



Dane County

Minutes - Final Unless Amended by Committee

Zoning & Land Regulation Committee

Tuesday, November 24, 2015

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 of the Zoning and Land Regulation Committee to order at 7:03pm in Room 201 of the City-County Building.

Staff present: Everson, Lane, and Violante

Youth Governance Members: Gustav Heiden

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

Excused 1 - BOB SALOV

[2015](#)
[RPT-601](#)

Registrants at the November 24th ZLR Committee meeting

Attachments: [Nov 24th ZLR Registrants](#)

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

[10894](#)

PETITION: REZONE 10894
APPLICANT: MICHAEL J CAHILL
LOCATION: 3100 BERGUM ROAD, SECTION 2, TOWN OF BLUE
MOUNDS
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture
District and A-4 Agriculture District
REASON: create residential lot and create a small agricultural lot in the
Town of Vermont

Attachments: [10894 Staff](#)
[10894 Town Actions](#)
[10894 Density \(VT property\)](#)
[10894 Density \(Blue Mounds property\)](#)
[10894 Ord Amend](#)

In favor: Michael Cahill
Opposed: None

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-1.

- 1. A revised driveway easement agreement shall be recorded with the Register of Deeds reflecting the additional lot. The agreement shall meet the requirements of Dane County Code of Ordinances Section 75.19(8).**
- 2. A deed restriction shall be recorded with the Register of Deeds on the remaining A-1 Exclusive Agriculture land to prohibit further residential development. The housing density rights have been exhausted on the property.**

Ayes: 3 - BOLLIG,KOLARandMILES

Noes: 1 - MATANO

Excused: 1 - SALOV

[10909](#)

PETITION: REZONE 10909
APPLICANT: BARBER'S BAY INC
LOCATION: 1984 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CHANGE FROM: RE-1 Recreational District TO R-3 Residence District
REASON: creating 3 residential lots

Attachments: [10909 Staff](#)
[floodplain setback map](#)
[wetland setback map](#)
[10909 Map](#)
[10909 App](#)

In favor: Susan Barber
Opposition: None

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10910](#)

PETITION: REZONE 10910
APPLICANT: SAMUEL J HAMILTON
LOCATION: PARCEL EAST OF 4054 MOE ROAD, SECTION 14,
TOWN OF VERMONT
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes
District
REASON: create zoning boundary for a residence

Attachments: [10910 Staff](#)
[10910 Town](#)
[10910 Density](#)
[10910 Ord Amend](#)

In favor: Samuel Hamilton
Opposed: None

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

1. A deed restriction shall be recorded with the Register of Deeds on the remaining A-1 Exclusive Agriculture land to prohibit further residential development. The housing density rights have been exhausted on the property.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10911](#) PETITION: REZONE 10911
APPLICANT: JAMES STEINDL LIVING TRUST
LOCATION: 981 COLLINS ROAD, SECTION 16, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District
REASON: adding lands to an existing residential lot

Attachments: [10911 Staff](#)
[10911 Town](#)
[10911 Density](#)
[10911 Ord Amend](#)

In favor: James Steindl
Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10912](#) PETITION: REZONE 10912
APPLICANT: EASTMAN HUNTING CLUB INC
LOCATION: 527 HILLSIDE ROAD, SECTION 26, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO RE-1 Recreational
District
REASON: allow skeet, trap, rifle and pistol range

Attachments: [10912 CUP 2330 Staff](#)
[10912 CUP 2330 Town](#)
[10912 Ord Amend](#)

In favor: Buck Sweeney, Al Foltman
Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[CUP 2330](#)

PETITION: CUP 02330

APPLICANT: EASTMAN HUNTING CLUB INC

LOCATION: 527 HILLSIDE ROAD, SECTION 26, TOWN OF ALBION

CUP DESCRIPTION: A skeet, trap, rifle and pistol range and incidental sales of guns

Attachments: [CUP 2330 Staff](#)

[CUP 2330 Town](#)

[CUP 2330 Map](#)

[CUP 2330 App](#)

[CUP #2330 Proposed](#)

In favor: Buck Sweeney, Al Foltman

Opposed: None.

A motion was made by BOLLIG, seconded by KOLAR, that this Conditional Use Permit be approved with 3 conditions and contingent upon Zoning Petition 10912 becoming effective. The motion carried by the following vote: 4-0.

1. A deflecting roof shall be constructed over the 4-lane shooting range and skeet shooting area.

2. Shooting of firearms is limited to 8:00am to dusk.

3. The area for the incidental sales of firearms shall be not larger than 10% of the floor area of the lodge.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10913](#)

PETITION: REZONE 10913
APPLICANT: DON PECKHAM
LOCATION: EAST OF 3019 COUNTY HIGHWAY BB, SECTION 7,
TOWN OF COTTAGE GROVE
CHANGE FROM: R-1A Residence District and C-1 Commercial District
TO LC-1 Limited Commercial District
REASON: allow a landscaping and construction business

Attachments: [10913 CUP 2331 Staff](#)
[10913 CUP 2331 Town](#)
[10913 Ord Amend](#)

In Favor: John Mulligan, Don Peckham
Opposed: None

A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.

1. Town review and approval of building design and landscaping plans is required.
2. Overhead doors on proposed new building shall face south and have no windows.
3. Screening requirements shall be as follows: continuous evergreen plantings, ultimately reaching 6 wide by 5 high, or a 6-8 fence, to be located in areas of the property as shown on site plan submitted with petition 10913/CUP 2331.
4. Outdoor lighting shall be down shrouded and located only at the back doors of the building.
5. Total vehicles and equipment on site not to exceed 24, total vehicles and equipment stored outside at any one time not to exceed 18.
6. Outdoor material storage size not to exceed 18 yards of any individual item, limited to gravel, sand, boulders and topsoil.

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - SALOV

[CUP 2331](#)

PETITION: CUP 02331

APPLICANT: DON PECKHAM

LOCATION: EAST OF 3019 COUNTY HIGHWAY BB, SECTION 7,
TOWN OF COTTAGE GROVE

CUP DESCRIPTION: outside storage of construction equipment and
materials

Attachments: [CUP 2331 Staff](#)

[CUP 2331 Town](#)

[CUP 2331 Map](#)

[CUP 2331 App](#)

[CUP #2331 Proposed](#)

In favor: John Mulligan, Don Peckham

Opposed: None

A motion was made by KOLAR, seconded by MATANO, that this Conditional Use Permit be approved with 6 conditions. The motion carried by the following vote: 4-0.

- 1. Town review and approval of building design and landscaping plans is required.**
- 2. Overhead doors on proposed new building shall face south and have no windows.**
- 3. Screening requirements shall be as follows: continuous evergreen plantings, ultimately reaching 6 wide by 5 high, or a 6-8 fence, to be located in areas of the property as shown on site plan submitted with petition 10913/CUP 2331.**
- 4. Outdoor lighting shall be down shrouded and located only at the back doors of the building.**
- 5. Total vehicles and equipment on site not to exceed 24, total vehicles and equipment stored outside at any one time not to exceed 18.**
- 6. Outdoor material storage size not to exceed 18 yards of any individual item, limited to gravel, sand, boulders and topsoil.**

Ayes: 4 - BOLLIG, KOLAR, MATANO and MILES

Excused: 1 - SALOV

[10914](#) PETITION: REZONE 10914
APPLICANT: DAVID H DIMAGGIO
LOCATION: 2771 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA
CHANGE FROM: RH-4 Rural Homes District TO RH-3 Rural Homes
District and RH-1 Rural Homes District
REASON: creating four rural home lots

Attachments: [10914 Staff](#)
[10914 Map](#)
[10914 App](#)

In favor: David Dimaggio
Opposed: None

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10915](#) PETITION: REZONE 10915
APPLICANT: STEPHEN FLACH
LOCATION: EAST OF 8716 RIDGE DRIVE, SECTION 27, TOWN OF
PRIMROSE
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes
District
REASON: zoning compliance for an existing residential lot

Attachments: [10915 Staff](#)
[10915 Map](#)
[10915 App](#)

In favor: Stephen Flach
Opposed: None

A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10916](#)

PETITION: REZONE 10916
APPLICANT: PATRICIA L PAUL
LOCATION: 1386 COUNTY HIGHWAY W, SECTION 5, TOWN OF ALBION
CHANGE FROM: A-2 Agriculture District TO A-2 (8) Agriculture District, A-2 Agriculture District TO RH-4 Rural Homes District, RH-3 Rural Homes District TO RH-4 Rural Homes District
REASON: shifting of property lines between adjacent land owners

Attachments: [10916 Staff](#)
[10916 Town](#)
[10916 Ord Amend](#)

In favor: Patrica Lind, David Paul
Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10917](#)

PETITION: REZONE 10917
APPLICANT: GLENN & ELAINE MORRICK REV TRUST
LOCATION: 7379 MONTROSE ROAD, SECTION 29, TOWN OF MONTROSE
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: separating existing residence from farmland

Attachments: [10917 Staff](#)
[10917 Town](#)
[10917 Density](#)
[10917 Ord Amend](#)

In favor: Bart Morricks, Ed Short
Opposed: None

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

1. A joint driveway agreement, joint well agreement, and joint septic agreement shall be recorded with the Register of Deeds for the benefit of the two single-family dwellings.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10918](#)

PETITION: REZONE 10918
APPLICANT: MICHAEL JOSEPH SPEAR
LOCATION: WEST OF 6345 STATE HIGHWAY 78, SECTION 34,
TOWN OF YORK
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture
District and A-2 (4) Agriculture District
REASON: divide existing lot to create two residential lots

Attachments: [10918 Staff](#)
[10918 Town](#)
[10918 State Highway letter](#)
[10918 Ord Amend](#)

In favor: Michael Spear
Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[10920](#)

PETITION: REZONE 10920
APPLICANT: JACOBSEN REV LIVING TRUST
LOCATION: 3159 SHADY OAK LANE, SECTION 5, TOWN OF
VERONA
CHANGE FROM: A-3 Agriculture District TO R-4 Residence District,
RH-1 Rural Homes District TO R-4 Residence District
REASON: create a 21-unit single-family home condominium
development

Attachments: [10920 Staff](#)
[10920 Town](#)
[10920 Madison letter of Opposition](#)
[10920 Ord Amend](#)
[10920 Map 2](#)

In favor: Justin Temple, Town Chair Mark Geller
Opposed: None

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-1.

1. A deed restriction shall be recorded on the property to limit the land use exclusively to single-family detached dwelling on 2-acre areas.
2. The Town of Verona shall approve a developer's agreement for the proposed project.
3. Well and on-site septic easements shall be recorded for each individual dwelling.

Ayes: 3 - BOLLIG,KOLARandMILES

Noes: 1 - MATANO

Excused: 1 - SALOV

[10924](#)

PETITION: REZONE 10924
APPLICANT: JUDY L BREUNIG
LOCATION: 7454 BITNEY ROAD, SECTION 18, TOWN OF DANE
CHANGE FROM: R-1A Residence District TO RH-1 Rural Homes
District
REASON: zoning compliance for proposed accessory building

Attachments: [10924 Staff](#)

[10924 Town](#)

[10924 Ord Amend](#)

In favor: Judy Breunig

Opposed: None

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

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[CUP 2329](#)

PETITION: CUP 02329
APPLICANT: GARY TRULSON
LOCATION: 727 OAK DRIVE, SECTION 19, TOWN OF ALBION
CUP DESCRIPTION: secondary farm residence for family member

Attachments: [CUP 2329 Staff](#)

[CUP 2329 Town](#)

[CUP 2329 Density](#)

[CUP 2329 Map](#)

[CUP 2329 App](#)

In favor: None

Opposed: None

A motion was made by MATANO, seconded by BOLLIG, that this Conditional Use Permit be postponed due to lack of representation. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

[CUP 2332](#) PETITION: CUP 02332
APPLICANT: ST JOSEPH'S VENTURES LLC
LOCATION: 1906 W. BELTLINE HIGHWAY, SECTION 34, TOWN OF
MADISON
CUP DESCRIPTION: amend conditions of CUP 2297 to allow existing
cell tower

Attachments: [CUP 2332 Staff](#)
[CUP 2332 Town](#)
[CUP 2332 Map](#)
[CUP 2332 App](#)

In favor: None
Opposed: None

A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be postponed due to lack of representation. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,KOLAR,MATANOandMILES

Excused: 1 - SALOV

D. Plats and Certified Survey Maps

[2015 LD-042](#) Final Plat - Windswept
Town of Burke, Section 24
Staff recommends that the final plat be signed by the committee chair as
the conditions from November 11, 2014 have been satisfied.

Attachments: [20151117122905](#)
[120246-FP](#)
[aerial](#)
[Burke Windswept plat review 031814](#)

A motion was made by BOLLIG, seconded by MATANO, that the final plat be signed as the conditions have been satisfied. The motion carried by a voice vote.

E. Resolutions

F. Ordinance Amendment

H. Other Business Authorized by Law

Supervisor Matano distributed a excerpt from Wisconsin Lawyer magazine concerning conditional use permits.
Supervisor Matano also distributed an email regarding the demolition of the Department of Administration Building adjacent to the Yahara River.

I. Adjourn

A motion was made by MATANO, seconded by BOLLIG, to adjourn the ZLR Committee meeting at 8:20pm. The motion carried unanimously.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266, lane.roger@countyofdane.com