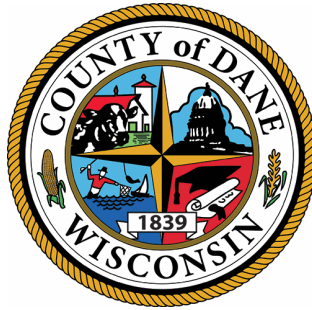


# Dane County



## Minutes

Tuesday, January 24, 2023

6:30 PM

See below for additional instructions on how to attend the meeting and provide public testimony.  
Hybrid Meeting: Attend in person at the City County Building in Room 354; or Attend virtually via Zoom.

### 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?*

### Aa. Call to Order by the Zoning and Land Regulation Committee

Chair Doolan called the meeting of the ZLR Committee to order at 6:30 PM in Room 354 of the City-County Building.

Bollig attended via Zoom.

Staff present: Violante, Lane, Holloway, Everson, Allan

Also present: County Board Chair Patrick Miles

**Present** 3 - JERRY BOLLIG, MICHELE DOOLAN, and TIM KIEFER

**Excused** 2 - KATE MCGINNITY, and MELISSA RATCLIFF

### Ab. Call to Order by the Rutland Town Board

Town Chair Zentner called the Rutland Town Board meeting to order and took roll call.

Zentner, Porter, Williams, Postel, and Nedveck were present.

Zentner, Porter, and Williams recused themselves regarding CUP 2582.

### Ac. Call to Order by the Rutland Plan Commission

Chair Leeser called the Rutland Plan Commission meeting to order and took roll call.

Leeser, Sime, Conant and Nedveck were present.

Arndt was absent.

Leeser and Sime recused themselves regarding CUP 2582.

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

No comments made by the public.

[2022](#)  
[RPT-671](#)

January 24, 2023 ZLR Registrants

### C. Consideration of Minutes

[2022](#)  
[MIN-504](#)

Minutes of the January 10, 2023 Zoning and Land Regulation Committee meeting

A motion was made by BOLLIG, seconded by KIEFER, that the minutes of the January 10, 2023 ZLR Committee meeting be approved. The motion carried by the following vote: 3-0.

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

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

### 11914

PETITION: REZONE 11914  
APPLICANT: KOLTON & ELIZABETH URSO  
LOCATION: 4056 MAHONEY ROAD, SECTION 9, TOWN OF DUNN  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District  
REASON: creating one residential lot and a residential spot zone area

*In support: Kolton Urso*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be recommended for approval, with one condition. The motion carried by the following vote: 3-0.**

**1. The rezoning shall have a Delayed Effective Date of one year to facilitate the applicant's financing for the new residence and recording of the Certified Survey Map.**

**Ayes:** 3 - BOLLIG, DOOLAN and KIEFER

**Excused:** 2 - MCGINNITY and RATCLIFF

### 11915

PETITION: REZONE 11915  
APPLICANT: GREEN FIRE PROPERTIES LLC  
LOCATION: 8864 OFFERDAHL ROAD, SECTION 21, TOWN OF SPRINGDALE  
CHANGE FROM: LC Limited Commercial District and AT-B Agriculture Transition Business District TO LC Limited Commercial District  
REASON: zoning change to allow for a caretaker's residence

*In Support: Michael Healy*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be recommended for approval with an amendment to the staff's suggested condition 2c. The amendment would strike the end phrase of condition 2c making the condition read, "Hours of operation shall be limited to 7:00am to 6:00pm, except for extended hours as needed seasonally." The motion failed by the following vote: 0-3.**

**Noes:** 3 - BOLLIG, DOOLAN and KIEFER

**Excused:** 2 - MCGINNITY and RATCLIFF

A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be recommended for approval. with the following conditions. The motion carried by the following vote: 3-0.

1. The existing deed restriction (Doc #4011934) shall be terminated with the Register of Deeds.
2. A deed restriction shall be recorded on the property that specifies the following:
  - a. Business activities shall be limited to contractor or landscaping only.
  - b. No retail sales are allowed on site.
  - c. Hours of operation shall be limited to 7:00am to 6:00pm, except for extended hours as needed seasonally for the harvesting of Christmas trees grown on site.
  - d. Outdoor sound amplification is prohibited.
  - e. Outdoor lighting must be consistent with the Town Dark Sky Ordinance; all outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.
  - f. Signage must be consistent with the Town Sign Ordinance and Dane County sign regulations.
  - g. The parking and circulation plan shall comply with the Zoning Ordinance requirements of section 10.102(8).
  - h. Visual screening, consistent with Section 10.102(12), Dane County Code, shall be established and maintained between the business operations on the LC parcel and the RR-2 parcel to the east.

Ayes: 3 - BOLLIG, DOOLAN and KIEFER

Excused: 2 - MCGINNITY and RATCLIFF

02581

PETITION: CUP 02581  
APPLICANT: GREEN FIRE PROPERTIES LLC  
LOCATION: 8864 OFFERDAHL ROAD, SECTION 21, TOWN OF SPRINGDALE  
CUP DESCRIPTION: caretaker's residence; outdoor storage; storage of more than 12 vehicles/equipment on the property

*In Support: Michael Healy*

*Opposed: none*

**A motion was made by BOLLIG, seconded by KIEFER, to find that the proposal meets the applicable Conditional Use Permit standards and recommend that the CUP be approved with conditions. The motion carried by the following vote: 3-0.**

- 1. Any conditions required for specific uses listed under s.10.103 of County Ordinances;**
- 2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operation plan and phasing plan;**
- 3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet current requirements of applicable sections of Wisconsin Commercial Building Code or Uniform Dwelling Code;**
- 4. 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 county zoning administrator upon request;**
- 5. 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 county zoning administrator upon request;**
- 6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46 Dane County Code;**
- 7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan;**
- 8. Off-street parking and circulation must be provided, consistent with s. 10.102(8) of County Ordinances;**
- 9. If Dane County Highway Transportation and Public Works Department 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;**
- 10. The County Zoning Administrator or designee may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions or investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site;**
- 11. The owner must post, in a prominent public place and in a form approved by the county zoning administrator, a placard with the approval of the 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;**
- 12. 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;

13. 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 reasonable opportunity to correct any violations prior to revocation;

14. The caretaker residence shall be occupied by the person who oversees the nonresidential property 24 hours a day, and their family.

15. The residence is not to be used for incidental or transient or tourist lodging.

16. Outdoor storage is limited to thirty (30) vehicles or pieces of construction equipment.

17. The outdoor storage of vehicles or pieces of construction equipment is limited to only those owned/affiliated with the LC business.

18. The owner must maintain/improve the screening in the area between Offerdahl Road and the outdoor storage area delineated on the site plan.

19. This CUP shall expire upon the sale of the property, with the exception of the caretaker residence, which may remain in perpetuity.

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11916](#)

PETITION: REZONE 11916

APPLICANT: WILLIAM AND SUSAN LAUFENBERG

LOCATION: EAST OF 4541 COUNTY HIGHWAY J, SECTION 32, TOWN OF CROSS PLAINS

CHANGE FROM: FP-35 Farmland Preservation District TO RR-16 Rural Residential District

REASON: creating one residential lot

*In Support: William Laufenberg*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11917](#)

PETITION: REZONE 11917

APPLICANT: MARVIN O & DIXIE L SCHWENN

LOCATION: 7562 COUNTY HWY PD, SECTION 8, TOWN OF VERONA

CHANGE FROM: AT-35 Agriculture Transition District TO RR-2 Rural Residential District

REASON: separating existing residence from farmland

*In Support: Nathan Lockwood, Dixie Schwenn, Town Supervisor Tom Mathies, Town*

*Chair Mark Geller*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 3-0.**

**1. A joint access easement is required through Lot 1 of the CSM for access to Lot 1 of CSM 8060 and to the agricultural lands surrounding the new lot.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11918](#)

PETITION: REZONE 11918  
APPLICANT: CUMMINGS AND TURK FARMS LLC  
LOCATION: 3436 NORTH STAR RD, SECTION 34, TOWN OF COTTAGE GROVE  
CHANGE FROM: FP-1 Farmland Preservation District TO GC General Commercial District  
REASON: rezoning for commercial electrical contractor business

*In Support: David Cummings*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 3-0.**

- 1. Owner shall be required to obtain a Change of Use permit, and bring the existing building up to commercial building code, prior to using the building for commercial purposes.**
- 2. Outdoor lighting be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.**
- 3. The driveway will be paved to just past the crest of the hill.**
- 4. Outdoor storage will be behind the existing building as viewed from North Star Road, and a berm with trees will be installed to screen the view of it from the north. A Conditional Use Permit shall be obtained for outdoor storage.**
- 5. A deed restriction shall be recorded on the lot stating the following:**
  - a. A connection to sanitary sewer and municipal water services shall be required if and when they become available.**
  - b. The landowner waives the right to object to municipal assessments for such utility services.**
- 6. The final Certified Survey Map shall include at minimum a 75' setback from the edge of the creek, unless the creek is determined not to be a navigable waterway, and appropriate resource identification designations as directed by County and Town subdivision ordinances.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11919](#)

PETITION: REZONE 11919  
APPLICANT: K&D STONE LLC  
LOCATION: WEST OF 430 CENTER ROAD, SECTION 28, TOWN OF RUTLAND  
CHANGE FROM: FP-1 Farmland Preservation District TO FP-35 Farmland Preservation Business District  
REASON: bring existing legal non-conforming non-metallic mineral extraction site into conformance with current zoning ordinances

*In Support: Eric Christensen, Norman Arendt*

*Opposed: Henry Spelter, Paul Proctor*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be postponed due to no town action and public opposition. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11920](#)

PETITION: REZONE 11920  
APPLICANT: SCHUSTER FAMILY TR, DAVID & RUTH  
LOCATION: WEST OF 1462 STATE HWY 19, SECTION 7, TOWN OF MEDINA  
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District  
REASON: creating one residential lot

*In Support: Ruth Schuster, Jason Schuster, Alyssa Schuster*  
*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be postponed until the applicants obtain DOT approval for residential access. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[11921](#)

PETITION: REZONE 11921  
APPLICANT: LEAH J BOELTE (LANGE)  
LOCATION: 3094 SUNNYSIDE STREET AND 2398 FAIRVIEW STREET, SECTION 18, TOWN OF PLEASANT SPRINGS  
CHANGE FROM: SFR-08 Single Family Residential District TO MFR-08 Multi-Family Residential District  
REASON: bring existing residential development into compliance with current zoning ordinances

*In Support: Leah Lange, Agent Matthew Fleming*  
*Opposed: Joe Murray, Dale Versteegen, Tim Miller*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

[02580](#)

PETITION: CUP 02580  
APPLICANT: TODD M LEKAN  
LOCATION: 272 EDGERTON ROAD, SECTION 34, TOWN OF ALBION  
CUP DESCRIPTION: large animal (horse) boarding

*In Support: Allison Graf, Agent Robb Leach, Todd Lekan*  
*Opposed: Charles Seblom*

**A motion was made by BOLLIG, seconded by KIEFER, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF



[2022 OA-057](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, ESTABLISHING SETBACKS FOR COMMUNICATION TOWERS

*In Support: None*

*Opposed: None*

**A motion was made by BOLLIG, seconded by KIEFER, that the Ordinance be postponed to allow time for town actions in accordance with State Statutes. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

### E. Joint Public Hearing for a Conditional Use Permit

[02582](#)

PETITION: CUP 02582

APPLICANT: K&D STONE LLC

LOCATION: WEST OF 430 CENTER ROAD, SECTION 28, TOWN OF RUTLAND

CUP DESCRIPTION: expansion of an existing non-metallic mineral extraction operation

*In Support: Kevin Hahn, Devin Hahn, Jessica Hahn, Mitchell Olson, Eric Christensen PE, Noah Rusch, Katelyn Marshall, Jacob Jankowski, Justine Stiefvater, Tyler Allen, Peter Stiefvater, Jessica Gunby, Keith Gunby, Cheryl Kotlowski, John Luxon, Eric Alfson, Wendy Norberg, John Christman, Brett Fankhauser, Britt Paquette-Fankhauser, Kerri Kellerman, Carl Hemb, Sue Wollin, Kate Angeles, Rudy Angeles, Ross*

*Opposed: Chris Ziemba, Gail Simpson, Bill Boerigter, Thomas Eugster, Sue Eugster, Kent Knutson, Bonnie Larson, Pam Marr-Laundrie, Maureen Rowe, Robyn Wood, Barbara Roe, Jodi Igl, Sharon Seffrood, Aris Georgiades, Doug Peterson, Paul Proctor, Mary Knutson, Craig Hineline, Eric Bachhuber, Grady Bachhuber, Mary Celley, Cari Sprague, Patricia Foltz, Susan Williams, Henry Spelter, Robert Marcussen, Jennifer Anderson, Tim Wood, Liz Bachhuber, Steven Foltz, Arnold Igl, Peter Vanderveer, Peter Andrisevic, Jayne Seibel, Robin Anderson, Kevin Groehler, Andrew Laundrie, Jennifer Keul-Whitman, John Whitman, Mike McCloskey, Kerry McCloskey, Arnie, Aaron Thiel, Kathy Fankhauser, Mike Johnson, William Ellis, Sarah Drew*

*Neither in Support nor Opposed: Mark Porter, Bob Postel, Jeff Furseth, James Dorn, Todd Hanson*

**A motion was made by BOLLIG, seconded by KIEFER, that the Conditional Use Permit be postponed due to no town action and public opposition. The motion carried by the following vote: 3-0.**

**Ayes:** 3 - BOLLIG,DOOLANandKIEFER

**Excused:** 2 - MCGINNITYandRATCLIFF

## F. Adjournment of the Rutland Town Board and Plan Commission meetings

Town Chair Zentner adjourned the Rutland Town Board meeting at 11:10pm.  
Town Planning Commission Chair Leaser adjourned the Rutland Planning  
Commission meeting at 11:10pm.

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

## H. Plats and Certified Survey Maps

## I. Resolutions

## J. Ordinance Amendment

[2022 OA-044](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF  
ORDINANCES, REGARDING CONDITIONAL USE PERMIT APPEALS

A motion was made by BOLLIG, seconded by KIEFER, that Ordinance  
Amendment 2022 OA-044 be recommended for approval. The motion carried by  
the following vote: 3-0.

**Ayes:** 3 - BOLLIG, DOOLAN and KIEFER

**Excused:** 2 - MCGINNITY and RATCLIFF

[2022 OA-057](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF  
ORDINANCES, ESTABLISHING SETBACKS FOR COMMUNICATION  
TOWERS

*See previous action above*

## K. Items Requiring Committee Action

## L. Reports to Committee

## M. Other Business Authorized by Law

## N. Adjourn

A motion was made by BOLLIG, seconded by KIEFER, to adjourn the meeting at  
11:20pm. The motion carried unanimously.