

Lane, Roger

From: Anne Murray <amm826@gmail.com>
Sent: Sunday, August 24, 2025 9:17 AM
To: plandev@dancounty.gov
Cc: Lane, Roger; chair@townofmazomaniewi.gov; Doolan, Michele; Bollig, Jerome
Subject: ZLR Meeting on 26 August - Input for Agenda Item PETITION: CUP 02668
Attachments: 250818 Letter to Town Board.pdf; Traffic Flow Restriction vs No Restriction.pdf; Ordinance Amendment.pdf; DHNA Petition - Oppose Commercial and Industrial Development in Dunlap Hollow.pdf; LC Dane County Information Sheet Highlighted.pdf; Andrews Living Trust SWO 29APR2025.pdf

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Dear Dane County,

My husband and I are unsure if we will be able to attend the Zoning & Land Regulation Committee meeting this coming Tuesday. We know of other neighbors who would also like to attend, but may not be able to because the hearing was rescheduled with less than a week's notice. We note that the agenda was only posted this past Thursday, and differs from the print notice we received by mail more than a month ago.

Please find attached a letter and zoning information sheet, which we ask you to consider at the meeting. We submitted this same letter to the Mazomanie Town Board last week. I attended the Town meeting in person and the Town was split on this issue, voting 3-2. Please include our letter in the record, and know that our concerns in the letter remain our concerns today.

We also ask you to consider the attached maps, which helpfully explain why the traffic-flow restriction has been in place for ten years. The restriction requires business traffic to turn West, reducing the number of miles traveled on town roads and causing the least impact to residents. We ask you to include these maps in the record.

Additionally, attached is a petition approved by the members of the Dunlap Hollow Neighborhood Association, currently consisting of 15 residents of Dunlap Hollow. Residents oppose commercial activity in our community.

We are also concerned with the procedure currently being used. Back in 2015, the traffic-flow restriction was a condition of both CUP Petition No. 2327 and Limited Commercial Rezone Petition No. 10891. We do not believe the current CUP Petition No. 2668 is an appropriate procedure for modifying a previous CUP and the zoning ordinance for this property, given the legislative history of the restriction. See attached the ordinance amendment approved in 2015, which contains the traffic-flow restriction, and was made a condition of the Rezone Petition. The Dane County Zoning Administrator, Mr. Roger Lane, informed us that our concern has merit.

Lastly, we believe the Petitioner has received a stop work order from Dane County (see attached), as well as complaints of zoning violation, which Mr. Lane investigated. We ask that these concerns be resolved first, before the County considers approval of any modifications to this property.

Thank you.

Anne Murray

9760 Wilkinson Rd, Mazomanie

August 18, 2025

To the Mazomanie Town Board:

We write to you today to ask that you delay a decision on a request by our neighbor, Tim Andrews, to remove a zoning restriction on his nonconforming property. The restriction, as currently written, requires “Business related traffic to be via Hwy 78 and the West end of Wilkinson Road.” At this time, we support the zoning restriction, and oppose Tim’s request to remove it. These are our reasons:

1. **His Business Has Too Many Vehicles.** Tim Andrews’s property is zoned Limited Commercial, which according to the Dane County Zoning Information Sheet restricts him to no more than “12 total vehicles and pieces of construction equipment.” In 2015, he requested and was granted a conditional use permit to exceed the 12-vehicle limitation. To lessen the impact on Tim’s closest neighbors, like us, the Town and County imposed a reasonable traffic restriction on his property, requiring his excessive traffic to use the shortest route to the state highway. If Tim wants to remove this traffic restriction now, you should require him to comply with the County’s regular zoning rule limiting his business to 12 vehicles. In the alternative, if he wants to continue to operate more than 12 vehicles on Wilkinson Road, he should be required to keep the traffic flow restriction in place.
2. **He is Always Asking for More.** This is the 3rd time in 8 months that Tim has come to you asking for special exceptions. He keeps coming back asking you to remove restrictions and grant or continue conditional permits. Why can’t he follow the zoning rules in effect for everyone else in the County?
3. **Many Neighbors Are Concerned.** Many of the residents of Dunlap Hollow oppose this latest request. We know of no residents who want Tim’s traffic to flow east up the Dunlap Hollow. We understand that the number one concern for residents is the excessive vehicle traffic that his business generates.

We are Tim’s nearest neighbors to the east. We would be the first impacted by this change. So, we ask: if the traffic flow restriction has worked for everyone for 10 years, why remove it now—what prompted Tim to request this change and to request it now?

The restriction was put in place to protect Tim’s nearest neighbors like us, who bought our land never expecting a business to move in next door. When we bought our land in 2012, Tim’s property was zoned exclusive agricultural. We expected a farm. We expected a farmhouse. We didn’t expect nonconforming commercial activity.

We would like a little more time to discuss our many concerns with Tim, and believe we are close to an agreement that would resolve several disputes between us, as well as lessen the impact of his commercial activity on our property rights. **We ask you to delay your decision by one month** to give Tim Andrews a little more time to resolve our concerns—the concerns of the neighbor most impacted by this decision. Thank you.

Sincerely,

*Andrew + Anne Murray
9760 Wilkinson Road*



Water Resource Engineering Division

Dane County Land & Water Resources Department

Jeremy Balousek, P.E., Division Manager

Stop Work Order

Date: 4/29/25 Location: Town of Mazomanie, Section 1 Parcel #: 080601386005, 080601385506, 080601386400
Address: Wilkinson Rd
Owner(s): Andrews Living Trust Permit #: None

A stop work order has been placed on the project for:

- ☒ Land disturbing activity in excess of 4000 sq. ft. without a permit.
- ☒ Land disturbing activity in the shoreland zone without a permit.
- ☐ Land disturbing activity involving more than 100 lineal feet of ditch or channel.
- ☐ Construction of a road or access drive exceeding 125' in length.
- ☐ Violating or failing to comply with conditions of an existing permit as described below:
- _____
- _____
- _____

All work on this project shall cease until appropriate permits and approvals have been obtained and the Stop Work Order has been removed by a representative of the Dane County Water Resource Engineering Division.

You must submit any required materials or perform the necessary installations/repairs by
5/12/2025 **at 4:00 P.M.**

The only exception to this Stop Work Order is for the immediate installation of erosion and sediment control measures. Continuation of project work will result in further enforcement action.

Please contact our office at the number below concerning this stop work order. Thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'L. F. Anderson'.

A Petition of the DUNLAP HOLLOW NEIGHBORHOOD ASSOCIATION (DHNA):

Our Residents Oppose Commercial and Industrial Development in Dunlap Hollow

We, the residents of Dunlap Hollow and surrounding communities, write in opposition to any proposal presented to the Town of Mazomanie or County of Dane to introduce or expand commercial or industrial activities in Dunlap Hollow, and to encourage the Town and County to direct more intensive land-use activities to nearby villages or other suitable locations along public highways.

This petition is presented in full accord with Town of Mazomanie Land Use Objective THREE in the TOWN OF MAZOMANIE COMPREHENSIVE PLAN adopted November 4, 2024, the goal of which is to “[g]uide land preservation and land use change in a manner that preserve agricultural opportunities, natural resources, and the Town’s unique and at times majestic rural character,” in part by taking action as a Town Board to “[d]irect residential, commercial, and industrial development that is larger-scale to nearby villages where a range of urban services is provided.”

In particular, we have determined as a community that commercial and industrial activity, to include Limited Commercial activity:

(1) Dramatically increases daily traffic on our narrow, curvy, and rural town roads by large trucks and heavy equipment, far exceeding the traffic expected of agricultural and rural residential use, decreasing safety and enjoyment of the roads by other residents;

(2) Amplifies noise and light pollution on neighboring properties, degrading the quiet enjoyment of private property as well as shared natural resources; and

(3) Decreases property values from direct and indirect effects, and negatively impacts a treasured natural resource, the Dunlap Hollow, which is one of the last natural creek marshes in the driftless region of Dane County—destroying the agricultural, natural, and majestic rural character of our community.

We re-affirm our commitment to the community’s current agricultural and rural residential zoning, and further continue to support our neighbors who seek to operate small, family businesses on existing parcels, in keeping with current zoning ordinances and the existing character of the Dunlap Hollow community.

This petition is hereby approved by our members and residents.

LC Limited Commercial Zoning District

Zoning district intended for small scale businesses

CH. 10-Zoning, [Section 10.271](#)

Purpose of the Limited Commercial District 10.271(1)

- The Limited Commercial Zoning district is intended for small commercial uses that may need to locate in predominantly rural areas due to their often large service areas, and their need for larger lot sizes. In appearance and operation, such uses are often similar to agricultural uses and therefore are more suited to a rural area.
- Such uses include, but are not limited to: Contractor businesses; transportation businesses; building trade businesses; and landscaping operations.
- Limited Commercial uses are typically characterized by: Outdoor stockpiles of materials; storage and maintenance of large construction or transportation equipment; early morning activity; and large utilitarian buildings often with metal siding.
- Limited Commercial uses do not create high traffic volume, have no retail sales, and have limited outdoor lighting and signage.

Permitted Uses 10.271(2)

- Office uses (limited to 6 on-site employees)
- Contractor, landscaping or building trade operations
- Incidental parking for employees
- Indoor storage and repair
- Storage of up to 12 total vehicles and pieces of construction equipment
- Utility services associated with a permitted use
- Undeveloped natural resource and open space areas
- Agricultural and agricultural accessory uses (livestock not permitted)
- Transportation, utility or communication use required by law.

Conditional Uses 10.273(3)

- Outdoor storage
- Caretaker's residence
- Light industrial (see definition below)
- Storage of more than 12 total vehicles and pieces of construction equipment
- Communication towers
- Governmental, institutional, religious, or nonprofit community uses
- Cemeteries
- Transportation, utility or communication use not listed as permitted uses

Setbacks, Height, and Size requirements 10.273 (4) & (6)

Front setback for all structures from highway centerline / right-of-way line (whichever is greater)

State or Federal Highway: 100/42 feet minimum

County Highway: 75/42 feet minimum

Town Road: 63/30 feet minimum

Subdivision streets platted prior to ordinance: 20 feet minimum

All other streets: 30 feet minimum

Height: 2 ½ stories or 35 feet maximum

Side Yards:

10 feet minimum each side

Rear Yards:

Commercial buildings: 10 feet minimum

Single family residences: 25 feet minimum

Residential accessory buildings: 10 feet minimum

Maximum Size of Commercial Buildings:

10,000 square feet total floor area per lot

Lot Width & Area: 10.273(5)

Area: 20,000 square feet minimum,
5 acres maximum

Lot Width: 100 feet minimum

LC-1 Limited Commercial District

Zoning district intended for small scale businesses
CH. 10-Zoning, Section 10.271

Lot Coverage 10.273(7)

Maximum 35% of all buildings on property

Commercial buildings shall not exceed 10,000 sq. ft. in total floor area*

*Total floor area is the combined gross floor area of all commercial buildings on zoning lot.

Definitions and General Notes for LC-1 Limited Commercial District 10.004, 10.271

DEFINITIONS:

- **Gross floor area** 10.004(68): The aggregate area of all horizontal levels of a building, expressed in square feet, not including any horizontal level where the average floor to ceiling height is less than 6 feet.
- **Indoor storage and repair** 10.004(77): Uses that are primarily oriented to the receiving, holding and shipping of materials for a single business. Such uses are not for retail sales, storage of personal belongings of others, or warehousing of materials for others. With the exception of loading facilities, such uses are contained entirely within an enclosed building.
- **Light industrial** 10.004(83): **(a)** The processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from previously processed or previously manufactured materials. All operations (with the exception of loading operations):
1. are conducted entirely within an enclosed building; 2. are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3. do not pose a significant safety hazard (such as danger of explosion); and 4. include no retail sales. **(b)** Light industrial uses do not include agriculture-related, limited family businesses, Limited farm businesses, small workshops accessory to a permitted use, or heavy industrial uses.
- **Office** 10.004(112): An exclusive indoor land use whose primary function is the handling of information or administrative services. Such uses do not typically provide services directly to customers on a walk-in or on-appointment basis.
- **Outdoor storage** 10.004(117): **(a)** Any activity located primarily outdoors involving the receiving, holding and shipping of materials for a single business. **(b)** Outdoor storage does not include loading and parking areas, storage of materials typically associated with a salvage operation, salvage recycling centers or solid waste recycling centers. **(c)** Outdoor storage of materials is not permitted within any building setback area.

NOTES:

- The total number of vehicles and pieces of construction equipment shall not exceed 12, unless authorized by a Conditional Use Permit.
- Construction equipment, vehicles, or materials shall not be stored between the building setback line and the front lot line.
- Off-street parking shall be provided as required in Section 10.102(8) of the Dane County Code of Ordinances (DCCO).
- Visual screening must be provided as required in Section 10.102(12) and maintained on LC lots adjacent to a SFR, TFR, MFR, RR, or RM districts.
- LC Contractor Businesses: Typical contractor businesses permitted in the LC district include, but are not limited to, landscaping, electrical contractors, plumbing contractors, and heating/ventilating/air conditioning (HVAC) contractors.
- Other Commercial Zoning Districts: Contractor businesses other than general, mechanical and landscaping contractor businesses may need GC General Commercial or, more commonly, HC Heavy Commercial zoning in order to permit more intensive land uses.

Livestock 10.271(2)

Not Permitted.

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 10891**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

Town Map: Town of Mazomanie

Location: Section 1

Zoning District Boundary Changes

A-1EX TO LC-1

Part of the SW 1/4 of the NW 1/4, Section 1, T08N, R06E, Town of Mazomanie, Dane County, Wisconsin more fully described as follows: commencing at the NW corner of said Section 1, THENCE South 00 degrees 50 minutes 42 seconds East for a distance of 1447.14 feet along the West line of the NW 1/4 said Section 1, THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 525.22 feet to the South Right-of-way Wilkinson Road and the West line of C.S.M. #11804 to the point of beginning, THENCE South 00 degrees 39 minutes 28 seconds East for a distance of 368.28 feet along the West line of said C.S.M. #11804, THENCE South 47 degrees 59 minutes 08 seconds West for a distance of 329.00 feet, THENCE North 50 degrees 18 minutes 51 seconds West for a distance of 288.69 feet to the South Right-of-way of Wilkinson Road, THENCE along a curve to the right having a radius of 197.00 feet and an arc length of 123.75 feet, being subtended by a chord of North 33 degrees 26 minutes 11 seconds East for a distance of 121.73 feet along said Right-of-way, THENCE North 51 degrees 25 minutes 58 seconds East for a distance of 424.53 feet along said Right-of-way, THENCE along a curve to the right having a radius of 267.00 feet and an arc length of 74.05 feet, being subtended by a chord of North 59 degrees 08 minutes 52 seconds East for a distance of 73.81 feet along said Right-of-way to the point of beginning.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. Hours of operation shall be limited to Monday through Saturday, 7 a.m. to 7 p.m.
2. Delivery times shall be between 10 a.m. 2 p.m., Monday through Saturday.
3. Outdoor lighting shall be limited to down shrouded fixtures.
4. Signage shall be prohibited on-site.
5. Business related traffic to be via Hwy 78 and the West end of Wilkinson Rd.

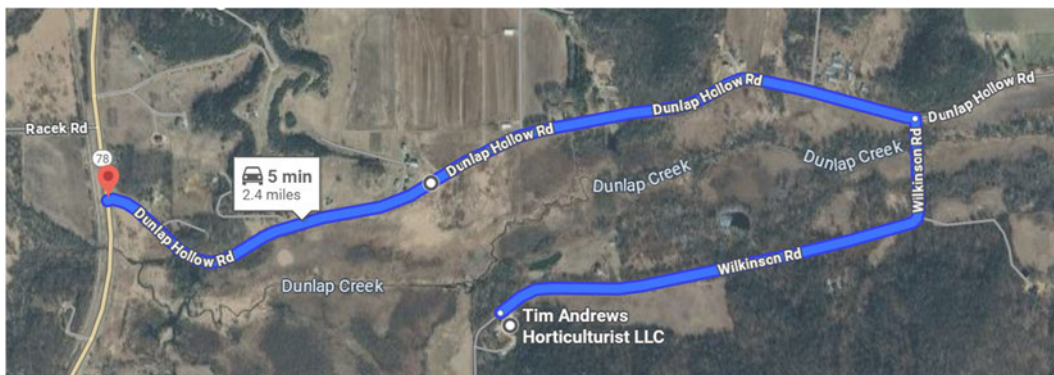
6. Debris and mulch piles to be stored in concrete containment barriers, limited in size to (2) 30' x 30' containment areas as shown on the site plan.
7. Install screening on property along road, with exception of driveway, using a combination of existing trees, red cedars and natural screening. New screening to be planted 53' from center of the road (as indicated on site plan), to be a minimum of 4 feet in height with a maximum height of 25 feet in height, 12 feet apart (intended to allow for adequate spacing and screening at maturity), to be completed one year from Dane County approval.
8. Total vehicles allowed on property:
 - a. Employee vehicles: limited to the 70' x 70' space as shown on site plan as Employee Parking.
 - b. Business owned vehicles/machinery: limited to Equipment Parking, the 40' x 40' space, located next to newbuilding and the 75' x 30' space located next to the Employee Parking Area as shown on site plan.

The current traffic flow restriction, which has been in place for ten years, requires that all business-related traffic be to the West. **This is the shortest route (0.9 miles) to a State or County Road, and negatively impacts the fewest number of residents (11).**

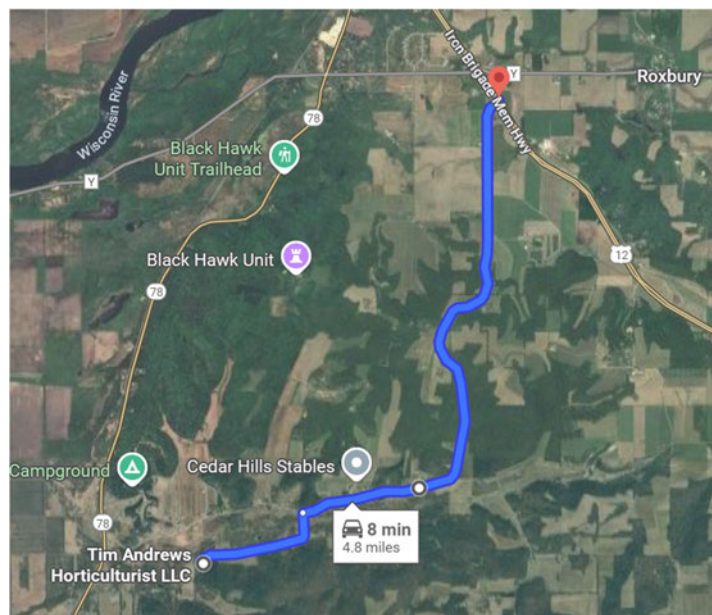


If you remove the restriction, there are four routes the business can take to the East, each requiring further travel on town roads, and each negatively impacting more residents.

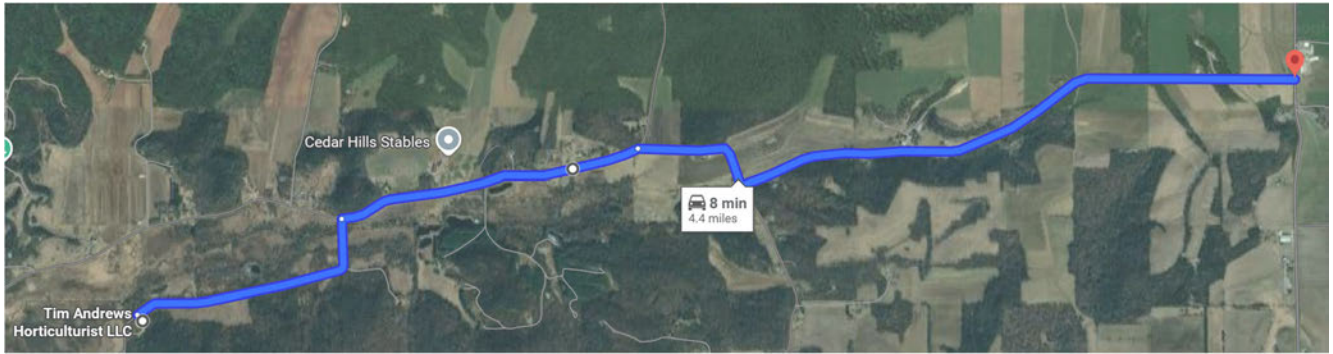
(1) To State Highway 78 via Wilkinson Road and Dunlap Hollow Road – 2.4 miles, 16 residences.



(2) To U.S. Highway 12 via Wilkinson Road, Dunlap Hollow Road, and North Dunlap Hollow Road – 4.8 mi, 32 residences.



(3) To County Road KP via Wilkinson Road, Dunlap Hollow Road, Old Settlers Road, and Katzenbuechel Road – 4.4 miles, 27 residences.



(4) To State Highway 19 via Wilkinson Road, Dunlap Hollow Road, and Old Settlers Road – 4.0 miles, 30 residences.

