



# 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?*

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Tuesday, September 20, 2022

6:30 PM

Hybrid Meeting: Attend in person at the City County  
Building in Room 354; or Attend virtually via  
phone/computer.

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See below for additional instructions on how to attend the meeting and provide public  
testimony.

#### A. Call to Order

Chair DOOLAN called the September 20, 2022 Zoning and Land Regulation  
Committee meeting to order at 6:39 PM

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

**Present** 4 - JERRY BOLLIG, MICHELE DOOLAN, KATE MCGINNITY, and MELISSA RATCLIFF

**Excused** 1 - TIM KIEFER

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

No comments made by the public.

[2022](#)  
[RPT-370](#)

September 20th ZLR Committee meeting registrants

**Attachments:** [Sept 20th ZLR Zoom Registration](#)

#### C. Consideration of Minutes

[2022](#)  
[MIN-271](#)

Minutes of the August 23, 2022 Zoning and Land Regulation Committee  
meeting

**Attachments:** [8-23-22 ZLR Work Meeting Minutes.pdf](#)

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Minutes be  
approved. The motion carried by the following vote: 4-0

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

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

[11871](#)

PETITION: REZONE 11871  
APPLICANT: GARY L BAUMGARTNER  
LOCATION: 9808 CTH A, SECTION 23, TOWN OF PERRY  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: separating existing residence from farmland

**Attachments:** [11871 Staff Report.pdf](#)  
[11871 Town Action.pdf](#)  
[11871 Density.pdf](#)  
[11871 Map](#)  
[11871 App](#)  
[11871 DW Easement.pdf](#)

*In support: Gary Baumgartner*  
*Opposed: None*

**A motion was made by RATCLIFF, seconded by MCGINNITY, that the Zoning Petition be postponed until such time as the lot is reconfigured. The motion carried by the following vote: 4-0**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11872](#) PETITION: REZONE 11872  
APPLICANT: PLENDL LIVING TR  
LOCATION: NORTH OF 9569 WILKINSON RD., SECTION 1, TOWN OF MAZOMANIE  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot

**Attachments:** [11872 Staff Report](#)  
[11872 Postponement Request](#)  
[11872 Density](#)  
[11872 Map](#)  
[11872 APP](#)

*Support: Richard Plendl*  
*Opposed: None*

**A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning Petition be postponed until the applicant secures a housing density right. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11873](#) PETITION: REZONE 11873  
APPLICANT: ANTHONY E HENSEN  
LOCATION: 6743 CTH I, SECTION 27, TOWN OF VIENNA  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District, RR-4 Rural Residential District TO RR-8 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11873 Ord Amend](#)  
[11873 Staff Report](#)  
[11873 Town Action](#)  
[11873 Map](#)  
[11873 APP](#)  
[REZONE PETITION 11873 SIGNED COPY](#)

*In support: Dan Paulson*  
*Opposed: None*

**A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**  
**1. A certified survey map shall be recorded with the Register of Deeds.**

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11874](#)

PETITION: REZONE 11874  
APPLICANT: HAHN LIVING TR  
LOCATION: NORTH OF 6480 SCHUMACHER RD., SECTION 28, TOWN  
OF VIENNA  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: creating one residential lot

**Attachments:** [11874 Staff Update](#)

[11874 Town Action](#)

[11874 Density](#)

[11874 Map](#)

[11874 APP](#)

*In support: Dan Paulson, Lonny Hahn, Mac Stevenson*

*Opposed: Diane Rake*

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning  
Petition be postponed due to opposition. The motion carried by the following  
vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11876](#)

PETITION: REZONE 11876  
APPLICANT: MICHAEL DIX  
LOCATION: 3622 GARFOOT ROAD, SECTION 29, TOWN OF CROSS  
PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1  
Farmland Preservation District, FP-35 Farmland Preservation District TO  
RR-4 Rural Residential District, RR-2 Rural Residential District TO RR-4  
Rural Residential District, RR-2 Rural Residential District TO FP-1  
Farmland Preservation District  
REASON: creating residential lot for an existing residence

**Attachments:** [11876 Ord Amend](#)  
[11876 Staff Report](#)  
[11876 Town Action Report](#)  
[11876 Density Study](#)  
[11876 Map](#)  
[11876 APP](#)  
[REZONE PETITION 11876 SIGNED COPY](#)

*In support: Michael Dix*

*Opposed: None*

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

- 1. A certified survey map shall be recorded with the Register of Deeds.**
- 2. Owner shall record a deed restriction on the FP-1 parcel (proposed lot 2) prohibiting residential development.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11877](#)

PETITION: REZONE 11877  
APPLICANT: WILLIAM THORSON  
LOCATION: 75 UNION ROAD, SECTION 36, TOWN OF OREGON  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11877 Ord Amend](#)  
[11877 Staff Report](#)  
[11877 Town Action Report](#)  
[11877 Map](#)  
[11877 APP](#)  
[REZONE PETITION 11877 SIGNED COPY](#)

*In support: William Thorson*  
*Opposed: None*

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

**1. A certified survey map shall be recorded with the Register of Deeds.**

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11878](#)

PETITION: REZONE 11878  
APPLICANT: JERI LAWRENZ  
LOCATION: 7192 COUNTY HIGHWAY V, SECTION 21, TOWN OF DANE  
CHANGE FROM: RR-2 Rural Residential District TO RR-4 Rural  
Residential District, FP-35 Farmland Preservation District TO RR-4 Rural  
Residential District  
REASON: consolidating residential lots into one residential lot

**Attachments:** [11878 Ord Amend](#)  
[11878 Staff Report](#)  
[11878 Town Action](#)  
[11878 Map](#)  
[11878 APP](#)  
[REZONE PETITION 11878 SIGNED COPY](#)

*In support: Jeri Lawrenz, Rob and Christine Krantz*  
*Opposed: None*

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

**1. A certified survey map shall be recorded with the Register of Deeds.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11879](#)

PETITION: REZONE 11879  
APPLICANT: SCHOEPP INCOME TR  
LOCATION: 4600 GARFOOT ROAD, SECTION 4, TOWN OF CROSS  
PLAINS  
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11879 Staff Update](#)  
[11879 Town Action](#)  
[11879 Map](#)  
[11879 APP](#)

*In support: Sheryl Hankel*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

11880

PETITION: REZONE 11880  
APPLICANT: DAN BUSSEY  
LOCATION: 893 STATE HIGHWAY 73, SECTION 15, TOWN OF ALBION  
CHANGE FROM: GC General Commercial District TO RR-2 Rural  
Residential District, RR-1 Rural Residential District TO RR-2 Rural  
Residential District  
REASON: consolidating 3 lots into 1

**Attachments:** [11880 Ord Amend](#)  
[11880 Staff Report.pdf](#)  
[11880 Town Action Report.pdf](#)  
[11880 Map](#)  
[11880 APP](#)  
[REZONE PETITION 11880 SIGNED COPY](#)

*In support: Dan Bussey*

*Opposed: None*

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

**4-0.**

**1. A certified survey map shall be recorded with the Register of Deeds.**

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS



[11881](#) PETITION: REZONE 11881  
APPLICANT: MARK AND PAM HETLAND  
LOCATION: 9243 MOEN ROAD, SECTION 19, TOWN OF CROSS  
PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural  
Residential District  
REASON: shifting of property lines between adjacent land owners

**Attachments:** [11881 Ord Amend](#)  
[11881 Staff Report](#)  
[11881 Town Action Report](#)  
[11881 Map](#)  
[11881 APP](#)  
[REZONE PETITION 11881 SIGNED COPY](#)

*In support: Olivia Dunn*  
*Opposed: None*

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

**1. A certified survey map shall be recorded with the Register of Deeds.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11882](#) PETITION: REZONE 11882  
APPLICANT: HOEL-ORVICK FAMILY IRREV TR  
LOCATION: 5978 PORTAGE ROAD, SECTION 10, TOWN OF BURKE  
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural  
Residential District  
REASON: separating existing residence from farmland

**Attachments:** [11882 Staff Update](#)  
[11882 Town Action](#)  
[11882 Map](#)  
[11882 APP](#)

*In support: Mark Orvick*  
*Opposed: None*

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

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11883](#)

PETITION: REZONE 11883  
APPLICANT: KELLER REV TR, DORA  
LOCATION: ALPINE ROAD WEST OF GLENWAY ROAD, SECTION 34,  
TOWN OF OREGON  
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural  
Mixed-Use District, FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: creating four residential lots

**Attachments:** [11883 Ord Amend.pdf](#)  
[11883 Staff Report](#)  
[11883 Town Action Report](#)  
[11883 density](#)  
[11883 deed 2020.pdf](#)  
[11883 Map](#)  
[11883 APP](#)  
[REZONE PETITION 11883 SIGNED COPY](#)

*In support: Eric Grover*

*Opposed: None*

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

1. A certified survey map shall be recorded with the Dane County Register of Deeds.
2. Joint Driveway Agreements shall be recorded with the Dane County Register of Deeds that provides a joint driveway for Lots 1 & 2 and a joint driveway for Lots 3 & 4.

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11884](#)

PETITION: REZONE 11884  
APPLICANT: DINO LUKAVACKIC AND NOELY KATHY PINEDO  
LOCATION: WEST OF 9713 KAHL ROAD, SECTION 25, TOWN OF  
BLACK EARTH  
CHANGE FROM: FP-1 Farmland Preservation District TO RR-4 Rural  
Residential District  
REASON: zoning to allow residential use

**Attachments:** [11884 Ord Amend](#)  
[11884 Staff Report.pdf](#)  
[11884 Town Action Report](#)  
[11884 Map](#)  
[11884 APP](#)  
[REZONE PETITION 11884 SIGNED COPY](#)

*In support: Dino Lukavackic*  
*Opposed: None*

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

**1. A certified survey map shall be recorded with the Register of Deeds.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11885](#)

PETITION: REZONE 11885  
APPLICANT: JENSEN FAMILY FARM LLC (JERRY JENSEN)  
LOCATION: NORTH AND SOUTH OF TOWN PARK ROAD, SECTION  
15, TOWN OF OREGON  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District, RR-2 Rural Residential District TO FP-35 Farmland  
Preservation District, FP-1 Farmland Preservation District TO FP-35  
Farmland Preservation District, RR-4 Rural Residential District TO FP-35  
Farmland Preservation District  
REASON: rezone to reconfigure lot lines

**Attachments:** [11885 Staff Report.pdf](#)  
[11885 density.pdf](#)  
[11885 Email in opposition.pdf](#)  
[11885 Map](#)  
[11885 APP](#)

*In support: None*  
*Opposed: Jordan Marche*

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

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11886](#)

PETITION: REZONE 11886  
APPLICANT: BUCKYS PORTABLE TOILETS INC  
LOCATION: 1185 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND  
CHANGE FROM: HC Heavy Commercial District TO HC Heavy  
Commercial District  
REASON: revise deed restrictions to allow 5 tenant spaces and addition to  
building

**Attachments:** [11886 Ord Amend](#)  
[11886 Staff Report](#)  
[11886 Town Action Report](#)  
[11886 Map](#)  
[11886 APP](#)  
[REZONE PETITION 11886 SIGNED COPY](#)

*In support: Chuck Kerns*  
*Opposed: None*

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

- 1. Land uses on the HC zoned property shall be limited exclusively to the following: portable toilet rental business; outdoor storage of portable toilet units; offices and manufacturing facilities; office and warehousing for construction businesses; warehousing of business supplies; indoor storage of vehicles; repair of lawn and garden equipment; and personal or professional service (ex. Gym/personal training/cross fit/rehab).**
- 2. Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini warehousing).**
- 3. There shall be a maximum of 5 businesses operating on the property.**
- 4. Outdoor storage of portable toilets shall be limited to the area adjacent to the commercial building as depicted on the site and operations plans submitted as part of zoning petition 11886.**
- 5. The outdoor storage area shall be screened from view by an 8' fence with privacy screening on all sides.**
- 6. Division of the property through a condominium plat is prohibited.**
- 7. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC zoned property to allow the business to have a sign at the road.**

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11887](#)

PETITION: REZONE 11887  
APPLICANT: ROBERT H JOHNSON  
LOCATION: 275 HWY 12 & 18, SECTION 2, TOWN OF CHRISTIANA  
CHANGE FROM: HC Heavy Commercial District TO HC Heavy  
Commercial District  
REASON: modify current deed restriction to allow the construction of a  
personal storage facility - mini-warehouses

**Attachments:** [11887 Ord Amend](#)  
[11887 Staff Report](#)  
[11887 Town Action Report](#)  
[11887 Supplemental Information](#)  
[11887 Map](#)  
[11887 App](#)  
[REZONE PETITION 11887 SIGNED COPY](#)

*In support: Brian Spanos*  
*Opposed: None*

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

- 1. Commercial land uses of the property shall be limited exclusively to the  
following:**
  - a. Personal storage facilities (mini-warehouses)**
  - b. Office uses**
- 2. The installation of off premises (billboard) signage is prohibited.**
- 3. The size and number of signs shall comply with the approved plans. All signs  
constructed on the property shall comply with Dane County zoning regulations  
for signage and lighting.**
- 4. Outdoor storage of any materials, personal items or vehicles is prohibited.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[11889](#)

PETITION: REZONE 11889  
APPLICANT: VINEY ACRES LLC  
LOCATION: EAST OF 2906 SIGGELKOW RD, SECTION 31, TOWN OF  
COTTAGE GROVE  
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: creating one residential lot

**Attachments:** [11889 Ord Amend.pdf](#)  
[11889 Staff Report](#)  
[11889 Town Action Report](#)  
[11889 Density Study](#)  
[11889 Revised CSM.pdf](#)  
[11889 Map](#)  
[11889 App](#)  
[REZONE PETITION 11889 SIGNED COPY](#)

*In support: Don Viney*  
*Opposed: None*

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

1. The TDR-R overlay zoning district shall be applied to the proposed RR-2 parcel.
2. Owner shall record a deed restriction prohibiting nonfarm development on the TDR sending property (tax parcels 071136393300 – Lot 3, CSM 15926).
3. Owner shall record a deed restriction prohibiting nonfarm development on the remaining ~30 acres of FP-1 zoned land from the receiving property (parcel 0711-311-8010-0 - proposed lot 1 of the Certified Survey Map).
4. Owner shall record a TDR-R Notice document on the proposed RR-2 parcel indicating that the lot was created as the result of transfer of development rights.
5. The final Certified Survey Map shall include dedication of additional land at the curve of Sigglekow Road, at a 45-degree angle as determined by the town, to allow for future smoothing of the curve.

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[02572](#)

PETITION: CUP 02572

APPLICANT: KATIE KWAS & MICHAEL THOMPSON

LOCATION: 6537 SHADY BEND RD, SECTION 25, TOWN OF VERONA

CUP DESCRIPTION: limited family business - small dog kennel

**Attachments:** [CUP 2572 Staff Update](#)

[CUP 2572 Letter in Opposition - Beske](#)

[CUP 2572 Letter in Opposition - Pailing](#)

[CUP 2572 Letter in Opposition - Scidmore](#)

[CUP 2572 Map](#)

[CUP 2572 App](#)

*In support: Michael Thompson and Katie Kwas*

*Opposed: Bill and Julie Pailing, Janet Nodorft, Rob Fleissner, Dale Beske, Dave and Brenda Scidmore*

**A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be postponed due to opposition and no town action. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS



[02573](#)

PETITION: CUP 02573  
APPLICANT: BRAD & LAURA TISCH  
LOCATION: 10962 MOEN RD, SECTION 31, TOWN OF PERRY  
CUP DESCRIPTION: cup for transient or tourist lodging

**Attachments:** [CUP #2573.pdf](#)  
[CUP 2573 Staff Report](#)  
[CUP 2573 Town Action Report](#)  
[CUP 2573 Environmental Health Comments](#)  
[CUP 2573 Map](#)  
[CUP 2573 APP](#)

*Support: Brad Tisch*

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

1. The conditional use permit shall expire upon the sale of the property.
2. No more than four bedrooms on the premises shall be rented out, to no more than eight overnight guests. No more than eight persons shall be on the premises at any one time.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. 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.
5. 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.
6. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements, including Short-Term Rental/Tourist Rooming House licensing from the Department of Public Health. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. At least four off-street parking spaces must be provided, consistent with s. 10.102(8).
9. 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.
10. 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.

11. 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.

12. 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.

13. 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.

14. Quiet hours shall be 10:00 PM – 8:00 AM.

15. No parties or events are allowed.

16. No pets are allowed.

17. No ATVs or snowmobiles may be driven on the property or on Town roads.

18. No fireworks are allowed.

19. No firearms are allowed.

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

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

[11867](#)

PETITION: REZONE 11867  
APPLICANT: ZACHARY BRUMM  
LOCATION: 4301 ACKER ROAD, SECTION 8, TOWN OF BURKE  
CHANGE FROM: HC Heavy Commercial District TO MI Manufacturing and  
Industrial District  
REASON: allow the operation of a type 1 salvage yard

**Attachments:** [11867 Ord Amend.pdf](#)  
[11867 Staff Update](#)  
[11867 Town Action Report](#)  
[11867 App](#)  
[11867 Map](#)  
[REZONE PETITION 11867 SIGNED COPY](#)

*Support: Brumm, Atty. Proctor*

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

**1. Owner shall record a deed restriction on the property that states the following:**

**a. Land uses on the property shall be limited exclusively to the following:**

- Contractor, landscaping or building trade operations
- Indoor storage and repair
- Indoor sales.
- Light industrial uses
- Off-site parking lot or garage
- Office uses.
- Outdoor sales, display or repair.
- Outdoor storage
- Personal or professional service
- Utility services.
- Vehicle repair or maintenance services
- Salvage recycling operations

**b. Any signage on the property shall comply with both section 10.800 of the Dane  
County Code of Ordinances (Dane County Sign Ordinance) and applicable city of  
Madison sign regulations, as specified in the Town of Burke, Village of DeForest,  
City of Sun Prairie, and City of Madison Cooperative Plan. In the event of a  
conflict between the Madison and Dane County sign regulations, the more  
restrictive regulations shall apply.**

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

[02570](#)

PETITION: CUP 02570  
APPLICANT: ZACHARY BRUMM  
LOCATION: 4301 ACKER ROAD, SECTION 8, TOWN OF BURKE  
CUP DESCRIPTION: salvage yard

**Attachments:** [CUP 2570 Staff Update](#)  
[CUP 2570 Town Action Report](#)  
[CUP 2570 Operations Plan](#)  
[CUP 2570 Map](#)  
[CUP 2570 App](#)

*Support: Brumm, Atty. Proctor*

A motion was made by RATCLIFF, seconded by MCGINNITY, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

1. Any conditions required for specific uses listed under s. 10.103, specifically, 10.103(17).
2. 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 condition includes applicable requirements listed in the town of Burke conditions (see conditions 14-35).
3. 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 Commercial Building Code or Uniform Dwelling Code.
4. 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.
5. 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.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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.
10. 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.

11. 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.

12. 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.

13. 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.

**TOWN CONDITIONS:**

14. This conditional use is strictly for Zachary Brumm, doing business as ZB Salvage & Recycling located at 4301 Acker Road in the Town of Burke.

15. Owner must provide sanitary facilities such as well and septic.

16. Hours of operation shall be limited as follows:

a. 8:00 a.m. to 5:00 p.m., Monday through Friday

b. 8:00 a.m. to 12:00 p.m., Saturday.

17. No outdoor operations of any kind shall take place on Sundays or legal holidays.

18. Property must be screened with privacy fencing per photo provided in application such as corrugated steel panels. The fence shall be painted in a consistent color. Front fence will be 6 feet in height and 8 feet on the sides with no fence in back where the 8-foot berm already exists.

19. Dismantling of vehicles shall take place inside the building.

20. All business vehicles and machinery shall be kept in running condition and in good maintenance.

21. Driveway improvements must be permitted by the Town and must be with stormwater run off in mind. Neighbor properties must not be negatively impacted. There shall be an asphalt apron, size and placement approved by the Town engineer, to mitigate mud and gravel to travel out onto Acker Road.

22. Property must contain lighting.

23. Outdoor signage must meet Dane County zoning requirements.

24. Owner shall meet DNR standards for indoor and outdoor storage of salvaged vehicles.

25. An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.

26. Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in an orderly manner.

27. The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.

28. All hazardous materials or liquids must be stored properly.

29. Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

30. The applicant shall apply for and receive all other required local, state, and federal permits.

31. The conditional use permit shall be for a Type 1 License Salvage Yard only.

32. The Conditional Use Permit (CUP) shall expire upon sale of property.

33. There will be no car crushing at this location.

- 34. There will be no vehicle storage (stacking) higher than fence height in front.
- 35. Screening of current trees or replacement with arborvitaes in front of fence between Acker Rd and fence is required.

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

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

[2022 LD-010](#) Final Plat - Evan's Crossing  
Town of Middleton  
Staff recommends conditional approval

**Attachments:** [conditional approval](#)  
[220912\\_Final Plat \(08-17-22\)](#)  
[map](#)  
[planning](#)

A motion was made by BOLLIG, seconded by MCGINNITY, that the final plat of Evan's Crossing be approved with conditions. The motion carried by the following vote: 4-0.

1. Compliance with the Dane County Comprehensive Plan is to be established.
  2. All public land dedications are to be clearly designated "dedicated to the public."
    - PEYTON PARKWAY will be dedicated to the public.
  3. Utility easements are to be provided.
    - Easements across lots or along rear or side lot lines shall be provided for utilities where necessary, shall be at least 6 feet wide on each side of lot lines
  4. All street names PEYTON PARKWAY shall be consistent with chapter 76 of the Dane County Ordinances.
    - Dane County Surveyor: PEYTON PARKWAY is a satisfactory road name.
  5. Comments from the Dane County Public Health department are to be satisfied:
    - Public Health would like confirmation on the actions proposed for the existing septic's and wells.
    - The septic for 0708-292-8425-9 appears to fit completely within Lot 13 and could remain if a reconnection permit is provided for the new house to be built on the lot and the new house is built with the same number of bedrooms as the existing house on this system.
    - The septic for 0708-292-8415-1 does not fit within Lot 4 completely given the currently proposed lot lines. If this septic is retained for the future house on Lot 4 a change in lot lines should be considered to keep all of the septic system on the lot served by the system.
- 210 Martin Luther King Jr. Blvd. □ City-County Bldg, Room 116 □ Madison, WI 53703-3342 □ Phone: 608.266.9086 □ Fax: 608.267.1540
- As above, a reconnection permit would be needed and the house would need to be built with the same number of bedrooms as the existing house.
- Both existing wells are located in the proposed roadway for the development and will need to be filled and sealed before demolition begins.
  - RESPONSE - the existing septic systems will not be reused and will be removed. As you mentioned, existing wells will also be filled and sealed per requirements.
6. Existing structures and on-site septic systems are to be removed.
  7. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established, prior to any land disturbance.
  8. Compliance with Ch. 14.46 DCCO, Stormwater Control Permit is to be established, prior to any land disturbance

9. The Dane County approval certificate is to be revised to reflect the committee as Zoning and Land Regulation Committee.

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

## G. Resolutions

[2022  
RES-146](#)

AMENDING THE 2022 OPERATING BUDGET TO FUND EXTENSION OF FARMLAND PRESERVATION PLAN PROJECT ASSISTANTS THROUGH DECEMBER 31, 2022

**Sponsors:** DOOLAN and RATCLIFF

**Attachments:** [2022 RES-146](#)

[2022 RES 146 Fiscal Note](#)

[2022 RES-146 SIGNED COPY](#)

A motion was made by RATCLIFF, seconded by BOLLIG, that the Resolution Requiring 2/3rds Vote be recommended for approval. The motion carried by the following vote: 3-0-1 (Doolan abstained)

**Ayes:** 3 - BOLLIG, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS

**Abstain:** 1 - DOOLAN

## H. Ordinance Amendment

### I. Items Requiring Committee Action

[2022  
DISC-016](#)

Discuss additional ZLR Committee meeting dates for the review of the 2023 Budget

**Attachments:** [Possible ZLR meeting dates](#)

The Committee decided to hold Budget review meetings on October 3rd at 5:00pm and on October 19th at 5:00pm.

[2022  
DISC-013](#)

Discuss reconsideration of CUP 2563, Kevin Hahn, Section 28, Town of Rutland, non-metallic mineral extraction operation

**Attachments:** [CUP reconsideration memo](#)  
[Reconsideration of CUP 2563](#)

No action taken by the Committee



## J. Reports to Committee

[2022](#) Report of approved Certified Survey Map applications  
[RPT-341](#)

Attachments: [Sep\\_2022](#)

## K. Other Business Authorized by Law

## L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, that the meeting be adjourned at 8:40 PM. The motion carried by the following vote: 4-0.

**Ayes:** 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

**Excused:** 1 - KIEFER

**Absent:** 1 - ROSS