



# 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, January 23, 2024

6:30 PM

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

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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 meeting of the ZLR Committee to order at 6:30pm in Room 354 of the City-County Building.

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

**Present** 3 - JERRY BOLLIG, MICHELE DOOLAN, and TIM KIEFER

**Excused** 2 - KATE MCGINNITY, and MELISSA RATCLIFF

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

No comments made by the public.

[2023](#)  
[RPT-495](#)

January 23, 2024 ZLR Registrants

**Attachments:** [January 23rd ZLR registrations](#)

#### C. Consideration of Minutes

[2023](#)  
[MIN-460](#)

January 9, 2024 ZLR Committee Meeting Minutes

**Attachments:** [01-09-2023 ZLR Work Meeting Minutes](#)

A motion was made by BOLLIG, seconded by KIEFER, that the January 9, 2024 meeting minutes be approved. The motion carried by the following vote: 3-0.

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

[11997](#)

PETITION: REZONE 11997  
APPLICANT: GREG DUCKERT IRREV TRUST  
LOCATION: 2296 TOWER ROAD, SECTION 24, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: RR-16 Rural Residential District TO RM-16 Rural Mixed-Use District  
REASON: change zoning district to allow an expanded set of land uses for future buyers

**Attachments:** [11997 Staff Report](#)  
[11997 Site Buildings Map](#)  
[11997 Zoning violation letter](#)  
[11997 PLEASANT SPRINGS MAP](#)  
[11997 APP](#)

*In Support: Greg Duckert, Toni Gardner*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed due to no town action and to allow time for the violation to be corrected. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11998](#)

PETITION: REZONE 11998  
APPLICANT: VALCON LLC (JEFF VALENTINE)  
LOCATION: 8330 US HWY 14, SECTION 11, TOWN OF CROSS PLAINS  
CHANGE FROM: FP-1 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: create residential lot to correct land use violation

**Attachments:** [11998 Staff Report](#)  
[11998 Town Action](#)  
[11998 Violation Notice - Illegal Structures Placement](#)  
[11998 CROSS PLAINS MAP](#)  
[11998 APP](#)

*In Support: Jeff Valentine*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed to allow time for the applicant to get Wisconsin DOT access approval. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11999](#)

PETITION: REZONE 11999  
APPLICANT: JOHN AND CLARISE KALSCHEUR (C/O KIP  
KALSCHEUR)  
LOCATION: EAST OF 9180 W. MINERAL POINT RD, SECTION 20,  
TOWN OF CROSS PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural  
Residential District  
REASON: creating one residential lot

- Attachments:** [11999 Staff Report](#)  
[11999 density](#)  
[11999 CROSS PLAINS MAP](#)  
[11999 APP](#)

*In Support: none*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed to allow time for town action. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG, DOOLAN and KIEFER

**Excused:** 2 - MCGINNITY and RATCLIFF

12000

PETITION: REZONE 12000  
APPLICANT: BARMAN LIVING TR (JOE BARMAN)  
LOCATION: 3818 GARFOOT RD, SECTION 20, TOWN OF CROSS  
PLAINS  
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural  
Residential District  
REASON: create two residential lots via transfer of development rights  
(TDR), transferring a density unit from property owned by Ziegler in  
section 10 (parcels 070710183200 & 070703492500) to the Barman  
property

- Attachments:** [12000 Ord Amend](#)  
[12000 Staff Report](#)  
[12000 Town Action](#)  
[12000 TDR-R density study](#)  
[12000 TDR-S density study-revised](#)  
[12000 DR allocation](#)  
[12000 TDR Easement](#)  
[12000 Previous TDR \(11973\) notice](#)  
[12000 CROSS PLAINS MAP](#)  
[12000 APP](#)

*In Support: Joseph Barman*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 3-0.**

- 1. A deed notice shall be recorded on CSM Lots 1 and 2 that indicates they were created by a transfer of development rights.**
- 2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the new residential CSM lots.**

**Ayes:** 3 - BOLLIG, DOOLAN and KIEFER

**Excused:** 2 - MCGINNITY and RATCLIFF

[12001](#)

PETITION: REZONE 12001  
APPLICANT: ELIZABETH J KRANTZ (C/O WAYNE KRANTZ)  
LOCATION: 3419 CTH P, SECTION 34, TOWN OF CROSS PLAINS  
CHANGE FROM: FP-1 Farmland Preservation District TO RR-4 Rural Residential District, FP-1 Farmland Preservation District TO RR-8 Rural Residential District  
REASON: create two residential lots and one agricultural lot

- Attachments:** [12001 Ord Amend](#)  
[12001 Staff Report](#)  
[12001 Town Action](#)  
[12001 density](#)  
[12001 CROSS PLAINS MAP](#)  
[12001 APP](#)

*In Support: Wayne Krantz*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 3-0.**

- 1. The recorded certified survey map shall designate access points as approved by the County Highway Department.**
- 2. Public road right of way along Lots 1 and 2 shall be dedicated for highway use a minimum of 40 feet from the centerline of CTH J.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[12002](#)

PETITION: REZONE 12002  
APPLICANT: HALCYON TR (RON & SHEILA ENDRES)  
LOCATION: 3269 MOUND VIEW RD, SECTION 31, TOWN OF MIDDLETON  
CHANGE FROM: AT-5 Agriculture Transition District TO RR-4 Rural Residential District, AT-5 Agriculture Transition District TO NR-C Natural Resource Conservation District  
REASON: shift property line between adjacent landowners to expand conservancy land

- Attachments:** [12002 Staff Report](#)  
[12002 MIDDLETON MAP](#)  
[12002 APP](#)

*In Support: Kevin Thusius*  
*Opposed: none*  
*Neither in Support nor Opposed: Chad Ge*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be postponed to allow time for town action. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[12003](#)

PETITION: REZONE 12003  
APPLICANT: SCREAMIN' NORWEGIAN FARMS LLC (PUNKY SKAAR)  
LOCATION: 1885 SKAAR RD, SECTION 26, TOWN OF COTTAGE GROVE  
CHANGE FROM: FP-35 Farmland Preservation District TO SFR-1 Single Family Residential District  
REASON: create two residential lots via transfer of development rights (TDR) from owner's other parcels 0711-354-9500-3 & 0711-361-9000-9

- Attachments:** [12003 Ord Amend](#)  
[12003 Staff Report](#)  
[12003 Town Action](#)  
[12003 TDR Exhibit](#)  
[12003 Email request to change sending property](#)  
[12003 COTTAGE GROVE MAP](#)  
[12003 COTTAGE GROVE rev](#)

*In Support: Neli Skaar*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 3-0.**

1. Owner shall record a deed restriction on the sending property (tax parcel 0711-361-9000-9) stating the following:
  - a. Residential development is prohibited on the remaining FP-35 zoned land (NE 1/4 of the NE 1/4, section 36, Town of Cottage Grove). The housing density rights for the original Steven and Gary Swalheim farm have been exhausted per the Town Comprehensive Plan density policies.
2. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be applied to the two SFR-1 lots.
3. A deed notice document shall be recorded on the two SFR-1 lots being created by Certified Survey Map indicating the lots were created by a transfer of development rights.

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[12004](#)

PETITION: REZONE 12004  
APPLICANT: KRISTEN AND RANDY SWENSON  
LOCATION: 2326 SKAALEN RD, SECTION 34, TOWN OF PLEASANT SPRINGS  
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: expand the size of a residential lot

**Attachments:** [12004 Ord Amend](#)  
[12004 Staff Report](#)  
[12004 Town Action](#)  
[12004 PLEASANT SPRINGS MAP](#)  
[12004 APP](#)

*In Support: Kristen Swenson*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Zoning Petition be recommended for approval with no conditions. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[02610](#)

PETITION: CUP 02610  
APPLICANT: SN WINDY ACRES LLC (SCOTT NIEBUHR)  
LOCATION: 3160 COUNTY HWY J, SECTION 1, TOWN OF SPRINGDALE  
CUP DESCRIPTION: renew CUP to allow transient or tourist lodging (airbnb)

**Attachments:** [CUP 2610 Staff Report](#)  
[CUP 2610 Previous CUP 2504](#)  
[CUP 2610 SPRINGDALE MAP](#)  
[CUP 2610 APP](#)

*In Support: Scott Niebuhr*  
*Opposed: none*

**A motion was made by KIEFER, seconded by BOLLIG, that the Conditional Use Permit be postponed to allow time for town action. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF



[2023  
OA-068](#)

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS AND REZONES

**Sponsors:** DOOLAN and BOLLIG

**Attachments:** [2023 OA-068](#)  
[2023 OA-068 FISCAL NOTE](#)  
[2023 OA-068 Memo to Towns](#)

A motion was made by KIEFER, seconded by BOLLIG, to amend the Ordinance Amendment by modifying text in lines 235-236 to insert the words "If the owner operates a business that is open to the public" before the current condition language.

The motion failed by the following roll call vote: 1-2 (Ayes KIEFER, Noes DOOLAN and BOLLIG)

*In Support: Renee Lauber, Town of Verona Supervisor Tom Mathies*  
*Opposed: none*

A motion was made by KIEFER, seconded by BOLLIG, that the Ordinance Amendment be postponed to allow the statutory 30 days for town actions. The motion carried by the following roll call vote: 3-0.

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

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

## F. Plats and Certified Survey Maps

[2023 LD-011](#) Preliminary Plat - Swalheim Business Park  
Town of Cottage Grove  
Staff recommends denial based on issues with Land Suitability, Ch.  
75.13

**Attachments:** [Swalheim report](#)  
[Swalheim Letter 01-03-24](#)  
[11960 CAL Notice](#)  
[210194-Preliminary Plat 111523  
acceptance](#)  
[Hydric Soils Map](#)  
[SM2022-0366 Permit Card 2023-03-21 134743](#)  
[SM2022-0366 Permit Review Letter 2023-03-21](#)

A motion was made by KIEFER, seconded by BOLLIG, that the preliminary plat be denied. The motion carried by the following vote: 3-0.

Finding of fact: The plat was determined to be unsuitable per Ch. 75.13 for the following reasons:

1. Lots 3, 4, 5, 6, 9, and 10 do not have the adequate soils to support an on-site septic systems. Holding tanks are not permitted for new commercial development per the Town Plan policies.
2. Lots 4 and 5 have the potential of future flooding. The lots are directly adjacent to wetlands and approximately 2 to 4 feet above the pond level on the adjacent lot. The Soil Evaluator identified standing water on lots 4 and 5. The area is being artificially drained with drain tile which could present flooding issues when disturbed by development.

Ayes: 3 - BOLLIG, DOOLAN and KIEFER

Excused: 2 - MCGINNITY and RATCLIFF

## G. Resolutions

## H. Ordinance Amendment

4. [2023  
OA-068](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS AND REZONES

**Sponsors:** DOOLAN and BOLLIG

**Attachments:** [2023 OA-068](#)  
[2023 OA-068 FISCAL NOTE](#)  
[2023 OA-068 Memo to Towns](#)

No action taken, see actions above under the public hearing item.

**I. Items Requiring Committee Action**

**J. Reports to Committee**

**K. Other Business Authorized by Law**

**L. Adjourn**

A motion was made by KIEFER, seconded by BOLLIG, to adjourn the meeting at 8:30pm. The motion carried unanimously.