



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, June 26, 2018

6:30 PM

City - County Building, ROOM 354
210 Martin Luther King Jr. Blvd., Madison

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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](#) June 26th ZLR Committee meeting registrants

[RPT-112](#)

Attachments: [June 26th ZLR 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

Attachments: [11286 Ord Amend](#)

[11286 Staff](#)

[11286 Town](#)

[11286 Map](#)

[11286 APP](#)

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

Attachments: [11288 Ord Amend](#)

[11288 Staff](#)

[11288 Town](#)

[11288 Density](#)

[11288 Historic info](#)

[11288 Map](#)

[11288 APP](#)

[Petition 4672](#)

[Petition 10839](#)

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

Attachments: [11289 Ord Amend](#)

[11289 Staff](#)

[11289 Town](#)

[11289 Map](#)

[11289 APP](#)

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

Attachments: [11291 Ord Amend](#)

[11291 Staff](#)

[11291 Town](#)

[11291 Density](#)

[11291 Map](#)

[11291 APP](#)

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

Attachments: [11292 Staff](#)

[11292 Density](#)

[11292 Map](#)

[11292 APP](#)

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

Attachments: [11293 Ord Amend](#)

[11293 Staff](#)

[11293 Town](#)

[11293 Map](#)

[11293 APP](#)

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

Attachments: [11294 Ord Amend](#)

[11294 Staff](#)

[11294 Town](#)

[11294 Density](#)

[11294 Map](#)

[11294 APP](#)

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

Attachments: [11295 Ord Amend](#)

[11295 Staff](#)

[11295 Town](#)

[11295 Density](#)

[11295 Map](#)

[11295 APP](#)

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

Attachments: [11296 Ord Amend](#)
[11296 Staff](#)
[11296 DNR Wetland Permit Ltr](#)
[11296 Town](#)
[11296 Map](#)
[11296 Wetland Report](#)
[11296 Conceptual Site Plan](#)
[11296 APP](#)

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

Attachments: [11297 Ord Amend](#)
[11297 Staff](#)
[11297 Town](#)
[11297 Map](#)
[11297 APP](#)

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

Attachments: [11298 Ord Amend](#)

[11298 Staff](#)

[11298 Town](#)

[11299 Density](#)

[11299 Map](#)

[11298 APP](#)

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

Attachments: [11299 Ord Amend](#)

[11299 Staff](#)

[11299 Town](#)

[11299 Density](#)

[11299 Revised CSM](#)

[11299 Map](#)

[11299 APP](#)

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

Attachments: [11300 Ord Amend](#)
[11300 Staff](#)
[11300 Town](#)
[11300 Map](#)
[11300 ALBION](#)

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

Attachments: [11301 Ord Amend](#)
[11301 Staff](#)
[11301 Town](#)
[11301 Map](#)
[11301 APP](#)

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

Attachments: [CUP 2420 Staff](#)
[CUP 2420 Town](#)
[CUP 2420 Map](#)
[CUP 2420 APP](#)
[CUP #2420](#)

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

Attachments: [CUP 2421 Staff](#)

[CUP 2421 Town](#)

[CUP 2421 Density](#)

[CUP 2421 Map](#)

[CUP 2421 APP](#)

[CUP #2421](#)

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

Attachments: [CUP 2422 Staff](#)
[CUP 2422 Town](#)
[CUP 2422 Map](#)
[CUP 2422 APP](#)
[CUP #2422](#)

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

Attachments: [CUP 2424 Staff](#)
[CUP 2424 Town](#)
[CUP 2424 Map](#)
[CUP 2424 APP](#)
[CUP #2424](#)

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.

Attachments: [shared access easement](#)
[BRN30055CC7D2C8_000043](#)

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.

Attachments: [map](#)

[27865 Meadows at Conservancy Place](#)

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](#)

Attachments: [June 2018](#)

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