

Dane County



Minutes

Tuesday, December 18, 2018

6:30 PM

City - County Building, ROOM 354

210 Martin Luther King Jr. Blvd., Madison
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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, Matulle, Standing, and Violante

Present 5 - MARY KOLAR, JERRY BOLLIG, JASON KNOLL, STEVEN PETERS, and HEIDI WEGLEITNER

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

No comments made by the public.

[2018
RPT-410](#)

Registrants of the December 18th ZLR Committee meeting

C. Consideration of Minutes

[2018
MIN-367](#)

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

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

[2018
MIN-368](#)

Minutes of the November 27, 2018 Zoning and Land Regulation Committee meeting

A motion was made by KNOLL, seconded by BOLLIG, to approve the minutes of the November 27, 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

[11365](#)

PETITION: REZONE 11365
APPLICANT: RONALD J COTTER
LOCATION: 1494 PLEASANT HILL ROAD, SECTION 2, TOWN OF DUNKIRK
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District and A-2 (8) Agriculture District
REASON: Separation of an existing residence from the farmland and adding lands to an existing lot

A motion was made by PETERS, seconded by WEGLEITNER, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[11366](#)

PETITION: REZONE 11366
APPLICANT: MANDT LIVING TR, DOLORES MARGARET
LOCATION: 4818 STATE HIGHWAY 73, SECTION 33, TOWN OF
MEDINA
CHANGE FROM: Various Zoning Districts TO LC-1 Limited Commercial
District
REASON: Compliance for existing business

A motion was made by BOLLIG, seconded by KNOLL, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02445](#)

PETITION: CUP 02445
APPLICANT: MANDT LIVING TR, DOLORES MARGARET
LOCATION: 4818 STATE HIGHWAY 73, SECTION 33, TOWN OF
MEDINA
CUP DESCRIPTION: Residence in commercial district

A motion was made by BOLLIG, seconded by KOLAR, that this Conditional Use Permit be approved with 2 conditions. The motion carried by the following vote: 5-0.

- 1. The conditional use permit allows 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. On-site sanitary system shall be in compliance with Dane County Code of Ordinances Chapter 46, Private Sewage Systems.**

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[11367](#)

PETITION: REZONE 11367
APPLICANT: KATHERINE SPRING
LOCATION: 997 NORLAND ROAD, SECTION 17, TOWN OF PRIMROSE
CHANGE FROM: A-1EX Agriculture District and RH-3 Rural Homes
District TO A-2 Agriculture District
REASON: shifting of property lines between adjacent land owners

A motion was made by BOLLIG, seconded by KNOLL, that this Zoning Petition be postponed due to no town action. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[11368](#)

PETITION: REZONE 11368
APPLICANT: DKR-RUTLAND LLC
LOCATION: EAST OF 4558 ROME CORNERS ROAD, SECTION 19,
TOWN OF RUTLAND
CHANGE FROM: A-1EX Agriculture District TO RH-1 Rural Homes District
REASON: creating one residential lot

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

- 1. A deed restriction shall be recorded on parcels 0510-184-9190-1, 0510-184-9690-6, 0510-191-8040-5, 0510-191-8500-8, 0510-191-9541-0, and 0510-202-8500-4 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.**
- 2. A deed restriction shall be recorded on the proposed lot to prohibit the lot from being sold separately from the adjacent farmland.**

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[11369](#)

PETITION: REZONE 11369
APPLICANT: WILLIAM D PLUMLEY
LOCATION: 2785 SPRING HILL DRIVE, SECTION 17, TOWN OF
PLEASANT SPRINGS
CHANGE FROM: A-2 Agriculture District TO R-1 Residence District
REASON: Return zoning to R-1 per deed restriction

A motion was made by PETERS, seconded by KNOLL, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[11370](#)

PETITION: REZONE 11370
APPLICANT: PETERSEN REV TR, DANIEL & SANDRA
LOCATION: 3888 BIRCH TRAIL, SECTION 24, TOWN OF CROSS
PLAINS
CHANGE FROM: A-1EX Agriculture District and R-1 Residence District
TO A-2 Agriculture District
REASON: Change zoning to allow sanitary fixtures in an accessory building

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: 5-0.

- 1. A deed restriction shall be recorded on the property to prohibit division of the land.**

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02446](#)

PETITION: CUP 02446

APPLICANT: PETERSEN REV TR, DANIEL & SANDRA

LOCATION: 3888 BIRCH TRAIL, SECTION 24, TOWN OF CROSS
PLAINS

CHANGE FROM: A-1EX Agriculture District and R-1 Residence District
TO A-2 Agriculture District

CUP DESCRIPTION: Allow Sanitary Fixtures in an Agricultural Building

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

5-0.

1. No accessory building on the premises shall be used for human habitation or commercial purposes.
2. All sanitary facilities, including those in the accessory building, must be constructed, maintained and connected to an appropriate onsite wastewater treatment system, and must meet all requirements of the Wisconsin plumbing code and the Dane County Sanitary Code.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections for accessory structures of the Uniform Dwelling Code.
5. 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.
6. 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: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[CUP 02444](#)

PETITION: CUP 02444

APPLICANT: THOMAS W WATSON

LOCATION: 1746 STATE HIGHWAY 73, SECTION 34, TOWN OF
CHRISTIANA

CUP DESCRIPTION: agricultural entertainment

A motion was made by WEGLEITNER, seconded by KNOLL, that this Conditional Use Permit be postponed due to concerns regarding State Highway access. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

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

[11355](#) PETITION: REZONE 11355
APPLICANT: JOHN E RANUM
LOCATION: 1059 COUNTY HIGHWAY H, SECTION 16, TOWN OF PERRY
CHANGE FROM: A-1EX Agriculture District TO A-2 (4) Agriculture District
REASON: creating one residential lot

A motion was made by BOLLIG, seconded by KNOLL, that this Zoning Petition be recommended for approval. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

[11357](#) PETITION: REZONE 11357
APPLICANT: DALE N CHESTNUT
LOCATION: 2731, 2733 AND 2737 GUST ROAD, SECTION 12, TOWN OF SPRINGDALE
CHANGE FROM: C-2 Commercial District TO C-2 Commercial District
REASON: rezone to modify current deed restrictions

A motion was made by KNOLL, seconded by BOLLIG, that this Zoning Petition be recommended for approval as amended. The motion carried by the following vote: 5-0.

1. A deed restriction shall be recorded on the property as included with the petition.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

F. Plats and Certified Survey Maps

[2018 LD-033](#) Final Plat - The American Center Plat Eastpark Second Addition
City of Madison
Staff recommends a certification of non-objection.

A motion was made by PETERS, seconded by KNOLL, that the final plat be certified with no objections. The motion carried by a voice vote, 5-0.

G. Resolutions

H. Ordinance Amendment

[2018 OA-020](#) AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, A COMPREHENSIVE REVISION OF THE DANE COUNTY ZONING ORDINANCE

A motion was made by BOLLIG, seconded by KNOLL, to approve the staff recommended amendments to Ordinance Amendment 2018 OA-020. The motion carried by the following vote: 5-0.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

A motion was made by KNOLL, seconded by PETERS, that Ordinance Amendment 2018 OA-020 be recommended for approval with the following amendments. The motion carried by the following vote: 5-0.

SECTION 10.004 DEFINITIONS

PAGE 15, LINES 619-620:

(59) Duplex.

A dwelling designed or intended to be occupied by two families, but without a shared entrance.

PAGE 19, LINES 765-772:

(73) Incidental room rental.

Rental or leasing of rooms within a single-family residence, provided all of the following are met:

- (a) All rooms offered for rent are within, and share a main building entrance with, the landowner's primary residence
- (b) No more than two bedrooms are offered for rent
- (c) One off-street parking space is provided for each rental room.

PAGE 33, LINES 1348-1357:

(159) Transient or tourist.

(a) A person who travels to a location away from his or her permanent or legal address for a short period of time, not to exceed twenty-nine days, for vacation, pleasure, recreation, culture, business or employment.

(b) For the purposes of this ordinance, transients or tourists do not include:

- 1. Nonpaying guests of the family occupying a dwelling unit;
- 2. Patients, clients or residents of permitted indoor institutional, institutional residential, or community living arrangement land uses ;
- 3. Employees who receive room and/or board as part of their salary or compensation.

PAGES 33-34, LINES 1359 – 1375

Transient or tourist lodging.

A residence that rents more than two, but not more than eight, bedrooms, or the entire residence to transient guests or tourists, where all of the following apply:

- (a) Rooms are rented to no more than a total of 20 individuals who are not members of the landowner's family.
- (b) Length of stay does not exceed twenty-nine (29) consecutive days for each registered guest.
- (c) Transient lodging houses may include, but are not limited to: bed and breakfasts, hostels and recreational cabins.
- (d) Transient lodging does not include: incidental room rental, campgrounds, duplexes, multifamily housing, institutional residential, indoor institutional, community living arrangements, rooming houses or indoor commercial lodging.

SECTION 10.102(9) SETBACKS MEASUREMENTS AND EXCEPTIONS

PAGE 66, LINES 2823 – 2829

(g) On interior lots less than 60 feet in width no accessory building shall be erected, moved, or added to so as to be nearer than two and one-half (2 1/2) feet to a side or rear lot line, provided, however, if the front building line of any accessory building is located closer than 10 feet from the rear building line of a residence, the same side and rear yards as required for a principal or residential building shall be maintained.

SECTION 10.102(11) VISUAL SCREENING

PAGE 68, LINES 2888-2897

(b) Applicability and waivers.

1. Unless specifically waived under 3. below, screening is required along the interior boundary of any lot in the Limited Commercial (LC), General Commercial (LC), Heavy Commercial (HC) and Manufacturing/Industrial (MI) districts that are adjacent to land in the Single Family Residential (SFR), Two Family Residential (TFR), Multi Family Residential (MFR), Rural Residential (RR) or Rural Mixed-Use (RM) Districts.

2. At the town board and zoning committee's discretion, screening may also be required as a condition on any conditional use permit, where appropriate to minimize visual impact to neighboring properties.

3. Waivers. If the town board and zoning committee find that there will be no significant visual impact, or no negative impact on neighborhood or rural character from the proposed use, the town board and zoning committee may:

(a) Approve alternative landscaping plans, differing from the specific standards in this section, or

(b) Waive visual screening requirements entirely.

SECTION 10.251 SFR-08 (SINGLE-FAMILY RESIDENTIAL, SMALL LOTS) ZONING DISTRICT

PAGE 130, LINES 5594 - 5603:

(5) Setbacks and required yards.

(a) Front yard. Any permitted structure must comply with road setbacks as described in s. 10.102(9).

(b) Side yard.

1. Except as exempted in 2 or 3 below, all principal and accessory buildings must be at least 10 feet from any one side lot line.

2. Accessory buildings in the rear yard that are at least 10 feet from the principal residence must be at least:

a. 4 feet from any side lot line on lots 60 feet or more in width, or

b. 2.5 feet from any side lot line on lots less than 60 feet in width.

3. Lots of nonconforming width.

a. On lots 50 feet or more in width but less than 60 feet, the minimum aggregate side yards shall be 15 feet and no single side yard shall be less than five (5) feet.

b. On lots less than 50 feet in width the minimum side yard on each side shall be five (5) feet.

Ayes: 5 - KOLAR,BOLLIG,KNOLL,PETERSandWEGLEITNER

I. Items Requiring Committee Action

J. Reports to Committee

[2018](#)
[RPT-391](#)

Report of approved Certified Survey Maps

K. Other Business Authorized by Law

L. Adjourn

A motion was made by BOLLIG, seconded by KNOLL, to adjourn the meeting of the December 18, 2018 Zoning and Land Regulation Committee meeting at 7:18pm. The motion carried unanimously.

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