOTES

- △ Railroad spike set
- ○ 3/4"x24" iron rebar set, weighing 1.50 lbs. lin. ft.
- ⊙ Found 1-1/4" iron pipe
- ( ) Recorded as
- Existing fence

Bearings referenced to the East line of the NW 1/4, recorded as N 00°04'39" W.

Refer to building site information contained in the Dane County Soil Survey

OWNER: Allayne & Danna Dee Turk
9594 Kahl Road
Black Earth, WI 53515

rebar is S 26°13'16" W, 1.28' of corner

DANE COUNTY ZONING AND NATURAL RESOURCES COMMITTEE
Approved for recording by the Dane County Zoning and Natural Resources Committee.
Norbert Scribner #681Y
Authorized Representative
Date November 23, 1998

## LOT 1

44.596 AC. (INCL. R/W)
1,942,610 SQ. FT.
44.543 AC. (EXCL. R/W)
1,940,326 SQ. FT.

657.60'

N 00°00'30" W

666.29'

West line of E 1/2-NW 1/4

N 88°49'21" W
349.51'

N 00°00'30" W
560.03'

## LOT 2

5.043 AC. (INCL. R/W)
219,696 SQ. FT.
5.000 AC. (EXCL. R/W)
217,800 SQ. FT.

758.03'
91.74'

S 62°52'00" W
231.35'

N 82°39'45" W
51.42'

76.56'
53.83'
S 45°12'00" W
130.39'

N 04°45'02" W - 325.15'

N 24°24'17" W - 134.81'

N 44°37'32" W - 162.61'

N 57°17'00" W
43.20'

S 02°24'10" E - 392.66'
N 78°10'00" W - 103.91'
S 85°04'12" W - 172.65'
S 66°38'00" W
420.39'

N 00°06'44" E

9.928 AC. (EXCL. R/W)
432,500 SQ. FT.

BLACKBERRY ROAD

1915.67'

## LOT 3

11.455 AC. (INCL. R/W)
498,979 SQ. FT.

N 02°24'10" W - 448.25'
222.99'

66'

## LOT 4

4.679 AC. (INCL. R/W)
203,816 SQ. FT.

357.96'

(163.2')

S 72°36'22" W
163.56'

191.83'

(SOUTH - 223.70')

6.35'
62.94'
S 69°36'00" W
471.35'
482.07'
34.70'
53.13'

S 69°36'00" W
535.20'

KAHL ROAD

S 72°46'00" W - 16.00'

33'
(NORTH - 223.50')
S 02°12'45" E
225.69'

191.53'

34.13'

S 77°52'00" W - 95.25'
S 72°46'00" W
313.57'

941.22'

2431.30'

33'

35'

38'

S 72°46'00" W - 306.19'

S 77°52'00" W - 155.47'

Bearing & Distance
8-9 = N 02°24'10" W - 225.96'

258.08'
295.99'

1932.54'

37.91'

S 00°04'39" E
679.84'

Lot 1 C.S.M. No. 5299

LOT 4 AREA
4.152 AC. (EXCL. R/W)
180,888 SQ. FT.

Total area = 65.773 acres

SCALE 1" = 300'

0 300 600

WISCONSIN
JOHN M. HALVERSON
S-1318
BERRY, WIS.
11/23/98
LAND SURVEYOR



2/2

# CONDITIONAL USE PERMIT

Town of Berry Conditional Use Permit

2026-1 Boyd-Stegbauer CUP #1

The Town Board of the Town of Berry does hereby:

GRANT Conditional Use Permit CUP #1 for Art Studio 1.0609 in accordance with the Town of Berry Comprehensive Plan and Zoning Code.

EFFECTIVE DATE OF PERMIT: February 16, 2026

The conditional Use Shall Be Located on the Property Described as Follows:

Tax Parcel 0807-302-8190-0, 9440 Blackberry Road, Sec 30-8-7 part in NE1/4 of NW1/4, Town of Berry, Dane County, Wisconsin.

## CONDITIONS:

1) Conditional Use Permit shall be for operation of an art studio located in the accessory building located on the property.
2) Hours of operation shall be limited to 10am to 4pm Saturdays and Sundays.
3) Sales of products and goods shall be primarily of products and goods produced on the premises.
4) Sales of products and goods not produced on the premises are permitted provided these sales are incidental to, or part of, the art studio use.
5) No outdoor storage, including but not limited to, supplies, canvases and materials in connection with the art studio shall be permitted.
6) Limit of 15 customers at a time on premises due to parking limitations.
7) A minimum of 7 parking spaces are required per the moderate parking requirements in chapter 1.079 in the Town of Berry Zoning Ordinance.
8) Any addition/expansion of the accessory building will require amending this conditional use permit.
9) Subject property shall be in compliance with all local, county, and state requirements.
10) The subject property shall be maintained in a clean and orderly manner.
11) This CUP shall expire upon the sale of the property to an unrelated third party.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance, or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The conditional use shall confirm to all applicable regulations of the district in which it is located.

## Expiration of Permit

Per Town of Berry Zoning Code, Subchapter IX, 1.095: If a use or activity associated with a previously approved conditional use ceases for 365 days or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorizing agent must reapply and obtain another conditional use before recommencing the use or activity.

# CONDITIONAL USE PERMIT APPLICATION

| | |
|---|---|
| PERMIT #: | 2026-1 |
| Permit Fee: $_____ | Fee Paid: ☐ |
| Approved By: | |
| Approval Date: | / / |

TOWN OF BERRY • 9046 STATE ROAD 19 • MAZOMANIE, WI 53560
PHONE (608) 767-4152 • FAX (608) 767-3015 • www.townofberry.org

**Items that must be submitted with your application:**

- **Written Legal Description of Conditional Use Permit boundaries.**
- **Scaled Drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking areas, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.**
- **Scaled map showing neighboring area land uses and zoning districts.**
- **Written operations plan describing the items listed below (additional items needed for mineral extraction sites).**
- **Written statement on how the proposal meets the 6 Standards of a Conditional Use.**

| OWNER | AGENT (Contractor, Coordinator, Other) |
|---|---|
| NAME<br>JENNIFER BOYD | CONTACT NAME<br>MARK STEGBAUER - CO OWNER |
| BUSINESS NAME or CO-OWNER'S NAME (if applicable)<br>Atomic Hideaway Art + Vintage | BUSINESS NAME (if applicable) |
| MAILING ADDRESS<br>9440 BLACKBERRY RD | MAILING ADDRESS<br>9440 BLACKBERRY RD |
| CITY, STATE, ZIP<br>BLACK EARTH WI 53515 | CITY, STATE, ZIP<br>BLACKEARTH WI 53515 |
| DAYTIME PHONE #<br>608-228-5925 | DAYTIME PHONE #<br>262-337-1377 |
| EMAIL<br>J.BOYD422@GMAIL.COM | EMAIL<br>MSARTISTMARK@GMAIL.COM |

## LAND INFORMATION

Parcel Numbers Affected: 0807-302-8190-0

Section: 30 Property Address: 9440 BLACKBERRY RD BLACKEARTH WI 53515

Existing/Proposed Zoning District: A-2(4) / SFR

Type of Activity Proposed (check and explain all that apply):

| | |
|---|---|
| ☒ Hours of Operation<br>WEEKENDS 10-4 OR BY APPOINTMENT | ☒ Number of Employees<br>2 |
| ☒ Anticipated Customers<br>10-20 Per weekend | ☐ Outside Storage |
| ☒ Outdoor Activities<br>OCCASIONAL OUTDOOR ART CLASSES | ☐ Outdoor Lighting |
| ☐ Outside Loudspeakers | ☐ Proposed Sign |
| ☐ Trash Removal | ☐ Six Standards of CUP<br>(see back) |

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: J. Boyd Date: 12/23/2025

## SIX STANDARDS OF A CONDITIONAL USE PERMIT

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

   LAND WILL BE A BUSINESS SELLING ART CREATED BY OWNERS, AS WELL AS SELLING VINTAGE ITEMS. BUSINESS WILL NOT SELL ANYTHIN DANGEROUS OR HAZARDOUS OR OPERATE DURING HOURS THAT WILL DISTURB NEIGHBORS

2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

   HOURS OF OPERATION WILL BE LIMITED TO WEEKENDS DURING DAYTIME. LOCATION OF BUSINESS IS SEVERAL HUNDRED FEET FROM CLOSEST NEIGHBOR AND NOT WITHIN SIGHT OF ANY NEIGHBORS

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

   BUSINESS IS LOCATED WELL WITHIN PROPERTY LINES SO NO IMPEDIMENT OF ANY NEIGHBORING LAND USE WILL OCCUR

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. BUSINESS HAS ELECTRIC UTILITES, FULL ACCESS BY PAVED ROAD/ DRIVEWAY

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

   BUSINESS IS EASILY ACCESSIBLE AND LOCATION IS WELL AWAY FROM ROAD

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

# Operations Plan for Proposed Art ~~Gallery~~ Studio & Vintage Shop

*Atomic Hideaway Art & Vintage*

**1. Business Overview**

The proposed business is a small, owner-operated art ~~gallery~~ studio and vintage retail shop located in an existing building on our residential property at 9440 Blackberry Road in Black Earth. The space will function as both an art ~~gallery~~ studio and a small curated vintage shop. The shop will feature original mixed-media artworks created by Jennifer Boyd, as well as original comic art and prints created by Mark Stegbauer, a professional comic book artist with 30 years of industry experience working for major publishers including Marvel and DC Comics. The shop will also offer a small collection of curated vintage items that complement the gallery aesthetic.

This business is designed to support local arts, contribute to the cultural vitality of the community, and activate underutilized space in a low-impact, appointment-based retail model.

**2. Location & Facilities**

- Address: 9440 Blackberry Road in Black Earth
- Facility Description: The ~~gallery~~ studio will operate in a detached building located on our property. This structure is separate from the primary residence and has appropriate access for visitors.
- Use of Space:
  Front area: Display of mixed media artwork, comic art, and curated vintage items

  Storage: Secure storage for inventory and supplies
- Modifications: No significant construction is required beyond standard interior improvements such as shelving, lighting, and display fixtures.

**3. Hours of Operation**

  - Regular Hours:
    Saturday: 10:00 AM – 4:00 PM
  - Sunday: 10:00 AM – 4:00 PM
  - Additional Hours: By appointment only, scheduled in advance

The limited schedule ensures minimal neighborhood impact, consistent traffic patterns, and manageable operational demands for a small, owner-run business.

## 4. Products & Services

### 4.1 Artwork

- Jennifer Boyd – Mixed Media Art
  Original hand painted canvases, prints, jewelry, hand painted silk scarves, alcohol ink florals
- Mark Stegbauer – Professional Comic Art
  Original comic pages, character illustrations, signed prints, and limited-edition items
- With 30 years in the industry and credits at Marvel and DC Comics, his work attracts both local art enthusiasts and collectors.

### 4.2 Vintage Items

Curated vintage décor, small furnishings, books, and collectible pieces that complement the gallery's artistic focus.

### 4.3 Custom Orders & Commissions

Both artists will offer custom work by request. Consultations will be conducted in person during open hours or by appointment.

## 5. Customer Experience

Visitors will be greeted in a relaxed ~~gallery~~ environment designed to encourage browsing and interaction with the artists. The small scale of the gallery ensures personalized attention. Sales will be processed on-site using a digital point-of-sale system. Appointments allow one-on-one time for collectors or clients seeking custom artwork.

## 6. Operations & Staffing

- Owners/Operators:
  Jennifer Boyd – Gallery manager, mixed-media artist
- Mark Stegbauer – Comic artist, art sales support

- Staffing: No additional employees at this time.
- Responsibilities:

- Inventory management
- Customer service
- Appointment scheduling
- Marketing (social media, website updates, local outreach)
- On-site maintenance and cleaning

**7. Inventory Management**

Artwork and vintage items will be produced or sourced directly by the owners. Inventory will be monitored weekly and displayed in a manner that maintains a clean and organized aesthetic. All items are stored indoors in a climate-appropriate environment.

**8. Parking & Neighborhood Impact**

Visitor traffic will be minimal due to limited hours and appointment-based access during the week. Existing on-property parking is sufficient for typical visitor flow. No noise, emissions, or heavy deliveries are associated with the business.

**9. Safety & Compliance**

- The ~~gallery~~ Studio will comply with all local zoning ordinances and any required permits for operating a home-based business.
- Fire extinguishers and smoke detectors will be maintained in accordance with safety guidelines.
- All pathways to the building will be kept clear and accessible.
- No hazardous materials will be used on-site beyond standard art supplies.

**10. Marketing & Community Engagement**

Marketing efforts will include:

- Social media promotion
- Participation in local arts events, open studio weekends, and craft fairs
- Cross-promotion with local businesses and arts organizations
- Word-of-mouth referrals from collectors and the art community

The ~~gallery~~ Studio aims to enhance local cultural offerings and provide an accessible space for residents to experience and purchase original artwork.

## 11. Financial Overview

The business is designed to maintain low overhead. Primary costs will include:

- Art supplies and materials
- Curated vintage items
- Display furniture and fixtures
- Marketing expenses
- Routine building maintenance

Revenue will be generated through art sales, vintage item sales, and commissioned work.

## 12. Long-Term Vision

The ~~gallery~~ Studio is intended to remain a small, community-focused enterprise. Future possibilities include:

- Hosting small art classes, workshops or demonstrations
- Collaborating with local artists
- Expanding online sales and virtual gallery showings

2026-1

Town of Berry

www.townofberry.org

9046 State Road 19, Mazomanie, WI 53560, 608-767-4152, twnberry@chorus.net

## DRIVEWAY CONSTRUCTION PERMIT APPLICATION

**Applicant:** Name: Kris & Megan Laufenberg

Street Address: 9315 Turkey Rd

City, State, Zip: Black Earth WI 53515

Phone Number: 608-630-3047 Email: krislaufenberg@badgercompany.net

Specific Site Location / Nearby Roads: Turkey Rd & Spring Valley Rd

Parcel #: 004/0807-191-0012-0

My signature below indicates that:

**I have received a** copy of the Driveway, Field Road and Right-of-Way Ordinance 301.1 and the Applications Guide, and that

**I have attached** the information as requested for a driveway permit, and that

**I agree to construct** the driveway in accordance with the Driveway, Field Road and Right-of-Way Ordinance and to follow any additional requirements as approved by the Town Board, and that

**I have paid** the application fee of $400.00 to the Town Clerk/Treasurer, and that paid

**I hereby give permission** to the Town Board and/or their representative which could be the Plan Commission or other inspector authorized by the Town Board to enter the property in order to evaluate the site of the proposed driveway and to verify compliance with and/or to enforce the Driveway, Field Road and Right-of-Way Ordinance.

**Applicant Signature:** M Nel Date: 12/19/25

---

**Board decision:** Approve_____ Deny_____ Date____/____/____

Culvert required in right-of-way Yes_____ No_____ Size_____

Engineering Plan required? Yes_____ No_____

Additional Requirements? Yes_____ if yes see attached requirements No_____

Driveway construction must begin by Date ____/____/____

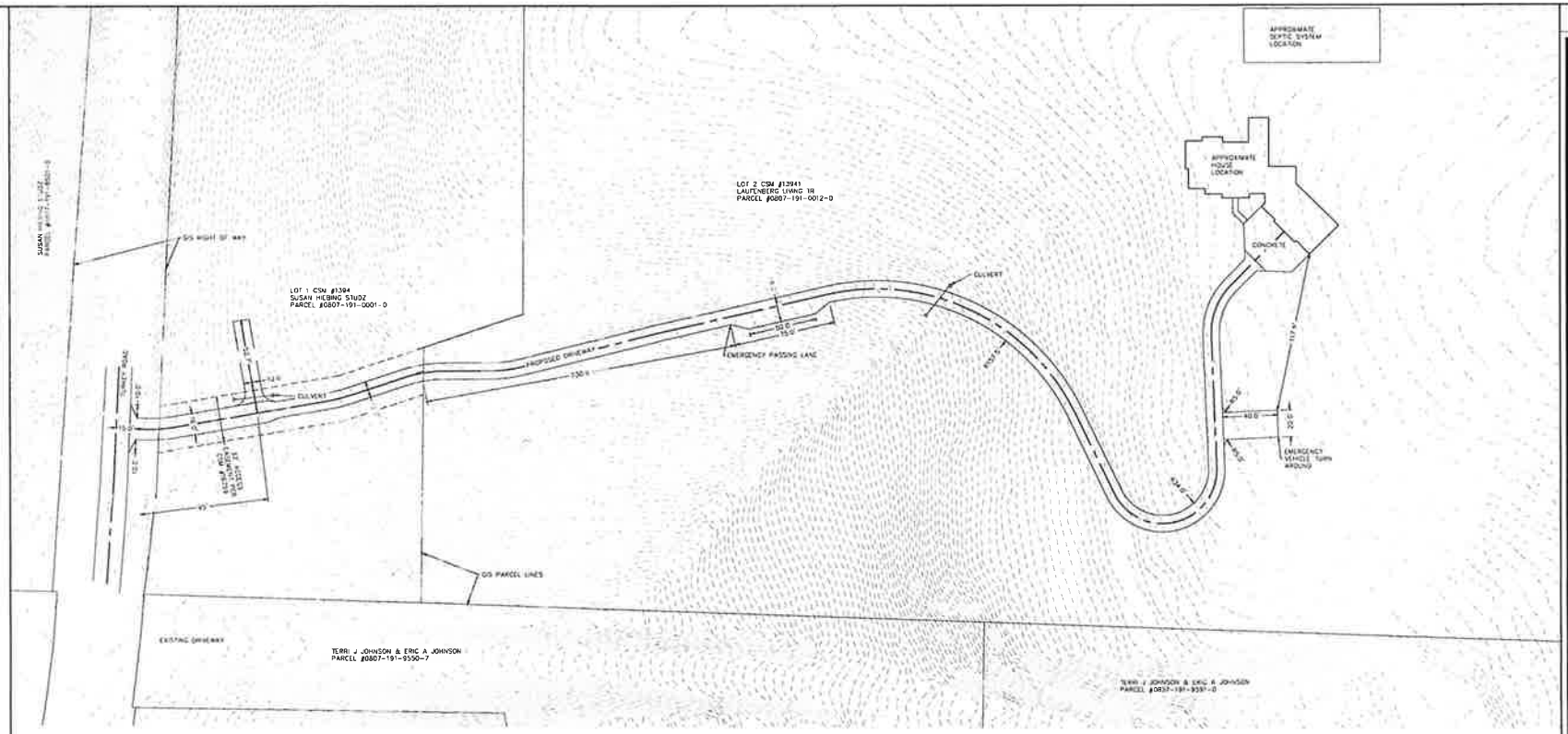
Driveway Permit expiration Date ____/____/____

Permit issued by: Chair Signature_____ Date____/____/____

Permit issued by: Clerk Signature_____ Date____/____/____

**Permit is not valid unless signed by the Applicant, Town Chair and Town Clerk**

Final inspection approval by: Chair Signature_____ Date____/____/____




SITE PLAN NOTES

PARCEL LINES AND EXISTING CONTOURS ARE FROM DANE COUNTY GIS DATA

SITE IS LOCATED IN TOWN OF BERRY

SITE ADDRESS: TBD

ZONED: AGRICULTURE ZONING DISTRICT (AG)

PROPOSED IMPERVIOUS = 21,008 SF

DRIVEWAY IMPERVIOUS = 16,448 SF

HOUSE AND SIDEWALK IMPERVIOUS = 4,560 SF

EXISTING IMPERVIOUS = 0 SF

0 40 80

**DRAFT SET**

Buree
260 Interstate Ln, Suite 101
Verona WI 53593
Phone: 608-848-6961
Fax: 608-848-6965
e-mail: Warren@buree.com
www.bureedesign.com

# RESIDENTIAL DRIVEWAY

TURKEY ROAD
TOWN OF BERRY, WI

KRIS LAUFENBERG
428 COLBY BLVD.
POYNETTE, WI 53955

PROJECT #: BSE3080-25
PLOT DATE: 01/28/2026

REVISION DATES:
1/28/2026

ISSUE DATES:
12/23/2025
1/28/2026

DRIVEWAY
SITE PLAN

DRAWING NUMBER
C-100

Printed: Jan 28, 2026 - 3:57pm Printed By: Peter

\\Buree01\Projects\BSE3080\dwg\Engineering\BSE3080 Eng v2020.dwg

**TOWN OF BERRY**

**RESOLUTION 2026-3**

**TITLE: Discontinuation of a Public Way - Public Hearing**

The Town Board of the Town of Berry, Dane County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A public hearing to discuss a proposed action to discontinue a public way in the Town of Berry shall be held as provided in accordance with the following Notice of Hearing.

The town clerk shall publish the following Notice of Hearing as a class 3 notice under chapter 985, Wis. stats., and the town clerk shall cause the Notice of Hearing to be served to the owners of all of the frontage of lots and lands abutting upon the public way sought to be discontinued in the manner provided for the service of summons in circuit court at least 30 days before the hearing, except that when service cannot be made within the town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing:

**NOTICE OF HEARING – DISCONTINUANCE OF A PUBLIC WAY IN THE TOWN OF BERRY**

A public hearing will be held by the Town Board of the Town of Berry at 9046 State Highway 19, Mazomanie, WI 53560 on April 20, 2026 at 7:00 p.m. to discuss a proposed action to commence discontinuance of the following described town road initiated by introduction of resolution of the Town Board of the Town of Berry under s. 66.1003 (4), Wis. stats., specifically:

A road lying in the NW ¼ of the NW ¼ of Section 24, T8N, R7E, Town of Berry, Dane County, Wisconsin being more fully described as follows:
The centerline of a 3 Rod road (49.5 feet) as shown on historical Dane County Highway Registry maps and described in Dane County Highway Registry page 114, (both located in the Dane County Surveyors Office, Note: Highway order description is partially illegible) beginning 1 ½ Rods (24.75 feet) south of the NW corner of said Section 24; thence East parallel to the North line of said NW ¼ of Section 24 to the intersection of County Highway K westerly right of way and the point of termination.
Also, the centerline of a 3 Rod road (49.5 feet) as shown on historical Dane County Highway Registry maps and described in Dane County Highway Registry page 114, 73 & 74, (both located in the Dane County Surveyors Office, Note: Highway order description is partially illegible.) beginning at or near the NE corner of the NW ¼ of the NW ¼; thence running in a southwesterly direction approximately to its point of termination.
The above described road right-of-way is not constructed and is to be discontinued in its entirety.

The town clerk shall file in the Office of the Register of Deeds for Dane County, Wisconsin, a lis pendens related to the proposed discontinuation of public way.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this 16th day of February, 2026

Attest: _____ _____
Brenda Kahl, Clerk/Treasurer Duane Haag, Chair

Posted: _____ _____
David Evert, Supervisor

_____
Michael Statz, Supervisor

_____
Nichole Schwoerer, Supervisor

_____
Derek Statz, Supervisor

Agenda Item #11, Confirming Open Book and Board of Review Dates

Open Book will be held on July 1st from 2pm – 6pm and July 2nd from 10am – 2pm

Board members do not attend Open Book.

Board of Review is scheduled for August 6 from 6pm – 8pm. Please add this to your calendar.

| 2/9/2026 | | List of bills to be approved at theFebruary 16, 2026 board meeting | |
|---|---|---|---|
| **Date** | **Check #** | **Payee** | **Amount** |
| 2/10/2026 | 4573 | Madison Area Technical College - February tax settlement | 75,390.26 |
| 2/10/2026 | 4574 | Sauk Prairie School Dist - February tax settlement | 7,470.32 |
| 1/27/2026 | 20048 | Brenda Kahl | 1,961.37 |
| 1/27/2026 | 20049 | Duane Haag - plowed snow | 402.02 |
| 1/27/2026 | 20050 | Jaeger Schoenemann - plowed snow | 433.25 |
| 1/27/2026 | 20051 | Lucas Danz | 1,745.38 |
| 2/6/2026 | 20052 | Dane County Treasurer - payment in lieu of tax | 1,680.14 |
| 2/6/2026 | 20053 | Madison Area Technical College - payment in lieu of tax | 357.51 |
| 2/6/2026 | 20054 | Wisconsin Heights School Dist - payment in lieu of tax | 5,594.59 |
| 2/10/2026 | 20055 | Brenda Kahl | 1,961.37 |
| 2/10/2026 | 20056 | Jaeger Schoenemann - tree cutting | 187.00 |
| 2/10/2026 | 20057 | Lucas Danz | 1,745.38 |
| 2/10/2026 | 20058 | Dane County Treasurer - February tax settlement | 357,110.46 |
| 2/10/2026 | 20059 | Middleton-Cross Plains School Dist - February tax settlement | 501,397.01 |
| 2/10/2026 | 20060 | Wisconsin Heights School Dist - February tax settlement | 624,255.70 |
| 2/10/2026 | 20061 | Dane County Treasurer - ag conversion fee settlement | 328.07 |
| 2/16/2026 | 20062 | Accurate Appraisal - contract | 1,200.00 |
| 2/16/2026 | 20063 | Advertisers Press - comprehensive plan survey postcards | 482.09 |
| 2/16/2026 | 20064 | Alliant Energy | 351.05 |
| 2/16/2026 | 20065 | Auto Value - supplies | 78.55 |
| 2/16/2026 | 20066 | Brenda Kahl - mileage | 40.60 |
| 2/16/2026 | 20067 | Burke Truck - cylinder | 832.00 |
| 2/16/2026 | 20068 | Capital Area Regional Plan Com - zoning mapping & comp plan | 2,732.17 |
| 2/16/2026 | 20069 | CNA Surety - treasurer's bond | 550.00 |
| 2/16/2026 | 20070 | Compass Minerals - salt | 4,209.28 |
| 2/16/2026 | 20071 | Cross Plains-Berry Fire District - payment 1 of 3 | 19,823.05 |
| 2/16/2026 | 20072 | Dane County District 1 EMS - payment 1 of 4 | 6,129.17 |
| 2/16/2026 | 20073 | Dane County Treasurer - share of taxes on mfl land withdrawn | 950.05 |
| 2/16/2026 | 20074 | Finger Publishing - absentee voting notice | 14.60 |
| 2/16/2026 | 20075 | GFC Leasing - copier leasing | 178.37 |
| 2/16/2026 | 20076 | Gordon Flesch - fee for copies printed per month | 78.32 |
| 2/16/2026 | 20077 | Group Health Cooperative - medical insurance | 2,730.00 |
| 2/16/2026 | 20078 | Lake Ridge Bank - postage and supplies | 170.26 |
| 2/16/2026 | 20079 | Lucas Danz - cell phone | 25.00 |
| 2/16/2026 | 20080 | McFarlane - supplies | 29.20 |
| 2/16/2026 | 20081 | Pellitteri Waste Systems - solid waste and recycling | 11,752.10 |
| 2/16/2026 | 20082 | RHD Plumbing - fix garage furnace | 669.93 |
| 2/16/2026 | 20083 | TDS Telecom - phone and internet | 211.87 |
| 2/16/2026 | 20084 | TrollBytes - February IT services | 70.00 |
| 2/16/2026 | 20085 | US Cellular - chair cell phone | 53.70 |
| 2/16/2026 | 20086 | Weld Riley - Gary Matz, Evert Pit, etc | 2,275.00 |
| 2/16/2026 | 20087 | Wingra Stone Company - screenings | 580.09 |

Additional bills will be handed out at the meeting