

Dane County



Minutes

Tuesday, August 25, 2015

7:00 PM

**City - County Building, ROOM 201
210 Martin Luther King Jr. Blvd., Madison**

Zoning & Land Regulation Committee

A. Call to Order

Chair Miles called the meeting of the Zoning and Land Regulation Committee to order at 7:03pm in Room 201 of the City County Building.

Staff present: Lane, and Violante; Kodl arrived at 7:45pm.

Youth Governance present: Gus Heiden

Present 5 - JERRY BOLLIG, MARY KOLAR, AL MATANO, PATRICK MILES, and BOB SALOV

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

No comments made by the public.

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

[10864](#)

PETITION: REZONE 10864

APPLICANT: REX A CONNELLY

LOCATION: 958 SHERMAN DR, SECTION 28, TOWN OF MEDINA

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: zoning compliance for existing buildings

Spoke in favor: Rex Connely

Requested information: Rochelle Chadwick

A motion was made by KOLAR, seconded by SALOV, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on the property to prohibit further land divisions.

2. A deed restriction shall be recorded on the property to identify the Town of Medina's Animal Unit restrictions.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10866](#)

PETITION: REZONE 10866

APPLICANT: CARMON S WILSON

LOCATION: 2101 SUGAR RIVER ROAD, SECTION 29, TOWN OF VERONA

CHANGE FROM: A-2 (1) Agriculture District TO A-1EX Agriculture District

REASON: consolidate all acreage into one agricultural property.

Spoke in favor: Carmen Wilson

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10867](#)

PETITION: REZONE 10867
APPLICANT: MEINHOLZ LIVING TR
LOCATION: 5355 COUNTY HIGHWAY F, SECTION 23, TOWN OF BLACK EARTH
CHANGE FROM: A-2 Agriculture District TO A-2 (2) Agriculture District, A-2 Agriculture District
TO A-4 Small Lot Exclusive Agriculture District
REASON: shifting of property lines between adjacent land owners

Spoke in favor: Vern Meinholz

A motion was made by SALOV, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10868](#)

PETITION: REZONE 10868
APPLICANT: LOREEN B KEMPFER
LOCATION: 3781 TOKEN RD., SECTION 3, TOWN OF BURKE
CHANGE FROM: R-1 Residence District TO R-3 Residence District
REASON: less restrictive rear yard setback

Spoke infavor: Loreen Kempfer

A motion was made by MATANO, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10869](#)

PETITION: REZONE 10869
APPLICANT: JUDY L BREUNIG
LOCATION: 7454 BITNEY RD, SECTION 18, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District
REASON: shifting of property lines between adjacent land owners

Spoke in favor: Judy Breunig

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10870](#)

PETITION: REZONE 10870
APPLICANT: CORY W GEHLING
LOCATION: 6400 LODI-SPRINGFIELD ROAD, SECTION 33, TOWN OF DANE
CHANGE FROM: LC-1 Limited Commercial Dist TO A-2 (8) Agriculture District, A-1EX
Agriculture District TO LC-1 Limited Commercial Dist, A-1EX Agriculture District TO A-2 (8)
Agriculture District
REASON: correct LC-1 zoning map boundaries and bring property into compliance

A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be tabled. The motion carried by the following vote: 5-0. Time 7:17pm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

A motion was made by MATANO, seconded by KOLAR, that this Zoning Petition be removed from the table. The motion carried by the following vote: 5-0. Time: 8:30pm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

A motion was made by MATANO, seconded by KOLAR, that this Zoning Petition be postponed due to no representation. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10871

PETITION: REZONE 10871
APPLICANT: TYLER SPIEGEL
LOCATION: 1222 US HIGHWAY 14, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: amend restrictions to allow sale of motor vehicles and retail sales

Spoke in favor: Tyler Spiegel

A motion was made by BOLLIG, seconded by SALOV, that this Zoning Petition be postponed due to the pending zoning violation on the proeprty. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

10872

PETITION: REZONE 10872
APPLICANT: MARK & RHONDA WETHAL
LOCATION: 3758 OLD STAGE ROAD, SECTION 34, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO A-4 Agriculture District, A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: separating existing residence from farmland

Spoke in favor: Rhonda Wethal

A motion was made by SALOV, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on the A-4 lots to prohibit non-farm development.**
- 2. A deed notice shall be recorded on the RH-2 zoned lot identifying that a non-conforming mineral extraction site is located just south of Old Stage Road.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10873](#)

PETITION: REZONE 10873
APPLICANT: DCW INVESTMENT LLC
LOCATION: EAST OF 3614 OF OLD STAGE ROAD, SECTION 35, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Spoke in favor: Don Wahlin

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0510-352-9501-0, 0510-352-8000-8, and 0510-351-8500-4, to prohibit residential development on the A-1 Exclusive Agriculture zoned lands. The housing density rights for the original farm have been exhausted.

Note: A subdivision plat is required as part of this petition. The landowner is creating 5 lots in less than 5 years. 4 lots were created in 2014 from the original farm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10874](#)

PETITION: REZONE 10874
APPLICANT: MIDTHUN BROTHERS
LOCATION: 5320 CUBA VALLEY ROAD, SECTION 27, TOWN OF VIENNA
CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District
REASON: separating existing residence from farmland

Spoke in favor: Jack Wendtland

A motion was made by SALOV, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10875](#)

PETITION: REZONE 10875
APPLICANT: CHERI L TRICK
LOCATION: 34 CRAIG ROAD, SECTION 12, TOWN OF ALBION
CHANGE FROM: RH-1 Rural Homes District TO R-3A Residence District
REASON: rezoning to a district that supports duplex uses

Spoke in favor: Cheri Trick

A motion was made by SALOV, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on parcels 0512-131-8000-1, 0512-124-9501-2, and 0512-124-8000-0 to prohibit residential development on the remaining A-1 Exclusive Agriculture zoned lands. The housing density rights have been exhausted on the original farm.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10876](#)

PETITION: REZONE 10876
APPLICANT: RICHARD W VEDVIG
LOCATION: 979 COUNTY HIGHWAY A, SECTION 9, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO C-2 Commercial District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: conveying part of agricultural land to adjacent commercial property owner and also state acquired part of parcel dropping it below 35 acres.

Spoke in favor: Richard Vedvig and Mike Braley

A motion was made by SALOV, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on the C-2 zoned property to limit the land uses as noted in Register of Deeds document # 4609876.**
- 2. A deed restriction shall be recorded on the C-2 zoned property to prohibit the erection of off-premise advertising sign (billboards).**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10877](#)

PETITION: REZONE 10877
APPLICANT: TURKEY ROAD FARM LLC
LOCATION: SOUTH OF 9501 TURKEY ROAD, SECTION 30, TOWN OF BERRY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Spoke in favor: Bridget Handel

A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10878](#)

PETITION: REZONE 10878
APPLICANT: 6343 NESBITT ROAD LLC
LOCATION: 6343 NESBITT ROAD, SECTION 12, TOWN OF VERONA
CHANGE FROM: C-1 Commercial District TO C-2 Commercial District
REASON: major & minor repairs to motor vehicles

Spoke in favor: Scott Gettigan

Spoke in opposition: Kim Donovan stated she was concerned with the proposed development.

A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10879](#)

PETITION: REZONE 10879
APPLICANT: PARKER J ELLINGSON JR
LOCATION: 1905 BARBER DR, SECTION 26, TOWN OF DUNN
CHANGE FROM: A-2 (8) Agriculture District TO R-2 Residence District
REASON: shifting of property lines between adjacent land owners

Spoke in favor: Jason Brabender

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10880](#)

PETITION: REZONE 10880
APPLICANT: MID-TOWN CENTER LLC
LOCATION: NORTH AND WEST OF 2700 RIMROCK ROAD, SECTION 36, TOWN OF MADISON
CHANGE FROM: C-1 Commercial District TO B-1 Local Business District
REASON: Less restrictive setback requirement

Spoke in favor: Chris Day

A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10881](#)

PETITION: REZONE 10881
APPLICANT: RICKY A RICE
LOCATION: 2819 COUNTY HIGHWAY T, SECTION 29, TOWN OF SUN PRAIRIE
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: separating residence from the farmland and creation of one residential lot

Spoke in favor: Rick Rice

A motion was made by SALOV, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10882](#)

PETITION: REZONE 10882
APPLICANT: GREGORY H HEISIG
LOCATION: 2074 US HIGHWAY 12 & 18, SECTION 35, TOWN OF COTTAGE GROVE
CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: shifting of property lines between adjacent land owners

Spoke in favor: Gregory and Anita Heisig

A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10883](#)

PETITION: REZONE 10883
APPLICANT: ANNE L APLIN
LOCATION: 4355 KRUEGER RD, SECTION 11, TOWN OF DEERFIELD
CHANGE FROM: A-1EX Agriculture District TO RE-1 Recreational District, A-1EX Agriculture District TO R-1A Residence District, A-1EX Agriculture District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners and creation of one residential lot

Spoke in favor: David Dinkel

A motion was made by SALOV, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1.The lot being created that contains the existing residence shall be a minimum of 35 acres in size and assigned the zoning district category of A-1 Exclusive Agriculture.**
- 2. The 2-acre lot being created east of Krueger Road shall be assigned the zoning district category of R-1A Residence.**
- 3. The existing RE-1 zoned area shall be reduce to approximately 8-acres in size.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[10884](#)

PETITION: REZONE 10884
APPLICANT: ROGER J OLSON
LOCATION: WEST OF 686 ALBION RD, SECTION 21, TOWN OF ALBION
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

Spoke in favor: Ben & Jocelyn Sarbacker

A motion was made by SALOV, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[CUP 2322](#)

PETITION: CUP 2322
APPLICANT: DANE COUNTY
LOCATION: 773 SILVER LANE, SECTIONS 13, 24, TOWN OF ALBION
CUP DESCRIPTION: governmental use as county park

Spoke in favor: Darren Marsh

A motion was made by SALOV, seconded by MATANO, that this Conditional Use Permit be approved with 1 condition. The motion carried by the following vote: 5-0.

- 1. The property shall be used as a park with activities consisting of agriculture, agricultural education, and passive recreation with public facilities.**

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

CUP 2323

PETITION: CUP 2323
APPLICANT: NANCY D TURCOTTE
LOCATION: 4560 RUSTIC DRIVE, SECTION 2, TOWN OF BLOOMING GROVE
CUP DESCRIPTION: daycare in RH-1 Rural Homes district

Spoke in favor: Rebecca Katzenmeyer, September John, Matt John, Chad Baker, and Kathleen McHugh.

Spoke in opposition: Robert Copley, Jill Schroeckenthaler, Dmitriss Suihs, Susan McBryde,

The opposition expressed concerns regarding traffic volume, vehicles speeding, noise level of the children, parking, negative effects on property values, property taxes, and the lack of sidewalk at the site.

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be postponed due public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

CUP 2324

PETITION: CUP 2324
APPLICANT: KNIGHT FAMILY FARM
LOCATION: 6610 SUN VALLEY PARKWAY, SECTION 02, TOWN OF MONTROSE
CUP DESCRIPTION: secondary farm residence in the A-1EX district

Spoke in favor: Mike Knight

A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 5-0.

1.A statement of understanding shall be signed by the land owner indicating that the conditional use permit shall expire if the farm operation ceases. The land will be required to be rezoned to a residential zoning classification.

2.A deed notice shall be recorded with the Dane County Register of Deeds indicating that any violation of the provisions of section 10.123(4), regarding farm residences in the A-1EX district, will result in revocation of this conditional use permit and require that a certified survey map be created for the residential area and the appropriate zoning be acquired for the residential development. The deed notice shall be recorded within 90 days of the effective date of approval.

3.The Conditional Use permit shall expire upon sale of the property to an unrelated 3rd party.

4.The land owner shall obtain approval from the Town of Montrose for the construction of a driveway which accesses onto Sun Valley Parkway. The driveway shall comply with storm water management regulations and the Town of Montrose driveway standards.

5.An approved driveway permit is required to be obtained from the Town of Montrose prior to the construction of the farm residence.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

[2015
OA-014](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF SPRINGFIELD COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

Spoke in favor: Jim Welch, and Mark Roffers.

Registered in support: Town of Springfield Chair Don Hoffman, and Jeff Endres.

A motion was made by KOLAR, seconded by BOLLIG, that this Ordinance be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

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

[CUP 2310](#)

PETITION: CUP 2310

APPLICANT: ROBERT D NEERLAND

LOCATION: 7993 COUNTY HIGHWAY G, SECTION 25, TOWN OF SPRINGDALE

CUP DESCRIPTION: pest control business

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be reconsidered. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

A motion was made by BOLLIG, seconded by MATANO, that this Conditional Use Permit be approved with 17 conditions. The motion carried by the following vote:

5-0

- 1.The limited family business shall be limited to the pest control business.
- 2.The on-site business operation shall be restricted to the existing 52'x78' accessory building, building permit dated 01/15/13. Additions to the existing building and/or construction of another building for business purposes shall not be permitted. The Town shall be notified of any additional building of residential accessory building(s) for residential purposes, not business purposes.
- 3.The hours of operation shall be Monday through Friday, from 7 a.m. to 6 p.m.
- 4.All employees except one or one full-time equivalent, shall be a member of the family residing on the property. The number of hours for family members not residing on the property and for non-family members to work on site shall be limited to 40 hours/week.
- 5.The vehicles used in the business shall be limited to seven vehicles and the number of one-person trips per day for the business is limited to twenty, one-person trips in and out of the CTH G site.
- 6.No customers shall visit the site. No retail sales shall be conducted on the property. The on-site business shall not be opened to the public.
- 7.No business activities shall be conducted outside of the accessory building.
- 8.Outside loudspeakers are prohibited.
- 9.Outside signs are prohibited.
- 10.Outdoor lighting, except for required security lighting, shall be operational only during hours of operation. All lighting shall conform to the Town of Springdale Dark Sky Ordinance and shall be shielded to prevent glare into the night sky or direct-beam illumination of neighboring residences. All new lighting fixtures shall use full cut-off fixtures which prevent all upward transmission of light.
- 11.All chemicals for the pest control business shall be properly disposed of off-site and in accordance with all pertinent county, state, federal, and industry regulations.
- 12.Servicing of personal and business vehicles shall be permitted on site with the proper disposal of vehicle fluids in accordance with all pertinent county, state, and federal regulations. The servicing of vehicles for hire on site shall be prohibited.
- 13.The conditional use permit shall automatically expire on sale of the property or business to an unrelated third party.
- 14.The building permit issued by the Town of Springdale, dated 01/15/13, shall be corrected to accurately reflect the elements of the accessory building as it is used.
- 15.State, county and local approval of the accessory building shall be in compliance with all applicable codes and ordinances.
- 16.This CUP shall be reviewed by the Town of Springdale Plan Commission and Town Board and Building Inspector in two years from 06/22/2015, 6/2017, to confirm its compliance with the conditions of the CUP and for consistency with the current goals of the Town of Springdale Land Use Plan.
- 17.A water line may be permitted to the building to provide water service to an outside water hydrant and an inside hose bibb. Sanitary fixture (sink, toilet, tub/shower) are not permitted in the structure.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

[2015](#)
[OA-014](#)

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE TOWN OF SPRINGFIELD COMPREHENSIVE PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

See action above.

J. Reports to Committee

[2015](#)
[ACT-236](#)

Renewal of Salvage Recycling licenses pursuant to Section 10.20 of the Dane County Zoning Ordinance.

A motion was made by KOLAR, seconded by BOLLIG, to approve the Salvage Recycling licenses as presented. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,KOLAR,MATANO,MILESandSALOV

K. Other Business Authorized by Law

L. Adjourn

A motion was made by MATANO, seconded by KOLAR, to adjourn the meeting of the Zoning and Land Regulation Committee. The motion carried unanimously.
Time 8:45pm.

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.