



# 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?*

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Tuesday, November 9, 2021

6:30 PM

Virtual meeting

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**Zoom Webinar ID: 914 0257 0152**

#### A. Call to Order

Chair Bollig called the November 9, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Lane, Everson, Standing, and Violante.

Supervisor Peters arrived at 7:12pm.

**Present** 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

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

No comments made by the public.

[2021](#) November 9, 2021 meeting registrants  
[RPT-641](#)

**Attachments:** [November 9th ZLR registrants](#)

#### C. Consideration of Minutes

[2021](#) Minutes of the October 26, 2021 Zoning and Land Regulation Committee  
[MIN-409](#) meeting

**Attachments:** [10-26-21 ZLR Public Hearing minutes.pdf](#)

A motion was made by KIEFER, seconded by DOOLAN, that the October 26th minutes be approved. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and SMITH

**Absent:** 1 - PETERS

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

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

[11710](#)

PETITION: REZONE 11710  
APPLICANT: VINEY ACRES LLC  
LOCATION: WEST OF 2173 NORA ROAD, SECTION 27, TOWN OF  
COTTAGE GROVE  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1  
Farmland Preservation District, FP-35 Farmland Preservation District TO  
RR-2 Rural Residential District, FP-35 Farmland Preservation District TO  
FP-1 Farmland Preservation District  
REASON: creating 3 residential lots and 2 agricultural lots

**Attachments:**

- [11710 Ord Amend](#)
- [11710 Staff Update.pdf](#)
- [11710 Revised CSM showing building envelope.pdf](#)
- [11710 Draft deed for triangle portion.pdf](#)
- [11710 Town](#)
- [11710 Density](#)
- [11710 Steep slope no build area](#)
- [11710 Draft CSM \(old\)](#)
- [11710 Revised APP 8-23.pdf](#)
- [11710 Map](#)

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

1. The shared driveway easement for lots 1 and 2 shall be shown on the proposed Certified Survey Map.
2. The owner shall record a shared driveway access easement agreement meeting the requirements specified in section 75.19(8) for proposed lots 1 and 2.
3. The Certified Survey Map shall depict the 150'x150' "building envelope" as shown on the presented map. A note shall be added to the Certified Survey Map stating that, "All building constructed on Lots 1 & 2 shall be within the building envelope area as part of the conditions of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #11710".
4. The remnant property north of Nora Road (small triangle) shall be deeded to the adjacent landowner.

**Ayes:** 4 - BOLLIG,DOOLAN,KIEFERandSMITH

**Excused:** 1 - PETERS

11720

PETITION: REZONE 11720  
APPLICANT: JOHN F BECKER  
LOCATION: SOUTH OF 4313 BUCKLEY ROAD, SECTION 8, TOWN OF  
BURKE  
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-8 Rural  
Residential District  
REASON: creating one residential lot

**Attachments:** [11720 Ord Amend - DENIAL.pdf](#)

[11720 Staff Update.pdf](#)

[11720 Town Action Report.pdf](#)

[11720 APP Revised.pdf](#)

[11720 Map.pdf](#)

*In favor: John Becker, Dan Paulson*

**A motion was made by KIEFER, seconded by DOOLAN, that the Zoning Petition  
be recommended for denial. The motion carried by the following vote: 3-1  
Finding: The area has the potential to flood.**

**Ayes:** 3 - BOLLIG,KIEFERandSMITH

**Noes:** 1 - DOOLAN

**Excused:** 1 - PETERS

[11749](#)

PETITION: REZONE 11749  
APPLICANT: ROGER HARTMANN  
LOCATION: NW OF 7240 COUNTY HIGHWAY Y, SECTION 5, TOWN OF  
DANE  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1  
Farmland Preservation District  
REASON: to facilitate the settling of the darlene hartmann estate

**Attachments:** [11749 Ord Amend](#)  
[11749 Staff Update.pdf](#)  
[11749 Town Action Report.pdf](#)  
[11749 Density.pdf](#)  
[11749 Map](#)  
[11749 APP](#)

*In favor: Barret Van Sicklen*

**A motion was made by KIEFER, seconded by SMITH, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 5-0.**

**1. A deed restriction on the proposed FP-1 lot prohibiting any residential development. The parcel has no opportunities to build nor any building rights.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

02533

PETITION: CUP 02533  
APPLICANT: 11ELEVEN LLC  
LOCATION: 7069 APPLEWOOD DR., SECTION 27, TOWN OF  
MIDDLETON  
CUP DESCRIPTION: daycare center

**Attachments:** [CUP 2533 Staff Update.pdf](#)  
[CUP 2533 Corp Counsel Opinion.pdf](#)  
[CUP 2533 Town Action Report.pdf](#)  
[CUP 2533 Map](#)  
[CUP 2533 Neighborhood Map.pdf](#)  
[CUP 2533 APP](#)  
[CUP 2533 Additional Applicant Testimony.pdf](#)  
[CUP 2533 Letters of Support.pdf](#)  
[CUP 2533 Wolf Opposition letter.pdf](#)  
[CUP 2533 VandeBerg Opposition letter.pdf](#)  
[CUP 2533 Gulbrand Opposition letter.pdf](#)  
[CUP 2533 Ross Opposition email](#)  
[CUP 2533 Bubb Opposition email](#)  
[CUP 2533 Huntsman Opposition letter.pdf](#)  
[CUP 2533 Houlihan Opposition letter.pdf](#)  
[CUP 2533 Finch Opposition letter.pdf](#)  
[CUP 2533 Houlihan Opposition letter 2.pdf](#)  
[CUP 2533 Lanning Opposition letter.pdf](#)  
[CUP 2533 Steves Opposition letter.pdf](#)  
[CUP 2533 Brunner Opposition letter.pdf](#)  
[CUP 2533 Applewood Opposition letter.pdf](#)  
[CUP 2533 DiPiazza Opposition letter.pdf](#)  
[CUP 2533 Jordan Opposition email.pdf](#)  
[CUP 2533 Trost Opposition letter.pdf](#)  
[CUP 2533 Reeder Opposition letter.pdf](#)  
[CUP 2533 Calvin Opposition email.pdf](#)  
[CUP 2533 Rust Opposition email.pdf](#)  
[CUP 2533 Knezevic Opposition email.pdf](#)  
[CUP 2533 Vreeland Opposition letter.pdf](#)  
[CUP 2533.pdf](#)

**A motion was made by KIEFER, seconded by DOOLAN, that the Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote:  
4-1. PETERS: Nay**

1. The day care center shall be limited to no more than 8 children.
2. The Family Child Care Home license from the Wisconsin Department of Children and Families under Wis. Stat. §48.65 shall be maintained.

**Ayes:** 4 - BOLLIG, DOOLAN, KIEFER and SMITH

**Noes:** 1 - PETERS

[02536](#)

PETITION: CUP 02536

APPLICANT: GERARD XAVIER

LOCATION: 3056 SHAW COURT, SECTION 5, TOWN OF DUNN

CUP DESCRIPTION: transient or tourist lodging

**Attachments:** [CUP 2536 Staff Update.pdf](#)  
[CUP 2536 Town Letter regarding conditions.pdf](#)  
[CUP 2536 Town Action Report.pdf](#)  
[CUP 2536 Map](#)  
[CUP 2536 APP](#)  
[CUP 2536.pdf](#)

*In favor: Gerarg Xavier*

A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with 19 conditions. The motion carried by the following vote: 4-0, KIEFER abstained.

1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 8 guests over 12 years old and no more than 10 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line. Garden solar lights that illuminate pathways by the lakefront are allowed as long as this light does not spill over the neighboring property line.
7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.

12. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.

13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

14. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).

15. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

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. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.

18. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.

19. Failure to comply with any imposed conditions, or to pay reasonable 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 a reasonable opportunity to correct any violations prior to revocation. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit

**Ayes:** 4 - BOLLIG,PETERS,DOOLANandSMITH

**Abstain:** 1 - KIEFER



[02539](#)

PETITION: CUP 02539  
APPLICANT: STACEY BEAN  
LOCATION: 2782 WHITE CROSSING ROAD, SECTION 7, TOWN OF  
VERONA  
CUP DESCRIPTION: attached accessory dwelling unit-above garage  
in-law suite

Attachments: [CUP 2539 Staff Update.pdf](#)  
[CUP 2539 Town Action Report.pdf](#)  
[CUP 2539 Map](#)  
[CUP 2539 APP](#)  
[CUP 2539.pdf](#)

*In favor: Stacey Bean*

A motion was made by SMITH, seconded by KIEFER, that the Conditional Use Permit be approved with 17 conditions. The motion carried by the following vote: 5-0.

- 1) No more than one attached accessory dwelling unit may be created.
- 2) The attached accessory dwelling unit shall not exceed 800 square feet of occupiable floor area and shall not have more than two bedrooms.
- 3) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.
- 4) The lot or parcel of land containing the accessory dwelling unit shall continue to be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
- 5) The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings.
- 6) Accessory dwelling units must meet applicable residential building codes and sanitary codes.
- 7) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 8) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 9) Existing onsite wastewater sewage disposal systems 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.
- 10) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 11) Off-street parking must be provided, consistent with s. 10.102(8).
- 12) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

- 13) 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. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- 14) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 15) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 16) Failure to comply with any imposed conditions, or to pay reasonable 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 a reasonable opportunity to correct any violations prior to revocation.
- 17) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

## F. Plats and Certified Survey Maps

## G. Resolutions

[2021  
RES-243](#) CONTRACT FOR FLY DANE 2022 DIGITAL AERIAL ORTHO-IMAGERY  
PROJECT

**Sponsors:** GRAY and PALM

**Attachments:** [2021 RES-243](#)  
[2021 RES-243 FISCAL NOTE](#)  
[2021 RES-243 CONTRACT #14520](#)

*In favor: Fred lausly*

A motion was made by KIEFER, seconded by DOOLAN, that the Resolution be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

## H. Ordinance Amendment

## I. Items Requiring Committee Action

[2021 RPT-306](#) Updated report of annual review of salvage yards  
Staff recommends approval.

**Attachments:** [Staff Update - Salvage Yard Licenses.pdf](#)

[2020](#)

[2021 REPORT UPDATED](#)

[Comments - 2021 Salvage Yards Report](#)

[Town of Verona letter](#)

[8.25.21 letter](#)

[Dane County ZLR\\_08302021](#)

A motion was made by KIEFER, seconded by PETERS, that the Salvage Yard License for Michael Cutrano be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

## J. Reports to Committee

## K. Other Business Authorized by Law

A motion was made by KIEFER, seconded by DOOLAN, to have a discussion regarding in-person meetings at the November 23, 2021 ZLR Committee meeting. In-person meetings to possibly begin with the December 14th ZLR meeting. The motion carried unanimously.

Supervisor Doolan has requested that Staff prepare a report regarding actions that can be taken regarding affordable housing, specifically "tiny house" development, and what actions are necessary to allow for such land use.

## L. Adjourn

A motion was made by KIEFER, seconded by SMITH, to adjourn the November 9, 2021 Zoning and Land Regulation Committee meeting at 7:58pm. The motion carried unanimously.

Questions? Contact Planning and Development Staff, 266-4266, or [plandev@countyofdane.com](mailto:plandev@countyofdane.com).