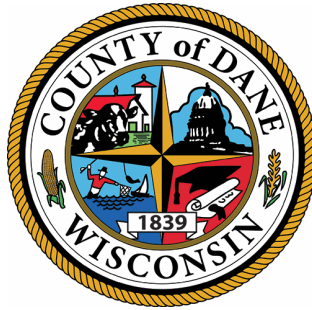


Dane County



Minutes

Tuesday, August 24, 2021

6:30 PM

ZOOM Webinar Meeting ID: 820 8821 3752

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?

A. Call to Order

Chair PETERS called the meeting of the August 24, 2021 Zoning and Land Regulation Committee meeting to order at 6:30pm.

Staff present: Lane, Everson, Standing, and Violante

Present 4 - STEVEN PETERS, MICHELE DOOLAN, TIM KIEFER, and SARAH SMITH

Excused 1 - JERRY BOLLIG

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

No comments made by the public.

[2021
RPT-377](#)

August 24, 2021 ZLR Committee Meeting Registrants

C. Consideration of Minutes

[2021
MIN-200](#)

Minutes of the July 27, 2021 Zoning and Land Regulation Committee meeting

A motion was made by SMITH, seconded by DOOLAN, that the minutes of the July 27, 2021 meeting be approved. The motion carried by a voice vote: 3-0-1, KIEFER abstained.

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

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

[11727](#)

PETITION: REZONE 11727

APPLICANT: GONZALO ANDRES REINA CARRATU

LOCATION: 898 SHERMAN DR, SECTION 28, TOWN OF MEDINA

CHANGE FROM: LC Limited Commercial District TO GC General Commercial District, RR-8 Rural Residential District TO GC General Commercial District

REASON: compliance for existing uses and structures

A motion was made by SMITH, seconded by KIEFER, to suspend Committee rules to allow Town Action to be accepted after the deadline date for submittal. The motion carried by a voice vote.

In favor: Gonzalo Reina, Jennifer Reina

A motion was made by KIEFER, seconded by DOOLAN, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on the property to limit use of the property to a landscaping operation. The

DR shall state that additional buildings are prohibited from being placed on the property.

2. Chapter 14 permits shall be obtained from Dane County Land and Water Resources Department to correct the existing chapter 14 violations.

3. A zoning permit shall be obtained for the existing mulch/salt storage building. Any salt or other landscaping materials being stored in the building must be contained within the building and not spill out onto the surrounding property.

4. There shall be no bulk hazardous, toxic, or explosive materials stored on site.

5. Outdoor lighting shall be limited to lights on building 1 and 7 as designated on the site plan submitted for rezoning petition #11727 and CUP 2527.

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

[11728](#)

PETITION: REZONE 11728

APPLICANT: PATRICK RUNDE

LOCATION: EAST OF 286 WILDERNESS WAY, SECTION 33, TOWN OF OREGON

CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District

REASON: adding additional lands to an existing residential lot

In favor: Patrick Runde

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

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

[11729](#)

PETITION: REZONE 11729

APPLICANT: LOIS ANN WILLIAMS

LOCATION: 2069 WILLIAMS DRIVE, SECTION 29, TOWN OF PLEASANT SPRINGS

CHANGE FROM: RR-2 Rural Residential District TO SFR-08 Single Family Residential District

REASON: creating three residential lots

In favor: Dennis Williams. In opposition: Diana Olson

A motion was made by SMITH, seconded by DOOLAN, that the Zoning Petition be postponed due to public opposition. The motion carried by the following vote: 4-0.

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

[11730](#)

PETITION: REZONE 11730
APPLICANT: MITCHEL LEWIS SESTON
LOCATION: SECTION 21, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO RM-8 Rural Mixed-Use District,
FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District
REASON: creating two residential lots

In favor: Mitchel Lewis Seston

A motion was made by DOOLAN, seconded by SMITH, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0.

- 1. Deed restricting the FP-35 balance of the farm against further residential development.**
- 2. Deed restricting the RM-16 lot against further land divisions, as it is more than 2 times the minimum lot size.**

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

[11731](#)

PETITION: REZONE 11731
APPLICANT: SUGAR RIVER INVESTORS I LLC
LOCATION: 2325 SUGAR RIVER RD, SECTION 30, TOWN OF VERONA
CHANGE FROM: RR-2 Rural Residential District and AT-35 Agriculture Transition District TO
RM-16 Rural Mixed-Use District
REASON: Remove spot zone on the property and establish residential zoning on the entire property

In favor: Dan Sarbacker, Lindsay Kruger

A motion was made by SMITH, seconded by DOOLAN, that the Zoning Petition be postponed due to no town action. The motion carried by the following vote: 4-0.

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

[02526](#)

PETITION: CUP 02526
APPLICANT: DAVID J QUEBBEMANN
LOCATION: 2006 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging

In favor: David Quebbemann

A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.**
- 2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.**
- 3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.**
- 4. Applicant shall not advertise for, nor accept reservations for, more than 8 guests over 12 years old and no more than 10 total guests**
- 5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.**
- 6. Any 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 neighboring property line.**
- 7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.**
- 8. The CUP will terminate when the property is sold.**
- 9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 10. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.**
- 11. 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 zoning administrator upon request.**
- 12. 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 zoning administrator upon request.**
- 13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 14. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).**
- 15. If the 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.

16. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved 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.

18. 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.

19. 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. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - PETERS, DOOLAN, KIEFER and SMITH

Excused: 1 - BOLLIG

[02527](#)

PETITION: CUP 02527
APPLICANT: GONZALO ANDRES REINA CARRATU
LOCATION: 898 SHERMAN DR, SECTION 28, TOWN OF MEDINA
CUP DESCRIPTION: outdoor storage and residential use

A motion was made by KIEFER, seconded by DOOLAN, to suspend Committee rules to allow Town Action to be accepted after the deadline date for submittal. The motion carried by a voice vote.

In favor: Gonzalo Reina, Jennifer Reina

A motion was made by KIEFER, seconded by SMITH, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1) Any conditions required for specific uses listed under s. 10.103 (see list below).
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the 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 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 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 must be provided, consistent with s. 10.102(8).
- 9) If the 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 born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 10) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to 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 zoning administrator, a placard with the approved 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 a reasonable opportunity to correct any violations prior to revocation.

Ayes: 4 - PETERS, DOOLAN, KIEFER and SMITH

Excused: 1 - BOLLIG

[02528](#)

PETITION: CUP 02528
APPLICANT: ALEX MURESAN
LOCATION: 1912 BARBER DRIVE, SECTION 26, TOWN OF DUNN
CUP DESCRIPTION: transient or tourist lodging

In favor: Alexandru Muresan

A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.**
- 2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.**
- 3. The existing boathouse on the property shall not be used for habitable purposes. The boathouse shall not be used as a guesthouse, apartment, or for short-term rental space.**
- 4. There shall be no advertising that is inconsistent with Condition #1, #2, and #3. Advertisements must be consistent with Conditions #1, #2, and #3 prior to the issuance of a Conditional Use Permit.**
- 5. Applicant shall not advertise for, nor accept reservations for, more than 4 guests over 12 years old and no more than 8 total guests**
- 6. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.**
- 7. Any 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 neighboring property line.**
- 8. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.**
- 9. The CUP will terminate when the property is sold.**
- 10. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 11. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.**
- 12. 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 zoning administrator upon request.**
- 13. 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 zoning administrator upon request.**
- 14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 15. At least six off-street parking spaces must be provided, consistent with s.**

10.102(8).

16. If the 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.

17. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

18. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved 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.

19. 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.

20. 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. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - PETERS, DOOLAN, KIEFER and SMITH

Excused: 1 - BOLLIG

[02529](#)

PETITION: CUP 02529
APPLICANT: BRAD & LAURA TISCH
LOCATION: 175 DRAMMEN VALLEY ROAD, SECTION 31, TOWN OF PERRY
CUP DESCRIPTION: limited farm business

In favor: Brad Tisch

A motion was made by DOOLAN, seconded by SMITH, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0.

- 1. Uses are limited to retail sales of agriculture-related products not produced on the premises of the farm.**
- 2. Area dedicated to the limited farm business use must not exceed 10,000 square feet in indoor floor area.**
- 3. Limited farm businesses must be contained entirely within the existing building, as shown in the site plan.**
- 4. No more than 3 non-family employees may work in the limited farm business.**
- 5. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 6. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.**
- 7. Chapter 14 permits shall be obtained from Dane County Land and Water Resources Department to correct the existing chapter 14 violations.**
- 8. 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 zoning administrator upon request.**
- 9. 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 zoning administrator upon request.**
- 10. Existing onsite wastewater sewage disposal systems, including holding tanks, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed use. Holding tanks for the site must be pumped and maintained according to the design of the tank, state sanitary code and Chapter 46, Dane County Code. 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. If temporary excess capacity is needed to serve customers during harvest season, the landowner shall maintain an appropriate contract for temporary, portable toilet installation, maintenance and removal.**
- 11. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 12. Off-street parking must be provided, consistent with s. 10.102(8).**
- 13. If the 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.**
- 14. The Zoning Administrator or designee may enter the premises of the**

operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

15. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved 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.

16. 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.

17. 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.

18. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - PETERS, DOOLAN, KIEFER and SMITH

Excused: 1 - BOLLIG

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

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

[2021 OA-023](#) AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING BOARD OF ADJUSTMENT FEES

A motion was made by SMITH, seconded by DOOLAN, that the Ordinance Amendment be recommended for approval. The motion carried by the following vote: 4-0.

Ayes: 4 - PETERS, DOOLAN, KIEFER and SMITH

Excused: 1 - BOLLIG

I. Items Requiring Committee Action

J. Reports to Committee

[2021](#)
[RPT-306](#)

Report of Annual Review Salvage Yards
Staff recommends approval.

In opposition: Tom Mathies

A motion was made by KIEFER, seconded by DOOLAN, that the renewal of the salvage yard licenses be postponed due to questions pertaining to DNR stormwater requirements. The motion carried by the following vote: 4-0.

Ayes: 4 - PETERS,DOOLAN,KIEFERandSMITH

Excused: 1 - BOLLIG

K. Other Business Authorized by Law

L. Adjourn

A motion was made by KIEFER, seconded by SMITH, that the meeting be adjourned at 8:15 PM. The motion carried by a voice vote: 4-0.

Questions? Contact Planning and Development Staff, 266-4266, or plandev@countyofdane.com.