

# Dane County



## Minutes

Tuesday, May 24, 2022

6:30 PM

Zoom Webinar ID: 965 6698 4993

Virtual meeting

## 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 KIEFER designated Vice Chair BOLLIG to chair the meeting.  
BOLLIG called the ZLR meeting to order at 6:31 PM

Staff present: Violante, Lane, Andros, Allan and Everson

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, KATE MCGINNITY, and  
MELISSA RATCLIFF

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

KIEFER made a motion to adjourn the meeting due to possible violation with  
open meeting laws. No committee member seconded the motion. Motion failed.

No comments made by the public.

[2022  
RPT-088](#)

May 24, 2022 ZLR Registrants

[2022  
MIN-050](#)

Minutes of the May 10, 2022 Zoning and Land Regulation Committee meeting

A motion was made by DOOLAN, seconded by RATCLIFF, that the May 10, 2022  
minutes be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

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

[11823](#)

PETITION: REZONE 11823  
APPLICANT: MICHAEL LEE SCHMITZ  
LOCATION: 8617 MESSERSCHMIDT ROAD, SECTION 27, TOWN OF SPRINGDALE  
CHANGE FROM: RR-4 Rural Residential District TO RR-2 Rural Residential District, AT-35  
Agriculture Transition District TO RR-2 Rural Residential District, AT-35 Agriculture Transition  
District TO RM-16 Rural Mixed-Use District  
REASON: creating two residential lots

*In support: Michael L Schmitz*

A motion was made by DOOLAN, seconded by RATCLIFF, that the Zoning Petition  
be recommended for approval with conditions. The motion carried by the  
following vote: 5-0.

1. Development of Lot 4 shall comply with the building envelope requirements on  
file at the Springdale Town Hall.
2. A deed restriction shall be recorded on all of the lots (1-4) stating the following:  
Further land division of the property is prohibited.
3. A deed notice shall be recorded on the lots (1-4) stating the following: The lot  
development has exhausted the housing density rights for the property. Further  
development is prohibited per the Town and County Land Use Planning Policies.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02560](#)

PETITION: CUP 02560  
APPLICANT: STEPHAN AND ALEX MESDJIAN  
LOCATION: 2903 BIBLE CAMP ROAD, SECTION 9, TOWN OF DUNN  
CUP DESCRIPTION: transient or tourist lodging

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

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 8 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.
7. Holder of the CUP is required to obtain and keep current 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 of approval (apply to all conditional uses)
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. This includes compliance with the 10PM-7AM neighborhood quiet time noted in the house rules.
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. 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.

15. 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.

16. 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.

17. 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.

18. 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: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

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

[11825](#)

PETITION: REZONE 11825

APPLICANT: JAMES S HUSETH JR

LOCATION: EAST OF 1656 LEWIS ROAD, SECTION 31, TOWN OF SPRINGDALE

CHANGE FROM: AT-35 Agriculture Transition District TO RE Recreational District

REASON: creating an agricultural lot

*In support: Kevin Hanson*

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

1. A deed restriction shall be recorded on the property stating the following: The construction of buildings, residential or non-residential, is prohibited on the property.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11826](#)

PETITION: REZONE 11826  
APPLICANT: DETTMANN VINEYARDS LLC  
LOCATION: 4200 AND 4202 COUNTY HWY P, SECTION 15, TOWN OF CROSS PLAINS  
CHANGE FROM: RR-2 Rural Residential District TO RR-8 Rural Residential District, RR-4 Rural Residential District TO RR-8 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-8 Rural Residential District  
REASON: consolidating two existing residential lots and creating two residential lots

*In support: Ronald R Klaas, Karl Dettmann*

**A motion was made by DOOLAN, seconded by RATCLIFF, that the Zoning Petition be postponed due to no town action and further review. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11827](#)

PETITION: REZONE 11827  
APPLICANT: JOE HOUGAN  
LOCATION: 2351 COUNTY HWY BN, SECTION 22, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District  
REASON: separating existing residence from farmland

*In support: Joe Hougan*

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

**1. Owner shall record a deed restriction on the balance of approximately 27 acres of FP-35 zoned land lying west of CTH BN prohibiting further nonfarm development (tax parcels 0611-222-8500-6, and 0611-222-8000-1).**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11828](#)

PETITION: REZONE 11828  
APPLICANT: DOUGLAS B & GAIL DAHLK  
LOCATION: 8815 COUNTY HWY G, SECTION 9, TOWN OF PRIMROSE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: separating existing residence from farmland

*In support: Dahlk*

**A motion was made by RATCLIFF, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11829](#)

PETITION: REZONE 11829  
APPLICANT: JERRY & SHARON WENDT  
LOCATION: 3511 STATE HWY 138, SECTION 11, TOWN OF RUTLAND  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District,  
RR-8 Rural Residential District TO FP-35 Farmland Preservation District  
REASON: shifting of property lines between adjacent land owners

*In support: Jerry and Sharon Wendt*

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

**1. A minimum of 35 acres of the Sime's FP-35 zoned property shall be included in a Certified Survey Map.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11830](#)

PETITION: REZONE 11830  
APPLICANT: 5211 SOUTHERN AVENUE LLC  
LOCATION: 3445 KELLIHER ROAD, SECTION 32, TOWN OF VERMONT  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,  
RR-2 Rural Residential District TO RR-4 Rural Residential District  
REASON: expanding an existing residential lot

**A motion was made by DOOLAN, seconded by RATCLIFF, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11831](#)

PETITION: REZONE 11831  
APPLICANT: DUANE HUIBREGTSE  
LOCATION: 4579 COUNTY HWY B, SECTION 19, TOWN OF DUNN  
CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, RM-8 Rural Mixed-Use District TO FP-35 Farmland Preservation District  
REASON: reconfiguration of an existing residential lot

*In support: DUANE HUIBREGTSE*

**A motion was made by DOOLAN, seconded by MCGINNITY, that the Zoning Petition be postponed due to concerns and zoning compliance. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11832](#)

PETITION: REZONE 11832  
APPLICANT: DWIGHT & NANCY TRULEN  
LOCATION: 9450 MALONE, SECTION 30, TOWN OF SPRINGDALE  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District  
REASON: separating existing residence from farmland

*In support: Dwight Trulen*

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

**1. A deed restriction shall be recorded on the proposed lot stating the following: Division of the property is prohibited.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11833](#)

PETITION: REZONE 11833  
APPLICANT: JOSHUA & KERSTIN MABIE  
LOCATION: 1390 WASHINGTON ROAD, SECTION 6, TOWN OF ALBION  
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District, RM-8 Rural Mixed-Use District and FP-1 Farmland Preservation District  
REASON: creating two residential lots and one agricultural lot. One residential lot is for an existing residence.

*In support: Josh and Kersten Mabie*

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

**1. Owners shall record a deed restriction on the RM-16, RM-8, and FP-1 lots prohibiting further land division as the housing density units have been exhausted.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02564](#)

PETITION: CUP 02564  
APPLICANT: JOSHUA & KERSTIN MABIE  
LOCATION: 1390 WASHINGTON ROAD, SECTION 6, TOWN OF ALBION  
CUP DESCRIPTION: transient and tourist lodging

*In support: Josh and Kersten Mabie*

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

1. The conditional use permit shall expire upon the sale of the property.
2. Occupancy shall be limited to no more than two adult guests for each bedroom in the residence.
3. If the landowner provides to the zoning administrator a sanitary system inspection report, completed by a licensed plumber, which shows the sanitary system is capable of adequately handling the additional demand, occupancy limits may be increased. Under such circumstances, occupancy shall be determined by the capacity of the sanitary system.
4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
5. 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.
6. 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.
7. The transient and tourist lodging operation must obtain and continue to maintain a short-term rental license approved by the Dane County Division of Environmental Health. The use must also comply with all other 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.
8. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
9. Off-street parking spaces must be provided, consistent with s. 10.102(8) (one per bedroom).
10. 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.
11. 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.
12. 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.



13. 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.

14. 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:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11834](#)

PETITION: REZONE 11834  
APPLICANT: STEVEN J HALVERSON  
LOCATION: WEST OF 686 STATE HIGHWAY 92, SECTION 23, TOWN OF PRIMROSE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

*In support: RAY GILDEN*

**A motion was made by DOOLAN, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[11835](#)

PETITION: REZONE 11835  
APPLICANT: RIAZUL HAQUE  
LOCATION: EAST OF 213 KELLOGG ROAD, SECTION 12, TOWN OF ALBION  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: creating one residential lot

*In support: Nick Schremp; In opposition: Elizabeth Davis*

**A motion was made by RATCLIFF, seconded by MCGINNITY that the Zoning Petition be postponed to allow for a wetland delineation to be completed. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02561](#)

PETITION: CUP 02561  
APPLICANT: BRADD R DRAHEIM  
LOCATION: 4658 STATE HWY 92, SECTION 31, TOWN OF RUTLAND  
CUP DESCRIPTION: limited family business - welding business

*In support: Brad Draheim, In opposition: Traci Schaefer*

**A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02562](#)

PETITION: CUP 02562  
APPLICANT: TYROL PROPERTIES LLC  
LOCATION: 3502 COUNTY HWY JG, SECTION 34, TOWN OF VERMONT  
CUP DESCRIPTION: transient and tourist lodging

*Nathan McGree*

**A motion was made by DOOLAN, seconded by RATCLIFF, that the Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02563](#)

PETITION: CUP 02563  
APPLICANT: KEVIN HAHN  
LOCATION: 1000 FEET SOUTH OF 439 CENTER ROAD, SECTION 28, TOWN OF RUTLAND  
CUP DESCRIPTION: non-metallic mineral extraction operation

*In support: Kevin Hahn, Susan Courter, Mitch Olson, Charles Sweeney, Noah T. Rusch, Curt Brekken, Riana Paquette, Brett Faulkhauser, Britt Paquette; Matt Algeim, Kate Angeles, Rudy Angeles, Devin Hahn, Jessica Hahn, Rob Hill, Royce Donner, Sandra Donner*

*In opposition: Jason Berning, Paul Proctor, Bill Boerigter, Tom Eugster, Mary Knutson, Bonnie Larson, Maureen Rowe, Sharon Seffrood, Gail Simpson, Henry Spelter, Christa Westerberg*

**A motion was made by DOOLAN, seconded by MCGINNITY, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 5-0.**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

## F. Plats and Certified Survey Maps

## G. Resolutions

## H. Ordinance Amendment

### I. Items Requiring Committee Action

#### a. Motion to remove Committee Chair

**A motion was made by MCGINNITY, seconded by DOOLAN, that Chair KIEFER be removed as the chair of the ZLR Committee. County Board Chair MILES was present. The motion carried by the following vote: 6-0 (MILES Aye)**

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

**b. Election of Committee Chair (contingent upon previous motion)**

A motion was made by KIEFER, seconded by BOLLIG, to nominate DOOLAN as the chair. The motion carried by the following vote: 5-0.

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

**J. Reports to Committee**

**K. Other Business Authorized by Law**

**L. Adjourn**

A motion was made by KIEFER, seconded by BOLLIG, that the May 24th Zoning and Land Regulation Committee meeting be adjourned at 10:12 PM. The motion carried by the following vote: 5-0.

**Ayes:** 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF