



Dane County

Minutes - Final Unless Amended by Committee

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?

This meeting is being conducted on land now known and recognized as Dane County, Wisconsin. We acknowledge that this land is at the same time the ancestral, traditional, & contemporary land of the Ho-Chunk, Sauk & Kickapoo nations.

Tuesday, February 27, 2024

6:30 PM

Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

See below for additional instructions on how to attend the meeting and provide public testimony.

A. Call to Order

Chair Doolan called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Violante, Lane, Holloway, Everson, Allan, McCallum

Supervisor Ratcliff was excused at 7:00pm.

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, KATE MCGINNITY, and MELISSA RATCLIFF

Excused 1 - TIM KIEFER

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

No comments made by the public.

[2023](#)
[RPT-540](#)

February 27, 2024 ZLR Registrants

Attachments: [February 27th ZLR registrations final](#)

C. Consideration of Minutes

[2023](#)
[MIN-476](#)

January 23, 2024 ZLR Meeting Minutes

Attachments: [01-23-2024 ZLR Public Hearing Minutes](#)

A motion was made by MCGINNITY, seconded by BOLLIG, that the Minutes be approved. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Excused: 1 - KIEFER

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

[12006](#)

PETITION: REZONE 12006
APPLICANT: LLOYD & BARBARA L MELTON (WAYNE MELTON, REP)
LOCATION: SECTION 8, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separate farmstead from farm and create two agricultural lots

- Attachments:** [12006 Ord Amend](#)
[12006 Staff Report](#)
[12006 Town Action](#)
[12006 Density Study](#)
[12006 CHRISTIANA MAP](#)
[12006 APP](#)

In Support: Wayne Melton
Opposed: none

A motion was made by BOLLIG, seconded by RATCLIFF, 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 parcels stating the following: Further residential / non-farm development is prohibited on the remaining FP-1 zoned land. The housing density rights for the original Buck farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[12007](#)

PETITION: REZONE 12007
APPLICANT: JOHN & SARA BOTHUM
LOCATION: SOUTH OF 1450 PLEASANT HILL ROAD, SECTION 2,
TOWN OF DUNKIRK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural
Residential District
REASON: creating one residential lot

- Attachments:** [12007 Ord Amend](#)
[12007 Staff Report](#)
[12007 Town Action](#)
[12007 Density Study](#)
[12007 Wetland delineation results](#)
[12007 DUNKIRK MAP](#)
[12007 APP](#)

In Support: John Bothum
Opposed: none

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

1. A deed restriction shall be recorded on the remaining FP-35 zoned land comprising the Bothum farm unit (tax parcels 051102385610, 051102385010, and 051102380004) stating the following:

Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Raymond L. Bolhum farm have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[12008](#)

PETITION: REZONE 12008
APPLICANT: DALE, RONALD, JAMES, AND DENNIS LUND
LOCATION: 2490 CLEAR VIEW ROAD, SECTION 14, TOWN OF
CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural
Residential District, FP-35 Farmland Preservation District TO RR-4
Rural Residential District
REASON: separating two existing residences from the farmland

- Attachments:** [12008 Ord Amend](#)
[12008 Staff Report](#)
[12008 Town Action](#)
[12008 Site Inspection](#)
[12008 Density Study](#)
[12008 CHRISTIANA MAP](#)
[12008 APP](#)

In Support: Dennis Lund
Opposed: none

A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 4-0.

1. The debris on the property shall be cleaned up prior to rezone petition #12008 becoming effective.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

12009

PETITION: REZONE 12009
APPLICANT: JEFF SCHLIECKAU
LOCATION: NORTH OF 3830 GALA WAY, SECTION 19, TOWN OF COTTAGE GROVE
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District, FP-1 Farmland Preservation District TO RR-4 Rural Residential District, FP-1 Farmland Preservation District TO NR-C Natural Resource Conservation District
REASON: create two residential lots and one agricultural lot

- Attachments:** [12009 Ord Amend](#)
[12009 Staff Report](#)
[12009 Town Action](#)
[12009 TDR Sending Property Density Study \(Viney\)](#)
[12009 TDR Sending Property Density Study #2 \(Wollin\)](#)
[12009 COTTAGE GROVE MAP](#)
[12009 APP](#)
[12009 Public comment - Van Handel](#)

In Support: Jeff Schlieckau
Neither support nor opposed: Marjorie Van Handel, Tammy Smith, Marc Smith

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

1. Owners of the TDR-S sending properties shall record deed restrictions prohibiting nonfarm development on a minimum of 35 acres, as follows:
 - a. Wayne and Patricia Wollin shall record a deed restriction prohibiting nonfarm development on tax parcel 0711-024-9000-7 (SW 1/4 of the SE 1/4, section 2, Town of Cottage Grove).
 - b. Viney Acres LLC shall record a deed restriction prohibiting nonfarm development on tax parcel 0711-253-9500-5 (SE 1/4 of the SW 1/4, section 25, Town of Cottage Grove).
2. A deed notice document shall be recorded on the proposed RR-2 and RR-4 lots (CSM Lots 1 and 2) to indicate they were created via a Transfer of Development Rights.
3. A deed restriction shall be recorded on the proposed NR-C lot (CSM Lot 3) to prohibit residential development.
4. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be applied to the RR-2 and RR-4 lots.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[12010](#)

PETITION: REZONE 12010
APPLICANT: MORCOY COMPOUND LLC (PAUL MORRISON)
LOCATION: 7741 STATE HIGHWAY 69, SECTION 31, TOWN OF MONTROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: create one new residential lot

- Attachments:** [12010 Ord Amend](#)
[12010 Staff Report](#)
[12010 Town Action](#)
[12010 Density Study](#)
[12010 Previous CUP 2501](#)
[12010 Current deed restriction 5643336](#)
[12010 MONTROSE MAP](#)
[12010 APP](#)

In Support: Paul Morrison

Opposed: none

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

- 1. Within 6 months of the County Board action on this petition, the landowner shall raze (remove) one of the farm residences on the property prior to the zoning becoming effective.**
- 2. Conditional Use Permit #2501 for a secondary farm residence shall be rendered null and void.**
- 3. A new deed restriction shall be recorded to document how the development rights have been used on the farm. A deed restriction shall be recorded on the remaining FP-35 lands (current tax parcel 0508-314-9000-7) stating the following:**
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original Louis J. Gardippe farm have been exhausted per the Town Comprehensive Plan density policies.**
- 4. A shared driveway access easement shall be recorded along with the certified survey map for the new lot, to provide access to both the farm and the new residence.**

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[12011](#)

PETITION: REZONE 12011
APPLICANT: BAKER LIVING TR (DENNY BAKER)
LOCATION: 1240 N. GAFFNEY RD, SECTION 9, TOWN OF MONTROSE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-4 Rural Residential District, RR-4 Rural Residential District TO RM-16 Rural Mixed-Use District
REASON: shifting of property lines between adjacent land owners

- Attachments:** [12011 Ord Amend](#)
[12011 Staff Report](#)
[12011 Town Action](#)
[12011 MONTROSE MAP](#)
[12011 APP](#)

In Support: Dennis Baker
Opposed: none

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

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Excused: 1 - KIEFER

[12012](#)

PETITION: REZONE 12012
APPLICANT: ERIC O JOHNSON
LOCATION: 6630 LEE ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: RM-8 Rural Mixed-Use District TO RM-16 Rural Mixed-Use District, FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: expand existing residential lot and create an agricultural lot

- Attachments:** [12012 Staff Report](#)
[12012 Density Study](#)
[12012 DANE MAP](#)
[12012 APP](#)

(Supervisor Ratcliff was excused at 7:00 p.m.)

In Support: Eric Johnson
Opposed: none

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

12013

PETITION: REZONE 12013
APPLICANT: DAVID J RHINER
LOCATION: WEST OF 8774 COUNTY HWY G, SECTION 4, TOWN
OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural
Residential District
REASON: creating one residential lot

Attachments: [12013 Ord Amend](#)
[12013 Staff Report.pdf](#)
[12013 Town Action.pdf](#)
[12013 Density Study](#)
[12013 PRIMROSE MAP](#)
[12013 APP](#)

*In Support: Tammy Rhiner, Tyler Marcinske
Neither Support nor Oppose: Ed Short*

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

- 1. The applicant shall obtain a shared driveway access permit from the Dane
County Highway Department prior to site development.**
- 2. A shared driveway access easement shall be recorded with the Register of
Deeds to provide access for the new lot.**

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

[12014](#)

PETITION: REZONE 12014
APPLICANT: CINDY AND BILL NORDNESS
LOCATION: 524 STATE HWY 138, SECTION 30, TOWN OF
DUNKIRK
CHANGE FROM: SFR-1 Single Family Residential District TO RR-2
Rural Residential District, FP-35 Farmland Preservation District TO
RR-2 Rural Residential District
REASON: expanding existing residential lot

Attachments: [12014 Ord Amend](#)
[12014 Staff Report](#)
[12014 Town Action](#)
[12014 Density Study](#)
[12014 DUNKIRK MAP](#)
[12014 APP](#)

In Support: Ed Short
Opposed: none

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

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

[12015](#)

PETITION: REZONE 12015
APPLICANT: COONS CONSTRUCTION OF VERONA LLC
LOCATION: EAST OF 7906 RIVERSIDE ROAD, SECTION 30, TOWN
OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO SFR-1 Single
Family Residential District, AT-35 Agriculture Transition District TO
NR-C Natural Resource Conservation District
REASON: create a 17-lot residential subdivision with one outlot.

Attachments: [12015 Staff Report](#)
[12015 Town Action](#)
[12015 Navigability Determination](#)
[12015 VERONA MAP](#)
[12015 APP](#)

In Support: Jim Coons, Adam Carrico
Opposed: none

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning
Petition be postponed to allow for Corporation Counsel to provide an opinion on
the County's ability to require highway improvements in light of the Highway
Department's comments. The motion carried by the following vote: 3-0.**

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

12016

PETITION: REZONE 12016

APPLICANT: ALBERT G HAWLEY & KAREN ZETHMAYR

LOCATION: 2669 CTH P, SECTION 16, TOWN OF SPRINGDALE

CHANGE FROM: GC General Commercial District TO LC Limited
Commercial District

REASON: zoning to allow for limited contractor business use

Attachments: [12016 Ord Amend](#)

[12016 Staff Report](#)

[12016 Town Action](#)

[12016 SPRINGDALE MAP](#)

[12016 APP](#)

(The Committee adjourned for a 3-minute recess at 7:16 p.m., reconvened at 7:19 p.m.)

In Support: A.G. Hawley, Mark Nortman

Opposed: none

Neither support nor oppose: Jim Wilson

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

Recording a deed restriction on the property that specifies:

- 1. Hours of operation are limited to between 6am and 8pm, 7 days a week**
- 2. A maximum number of three (3) contractor, landscaping or building trade
operation businesses**
- 3. Number of employees limited to 10 full-time equivalents on-site (total for all
businesses)**
- 4. No retail sales**
- 5. No paid storage on the property**
- 6. Lighting and signage shall conform to the Town of Springdale and Dane
County ordinances.**
- 7. Existing onsite wastewater sewage disposal systems, if any, serving the
businesses uses must be inspected by a licensed plumber to determine its
suitability for all proposed or expanded uses. 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.**

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

02611

PETITION: CUP 02611
APPLICANT: NATHAN M MOE
LOCATION: 1896 WILLIAMS DR, SECTION 29, TOWN OF PLEASANT SPRINGS
CUP DESCRIPTION: 180' self-support communication tower on FP-35 zoned property

- Attachments:** [CUP 2611 Staff Report 021224](#)
[CUP 2611 Radio Frequency Engineering Report](#)
[CUP 2611 Density Study](#)
[CUP 2611 Cell tower fall zone letter \(127.5'\)](#)
[CUP 2611 Cell tower photo simulations](#)
[CUP 2611 Site and elevation plans](#)
[CUP 2611 Verizon engineering affidavit](#)
[CUP 2611 Verizon tower search ring](#)
[CUP 2611 Applicant response to CUP standards](#)
[CUP 2611 Candidate site evaluation](#)
[CUP 2611 PLEASANT SPRINGS MAP](#)
[CUP 2611 APP](#)

In Support: Christopher Lee, Jake Remington
Opposed: none

A motion was made by MCGINNITY, seconded by BOLLIG, that the Conditional Use Permit be postponed due to no town action and to allow time for an erosion control / stormwater management violation to be corrected. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

[02612](#)

PETITION: CUP 02612
APPLICANT: MELISSA & CASEY HELBACH
LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF
MIDDLETON
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

- Attachments:** [CUP 2612 Staff Report](#)
[CUP 2612 Town Action](#)
[CUP 2612 MIDDLETON MAP](#)
[CUP 2612 APP](#)
[CUP 2612 Public comment - Struthers](#)
[CUP 2612 Public comment - VandeBerg](#)
[CUP 2612 Public comment - Zilavy](#)
[CUP 2612 Public comment - Van Den Heuvel](#)
[CUP 2612 Email from Sheriff Dept](#)
[CUP 2612 Letter from Applicant](#)
[CUP #2612](#)

In Support: Melissa Helbach
Opposed: Sarmi Van Den Heuvel
Neither Support nor Oppose: David Huntsman

A motion was made by MCGINNITY, seconded by BOLLIG, to approve the CUP based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 3-0.

CUP 2612 Conditions:

1. The Town finds that the proposal meets the general standards for conditional use permits per Dane County Ordinances 10.101(7)(d)1.
2. The Town finds that the proposed conditional use is consistent with the adopted Town Comprehensive Plan.
3. The CUP is granted subject to all standard conditions specified in Dane County Zoning Ordinance Section 10.101(7)(d)2, as applicable.
4. This conditional use permit shall expire in the event the property is sold or transferred to another owner. Continuation or extension of an expired conditional use requires re-application and approval by the Town Board and Dane County.
5. The applicant shall comply with all licensing and permitting requirements for short-term rentals.
6. Landowner will apply for, obtain and maintain an appropriate transient or tourist lodging rental license from Madison/Dane County Department of Public Health.
7. The rental shall be limited to 8 overnight guests.
8. This Conditional Use Permit shall expire one (1) year after the effective date. Landowner may renew the CUP by successfully obtaining a new CUP prior to the expiration date.
9. The maximum number of allowable rental days within a 365-day period is 180 days. The landowner must notify the Town Clerk in writing when the first rental

within a 365-day period begins.

10. Quiet hours shall be 10:00pm to 8:00am, all days of the week.

11. No more than 5 overnight vehicles shall be on the premises at any one time. All vehicles must be parked on paved driveway surfaces or inside the existing garage and maintain adequate access for emergency vehicles.

12. No pets allowed.

13. Any new outdoor lighting shall be downward directed, designed to minimize ambient spill and shall comply with all applicable requirements of the Town of Middleton.

14. 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.

15. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site.

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.

17. Failure to comply with any imposed conditions, or to pay reasonable Town/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 reasonable opportunity to correct any violations prior to the revocation.

18. If the transient or tourist lodging operation is abandoned for one year or more, this conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

19. The operation of all-terrain vehicles, ATVs, and snowmobiles by occupants of the transient or tourist lodging operation shall be prohibited on the property.

20. Signage is prohibited.

21. Fireworks are prohibited.

22. The owner, or their designated emergency contact person, be available within one (1) hour to address any problems.

23. Emergency contact information shall be provided to the neighbors, Applewood Homeowners Association President, the Town of Middleton, and Dane County Zoning Division.

24. The owner or operator must provide the Town of Middleton Clerk with a copy of the current rental agreement no later than the date of issuance of the CUP. In the event the agreement is modified in any manner, the modified agreement must be provided to the Town of Middleton Clerk within ten (10) calendar days of the date the modified agreement is placed in use.

25. The rental period shall be a minimum of 5 nights.

26. Landowner will conduct a background check on any prospective renter.

Ayes: 3 - BOLLIG,DOOLANandMCGINNITY

Excused: 2 - KIEFERandRATCLIFF

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

F. Plats and Certified Survey Maps

G. Resolutions

[2023
RES-344](#) RECONSTITUTING THE DANE COUNTY BROADBAND TASK FORCE

Sponsors: RATCLIFF, MCGINNITY, HUELSEMANN, ROSE and RITT

Attachments: [2023 RES-344](#)
[2023 RES-344 FISCAL NOTE](#)

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

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

H. Ordinance Amendment

1. [2023
OA-068](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS AND REZONES

Sponsors: DOOLAN and BOLLIG

Attachments: [2023 OA-068](#)
[2023 OA-068 FISCAL NOTE](#)
[2023 OA-068 Memo to Towns](#)
[2023 OA-068 TOWN TALLY SHEET](#)

In Support: Renee Lauber

Opposed: none

A motion was made by DOOLAN, seconded by BOLLIG, that the Ordinance be recommended for approval. The motion carried by the following vote: 3-0.

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

I. Items Requiring Committee Action

[2023](#)
[ACT-261](#)

Site Plan Review for the relocation of a farm residence within the AT-35 Farmland Preservation Zoning District
Applicant: James Hamilton (Stagecoach LLC)
Location: 7946 Paulson Road, Section 1, Town of Springdale

Attachments: [Site Plan Review, Stagecoach LLC, Sec 1, Springdale.pdf](#)

In support Gary Karls

A motion was made by BOLLIG, seconded by MCGINNITY, that the site plan for the replacement farm residence be approved with one condition. The motion carried by the following vote: 3-0.

1. The existing residence shall be removed within 90 days after occupying the new residence.

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 2 - KIEFER and RATCLIFF

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the ZLR meeting at 8:02 PM. The motion carried unanimously.