

Dane County



Minutes

Tuesday, June 27, 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?

A. Call to Order

Chair DOOLAN called the meeting of the ZLR Committee to order at 6:32pm in Room 354 of the City-County Building.

Staff present: Violante, Hilbert, Holloway and Everson

Staff absent: Lane (excused)

Present 4 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, and KATE MCGINNITY

Excused 1 - MELISSA RATCLIFF

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

No comments made by the public.

[2023](#)
[RPT-155](#)

June 27, 2023 ZLR Registrants

C. Consideration of Minutes

[2023](#)
[MIN-155](#)

June 13, 2023 ZLR Committee Meeting Minutes

A motion was made by BOLLIG, seconded by MCGINNITY, that the June 13, 2023 ZLR Minutes be approved. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

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

[11946](#)

PETITION: REZONE 11946

APPLICANT: MATTHEW L LEWKE

LOCATION: 42 MULLER ROAD, SECTION 12, TOWN OF YORK

CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,

FP-35 Farmland Preservation District TO RR-2 Rural Residential District

REASON: creating two residential lots (one for an existing residence) and one agricultural lot

In support: Alysen Tierney, Matthew Lewke; Neither support nor oppose: Marilyn Connell

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11947](#)

PETITION: REZONE 11947
APPLICANT: CHRISTOPHER ROHDE-SZUDY & LEONARD SZUDY
LOCATION: NORTH OF 6474 COOKE RD, SECTION 36, TOWN OF MAZOMANIE
CHANGE FROM: RR-4 Rural Residential District TO FP-35 Farmland Preservation District,
RR-4 Rural Residential District TO RR-2 Rural Residential District, FP-35 Farmland
Preservation District TO RR-2 Rural Residential District
REASON: reduce the size of a residential lot

In support: Christopher Rohde-Szudy

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11948](#)

PETITION: REZONE 11948
APPLICANT: FRANCIS C LONG REVOCABLE TRUST
LOCATION: 3065 SAM MILES RD, SECTION 19, TOWN OF DUNKIRK
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District
REASON: separating existing residence from farmland

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11949](#)

PETITION: REZONE 11949
APPLICANT: JOSEPH PATRICK EUGSTER
LOCATION: SOUTH OF 3939 STATE HWY 138, SECTION 10, TOWN OF RUTLAND
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District
REASON: creating one residential lot

In support: Jacob Eugster

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

- 1. The CSM shall identify a buildable area that is outside of sensitive environmental features, to ensure compliance with applicable floodplain and wetland setbacks.**
- 2. A joint driveway easement agreement document shall be prepared and recorded with the Register of Deeds.**

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11950](#)

PETITION: REZONE 11950
APPLICANT: BUCKYS PORTABLE TOILETS INC
LOCATION: 1185 US HWY 14, SECTION 7, TOWN OF RUTLAND
CHANGE FROM: FP-35 Farmland Preservation District TO HC Heavy Commercial District
REASON: add an additional 1.24 acres to an existing 9.25-acre spot zone in order to allow additional outdoor storage

In support: Luke Kerns

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11951](#)

PETITION: REZONE 11951
APPLICANT: DUANE AND CAMILLA FARWELL
LOCATION: 4073 RIDGE ROAD, SECTION 14, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-2 Rural Residential District TO RR-1 Rural Residential District
REASON: shifting of property lines between adjacent land owners

In support: Duane Farwell

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11952](#)

PETITION: REZONE 11952
APPLICANT: DETERT JOINT REV TRUST (JOHN)
LOCATION: NORTH OF 268 MAPLE HEIGHTS ROAD, NORTH OF RAILROAD, SECTION 11, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

In support: Jon Detert

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with one condition. The motion carried by the following vote: 4-0.

1. A deed restriction shall be recorded on Lot 1 limiting the keeping of livestock in accordance with the Town of Medina's animal unit restrictions.

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11953](#)

PETITION: REZONE 11953
APPLICANT: MANNING JT REV TRUST (MARK AND FREDRICKA)
LOCATION: 1515 HOMMEN ROAD, SECTION 19, TOWN OF DEERFIELD
CHANGE FROM: FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District,
RR-4 Rural Residential District TO RR-2 Rural Residential District
REASON: shifting property lines between adjacent landowners and creating two agricultural
lots

In support: Wills Manning

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11954](#)

PETITION: REZONE 11954
APPLICANT: SRR PROPERTIES LLC
LOCATION: 5076 SCHULTZ ROAD, SECTION 36, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District,
FP-35 Farmland Preservation District TO RM-16 Rural Mixed-Use District, FP-35 Farmland
Preservation District TO NR-C Natural Resource Conservation District
REASON: creating 2 residential lots (one for existing residence) and creating a conservation lot

In support: Sharene Smith, Jeffrey Rettenmund

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[11955](#)

PETITION: REZONE 11955
APPLICANT: ALEXANDER GOWAN ELKINS
LOCATION: 204 COUNTY HIGHWAY U, SECTION 34, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO LC Limited Commercial District
REASON: zoning to allow for limited commercial business and outdoor storage

In support: Alexander Elkins

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[02596](#)

PETITION: CUP 02596

APPLICANT: ALEXANDER GOWAN ELKINS

LOCATION: 204 COUNTY HIGHWAY U, SECTION 34, TOWN OF PRIMROSE

CUP DESCRIPTION: outdoor storage and storage of more than 12 vehicles/pieces of equipment

In support: Alexander Elkins

A motion was made by BOLLIG, seconded by MCGINNITY, to approve the Conditional Use Permit based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

Standard Conditions that apply to all conditional uses:

- 1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 7. Off-street parking must be provided, consistent with s. 10.102(8).**
- 8. 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.**
- 9. 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.**
- 10. 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.**

11. 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.
12. 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.

Conditions Specific to CUP 2596:

13. The Limited Commercial activity shall be limited to a small family business operating to repair boats, recreational vehicles and equipment like chain saws, lawn mowers etc.
14. The outdoor storage of boats will be in the 2.4 acre area rezoned to Limited Commercial as shown in Exhibit A. Test running motors can be done outside the LC zone when necessary due to their size or their needing higher water pressure to test run onsite. The majority of boats will be stored behind the barn. No boats, equipment, supplies or other materials shall be stored within 75-feet of the ordinary high water mark of the intermittent stream, nor within 75 feet of the wetland boundary.
15. The conditional use permit is not transferrable upon sale of the business or the property to non-family members.
16. The limited commercial business shall be limited to a maximum of the equivalent of 2 full-time employees in addition to the owner, Alex Elkins.
17. Hours of business operation shall be: 8am - 9pm Monday - Sunday. After 8 pm on Monday - Saturday and on Sundays, motors that can be test run in water tanks will be run in water tanks to reduce overall noise.
18. The amount of motor work, noise, customer drop-offs and traffic as described in CUP application 02596 shall be permitted as part of the business operation.
19. No signs shall be allowed in association with the business conditional use permit on the property.
20. Permanent outside lighting is not permitted. (Flashlights etc. are OK for temporary use to complete repairs)
21. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
22. Natural tree and brush screening of the view of LC parcel will be maintained behind the barn as described in CUP application 02596.
23. Any new buildings must meet Township of Primrose current standards at the time of construction.
24. Gas, oil, and other toxic or hazardous waste must be stored in secured containers and disposed of properly at the Dane County Clean Sweep site or comparable sites, and or facilities that burn the oil or gas. Records of disposal of waste must be submitted to Town Board.
25. An Emergency Response plan shall be submitted to the Town within 30 days of CUP approval (fire extinguishers etc.).
26. This CUP shall become effective upon Rezone Petition 11955, to rezone the land to LC Limited Commercial, becoming effective.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[11956](#)

PETITION: REZONE 11956
APPLICANT: PORK-N-PINES DAIRY INC
LOCATION: WEST OF 10454 FESENFELD RD, SECTION 28, TOWN OF BLACK EARTH
CHANGE FROM: FP-35 Farmland Preservation District TO RR-8 Rural Residential District,
FP-35 Farmland Preservation District TO RR-16 Rural Residential District
REASON: creating two residential lots

In support: David Lucey

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

Ayes: 4 - BOLLIG,DOOLAN,KIEFERandMCGINNITY

Excused: 1 - RATCLIFF

[02593](#)

PETITION: CUP 02593
APPLICANT: JEREMY R IRONSIDE
LOCATION: SOUTH OF 4693 DEER LAKE LANE, SECTION 1, TOWN OF DEERFIELD
CUP DESCRIPTION: limited family business - contractor]

In support: Jeremy Ironside

A motion was made by MCGINNITY, seconded by BOLLIG, to approve the Conditional Use Permit based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

Standard Conditions that apply to all conditional uses:

- 1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. 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.**
- 6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.**
- 7. Off-street parking must be provided, consistent with s. 10.102(8).**
- 8. 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.**
- 9. 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.**
- 10. 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.**

11. 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.
12. 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.

Conditions Specific to CUP 2593:

13. The Limited Family Business activity shall be limited to indoor storage for the Ironside Home Improvements business.
14. The use shall employ no more than one or one full-time equivalent employee who is not a member of the family residing on the premises.
15. No plumbing or sanitary fixtures shall be installed in the shed, which is a residential accessory building, without approval of a modified conditional use permit.
16. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

02595

PETITION: CUP 02595

APPLICANT: CLAUDIA ANDERSON (KATE DENNIS AGENT)

LOCATION: 2402 ROBERT STREET, SECTION 9, TOWN OF DUNKIRK

CUP DESCRIPTION: updating the operations plan of the daycare center to construct an accessory building

A motion was made by BOLLIG, seconded by MCGINNITY, to approve the Conditional Use Permit based on the findings of fact as noted in the staff report and it has been determined that the proposal meets the standards for obtaining a CUP, with the conditions as noted in the staff report. The motion carried by the following vote: 4-0.

Standard CUP Conditions:

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan. This includes the site plans by Danton Construction Services dated March 17, 2023.
2. 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.
3. 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.
4. 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.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
7. Off-street parking must be provided, consistent with s. 10.102(8).
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.

Conditions Specific to CUP 2595:

13. Capacity of the preschool shall be limited to 50 children during the school year. Summer enrollment shall be limited to 100 children.
14. Any future building or related site expansion shall require a new Conditional Use Permit.
15. Hours of operation of the preschool shall be limited to 7:00am to 6:00pm, Monday through Friday.
16. This Conditional Use Permit will expire upon the sale or termination of Fort Littlegreen (daycare center) by Luke or Kate Dennis.
17. No plumbing or sanitary fixtures shall be installed in the shed, which is a residential accessory building, without approval of a modified conditional use permit.
18. Outdoor lighting be directed downward and away from adjacent properties and public rights-of-way, and be designed to minimize ambient light spill.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

[2023 OA-010](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING THE DEFINITION OF "DAY CARE CENTER"

A motion was made by BOLLIG, seconded by MCGINNITY, that action on OA-010 be postponed to allow time for towns to take action. The motion carried by the following vote: 4-0.

Ayes: 4 - BOLLIG, DOOLAN, KIEFER and MCGINNITY

Excused: 1 - RATCLIFF

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

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

[2023 OA-009](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING SALVAGE OPERATIONS

A motion was made by BOLLIG, seconded by MCGINNITY, that Sub 1 to the ordinance amendment be recommended for approval. The motion carried by the following roll call vote: 3-1.

Ayes: 3 - BOLLIG, DOOLAN and MCGINNITY

Noes: 1 - KIEFER

Excused: 1 - RATCLIFF

[2023 OA-010](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING THE DEFINITION OF "DAY CARE CENTER"

See previous action.

I. Items Requiring Committee Action

J. Reports to Committee

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by MCGINNITY, to adjourn the meeting at 8:06 PM. The motion carried unanimously.