

Dane County



Minutes

Tuesday, December 22, 2020

6:30 PM

Remote meeting

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 December 22, 2020 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_DcyERCXBRO6_G_kZ3ZHfA

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

To join the meeting by phone, dial 1-888-788-0099.

When prompted, enter the following Webinar ID: 860 1169 3346

If you want to submit a written comment for this meeting, or send handouts for committee members, please send them to lane.roger@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 30 minutes 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.

A. Call to Order

Chair Bollig called the December 22, 2020 meeting of the Zoning and Land Regulation Committee to order at 6:30pm.

Staff present: Allan, Andros, Everson, Standing, and Violante

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

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

No comments made by the public.

[2020
RPT-627](#)

Dec 22nd ZLR meeting registrants

C. Consideration of Minutes

[2020
MIN-342](#)

November 24, 2020 ZLR Committee Public Hearing Minutes

A motion was made by KIEFER, seconded by DOOLAN, to approve the minutes of the November 24, 2020 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

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

11616

PETITION: REZONE 11616
APPLICANT: DANA T RADAVIDH
LOCATION: SOUTHEAST OF 4114 OBSERVATORY DRIVE, SECTION 16, TOWN OF CROSS PLAINS
CHANGE FROM: FP-35 Farmland Preservation District to RR-4 Rural Residential District, RR-16 Rural Residential District, and RM-16 Rural Mixed Use District; RR-8 Rural Residential District to RR-16 Rural Residential District; RM-8 Residential Mixed Use District to RM-16 Rural Mixed Use District
REASON: creating one residential lot and increasing the size of two existing residential lots

In favor: Lori Radavich
Opposed: None

A motion was made by PETERS, seconded by DOOLAN, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0. 1. A deed restriction shall be recorded on Lots 1, 2, and 3 to prohibit further division of the properties. The housing density rights have been exhausted per the Town Density Policies.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11617

PETITION: REZONE 11617
APPLICANT: JOSEPH FREDA
LOCATION: 2379 WILLIAMS POINT DRIVE, SECTION 18, TOWN OF PLEASANT SPRINGS
CHANGE FROM: HAM-M Hamlet Mixed-Use District TO SFR-08 Single Family Residential District
REASON: shifting of property lines between adjacent land owners

In favor: Joseph Freda
Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

11618

PETITION: REZONE 11618
APPLICANT: EBERT STONEY ACRES LLC
LOCATION: NORTH OF 6523 STATE HWY 73, SECTION 34, TOWN OF YORK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In favor: Greg Ebert
Opposed: None

A motion was made by PETERS, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0. 1. A highway access permit shall be obtained from the Wisconsin Department of Transportation.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11619](#)

PETITION: REZONE 11619
APPLICANT: ANTHONY JAKACKI
LOCATION: 5116-5118 EASY STREET, SECTION 35, TOWN OF VIENNA
CHANGE FROM: FP-35 Farmland Preservation District TO TFR-08 Two Family Residential District
REASON: adding 1 acre onto an existing two-family dwelling lot

In favor: Tony Jakacki
Opposed: None

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

1. The Certified Survey Map shall depict a "no build area" on the one-acre expansion area. A note shall be added to the Certified Survey Map stating that, "Buildings are prohibited in the "no build area" as part of the condition of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #11619".

2. A deed restriction shall be recorded on property to limit the land use to residential uses only. No further land use changes shall be permitted.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11621](#)

PETITION: REZONE 11621
APPLICANT: 4 D FARMS LLC
LOCATION: 5379 COUNTY HWY V, SECTION 22, TOWN OF VIENNA
CHANGE FROM: RM-16 Rural Mixed-Use District TO TFR-08 Two Family Residential District
REASON: separating existing residence (duplex) from the farmland

In favor: Scott Anderson
Opposed: Brent Kelly
Concerns were expressed regarding the existing access to Norway Grove Road and further residential development of the property.

A motion was made by KIEFER, seconded by DOOLAN, to postpone the zoning petition due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11622](#)

PETITION: REZONE 11622
APPLICANT: TIM A VITENSE JR
LOCATION: 2843 AND 2821 DOOR CREEK ROAD, SECTION 7, TOWN OF PLEASANT SPRINGS
CHANGE FROM: RR-8 Rural Residential District TO RR-4 Rural Residential District, RR-4 Rural Residential District TO RR-8 Rural Residential District
REASON: shifting of property lines between adjacent land owners

In favor: Tim Thorson
Opposed: None.

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11623](#)

PETITION: REZONE 11623
APPLICANT: KALTENBERG REV TRUST
LOCATION: NORTH OF 5273 EASY STREET, SECTION 35, TOWN OF VIENNA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: creating one residential lot

In favor: Luke Kaltenberg

Opposed: None

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

1. The Certified Survey Map shall depict a 200-foot “no build area” on the west side of the lot. A note shall be added to the Certified Survey Map stating that, “Buildings, landscaping, fencing, and other objects are prohibited in the “no build area” as part of the condition of approval by Dane County Zoning and Land Regulation Committee under Zoning Petition #11623”.

2. A deed restriction shall be recorded on parcels 0909-353-9010-8, 0909-353-8511-4, and 0909-353-9501-0 to prohibit further residential development on the remaining FP-35 Farmland Preservation zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11624](#)

PETITION: REZONE 11624
APPLICANT: TWIN ROCK LLC
LOCATION: 2528 SPRING ROSE ROAD, SECTION 18, TOWN OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

In favor: Bret Saalsaa

Opposed: None

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

1. The CSM be modified to show the abandoned well southeast of the existing residence as well as three non-conforming structures (residence, smokehouse, and corn crib).

2. The two existing access drives on Dairy Ridge Road shall be removed and the road right-of-way be reseeded prior to the sale of the lot.

3. A deed restriction shall be recorded on the property stating:

a. Livestock shall be prohibited on the property as defined by the Dane County Zoning Ordinance. Domestic beekeeping and domestic fowl shall be allowed as defined in the Dane County Zoning Ordinance.

b. Any buildings constructed on the property shall be restricted to 35 feet in height.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11625](#)

PETITION: REZONE 11625
APPLICANT: TOWN OF COTTAGE GROVE
LOCATION: 4030 COUNTY HWY N, SECTION 16, TOWN OF COTTAGE GROVE
CHANGE FROM: RM-8 Rural Mixed-Use District TO GC General Commercial District
REASON: change zoning to allow for an electronic message board for emergency management services

In favor: Town Chair Kris Hampton
Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11626](#)

PETITION: REZONE 11626
APPLICANT: CURTIS B SORENSEN
LOCATION: EAST OF 4066 COUNTY HWY JJ, SECTION 15, TOWN OF VERMONT
CHANGE FROM: FP-1 Farmland Preservation District TO RR-4 Rural Residential District
REASON: changing the zoning on an existing lot to allow for residential development

In favor: Curtis Sorensen requested that the petition be postponed to allow time to resolve issues.
Opposed: None

A motion was made by DOOLAN, seconded by SMITH, that the Zoning Petition be postponed. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11627](#)

PETITION: REZONE 11627
APPLICANT: KYLE FISHER
LOCATION: 5500 COUNTY HWY J, SECTION 26, TOWN OF VERMONT
CHANGE FROM: RM-16 Rural Mixed-Use District TO RR-2 Rural Residential District
REASON: creating one residential lot

In favor: Kyle Fisher
Opposed: Scott Wiener
Concerns were expressed regarding the potential lot line discrepancies and the location of the existing driveway.

A motion was made by DOOLAN, seconded by PETERS, to postpone action on the zoning petition due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[11628](#)

PETITION: REZONE 11628
APPLICANT: ANCHOR-T RANCH LLC
LOCATION: WEST OF 6085 PURCELL ROAD, SECTION 6, TOWN OF OREGON
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District
REASON: creating one residential lot

In favor: Josh Shapiro

Opposed: None

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 2510](#)

PETITION: CUP 02510
APPLICANT: WINGRA REAL ESTATE LLC / PAYNE & DOLAN
LOCATION: 157 COUNTY HWY MM, SECTION 36, TOWN OF OREGON
CUP DESCRIPTION: hot-mix asphalt plant

A motion was made by PETERS, seconded by DOOLAN, to direct staff to enter the letters of opposition, emails, and registration slips into the official record. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

Spoke in favor: Clint Weninger, Bill Buglass, Jim Mertes

Spoke in opposition: Linda Besser, Michael Brusberg, Dean Bott, Adam Burns, Jim Dorn, Matt Okeson-Harlow, Heather Kirkpatrick, Kathleen Prigge, Karl Pulver, Gail Simpson, Henry Spelter, Village President Brittany Springer, Jerry Tesch, Dawna Wright, Deana Zentner

Concerns raised: Close proximity to residents; health hazards; traffic volumes generated; loss of property values; conflicts with the policies of the Dane County Comprehensive Plan; odors generated; close proximity to school and daycare; Village of Brooklyn involvement; toxicity of chemicals used; 5:00am start time too early; trial period required for CUP; require a bond for property values; asphalt plant could be located at job site; the operator is unreliable and dishonest; require an appraisal impact study; require water monitoring; operator violating current CUP; provide access to the public regarding pollutant monitoring; provide contact information for Payne & Dolan representatives; reduced home values will result in less tax income for Village; noise levels are/will be excessive; air quality will be reduced.

A motion was made by DOOLAN, seconded by SMITH, to postpone action on the Conditional Use Permit due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

[CUP 2511](#)

PETITION: CUP 2511
APPLICANT: 4 D FARMS LLC / MADISON SAND & GRAVEL
LOCATION: 5379 CTH V, SECTION 22, TOWN OF VIENNA
CUP DESCRIPTION: Expansion of an existing mineral extraction site

Spoke in favor: Scott Anderson

Spoke in opposition: Brent Kelley and Steven Fox

Concerns raised: existing wells are less than 500 feet from excavation area; excavation will be lower than the base of existing wells; excavation will be below water table; require replacement of wells; existing stormwater issues in area; decreased property values; currently there are too many acres disturbed; current noise; sand blowing to adjacent lands; berm not aesthetically pleasing; concern with further expansion.

A motion was made by PETERS, seconded by KIEFER, to postpone action on the Conditional Use Permit due to public opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

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

[CUP 2508](#)

PETITION: CUP 2508

APPLICANT: JUSTIN A PAUTZ

LOCATION: 4360 RUTLAND DUNN TOWNLINE ROAD, SECTION 32, TOWN OF DUNN

CUP DESCRIPTION: allow for the construction of a taller accessory building (16 feet mean elevation)

A motion was made by PETERS, seconded by SMITH, that the Conditional Use Permit be approved with 7 conditions. The motion carried by the following vote: 5-0.

- 1. The building should be built according to the submitted plans. The peak of the roof shall be no higher than 16 feet and the average height, measured from the lowest eave to the peak of the roof shall be no higher than 13'5".**
- 2. External lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over the neighboring property line.**
- 3. All stormwater resulting from the building must be managed on site.**
- 4. The accessory building shall be constructed to meet all standards of the applicable building code.**
- 5. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits associated with the construction. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.**
- 6. 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.**
- 7. If the accessory building is torn down, removed or collapses and is not rebuilt, in compliance with these conditions, for a period of one year or more, this 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

F. Plats and Certified Survey Maps

[2020 LD-020](#)

Walker proposed 2-lot Certified Survey Map (no associated rezone petition)

Town of Pleasant Springs

Staff recommends approval

A motion was made by PETERS, seconded by DOOLAN, that the Land Division be approved. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

G. Resolutions

H. Ordinance Amendment

11. [2020 OA-034](#) AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING ZONING FEES

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

Ayes: 5 - BOLLIG,PETERS,DOOLAN,KIEFERandSMITH

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

The Zoning and Land Regulation Committee meeting was adjourned at 9:02pm.

Questions? Contact Roger Lane, Planning and Development Department, 266-4266,
lane.roger@countyofdane.com