

Dane County



Minutes

Monday, September 17, 2018

6:30 PM

City - County Building, ROOM 354

**210 Martin Luther King Jr. Blvd., Madison
City - County Building, ROOM 354**

210 Martin Luther King Jr. Blvd., Madison

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

Staff present: Everson, Lane, and Violante

Present 4 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, and STEVEN PETERS

Excused 1 - HEIDI WEGLEITNER

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

No comments made by the public.

[2018](#)
[RPT-233](#)

September 17th ZLR meeting registrants

C. Consideration of Minutes

[2018](#)
[MIN-205](#)

Minutes of the August 13, 2018 Zoning and Land Regulation Committee meeting

A motion was made by BOLLIG, seconded by PETERS, to approve the minutes of the August 13, 2018 Zoning and Land Regulation Committee meeting. The motion carried by a voice vote.

[2018](#)
[MIN-206](#)

Minutes of the August 28, 2018 Zoning and Land Regulation Committee meeting

A motion was made by KNOLL, seconded by PETERS, to approve the minutes of the August 28, 2018 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

[11332](#)

PETITION: REZONE 11332

APPLICANT: TREVER G OTTO

LOCATION: 1371 STATE HIGHWAY 92, SECTION 11, TOWN OF PRIMROSE

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District

REASON: shifting of property lines between adjacent land owners

In favor: Trever and Christen Otto

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

11333

PETITION: REZONE 11333
APPLICANT: MARK NELSON
LOCATION: 3196 COUNTY HIGHWAY A, SECTION 13, TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO R-3 Residence District
REASON: Changing zoning district to allow for a reduced rear yard setback

In favor: Lisa and Mark Nelson
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

11334

PETITION: REZONE 11334
APPLICANT: WILLIAM J RICKERMAN
LOCATION: 2760 US HIGHWAY 12/18, SECTION 32, TOWN OF COTTAGE GROVE
CHANGE FROM: RH-2 Rural Homes District TO C-2 Commercial District
REASON: Allow warehousing business

In favor: William and Sheryl Rickerman
Opposed: None

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

1. A deed restriction shall be recorded with the Register of Deeds to limit the land uses on the property to the following: Single-family residence, Warehousing Service Business, and the storage/parking of commercial vehicles up to 4 business vehicles. The commercial building shall have a maximum size of 40'x40'. There shall be no signs or external lighting except for exit illumination.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

CUP 02435

PETITION: CUP 02435
APPLICANT: WILLIAM J RICKERMAN
LOCATION: 2760 US HIGHWAY 12/18, SECTION 32, TOWN OF COTTAGE GROVE
CUP DESCRIPTION: residence in commercial district

In favor: William and Sheryl Rickerman
Opposed: None

A motion was made by BOLLIG, seconded by PETERS, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 4-0.

- 1. The conditional use permit (CUP) is to allow for the business owner's residence. The residence shall be occupied by the owner of the business. Rental of the residence shall be prohibited.**
- 2. The on-site sanitary system shall be in compliance with Dane County Code of Ordinances, Chapter 46, Private Sewage Systems.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Absent: 1 - WEGLEITNER

11335

PETITION: REZONE 11335
APPLICANT: JEROME R BALLWEG
LOCATION: 8788 KATZENBUECHEL ROAD, SECTION 33, TOWN OF ROXBURY
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District, A-1EX Agriculture District TO R-1 Residence District, R-1 Residence District TO RH-2 Rural Homes District, A-1EX Agriculture District TO RH-2 Rural Homes District
REASON: creating two lots and shifting of property lines

In favor: Jerome Ballweg
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

11337

PETITION: REZONE 11337
APPLICANT: EDWARD J & CAROL KNAPTON
LOCATION: 4311 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE
CHANGE FROM: A-1EX Agriculture District TO A-B Ag-Business District
REASON: zoning compliance for an existing garden center & farm

In favor: Edward and Carol Knapton
Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

CUP 02436

PETITION: CUP 02436

APPLICANT: EDWARD J & CAROL KNAPTON

LOCATION: 4311 VILAS HOPE ROAD, SECTION 7, TOWN OF COTTAGE GROVE

CUP DESCRIPTION: zoning compliance for existing retail sales, landscaping business, and residence

In favor: Edward and Carol Knapton

Opposed: None

A motion was made by BOLLIG, seconded by KNOLL, that this Conditional Use Permit be approved with 5 conditions. The motion carried by the following vote: 4-0.

- 1. The conditional use allows for agricultural related use to occur on the property. Specifically retails sales of gardening/seasonal products, and the operation of a landscaping/contracting company.**
- 2. The conditional use allows for a farm residence on the property. The house shall be used by the owner or persons working for the agricultural business.**
- 3. The owner is responsible for operating the business and following the information as explained in the conditional use permit application.**
- 4. The hours of operation shall be as follows:**
 - a. Garden Center: 8 am to 8 pm; and 8 am to 10 pm for special events (up to 4 events per year); and**
 - b. Landscaping operation: 6 am to 8 pm.**
- 5. Outside loudspeakers are prohibited on the property.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

11339

PETITION: REZONE 11339

APPLICANT: EDWARD MEACHEN & FRANCINE TOMPKINS

LOCATION: 975 FLINT ROAD, SECTION 16, TOWN OF RUTLAND

CHANGE FROM: A-1EX Agriculture District TO RH-2 Rural Homes District, RH-1 Rural Homes District TO RH-2 Rural Homes District, RH-1 Rural Homes District TO A-1EX Agriculture District

REASON: creating residential lot for existing home

In favor: Edward Meachen and Francine Tompkins

Opposed: None

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

- 1. A deed restriction shall be recorded on parcels 0510-162-9570-0 and 0510-162-9001-0 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.**

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

11340

PETITION: REZONE 11340

APPLICANT: LINNERUD FARMS LTD PARTNERSHIP

LOCATION: NORTH OF 1824 SKYLINE DRIVE, SECTION 32, TOWN OF PLEASANT SPRINGS

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District

REASON: creating one residential lot

In favor: Shelby Hoops

Opposed: None

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

1. Three development rights will remain on the original farm.

2. The certified survey map shall be approved by the Town of Pleasant Springs and shall meet specific Town conditions.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

11341

PETITION: REZONE 11341

APPLICANT: LINDA ALTENBURG

LOCATION: 493 TAYLOR LANE, SECTION 29, TOWN OF DUNKIRK

CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District

REASON: separating existing residence from farmland

In favor: Robert Talarczyk

Opposed: None

A motion was made by KNOLL, seconded by PETERS, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 4-0

1. A deed restriction shall be recorded on parcels 0511-291-8070-6, 0511-291-8500-5, and 0511-292-8000-9 to prohibit further residential development on the remaining A-1 Exclusive Agriculture zoned land. The housing density rights for the original farm have been exhausted.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

11342

PETITION: REZONE 11342

APPLICANT: THOMAS A SARBACKER

LOCATION: EAST OF 1560 RANGE TRAIL, SECTION 3, TOWN OF MONTROSE

CHANGE FROM: A-1EX Agriculture District TO A-2 (2) Agriculture District

REASON: creating one residential lot

In favor: Ed Short

Opposed: None

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

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

[CUP 02437](#)

PETITION: CUP 02437
APPLICANT: JANE C LIESS
LOCATION: 2660 US HIGHWAY 51, SECTION 10, TOWN OF DUNN
CUP DESCRIPTION: 130' communication tower (extendable to 160')

In favor: Peter Schal

Opposed: Ken Brost expressed concerns regarding storm water runoff from the development of the site.

A motion was made by BOLLIG, seconded by KNOLL, that this Conditional Use Permit be postponed due to no town action. The motion carried by the following vote: 4-0

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

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

[11323](#)

PETITION: REZONE 11323
APPLICANT: MULCAHY FAMILY TR, JAMES S
LOCATION: NORTH OF 6632 HYSLOP ROAD, SECTION 26, TOWN OF DANE
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District, A-1EX Agriculture District TO A-4 Agriculture District
REASON: creating one residential lot

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

1. The appropriate paperwork shall be recorded with the Register of Deeds to document the transfer of development rights.

Ayes: 4 - KOLAR,BOLLIG,KNOLLandPETERS

Excused: 1 - WEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-022](#)

Land Division waiver - Diana Nelson, 2- lot Certified Survey Map
Town of Burke

A motion was made by BOLLIG, seconded by KNOLL, that the Land Division waiver application be postponed due to no hardship presented. The motion carried by a voice vote, 4-0

[2018 LD-023](#) Nelson 2-lot Certified Survey Map
Town of Burke

A motion was made by BOLLIG, seconded by KNOLL, that the Land Division application be tabled until the waiver application has been acted on. The motion carried by a voice vote, 4-0.

[2018 LD-025](#) Final Plat - Madison Yards at Hill Farms
City of Madison
Staff recommends a certification of no objection.

A motion was made by PETERS, seconded by BOLLIG, that the final plat be certified with no objections. The motion carried by a voice vote, 4-0.

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

[2018](#)
[RPT-207](#) Approval of the 2019 ZLR Committee meeting schedule

The Committee found that the 2019 Zoning and Land Regulation Committee meeting schedule to be acceptable.

J. Reports to Committee

[2018](#)
[RPT-210](#) Report of approved CSM's

K. Other Business Authorized by Law

L. Adjourn

A motion was made by JASON KNOLL, seconded by STEVEN PETERS, to adjourn the September 17, 2018 Zoning and Land Regulation Committee meeting at 7:15pm. The motion carried unanimously.

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