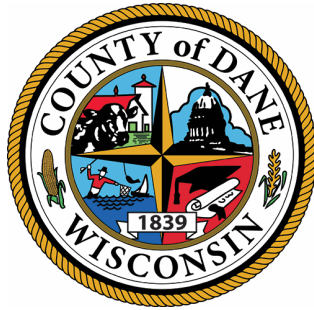


# Dane County



## Minutes

Tuesday, May 27, 2014

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 to order at 7:05pm in Room 201.

**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.

## C. Election of Officers

### Election of Officers

Moved by Bollig, seconded by Kolar to table the election of officers until the end of the meeting. Motion carried unanimously. Time: 7:08pm.

### Election of Officers

Moved by Kolar, seconded by Bollig, to remove the election of officers from being tabled. Motion carried unanimously. Time: 8:15pm.

### Election of Officers

Supervisor Bollig nominated Supervisor Kolar as Vice-Chair of the Zoning and Land Regulation Committee. Supervisor Miles nominated Supervisor Matano as Vice-Chair of the Zoning and Land Regulation Committee. No other nomination made.

Votes cast by ballot. Supervisor Kolar was elected Vice-Chair of the Zoning and Land Regulation Committee on a 3-2 vote.

Supervisor Kolar nominated Supervisor Bollig as Secretary of the Zoning and Land Regulation Committee. No other nominations.

Supervisor Bollig was elected Secretary of the Zoning and Land Regulation Committee by a unanimous vote.

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

**10674**

**PETITION: REZONE 10674**

APPLICANT: THOMAS MUELLER

LOCATION: 4633 STATE HIGHWAY 138, SECTION 7, TOWN OF RUTLAND

CHANGE FROM: C-2 Commercial District TO C-2 Commercial District, C-2 Commercial District TO RE-1 Recreational District

REASON: amend deed restriction to expand limited used and adjust property line between adjacent neighbors

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. The deed restrictions on the property shall be amended to permit the following specified land uses: Sales, rental and leasing, repair and service of new and used agricultural and landscaping implements and equipment; Sales, rental and leasing, repair and service of new and used lawn and garden equipment; Sales, rental and leasing, repair and service of new and used contractor's machinery, equipment and vehicles used in the operation of the business; Sales, rental and leasing, repair and service of new and used recreational equipment; Rental and leasing of new and used items not listed above; Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy; Storage and repair of equipment and materials related to a landscaping business including but not limited to lawn care, snow removal, landscape contracting and sifting and re-chopping of landscape materials; Retail of landscaping, lawn care, snow removal and landscape maintenance and design materials including nursery plants; Property landscape improvements and outdoor display to include but not limited to decorative rock and pavers, plantings, fencing and water features.**

**2. All outdoor equipment storage areas and outdoor material storage areas shall be screened from view at street level.**

**3. All outdoor lighting shall be downward shining.**

**4. There will be a recorded 33 foot wide easement in favor of the Town along the entire east side of the parcel for a possible future road.**

**5. The owner of the parcel will be responsible for a share of the cost of construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.**

**6. Access to that future road shall replace the driveway to the property on State highway 138.**

**10675**

**PETITION: REZONE 10675**

APPLICANT: MRK LLC

LOCATION: 3527 FEMRITE DRIVE, SECTION 23, TOWN OF BLOOMING GROVE

CHANGE FROM: C-1 Commercial District TO C-2 Commercial District

REASON: zoning compliance for an existing auto repair center

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be tabled. The motion carried by a voice vote. Time: 7:11pm.**

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be removed from the table. The motion carried by a voice vote. Time: 7:57pm.**

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be tabled until representation is present. The motion carried by a voice vote. Time 7:58pm.**

**10676**

**PETITION: REZONE 10676**

APPLICANT: RICHGELS TRUST

LOCATION: 4889 PINE SPRINGS ROAD, SECTION 36, TOWN OF VIENNA

CHANGE FROM: RH-1 Rural Homes District TO R-1 Residence District

REASON: divide existing residential lot into two lots

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be tabled. The motion carried by a voice vote. Time: 7:12pm.**

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be removed from the table. The motion carried by a voice vote. Time: 7:59pm**

**A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval as amended.**

**1. A note shall be placed on face of the Certified Survey Map requiring that the basement slab elevation for the residence shall be positioned a minimum of 886 feet ASL or higher to account for the highwater table in the area.**

**The motion carried by the following vote:**

**Ayes:** 3 - BOLLIG, KOLAR and SALOV

**Noes:** 2 - MATANO and MILES

**10677**

**PETITION: REZONE 10677**

APPLICANT: WAYNE CROKUS

LOCATION: 3128 HICKORY RIDGE ROAD, SECTION 2, TOWN OF VERONA

CHANGE FROM: R-1 Residence District TO RH-1 Rural Homes District

REASON: permit agricultural uses on property

**A motion was made by MATANO, seconded by KOLAR, that the Zoning Petition be recommended for approval. The motion carried by a voice vote.**

**10678**

**PETITION: REZONE 10678**

APPLICANT: DALE C EHLE

LOCATION: 1108 STATE HIGHWAY 138, SECTION 8, TOWN OF DUNKIRK

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

REASON: shifting property lines between adjacent land owners

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. The approval is contingent upon a land division regulation waiver being granted by the Zoning and Land Regulation Committee regarding the absence of road frontage for a residential lot.**

**10680**

**PETITION: REZONE 10680**

APPLICANT: CORY K CLEMENS

LOCATION: WEST OF 7558 DUNROVEN ROAD, SECTION 6, TOWN OF VIENNA

CHANGE FROM: A-1EX Agriculture District TO LC-1 Limited Commercial District

REASON: allow landscaping business on property

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. The petitioner shall be required to rezone the current business location, 7549 Dunroven Road, back to residential zoning when the business is moved to to this new location.**

**10681**

**PETITION: REZONE 10681**

APPLICANT: LEE W MERRICK

LOCATION: 5410 STATE HIGHWAY 73, SECTION 22, TOWN OF MEDINA

CHANGE FROM: A-2 Agriculture District TO RH-3 Rural Homes District, A-2 Agriculture District TO A-4 Agriculture District

REASON: separation of existing residence from farmland

**A motion was made by KOLAR, seconded by SALOV, that the Zoning Petition be postponed until Town action is received. The motion carried by a voice vote.**

**Town Chair Steven Schulz stated that the Town postponed action on the petition to allow time to resolve issues regarding limits of animal units and housing density rights on the property.**

**10682**

**PETITION: REZONE 10682**

APPLICANT: STATZ BROS INC

LOCATION: 1151 BERLIN ROAD, SECTION 5, TOWN OF MEDINA

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-3 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District

REASON: separation of existing residence from farmland and the creation of two residential lots

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition be postponed until Town action is received. The motion carried by a voice vote.**

**Town Chair Steven Schulz stated that the Town postponed action on the petition to allow time to resolve issues regarding limits of animal units.**

**10683**

**PETITION: REZONE 10683**

APPLICANT: JAMES S ELLESON

LOCATION: 4671 COUNTY HIGHWAY JJ AND LANDS WEST THEREOF, SECTION 3, TOWN OF VERMONT

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO LC-1 Limited Commercial District

REASON: creating a residential lot for an existing residence; creating a commercial lot for an existing business; creating a residential zoning boundary for a new house

**A motion was made by KOLAR, seconded by BOLLIG, that the Zoning Petition be recommended for approval as amended. The motion carried by a voice vote.**

**1. The property owner shall be responsible for obtaining a stormwater management permit from Dane County Land Conservation for the LC-1 zoned property.**

**10684**

**PETITION: REZONE 10684**

APPLICANT: KENT KATZENMEYER

LOCATION: 6735 SUNSET DRIVE AND LANDS DIRECTLY SOUTH AND SOUTH WEST,  
SECTION 35, TOWN OF VERONA

CHANGE FROM: RH-1 Rural Homes District TO A-1EX Agriculture District, A-1EX Agriculture  
District TO RH-1 Rural Homes District, A-1EX Agriculture District TO B-1 Local Business District

REASON: shifting lot lines between adjacent owners and expansion of an existing commercial  
lot

**A motion was made by KOLAR, seconded by MATANO, that the Zoning Petition  
be recommended for approval as amended. The motion carried by a voice vote.**

**1. The zoning district classification shall be amended to C-1 Commercial Zoning  
District.**

**2. A deed restriction shall be recorded on the property to prohibit the installation  
of billboard signs (off-premise signs).**

**10685**

**PETITION: REZONE 10685**

APPLICANT: TOWN OF SPRINGDALE

LOCATION: 2684 BERGLUND DRIVE, SECTION 13, TOWN OF SPRINGDALE

CHANGE FROM: A-B Ag-Business District TO A-B Ag-Business District

REASON: compliance with the farmland preservation plan as required by ss. 91.38

**A motion was made by MATANO, seconded by BOLLIG, that the Zoning Petition  
be recommended for approval. The motion carried by a voice vote.**

**10686**

**PETITION: REZONE 10686**

APPLICANT: Town of Middleton

LOCATION: Various locations, see details

CHANGE FROM: Various zoning districts

REASON: compliance with farmland preservation plan as required by ss 91.38

**A motion was made by BOLLIG, seconded by MATANO, that the Zoning Petition  
be postponed until Town action is received. The motion carried by a voice vote.**

**10689**

**PETITION: REZONE 10689**

APPLICANT: LAWRENCE P KANTZLER

LOCATION: 384 COUNTY HIGHWAY A, SECTION 35, TOWN OF CHRISTIANA

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

REASON: zoning compliance for existing residential structure

**A motion was made by KOLAR, seconded by SALOV, that the Zoning Petition be  
recommended for approval. The motion carried by a voice vote.**

**CUP 2271**

**PETITION: CUP 2271**

APPLICANT: WAYNE LACE

LOCATION: 1219 COUNTY HIGHWAY D, SECTION 8, TOWN OF OREGON

CUP DESCRIPTION: limited family business (limousine and bus service)

A motion was made by **BOLLIG**, seconded by **MATANO**, that the Conditional Use Permit be approved with 5 conditions. The motion carried by a voice vote.

1. The business shall be limited to a limousine service and bus service.
2. All vehicles shall be stored inside of a building.
3. Signs shall comply with Dane County Code of Ordinances.
4. Outside loudspeakers are prohibited.
5. All employees, except one or one full-time equivalent, shall be a member of the family residing on the property.

**CUP 2272**

**PETITION: CUP 2272**

APPLICANT: G & S PROPERTIES OF SPRINGFIELD LLC

LOCATION: 7265 STATE HIGHWAY 19, SECTION 9, TOWN OF SPRINGFIELD

CUP DESCRIPTION: continuation of and existing mineral extraction operation

A motion was made by **MATANO**, seconded by **KOLAR**, that the Conditional Use Permit be postponed until Town action is received. The motion carried by a voice vote.

**CUP 2273**

**PETITION: CUP 2273**

APPLICANT: ROJO REV TR, JOSE & MARY

LOCATION: 5987 WHIPPERWILL ROAD, SECTION 12, TOWN OF BERRY

CUP DESCRIPTION: horse boarding stables, riding stables & training facilities

A motion was made by **MATANO**, seconded by **BOLLIG**, that the Conditional Use Permit be approved with 13 conditions. The motion carried by a voice vote.

1. Commercial activities conducted on the property shall be limited to horse boarding, private equestrian instruction and training.
2. The Horse Boarding Facility shall be limited up to 25 horses.
3. Horse Boarding Facility shall be limited to the proposed building (72'x210' plus stall barn) as shown on the attached site plan.
4. Approvals shall be obtained from the Town Board regarding the location of the boarding facility and the storm water management features located on the property.
5. The driveway to the boarding facility shall be constructed to Town shared driveway standards.
6. The Hours of Operation will be 7 am to 9 pm
7. Adequate parking shall be located on the property. (see site plan)
8. Lighting for any outside riding arena is prohibited.
9. Outside loudspeakers are prohibited.
10. Signs shall comply with Dane County Code of Ordinances.
11. All grass paddocks and pastures must be maintained with vegetation or gravel.
12. Owner is responsible for instituting a manure management plan approved by Dane County Land Conservation.
13. Sanitary facilities for the general public shall be provided if required by the Wisconsin Commercial Building Code.

**2014  
OA-023** AMENDING CHAPTER 76 OF THE DANE COUNTY CODE OF  
ORDINANCES, REGARDING ISSUANCE OF BUILDING NUMBERS  
FOR PARCELS WITHOUT A BUILDING

A motion was made by KOLAR, seconded by BOLLIG, that the Ordinance be postponed to the Zoning & Land Regulation Committee, due back by 6/10/2014. Supervisor Kolar expressed interest in acquiring additional information from other agencies regarding the change. The negative aspects of the change may out weight the good. The motion carried by a voice vote.

In Favor: Supervisor Miles expressed Supervisor Downing's reasoning for the change to to the ordinance.

Opposition: Roger Lane

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

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

#### **G. Resolutions**

#### **H. Ordinance Amendment**

**2014  
OA-023** AMENDING CHAPTER 76 OF THE DANE COUNTY CODE OF  
ORDINANCES, REGARDING ISSUANCE OF BUILDING NUMBERS  
FOR PARCELS WITHOUT A BUILDING

See action above.

#### **I. Reports to Committee**

#### **J. Other Business Authorized by Law**

#### **K. Adjourn**

A motion was made by SALOV, seconded by MATANO, to adjourn the Zoning and Land Regulation Committee meeting at 8:26 pm. The motion carried unanimously.

*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.*