

Dane County



Minutes

Tuesday, October 26, 2021

6:30 PM

Zoom Webinar ID: 841 4005 1438

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 October 26, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Allan, 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-594](#)

October 26th ZLR meeting registrants

C. Consideration of Minutes

[2021
MIN-386](#)

Minutes of the October 21, 2021 Zoning and Land Regulation Committee meeting

A motion was made by DOOLAN, seconded by KIEFER, to approve the minutes of the October 21, 2021 Zoning and Land Regulation Committee meeting. The motion carried by the following vote: 3-0-1

Ayes: 3 - BOLLIG, DOOLAN and KIEFER

Excused: 1 - SMITH

Abstain: 1 - PETERS

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

[11746](#)

PETITION: REZONE 11746

APPLICANT: JOHN P ZIEGLER

LOCATION: 1256 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND

CHANGE FROM: SFR-08 Single Family Residential District TO LC Limited Commercial District

REASON: add additional land (residential) to lc (limited commercial) zoning district.

CUP DESCRIPTION: CARETAKER'S RESIDENCE

In favor: John Ziegler

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 the LC zoned parcel limiting commercial uses exclusively to a contractor's business and indoor storage of equipment.

Ayes: 4 - BOLLIG, PETERS, DOOLAN and KIEFER

Excused: 1 - SMITH

[11747](#)

PETITION: REZONE 11747
APPLICANT: BABLER REV TR, DAMION D & EMILY M
LOCATION: 288 PRIMROSE CENTER ROAD, SECTION 33, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In favor: Damion & Emily Babler

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

[11748](#)

PETITION: REZONE 11748
APPLICANT: RANDY J BOLLIG
LOCATION: 1535 COUNTY HIGHWAY Z, SECTION 6, TOWN OF PERRY
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District
REASON: creating one residential lot

In favor: Garrison Bollig

Opposed: None

A motion was made by KIEFER, seconded by PETERS, to postpone action on the rezoning petition. The motion carried by the following vote: 3-0-1

Ayes: 3 - PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

Recused: 1 - BOLLIG

[11749](#)

PETITION: REZONE 11749
APPLICANT: ROGER HARTMANN
LOCATION: NW OF 7240 COUNTY HIGHWAY Y, SECTION 5, TOWN OF DANE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: to facilitate the settling of the darlene hartmann estate

In favor: Roger Hartman

Opposed: None

A motion was made by PETERS, seconded by DOOLAN, to postpone action until town action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11750](#)

PETITION: REZONE 11750
APPLICANT: KEGONSA STORAGE LLC
LOCATION: SOUTH OF 1994 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CHANGE FROM: PUD Planned Development District TO SFR-1 Single Family Residential District
REASON: change zoning to allow for the construction of a single-family residence

In favor: Ryan Quam
Opposed: None

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

- 1. The boathouse shall be used for the purposes of non-commercial boat storage and the storage of boat accessories. The boathouse shall not be designed or be used for habitable purposes.**
- 2. The lowest level of any habitable building cannot be below the Base Flood Elevation of 847.2 feet above mean sea level and the lowest level of any non-habitable building cannot be below the Base Flood Elevation of 845.2 feet above mean sea level.**
- 3. The height of the home (ground to peak) can be no taller than 29 feet.**
- 4. The total impervious surface on this parcel can be no more than 5,739 square feet.**
- 5. A deed restriction is recorded which states that the bridge that spans the creek may not be removed, but may be maintained. If the bridge becomes deteriorated to the point where it cannot be maintained and still functional, then it may be replaced.**
- 6. The Restoration Plan attached to the application must be followed. This Restoration Plan shall be part of a new Declaration of Restrictive Covenant document that requires minimum restoration and maintenance requirements.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11751](#)

PETITION: REZONE 11751
APPLICANT: OK ENTERPRISES LLC
LOCATION: 9664 LEE VALLEY ROAD, SECTION 25, TOWN OF PERRY
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District
REASON: separating existing residence from farmland

In favor: Bradley and Kelsey Taylor
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

[11752](#)

PETITION: REZONE 11752
APPLICANT: GALAROWICZ REV LIVING TR, HELEN J
LOCATION: EAST OF 3779 GALA WAY, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: creating two agricultural lots

In favor: Robert Williamson

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 notice document shall be recorded on the proposed FP-1 lots (lots 2 and 3 of the Certified Survey Map) indicating that no RDUs (“splits”) are available. Town policy would allow them to be a Transfer of Development Rights (TDR) receiving area on a 1:1 basis.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11753](#)

PETITION: REZONE 11753
APPLICANT: RAPHAEL R GROB (RAY)
LOCATION: 525 COUNTY HIGHWAY BB, SECTION 11, TOWN OF DEERFIELD
CHANGE FROM: SFR-08 Single Family Residential District TO RR-8 Rural Residential District,
FP-35 Farmland Preservation District TO RR-8 Rural Residential District, FP-35 Farmland
Preservation District TO FP-1 Farmland Preservation District
REASON: separating the existing residence from the farmland and creating an agricultural lot

In favor: Ray Grob

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

[11754](#)

PETITION: REZONE 11754
APPLICANT: SAALSAA BROS REAL ESTATE LLC
LOCATION: NORTH OF 2239 SPRING ROSE ROAD, SECTION 24, TOWN OF SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District,
REASON: creating one residential lot

In favor: Noa Prieve

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. Owner shall record a deed restriction on the proposed RR-4 parcel prohibiting division of the lot.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11755](#)

PETITION: REZONE 11755
APPLICANT: ROBERT & LORRAINE SHILLINGSTAD
LOCATION: 6227 PURCELL ROAD, SECTION 6, TOWN OF OREGON
CHANGE FROM: RM-16 Rural Mixed-Use District TO FP-1 Farmland Preservation District
REASON: creating an agricultural lot

In favor: None
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.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11756](#)

PETITION: REZONE 11756
APPLICANT: NORMAN & SUSAN PECK
LOCATION: 1184 OTTER LANE, SECTION 32, TOWN OF YORK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from the farmland

In favor: Norm and Sue Peck
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, 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

[11757](#)

PETITION: REZONE 11757
APPLICANT: SHAMROCK FARMS (MARK FARRELL)
LOCATION: EAST OF 8665 BLUFF VALLEY ROAD, SECTION 27, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,
RR-1 Rural Residential District TO FP-35 Farmland Preservation District
REASON: creating one residential lot and removing an existing rr-1 spot zone from property

In favor: Mark Farrell
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. Development shall avoid the steep slopes exceeding 20% grade. The approximate extent of 20% slopes shall be depicted on the Certified Survey Map as a "no build" area.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11758](#)

PETITION: REZONE 11758
APPLICANT: SHAMROCK FARMS
LOCATION: EAST OF 5132 COUNTY HWY J, SECTION 31, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: expanding existing residential lot

In favor: Mark Farrell

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

[11759](#)

PETITION: REZONE 11759
APPLICANT: OLSONS BROWN SWISS FARM LLC
LOCATION: 10113 US HWY 14, SECTION 22, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO NR-C Natural Resource Conservation District, FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District
REASON: Separating the existing residence from the farmland and creating two conservancy lots

In favor: Jim Welch

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.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11760](#)

PETITION: REZONE 11760
APPLICANT: DANIEL MOWRY
LOCATION: 3070 KINNEY ROAD, SECTION 2, TOWN OF PLEASANT SPRINGS
CHANGE FROM: RR-8 Rural Residential District TO TFR-08 Two Family Residential District
REASON: expanding existing residential lot

In favor: Daniel Mowry

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.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11761](#)

PETITION: REZONE 11761
APPLICANT: VINEY ACRES LLC
LOCATION: 1834 SCHADEL ROAD, SECTION 36, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-4 Rural Residential District TO RR-1 Rural Residential District, RM-8 Rural Mixed-Use District TO RR-1 Rural Residential District, RM-8 Rural Mixed-Use District TO RR-2 Rural Residential District, RR-4 Rural Residential District TO FP-1 Farmland Preservation District, RM-8 Rural Mixed-Use District TO FP-1 Farmland Preservation District
REASON: creating two residential lots and one agricultural lot

In favor: Donald Viney
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.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[11762](#)

PETITION: REZONE 11762
APPLICANT: LEGION OF CHRIST INC
LOCATION: 493 BINGHAM ROAD, SECTION 25, TOWN OF ALBION
CHANGE FROM: AT-35 Agriculture Transition District TO RE Recreational District
REASON: creating a parking lot for boat trailer parking

In favor: None
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.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[02533](#)

PETITION: CUP 02533
APPLICANT: 11ELEVEN LLC
LOCATION: 7069 APPLEWOOD DR., SECTION 27, TOWN OF MIDDLETON
CUP DESCRIPTION: daycare center

In favor: Chase Horne, Sarah Tuttle, Ashley Leonard, Erin Rome, Alisha Valentine
Opposed: Brendan Checkett, Mallory Checkett, Naheed and Peter Finch, John and Stacy Graham, Sue Gulbrand, Anna Jordan, Elizabeth Jordan, Sarah Jordan, Craig Jordan, Jim Schwetz, Joyce Reeder, William Reeder, Luke Hillman, Kevin Trost, Neal Brunner, Tamara Dudiak, Rick Gulbrand, Laura Houlihan, Kevin Houlihan, David Huntsman, Fredrick Ross

A motion was made by DOOLAN, seconded by PETERS, that the Conditional Use Permit be postponed. The motion failed by the following vote: 2- 2.

Ayes: 2 - BOLLIGandPETERS

Noes: 2 - DOOLANandKIEFER

Excused: 1 - SMITH

A motion was made by KIEFER, seconded by DOOLAN, to suspend Committee Rules. Motion Withdrawn.

A motion was made by KIEFER, seconded by DOOLAN, that postponement of the Conditional Use Permit be reconsidered. The motion carried by a voice vote. 4-0

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

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

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

02534

PETITION: CUP 02534
APPLICANT: JOHN P ZIEGLER
LOCATION: 1256 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND
CUP DESCRIPTION: CARETAKER'S RESIDENCE

In favor: John Ziegler

Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.

- 1. 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.**
- 2. This Conditional Use Permit for a residence for the business owner shall expire if/when a commercial use ceases to be operated on the property.**
- 3. The CUP shall expire upon sale of the property to an unrelated 3rd party.**

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

02535

PETITION: CUP 02535
APPLICANT: HOWVIEW LLC
LOCATION: 4073 N PLEASANT VIEW RD., SECTION 15, TOWN OF MIDDLETON
CUP DESCRIPTION: daycare center

In favor: Chase Horne

Opposed: None

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

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[02536](#)

PETITION: CUP 02536
APPLICANT: GERARD XAVIER
LOCATION: 3056 SHAW COURT, SECTION 5, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging

In favor: Gerard Xavier, Aaron Dumas
Registered: Daniel Paltz
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit be postponed to allow time for staff to review the conditions with the Town of Dunn. The motion carried by the following vote: 3-0-1.

Ayes: 3 - BOLLIG,PETERSandDOOLAN

Excused: 1 - SMITH

Recused: 1 - KIEFER

[02537](#)

PETITION: CUP 02537
APPLICANT: DUSTIN MAHER
LOCATION: 7537 FALLEN OAK DR.,, SECTION 29, TOWN OF MIDDLETON
CUP DESCRIPTION: transient or tourist lodging -vrbo

In favor: Dustin Maher
Opposed: Damian Wendorf

A motion was made by DOOLAN, seconded by KIEFER, that the Conditional Use Permit be postponed until Town Action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[02538](#)

PETITION: CUP 02538
APPLICANT: VALERIE AHL & TIMOTHY ALLEN
LOCATION: 4321 STATE ROAD 138, SECTION 8, TOWN OF RUTLAND
CUP DESCRIPTION: agriculture entertainment activities occurring 10 days or more per calendar year

In favor: Valerie Ahl, Brad Rogowski
Opposed: Jill and Dan Sears

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

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

[02539](#)

PETITION: CUP 02539
APPLICANT: STACEY BEAN
LOCATION: 2782 WHITE CROSSING ROAD, SECTION 7, TOWN OF VERONA
CUP DESCRIPTION: attached accessory dwelling unit-above garage in-law suite

In favor: Stacey Bean
Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Conditional Use Permit be postponed until Town Action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

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

F. Plats and Certified Survey Maps

[2021 LD-005](#) Hartman proposed 1-lot Certified Survey map (Land Division Waiver)
Town of Dane
Staff recommends approval

A motion was made by KIEFER, seconded by DOOLAN, to approved the land division variance. The motion carried by the following vote: 4-0.
Finding of Fact: Due to the land being located on the edge of the county, there are no public roads available in Dane County to access. All public road access is in Columbia County.

Ayes: 4 - BOLLIG,PETERS,DOOLANandKIEFER

Excused: 1 - SMITH

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by KIEFER, seconded by PETERS, to adjourn the October 26, 2021 Zoning and Land Regulation Committee meeting at 9:37pm. The motion carried unanimously.

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