

Dane County



Minutes

Tuesday, September 28, 2021

6:30 PM

Zoom Webinar Meeting ID: 897 4276 9184

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

Chair Bollig called the September 28, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, Everson, Lane, and Violante

Present 4 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, and TIM KIEFER

Excused 1 - SARAH SMITH

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

No comments made by the public.

[2021](#)
[RPT-484](#)

September 28th ZLR meeting registrants

C. Consideration of Minutes

[2021](#)
[MIN-273](#)

Minutes of the August 24, 2021 Zoning and Land Regulation Committee meeting

A motion was made by PETERS, seconded by KIEFER, to approve the minutes of the August 24, 2021 Zoning and Land Regulation Committee meeting. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

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

[11733](#)

PETITION: REZONE 11733
APPLICANT: MICHAEL MCEVILLY
LOCATION: EAST OF 3385 N STAR RD, SECTION 34, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-1 Farmland Preservation District TO GC General Commercial District
REASON: commercial rezone for building trade contractor operation condos

In favor: Aaron Kaleas

Opposed: None

A motion was made by KIEFER, seconded by DOOLAN, to postpone due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11734](#)

PETITION: REZONE 11734
APPLICANT: MINDY S WETZEL
LOCATION: NORTH OF 2410 STATE HIGHWAY 92, SECTION 18, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District
REASON: creating one residential lot

In favor: Christian and Mindy Wetzel

Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on parcel 0607-184-9140-0 to prohibit further division of the land.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11735](#)

PETITION: REZONE 11735
APPLICANT: RICHARD AND JILL SUREK
LOCATION: 8449 AIRPORT ROAD, SECTION 4, TOWN OF MIDDLETON
CHANGE FROM: SFR-08 Single Family Residential District TO RR-4 Rural Residential District
REASON: consolidating existing residential lots

In favor: Richard Surek

Opposed: Christine Gonsalez

A motion was made by KIEFER, seconded by PETERS, to postpone due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11736](#)

PETITION: REZONE 11736
APPLICANT: CRAIG AND KRISTI ZIEGLER
LOCATION: 5821 CUBA VALLEY ROAD, SECTION 32, TOWN OF VIENNA
CHANGE FROM: FP-35 Farmland Preservation District TO FP-35 Farmland Preservation District
REASON: remove deed restriction from property

In favor: Craig and Kristi Ziegler

Opposed: None

A motion was made by KIEFER, seconded by DOOLAN, to recommend approval of the removal of the deed restriction on the property. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11737](#)

PETITION: REZONE 11737
APPLICANT: BLUE HAVEN FARMS LLC
LOCATION: 5207 LINCOLN ROAD, SECTION 14, TOWN OF OREGON
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District
REASON: sale of 24.1 acres of farmland to neighbor

In favor: Roger Parsons
Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.
1. A deed restriction shall be recorded on Lots 1 & 2 to prohibit further land division of the properties.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11738](#)

PETITION: REZONE 11738
APPLICANT: PAUL WILICHOWSKI AND ERIN HANOU
LOCATION: 5362 MAHOCKER ROAD, SECTION 19, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District
REASON: separating existing residence from farmland

In favor: Paul Wilichowski
Opposed: None

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11739](#)

PETITION: REZONE 11739
APPLICANT: SOLON W PIERCE III
LOCATION: EAST OF 1475 COUNTY HWY BB, SECTION 18, TOWN OF DEERFIELD
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating two residential lots

In favor: Solon Pierce and David Riesop
Opposed: None

A motion was made by PETERS, seconded by KIEFER, to postpone due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11740](#)

PETITION: REZONE 11740
APPLICANT: JON AND PEGGY SCHUMANN
LOCATION: 8039 CRYSTAL LAKE ROAD, SECTION 1, TOWN OF ROXBURY
CHANGE FROM: RM-16 Rural Mixed-Use District TO FP-1 Farmland Preservation District,
RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District
REASON: separating existing residence from farmland

In favor: Jon and Peggy Schumann
Opposed: None

A motion was made by KIEFER, seconded by PETERS, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11741](#)

PETITION: REZONE 11741
APPLICANT: MISHPACHA LLC
LOCATION: 2313 SUGAR RIVER ROAD, SECTION 20, TOWN OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District, RR-1
Rural Residential District TO RR-4 Rural Residential District, RR-1 Rural Residential District
TO AT-35 Agriculture Transition District
REASON: separating existing residence from farmland

In favor: Harvey Temkin and Ron Klaas
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, to postpone to address the private/public drive access. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11742](#)

PETITION: REZONE 11742
APPLICANT: MEIER REV LIVING TR, ROGER J
LOCATION: 7616 AND 7628 MINERAL POINT ROAD, SECTION 20, TOWN OF MIDDLETON
CHANGE FROM: AT-5 Agriculture Transition District TO SFR-08 Single Family Residential
District
REASON: create 7 residential lots

In favor: Bruce Hollar and Craig Stanley
Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. The zoning district classification of NR-C Natural Resource-Conservancy shall be assigned to the storm water outlet.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11743](#)

PETITION: REZONE 11743
APPLICANT: AMY KIRNER & SCOTT FRIEDL
LOCATION: 3904 BIRCH TRAIL, SECTION 23, TOWN OF CROSS PLAINS
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District, RR-2 Rural Residential District TO FP-1 Farmland Preservation District
REASON: expanding an existing residential lot

In favor: Amy Kirner and Scott Friedl
Opposed: None

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.
1. A deed restriction shall be recorded on the FP-1 zoned lot (Lot 2) to prohibit residential use of the property.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11744](#)

PETITION: REZONE 11744
APPLICANT: RON AND CATHERINE HASSLINGER
LOCATION: 2525 TOWER ROAD, SECTION 17, TOWN OF DUNN
CHANGE FROM: SFR-08 Single Family Residential District TO RR-2 Rural Residential District, RR-16 Rural Residential District TO RR-2 Rural Residential District
REASON: shifting of property lines between adjacent land owners

In favor: Chuck Siewert
Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.
1. The existing home at 4240 Mahoney Road shall be removed prior the rezone becoming effective.
2. A building and driveway envelope shall be depicted on the Certified Survey Map on the proposed 17-acre lot. A note shall be added to the CSM to identify that "all buildings and driveways constructed on the property shall be located within the building envelope area".
3.A deed restriction shall be recorded on both properties stating the following:
a. Future land divisions of the properties are prohibited.
b. The housing density rights have been exhausted per the Town of Dunn Comprehensive Plan policies. Further residential development of the properties is prohibited.
c. There shall be one single family residence per lot.
d. The land uses on the properties shall be limited exclusively to the following: One single family home one per parcel; Small-scale farming; Residential accessory buildings; Home occupations; Incidental room rental; Foster homes for less than five children; Undeveloped natural resource and open space areas; Utility services associated with a permitted use; Transportation, utility, communication, or other use required by law; Conditional Uses listed under the Rural Residential Zoning District may also be allowed if obtained through the conditional use permit process.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11745](#)

PETITION: REZONE 11745
APPLICANT: TOWN OF CROSS PLAINS
LOCATION: 8878 W MINERAL POINT RD, SECTION 21, TOWN OF CROSS PLAINS
CHANGE FROM: LC Limited Commercial District TO GC General Commercial District, RR-2 Rural Residential District TO GC General Commercial District, FP-35 Farmland Preservation District TO HC Heavy Commercial District
REASON: town blanket rezone petition to correct minor changes in zoning map to ensure consistency with plan

In favor: Ray and John Sullivan

Opposed: None

A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

- 1. A deed restriction shall be recorded on tax parcels 0707-152-9420-3 and 0707-152-9425-8 limiting commercial land uses exclusively to the following: Indoor entertainment and assembly, specifically limited to a restaurant; Accessory uses, such as parking and incidental indoor storage, typically associated with a restaurant use; All buildings, parking lots and other improvements on the site shall not exceed of the general commercial zoning parcel; and Outdoor dining & seating is limited to 30 people.**
- 2. A deed restriction shall be recorded on tax parcel 0707-213-9500-2 limiting commercial land uses exclusively to the following: Indoor sales; Outdoor sales, display or repair and storage not to exceed 50 motor vehicles.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[02531](#)

PETITION: CUP 02531
APPLICANT: SHAW COURT REDEMPTION LLC
LOCATION: 3054 SHAW COURT, SECTION 5, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging

In favor: Jane and Jim Cisler; Kevin Thome

Opposed: Chuck O'hare

A motion was made by KIEFER, seconded by PETERS, that the Conditional Use Permit be postponed due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[02532](#)

PETITION: CUP 02532

APPLICANT: GRENLIE IRREV TR, THOMAS R

LOCATION: SOUTH OF 3776 FORSHAUG ROAD, SECTION 26, TOWN OF VERMONT

CUP DESCRIPTION: limited family business - therapist

In favor: Sara Edwards

Opposed: None

A motion was made by DOOLAN, seconded by PETERS, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.**
- 2. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.**
- 3. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.**
- 4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 5. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.**
- 6. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.**
- 7. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.**
- 8. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.**
- 9. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 10. Off-street parking must be provided, consistent with s. 10.102(8).**
- 11. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.**
- 12. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.**
- 13. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit**

number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

14. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

15. 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

16. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

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

Please note that a public hearing has already been held for the agenda items listed below. Additional testimony will not be taken on the items unless requested by the Committee members.

[11596](#)

PETITION: REZONE 11596

APPLICANT: DIANA M NELSON

LOCATION: 4927 FELLAND ROAD, SECTION 35, TOWN OF BURKE

CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District

REASON: division of an existing residential lot to create two smaller lots

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

1. Owner shall present a final driveway access easement agreement acceptable to the town attorney by November 16, 2021.

2. Owner shall pay in full all outstanding monies owed to the town and incurred in the review and action on the CSM by November 16, 2021.

3. Failure to comply with the aforementioned conditions by November 16, 2021 shall render the petition null and void.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11729](#)

PETITION: REZONE 11729
APPLICANT: LOIS ANN WILLIAMS
LOCATION: 2069 WILLIAMS DRIVE, SECTION 29, TOWN OF PLEASANT SPRINGS
CHANGE FROM: RR-2 Rural Residential District TO SFR-08 Single Family Residential District
REASON: creating three residential lots

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.

- 1. Any residential dwellings on the proposed lots shall be served by public sanitary sewer.**
- 2. Property owner shall record a deed restriction on proposed lot 3 prohibiting residential development until such time as the property is annexed into the MMSD's limited service area.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

F. Plats and Certified Survey Maps

[2021 LD-006](#)

Preliminary Plat - Dairy Ridge Heights
Town of Verona
Staff recommends acceptance and schedule for future consideration
(conditional approval)

A motion was made by PETERS, seconded by DOOLAN, to accept the Dairy Ridge Heights preliminary plat and schedule the plat for future consideration. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

G. Resolutions

4.

[2021
RES-124](#)

ACCEPTING FARMLAND PRESERVATION PLAN GRANT

A motion was made by DOOLAN, seconded by PETERS, that the Resolution Requiring 2/3rds Vote be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

H. Ordinance Amendment

I. Items Requiring Committee Action

[2021](#)
[ACT-151](#)

Site Plan Review for the relocation of a farm residence within the FP-35 Farmland Preservation Zoning District
Applicant: Todd Kluever (TK2 Enterprises)
Location: 1221 State Hwy 19, Section 8, Town of Medina

In favor: Todd Kluever

A motion was made by DOOLAN, seconded by KIEFER, to approve the site plan for the new location of the farm residence a 1221 State Highway 19, Section 8, Town of Medina. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[2021](#)
[ACT-154](#)

Review of the 2022 ZLR Committee meeting schedule

The ZLR Committee reviewed the proposed 2022 ZLR meeting schedule. The following changes were made:

1. The April public hearing will be moved to May 10th.
2. There will be no work meeting in August due to elections.
3. There will be one meeting date in September. September 20th will be the public hearing date.
4. There will be no work meeting in October.
5. There will be one meeting date in November. November 15th will be the public hearing date.

J. Reports to Committee

[2021](#)
[RPT-306](#)

Updated report of annual review of salvage yards
Staff recommends approval.

A motion was made by KIEFER, seconded by PETERS, to approve the salvage yard licenses with the exception of Michael Cutrano, Section 2, Town of Christiana. Action on the Cutrano license is being postponed due to a pending violation on the property. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

K. Other Business Authorized by Law

The ZLR Committee decided to hold a special meeting to have the second review of the 2022 Budget on October 21st at 6:30pm.

L. Adjourn

A motion was made by KIEFER, seconded by DOOLAN, to adjourn the September 28, 2021 Zoning and Land Regulation Committee meeting at 8:03pm. The motion carried unanimously.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com.