

# **Dane County**



## **Minutes**

**Tuesday, November 24, 2015**

**7:00 PM**

**City - County Building, ROOM 201  
210 Martin Luther King Jr. Blvd., Madison  
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## **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: Everson, Lane, and Violante

Youth Governance Members: Gustav Heiden

**Present** 4 - JERRY BOLLIG, MARY KOLAR, AL MATANO, and PATRICK MILES

**Excused** 1 - BOB SALOV

[2015](#)  
[RPT-601](#)

Registrants at the November 24th ZLR Committee meeting

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

No comments made by the public.

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

[10894](#)

**PETITION: REZONE 10894**

APPLICANT: MICHAEL J CAHILL

LOCATION: 3100 BERGUM ROAD, SECTION 2, TOWN OF BLUE MOUNDS

CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District and A-4 Agriculture District

REASON: create residential lot and create a small agricultural lot in the Town of Vermont

*In favor: Michael Cahill*

*Opposed: None*

A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-1.

1. A revised driveway easement agreement shall be recorded with the Register of Deeds reflecting the additional lot. The agreement shall meet the requirements of Dane County Code of Ordinances Section 75.19(8).

2. A deed restriction shall be recorded with the Register of Deeds on the remaining A-1 Exclusive Agriculture land to prohibit further residential development. The housing density rights have been exhausted on the property.

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

**Noes:** 1 - MATANO

**Excused:** 1 - SALOV

10909

**PETITION: REZONE 10909**

APPLICANT: BARBER'S BAY INC

LOCATION: 1984 BARBER DRIVE, SECTION 26, TOWN OF DUNN

CHANGE FROM: RE-1 Recreational District TO R-3 Residence District

REASON: creating 3 residential lots

*In favor: Susan Barber*

*Opposition: None*

**A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10910

**PETITION: REZONE 10910**

APPLICANT: SAMUEL J HAMILTON

LOCATION: PARCEL EAST OF 4054 MOE ROAD, SECTION 14, TOWN OF VERMONT

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

REASON: create zoning boundary for a residence

*In favor: Samuel Hamilton*

*Opposed: None*

**A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.**

**1. A deed restriction shall be recorded with the Register of Deeds on the remaining A-1 Exclusive Agriculture land to prohibit further residential development. The housing density rights have been exhausted on the property.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10911

**PETITION: REZONE 10911**

APPLICANT: JAMES STEINDL LIVING TRUST

LOCATION: 981 COLLINS ROAD, SECTION 16, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO R-1A Residence District

REASON: adding lands to an existing residential lot

*In favor: James Steindl*

*Opposed: None*

**A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10912

**PETITION: REZONE 10912**

APPLICANT: EASTMAN HUNTING CLUB INC

LOCATION: 527 HILLSIDE ROAD, SECTION 26, TOWN OF ALBION

CHANGE FROM: A-1EX Agriculture District TO RE-1 Recreational District

REASON: allow skeet, trap, rifle and pistol range

*In favor: Buck Sweeney, Al Foltman*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

CUP 2330

**PETITION: CUP 02330**

APPLICANT: EASTMAN HUNTING CLUB INC

LOCATION: 527 HILLSIDE ROAD, SECTION 26, TOWN OF ALBION

CUP DESCRIPTION: A skeet, trap, rifle and pistol range and incidental sales of guns

*In favor: Buck Sweeney, Al Foltman*

*Opposed: None.*

**A motion was made by BOLLIG, seconded by KOLAR, that this Conditional Use Permit be approved with 3 conditions and contingent upon Zoning Petition 10912 becoming effective. The motion carried by the following vote: 4-0.**

**1. A deflecting roof shall be constructed over the 4-lane shooting range and skeet shooting area.**

**2. Shooting of firearms is limited to 8:00am to dusk.**

**3. The area for the incidental sales of firearms shall be not larger than 10% of the floor area of the lodge.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10913

**PETITION: REZONE 10913**

APPLICANT: DON PECKHAM

LOCATION: EAST OF 3019 COUNTY HIGHWAY BB, SECTION 7, TOWN OF COTTAGE GROVE

CHANGE FROM: R-1A Residence District and C-1 Commercial District TO LC-1 Limited Commercial District

REASON: allow a landscaping and construction business

*In Favor: John Mulligan, Don Peckham*

*Opposed: None*

**A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.**

- 1.Town review and approval of building design and landscaping plans is required.**
- 2.Overhead doors on proposed new building shall face south and have no windows.**
- 3.Screening requirements shall be as follows: continuous evergreen plantings, ultimately reaching 6 wide by 5 high, or a 6-8 fence, to be located in areas of the property as shown on site plan submitted with petition 10913/CUP 2331.**
- 4.Outdoor lighting shall be down shrouded and located only at the back doors of the building.**
- 5.Total vehicles and equipment on site not to exceed 24, total vehicles and equipment stored outside at any one time not to exceed 18.**
- 6.Outdoor material storage size not to exceed 18 yards of any individual item, limited to gravel, sand, boulders and topsoil.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

CUP 2331

**PETITION: CUP 02331**

APPLICANT: DON PECKHAM

LOCATION: EAST OF 3019 COUNTY HIGHWAY BB, SECTION 7, TOWN OF COTTAGE GROVE

CUP DESCRIPTION: outside storage of construction equipment and materials

*In favor: John Mulligan, Don Peckham*

*Opposed: None*

**A motion was made by KOLAR, seconded by MATANO, that this Conditional Use Permit be approved with 9 conditions. The motion carried by the following vote: 4-0.**

- 1. Town review and approval of building design and landscaping plans is required.**
- 2. Overhead doors on proposed new building shall face south and have no windows.**
- 3. Screening requirements shall be as follows: continuous evergreen plantings, ultimately reaching 6 wide by 5 high, or a 6-8 fence, to be located in areas of the property as shown on site plan submitted with petition 10913/CUP 2331.**
- 4. Outdoor lighting shall be down shrouded and located only at the back doors of the building.**
- 5. Employees shall be limited to no more than 3.**
- 6. No additional signage shall be added to the property.**
- 7. Hours shall be from 6:00 a.m. to 8:00 p.m., winter excluded from enforcement of these hours due to unpredictable nature of snow removal.**
- 8. Total vehicles and equipment on site not to exceed 24, total vehicles and equipment stored outside at any one time not to exceed 18.**
- 9. Outdoor material storage size not to exceed 18 yards of any individual item, limited to gravel, sand, boulders and topsoil.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10914

**PETITION: REZONE 10914**

APPLICANT: DAVID H DIMAGGIO

LOCATION: 2771 PRAIRIE CIRCLE, SECTION 7, TOWN OF VERONA

CHANGE FROM: RH-4 Rural Homes District TO RH-3 Rural Homes District and RH-1 Rural Homes District

REASON: creating four rural home lots

*In favor: David Dimaggio*

*Opposed: None*

**A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10915

**PETITION: REZONE 10915**

APPLICANT: STEPHEN FLACH

LOCATION: EAST OF 8716 RIDGE DRIVE, SECTION 27, TOWN OF PRIMROSE

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

REASON: zoning compliance for an existing residential lot

*In favor: Stephen Flach*

*Opposed: None*

**A motion was made by KOLAR, seconded by MATANO, that this Zoning Petition be postponed until Town Action is received. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10916

**PETITION: REZONE 10916**

APPLICANT: PATRICIA L PAUL

LOCATION: 1386 COUNTY HIGHWAY W, SECTION 5, TOWN OF ALBION

CHANGE FROM: A-2 Agriculture District TO A-2 (8) Agriculture District, A-2 Agriculture District TO RH-4 Rural Homes District, RH-3 Rural Homes District TO RH-4 Rural Homes District

REASON: shifting of property lines between adjacent land owners

*In favor: Patrica Lind, David Paul*

*Opposed: None*

**A motion was made by BOLLIG, seconded by MATANO, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

10917

**PETITION: REZONE 10917**

APPLICANT: GLENN & ELAINE MORRICK REV TRUST

LOCATION: 7379 MONTROSE ROAD, SECTION 29, TOWN OF MONTROSE

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

REASON: separating existing residence from farmland

*In favor: Bart Morricks, Ed Short*

*Opposed: None*

**A motion was made by MATANO, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0.**

**1. A joint driveway agreement, joint well agreement, and joint septic agreement shall be recorded with the Register of Deeds for the benefit of the two single-family dwellings.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

[10918](#)

**PETITION: REZONE 10918**

APPLICANT: MICHAEL JOSEPH SPEAR

LOCATION: WEST OF 6345 STATE HIGHWAY 78, SECTION 34, TOWN OF YORK

CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District and A-2 (4) Agriculture District

REASON: divide existing lot to create two residential lots

*In favor: Michael Spear*

*Opposed: None*

**A motion was made by KOLAR, seconded by BOLLIG, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

[10920](#)

**PETITION: REZONE 10920**

APPLICANT: JACOBSEN REV LIVING TRUST

LOCATION: 3159 SHADY OAK LANE, SECTION 5, TOWN OF VERONA

CHANGE FROM: A-3 Agriculture District TO R-4 Residence District, RH-1 Rural Homes District TO R-4 Residence District

REASON: create a 21-unit single-family home condominium development

*In favor: Justin Temple, Town Chair Mark Geller*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 3-1.**

**1. A deed restriction shall be recorded on the property to limit the land use exclusively to single-family detached dwelling on 2-acre areas.**

**2. The Town of Verona shall approve a developer's agreement for the proposed project.**

**3. Well and on-site septic easements shall be recorded for each individual dwelling.**

**Ayes:** 3 - BOLLIG,KOLARandMILES

**Noes:** 1 - MATANO

**Excused:** 1 - SALOV

[10924](#)

**PETITION: REZONE 10924**

APPLICANT: JUDY L BREUNIG

LOCATION: 7454 BITNEY ROAD, SECTION 18, TOWN OF DANE

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

REASON: zoning compliance for proposed accessory building

*In favor: Judy Breunig*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KOLAR, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0.**



**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

[CUP 2329](#)

**PETITION: CUP 02329**

APPLICANT: GARY TRULSON

LOCATION: 727 OAK DRIVE, SECTION 19, TOWN OF ALBION

CUP DESCRIPTION: secondary farm residence for family member

*In favor: None*

*Opposed: None*

**A motion was made by MATANO, seconded by BOLLIG, that this Conditional Use Permit be postponed due to lack of representation. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

[CUP 2332](#)

**PETITION: CUP 02332**

APPLICANT: ST JOSEPH'S VENTURES LLC

LOCATION: 1906 W. BELTLINE HIGHWAY, SECTION 34, TOWN OF MADISON

CUP DESCRIPTION: amend conditions of CUP 2297 to allow existing cell tower

*In favor: None*

*Opposed: None*

**A motion was made by KOLAR, seconded by BOLLIG, that this Conditional Use Permit be postponed due to lack of representation. The motion carried by the following vote: 4-0.**

**Ayes:** 4 - BOLLIG,KOLAR,MATANOandMILES

**Excused:** 1 - SALOV

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

[2015 LD-042](#)

Final Plat - Windswept

Town of Burke, Section 24

Staff recommends that the final plat be signed by the committee chair as the conditions from November 11, 2014 have been satisfied.

**A motion was made by BOLLIG, seconded by MATANO, that the final plat be signed as the conditions have been satisfied. The motion carried by a voice vote.**

## **E. Resolutions**

## **F. Ordinance Amendment**

## H. Other Business Authorized by Law

Supervisor Matano distributed a excerpt from Wisconsin Lawyer magazine concerning conditional use permits.

Supervisor Matano also distributed an email regarding the demolition of the Department of Administration Building adjacent to the Yahara River.

## I. Adjourn

A motion was made by MATANO, seconded by BOLLIG, to adjourn the ZLR Committee meeting at 8:20pm. The motion carried unanimously.

*Questions? Contact Roger Lane, Planning and Development Department, 266-4266, [lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)*