

# Dane County



## Minutes

Tuesday, June 26, 2018

6:30 PM

City - County Building, ROOM 354

210 Martin Luther King Jr. Blvd., Madison  
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## 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?*

## A. Call to Order

Chair Kolar called the meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

Staff present: Everson, Lane, and Violante

**Present** 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and STEVEN PETERS

**Excused** 1 - HEIDI WEGLEITNER

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

No comments made by the public.

[2018](#)  
[RPT-112](#)

June 26th ZLR Committee meeting registrants

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

[11286](#)

PETITION: REZONE 11286

APPLICANT: JAMES G LEHMAN

LOCATION: SOUTH OF 4603 STATE HIGHWAY 92, SECTION 31, TOWN OF RUTLAND

CHANGE FROM: RH-3 Rural Homes District TO A-2 (8) Agriculture District

REASON: allow for accessory building prior to residence

*In favor: James Lehman*

*Opposed: None*

**A motion was made by BOLLIG, seconded by PETERS, that this Zoning Petition be approved as amended. The motion carried by the following vote: 4-0.**

**1. A deed restriction shall be recorded on the A-2(8) property to prohibit any further residential development or land division of the property.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11288](#)

PETITION: REZONE 11288

APPLICANT: JEAN M MITCHELL

LOCATION: SOUTH OF 5578 REEVE ROAD, SECTION 20, TOWN OF BLACK EARTH

CHANGE FROM: RH-4 Rural Homes District TO RH-3 Rural Homes District, RH-4 Rural

Homes District TO A-4 Agriculture District

REASON: dividing existing parcel

*In favor: Jean and Mike Mitchell*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KNOLL, that this Zoning Petition be approved as amended. The motion carried by the following vote: 4-0.**

**1. A deed restriction shall be recorded on the A-4 zoned property to prohibit residential use of the property and prohibit the construction of buildings.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11289](#)

PETITION: REZONE 11289  
APPLICANT: HR GROWING ACRES LLC  
LOCATION: NORTH OF 1272 SAVANNAH ROAD, SECTION 8, TOWN OF PERRY  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: shifting of property lines between adjacent land owners

*In favor: Ken Hefty*

*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11291](#)

PETITION: REZONE 11291  
APPLICANT: CONNORS REV TR, SHAWN A & MAUREEN K  
LOCATION: NORTH OF 3337 VALLEY SPRING ROAD, SECTION 34, TOWN OF CROSS PLAINS  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: creating one residential lot

*In favor: Shawn and Maureen Connors*

*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11292](#)

PETITION: REZONE 11292  
APPLICANT: HOWARD E SCHWARTZ  
LOCATION: WEST OF 7815 CRYSTAL LAKE ROAD, SECTION 6, TOWN OF DANE  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: creating one residential lot

*In favor: Howard Schwartz*

*Opposed: None*

**A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11293](#)

PETITION: REZONE 11293  
APPLICANT: SPAHN REV TR, LAWRENCE & PATRICIA  
LOCATION: EAST OF WINDSOR PRAIRIE ROAD, SECTION 36, TOWN OF VIENNA  
CHANGE FROM: A-3 Agriculture District TO A-2 (1) Agriculture District  
REASON: creating one residential lot

*In favor: Steven Spahn*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by PETERS, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.  
1. The residence shall be served by public sewer.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11294](#)

PETITION: REZONE 11294  
APPLICANT: STOEHR REV LIVING TR, THOMAS J & LAURIE A  
LOCATION: WEST OF 9707 LEE VALLEY ROAD, SECTION 25, TOWN OF PERRY  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: creating one residential lot

*In favor: Tom Stoehr*  
*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11295](#)

PETITION: REZONE 11295  
APPLICANT: LEFTYLAND LLC  
LOCATION: 5556 MAHOCKER ROAD, SECTION 20, TOWN OF BLACK EARTH  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: creating four residential lots

*In favor: Grant Smith*  
*Opposed: None*

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

**1. A shared access agreement in accordance with DCCO 75.19(8) shall be recorded with the Register of Deeds to allowing access to lot 1 through 3.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11296](#)

PETITION: REZONE 11296  
APPLICANT: WICOMPANYII LLC  
LOCATION: 4645 STATE HIGHWAY 138, SECTION 7, TOWN OF RUTLAND  
CHANGE FROM: Wetland classification to Non-wetland classification  
REASON: remove 641 square feet from wetland classification

*In favor: Steve Suter*  
*Opposed: None*

**A motion was made by KNOLL, seconded by PETERS, that this this amendment to the Chapter 11 Wetland Inventory Maps be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11297](#)

PETITION: REZONE 11297  
APPLICANT: STEVEN D LAWRENCE  
LOCATION: 1522 COUNTY HIGHWAY A, SECTION 18, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District, RH-2 Rural Homes District TO A-4 Agriculture District, RH-2 Rural Homes District TO RH-3 Rural Homes District  
REASON: enlarge existing residential lot and create two agricultural lots

*In favor: Steve Lawrence*  
*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11298](#)

PETITION: REZONE 11298  
APPLICANT: WILLIAM C CUMMINGS  
LOCATION: 6060 SUN VALLEY PARKWAY, SECTION 5, TOWN OF OREGON  
CHANGE FROM: A-3 Agriculture District TO RH-2 Rural Homes District, A-3 Agriculture District TO RH-3 Rural Homes District  
REASON: creating three residential lots

*In favor: Eric Grover*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by PETERS, 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 on parcels 0509-053-9000-1 and 0509-053-8500-8 to prohibit further residential development on the remaining A-3 Agriculture zoned land. The housing density rights for the original farm have been exhausted.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11299](#)

PETITION: REZONE 11299  
APPLICANT: RUSSELL A SCHMID  
LOCATION: NW OF 123 UNION ROAD, SECTION 35, TOWN OF OREGON  
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District  
REASON: creating one residential lot

*In favor: Russell Schmid*

*Opposed: None*

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

**1. The zoning shall be amended to RH-2 Rural Homes Zoning District in order to create a 5.52-acre lot.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[11300](#)

PETITION: REZONE 11300  
APPLICANT: JUDY CIEBELL SCHMIDT  
LOCATION: SOUTH OF 270 CTH X, SECTION 32, TOWN OF ALBION  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: Zoning compliance for modification of existing parcel boundaries

*In favor: Judith Ciebell Schmidt*

*Opposed: None*

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

**1. The existing septic system and the existing residence shall be located on the same lot. The location of the existing septic system shall be shown on the final certified survey map.**

**2. A shared driveway access easement agreement shall be established and recorded with the Register of Deeds. The driveway easement area shall be shown on the final certified survey map.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

11301

PETITION: REZONE 11301  
APPLICANT: RUBEN J CHRISTIAN  
LOCATION: 1427 COUNTY HIGHWAY V, SECTION 7, TOWN OF YORK  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District  
REASON: shifting of property lines between adjacent land owners

*In favor: Jon Christian*  
*Opposed: None*

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

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

CUP 02420

PETITION: CUP 02420  
APPLICANT: WILLIAM ERICKSON  
LOCATION: 1076 STATE HIGHWAY 78, SECTION 17, TOWN OF PERRY  
CUP DESCRIPTION: single family residence in a commercial district

*In favor: William Erickson*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by PETERS, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.**

- 1. The building must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.**
- 2. The existing onsite wastewater sewage disposal system serving the building must be inspected by a licensed plumber to determine its suitability for the proposed use. Deficient systems must be brought into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.**
- 3. Any residential use must be contained within the existing footprint of the existing building.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[CUP 02421](#)

PETITION: CUP 02421  
APPLICANT: DONALD P SCHALLER  
LOCATION: 1,150' EAST OF 7313 SCHALLER ROAD, SECTION 4, TOWN OF MONTROSE  
CUP DESCRIPTION: secondary farm residence for owner of farm

*In favor: Don Schaller*

*Opposed: None*

**A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 4-0.**

- 1. The conditional use permit shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.**
- 2. If the farm operation ceases, the single-family dwellings must be separated from the farmland and the area rezoned to a residential zoning district.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

[CUP 02422](#)

PETITION: CUP 02422  
APPLICANT: ANGELA MILEY  
LOCATION: 9559 COUNTY HIGHWAY Y, SECTION 24, TOWN OF MAZOMANIE  
CUP DESCRIPTION: residential use of building in the C-1 Commercial Zoning District

*In favor: Megan Dettloff-Meyer*

*Opposed: None*

**A motion was made by BOLLIG, seconded by PETERS, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.**

- 1. The conditional use permit is limited to the residential use on a commercially zone property.**
- 2. The residence may be used as a hotel, airBNB, housing for the owner, employees or other non-related 3rd party.**
- 3. The property shall be maintained in a clean and orderly manner.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER



[CUP 02424](#) PETITION: CUP 02424  
APPLICANT: TIMOTHY JON VALENZA  
LOCATION: 2394 COUNTY HIGHWAY AB, SECTION 0, TOWN OF DUNN  
CUP DESCRIPTION: residential use of building in the C-1 Commercial Zoning District

*In favor: Tim Valenza*  
*Opposed: None*

**A motion was made by KNOLL, seconded by PETERS, that this Conditional Use Permit be approved with 3 conditions. The motion carried by the following vote: 4-0.**

- 1. The conditional use permit is limited to the residential use on a commercially zone property.**
- 2. The residence must be created entirely within the existing structure. No additions are permitted.**
- 3. The property shall be maintained in a clean and orderly manner.**

**Ayes:** 4 - KOLAR,BOLLIG,KNOLLandPETERS

**Excused:** 1 - WEGLEITNER

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

#### **E. Plats and Certified Survey Maps**

[2018 LD-015](#) Leftyland LLC - Shared Access Easement  
Town of Black Earth  
Staff recommends conditional approval of the shared access easement.  
Shared access agreement shall meet the provisions set forth within Ch.  
75.19(8) and be recorded at the time the Certified Survey Map is recorded.

**A motion was made by PETERS, seconded by BOLLIG, to approve the shared access easement in order to serve the three proposed residential lots. The shared access easement must be recorded with the Register of Deeds at the time the Certified Survey Map is recorded and shall meet the requirements as per Ch.75.19(6)(b). Motion carried by a voice vote, 4-0.**

[2018 LD-014](#) Final Plat - The Meadows at Conservancy Place  
Village of DeForest  
Staff recommends a certification of non-objection.

**A motion was made by BOLLIG, seconded by KNOLL, to certify the final plat with no objections. Motion carried by a voice vote, 4-0.**

#### **F. Resolutions**

#### **G. Ordinance Amendment**

#### **H. Items Requiring Committee Action**

## I. Reports to Committee

[2018](#) Report of approved Certified Survey Maps  
[RPT-102](#)

## J. Other Business Authorized by Law

## K. Adjourn

A motion was made by BOLLIG, seconded by PETERS, to adjourn the June 26, 2018 Zoning and Land Regulation Committee meeting at 7:40pm. The motion carried unanimously.

*Questions? Contact Roger Lane, Planning and Development Department, 266-4266, [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)*