

Dane County



Minutes

Tuesday, August 23, 2022

6:30 PM

Zoom Webinar ID: 944 7926 7178

Virtual Meeting

Zoning & Land Regulation Committee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

A. Call to Order

DOOLAN called the August 23, 2022 Zoning and Land Regulation Committee meeting to order at 6:30 PM.

Staff in attendance: Andros, Everson, Holloway, Lane, and Violante

Present 3 - MICHELE DOOLAN, KATE MCGINNITY, and MELISSA RATCLIFF

Excused 2 - JERRY BOLLIG, and TIM KIEFER

B. Public comment for any item not listed on the agenda

Bill Keen expressed his concerns regarding the conditions and minutes for the approval of CUP 2567.

[2022
RPT-307](#)

August 23rd ZLR meeting registrants

C. Consideration of Minutes

[2022
MIN-170](#)

Minutes of the July 12, 2022 Zoning and Land Regulation Committee meeting

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Minutes be approved. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[2022
MIN-221](#)

Minutes of the July 26, 2022 Zoning and Land Regulation Committee meeting

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Minutes be approved. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

D. Public Hearing for Zoning Map Amendments, Conditional Use Permits, and Ordinance Amendments

[11868](#)

PETITION: REZONE 11868
APPLICANT: MARK & KAREN LAWLER
LOCATION: 898 HANDEL ROAD, SECTION 9, TOWN OF MAZOMANIE
CHANGE FROM: RM-8 Rural Mixed-Use District TO RR-4 Rural Residential District
REASON: create one residential lot - transfer of development right

In support: Karen Lawler

Opposed: None

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

1. Applicant shall record an agricultural conservation easement with the Register of Deeds office that meets the requirements of section 10.304(4)(b) of the county zoning code on tax parcel 090628480002.

2. Applicant shall record a TDR-R notice document on the RR-4 zoned property indicating that the additional residential lot was established as the result of a Transfer of Development Rights on tax parcel 080609297400.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[11869](#)

PETITION: REZONE 11869
APPLICANT: JESSE VOGEL
LOCATION: EAST OF 8191 CTH G, SECTION 25, TOWN OF SPRINGDALE
CHANGE FROM: SFR-2 Single Family Residential District TO RR-2 Rural Residential District
REASON: to allow for animal unit(

In support: Jesse and Erin Vogel

Opposed: None

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[11870](#)

PETITION: REZONE 11870
APPLICANT: TYROL PROPERTIES LLC
LOCATION: NORTH OF 3487 BOHN RD, SECTION 28, TOWN OF VERMONT
CHANGE FROM: NR-C Natural Resource Conservation District TO RE Recreational District
REASON: rezone to allow expansion of parking area for tyrol basin

In support: Nathan McGee

Opposed: None

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Zoning Petition be postponed to allow time for additional information to be submitted. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[02571](#)

PETITION: CUP 02571
APPLICANT: JOHN S KUNDERT
LOCATION: 2013 SKYLINE DRIVE, SECTION 29, TOWN OF PLEASANT SPRINGS
CUP DESCRIPTION: accessory buildings maximum height of 16 feet

In support: John Kundert

Opposed: None

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be approved with 8 conditions. The motion carried by the following vote: 3-0.

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan.
2. A site inspection shall be conducted within 60 days of construction completion.
3. The mean height of the accessory building shall not exceed 16 feet.
4. The accessory building shall be constructed to meet all standards of the applicable building code.
5. The accessory building shall not be used as a dwelling.
6. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits associated with the construction. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
7. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
8. If the accessory building is torn down, removed or collapses and is not rebuilt, in compliance with these conditions, for a period of one year or more, this conditional use permit shall be terminated. Future reestablishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

E. Zoning Map Amendments and Conditional Use Permits from previous meetings

[11855](#)

PETITION: REZONE 11855
APPLICANT: G&G BROTHERS PROPERTIES LLC
LOCATION: 495 COUNTY HWY X, SECTION 29, TOWN OF ALBION
CHANGE FROM: RM-8 Rural Mixed-Use District TO FP-B Farmland Preservation Business District, RM-8 Rural Mixed-Use District TO RR-1 Rural Residential District
REASON: creating one residential lot

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

- 1. Deed restrict the FP-B parcel to prohibit residential development (proposed lot 2 of the Certified Survey Map).**
- 2. Amend the petition to expand the size of the proposed residential lot to 2 net acres to be assigned the RR-2 zoning category (proposed lot 1 of the Certified Survey Map).**

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[11856](#)

PETITION: REZONE 11856
APPLICANT: JOHAN STOKSTAD
LOCATION: EAST AND WEST OF 1111 MAPLE GROVE ROAD, SECTION 8, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District, FP-35 Farmland Preservation District TO RR-16 Rural Residential District
REASON: creating one residential lot and one agricultural lot

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.

- 1. A deed restriction shall be recorded on the RR-16 lot limiting development to one single family residence and prohibiting further division (proposed lot 2 of the CSM).**

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

F. Plats and Certified Survey Maps

[2022 LD-006](#) Land Division Waiver/Variance - Ch. 75.19(1)(P)
Evan's Crossing Preliminary Plat - Town of Middleton
Cul-de-sacs shall not exceed 1000 feet in length and shall provide a turn-around with a minimum right-of-way radius of 60 feet.
The traveled way within the cul-de-sac shall provide a minimum radius of 40 feet.

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Land Division waiver be approved. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[2022 LD-007](#) Preliminary Plat - Evan's Crossing
Town of Middleton
Staff recommends conditional approval.

A motion was made by RATCLIFF, seconded by MCGINNITY, that the preliminary plat be approved with conditions. The motion carried by the following vote: 3-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Land Division waiver application is to be approved for the length of the proposed public road exceeding 1,000 feet. (Waiver approved 8.23.22)
3. All public land dedications are to be clearly designated "dedicated to the public."
4. Utility easements are to be provided.
 - Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
5. All street names PEYTON PARKWAY shall be consistent with chapter 76 of the Dane County Ordinances.
 - Dane County Surveyor: PEYTON PARKWAY is a satisfactory road name.
6. Comments from the Dane County Public Health department are to be satisfied:
 - Public Health would like confirmation on the actions proposed for the existing septic's and wells.
 - The septic for 0708-292-8425-9 appears to fit completely within Lot 13 and could remain if a reconnection permit is provided for the new house to be built on the lot and the new house is built with the same number of bedrooms as the existing house on this system.
 - The septic for 0708-292-8415-1 does not fit within Lot 4 completely given the currently proposed lot lines. If this septic is retained for the future house on Lot 4 a change in lot lines should be considered to keep all of the septic system on the lot served by the system. As above, a reconnection permit would be needed and the house would need to be built with the same number of bedrooms as the existing house.
 - Both existing wells are located in the proposed roadway for the development and will need to be filled and sealed before demolition begins.
7. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.
8. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

[2022 LD-008](#) Final Plat - Olson's Bliven Road Addition
Town of Albion
Consideration of the May 10, 2022 conditional approval and execution of the plat document pursuant to established committee policy.
Staff recommends the chairperson to sign and date the final plat and proceed with recording.

A motion was made by RATCLIFF, seconded by MCGINNITY, that the final plat be approved and signed by Chair DOOLAN in order to be recorded. The motion carried by the following vote: 3-0.

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

G. Resolutions

8. [2022 RES-093](#) AUTHORIZING FUNDS FOR HIRING A CONSULTANT FOR A BROADBAND INFRASTRUCTURE ENGINEERING ASSESSMENT AND COORDINATION OF IMPLEMENTATION OF FIBER BROADBAND THROUGHOUT DANE COUNTY

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Resolution Requiring 2/3rds Vote be recommended for approval. The motion carried by the following vote: 3-0

Ayes: 3 - DOOLAN, MCGINNITY and RATCLIFF

Excused: 2 - BOLLIG and KIEFER

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2022 RPT-282](#) Report of approved Certified Survey Maps

[2021](#)
[DISC-069](#)

Discussion regarding the definition and design of single-family residences

Zoning Administrator Lane explained that the Zoning Division is having issues with the review of single-family residences. Many of the houses are being designed for multi-generational habitation which include potential separate living spaces. The Committee agreed that a deed restriction may be necessary in some cases in order to inform future landowners of the intended use of the house. Staff will work on drafting an ordinance amendment to the Zoning Ordinance.

[2022](#)
[DISC-012](#)

Discuss changing the December 27th ZLR Committee public hearing meeting to December 13th.

The Committee decided not to have a meeting on December 27, 2022. The public hearing for December shall be moved to the December 13, 2022 Committee meeting.

K. Other Business Authorized by Law

L. Adjourn

A motion was made by RATCLIFF, seconded by MCGINNITY, adjourn the August 23, 2022 Zoning and Land Regulation Committee meeting at 7:38pm. The motion carried unanimously.