



# Dane County

## Minutes - Final Unless Amended by Committee

### Zoning & Land Regulation Committee

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Tuesday, November 25, 2014

7:00 PM

City - County Building, ROOM 201  
210 Martin Luther King Jr. Blvd., Madison

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#### A. Call to Order

Chair Miles called the meeting to order at 7:05pm in Room 357.

Staff present: Everson, Lane, and Violante

Youth Governance Members present: Boyce and Wilke.

Present 4 - JERRY BOLLIG, MARY KOLAR, AL MATANO, and PATRICK MILES

Excused 1 - BOB SALOV

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

No comments made by the public.

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

[10768](#)

PETITION: REZONE 10768

APPLICANT: JANICE T SUNDBY

LOCATION: 2438 SKAALLEN ROAD, SECTION 33, TOWN OF PLEASANT SPRINGS

CHANGE FROM: RH-4 Rural Homes District TO A-2 Agriculture District

REASON: zoning to allow for a limited family business

**Attachments:** [10768-2292 staff.pdf](#)

[10768 CUP 2292 Town.pdf](#)

[10768 CUP 2292 Map.pdf](#)

[10768 Ord Amend.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Janice Sundby

[CUP 2292](#)

**PETITION: CUP 2292**

APPLICANT: JANICE T SUNDBY

LOCATION: 2438 SKAALLEN ROAD, SECTION 33, TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: Limited Family Business: product distribution

**Attachments:** [10768-2292 staff.pdf](#)

[10768 CUP 2292 Town.pdf](#)

[10768 CUP 2292 Map.pdf](#)

[10768 CUP 2292 App.pdf](#)

[CUP 2292 proposed.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the Conditional Use Permit be approved with 9 conditions. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Janice Sundby

1. The limited family business shall be limited to the promotional product business named "Janice T Sundby DBA Prizepromos".
2. The business shall be conducted within the existing 2500 square foot accessory building. The building shall not be expanded.
3. There shall be no retail/display facilities added to the business operation.
4. The hours of operation shall be from 8am to 5pm, Monday through Friday.
5. Outside loudspeakers are prohibited.
6. Signs shall comply with Dane County Code of Ordinances.
7. The business owner shall reside on the property.
8. All employees, except one or one full-time equivalent, shall be a member of the family residing on the property.
9. The conditional use permit shall become null and void upon the sale of the property to an unrelated 3rd party.

[10769](#)

**PETITION: REZONE 10769**

APPLICANT: THE STEVEN AND LAUREL BROWN FOUNDATION

LOCATION: 4136 RUTLAND-DUNN TOWNLINE ROAD, SECTION 33, TOWN OF DUNN

CHANGE FROM: B-1 Local Business District TO B-1 Local Business District

REASON: amend deed restrictions to allow residential use

**Attachments:** [10769-2293 staff.pdf](#)

[10769 CUP 2293 Town.pdf](#)

[10769 CUP 2293 Map.pdf](#)

[10769 Ord Amend.pdf](#)

A motion was made by MILES, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Shane Fry representing the Steven and Laurel Brown Foundation

1. The current deed restriction shall be amended to limit the land uses on the property to a retreat center. The building may only be used for temporary overnight stays associated with the Foundation. The buildings may not be expanded past their current footprint. Full-time residential use of the property is prohibited.

[CUP 2293](#)

**PETITION: CUP 2293**

APPLICANT: THE STEVEN AND LAUREL BROWN FOUNDATION

LOCATION: 4136 RUTLAND-DUNN TOWNLINE ROAD, SECTION 33, TOWN OF DUNN

CUP DESCRIPTION: residential use

**Attachments:** [10769-2293 staff.pdf](#)

[10769 CUP 2293 Town.pdf](#)

[10769 CUP 2293 Map.pdf](#)

[10769 CUP 2293 App.pdf](#)

[CUP 2293 proposed.pdf](#)

A motion was made by MILES, seconded by MATANO, that the Conditional Use Permit be approved with 2 conditions. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Shane Fry representing Steven and Laurel Brown Foundation

1. Residential use of the property is limited to temporary overnight stays associated with the retreat center.
2. Full time residential use of the property is prohibited.

[10770](#)

**PETITION: REZONE 10770**

APPLICANT: JAMES P GARFOOT

LOCATION: 9234 JIM GARFOOT CIRCLE, SECTION 17, TOWN OF CROSS PLAINS

CHANGE FROM: RH-2 Rural Homes District TO RH-1 Rural Homes District

REASON: creation of one residential lot

**Attachments:** [10770 staff.pdf](#)

[10770 town action.pdf](#)

[10770 Map.pdf](#)

[10770 Map 2.pdf](#)

[Cross Plains Density Policies.pdf](#)

[10770 Village Comp Plan.pdf](#)

[CP9711\(garfoot farm sec 17\)2007.pdf](#)

[10770 App.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be postponed. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: James Garfoot

The Committee was concerned that the Town Board did not act on the petition.

Staff was directed to contact the Town and obtain Town Board input.

[10771](#)

**PETITION: REZONE 10771**

APPLICANT: JAMES W BERKNER

LOCATION: 1751 LITTLETON ROAD, SECTION 35, TOWN OF VERONA

CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District

REASON: separation of existing residence from farmland and creation of three additional residential lots

**Attachments:** [10771 staff.pdf](#)

[10771 Town.pdf](#)

[10771 Map.pdf](#)

[10771 Ord Amend.pdf](#)

A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: James Berkner

1. The Certified Survey Map shall depict a "no build area" on the steep slopes over 20% grade as shown on the presented map. A note shall be added to the Certified Survey Map stating that, "Buildings are prohibited in the "no build area" as part of the condition of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #10771".

[10772](#)

**PETITION: REZONE 10772**

APPLICANT: STORMS REV TR, GERALD J & ARLENE B

LOCATION: SOUTH AND WEST OF 3592 JENSON LANE, SECTION 28, TOWN OF DEERFIELD

CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District

REASON: division of family farm among family members

**Attachments:** [10772 staff.pdf](#)

[10772 Town.pdf](#)

[10772 Density.pdf](#)

[10772 Map.pdf](#)

[10772 Ord Amend.pdf](#)

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**YGP: 2-0.**

**Spoke in favor: David Dinkel representing Storms Trust**

[10773](#)

**PETITION: REZONE 10773**

APPLICANT: WILLIAM B ATKINSON

LOCATION: 3788 HALVERSON ROAD, SECTION 27, TOWN OF DUNN

CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District and A-2 Agriculture District

REASON: creation of one residential lot

**Attachments:** [10773 Staff.pdf](#)

[10773 Density.pdf](#)

[10773 Map.pdf](#)

[10773 App.pdf](#)

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be postponed until Town Action is received. The motion carried by a voice vote.**

**YGP: 2-0.**

**Spoke in favor: William Atkinson.**

[10774](#)

**PETITION: REZONE 10774**

APPLICANT: THOMAS J BOBEK

LOCATION: 6925 ELDER LANE, SECTION 22, TOWN OF BRISTOL

CHANGE FROM: B-1 Local Business District TO C-1 Commercial District

REASON: zoning to allow a supper club/banquet facility

**Attachments:** [10774 CUP 2295 Staff.pdf](#)

[10774 Town rezone.pdf](#)

[10774 CUP 2295 Map.pdf](#)

[10774 CUP 2295 Additional Info.pdf](#)

[10774 CUP 2295 App.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be postponed to allow the applicant to address concerns regarding the on-site private septic system. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Thomas Bobek

[CUP 2295](#)

**PETITION: CUP 2295**

APPLICANT: THOMAS J BOBEK

LOCATION: 6925 ELDER LANE, SECTION 22, TOWN OF BRISTOL

CUP DESCRIPTION: Tavern

**Attachments:** [10774 CUP 2295 Staff.pdf](#)

[CUP 2295 Town.pdf](#)

[CUP 2295 Map.pdf](#)

[10774 CUP 2295 Additional Info.pdf](#)

[10774 CUP 2295 App.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Conditional Use Permit be postponed. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Thomas Bobek

[10775](#)

**PETITION: REZONE 10775**

APPLICANT: PARK STREET ASSOCIATES

LOCATION: 824 DANE STREET, SECTION 35, TOWN OF MADISON

CHANGE FROM: R-3 Residence District TO C-1 Commercial District

REASON: creation of parking lot for an adjacent business

**Attachments:** [10775 Staff.pdf](#)

[10775 Town.pdf](#)

[10775 Letter of Opposition.pdf](#)

[10775 Map.pdf](#)

[10775 App.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be postponed to allow time for staff to work with the applicant to identify a list of limited uses for the property. The motion carried by a voice vote.

YGP: 2-0.

Spoke in favor: Chris Laurent representing Wisconsin Management

#### D. Zoning Map Amendments and Conditional Use Permits from previous meetings

[10754](#)

**PETITION: REZONE 10754**

APPLICANT: BEAR TREE FARMS INC

LOCATION: SOUTH OF 4083 WINDSOR ROAD, SECTION 28, TOWN OF WINDSOR

CHANGE FROM: A-3 Agriculture District TO R-2 Residence District, A-1EX Agriculture District TO R-2 Residence District, A-2 Agriculture District TO R-2 Residence District, A-1EX Agriculture District TO B-1 Local Business District, A-3 Agriculture District TO RE-1 Recreational District

REASON: Creating a 340-lot residential subdivision

**Attachments:** [10754 Staff Memo Bear Tree rezone Nov2014.pdf](#)

[10754 Staff Update.pdf](#)

[10754 Town.pdf](#)

[10754 Map.pdf](#)

[10754 Zoning Map.pdf](#)

[10754 Ord Amend.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.

YGP: 2-0.

1. The landowner shall comply with all the provisions as found under Town of Windsor Town Board Resolution 2014-51.

[10763](#)

**PETITION: REZONE 10763**

APPLICANT: RONALD J JOSEPHSON

LOCATION: 9835 COUNTY HIGHWAY A, SECTION 23, TOWN OF PERRY

CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District , A-2 (8) Agriculture District, and A-4 Agriculture District

REASON: creating three agricultural lots and one lot for an existing residence

**Attachments:** [10763 Staff Update.pdf](#)

[10763 Town.pdf](#)

[PE 10763 \(Fred W Grame farm sec 23\) 2014.pdf](#)

[10763 Map.pdf](#)

[10763 Ord Amend.pdf](#)

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**YGP: 2-0.**

- 1. The petition shall be amended to change the zoning classification on proposed lots 1 and 4 to A-4 Small Lot Agriculture Zoning District.**
- 2. A deed restriction shall be recorded on the proposed Lot 3 (28.5 acres) to prohibit residential development.**



[CUP 2290](#)

**PETITION: CUP 2290**

APPLICANT: RICHARD M STORY

LOCATION: 5291 FELLAND ROAD, SECTION 23, TOWN OF BURKE

CUP DESCRIPTION: residential use in C-1 Commercial Zoning District and Drive-in Establishment

**Attachments:** [CUP 2290 staff update.pdf](#)

[2290 staff.pdf](#)

[2290 Town action update.pdf](#)

[CUP 2290 Map.pdf](#)

[CUP 2290 Letter from city planning staff.pdf](#)

[CUP 2290 plans.pdf](#)

[2290 App.pdf](#)

[CUP 2290.pdf](#)

A motion was made by BOLLIG, seconded by KOLAR, that the Conditional Use Permit be approved with 8 conditions. The motion carried by a voice vote.

YGP: 2-0.

1. Hours of operation shall be 6:00 a.m. to 12:00 a.m. (midnight)
2. There shall be no outdoor storage.
3. Outdoor activity will be limited to a small outdoor patio associated with the restaurant.
4. Outdoor lighting is restricted to parking lot & security lighting as designated on the submitted lighting plan.
5. There shall be no outdoor loudspeakers/music.
6. Signage must be in conformance with Dane County and City of Madison ordinance requirements.
7. A septic tank maintenance agreement shall be recorded in a format accepted by the Town of Burke and Dane County Department of Health.
8. The three parcels must be combined into a single lot through the Certified Survey Map process.

## E. Plats and Certified Survey Maps

[2014 LD-046](#)

Susan and Jim Fiore - 2 lot Certified Survey map

3526 Timber Lane, Town of Middleton, Section 31

Applicant is seeking a variance of 14.85 feet from Ch. 75.19(6)(b) for proposed lot 2 having less than the minimum of 66 feet of public road frontage.

**Attachments:** [Revised\\_CSM.pdf](#)

[2014\\_aerial.pdf](#)

[content.pdf](#)

[content.pdf](#)

[content.pdf](#)

[content.pdf](#)

A motion was made by MATANO, seconded by KOLAR, to approve the waiver request. The motion carried by a voice vote.

## F. Resolutions

NONE.

## G. Ordinance Amendment

[2014  
OA-054](#)

AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING PROCEDURE FOR CONDITIONAL USE PERMIT APPEALS

**Attachments:** [2014 OA-054.pdf](#)

A motion was made by MATANO, seconded by BOLLIG, that the Ordinance be postponed to the Zoning & Land Regulation Committee, due back by 12/9/2014. The motion carried by a voice vote.  
YGP: 2-0.

## H. Reports to Committee

NONE.

## I. Other Business Authorized by Law

NONE.

## J. Adjourn

A motion was made by MATANO, seconded by BOLLIG, to adjourn the meeting at 8:30pm. The motion carried unanimously.

*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.*