



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?

Tuesday, April 25, 2023

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: Allan, Everson, Holloway, Violante

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

Excused 1 - MELISSA RATCLIFF

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

No comments made by the public.

[2023](#) April 25, 2023 ZLR Registrants

[RPT-066](#)

Attachments: [April 25 registrants final](#)

C. Consideration of Minutes

A motion was made by BOLLIG, seconded by MCGINNITY, that the minutes of the March 28, 2023 ZLR Committee be approved. The motion carried by the following vote: 3-0-1.

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Excused: 1 - RATCLIFF

Abstain: 1 - KIEFER

[2023](#) Minutes of the March 28, 2023 Zoning and Land Regulation Committee meeting

[MIN-044](#)

Attachments: [3-28-23 ZLR Public Hearing Minutes.pdf](#)

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

[11933](#) PETITION: REZONE 11933
APPLICANT: SEAN GALLAGHER
LOCATION: NORTH OF 7254 BLACK HILL ROAD, SECTION 16, TOWN OF DANE
CHANGE FROM: FP-1 Farmland Preservation District TO RR-8 Rural Residential District
REASON: rezoning a legal lot of record for single-family use

Attachments: [11933 Ord Amend](#)
[11933 Staff Report](#)
[11933 New Recorded Easement Agreement 5896048](#)
[11933 Town Action](#)
[11933 Map](#)
[11933 APP](#)

In Support: Sean and Morgan Gallagher, Perry Heiser
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: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11934](#) PETITION: REZONE 11934
APPLICANT: R & J ACRES LLC
LOCATION: EAST OF 1985 SPRING ROSE RD, SECTION 25, TOWN OF SPRINGDALE
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-1 Rural Residential District
REASON: expand size of residential lot

Attachments: [11934 Ord Amend](#)
[11934 Staff Report](#)
[11934 Town Action](#)
[11934 Map](#)
[11934 APP](#)

In Support: Jeff Annen, Kyle Annen
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,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

11935

PETITION: REZONE 11935

APPLICANT: DAHLK REV LIVING TR (HOWARD & CHRISTINE DAHLK)

LOCATION: 2134 COUNTY HIGHWAY J, SECTION 26, TOWN OF
SPRINGDALE

CHANGE FROM: AT-35 Agriculture Transition District TO RR-1 Rural
Residential District, AT-35 Agriculture Transition District TO RR-2 Rural
Residential District, AT-35 Agriculture Transition District TO RR-4 Rural
Residential District

REASON: creating 4 new residential lots

Attachments: [11935 Staff Report](#)

[11935 Town Action](#)

[11935 Map](#)

[11935 APP](#)

In Support: Sam Simon

Opposed: None

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning
Petition be postponed at the applicant's request. The motion carried by the
following vote: 4-0.**

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11936](#)

PETITION: REZONE 11936
APPLICANT: ROBERT REYNOLDS
LOCATION: 38 COUNTY HIGHWAY N, SECTION 33, TOWN OF ALBION
CHANGE FROM: RM-8 Rural Mixed-Use District TO FP-35 Farmland
Preservation District, RM-8 Rural Mixed-Use District TO RR-2 Rural
Residential District, RM-16 Rural Mixed-Use District TO FP-35 Farmland
Preservation District
REASON: reduce the size of a residential lot

Attachments: [11936 Ord Amend](#)
[11936 Staff Report](#)
[11936 Town Action](#)
[11936 Map](#)
[11936 APP](#)

In Support: Ryan Combs, Dan Higgs
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:
4-0.**

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11937](#)

PETITION: REZONE 11937
APPLICANT: KIMBERLY AND TIMOTHY SCHMITT
LOCATION: 4355 KRUEGER RD, SECTION 11, TOWN OF DEERFIELD
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural
Residential District
REASON: creating one residential lot

Attachments: [11937 Ord Amend](#)
[11937 Staff Report](#)
[11937 Town Action](#)
[11937 Density](#)
[11937 Map](#)
[11937 APP](#)

In Support: Kim Schmitt
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. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (tax parcel 0712-232-9500-8).
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the proposed RR-2 lot.
3. A deed restriction shall be recorded on parcel 0712-232-9500-8 stating the following:
 - a. Further nonfarm development is prohibited. The housing density rights for the former farm have been exhausted per the Town Comprehensive Plan density policies.
4. A deed notice shall be recorded on the proposed RR-2 residential lot (proposed Lot 2 of the Certified Survey Map) indicating that it was created as part of a Transfer of Development Rights.
5. A deed restriction shall be recorded on the remaining 32.5 acre RM-16 parcel (proposed Lot 1 of the Certified Survey Map, part of tax parcel 0712-112-9210-0) stating the following:
 - a. Further division or nonfarm development is prohibited. The housing density rights for the former farm have been exhausted per the Town Comprehensive Plan policies.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11938](#)

PETITION: REZONE 11938

APPLICANT: TOWN OF MONTROSE C/O JOHN SAYLES

LOCATION: 1415 RANGE TRAIL, SECTION 3, TOWN OF MONTROSE

CHANGE FROM: LC Limited Commercial District TO HAM-M Hamlet

Mixed-Use District, NR-C Natural Resource Conservation District TO

HAM-M Hamlet Mixed-Use District

REASON: bring property into compliance with existing land use (town
public works facility)

Attachments: [11938 Staff Report](#)

[11938 Town Action](#)

[11938 APP](#)

[11938 Map](#)

In Support: John Sayles

Opposed: None

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning
Petition be postponed until May 9th to allow staff to work with the town on a
restriction related to floodplain development. The motion carried by the
following vote: 4-0.**

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11939](#)

PETITION: REZONE 11939
APPLICANT: FREDERICK C WOLF
LOCATION: NORTH OF 5630 WOLF ROAD, SECTION 15, TOWN OF MAZOMANIE
CHANGE FROM: RM-16 Rural Mixed-Use District TO LC Limited Commercial District, RM-16 Rural Mixed-Use District TO FP-35 Farmland Preservation District
REASON: creating a lot for a building contractor office

Attachments: [11939 Ord Amend](#)
[11939 Staff Report](#)
[11939 Town Action](#)
[11939 APP](#)
[11939 Map](#)

In Support: Fred Wolf
Opposed: None

A motion was made by DOOLAN, 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 new LC-zoned CSM lot stating the following:

a. A caretaker's residence land use is prohibited on the property because the housing density units have been exhausted on the original farm per the Town Comprehensive Plan policies.

2. A deed restriction shall be recorded on FP-35 zoned tax parcels 080616495002, 080616485004, 080616480009, 080616193600, 080616191607, 080615390000 stating the following:

a. Further nonfarm/residential development is prohibited. The housing density units have been exhausted per the Town Comprehensive Plan density policies.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[02591](#)

PETITION: CUP 02591
APPLICANT: DAN AND MARLENE LA FLEUR
LOCATION: 3440 MEADOW ROAD, SECTION 32, TOWN OF
MIDDLETON
CUP DESCRIPTION: small animal boarding facility

Attachments: [CUP 2591 Staff Report.pdf](#)
[CUP 2591 APP rev 02-28-23](#)
[CUP 2591 Narrative Revised](#)
[CUP 2591 Floor Plans 02-28-23](#)
[CUP 2591 Four Paws Business Plan Revised 2-28-23](#)
[CUP 2591 Scaled Site Plans Revised 02-28-23](#)
[CUP 2591 State Approved Overall Site Plan](#)
[CUP 2591 State Approved Drainage Plan](#)
[CUP 2591 Building Section Plans](#)
[CUP 2591 APP original](#)
[CUP 2591 Map](#)

In Support: Dan and Lena La Fleur
Opposed: None

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[02592](#)

PETITION: CUP 02592

APPLICANT: WARM BELLY NOBLE LLC (FRANCIS WISNIEWSKI)

LOCATION: 4305 & 4311 VILAS HOPE ROAD, SECTION 7, TOWN OF
COTTAGE GROVE

CUP DESCRIPTION: agricultural entertainment for events more than 10
calendar days per year

Attachments: [CUP 2592 Staff Report.pdf](#)

[CUP 2592 Town Action](#)

[CUP 2592 Map](#)

[CUP 2592 Site Plans 02-16-2023](#)

[CUP 2592 Narrative and Event Plan](#)

[CUP 2592 APP](#)

In Support: Francis Wisniewski, Joseph Gallagher

Opposed: None

Neither in Support nor Opposed: Robert Hammond

**A motion was made by MCGINNITY, seconded by BOLLIG, that the Conditional
Use Permit be postponed until May 9th due to staff concerns. The motion carried
by the following vote: 4-0.**

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[2023](#)
[ACT-004](#)

RECONSIDERATION OF CUP 2578 FOR A 195' SELF-SUPPORTING COMMUNICATION TOWER LOCATED ON THE PROPERTY AT 1576 SPRING ROAD, SECTION 3, TOWN OF DUNKIRK

Attachments: [CUP 2578 Reconsideration - Staff Update Memo](#)
[CUP 2578 - Opposition letters](#)
[CUP 2578 - Applicant Airspace Safety ASAC Consultant Report](#)
[CUP 2578 - Applicant proposed tower lighting details](#)
[CUP 2578 - WISDOT staff comments on concerns](#)
[CUP 2578 - WISDOT staff response RE Summary of airport concerns with cell tower at 1576 Spring Rd \(CUP 2578\)](#)
[CUP 2578 Corporation Counsel letter](#)
[CUP 2578 Iron Mountain Notice Letter](#)
[CUP 2578 RF Engineering Report](#)
[CUP 2578 Updated Photosimulations 112922](#)
[CUP 2578 Application package](#)
[CUP 2578 Supplement - Updated FAA No Hazard Determination](#)
[CUP 2578 Supplement - Updated Notarized Sworn Statement](#)
[CUP 2578 Supplement - Updated Construction Drawings and Site Plan \(092922\)](#)

In Support: Jake Remington, Derek McGrew, Dale Smith

Opposed: Daniel Linden, John Matson, Mark Matson, Abigail Dahlberg, Patrick Odette, Tom Linden

A motion was made by BOLLIG, seconded by MCGINNITY, that action on this item be postponed to allow staff to work with the applicants. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

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

[11921](#)

PETITION: REZONE 11921
APPLICANT: LEAH J BOELTE (LANGE)
LOCATION: 3094 SUNNYSIDE STREET AND 2398 FAIRVIEW STREET,
SECTION 18, TOWN OF PLEASANT SPRINGS
CHANGE FROM: SFR-08 Single Family Residential District TO MFR-08
Multi-Family Residential District
REASON: bring existing residential development into compliance with
current zoning ordinances

Attachments: [11921 Ord Amend - Denial](#)

[11921 Staff Update](#)

[11921 Town Action](#)

[11921 Town Plan Policies](#)

[11921 Map](#)

[11921 APP](#)

[11921 Opposed - Smith](#)

[11921 Opposed - Miller - Murray - Quam - Versteegen.pdf](#)

[11921 Opposed - True.pdf](#)

[11921 Opposed - Wienkes.pdf](#)

[11921 Public Comment - Deutscher.pdf](#)

Opposed: None

A motion was made by BOLLIG, seconded by MCGINNITY, to recommend that the Zoning Petition be denied. The proposal is inconsistent with the Town Comprehensive Plan policies. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11928](#)

PETITION: REZONE 11928

APPLICANT: DOUGLAS AND VICTORIA STATZ

LOCATION: 7437 STATE HWY 113, SECTION 15, TOWN OF DANE

CHANGE FROM: RM-16 Rural Mixed-Use District TO RM-8 Rural
Mixed-Use District, RM-16 Rural Mixed-Use District TO FP-1 Farmland
Preservatio11928n District

REASON: creating a residential lot for the existing residence and creating
an agricultural lot.

Attachments: [11928 Ord Amend](#)
[11928 Staff Update](#)
[11928 Town Action](#)
[11928 Email of Concern](#)
[11928 ROD doc 3266066](#)
[11928 Map](#)
[11928 APP](#)

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. The certified survey map shall reflect the existing driveway access easement
as defined under Register of Deeds document #3266066.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11929](#)

PETITION: REZONE 11929
APPLICANT: GREGORY A THOMPSON
LOCATION: NW CORNER OF BURKE ROAD AND REINER ROAD,
SECTION 23, TOWN OF BURKE
CHANGE FROM: SFR-1 Single Family Residential District TO TFR-08
Two Family Residential District
REASON: zoning to allow for duplex residential use

- Attachments:** [11929 Ord Amend](#)
[11929 Staff Update](#)
[11929 Town Action](#)
[11929 Map](#)
[11929 App](#)

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. The applicant shall have a surveyor prepare a scaled drawing detailing the area subject to wetland regulations. The area shall be labeled: "Buildings and structures are prohibited in this area". The drawing shall be part of the deed restriction.
2. A deed restriction shall be recorded on the property stating the following:
 - a. No buildings or structures shall be constructed within the area as designated "Buildings and structures are prohibited in this area" on the attached map.
 - b. The building basement floor elevation shall be no lower than 927 feet ASL.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11931](#)

PETITION: REZONE 11931
APPLICANT: LINDUS PROPERTIES LLC
LOCATION: 4281 ACKER RD., SECTION 8, TOWN OF BURKE
CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing and
Industrial District
REASON: zoning to allow an auto salvage yard business

Attachments: [11931 Ord Amend](#)
[11931 Staff Update](#)
[11931 Town Action](#)
[11931 Letter of Concern](#)
[11931 Map](#)
[11931 App](#)

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. A certified survey map shall be recorded with the Register of deeds to consolidate the portions of the property.
2. Kevin Lindus and Matthew Hunter obtaining approval of the rezone from Dane County and satisfaction of any conditions thereof by June 30, 2023. In the event this condition of approval is not fulfilled or waived by the Town Board by June 30, 2023, this approval shall be automatically null and void.
3. A deed restriction shall be recorded on tax parcels 0810-084-9680-3 and 0810-084-9688-5 stating the following:
Land use shall be limited exclusively to the following:
 - 1) Contractor, landscaping or building trade operations
 - 2) Indoor storage and repair
 - 3) Indoor sales
 - 4) Light industrial uses
 - 5) Off-site parking lot or garage
 - 6) Office uses
 - 7) Outdoor sales, display or repair
 - 8) Outdoor storage
 - 9) Personal or professional service
 - 10) Utility services
 - 11) Vehicle repair or maintenance services
 - 12) Salvage recycling operations

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[02590](#)

PETITION: CUP 02590
APPLICANT: LINDUS PROPERTIES LLC
LOCATION: 4281 ACKER RD., SECTION 8, TOWN OF BURKE
CUP DESCRIPTION: salvage yard

- Attachments:** [CUP 2590 Staff Update](#)
[CUP 2590 Town Action](#)
[CUP 2590 Letter of Concern](#)
[CUP 2590 Map](#)
[CUP 2590 APP](#)

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions, finding that the proposal meets the applicable Conditional Use Permit standards. The motion carried by the following vote: 4-0.

CONDITIONS:

Standard conditions for all conditional use permits

- 1) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and following conditions.
- 2) 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 Commercial Building Code or Uniform Dwelling Code.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 7) Off-street parking must be provided and be consistent with Dane County Zoning Ordinance Section 10.102(8).
- 8) If the Dane County Highway Department, Department of Transportation, 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 9) 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.

10) 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.

11) 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.

12) 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.

Conditions unique to CUP 2590

13) This conditional use is strictly for Matthew Hunter, doing business as Madison Auto Recycling, LLC located at 4281 Acker Road in the Town of Burke.

14) Owner must provide sanitary facilities such as well and septic.

15) The Town Board and Plan Commission approve the following hours of operation.

- 8:00 a.m. to 5:00 p.m., Monday through Friday

- 8:00 a.m. to 12:00 p.m., Saturday.

- No outdoor operations of any kind shall take place on Sundays or legal holidays.

16) The property must be screened with privacy fencing per photo provided in application such as corrugated steel panels. The fence shall be painted in a consistent color. Front fence will be 6 feet in height and 8 feet on the sides with no fence in back where the 8-foot berm already exists.

17) Dismantling of vehicles shall take place inside the building.

18) All business vehicles and machinery shall be kept in running condition and in good maintenance.

19) Driveway improvements must be permitted by the Town and must be with storm water runoff in mind. Neighbor properties must not be negatively impacted. There shall be an asphalt apron, size and placement approved by the Town engineer, to mitigate mud and gravel to travel out onto Acker Road.

20) Property must contain lighting. The lighting shall be direct down-lighting.

21) Outdoor signage must meet Dane County zoning requirements.

22) Owner shall meet DNR standards for indoor and outdoor storage of salvaged vehicles.

23) An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.

24) Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in an orderly manner.

25) The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.

26) All hazardous materials or liquids must be stored properly.

27) Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

28) The applicant shall apply for and receive all other required local, state, and federal permits including storm water runoff permits for auto repair and auto salvage.

29) The conditional use permit shall be for a Type 1 License Salvage Yard only.

30) The Conditional Use Permit (CUP) shall expire should Madison Auto Recycling

LLC be sold or leave the property for any reason.
31) There will be no car crushing at this location.
32) There will be no vehicle storage (stacking) higher than fence height in front.
33) Screening of current trees or replacement with arborvitaes in front of fence between Acker Rd and fence is required.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

02584

PETITION: CUP 02584
APPLICANT: JOSEPH AND DIANE RIPP
LOCATION: SOUTH OF 7839 BONETTI ROAD, SECTION 1, TOWN OF DANE
CUP DESCRIPTION: non-metallic mineral extraction operation, temporary concrete batch plant, and temporary asphalt plant

- Attachments:** [CUP 2584 Memo to ZLR.pdf](#)
[CUP 2584 Staff Report.pdf](#)
[CUP 2584 Vienna requirements for Bonetti Road.pdf](#)
[CUP 2584 Email in opposition Grams.pdf](#)
[CUP 2584 Email in opposition Haymes](#)
[CUP 2584 Email in opposition Hojnacki.pdf](#)
[CUP 2584 Email in opposition Karls.pdf](#)
[CUP 2584 Email in opposition Karls 2.pdf](#)
[CUP 2584 Email in Opposition Niesen K.pdf](#)
[CUP 2584 Email in Opposition Niesen M.pdf](#)
[CUP 2584 Email in opposition Stinson.pdf](#)
[CUP 2584 Letter in opposition Pierce.pdf](#)
[CUP 2584 Letter in opposition Roth.pdf](#)
[CUP 2584 Letter in opposition Taylor.pdf](#)
[CUP 2584 Letter in opposition Wilson.pdf](#)
[CUP 2584 Performance letters from Tri-County Paving.pdf](#)
[CUP 2584 Email in opposition - Galle.pdf](#)
[Written testimony from Mar 28th public hearing.pdf](#)
[CUP 2584 Email in opposition - Fanney.pdf](#)
[CUP 2584 App](#)
[CUP 2584 Map](#)

A motion was made by MCGINNITY, seconded by BOLLIG, to close public testimony for this item. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be postponed until Town Action is received. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[02585](#)

PETITION: CUP 02585

APPLICANT: CASEY AND MELISSA HELBACH

LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF MIDDLETON

CUP DESCRIPTION: transient or tourist lodging (short-term rental)

Attachments: [CUP 2585 Staff Update](#)
[CUP 2585 Town Ltr RE CUP 2585](#)
[CUP 2585 Applicant's Repsonse to Conditions.pdf](#)
[CUP 2585 Letter to Town](#)
[CUP 2585 Staff Report](#)
[CUP 2585 Town Action](#)
[CUP 2585 Previous CUP 2566](#)
[CUP 2585 Map](#)
[CUP 2585 APP](#)
[CUP 2585 Email in Opposition - Zilavy.pdf](#)
[CUP 2585 Email in Opposition VandeBerg.pdf](#)
[CUP 2585 Email in Opposition - Huntsman.pdf](#)
[CUP #2585](#)

A motion was made by BOLLIG, seconded by MCGINNITY, to enter the letters received from the town and applicant after the public hearing into the public record. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

A motion was made by MCGINNITY, seconded by BOLLIG, that the Conditional Use Permit be approved with conditions, finding that the proposal meets the applicable Conditional Use Permit standards. The motion carried by the following vote: 4-0.

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: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[02586](#)

PETITION: CUP 02586
APPLICANT: TINGTING & DERIK BINGNER
LOCATION: 2290 CTH AB, SECTION 23, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging (short-term rental)

- Attachments:** [CUP 2586 Staff Update](#)
[CUP 2586 Town Action](#)
[CUP 2586 Email in opposition Christianson.pdf](#)
[CUP 2586 Letter of opposition L Carnahan.pdf](#)
[CUP 2586 Letter of opposition P Carnahan.pdf](#)
[CUP 2586 Peaceful Stay Pledge](#)
[CUP 2586 Map](#)
[CUP 2586 APP](#)
[CUP #2586](#)

A motion was made by BOLLIG, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions, finding that the proposal meets the applicable Conditional Use Permit standards. The motion carried by the following vote: 4-0.

CONDITIONS:

Town of Dunn Conditions

1. The rental period shall be between a minimum of 7 days to a maximum of 29 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. Small, overhead string lights to light the patio, as described in the CUP application, 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.

Standard Conditions that apply to all conditional uses (from s. 10.101(7)(d)2)

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 Commercial Building Code or 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. 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.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. Off-street parking must be provided, consistent with s. 10.102(8).
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

F. Plats and Certified Survey Maps

G. Resolutions

[2023
RES-042](#) ACCEPTING FEDERAL COMMUNICATIONS COMMISSION
AFFORDABLE CONNECTIVITY PROGRAM OUTREACH GRANT
FUNDS

Sponsors: RATCLIFF, GLAZER, HUELSEMANN and JOERS

Attachments: [2023 RES-042](#)
[2023 RES-042 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: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the meeting at 8:40pm. The motion carried unanimously.