

# TOWN BOARD ACTION REPORT - REZONE

Regarding Petition # DCPREZ-2018-11354

Dane County Zoning & Land Regulation Committee Public Hearing Date 11-27-18

Whereas, the Town Board of the Town of Montrose having considered said zoning petition, be it therefore resolved that said petition is hereby (check one):  Approved  Denied  Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

## THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1.  Deed restriction limiting use(s) in the \_\_\_\_\_ zoning district to only the following:  
\_\_\_\_\_  
\_\_\_\_\_
2.  Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):  
\_\_\_\_\_  
\_\_\_\_\_
3.  Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):  
\_\_\_\_\_  
\_\_\_\_\_
4.  Condition that the applicant must record a Notice Document which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):  
\_\_\_\_\_  
\_\_\_\_\_
5.  Other Condition(s). Please specify:  
\_\_\_\_\_  
\_\_\_\_\_

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

\_\_\_\_\_  
\_\_\_\_\_

I, Julie Bigler, as Town Clerk of the Town of Montrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Oct 2, 20 18.  
Town Clerk Julie Bigler Date: Oct 3, 20 18.

**Town of Montrose Land Use Committee  
September 24, 2018 Meeting Report**

**All Present:** Deb Brucaya, Junior Eichelkraut, Jerome Gobel, Tom Sarbacker, Tim Schmitt  
**Minutes are not official until approved by land use committee (LUC) members.**

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Jerome moved and Tom seconded to approve as read the minutes of the August 27, 2018 land use committee meeting. Motion carried unanimously.

The first and only agenda item was a request by Debbie Meyer, the agent and personal representative for Michael M. Meister, now deceased, to rezone two substandard A-1 Exc. parcels to A-2(2), to comply with town and county zoning regulations. The combined acreage of the two small parcels is 2.67 acres. Mr. Meister owned Nine Mounds Excavating in Verona. Ms. Meyer reported that the height of the 60' x 80' shed built without a permit by Mr. Meister to house some of his equipment was 35', which meets the accessory building height limit in the A-2 zoning district. It was noted that Ms. Meyer's Dane County Zoning Change Application incorrectly states the rezoning of these parcels to LC-1 with a CUP for the existing home. There was minimal discussion. Neighbor Brian Brown was present but had no concerns. **Junior moved and Jerome seconded to recommend town board approval of Debbie Meyer's request to rezone two substandard parcels of A-1 Exc. land in Section 10 at 7066 Gaffney Road to A-2 (2) to create a new 2.67 acre lot. Motion carried unanimously.**

There were no other agenda items. Steve Berkley, owner of the old Pabst Creamery building and land along the Sugar River north of the building was present to continue informal discussions about uses of his approximately 7½ acres. He hoped to find solutions ~~that~~ would preserve the rural character of Paoli Hamlet before selling his property, but he was told that the township must adhere to the land use plan that has guided land use decisions since the late 1970s. This means that because no split is available on these acres, a new residential lot cannot be created. Further, creating access across commercial land to reach a hypothetical residential lot is not practical. Although a compromise may benefit the township and the Berkleys, the committee is not in a position to negotiate alternatives. The town's record shows an intentional avoidance of decisions that could erode the integrity of the long-standing land use plan. This means the town does not grant variances to its ordinances, however well-intentioned a variance might be. The Rothlisbergers, neighbors, were present to hear the discussion. **No action was taken.**

Tim announced that Junior Eichelkraut will assume chairmanship of the LUC. Jerome announced the recent death of township resident David Blecker. The meeting adjourned after unanimous approval of Deb's motion and Jerome's second to do so.

Submitted by: Deborah A. Brucaya, Recording Secretary, Town of Montrose Land Use Committee

Website copy

Town of Montrose  
Regular Board Meeting Minutes  
Tuesday, October 2, 2018, 7:00 p.m.

Meeting was called to order by Roger Hodel at 7:15 p.m.

Chair Roger Hodel stated for the record that meeting was posted according to Open Meeting Laws.

Present: Chair Roger Hodel, Supervisors Randy Francois and Dan Palmer, Treasurer Melissa Salisbury, and Deputy Clerk Linda Miller. Clerk Julie Bigler - excused absence

**Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve September 4, 2018 Minutes as read and corrected. Motion carried.** *Corrected the following: Page one, last paragraph, changed recommend to recommended and page 2, last motion, changed the 7 to a 4.*

**Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve September Treasurers Report as read. Motion carried.**

Announcements: The town extends condolences to the family of Dave Blackert.

Dan Palmer will work with Mark Mussehl on getting a new bench with information received from Carol Larson. Dan will have Clerk bill Carol once the bench (with engraving) is received. Maybe in the spring of 2019.

EMS Annual Meeting and dinner will be held on October 9, 2018 at Borlands at 7:00 p.m. with meeting to follow at Belleville Village Hall.

Frenchtown Bridge will need a diver to inspect at an estimated cost of \$1,100.00 for Frenchtown Bridge #B13037. Clerk received an email from Ray Polkinghorn, PE President and CEO of CEDP dated 10/01/2018 (copy given to board) stated that "*Wisconsin Department of Transportation (WisDOT) and Federal Highway Administration (FHWA) bridge inspection policies allow visual inspection of bridge abutments and piers (substructure units) by wading or boat if the water depth is normally 4 feet deep or less. Water that is normally deeper than 4 feet at the substructure units require inspection by underwater dive to determine the condition of submerged abutments or piers.....*" Dan Palmer will have Mark Mussehl contact Ray Polkington and clerk should respond to email from Ray and indicated yes to perform the inspection.

Committee Reports: Informal discussion held with Steven Berkley at Sept 24th Land Use meeting.

**Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to approve Check Detail Report Dated September 1, 2018-October 2, 2018**



**authorizing Treasurer and Town Chair to sign checks with the exemption of check #12371 made payable to Wisconsin Department of Transportation. Motion carried.** *Dan Palmer took WIDOT check #12371, email copies and original invoice with him and will verify if the amount of the check is correct. The amount of the check is \$90,870.41 for Flynn Creek Bridge.*

Nothing on Proposal to Convert Section of State Highway 69 into a Town Road

**Motion made by Roger Hodel, and seconded by Randy Francois, and made unanimous by Dan Palmer to relieve Tim Schmitt as Interim Land Use Committee Chairperson effective as of October 3, 2018. Motion carried.**

**Motion made by Roger Hodel, seconded by Randy Francois and made unanimous by Dan Palmer to appoint Harold Eichelkraut Jr. (Junior) as Montrose Land Use Chair effective as of October 3, 2018. Motion carried.**

**Motion made by Roger Hodel, seconded by Randy Francois and made unanimous by Dan Palmer to re-appoint Tim Schmitt back to the Land Use Committee as Montrose Land Use Vice-Chair effective as of October 3, 2018. Motion carried.**

Junior will stop by on Thursday or Friday morning of this week to set up email account.

Debbie Meyer wants to combine property into one parcel of 2.78 acres. Land Use Committee voted unanimously to recommend approval to town board. **Motion made by Dan Palmer, seconded by Randy Francois and made unanimous by Roger Hodel to approve the request by Debbie Meyer to rezone two substandard parcels at the address of 7066 Gaffney Road. Two substandard parcels to create one 2.67 parcel and to change the rezoning from A1-EX to A-2(2). Motion carried.** *Dane County Zoning Compliance, DCPREZ-2018-11354, Parcels 0508-103-9760-3 and 0508-103-9350-9.*

Public Input: November Board meeting changed to November 14, 2018 at 7:00 p.m.  
Budget Workshop moved to 7:00 p.m., October 16, 2018 to be held at Montrose Town Hall.

**Motion made by Randy Francois, seconded by Dan Palmer and made unanimous by Roger Hodel to adjourn the October 2, 2018 Montrose Town Board meeting at 8:04 p.m. Motion carried.**

Respectfully Submitted,  
Minutes taken by Linda Miller, Deputy Clerk  
Minutes typed by Julie L. Bigler, Town Clerk