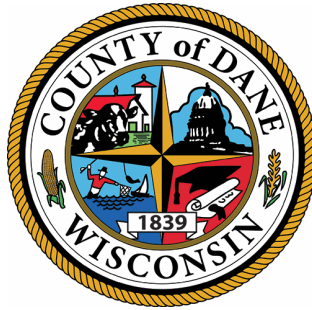


Dane County



Minutes

Tuesday, October 27, 2015

7:00 PM

City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting to order at 7:04pm in Room 201 of the City-County Building.

Staff present: Allan, Everson, and Violante.

Youth Governance present: Heiden.

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

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

There was no public comment.

[2015](#)
[RPT-559](#)

Public registrants for the October 27, 2015 ZLR Public Hearing

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

[10893](#)

PETITION: REZONE 10893
APPLICANT: LEE HOMES LLC
LOCATION: 4303 OLD STONE ROAD, SECTION 20, TOWN OF RUTLAND
CHANGE FROM: RH-3 Rural Homes District TO RH-4 Rural Homes District
REASON: shifting of property lines between adjacent land owners

Spoke in favor: Travis Simplot

Spoke in opposition: None

A motion was made by Bollig, seconded by Salov that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10895](#)

PETITION: REZONE 10895
APPLICANT: DANIEL S BREUNIG
LOCATION: 6625 VIADUCT ROAD, SECTION 11, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creating one residential lot

Spoke in favor: Daniel Breunig

Spoke in opposition: None

A motion was made by Salov, seconded by Matano to postpone action on the zoning petition until a comprehensive plan amendment is adopted by the town and county authorizing the intra-ownership transfer of density units. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10896](#)

PETITION: REZONE 10896
APPLICANT: IVAN J HELLENBRAND
LOCATION: EAST OF 7228 KICKABOO ROAD, SECTION 16, TOWN
OF SPRINGFIELD
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes
District
REASON: creating one residential lot

Spoke in favor: Ivan Hellenbrand

Spoke in opposition: 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: 5-0.

- 1. Middleton Fire department review of driveway. If necessary, have MSA Engineering review an approved plan for driveway.**
- 2. Provide a copy of the shared driveway and maintenance agreement and have it recorded on the deed.**
- 3. A deed restriction shall be recorded on parcels 0808-161-9500-1, 0808-161-9000-6, and 0808-152-9100-6 to prohibit residential development on the remaining A-1EX Exclusive Agriculture zoned lands. The housing density rights have been exhausted for the original farm.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10897](#)

PETITION: REZONE 10897
APPLICANT: STEVEN F ANDRES
LOCATION: 2783 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA
CHANGE FROM: RH-2 Rural Homes District TO RH-1 Rural Homes
District
REASON: creating a residential lot from an existing residential lot

Allan informed the committee that the petitioner was unable to attend the meeting and requests postponement until the December 8th work meeting.

A motion was made by Salov, seconded by Matano to postpone the zoning petition until the December 8th ZLR work meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10899](#)

PETITION: REZONE 10899
APPLICANT: KENT J STAUDT
LOCATION: 4672 VILAS ROAD, SECTION 6, TOWN OF COTTAGE GROVE
CHANGE FROM: R-2 Residence District TO A-2 (1) Agriculture District
REASON: zoning compliance to allow for the construction of an accessory building

Spoke in favor: Kent Staudt

Spoke in opposition: None

A motion was made by Salov, seconded by Matano that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10900](#)

PETITION: REZONE 10900
APPLICANT: PAUL H LENERZ
LOCATION: E OF 9500 STATE HIGHWAY 19, SECTION 7, TOWN OF BERRY
CHANGE FROM: RH-1 Rural Homes District TO A-4 Agriculture District, A-4 Agriculture District TO RH-1 Rural Homes District
REASON: relocating the existing residential lot to the east of current location

Spoke in favor: Paul Lenerz

Spoke in opposition: None

A motion was made by Kolar, seconded by Matano that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10901](#)

PETITION: REZONE 10901
APPLICANT: MATT HAMACHER
LOCATION: 3279 STATE HIGHWAY 138, SECTION 12, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO C-1 Commercial District
REASON: creating one residential lot and one commercial lot for a lawn care business

Spoke in favor: Matt Hamacher

Spoke in opposition: None

Staff noted concerns with the lot design and highway access issues. Staff will work with the applicant to address the issues.

A motion was made by Kolar, seconded by Bollig to postpone action until the November 10th work meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10902](#)

PETITION: REZONE 10902
APPLICANT: JANET L BERGE
LOCATION: 935 NULAND ROAD, SECTION 33, TOWN OF
DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO R-1 Residence District
REASON: separating the existing residence for the farmland

Spoke in favor: Janet Berge

Spoke in opposition: None

A motion was made by Kolar, seconded by Matano that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10903](#)

PETITION: REZONE 10903
APPLICANT: BROWN REV LIVING TRUST, GERALD W & LAUREL J
LOCATION: 468 LONDON ROAD, SECTION 26, TOWN OF
DEERFIELD
CHANGE FROM: RH-2 Rural Homes District TO A-1EX Agriculture
District
REASON: shifting of property lines between adjacent land owners

A motion was made by Salov, seconded by Bollig to table the zoning petition and take up the frontage waiver request under 2015 LD-037. The motion carried by a voice vote.

A motion was made by Salov, seconded by Bollig to remove the petition from the table. The motion carried by a voice vote.

Spoke in favor: Gerald Brown

Spoke in opposition: None

A motion was made by Salov, seconded by Bollig that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10904

PETITION: REZONE 10904
APPLICANT: OAKRIDGE FARMS LLP
LOCATION: 9371 TURKEY ROAD, SECTION 19, TOWN OF BERRY
CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture District and TO A-2 (2) Agriculture District
REASON: shifting of property lines between adjacent land owners and removing housing density rights from property

Spoke in favor: Kendall Kahl

Spoke in opposition: None

A motion was made by Bollig, seconded by Salov that the zoning petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. Amend the petition to change the requested zoning classification for the subject property lying west of Turkey Road (lot 1, CSM 9791) from A-2(2) Agriculture to CO-1 Conservancy.**
- 2. The applicant shall record a notice document on parcels 0807-202-9196-0, 0807-203-8500-4, 0807-203-9000-7, 0807-292-8500-7, 0807-292-8000-2, 0807-292-9501-4, and 0807-291-9001-0 comprising the original 1981 farm unit indicating that a total of 3 splits remain available under the town density policy.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10905

PETITION: REZONE 10905
APPLICANT: JOHN EDERER
LOCATION: 8600 HORUNIG ROAD, SECTION 10, TOWN OF ROXBURY
CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, R-1A Residence District TO A-1EX Agriculture District
REASON: relocating the existing residential lot to the north of the current location

Spoke in favor: Mark Ederer

Spoke in opposition: None

A motion was made by Salov, seconded by Matano that this zoning petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on parcels 0907-101-8500-5, 0907-101-9000-8, 0907-104-8500-2 to prohibit residential development on the remaining A-1EX Exclusive Agriculture zoned lands. The housing density rights have been exhausted for the original farm.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10906](#)

PETITION: REZONE 10906
APPLICANT: RAPHAEL W WAGNER
LOCATION: 3131 SHADY OAK LANE AND LANDS SOUTHWEST OF
PARCEL, SECTION 5, TOWN OF VERONA
CHANGE FROM: A-3 Agriculture District TO A-1EX Agriculture District
REASON: rezone to allow landowner to receive tax credits from the
State farmland preservation program

Spoke in favor: Ray Wagner

Spoke in opposition: None

A motion was made by Matano, seconded by Salov that this zoning petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10908](#)

PETITION: REZONE 10908
APPLICANT: CHERYL L PATTY
LOCATION: 3033 CASTLETON CROSSING, SECTION 18, TOWN OF
BRISTOL
CHANGE FROM: A-1 Agriculture District TO R-3A Residence District
REASON: zoning compliance for existing duplex

Spoke in favor: Cheryl Patty

Spoke in opposition: None

Allan noted that town of Bristol chairman, Jerry Derr, requests that the petition be postponed to allow time for the applicant to work out a shared driveway agreement with the neighboring property owner.

A motion was made by Matano, seconded by Kolar to postpone action on the petition until no later than the December 8th work meeting. The motion carried by the following vote: 5-0.

Staff was directed to provide the applicant with examples of shared driveway agreements and to contact the town regarding the possibility of granting driveway access to the cul de sac lying to the east.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[CUP 2328](#)

PETITION: CUP 02328
APPLICANT: PERRY M DEPUE II
LOCATION: 3046 HIDDEN VIEW TRAIL, SECTION 2, TOWN OF
SPRINGDALE
CUP DESCRIPTION: dependency living arrangement

Spoke in favor: Perry DePue
Spoke in opposition: None

A motion was made by Salov, seconded by Matano to approve conditional use permit #2328 with conditions. The motion carried by the following vote: 5-0.

1. The dependency living arrangement in the single family residence shall only be used by members of the immediate family (parents). In no event shall the space be used for general rental purposes.
2. The CUP shall expire upon sale of the property to an unrelated third party.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[2015](#)
[OA-018](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF
ORDINANCES, AMENDING THE DANE COUNTY FARMLAND
PRESERVATION PLAN

A motion was made by Matano, seconded by Salov to recommend approval of Ordinance Amendment #18. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

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

E. Plats and Certified Survey Maps

[2015 LD-039](#) Final Plat - Nature's Cove
Town of Middleton, Section 18
Staff recommends conditional approval

A motion was made by MATANO, seconded by KOLAR, to approve the final plat of Nature's Cove with the following conditions. The motion carried by a voice vote.

1. Compliance with the Dane County Comprehensive Plan is to be established.
2. Appropriate turn-around arrangements shall be made on the west end of Dream Catcher Way.
3. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
4. All public land dedications devoted for highway purposes are to be clearly designated "dedicated to the public."
5. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
6. Utility easements are to be provided.
7. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Middleton.
8. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
9. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
10. The required approval certificates are to be satisfied.

[2015 LD-037](#) Brown Revocable Trust CSM - Land Division Waiver application (public road frontage)
Town of Deerfield, Section 26

A motion was made by SALOV, seconded by BOLLIG, to approve the land division waiver . The motion carried by a voice vote.

Finding of fact: Recorded driveway maintenance agreement exists between lots 2 and 3 of CSM 10920. No new development and existing 66' strip of land is currently being farmed.

[2015 LD-038](#) Carriage Ridge 1-lot CSM - Land Division Waiver application (road frontage requirements)
Town of Westport, Section 21

A motion was made by SALOV, seconded by MATANO, to approve the land division waiver . The motion carried by a voice vote.

Finding of fact: Proposed Outlot will be dedicated to the public for parkland purposes as required by the Town of Westport. No development will occur on this lot due to the sensitive environmental features.

F. Resolutions

[2015
RES-254](#)

2016 DANE COUNTY OPERATING BUDGET APPROPRIATIONS RESOLUTION

1. Motion by Kolar, seconded by Matano to recommend approval of budget amendment ZLR 2 to fund a contract for a countywide climate action plan. The motion carried by the following vote: 5-0

Registrants / speakers in support of the amendment: Mary Elliot, John Becker, Supervisor Wegleitner, Seth Nowak, Mitchell Brey.

Registrants / speakers in opposition of the amendment: None

[2015
RES-255](#)

2016 DANE COUNTY CAPITAL BUDGET APPROPRIATIONS RESOLUTION

No action taken

G. Ordinance Amendment

[2015
OA-018](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

See motion above under section C.

[2015
OA-027](#)

AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING ZONING FEES

A motion was made by Bollig, seconded by Kolar to recommend approval of Ordinance Amendment 27. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

H. Items Requiring Committee Action

[2015
RPT-540](#)

Consideration of the 2016 Zoning and Land Regulation Committee meeting schedule

A motion was made by Kolar, seconded by Bollig to postpone action on the 2016 ZLR meeting schedule until the November 10th meeting. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

I. Reports to Committee

J. Other Business Authorized by Law

K. Adjourn

A motion was made by Kolar, seconded by Bollig to adjourn the meeting at 8:47pm. Motion carried by a voice vote.

Questions? Contact Majid Allan, Planning and Development Department, 267-2536, allan@countyofdane.com

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.