

Dane County



Minutes

Tuesday, June 28, 2022

6:30 PM

Zoom Webinar ID: 956 7052 6593

Virtual 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 DOOLAN called the June 28, 2022 Zoning and Land Regulation Committee meeting to order at 6:30 PM

Staff present: Violante, Andros and Everson

Present 5 - JERRY BOLLIG, MICHELE DOOLAN, TIM KIEFER, KATE MCGINNITY, and MELISSA RATCLIFF

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

No comments made by the public.

KIEFER made a motion to adjourn the meeting due to possible violation of county ordinance 7.22(4) on meeting conduct. The motion failed for lack of a second.

KIEFER made a second motion to adjourn the meeting due to possible violation with state open meeting laws under Chapter 19 of the Wisconsin Statutes. The motion failed for lack of a second

[2022](#)
[RPT-159](#)

June 28, 2022 Registrants

C. Consideration of Minutes

[2022](#)
[MIN-134](#)

June 14, 2022 ZLR Work Meeting Minutes

A motion was made by BOLLIG, seconded by RATCLIFF, that the June 14, 2022 Minutes be approved. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

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

[11836](#)

PETITION: REZONE 11836
APPLICANT: COUNTY OF DANE - C/O SHARENE SMITH
LOCATION: NORTHWEST OF 2960 WOODS ROAD, SECTION 4,
TOWN OF VERONA
CHANGE FROM: AT-35 Agriculture Transition District TO NR-C Natural
Resource Conservation District
REASON: creating two parkland lots

In support: Sharene Smith

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11837](#)

PETITION: REZONE 11837

APPLICANT: BALLWEG LIVING TRUST

LOCATION: 7462 RAULS ROAD, SECTION 32, TOWN OF DANE

CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural
Residential District

REASON: separating existing residence from farmland

**A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning
Petition be recommended for approval. The motion carried by the following vote:
4-0-1.**

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

[11838](#)

PETITION: REZONE 11838

APPLICANT: SWALHEIM 2011 REV TR, DUANE P & CANDACE J
LOCATION: EAST OF 3475 N STAR ROAD, SECTION 27, TOWN OF
COTTAGE GROVE

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

REASON: creating 3 commercial lots and one agricultural lot

In support: Duane Swalheim

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.

1. Owner shall record a deed restriction on the three proposed GC zoned parcels
that states the following:

a. Uses of the GC zoned property are limited exclusively to the following:

- Contractor, landscaping or building trade operations
- Undeveloped natural resource and open space areas
- Governmental, institutional, religious, or nonprofit community uses
- Light industrial
- Office uses
- Indoor sales
- Indoor storage and repair
- Personal or professional service
- A transportation, utility, communication, or other use required by law
- Utility services associated with a permitted use
- Veterinary clinics
- Agriculture and accessory uses (livestock not permitted)

b. Residential use or residential related use of the property is expressly
prohibited. The property is in a planned commercial area where residential uses
are not permitted.

c. Evidence of compliance with Dane County stormwater management
regulations shall be required prior to development, including arrangements for
ongoing maintenance of the regional stormwater facilities.

2. The Certified Survey Map for the property shall include the following:

- a. A road reservation for the cul-de-sac between proposed lots 1 and 2 that will
accommodate truck traffic,
- b. Dedication of 35 feet on the south side of the east-west segment of North Star
Road,
- c. A note indicating that access to the east-west segment of North Star Road from
lots 3 and 4 (other than for agricultural use) is prohibited until that segment is
improved to Town Road standards.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

[11839](#)

PETITION: REZONE 11839
APPLICANT: WILLIAM L MYHRE
LOCATION: SOUTH OF 1260 COUNTY HWY A, SECTION 21, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: create one residential lot and one agricultural lot

In support: William Myhre

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11840](#)

PETITION: REZONE 11840
APPLICANT: FRENCHTOWN FARMS LLC
LOCATION: 530 EDGEHILL LANE, SECTION 25, TOWN OF MONTROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO RR-4 Rural Residential District, FP-35 Farmland Preservation District TO RR-8 Rural Residential District
REASON: separating existing residence from the farmland and creating 2 residential lots

In support: Ed Short

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11841](#)

PETITION: REZONE 11841
APPLICANT: CRAZY ACRES INC
LOCATION: 425 EDGERTON ROAD, SECTION 27, TOWN OF ALBION
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: separating existing residence from farmland

A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11842](#)

PETITION: REZONE 11842
APPLICANT: DANE COUNTY
LOCATION: 1200 E. VERONA AVENUE, SECTION 14, TOWN OF VERONA
CHANGE FROM: RM-16 Rural Mixed-Use District TO GC General Commercial District
REASON: update zoning to accommodate existing land use (badger prairie needs network)

In support: Robert and Marcia Kasiata

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0-1.

1. Recording a deed restriction limiting the GC –zoned area to Governmental, Institutional, Religious or Non Profit Community Uses.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11843](#)

PETITION: REZONE 11843
APPLICANT: ROBERT & KIM RIEGE
LOCATION: WEST OF 168 FAIR OAK ROAD, SECTION 24, TOWN OF DEERFIELD
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural Residential District
REASON: Creating 4 Residential lots - Transfer of Development Rights

In support: Bob Riege

A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning Petition be recommended for approval with conditions. The motion carried by the following vote: 4-0-1.

- 1. Owner shall record a deed restriction on the FP-35 zoned sending property prohibiting nonfarm development in accordance with town plan policies (tax parcels 071224486750; 071224195010; 071224190010; 071224185009; 071224181400).**
- 2. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (tax parcels 071224486750; 071224195010; 071224190010; 071224185009; 071224181400).**
- 3. A deed notice shall be recorded on the four proposed residential lots indicating that they were created as part of a Transfer of Development Rights.**
- 4. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the four proposed residential lots.**
- 5. The petition shall be amended to zone proposed lot 1 to the RR-2 zoning district.**

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11844](#)

PETITION: REZONE 11844
APPLICANT: JELINEK TRUST
LOCATION: COUNTY HWY B, 2200 FEET WEST OF STATE HWY 73,
SECTION 21, TOWN OF CHRISTIANA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-1 Rural
Residential District
REASON: creating one residential lot

In support: Thomas Jelinek

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

[11845](#)

PETITION: REZONE 11845
APPLICANT: RANDY & LINDA KAHL
LOCATION: EAST OF 8639 LUST ROAD, SECTION 34, TOWN OF
SPRINGDALE
CHANGE FROM: AT-35 Agriculture Transition District TO RM-8 Rural
Mixed-Use District, AT-35 Agriculture Transition District TO RM-16 Rural
Mixed-Use District, RM-16 Rural Mixed-Use District TO RR-4 Rural
Residential District, RR-2 Rural Residential District TO RM-16 Rural
Mixed-Use District
REASON: shifting of property lines between adjacent land owners

In support: Randy Kahl

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0-1.

1. The proposed Lots 1, 2 & 3 be deed restricted to prohibit further division.

Ayes: 4 - BOLLIG, DOOLAN, MCGINNITY and RATCLIFF

Abstain: 1 - KIEFER

[11846](#)

PETITION: REZONE 11846
APPLICANT: WILLIAM & JANINE DEATLEY
LOCATION: 1440 COUNTY HWY JG, SECTION 7, TOWN OF PRIMROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RM-16 Rural
Mixed-Use District
REASON: shifting of property lines between adjacent land owners

In support: Bill Deatley

**A motion was made by MCGINNITY, seconded by BOLLIG, that the Zoning
Petition be recommended for approval. The motion carried by the following vote:
4-0-1.**

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11847](#)

PETITION: REZONE 11847
APPLICANT: ROBERT & JULIE STRASBURG
LOCATION: 5546 LANGER ROAD, SECTION 20, TOWN OF MEDINA
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural
Residential District
REASON: separating existing residence from farmland

In support: ROBERT & JULIE STRASBURG

**A motion was made by MCGINNITY, seconded by RATCLIFF, that the Zoning
Petition be recommended for approval with conditions. The motion carried by
the following vote: 4-0-1.**

1. Surveyor shall confirm that the owner's remaining lands are over 35 net acres. If necessary, the proposed RR-2 parcel size shall be adjusted downward to no less than 2 net acres.
2. Owner shall record a deed restriction on the remaining FP-35 zoned parcel prohibiting further nonfarm development in accordance with town plan policies, as the housing density units have been exhausted.
3. Owner shall record a deed restriction on the proposed RR-2 parcel limiting the keeping of livestock in accordance with the town of Medina animal unit restrictions.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11849](#)

PETITION: REZONE 11849
APPLICANT: DENNIS V NOLDEN
LOCATION: WEST OF 7869 MONTROSE ROAD, SECTION 30, TOWN OF MONTROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-2 Rural Residential District, FP-35 Farmland Preservation District TO FP-1 Farmland Preservation District
REASON: creating one residential lot and two agricultural lots

In support: Ed Short

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval with condition. The motion carried by the following vote: 4-0-1.

1. A deed restriction on the FP-1 parcels prohibiting residential development (lots 1 and 3).

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11850](#)

PETITION: REZONE 11850
APPLICANT: GARY L NOLDEN
LOCATION: NORTH OF 726 FRITZ ROAD, SECTION 19, TOWN OF MONTROSE
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District
REASON: creating one residential lot

In support: Ed Short

A motion was made by BOLLIG, seconded by RATCLIFF, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[11851](#)

PETITION: REZONE 11851
APPLICANT: BRIAN R KORFMACHER / TARA RIPP
LOCATION: 2896 FEMRITE DRIVE, SECTION 29, TOWN OF COTTAGE GROVE
CHANGE FROM: RR-2 Rural Residential District TO RR-8 Rural Residential District, RR-4 Rural Residential District TO RR-8 Rural Residential District
REASON: consolidate existing residential lots

In support: Brian Korfmacher

A motion was made by RATCLIFF, seconded by BOLLIG, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[02565](#)

PETITION: CUP 02565
APPLICANT: GREGORY & DAWN CLARK
LOCATION: 109 WALNUT STREET, SECTION 25, TOWN OF ALBION
CUP DESCRIPTION: accessory building between 12 and 16 feet in height

In support: Gregory A & Dawn M Clark

A motion was made by MCGINNITY, seconded by RATCLIFF, that the Conditional Use Permit be approved with conditions. The motion carried by the following vote: 4-0-1.

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan.
2. The mean height of the accessory building shall not exceed 13 feet.
3. The accessory building shall be constructed to meet all standards of the applicable building code.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits associated with the construction. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. 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.
6. If the accessory building is torn down, removed or collapses and is not rebuilt, in compliance with these conditions, for a period of one year or more, this conditional use permit shall be terminated. Future reestablishment of an abandoned conditional use shall require approval of a new conditional use permit.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

[02566](#)

PETITION: CUP 02566
APPLICANT: CASEY AND MELISSA HELBACH
LOCATION: 6993 APPLEWOOD DRIVE, SECTION 27, TOWN OF MIDDLETON
CUP DESCRIPTION: transient or tourist lodging

In support: Casey & Melissa Helbach

A motion was made by BOLLIG, seconded by KIEFER, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02567](#)

PETITION: CUP 02567
APPLICANT: CURT & DEB HERFEL
LOCATION: 1977 STATE HWY 69, SOUTH OF 2005 STATE HWY 69, SECTION 28, TOWN OF VERONA
CUP DESCRIPTION: allow crushing at an existing non-metallic mineral extraction site

A motion was made by BOLLIG, seconded by MCGINNITY, to allow additional information be submitted for the record.. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

In support: Bill Buglass, Clint Weninger; In opposition: Ron Hellenbrand

A motion was made by BOLLIG, seconded by KIEFER, that the Conditional Use Permit be postponed due to opposition. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

[02568](#)

PETITION: CUP 02568
APPLICANT: SHARON FUCCILE
LOCATION: 4500 RUSTIC DRIVE, SECTION 2, TOWN OF BLOOMING GROVE
CUP DESCRIPTION: daycare center

In support: Rebecca Katzenmeyer; In opposition: William Stark

A motion was made by KIEFER, seconded by BOLLIG, that the Conditional Use Permit be postponed due to concerns from an interested party. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

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

[11830](#)

PETITION: REZONE 11830
APPLICANT: 5211 SOUTHERN AVENUE LLC
LOCATION: 3445 KELLIHER ROAD, SECTION 32, TOWN OF VERMONT
CHANGE FROM: FP-35 Farmland Preservation District TO RR-4 Rural Residential District, RR-2 Rural Residential District TO RR-4 Rural Residential District
REASON: expanding an existing residential lot

In support: Marc Brody

A motion was made by BOLLIG, seconded by MCGINNITY, that the Zoning Petition be recommended for approval. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

F. Plats and Certified Survey Maps

G. Resolutions

H. Ordinance Amendment

I. Items Requiring Committee Action

J. Reports to Committee

[2022](#)
[RPT-133](#)

Salvage Yard License renewals

A motion was made by BOLLIG, seconded by MCGINNITY, that the (6) Salvage Yard Licenses be renewed. The motion carried by the following vote: 4-0-1.

Ayes: 4 - BOLLIG,DOOLAN,MCGINNITYandRATCLIFF

Abstain: 1 - KIEFER

K. Other Business Authorized by Law

KIEFER to request discussion of Planning and Development office hours on future agenda.

L. Adjourn

A motion was made by BOLLIG, seconded by RATCLIFF, that the June 28, 2022 meeting be adjourned.at 8:18 PM. The motion carried by the following vote: 5-0.

Ayes: 5 - BOLLIG,DOOLAN,KIEFER,MCGINNITYandRATCLIFF

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.