

Dane County



Minutes

Tuesday, October 12, 2021

6:30 PM

****BUDGET**** Zoom Webinar Meeting ID: 949 3680 5631

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?

The October 12, 2021 Zoning and Land Regulation Committee meeting is being held virtually. The public can access the meeting with the Zoom application or by telephone.

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https://zoom.us/webinar/register/WN_LUpMZZyRbOBcvylqh6rrA

This link will be active until the end of the meeting.

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If you want to submit a written comment for this meeting, or send handouts for committee members, please send them to plandev@countyofdane.com

PROCESS TO PROVIDE PUBLIC COMMENT: ANY MEMBERS OF THE PUBLIC WISHING TO REGISTER TO SPEAK ON/SUPPORT/OPPOSE AN AGENDA ITEM MUST REGISTER USING THE LINK ABOVE (even if you plan to attend using your phone).

Registrations to provide public comment will be accepted until 1 hour prior to the beginning of the meeting.

If you join the meeting with Zoom, when the item you have registered for is before the board/committee, you will be promoted to a panelist. Once a panelist, you can turn on your webcam and you will be able to unmute yourself.

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Interpreters must be requested in advance; please see the bottom of the agenda for more information.

Los intérpretes deben solicitarse con anticipación; consulte el final de la agenda para obtener más información.

Yuav tsuam tau thov txog cov neeg txhais lus hau ntej; thov saib hauv qab kawg ntawm qhov txheej txheem rau cov ntaub ntawv ntxiv.

A. Call to Order

Chair Bollig called the October 12, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Lane, Violante, Allan and Everson

Present 3 - JERRY BOLLIG, TIM KIEFER, and SARAH SMITH

Excused 2 - STEVEN PETERS, and MICHELE DOOLAN

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

No comments made by the public.

[2021](#) October 12th ZLR meeting registrants
[RPT-556](#)

C. Consideration of Minutes

[2021](#) Minutes of the September 28, 2021 Zoning and Land Regulation Committee
[MIN-331](#) meeting

A motion was made by SMITH, seconded by KIEFER, that the Minutes be approved. The motion carried by a voice vote, 2-0. SMITH Abstained.

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

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

[11671](#) PETITION: REZONE 11671
APPLICANT: PETER SACHS
LOCATION: 3285 NELSON ROAD, SECTION 24, TOWN OF BURKE
CHANGE FROM: NR-C Natural Resource Conservation District TO RR-8 Rural Residential District, RR-2 Rural Residential District TO RR-2 Rural Residential District
REASON: dividing an existing lot into 2 residential lots

A motion was made by SMITH, seconded by KIEFER, to allow for additional testimony. The motion carried by a voice vote. 3-0.

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be recommended for approval with Town conditionals and a Deed Restriction prohibiting livestock. No action taken.

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be reconsidered. The motion carried by a voice vote. 3-0.

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be recommended for approval with conditions. The motion carried by a voice vote. 3-0.

1 Sachs obtaining approval of the CSM and rezone from Dane County by December 31, 2021.

2 Sachs executing a Stormwater Maintenance Agreement with the Town of Burke for maintenance of the "Drainage-Way Easement" shown on the CSM by December 31, 2021. The form and substance of the Stormwater Maintenance Agreement shall be acceptable to the Town Attorney and Town Engineer. The Town will record the fully-executed Stormwater Maintenance Agreement with the Dane County Register of Deeds after the CSM.

3 All outstanding monies owed the Town and incurred in the review and action on the CSM to be paid in full by September 30, 2021.

4 In the event all the conditions of approval are not fulfilled by Sachs or waived by the Town Board by the dates specified above, the approval of the CSM shall be null and void.

[11710](#)

PETITION: REZONE 11710
APPLICANT: VINEY ACRES LLC
LOCATION: WEST OF 2173 NORA ROAD, SECTION 27, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland
Preservation District TO FP-1 Farmland Preservation District
REASON: creating 3 residential lots and 2 agricultural lots

A motion was made by SMITH, seconded by KIEFER, to allow for additional testimony. The motion carried by a voice vote, 3-0.

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be postponed to allow for more information pertaining to the building envelope areas on the residential lots. The motion carried by a voice vote. 3-0.

[11731](#)

PETITION: REZONE 11731
APPLICANT: SUGAR RIVER INVESTORS I LLC
LOCATION: 2325 SUGAR RIVER RD, SECTION 30, TOWN OF VERONA
CHANGE FROM: RR-2 Rural Residential District and AT-35 Agriculture Transition District TO
RM-16 Rural Mixed-Use District
REASON: Remove spot zone on the property and establish residential zoning on the entire property

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be recommended for approval with conditions. The motion carried by a voice vote, 3-0.

- 1. A deed restriction limiting conditional uses to those listed in the RR-16 district**
- 2. A requirement that the residence be built within a building envelope in the southern corner of the property.**
- 3. Prior to the issuance of any zoning or building permits for new residential development, site plan approval must first be obtained from the town of Verona. Proposed new residence is to be located in the southerly corner of the property.**
- 4. The owner shall work cooperatively with the town and adjoining owners on an updated shared driveway easement agreement that includes a provision approved by the town attorney addressing possible future dedication of the existing driveway, in whole or in part, as a town road.**

[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

A motion was made by SMITH, seconded by KIEFER, to allow for additional testimony. The motion carried by a voice vote. 3-0.

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by a voice vote, 3-0.

1. Owner shall record a deed restriction on the property limiting the keeping of livestock exclusively to horses. Keeping of bees, chickens or other domestic fowl shall be limited and conducted as specified under section 10.103(10) of the zoning code.
2. Subject to the applicants submitting a CSM for Town approval and recording of the same.

[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

A motion was made by SMITH, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by a voice vote, 3-0.

1. The final CSM shall provide a right of way dedication on Sugar River Road to the satisfaction of the town.
2. The applicant shall submit satisfactory language to be approved by the Town's attorney for the potential dedication of the existing driveway, in whole or part, as a town road. Applicant shall add this language to an updated shared driveway access easement agreement and record the updated easement agreement with the Register of Deeds.
3. The driveway shall meet the safety standards required by the fire department.

02516

PETITION: CUP 02516
APPLICANT: CAROLYN J BRADT
LOCATION: 8283 N. RILEY ROAD, SECTION 2, TOWN OF SPRINGDALE
CUP DESCRIPTION: accessory dwelling unit-attached

A motion was made by SMITH, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by a voice vote, 3-0.

- (1) No more than one attached accessory dwelling unit may be created.
- (2) The attached accessory dwelling unit shall not exceed 800 square feet of occupiable floor area and shall not have more than two bedrooms.
- (3) The occupancy limit for the ADU shall be 2 people.
- (4) Rental term must exceed 30 days. No short term or incidental rental allowed.
- (5) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.
- (6) The lot or parcel of land containing the accessory dwelling unit shall continue to be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
- (7) The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings.
- (8) Accessory dwelling units must meet applicable residential building codes and sanitary codes.
- (9) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- (10) 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.
- (11) Existing onsite wastewater sewage disposal systems 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. The septic system must be certified to serve at least 7 bedrooms.
- (12) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- (13) Off-street parking must be provided, consistent with s. 10.102(8).
- (14) 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.
- (15) 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.
- (16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) This CUP shall expire upon the sale of the property to an unrelated third party.

(21) A review of the CUP may be requested by the Town of Springdale after a period of two years

[02531](#)

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

A motion was made by SMITH, seconded by KIEFER, that the Conditional Use Permit be approved with conditions. The motion carried by a voice vote, 3-0.

1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 6 guests over 12 years old and no more than 9 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. 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 Uniform Dwelling Code.
11. 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.
12. 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.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).
15. 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.

16. 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.

17. 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.

18. 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.

19. 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. 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.

F. Plats and Certified Survey Maps

[2021 LD-008](#) Land Division Waiver application
Dairy Ridge Preliminary Plat
Town of Verona
Staff recommends approval of the waiver to allow for the design of Outlot 1 to have no public road frontage.

A motion was made by SMITH, seconded by KIEFER, that the Land Division waiver be approved to allow Outlot 1 to be designed with no frontage along a public road. The motion carried by a voice vote, 3-0.

[2021 LD-009](#) Preliminary Plat - Dairy Ridge Heights
Town of Verona
Staff recommends conditional approval

A motion was made by SMITH, seconded by KIEFER, that the Preliminary Plat be approved with conditions. The motion carried by a voice vote., 3-0.

1. Rezone Petition #11682 is to become effective and all conditions are to be timely satisfied.

- Recording of an approved subdivision plat.
- Lots 4-13 shall have staggered front yard setbacks.
- A trail shall be installed in the outlot.
- Screening shall be approved by the Town Plan Commission.
- A height limit for all single story residences shall be approved by the Town Plan Commission.
- Elevation drawings shall be provided by the applicant.
- A maintenance agreement shall be created as part of the developer's agreement.

2. All public land dedications are to be clearly designated "dedicated to the public."

3. The land division waiver application from the public road frontage requirements with regards to Outlot 1 will need to be acted on by the Zoning and Land Regulation Committee.

4. Utility easements are to be provided.

5. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.

6. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Budget Discussion and Amendments

[2021 RPT-486](#) Summary of the 2022 Register of Deeds Budget

[2021 RPT-487](#) Summary of the 2022 Planning and Development Department Budget

[2021 ACT-227](#) ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE PROPOSED 2022 OPERATING BUDGET

The Committee instructed Staff to prepare two amendments to the 2022 budget. 1) New AZA position to start January 1st; 2) LTE GIS position.

[2021](#)
[ACT-228](#)

ZONING & LAND REGULATION COMMITTEE AMENDMENTS TO THE
PROPOSED 2022 CAPITAL BUDGET

K. Reports to Committee

[2021](#)
[RPT-524](#)

Report of approved Certified Survey Maps

L. Other Business Authorized by Law

M. Adjourn

A motion was made by SMITH, seconded by KIEFER, that the work meeting be adjourned at 8:13 PM. The motion carried by a voice vote, 3-0.

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

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.