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VIA EMAIL

August 28, 2021

Dane County Zoning and Land Regulation Committee
210 Martin Luther King Jr., Blvd. Rm 116
Madison, WI 53703-3342

Dear ZLR Committee,

Please accept this letter as our response to the "Comment on the Zoning Division 2021 Report on Salvage Yards" from Tom Mathies, Town of Verona Supervisor, with no date (except "Meeting Date: August 24, 2021").

We would like to first say that Tom Mathies, Town of Verona Supervisor has misused his authority as a town supervisor. No where in the Wis. State Stats, does it give this person the right, as a town Supervisor, to submit "comments" in regards to something not within his township. To use his title as "Town of Verona Supervisor" to opine in regards to our salvage yard license, which lies within the Town of Christiana boundaries, is most definitely an abuse of his authority. No where in the Wis. State Stats, does it give a lone town supervisor the right to "comment" on something without the approval of the entire Town Board, much less the right to "comment" on something not within that township. If every township supervisor were given that right, there would be nothing but chaos that would occur.

Mathies starts his comments with the Dane County Water Quality Plan (2017) and what it states in regards to junkyards and salvage yards. We have 2 problems with this, first, is that this is just a plan and second, that there are no proven facts for junkyards and salvage yards to be specifically listed in this plan. Was it just a whim of the people that came up with this plan or did they have something against junkyards and salvage yards that they felt it needed to be specifically listed? It is arbitrary at best, as there are no proven facts to back it up.

Mathies goes on with quoting in part a Dane County Ordinance. Now we have no problem with this, as we find it useful ourselves. But what we do not like is when the Ordinance number does not correspond with what he wrote. He quoted 10.103(17)(c)2, which does not even correspond with what he wrote. The Dane County Ordinance 10.103(17)(c)1 in part states

Application for such license shall be made to the zoning administrator, setting forth the description of the premises, the nature of the business and the materials to be handled, the type of construction of any building to be used in connection with the business, the applicant's name or names, officers, if any, and address of each.

This license is not a review of our CUP. He is asking for a review of something that is not a part of the renewal license procedure.

Mathies goes on to "urge the Committee to ensure the impartiality of the report as required by the Dane County Ethics Codes". First of all, we believe that Mathies has violated the ethics code, by even sending these comments in regards to the salvage yards on the list as a Town of Verona Supervisor. Ours, is in the Town of Christiana, not the Town of Verona. He is the one that over stepped here, not anyone else. We expect a fair, impartial and unbiased inspection. We believe, for 30 years, that we have received this. When the inspection is done, these people have always been respectful, ask questions and go out there to look (sometimes we walked with them, sometimes we just sent them up there by themselves). We will not allow anyone, other than the inspector assigned to inspect, access to our salvage yard. There is no valid legal reason for anyone else other than the inspector to inspect for the renewal of our license. He is asking for things that are not on the renewal application for the license. There is a total over reach on his part.

He continues to cite another Dane County Ordinance – 10.003(4)(a), but this is what that says:

Interpretation and Application. (a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power now granted by Wisconsin Statutes and possessed by the County.

So, what does he do, make it up as he goes? Like, seriously, not only does he over step his authority, but he cannot even get quoting Dane County Ordinances right!

Then he goes on to DNR industrial storm water discharge permits, refrigerant recovery and WisDOT licenses for salvage dealers. Since when did any of this become a requirement for a Dane County Salvage Yard License renewal? It is not anywhere on the renewal application. We have provided a copy of our storm water discharge permit when we were asked for it and that it is up to date. Does this guy want to now tell WisDOT and DNR how to do their jobs, seriously? Again, he is over reaching!

Mathies goes on to dedicate a full page to our salvage yard (which we will once again remind you is in the Town of Christiana). If he would have done his due diligence, he would understand the full operation of what we do here, but he didn't. He goes through our CUP, but the license to operate a Salvage Recycling Center is different than the conditions for the CUP. The best

part is this, he cites Dane County Ordinance 10.102(8)(g)5. This section deals with "Parking and storage of trucks, buses and special vehicles", seriously had to read that a few times. Then he writes "(The exception relates to car collectors. In that situation screening is required.), like what the hell does that have to do with our license? What does this guy not understand that this is our business? Seriously, what is wrong with this guy?"

The only thing we find over reaching is this "Comments on the Zoning Division 2021 Report on Salvage Yards". Mathies over reached, he overstepped his authority when he sent this to the ZLR Committee as a Town of Verona Supervisor. Just because he has that little title behind his name, does not give him cart blanche to do whatever he wants.

Once again, the issue before you is the renewal of our license and just that! Asking for things that are not in the scope of the license renewal is arbitrary and capricious at best. For a Town of Verona Supervisor try to dictate how Dane County should be ran is laughable at best. As business owners in the Town of Christiana, we are entitled to Dane County being independent, impartial and responsible to the people, we are entitled to have the utmost confidence that the Dane County Government can do their job without a town supervisor overstepping his authority.

We ask that you approve the application for the license renewal for our salvage yard.

Truly,

Handwritten signatures in blue ink. The top signature reads "Mike Cutrano/cee" and the bottom signature reads "Cindy Cutrano".

Mike Cutrano
Cindy Cutrano

Enclosures

Cc: Roger Lane, Dane County Zoning Administrator
Daniel Everson, Dane County Assistant Zoning Administrator
Mark Geller, Town of Verona Chairman
Teresa Withee, Town of Verona Clerk

1. Blasting.

a. Blasting Schedule. Blasting shall occur between sunrise and sunset, as required by SPS 307. The zoning committee and town board may set further daily limits on hours when blasting may occur, to minimize impact on neighboring properties. Schedules for blasting need not conform to hours of operation for the overall mineral extraction project.

b. Notice of Blasting Events. Prior to any blasting event, notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, operators will honor the requests of residents within 500' of the mineral extraction site to either receive or stop receiving such notices at any time.

c. Other standards. All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.

d. Fly rock shall be contained within the permitted mineral extraction area.

2. Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

3. Mineral extraction at or near groundwater. All excavation equipment, plants, and vehicles shall be fueled, stored, serviced, and repaired on lands at least 3 feet above the highest water table elevation to prevent against groundwater contamination from leaks or spills.

4. In the event that a mineral extraction operation will destroy an existing Public Land Survey Monument, witness monuments must be established in safe locations and a new Monument Record filed by a Professional Surveyor, prior to excavation and disturbance of the existing monument.

(16) Outdoor assembly events [as defined in s. 10.004(113)].

(a) The landowner shall file an event plan, approved by the zoning administrator, addressing, at a minimum the following issues:

1. the number of events proposed each year
2. the maximum expected attendance at each event
3. off-street parking, to meet standards in s. 10.102(8)
4. days and hours of operation
5. ingress and egress
6. sanitation
7. trash / recycling collection and disposal
8. proposed signage
9. other public safety issues

(b) Event plans must be filed with the following:

1. the zoning administrator,
2. town clerk,
3. servicing fire department,
4. emergency medical service provider,
5. Dane County Sheriff's Department and
6. any local law enforcement agency.

(c) Event plans for recurring or annual activities must be filed at least 30 days prior to the start of any activities in each calendar year.

(17) Salvage yards or junkyards.

(a) Use. For purposes of this ordinance, any premises used for the storage, gathering, recycling or sale of junk, as defined in this chapter, is a salvage recycling center. A salvage recycling center need not have a commercial purpose.

1. Junk, as defined under this chapter, may be stored on any premises on which a permitted business enterprise is actually conducted, provided, that all such junk is actually used in the conduct of such permitted business enterprise, and that all such junk is at all times stored in an enclosed building on the premises, thereby securing it from public view.

2. Junk, as defined in this chapter, may be stored on any premises used chiefly for residential purposes, provided that it is stored solely for eventual use on the premises, and that all such junk is at all times stored in an enclosed building thereby securing it from public view.

(b) Location and boundaries.

1. No salvage yard or junkyard shall be located within one hundred (100) feet of the boundary of any residential district.

2. No salvage yard or junkyard with outdoor operations shall be located within the zone of contribution to a municipal well, as shown in the most current adopted version of the Dane County Water Quality Plan.

(c) License.

1. Before any premises may be used as a privately operated salvage yard or junkyard, it shall be licensed. Application for such license shall be made to the zoning administrator, setting forth the description of the premises, the nature of the business and the materials to be handled, the type of construction of any building to be used in connection with the business, the applicant's name or names, officers, if any, and address of each. The application shall be referred to the zoning committee which shall, within a reasonable time, hold a public hearing, notice of which shall be given by a class 2 notice under chapter 985, Wis. Stats. If, after such

public hearing, the zoning committee finds that the premises are in conformity with the provisions of this ordinance, and that the site is suitable for the conduct of such business, the committee shall grant a license, and such license shall expire on July 1 of each year. Licenses may be renewed from year to year on authorization of the committee when inspection discloses that the business is being conducted in accordance with the provisions of this ordinance.

2. Revocation of license. Upon the complaint of any interested person, or on its own motion or after inspection discloses that the provisions of this ordinance are being violated, the zoning committee may hold a public hearing to determine whether a privately operated salvage yard or junkyard license shall be revoked, notice of such hearing to be given to all interested parties. After public hearing, the zoning committee may order the license revoked.

3. Should any town elect to license salvage yard or junkyards by adoption of an ordinance pursuant to the provisions of s. 59.55(5), Wis. Stats., and file a copy of such ordinance with the zoning department, then the provisions of paragraphs (a) and (b) above shall not apply, but no such license shall be issued by any town for such purpose unless the area is properly zoned and unless the zoning committee, after public hearing, determines that the site is suitable. When a salvage yard or junkyard is licensed by the town, then the responsibility of controlling such salvage yard or junkyard rests with the town.

(18) Small-scale farming.

(a) Small-scale farming is considered an accessory use to a permitted or conditional principal use and is subject to the following limitations:

(b) Except for domestic pets, domestic fowl and beekeeping, animal use shall not be permitted on parcels smaller than one acre. For parcels one acre or larger, animals shall be limited to one animal unit per acre.

(c) Accessory buildings, structures or cages housing livestock shall be at least 100 feet from any of the Residential, Rural Residential or Hamlet zoning districts.

(19) Solid waste disposal operations.

Solid waste disposal operations shall not be located within the zone of contribution for municipal wells, as shown in the most current adopted version of the Dane County Water Quality Plan.

(20) Temporary batch concrete and asphalt production.

(a) The zoning committee and town board shall set daily limits on hours for concrete and asphalt production, as necessary to minimize impact on neighboring properties. Schedules for concrete or asphalt production need not conform to hours of operation for the overall mineral extraction project.

(b) Operators of concrete or asphalt plants shall be responsible for any conditions placed on such operations.

(c) Asphalt production facilities must comply with all requirements, including spill containment, of Chapter ATCP 93, Wisconsin Administrative Code.

[History: 10.103 cr., 2018 OA-20, pub. 01/29/19; (2)(c) and (9) am., 2019 OA-20, pub. 1/28/20.]

10.200 ZONING DISTRICTS.

(1) Purpose. All lands located within the jurisdiction of this chapter are hereby divided into zoning districts in order to:

(a) achieve compatibility of land uses within each district,

(b) implement the adopted goals, objectives and policies of the Dane County Comprehensive Plan, town comprehensive plans, and the Dane County Farmland Preservation Plan, and

(c) to achieve the other stated purposes of this chapter.

(2) Zoning Districts.

(a) Sections 10.210 through 10.292 describe the zoning districts within the jurisdiction of this Chapter.

(b) In each zoning district, land uses are divided into permitted and conditional uses.

1. Unless specifically exempted, no development intended to accommodate a permitted use listed in the applicable zoning district may take place until the Zoning Administrator, or designee, has issued a zoning permit under s. 10.101(1).

2. No land use listed as a conditional use in the applicable zoning district may take place until the town board and zoning committee approve a conditional use permit under s. 10.101(7), or the board of adjustment overturns a denial of a conditional use permit under s. 10.101(7)(c)4.

3. Land uses not listed as either permitted uses or conditional uses are considered to be prohibited in that zoning district.

(3) Table of Land Uses by Zoning District. The following tables provide a summary of permitted and conditional uses in each zoning district. Please refer to the specific section for each zoning district for detailed standards and requirements.

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70. Storage of explosive materials: 1 per 1.3 employees, plus 1 per each truck or other vehicle at premises at peak.

71. Storage of vehicles and pieces of construction equipment: 1 per stored vehicle.

72. Storage of recreational equipment and motor vehicles not owned by resident: 1 per stored vehicle.

73. Temporary asphalt and concrete production: 1 per 1.3 employees at peak shift, plus 1 for every truck, or vehicle on site at peak.

74. Tourist or transient lodging: 1 per 1.3 employees, 1 per resident family plus 1 per guest room.

75. Transportation, utility, communication or similar use: 1 per 1.3 employees if working on site, 1 per maximum number of vehicles anticipated to be onsite at any time.

76. Two-family residential: 1 per dwelling unit.

77. Vehicle repair or maintenance: 1 at each fuel dispenser, 3 per service bay, 1 per vehicle stored on premises, 1 per 1.3 employees.

78. Veterinary clinics: 1 per 1.3 employees, plus 3 per examination or treatment room.

(f) Potential reductions in required spaces.

The zoning administrator may decrease the required number of off-street parking spaces by up to 25 percent of the requirement based on one or more of the following criteria:

1. Technical documentation supplied by the applicant indicates, to the satisfaction of the zoning administrator, that actual parking demand for that particular development is less than the standard would suggest;

2. Bicycle parking facilities will be provided through racks, lockers or equivalent structures located convenient to the proposed use;

3. A public transportation route is located within 1,000 feet of the property;

4. Shared parking for more than one use will be implemented, provided that the applicant(s) demonstrate that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses. The continued availability of such shared parking areas shall be ensured by an agreement among all involved property owners describing the rights and limitations of all property owners and businesses, and providing that if any of the uses sharing the parking changes, the agreement shall become null and void. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the zoning administrator before being recorded with the register of deeds.

5. Reserve area. In the event the number of required spaces is reduced as allowed by s. 10.102(8)(f), the zoning administrator may also require that sufficient area be held in reserve for potential future development of parking to meet the requirements under s. 10.102(8)(e). If required, such reserve area shall be shown and noted on the development plan, maintained in open space use and developed with parking spaces when the zoning administrator determines that such development is necessary due to parking demand which exceeds original expectations, the loss of bicycle or public transit access or facilities, or the dissolution of a shared parking agreement.

(g) Parking and storage of trucks, buses and special vehicles.

1. In the Residential and Rural Residential districts, and on any lot in the Rural Mixed Use districts where the principal use is residential, motor vehicles used for personal transportation and recreational vehicles and trailers owned by a person residing on the premises may be parked or stored within an accessory building, provided that the gross vehicle weight shall not exceed 12,000 pounds.

2. In the Residential, Rural Residential, Recreational, Farmland Preservation-Business, Hamlet Mixed-Use and General Commercial districts, only motor vehicles that are accessory to a permitted and principal use on any lot may be stored or parked.

3. Any automobile licensed as an antique or special interest vehicle under s. 341.266, Wis. Stats., or parts cars therefore, can be stored on a lot in any district provided that such vehicle is stored in such a manner that it does not constitute a health hazard and is screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means, as required by s. 341.266(4), Wis. Stats.

4. Farm trucks or trailers licensed under ss. 341.26(3) or 341.30, Wis. Stats., may be parked on lots in agriculture districts.

5. Trucks with gross vehicle weight exceeding 12,000 pounds may be stored or parked only in the LC, HC, RI and MI districts, except that parking or storage of one truck and one road tractor and its trailer in excess of 12,000 pounds gross vehicle weight shall be permitted in the residence, rural homes and agricultural districts, subject to the following conditions:

a. The vehicle shall be owned and operated by a person residing on the premises.

This is another # Mathis gave

- b. In the residence districts, the lot area shall be not less than one acre.
- c. The vehicle shall not be parked or stored within the required highway or road setback area.
- d. The vehicle shall not be parked closer than 100 feet to another residence.
- e. New accessory buildings may be constructed to house the vehicle, provided such buildings comply with all applicable setback, lot coverage and building height limitations for that zoning district.
- f. Before the vehicle may be parked or stored on the property, a certificate of compliance shall be issued by the zoning administrator.
6. One racing vehicle and spare parts for such vehicle may be stored in the residence and rural homes districts, provided that such vehicle and spare parts are screened from public view in an enclosed building.
7. Storage of no more than two racing vehicles and spare parts for such vehicles is permitted in any district except the residence and rural homes districts, provided that such vehicles and spare parts are screened from public view in an enclosed building.
8. In any district, one school bus driven by a person residing on the premises may be parked provided that in residence districts the minimum lot area for bus parking is one acre.
9. Except as provided in s. 341.266(4), Wis. Stats., a motor vehicle that is inoperable or unlicensed is considered salvage or junk and shall only be stored in a licensed salvage recycling center. Trucks licensed on a monthly or quarterly basis shall be considered currently licensed if they have been licensed for at least one period during the previous year.
- (9) Road setbacks / required front yards.
- (a) Except as indicated in (a)1.c. and (b) below, or as permitted by variance, all structures shall be set back from public roads as follows:
1. Divided highways.
 - a. Except as exempted in c. below, all principal residential buildings must be at least 200 feet from the right-of-way line.
 - b. Accessory buildings must meet the setbacks described for undivided highways below.
 - c. Exceptions. Principal dwellings meeting either of the following criteria must meet the setbacks for undivided highways in 2. below:
 - i. Principal dwellings on lands originally zoned for residential use prior to May 1, 1992.
 - ii. Lands where noise control barriers effectively reduce the noise level from traffic to 67 decibels [db(a)] or less.
 2. Undivided highways.
 - a. State and Federal Highways. All structures must be at least 100 feet from the centerline, or 42 feet from the right-of-way line, whichever is greater.
 - b. County Trunk Highways. All structures must be at least 75 feet from the centerline, or 42 feet from the right-of-way line, whichever is greater.
 - c. Town Roads. All structures must be at least 63 feet from the centerline, or 30 feet from the right-of-way line, whichever is greater.
 - d. Service or Other Roads. All structures must be at least 30 feet from the right-of-way line.
- (b) Exceptions.
1. In lots or platted subdivisions created before (insert date) where a building line shall have been established by the construction of buildings on 30 percent of the lots in any one (1) block, such established setback line shall be the setback for that block, but in no event shall such setback be less than 20 feet.
 2. For lots in the HAM-M or HAM-R zoning districts, setbacks shall be as described in ss. 10.261(5) and 10.262(5)
- (c) Private roads or driveways within a multiple family dwelling complex shall not be considered a road for determining setback.
- (10) Setback measurements and exceptions.
- (a) For purposes of entry to buildings, steps, stoops, decks or ramps may be constructed in such a manner that they intrude into required front yard or road setback or areas provided that all of the following limitations and conditions are satisfied:
1. Height shall not exceed 5 feet aboveground level, not including railings.
 2. Width shall not exceed 12 feet side to side.
 3. Structure shall extend no farther than 10 feet from the front of the building to which it is attached or up to the front property line, whichever is less.
 4. Structure shall not be enclosed. Railings which do not exceed 3 1/2 feet in height and which are of open architecture and not solid in appearance are permitted.
 5. Structure shall not interfere with existing or planned roads, sidewalks, gas and electrical lines, sewers, drainageways, and other utilities or public improvements. The zoning administrator may require written verification