

# Dane County



## Minutes

Tuesday, August 26, 2014

7:00 PM

City - County Building, ROOM 201  
210 Martin Luther King Jr. Blvd., Madison  
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**Zoning & Land Regulation Committee**

## A. Call to Order

Chair Miles called the meeting to order at 7:12 pm in Room 201.

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

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

No comments made by the public.

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

**10722**

**PETITION: REZONE 10722**

APPLICANT: JACOBS TRUST

LOCATION: 4437 GOODLAND PARK ROAD, SECTION 8, TOWN OF DUNN

CHANGE FROM: B-1 Local Business District TO R-3A Residence District

REASON: correct violation and rezone to multi family zoning - allow 2 homes on site

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10723**

**PETITION: REZONE 10723**

APPLICANT: KALTENBERG REV TRUST

LOCATION: 5202 EASY STREET, SECTION 35, TOWN OF VIENNA

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District

REASON: separating existing residence from farmland

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**CUP 2278**

**PETITION: CUP 2278**

APPLICANT: KALTENBERG REV TRUST

LOCATION: 5202 EASY STREET, SECTION 35, TOWN OF VIENNA

CUP DESCRIPTION: unlimited livestock

**A motion was made by BOLLIG, seconded by MATANO, that the Conditional Use Permit be approved with 2 conditions. The motion carried by a voice vote.**

- 1. Livestock shall be limited to 300 animal units maximum.**
- 2. Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.**

**10724**

**PETITION: REZONE 10724**

APPLICANT: DAVID W SMITHBACK

LOCATION: 1401 COUNTY HIGHWAY B, SECTION 19, TOWN OF CHRISTIANA

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District and RE-1  
Recreational District

REASON: creating one residence lot and one recreational lot

**A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. Lot 2 (RE-1 lot) shall be deed restricted to prohibit residential development.**

**10726**

**PETITION: REZONE 10726**

APPLICANT: RODNEY M BRICKSON

LOCATION: EAST OF 325 COUNTY HIGHWAY N, SECTION 34, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO A-2 (8) Agriculture District

REASON: separating existing residence from farmland

**A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10727**

**PETITION: REZONE 10727**

APPLICANT: TOWN OF DUNN

LOCATION: VARIOUS SECTIONS, TOWN OF DUNN

CHANGE FROM: A-1EX Agriculture District TO VARIOUS ZONING DISTRICTS

REASON: compliance with the adopted dane county farmland preservation plan per wis stats 91.38

**A motion was made by MILES, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10728**

**PETITION: REZONE 10728**

APPLICANT: LOUIS L KWIATKOWSKI JR

LOCATION: 3383 SIGGELKOW ROAD, SECTION 36, TOWN OF BLOOMING GROVE

CHANGE FROM: A-1EX Agriculture District TO R-3A Residence District

REASON: rezone to district allowing for a duplex

**A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. The parcel shall be deed restricted to prohibit further land divisions.**

**10730**

**PETITION: REZONE 10730**

APPLICANT: TOWN OF ALBION

LOCATION: VARIOUS SECTIONS, TOWN OF ALBION

CHANGE FROM: A-1 EX Agriculture TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland Preservation Plan per Wisc Stats 91.38

**A motion was made by SALOV, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. Parcel 0512-223-2282-2, owned by Roger Olson, shall be assigned the zoning district classification of A-2(1).**

**10732**

**PETITION: REZONE 10732**

APPLICANT: TOWN OF BLOOMING GROVE

LOCATION: VARIOUS SECTIONS, TOWN OF BLOOMING GROVE

CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland Preservation Plan per Wisc Stats 91.38

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. The proposed alternate zoning shall be assigned to the specified parcels as noted in the parcel spreadsheet.**

**10733**

**PETITION: REZONE 10733**

APPLICANT: TOWN OF SPRINGFIELD

LOCATION: VARIOUS SECTIONS, TOWN OF SPRINGFIELD

CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland Preservation Plan per Wisc Stats 91.38

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.**

**Town Chair Hoffman stated that the Town would like to change the zoning district classification on one parcel.**

**Tom Ripp stated that he was opposed the zoning change for his parcel.**

**10734**

**PETITION: REZONE 10734**

APPLICANT: WARREN M SCHMIDT

LOCATION: 4965 ROMES CORNERS ROAD, SECTION 24, TOWN OF OREGON

CHANGE FROM: A-1EX Agriculture District TO A-2 Agriculture District

REASON: separating existing residence from the farmland and creating one residential lot

**A motion was made by BOLLIG, seconded by KOLAR, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. A deed restriction shall be recorded on parcels 0509-243-9070-7 and 0509-243-8570-4 to prohibit residential development on the A-1 Exclusive Agriculture zoned land. The housing density rights have been exhausted from the original farm.**

**10735**

**PETITION: REZONE 10735**

APPLICANT: MICHAEL B DEMINTER

LOCATION: 2963 WYNDWOOD WAY, SECTION 19, TOWN OF BRISTOL

CHANGE FROM: R-1 Residence District TO A-1 Agriculture District

REASON: allow 16 feet maximum height for an accessory building

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10736**

**PETITION: REZONE 10736**

APPLICANT: LYNELLE J HEIMZEROTH

LOCATION: NORTH OF 1057 COUNTY HIGHWAY N, SECTION 9, TOWN OF DUNKIRK

CHANGE FROM: R-2 Residence District TO R-3A Residence District

REASON: allow for a single-family or two-family dwelling

**A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.**

**The petition was postponed due to no town action.**

**10737**

**PETITION: REZONE 10737**

APPLICANT: TOWN OF BLACK EARTH

LOCATION: VARIOUS SECTIONS, TOWN OF BLACK EARTH

CHANGE FROM: A-1EX Agriculture District TO Various Zoning Districts

REASON: compliance with the adopted Dane County Farmland Preservation Plan per Wisc Stats 91.38

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. A deed notice shall be placed on the changed parcels identifying that Town of Black Earth approvals are required for any development of the parcel.**

**10738**

**PETITION: REZONE 10738**

APPLICANT: TOWN OF RUTLAND

LOCATION: VARIOUS SECTIONS, TOWN OF RUTLAND

CHANGE FROM: A-1EX Agriculture District TO Various Districts

REASON: compliance with the adopted Dane County Farmland Preservation Plan per Wisc Stats 91.38

**A motion was made by SALOV, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. A deed notice shall be placed on the changed parcel identifying that the zoning change does not constitute a loss of a housing density right from the original farm.**

**10739**

**PETITION: REZONE 10739**

APPLICANT: TODD H TREICHEL

LOCATION: 6658 HARVEST HILL ROAD, SECTION 11, TOWN OF SPRINGFIELD

CHANGE FROM: R-1 Residence District TO A-2 (1) Agriculture District

REASON: allow maximum height of 35 feet for an accessory building

**A motion was made by MATANO, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. A deed restriction shall be placed on the property limiting accessory buildings to a mean height of 18 feet and to a maximum size of 1200 square feet.**

**10740**            **PETITION: REZONE 10740**  
APPLICANT: DCW INVESTMENTS LLC  
LOCATION: 3614 OLD STAGE ROAD, SECTION 35, TOWN OF RUTLAND  
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, RH-2 Rural Homes District, and A-4 Agriculture District  
REASON: separating existing residence from farmland and creating two residential lots

**A motion was made by SALOV, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10741**            **PETITION: REZONE 10741**  
APPLICANT: TODD M MENZEL  
LOCATION: 1815 BRISTOL ROAD, SECTION 1, TOWN OF BRISTOL  
CHANGE FROM: A-1 Agriculture District TO A-2 (2) Agriculture District  
REASON: allow the keeping of livestock on the property

**A motion was made by MATANO, seconded by KOLAR, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10742**            **PETITION: REZONE 10742**  
APPLICANT: ROBERT A SWITZKY  
LOCATION: WEST OF 5441 COUNTY HIGHWAY A, SECTION 22, TOWN OF OREGON  
CHANGE FROM: A-1EX Agriculture District TO RH-3 Rural Homes District  
REASON: creating one residential lot

**A motion was made by BOLLIG, seconded by SALOV, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. A deed restriction shall be place on the remaining A-1 Exclusive Agriculture zone land prohibiting residential development. The housing density rights have been exhausted for this portion of the original farm.**

**10743**            **PETITION: REZONE 10743**  
APPLICANT: AMY M FLUKE  
LOCATION: 3098 HOPE HOLLOW TRAIL, SECTION 30, TOWN OF COTTAGE GROVE  
CHANGE FROM: A-2 (1) Agriculture District TO B-1 Local Business District  
REASON: zoning to allow an event auditorium

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.**

**The petition was postponed to allow time for the Town to address outside entertainment concerns.**

**10746**

**PETITION: REZONE 10746**

APPLICANT: AP WHALEY LLC

LOCATION: NORTHEAST OF 1926 SYVRUD ROAD, SECTION 26, TOWN OF BLUE  
MOUNDS

CHANGE FROM: RH-4 Rural Homes District TO A-B Ag-Business District

REASON: allow seed production business

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**CUP 2277**

**PETITION: CUP 2277**

APPLICANT: HENRY LAND LLC

LOCATION: 7790 PATTON ROAD, SECTION 3, TOWN OF VIENNA

CUP DESCRIPTION: agricultural entertainment activities exceeding 45 days per year - spirit tasting

**A motion was made by BOLLIG, seconded by KOLAR, that the Conditional Use Permit be approved with 6 conditions. The motion carried by a voice vote.**

- 1. Sales of alcoholic beverages by the drink shall be limited to between 10am and 8pm (Thursday - Sunday), and shall be limited to within the existing building as shown on the site plan.**
- 2. Parking shall be limited to 2 areas proposed on the site plan.**
- 3. Outdoor loudspeakers are prohibited.**
- 4. Outdoor lighting shall be limited to what is necessary for safety.**
- 5. Signage for the shall be limited to an entrance sign.**
- 6. Use shall comply with all state and local licensing for the sale and distribution of alcohol.**

**CUP 2279**

**PETITION: CUP 2279**

APPLICANT: DANE COUNTY

LOCATION: 1000 -1220 EAST VERONA AVENUE, SECTION 14, TOWN OF VERONA

CUP DESCRIPTION: Allow governmental, institutional, religious or nonprofit community uses within the A-3 Agriculture Zoning District

**A motion was made by MATANO, seconded by SALOV, that the Conditional Use Permit be approved with 1 condition. The motion carried by a voice vote.**

- 1. Land uses shall be limited to governmental, institutional, religious and non profit community uses.**

**CUP 2280**

PETITION: CUP 2280

APPLICANT: L&S LLC

LOCATION: 2275 FLORENCE DRIVE, SECTION 34, TOWN OF BRISTOL

CUP DESCRIPTION: mineral extraction operation

A motion was made by KOLAR, seconded by BOLLIG, that the Conditional Use Permit be approved with 15 conditions. The motion carried by a voice vote.

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. Operations shall cease no later than 10 years from the date of CUP approval.
4. Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances.
5. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
6. The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."
7. Hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 4:00 p.m. on Saturdays. No operations of any kind shall take place on Sundays or legal holidays.
8. The owner or operator shall notify residents living within ½ mile of the pit of the dates and times for blasting.
9. The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
10. No water shall be pumped or otherwise removed from the site.
11. There shall be no bulk fuel stored on site.
12. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
13. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
14. Dane County and the Town of Bristol shall be listed as additional named insureds on the [name of operator] liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete.
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. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.



**CUP 2281**

**PETITION: CUP 2281**

APPLICANT: FIRST RATE RESORTS LLC

LOCATION: 2671 CIRCLE DRIVE, SECTION 20, TOWN OF PLEASANT SPRINGS

CUP DESCRIPTION: sale of alcoholic beverage by the glass

**A motion was made by MATANO, seconded by KOLAR, that the Conditional Use Permit be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.**

**In Favor: Bert Davis and Pete Hagen.**

**Opposed: Connie Terry, Fern Hosfeld, and Richard Hosfeld. Concerns were raised regarding the safety of the site and the intensification of commercial activity in the rural neighborhood.**

**CUP 2282**

**PETITION: CUP 2282**

APPLICANT: MANDY M THOMAS

LOCATION: 2796 WHITE CROSSING ROAD, SECTION 7, TOWN OF VERONA

CUP DESCRIPTION: unlimited livestock - horse boarding

**A motion was made by BOLLIG, seconded by MATANO, that the Conditional Use Permit be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.**

**The Conditional Use Permit was postponed due to no representation and no town action.**

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

**F. Plats and Certified Survey Maps**

**2014 LD-029** St. Joseph's Ventures 2-lot Certified Survey Map  
Town of Madison, section 34

**Motion by Matano, seconded by Bollig to approve the proposed 2-lot Certified Survey Map. The motion carried by a voice vote.**

**2014 LD-030** Dettman proposed 4-lot CSM, Shared Driveway Easement  
Town of Cross Plains, Section 15

**Motion by Bollig, seconded by Matano to postpone to allow time for staff to work with the applicant and the town of Cross Plains to address the purpose of the shared access easement provision. The motion carried by a voice vote.**

**2014 LD-031** Dale Secher proposed 2-lot CSM, Shared access Easement  
Town of Oregon, Section 16

**Motion by Kolar, seconded by Bollig to postpone to allow time for staff to work with the applicant and the town of Oregon to address the purpose of the shared access easement provision. The motion carried by a voice vote.**

**2014 LD-032** Ehle proposed 2-lot CSM  
Town of Dunkirk, Section 8  
Proposed Lot 2 is seeking approval with no public road frontage.

**Motion by Matano, seconded by Bollig to approve the waiver for lot 2 having no public road frontage. The motion carried by a voice vote.**

**Fact of finding: No new lots are being created as this land division is a rear lot line adjustment. The subject parcel has an existing access easement from Quinn Lane and will continue to do so.**

## **G. Resolutions**

## **H. Ordinance Amendment**

**2014  
OA-042** AMENDING THE DANE COUNTY FARMLAND PRESERVATION PLAN

**A motion was made by KOLAR, seconded by BOLLIG, that the Ordinance be postponed to the Zoning & Land Regulation Committee, due back by 9/9/2014. The motion carried by a voice vote.**

**The ordinance amendment was postponed to allow time for the Department of Agriculture, Trade, and Consumer Protection to review the plan changes.**

## **I. Items Requiring Committee Action**

**2014  
FTR-050** Fund Transfer Request for Clean Air Inventory- POS

**A motion was made by MATANO, seconded by KOLAR, that the Fund Transfer be recommended for approval. The motion carried by a voice vote.**

## **J. Reports to Committee**

## **K. Other Business Authorized by Law**

## **L. Adjourn**

**A motion was made by KOLAR, seconded by MATANO, to adjourn the meeting. The motion carried unanimously. Time: 8:55pm.**

*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.*