



# Dane County

## Minutes - Final Unless Amended by Committee Zoning & Land Regulation Committee

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Tuesday, May 27, 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 201.

**Present** 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

No comments made by the public.

### C. Election of Officers

#### Election of Officers

Moved by Bollig, seconded by Kolar to table the election of officers until the end of the meeting. Motion carried unanimously. Time: 7:08pm.

#### Election of Officers

Moved by Kolar, seconded by Bollig, to remove the election of officers from being tabled. Motion carried unanimously. Time: 8:15pm.

#### Election of Officers

Supervisor Bollig nominated Supervisor Kolar as Vice-Chair of the Zoning and Land Regulation Committee. Supervisor Miles nominated Supervisor Matano as Vice-Chair of the Zoning and Land Regulation Committee. No other nomination made.

Votes cast by ballot. Supervisor Kolar was elected Vice-Chair of the Zoning and Land Regulation Committee on a 3-2 vote.

Supervisor Kolar nominated Supervisor Bollig as Secretary of the Zoning and Land Regulation Committee. No other nominations.

Supervisor Bollig was elected Secretary of the Zoning and Land Regulation Committee by a unanimous vote.

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

[10674](#)

PETITION: REZONE 10674  
APPLICANT: THOMAS MUELLER  
LOCATION: 4633 STATE HIGHWAY 138, SECTION 7, TOWN OF RUTLAND  
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District, C-2 Commercial District TO RE-1 Recreational District  
REASON: amend deed restriction to expand limited used and adjust property line between adjacent neighbors

**Attachments:** [10674 staff.pdf](#)  
[10674 town.pdf](#)  
[10674 map.pdf](#)  
[10674 app.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.

1. The deed restrictions on the property shall be amended to permit the following specified land uses: Sales, rental and leasing, repair and service of new and used agricultural and landscaping implements and equipment; Sales, rental and leasing, repair and service of new and used lawn and garden equipment; Sales, rental and leasing, repair and service of new and used contractor's machinery, equipment and vehicles used in the operation of the business; Sales, rental and leasing, repair and service of new and used recreational equipment; Rental and leasing of new and used items not listed above; Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy; Storage and repair of equipment and materials related to a landscaping business including but not limited to lawn care, snow removal, landscape contracting and sifting and re-chopping of landscape materials; Retail of landscaping, lawn care, snow removal and landscape maintenance and design materials including nursery plants; Property landscape improvements and outdoor display to include but not limited to decorative rock and pavers, plantings, fencing and water features.
2. All outdoor equipment storage areas and outdoor material storage areas shall be screened from view at street level.
3. All outdoor lighting shall be downward shining.
4. There will be a recorded 33 foot wide easement in favor of the Town along the entire east side of the parcel for a possible future road.
5. The owner of the parcel will be responsible for a share of the cost of construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
6. Access to that future road shall replace the driveway to the property on State highway 138.

[10675](#)

PETITION: REZONE 10675  
APPLICANT: MRK LLC  
LOCATION: 3527 FEMRITE DRIVE, SECTION 23, TOWN OF BLOOMING GROVE  
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District  
REASON: zoning compliance for an existing auto repair center

**Attachments:** [10675 staff.pdf](#)  
[10675 town.pdf](#)  
[10675 map.pdf](#)  
[10675 app.pdf](#)

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be tabled. The motion carried by a voice vote. Time: 7:11pm.

A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be removed from the table. The motion carried by a voice vote. Time: 7:57pm.

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be tabled until representation is present. The motion carried by a voice vote. Time 7:58pm.

[10676](#)

PETITION: REZONE 10676  
APPLICANT: RICHGELS TRUST  
LOCATION: 4889 PINE SPRINGS ROAD, SECTION 36, TOWN OF VIENNA  
CHANGE FROM: RH-1 Rural Homes District TO R-1 Residence District  
REASON:divide existing residential lot into two lots

**Attachments:** [10676 staff.pdf](#)  
[10676 town.pdf](#)  
[10676 map.pdf](#)  
[10676 map water.pdf](#)  
[10676 app.pdf](#)

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be tabled. The motion carried by a voice vote. Time: 7:12pm.

A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be removed from the table. The motion carried by a voice vote. Time: 7:59pm

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval as amended.

1. A note shall be placed on face of the Certified Survey Map requiring that the basement slab elevation for the residence shall be positioned a minimum of 886 feet ASL or higher to account for the highwater table in the area.

The motion carried by the following vote:

**Ayes:** 3 - BOLLIG,KOLARandSALOV

**Noes:** 2 - MATANOandMILES

[10677](#)

PETITION: REZONE 10677  
APPLICANT: WAYNE CROKUS  
LOCATION: 3128 HICKORY RIDGE ROAD, SECTION 2, TOWN OF VERONA  
CHANGE FROM: R-1 Residence District TO RH-1 Rural Homes District  
REASON: permit agricultural uses on property

**Attachments:** [10677 staff.pdf](#)  
[10677 town.pdf](#)  
[10677 map.pdf](#)  
[10677 app.pdf](#)

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

[10678](#)

PETITION: REZONE 10678  
APPLICANT: DALE C EHLE  
LOCATION: 1108 STATE HIGHWAY 138, SECTION 8, TOWN OF DUNKIRK  
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District,  
A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: shifting property lines between adjacent land owners

**Attachments:** [10678 staff.pdf](#)  
[10678 town.pdf](#)  
[10678 map.pdf](#)  
[10678 app.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.  
1. The approval is contingent upon a land division regulation waiver being granted by the Zoning and Land Regulation Committee regarding the absence of road frontage for a residential lot.

[10680](#)

PETITION: REZONE 10680  
APPLICANT: CORY K CLEMENS  
LOCATION: WEST OF 7558 DUNROVEN ROAD, SECTION 6, TOWN  
OF VIENNA  
CHANGE FROM: A-1EX Agriculture District TO LC-1 Limited  
Commercial District  
REASON: allow landscaping business on property

**Attachments:** [10680 staff.pdf](#)  
[10680 town.pdf](#)  
[10680 map.pdf](#)  
[10680 7549 Dunroven.pdf](#)  
[10680 app.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.  
1. The petitioner shall be required to rezone the current business location, 7549 Dunroven Road, back to residential zoning when the business is moved to to this new location.

[10681](#)

PETITION: REZONE 10681  
APPLICANT: LEE W MERRICK  
LOCATION: 5410 STATE HIGHWAY 73, SECTION 22, TOWN OF  
MEDINA  
CHANGE FROM: A-2 Agriculture District TO RH-3 Rural Homes District,  
A-2 Agriculture District TO A-4 Agriculture District  
REASON: separation of existing residence from farmland

**Attachments:** [10681 staff.pdf](#)  
[10681 map.pdf](#)  
[10681 app.pdf](#)

A motion was made by KOLAR, seconded by SALOV, that the Zoning Petition be postponed until Town action is received. The motion carried by a voice vote. Town Chair Steven Schulz stated that the Town postponed action on the petition to allow time to resolve issues regarding limits of animal units and housing density rights on the property.

[10682](#)

PETITION: REZONE 10682  
APPLICANT: STATZ BROS INC  
LOCATION: 1151 BERLIN ROAD, SECTION 5, TOWN OF MEDINA  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-3 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: separation of existing residence from farmland and the creation of two residential lots

**Attachments:** [10682 staff.pdf](#)  
[10682 density study.pdf](#)  
[10682 map.pdf](#)  
[10682 app.pdf](#)

A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be postponed until Town action is received. The motion carried by a voice vote. Town Chair Steven Schulz stated that the Town postponed action on the petition to allow time to resolve issues regarding limits of animal units.

[10683](#)

PETITION: REZONE 10683  
APPLICANT: JAMES S ELLESON  
LOCATION: 4671 COUNTY HIGHWAY JJ AND LANDS WEST THEREOF, SECTION 3, TOWN OF VERMONT  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO LC-1 Limited Commercial District  
REASON: creating a residential lot for an existing residence; creating a commercial lot for an existing business; creating a residential zoning boundary for a new house

**Attachments:** [10683 staff.pdf](#)  
[10683 town.pdf](#)  
[10683 density study.pdf](#)  
[10683 map.pdf](#)  
[10683 site map.pdf](#)  
[10683 app.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.  
1. The property owner shall be responsible for obtaining a stormwater management permit from Dane County Land Conservation for the LC-1 zoned property.

[10684](#)

PETITION: REZONE 10684  
APPLICANT: KENT KATZENMEYER  
LOCATION: 6735 SUNSET DRIVE AND LANDS DIRECTLY SOUTH  
AND SOUTH WEST, SECTION 35, TOWN OF VERONA  
CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture  
District, A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX  
Agriculture District TO B-1 Local Business District  
REASON: shifting lot lines between adjacent owners and expansion of  
an existing commercial lot

**Attachments:** [10684 staff.pdf](#)  
[10684 town.pdf](#)  
[10684 map.pdf](#)  
[10684 app.pdf](#)

A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition  
be recommended for approval as amended. The motion carried by a voice vote.  
1. The zoning district classification shall be amended to C-1 Commercial Zoning  
District.  
2. A deed restriction shall be recorded on the property to prohibit the installation  
of billboard signs (off-premise signs).

[10685](#)

PETITION: REZONE 10685  
APPLICANT: TOWN OF SPRINGDALE  
LOCATION: 2684 BERGLUND DRIVE, SECTION 13, TOWN OF  
SPRINGDALE  
CHANGE FROM: A-B Ag-Business District TO A-B Ag-Business District  
REASON: compliance with the farmland preservation plan as required  
by ss. 91.38

**Attachments:** [10685 staff.pdf](#)  
[10685 app.pdf](#)

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

[10686](#)

PETITION: REZONE 10686  
APPLICANT: Town of Middleton  
LOCATION: Various locations, see details  
CHANGE FROM: Various zoning districts  
REASON: compliance with farmland preservation plan as required by ss  
91.38

**Attachments:** [10686 staff.pdf](#)  
[10686 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.

[10689](#)

PETITION: REZONE 10689  
APPLICANT: LAWRENCE P KANTZLER  
LOCATION: 384 COUNTY HIGHWAY A, SECTION 35, TOWN OF  
CHRISTIANA  
CHANGE FROM: A-1EX Agriculture District TO A-2 (1) Agriculture  
District  
REASON: zoning compliance for existing residential structure

**Attachments:** [10689 staff.pdf](#)  
[10689 town.pdf](#)  
[10689 map.pdf](#)  
[10689 app.pdf](#)

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

[CUP 2271](#)

PETITION: CUP 2271  
APPLICANT: WAYNE L ACE  
LOCATION: 1219 COUNTY HIGHWAY D, SECTION 8, TOWN OF  
OREGON  
CUP DESCRIPTION: limited family business (limousine and bus  
service)

**Attachments:** [CUP 2271 staff.pdf](#)  
[CUP 2271 town.pdf](#)  
[CUP 2271 map.pdf](#)  
[CUP 2271 app.pdf](#)

A motion was made by BOLLIG, seconded by MATANO, that the Conditional Use Permit be approved with 5 conditions. The motion carried by a voice vote.

1. The business shall be limited to a limousine service and bus service.
2. All vehicles shall be stored inside of a building.
3. Signs shall comply with Dane County Code of Ordinances.
4. Outside loudspeakers are prohibited.
5. All employees, except one or one full-time equivalent, shall be a member of the family residing on the property.



[CUP 2272](#)

PETITION: CUP 2272  
APPLICANT: G & S PROPERTIES OF SPRINGFIELD LLC  
LOCATION: 7265 STATE HIGHWAY 19, SECTION 9, TOWN OF  
SPRINGFIELD  
CUP DESCRIPTION: continuation of and existing mineral extraction  
operation

**Attachments:** [CUP 2272 staff.pdf](#)  
[CUP 2272 map.pdf](#)  
[CUP 2272 app.pdf](#)

A motion was made by MATANO, seconded by KOLAR, that the Conditional Use Permit be postponed until Town action is received. The motion carried by a voice vote.

[CUP 2273](#)

PETITION: CUP 2273  
APPLICANT: ROJO REV TR, JOSE & MARY  
LOCATION: 5987 WHIPPERWILL ROAD, SECTION 12, TOWN OF  
BERRY  
CUP DESCRIPTION: horse boarding stables, riding stables & training  
facilities

**Attachments:** [CUP 2273 staff.pdf](#)  
[CUP 2273 town.pdf](#)  
[CUP 2273 map.pdf](#)  
[CUP 2273 app.pdf](#)

A motion was made by MATANO, seconded by BOLLIG, that the Conditional Use Permit be approved with 13 conditions. The motion carried by a voice vote.

1. Commercial activities conducted on the property shall be limited to horse boarding, private equestrian instruction and training.
2. The Horse Boarding Facility shall be limited up to 25 horses.
3. Horse Boarding Facility shall be limited to the proposed building (72'x210' plus stall barn) as shown on the attached site plan.
4. Approvals shall be obtained from the Town Board regarding the location of the boarding facility and the storm water management features located on the property.
5. The driveway to the boarding facility shall be constructed to Town shared driveway standards.
6. The Hours of Operation will be 7 am to 9 pm
7. Adequate parking shall be located on the property. (see site plan)
8. Lighting for any outside riding arena is prohibited.
9. Outside loudspeakers are prohibited.
10. Signs shall comply with Dane County Code of Ordinances.
11. All grass paddocks and pastures must be maintained with vegetation or gravel.
12. Owner is responsible for instituting a manure management plan approved by Dane County Land Conservation.
13. Sanitary facilities for the general public shall be provided if required by the Wisconsin Commercial Building Code.

[2014  
OA-023](#)

AMENDING CHAPTER 76 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING ISSUANCE OF BUILDING NUMBERS FOR PARCELS WITHOUT A BUILDING.

**Sponsors:** DOWNING, BOLLIG, MATANO, MILES, SALOV and WUEST

**Attachments:** [2014 OA-016 BUILDING NUMBERS.pdf](#)

A motion was made by KOLAR, seconded by BOLLIG, that the Ordinance be postponed to the Zoning & Land Regulation Committee, due back by 6/10/2014. Supervisor Kolar expressed interest in acquiring additional information from other agencies regarding the change. The negative aspects of the change may out weight the good. The motion carried by a voice vote.  
In Favor: Supervisor Miles expressed Supervisor Downing's reasoning for the change to to the ordinance.  
Opposition: Roger Lane

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

**F. Plats and Certified Survey Maps**

**G. Resolutions**

**H. Ordinance Amendment**

[2014  
OA-023](#)

AMENDING CHAPTER 76 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING ISSUANCE OF BUILDING NUMBERS FOR PARCELS WITHOUT A BUILDING.

**Sponsors:** DOWNING, BOLLIG, MATANO, MILES, SALOV and WUEST

**Attachments:** [2014 OA-016 BUILDING NUMBERS.pdf](#)

See action above.

**I. Reports to Committee**

**J. Other Business Authorized by Law**

**K. Adjourn**

A motion was made by SALOV, seconded by MATANO, to adjourn the Zoning and Land Regulation Committee meeting at 8:26 pm. 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.*