

# Dane County



## Minutes

Tuesday, June 22, 2021

6:30 PM

ZOOM Webinar Meeting ID: 874 4043 8651

Remote Meeting

## 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?*

The June 22, 2021 Zoning and Land Regulation Committee meeting is being held virtually. The public can access the meeting with the Zoom application or by telephone.

To join the meeting in Zoom, click the following link (after you fill out the form, the meeting link and access information will be emailed to you):

[https://us02web.zoom.us/webinar/register/WN\\_tD5N6fUGSg2Zyy8302YM9Q](https://us02web.zoom.us/webinar/register/WN_tD5N6fUGSg2Zyy8302YM9Q)

This link will be active until the end of the meeting.

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If you want to submit a written comment for this meeting, or send handouts for committee members, please send them to [plandev@countyofdane.com](mailto:plandev@countyofdane.com)

**PROCESS TO PROVIDE PUBLIC COMMENT: ANY MEMBERS OF THE PUBLIC WISHING TO REGISTER TO SPEAK ON/SUPPORT/OPPOSE AN AGENDA ITEM MUST REGISTER USING THE LINK ABOVE (even if you plan to attend using your phone).**

Registrations to provide public comment will be accepted until 1 hour prior to the beginning of the meeting.

If you join the meeting with Zoom, when the item you have registered for is before the board/committee, you will be promoted to a panelist. Once a panelist, you can turn on your webcam and you will be able to unmute yourself.

If you join the meeting with your phone, when the item you have registered for is before the board/committee, you will be unmuted and hear, "the host would like you to unmute your microphone, you can press \*6 to unmute." Please press \*6.

*Interpreters must be requested in advance; please see the bottom of the agenda for more information.*

*Los intérpretes deben solicitarse con anticipación; consulte el final de la agenda para obtener más información.*

*Yuav tsuam tau thov txog cov neeg txhais lus hau ntej; thov saib hauv qab kawg ntawm qhov txheej txheem rau cov ntaub ntawv ntxiv.*

## **A. Call to Order**

Chair Bollig called the June 22, 2021 meeting of the Zoning and Land Regulation Committee to order at 6:30PM.

Staff in attendance: Allan, Everson, Violante

Present 5 - JERRY BOLLIG, STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

**2021** June 22, 2021 ZLR Committee Meeting Registrants  
**RPT-225**

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

There were no public comments for items not listed on the agenda.

## C. Consideration of Minutes

[2021](#)  
[MIN-121](#)

Minutes of the June 8, 2021 Zoning & Land Regulation Committee meeting

A motion was made by Peters, seconded by Kiefer, to approve the June 8, 2021 ZLR Committee meeting minutes. The motion carried by a voice vote.

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

[11699](#)

PETITION: REZONE 11699  
APPLICANT: NATHAN J WAGNER  
LOCATION: 8067 US HIGHWAY 14, SECTION 12, TOWN OF CROSS PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO SFR-2 Single Family Residential District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District, SFR-1 Single Family Residential District TO SFR-2 Single Family Residential District  
REASON: increasing the size of a residential lot and creating an agricultural lot

*In Support: Nate and Heather Wagner*

A motion was made by DOOLAN, seconded by KIEFER, that the Zoning Petition be postponed until the land division waiver application is acted on. The motion carried, 5-0.

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11700](#)

PETITION: REZONE 11700  
APPLICANT: SCOTT G JELLE  
LOCATION: 131 TYVAND ROAD, SECTION 35, TOWN OF PERRY  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District  
REASON: separating existing residence from farmland

*In Support: Scott Jelle*

A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval. The motion carried, 5-0.

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11701](#)

PETITION: REZONE 11701  
APPLICANT: BRUCE T GJERMO  
LOCATION: 275 COUNTY HWY BB, SECTION 12, TOWN OF DEERFIELD  
CHANGE FROM: RM-8 Rural Mixed-Use District TO RM-16 Rural Mixed-Use District, RR-1 Rural Residential District TO RR-2 Rural Residential District, RR-1 Rural Residential District TO RM-16 Rural Mixed-Use District, RM-8 Rural Mixed-Use District TO RR-2 Rural Residential District, RM-8 Rural Mixed-Use District TO RR-1 Rural Residential District  
REASON: reconfiguring four existing residential lots

*In Support: Bruce Gjermo*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11702](#)

PETITION: REZONE 11702  
APPLICANT: DONALD V DAVEY  
LOCATION: 8809 AIRPORT ROAD, SECTION 1, TOWN OF CROSS PLAINS  
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District, RR-4 Rural Residential District TO FP-1 Farmland Preservation District, UTR Utility, Transportation and ROW District TO FP-1 Farmland Preservation District  
REASON: creating three new residential lots

*In Support: Don Davey, Robert Proctor, Bruce Hollar*

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval with the following conditionsThe motion carried, 5-0.**

- 1) Owner shall record a deed restriction on the balance of the FP-35 zoned property prohibiting further non-farm development in accordance with town plan policies (tax parcels #0707-014-8120-5 and 0707-014-8500-5).
- 2) Owner shall record a shared driveway easement agreement meeting the requirements of Chapter 75.
- 3) The driveway shall be paved to town standards and include a suitable turn-around area at the entrance to the property.
- 4) Applicant must acquire an erosion control & stormwater permit (shoreland zone & long driveway).

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11703](#)

PETITION: REZONE 11703  
APPLICANT: AARYN AND KALI HANDEL  
LOCATION: WEST OF 10132 MATHEWSON ROAD, SECTION 3, TOWN OF MAZOMANIE  
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District  
REASON: creating one residential lot

*In Support: Kali & Aaryn Handel*

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11704](#)

PETITION: REZONE 11704  
APPLICANT: ZBIGNIEW AND MARTA STANEK  
LOCATION: 1718 SPRING ROSE ROAD, SECTION 31, TOWN OF VERONA  
CHANGE FROM: AT-35 Agriculture Transition District TO RR-4 Rural Residential District  
REASON: adding 2.5 acres to an existing residential lot

*In Support: Zbigniew & Marta Stanek*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11705](#)

PETITION: REZONE 11705  
APPLICANT: KERSTEN FARMS LLC  
LOCATION: 5344 STATE HIGHWAY 73, SECTION 22, TOWN OF MEDINA  
CHANGE FROM: SFR-1 Single Family Residential District TO TFR-08 Two Family Residential District  
REASON: zoning change to allow for proposed duplex use

*In Support: Darrick Kersten*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11706](#)

PETITION: REZONE 11706  
APPLICANT: DONALD P & JO ANNE FAUST TRUST  
LOCATION: 3952 COUNTY HWY JJ, SECTION 21, TOWN OF VERMONT  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: separating the existing residence from the farmland and creating two new residential lots

*In Support: Jordan Faust*

**A motion was made by DOOLAN, seconded by PETERS, that the Zoning Petition be recommended for approval with the following conditions. The motion carried, 5-0.**

1. Within 90 days of the date of approval by the county board, the landowner shall record the following with the Dane County Register of Deeds:
  - a. Driveway easements and a shared driveway maintenance agreement consistent with all provisions of s.75.19(8), Dane County Code, and;
  - b. A Certified Survey Map that depicts all easement boundaries, as approved by the Department of Planning and Development.

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11707](#)

PETITION: REZONE 11707  
APPLICANT: JAMES E FAHEY  
LOCATION: 6736 FRENCHTOWN ROAD, SECTION 23, TOWN OF MONTROSE  
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District  
REASON: separating existing residence and farm buildings from the farmland

*In Support: Ed Short*

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11708](#)

PETITION: REZONE 11708  
APPLICANT: DAVID LEEDER  
LOCATION: 2801 WARNER LANE, SECTION 36, TOWN OF MADISON  
CHANGE FROM: SFR-08 Single Family Residential District TO TFR-08 Two Family Residential District  
REASON: bring property into compliance for existing duplex use

*In Support: David Leeder*

**A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11709](#)

PETITION: REZONE 11709  
APPLICANT: TOWN OF PLEASANT SPRINGS  
LOCATION: VARIOUS PARCELS THROUGHOUT TOWN, SECTION 3,  
TOWN OF PLEASANT SPRINGS  
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-16 Rural  
Residential District  
REASON: blanket rezone to new rr-16 and other districts for zoning  
compliance for size and use of affected properties

**A motion was made by PETERS, seconded by SMITH, that the Zoning Petition be  
recommended for approval. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11710](#)

PETITION: REZONE 11710  
APPLICANT: VINEY ACRES LLC  
LOCATION: WEST OF 2173 NORA ROAD, SECTION 27, TOWN OF  
COTTAGE GROVE  
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1  
Farmland Preservation District, FP-35 Farmland Preservation District TO  
RR-2 Rural Residential District, FP-35 Farmland Preservation District TO  
FP-1 Farmland Preservation District  
REASON: creating 3 residential lots and 2 agricultural lots

*In Support: Don Viney*

**A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition  
be postponed until town action is received. The motion carried, 5-0.**

**Ayes:** 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02520](#)

PETITION: CUP 02520

APPLICANT: KOREY A KAHL

LOCATION: 10016 US HWY 14, SECTION 23, TOWN OF BLACK EARTH

CUP DESCRIPTION: limited family business - construction company office/bathroom

*In Support: Korey Kahl*

A motion was made by DOOLAN, seconded by PETERS, that the Conditional Use Permit 2520 be approved with conditions. The motion carried, 5-0

- 1) The use shall employ no more than one, or one full-time equivalent, employee who is not a member of the family residing on the premises.
- 2) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
- 3) Hours of operation for the Limited Family Business shall be Monday through Friday, from 6:00 a.m. to 8:00 p.m.
- 4) All lighting on the site shall be downward-directed and designed to minimize spill onto adjoining properties.
- 5) All storage of materials and supplies shall occur indoors.
- 6) Vegetative screening, is to meet the standards of s. 10.102(12), Dane County Code.
- 7) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 8) New buildings housing the conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code. Buildings shall not exceed 35 feet in height and shall meet all requirements for residential accessory buildings in the RM-16 zoning district.
- 9) Sanitary facilities are only permitted in the accessory building, as detailed in the CUP application.
- 10) Prior to construction, the landowner must successfully obtain County Stormwater and Erosion Control Permits from the Department of Land and Water Resources, if required.
- 11) 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.
- 12) 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.
- 13) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 14) Off-street parking must be provided, consistent with s. 10.102(8).
- 15) If the WiDOT 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.
- 16) 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.

17) 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.

18) 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.

19) 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.

20) 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.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[02521](#)

PETITION: CUP 02521

APPLICANT: JOHN AND JENNIFER BIBLER

LOCATION: 7979 STAGECOACH ROAD, SECTION 1, TOWN OF CROSS PLAINS

CUP DESCRIPTION: allow for the construction of a residential accessory building up to 16 feet tall

*In Support: Don Jensen, John & Jennifer Bibler*

A motion was made by PETERS, seconded by DOOLAN, that the Conditional Use Permit 2521 be approved with the following condition: The motion carried, 5-0.

1. The residential accessory building shall be used for residential storage purposes only. The accessory building shall not be used for living space (DCCO 10.102(2)). Plumbing fixtures inside the accessory building are prohibited.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

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

## **G. Resolutions**

## **H. Ordinance Amendment**

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

## J. Reports to Committee

## K. Other Business Authorized by Law

*Staff briefly informed the committee on upgrades to 3rd floor meeting rooms currently underway that will enable "hybrid" in-person / virtual meetings.*

## L. Adjourn

**A motion was made by DOOLAN, seconded by KIEFER, to adjourn the June 22, 2021 Zoning and Land Regulation Committee meeting at 7:29 pm. The motion carried by a voice vote.**

**Questions? Contact Planning and Development Staff, 266-4266, or [plandev@countyofdane.com](mailto:plandev@countyofdane.com).**

*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.*